



BOARD MEETING AGENDA

December 19, 2023

12:00 p.m. – CityPlace Building, 50 West Main Street, Rochester, NY 14614

- A. Call Meeting to Order
- B. Pledge of Allegiance
- C. Approval of Minutes – November 21, 2023
- D. Public Comments
- E. Local Labor Monitoring Report – November 2023 - Kevin Loewke
- F. Financial Report – November 2023 - Gregg Genovese
- G. Applications for Consideration
 - 1. The Raymond Corporation
 - 2. Eagles Landing 1 LLC
 - 3. 139 Troup Street LLC
 - 4. JM&J Leasing Henrietta, LLC/Skyworks, LLC
- H. Project Modifications
 - 5. One Forty-Five LLC – Increase and Extension
 - 6. DGNA Real Estate Holdings LLC – Extension
 - 7. Sibley Redevelopment Limited Partnership – Extension
 - 8. Sibley Mixed Use LLC – Extension
 - 9. 39 Jet View Drive, LLC – Extension
 - 10. Andrews Terrace Community Partners, L.P. - Extension
- I. Executive Director – Discussion Items
 - Rochester Emergency Veterinary Services, Inc. – Request
 - Travel Report
 - 2024 Meeting Schedule
 - Dashboard
- J. Executive Session under Section 105(h and f) of the Public Officers Law for the purpose of discussion the proposed sale of real property and personnel matters.
- K. Governance Committee Report – J. Popli
 - Renew Annual Contracts
 - Auditing Services Contract
 - Accounting & Chief Financial Officer Contract
 - Local Labor Monitoring Contract
 - Local Labor Exemption Processing Contract
 - Legal Services Contract
 - Real Estate Brokerage Firm
- L. Compliance Committee Report – A. Burr
- M. Chair Burr – Discussion Items
- N. Adjourn Meeting

Next meeting: Tuesday, January 16, 2024



BOARD MEETING MINUTES
November 21, 2023

Time & Place: 12:00 p.m. at City Place

Board Present: A. Burr, N. Jones, J. Popli, L. Bolzner, R. King

Board Absent: T. Milne, J. Alloco

Also Present: A. Liss, R. Finnerty, A. Clark, K. Loewke, R. Baranello, Esq., G. Genovese

Chair Burr called the meeting to order at 12:00 p.m. and N. Jones led the board in the Pledge of Allegiance.

On motion by J. Popli, second by R. King, all aye, minutes of the October 17, 2023 meeting were approved.

K. Loewke presented the local labor monitoring report for October 2023.

G. Genovese presented the financial report for October 2023.

Executive Director Liss presented the following projects for consideration:

Unearthly Materials, Inc.

Unearthly Materials, Inc. is a research and development company that develops room-temperature superconducting materials. They are proposing the expansion and upgrade of their research and development laboratories located in the City of Rochester. The \$465,000 project is projected to create 20-25 new FTEs over the next three years. Unearthly Materials, Inc. has applied for a Great Rate/Great Rebate on the equipment purchase through the Monroe County Industrial Development Corporation and is seeking approval of the sales tax exemption through COMIDA. The Benefit/Incentive ratio is 746:1.

The applicant was represented by Nicholas Petras, Operations Associate and Ran Salem, CTO. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TO (i) APPOINT UNEARTHLY MATERIALS, INC. OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT; (ii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT; (iii) AUTHORIZE THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND RELATED DOCUMENTS; AND (iv) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA.

On motion by N. Jones, second by R. King for inducement and final resolution approving a sales tax exemption, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Absent
L. Bolzner	Yea	R. King	Yea
T. Milne	Absent	A. Burr	Yea
N. Jones	Yea		

ProtiFi LLC

ProtiFi LLC, a self-funded commercial-stage biotech company, is proposing the renovation of a 2,800 sq. ft. manufacturing and laboratory facility. This renovated space will contain clean room laboratory space as well as small scale manufacturing and office space. The \$260,000 project is projected to create 8 new FTEs over the next three years. ProtiFi has applied for a Great Rate/Great Rebate on the equipment purchase through the Monroe County Industrial Development Corporation and is seeking approval of the sales tax exemption through COMIDA. The Benefit/Incentive ratio is 556:1

The applicant was represented by Dr. John Wilson, CEO. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TO (i) APPOINT PROTIFI, LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT; (ii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT; (iii) AUTHORIZE THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND RELATED DOCUMENTS; AND (iv) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA.

On motion by L. Bolzner, second by R. King, for inducement and final resolution approving sales tax exemptions, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Absent
L. Bolzner	Yea	R. King	Yea
T. Milne	Absent	A. Burr	Yea
N. Jones	Yea		

Germanow-Simon Corp

Germanow-Simon Corp. is proposing the renovation of a 44,000 sq. ft. building for their tenant GS Optics, LLC, in the City of Rochester. Germanow-Simon Corp. was previously approved for benefits in November 2021 for an expansion to the facility. GS Optics provides photonics engineering and manufacturing solutions for telecoms, aerospace, defense, space and life sciences industries. This renovation will allow GS Optics to meet increasing customer demand for injection molding and manufacturing medical equipment. The \$1.7 million project is projected to create 16 new FTEs over the next three years. The applicant and tenant are seeking approval of sales tax exemptions only. The Benefit/Incentive ratio is 377:1.

The applicant was represented by Andy Germanow, CEO. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TO APPOINT (i)

GERMANOW-SIMON CORPORATION OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AND GS OPTICS LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "TENANT") AS ITS AGENTS TO UNDERTAKE A CERTAIN PROJECT AS MORE FULLY DESCRIBED BELOW; (ii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY AND THE TENANT IN THE FORM OF A SALES AND USE TAX EXEMPTIONS FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT; (iii) AUTHORIZE THE EXECUTION AND DELIVERY OF PROJECT AGREEMENTS AND RELATED DOCUMENTS; AND (iv) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA.

On motion by R. King, second by N. Jones for inducement and final resolution approving sales tax exemptions, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Absent
L. Bolzner	Yea	R. King	Yea
T. Milne	Absent	A. Burr	Yea
N. Jones	Yea		

RES Exhibit Services LLC

RES Exhibit Services, a manufacturer and service provider of trade show exhibits, is proposing the renovation of their new headquarters, located in the vacant Democrat & Chronicle printing and distribution center in the Town of Greece. The relocation and renovation will allow for the growth of their business as well as allow them to provide on site printing services to their clients. The \$2.4 million project is projected to create 5 new FTEs over the next three years in addition to the existing 37 FTEs. The applicant is seeking approval of sales tax and mortgage recording tax exemptions only. The Benefit/Incentive ratio is 48:1.

The applicant was represented by Kyle Taylor, Esq. and Tim Prinzing, Vice President, Creative Strategy. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time. Ms. Baranello stated there were no comments at the public hearing which was held on November 16, 2023.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON NOVEMBER 16, 2023, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY RES EXHIBIT SERVICES, LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, RENOVATION AND EQUIPPING OF THE PROJECT; AND (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING RELATED TO THE PROJECT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by L. Bolzner, second by J. Popli for inducement and final resolution approving a mortgage tax and sales tax exemptions, a roll call vote resulted as follows and the motion carried:

J. Popli	Yea	J. Alloco	Absent
----------	-----	-----------	--------

L. Bolzner	Yea	R. King	Yea
T. Milne	Absent	A. Burr	Yea
N. Jones	Yea		

Executive Director Liss presented the following modifications for considerations:

A50EB, LLC/Constellation Brands Inc. - Extension

A50EB LLC, a real estate holding company, is redeveloping the vacant Aqueduct buildings in the City of Rochester for its tenant, Constellation Brands, Inc. Constellation Brands is relocating its corporate headquarters to downtown Rochester. The applicant originally received approval in September 2020 for a mixed-use redevelopment project for the Aqueduct site. In October 2021, the project changed direction to accommodate Constellation Brands and the applicant was approved for a custom real property tax abatement, mortgage recording tax and sales tax exemption. Constellation Brands was approved for a sales tax exemption on furniture, fixtures, and equipment. The applicant and tenant are seeking an extension of the sales tax exemption through December 31, 2024 as more time is needed to complete the renovations.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS GRANTED TO A50EB LLC (THE "COMPANY") AND TO CONSTELLATION BRANDS, INC. (THE "TENANT") THROUGH DECEMBER 31, 2024, AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by N. Jones, second by L. Bolzner, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2024.

I-Square LLC – The Market at I-Square

I-Square is a mixed-use town center development in the Town of Irondequoit. The project was originally approved in March 2013 for a custom real property tax abatement, mortgage recording tax and sales tax exemptions. This ongoing project has received extensions of the sales tax exemption benefit through December 31, 2024. The applicant is selling a portion of the development, The Market at I-Square, located at 400 Bakers Park, to an unrelated entity to be formed. This new entity will own and operate The Market. The applicants will retain ownership of the 400 Bakers Park land and the balance of land and improvements that comprise the town center.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE TRANSFER BY I-SQUARE, LLC OF THE IMPROVEMENT KNOWN AS THE MARKET AT I-SQUARE LOCATED AT 400 BAKERS PARK IN THE TOWN OF IRONDEQUOIT, NEW YORK TO AN ENTITY TO BE FORMED AND OWNED BY AARON AND KELLY METRAS; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by J. Popli, second by R. King, all aye, motion carried to approve the sale of the building to a new entity to be formed.

Executive Director Liss reviewed the current dashboard.

Executive Director Liss noted that the CBRE/ Rochester Market Outlook report should be available soon and will be shared with the Board when available.

On motion by J. Popli, second by R. King, all aye, motion carried to adjourn the regular meeting at 12:57.



November 2023 Monthly C.O.M.I.D.A. Report

December 4th 2023,

1. This report covers our site visits between November 1st, 2023 and November 30th, 2023.
2. During this period Loewke Brill made 57 monthly site visits.
3. During this period Loewke Brill made "3" Follow up visits.
4. Loewke Brill checked for residence with 312 workers.
5. Of those workers, there were "7" non-compliant.
 - a. 4 – No proof of residence
 - i. 11/16/23 – 1733 Ridge Road, LLC – 1 from Pepper Remodeling no ID, compliant with ID on follow up visit 11/17/23
 - ii. 11/16/23 – Home Leasing, LLC – 1 from Bell no ID, 1 from Accurate no ID, both compliant on follow up visit 11/17/23
 - iii. 11/30/23 – Keeler Park Community Partners LP – 1 from US Ceilings no ID, compliant on follow up 12/01/23
 - b. 3 – Out of Area
 - i. 11/13/23 – Rochester Historic Properties – 3 from Adler out of area, removed from job site. Replaced with local contractor
 - c. 0 – Invalid ID
6. There were "2" new COMIDA sign(s) delivered
 - a. Fairlife, LLC
 - b. Rochester Historic Properties, LLC

COMIDA
Statement of Financial Position

	Year To Date 11/30/2023	Year Ending 12/31/2022
	Actual	Actual
Assets		
Current Assets		
Cash and Cash Equivalents	1,476,681	10,551,290
Restricted Cash	-	4,765,270
Accounts Receivable, Net	195,096	82,197
Prepaid Expenses	137,818	115,681
COMIDA Treasury Investments	12,222,686	-
Total Current Assets	14,032,280	15,514,438
Long-term Assets		
Property & Equipment	625,000	625,000
Other Long-term Assets	242,304	242,304
Total Long-term Assets	867,304	867,304
Total Assets	14,899,584	16,381,742
Liabilities and Net Assets		
Liabilities		
Short-term Liabilities		
Accounts Payable	24,212	17,878
Accrued Liabilities	136,723	951,536
Deferred Revenue	-	65,915
Other Short-term Liabilities	476	476
Total Short-term Liabilities	161,411	1,035,804
Long Term Liabilities	200,904	246,992
Total Liabilities	362,315	1,282,796
Net Assets		
Net Assets	15,098,945	8,846,166
Change In Net Assets	(561,677)	6,252,779
Total Net Assets	14,537,269	15,098,945
Total Liabilities and Net Assets	14,899,584	16,381,742

Summary Statement of Activities - All Funds with Prior Year

	Year To Date 11/30/2023	Year To Date 11/30/2023	Prior Year To Date 11/30/2022
	Actual	Budget	Actual
Revenue			
Fee Income	1,819,904	2,033,833	4,790,848
Interest Income	291,121	917	1,619
Revenue - Other	-	-	9,200
Total Revenue	2,111,024	2,034,750	4,801,667
Payroll	269,786	284,075	322,250
Sponsorships	-	9,167	10,015
Program & Community Development	1,723,456	2,247,483	1,110,567
General & Administrative	679,459	637,229	642,966
Total Expenses	2,672,701	3,177,954	2,085,798
Change In Net Assets	(561,677)	(1,143,204)	2,715,869



APPLICATION SUMMARY

DATE: December 19, 2023

APPLICANT:

The Raymond Corporation
22 S. Canal St.
Greene, NY 13778

PROJECT ADDRESS:

1565 Jefferson Road, Ste 460
Henrietta, NY 14623

PROJECT SUMMARY:

The Raymond Corporation is proposing the renovation of a 23,000 sq. ft. building in the Town of Henrietta. The Raymond Corporation is a subsidiary of Toyota Industries Corporation, the #1 in the global market for material handling equipment. The Raymond Corporation specializes in the design and manufacturing of electric warehouse lift trucks. The Raymond Corporation plans to expand in Monroe County to create a Center of Excellence due to the unique workforce and access to talent at local universities. The \$2 million project is projected to create 41 new FTEs over the next three years. The applicant is seeking approval of sales tax exemptions only. The Benefit/Incentive ratio is 40:1.

**PROJECT AMOUNT:
EXEMPTIONS:**

\$1,925,000 – Sales Tax Exemption Only
\$154,000

**JOBS: EXISTING:
NEW:**

0	FTEs
41	FTEs

PUBLIC HEARING DATE:

December 14, 2023

BENEFIT TO INCENTIVE RATIO:

40 : 1

SEQR:

TYPE II ACTION UNDER SEQR SECTION 617.5

ELIGIBILITY:

MANUFACTURER

APPROVED PURPOSE:

JOB CREATION

Monroe County Industrial Development Agency

MRB Cost Benefit Calculator

Date January 19, 2023
 Project Title The Raymond Corporation
 Project Location 1565 Jefferson Rd. Henrietta 14623



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

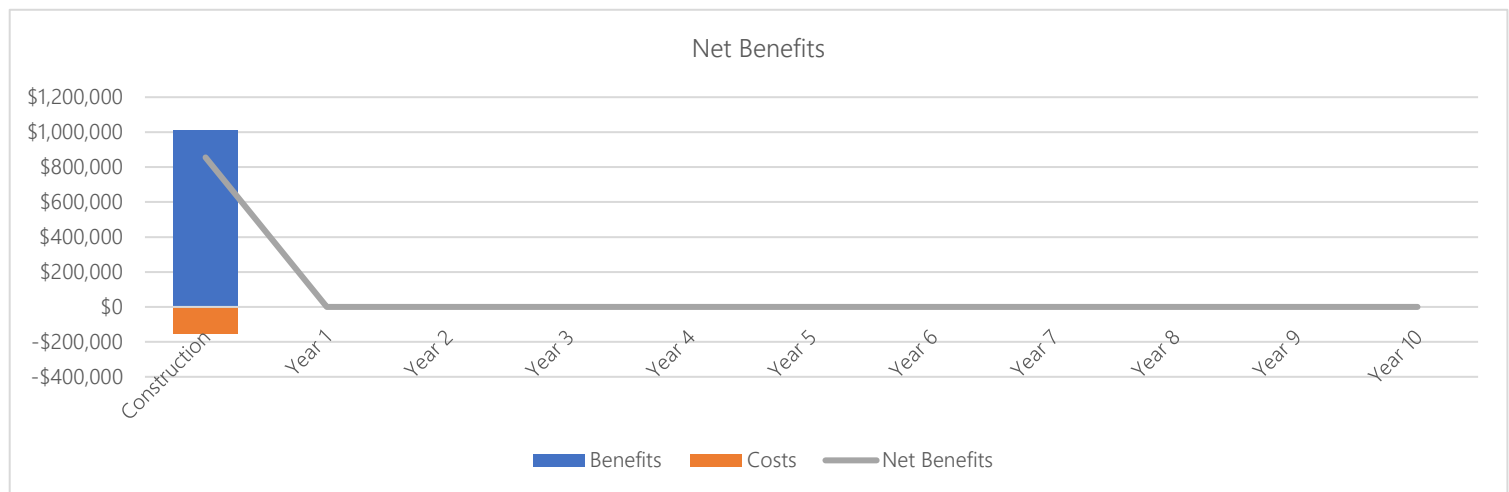
Project Total Investment

\$1,925,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	6	5	12
Earnings	\$644,673	\$308,472	\$953,144
Local Spend	\$1,540,000	\$916,550	\$2,456,550

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	0	0	0
Earnings	\$3,050,000	\$2,000,761	\$5,050,761

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

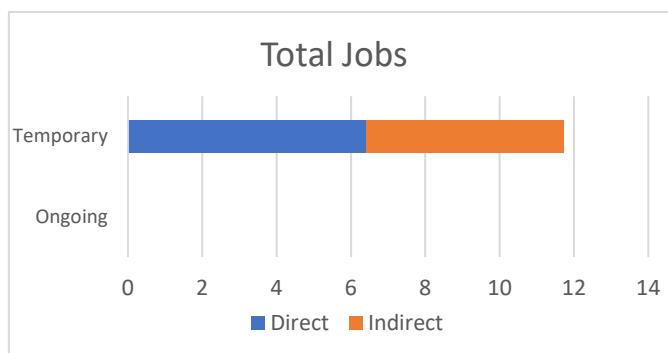
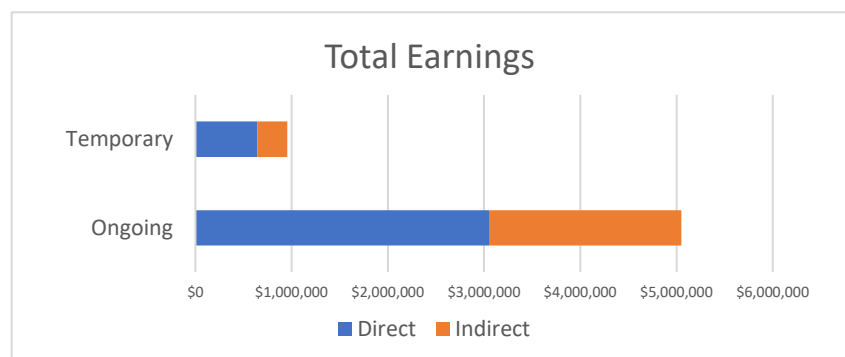


Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$154,000	\$154,000
Local Sales Tax Exemption	\$77,000	\$77,000
State Sales Tax Exemption	\$77,000	\$77,000
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$154,000	\$154,000

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$6,048,679	\$5,912,352
To Private Individuals	\$6,003,906	\$5,868,683
Temporary Payroll	\$953,144	\$953,144
Ongoing Payroll	\$5,050,761	\$4,915,539
Other Payments to Private Individuals	\$0	\$0
To the Public	\$44,773	\$43,669
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$6,672	\$6,672
Ongoing Jobs - Sales Tax Revenue	\$38,101	\$36,997
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$314,949	\$307,759
To the Public	\$314,949	\$307,759
Temporary Income Tax Revenue	\$42,891	\$42,891
Ongoing Income Tax Revenue	\$227,284	\$221,199
Temporary Jobs - Sales Tax Revenue	\$6,672	\$6,672
Ongoing Jobs - Sales Tax Revenue	\$38,101	\$36,997
Total Benefits to State & Region	\$6,363,629	\$6,220,111

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$5,912,352	\$77,000	77:1
State	\$307,759	\$77,000	4:1
Grand Total	\$6,220,111	\$154,000	40:1

*Discounted at 2%

Additional Comments from IDA

0

Does the IDA believe that the project can be accomplished in a timely fashion?

Yes

Motion By: _____
Seconded By: _____

RESOLUTION
 (The Raymond Corporation Project)
 OSC Code 2602-23-037A

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's offices located at 50 West Main Street, Rochester, New York 14614, on December 19, 2023 at 12:00 p.m.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON DECEMBER 14, 2023, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN BY THE RAYMOND CORPORATION OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT AS MORE FULLY DESCRIBED BELOW; (ii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT; (iii) AUTHORIZE THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND RELATED DOCUMENTS; AND (iv) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW).

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, **THE RAYMOND CORPORATION**, a New York corporation, for itself or an entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of the renovation of approximately 23,000 square feet of space in the existing building located at 1565 Jefferson Road, Suite 460, in the Town of Henrietta, New York 14623 (the "Improvements"); and the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Improvements, the "Facility"); all for use by the Company in its business of the design and manufacture of electric warehouse lift trucks; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, pursuant to Section 859-a of the Act, on Thursday, December 14, 2023, at 11:45 a.m., local time, in the Main Meeting Room at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York 14623, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as defined below) being contemplated by the Agency, whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, it is contemplated that the Agency will (i) negotiate a project agreement (the "Project Agreement"), pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project and (ii) provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions for purchases and rentals related to the equipping of the Facility; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's application and other correspondence submitted by the Company to the Agency, the Agency hereby finds and determines that:

(a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Project constitutes a "project", as such term is defined in the Act; and

(c) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purpose of undertaking the Project; and

(d) The action to be taken by the Agency will induce the Company to undertake the Project, thereby increasing employment opportunities in Monroe County and otherwise furthering the purposes of the Agency as set forth in the Act; and

(e) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing

such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(f) Pursuant to SEQRA, the Project constitutes a "Type II Action" as said term is defined in SEQRA, and therefore no further action is required to be taken under SEQRA.

Section 2. The Agency hereby approves the cost/benefit report submitted by the Company listing the proposed cost/benefits of the Project.

Section 3. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the equipping of the Facility and hereby appoints the Company as the true and lawful agent of the Agency to equip the Facility, and such appointment includes the following activities as they relate to the renovation, completion, use, repair and maintenance of the Facility and the purchase, use, lease, placement, installation, repair, maintenance and replacement of the Equipment, whether or not any materials or supplies described below are incorporated into or become an integral part of the Facility or the Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with renovating, equipping, repairing and maintaining the Facility, (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description in connection with renovating, equipping, repairing and maintaining the Facility, and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under the Facility or the Equipment, including all repairs, maintenance and replacement of all such property. Said agents are authorized to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agents for the Agency, and in general to do all things which may be requisite or proper for completing the Facility, all with the same powers and with the same validity as the Agency could do if acting on its own behalf. As agent of the Agency, the Company is authorized to delegate such agency, in whole or in part, to agents, subagents, contractors, subcontractors, contractors and subcontractors of such agents and subagents and to such other parties as the Company chooses; provided, however, the Project Agreement shall expire on **December 31, 2024** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency).

Section 4. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$1,925,000**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$154,000**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax

exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving sales and use tax exemption benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 6. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to negotiate the Project Agreement, pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project.

Section 7. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 8. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli				
Troy Milne				
Lisa Bolzner				
Joseph Alloco				
Rhett King				
Norman Jones				
Ann L. Burr				

The Resolutions were thereupon duly adopted.

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

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on December 19, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 19th day of December, 2023.

Ana J. Liss, Executive Director



APPLICATION FOR ASSISTANCE

Each applicant seeking assistance must complete this application and provide required supplemental forms/documentation.

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law, except for information that is considered deniable by the Freedom of Information Law. This form is available at www.monroecountybusiness.org/application.

Please send completed application via email to EconomicDevelopment@monroecounty.gov. A **non-refundable** application fee of \$350.00 is required. Please see page 12 for additional information on costs and fees.

I. APPLICANT

A. Applicant Information

Name: The Raymond Corporation
 Address: 22 S. Canal St
 City/State/Zip: Greene, NY 13778
 Tax Id No.: 15-0372290
 Contact Name: Jennifer de Souza
 Title: Vice President, Energy Storage
 Telephone: 6076562325
 E-Mail: jennifer.desouza@raymondcorp.

B. Applicant's Legal Counsel

Name: Louis Callea, VP & General Counsel
 Firm: Raymond Corporation
 Address: 22 S. Canal St
 City/State/Zip: Greene, NY 13778
 Telephone: 6076562360
 Email: lou.callea@raymondcorp.com

C. Owners of Applicant Company (must total 100%). If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
Toyota Industries Corporation	100 %	Ultimate Parent Corporation
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	

II. PROJECT

A. Address of proposed project facility

Address: 1565 Jefferson Road, Ste 460

Tax Map Parcel Number: 162.12-1-15.12

City/Town/Village: Henrietta

School District: Rush Henrietta

Zip: 14623

Current Legal Owner of Property:

Eagles Landing 1, LLC

B. Benefits Requested (Check all that apply)

- ☒ Sales Tax Exemption
- ☐ Mortgage Recording Tax Exemption
- ☐ Real Property Tax Abatement
- ☐ Industrial Revenue Bond Financing

C. Description of project (check all that apply)

- ☐ New Construction
- ☒ Existing Facility
- ☐ Acquisition
- ☐ Expansion
- ☒ Renovation/Modernization
- ☒ Acquisition of machinery/equipment
- ☐ Other (specify) _____

D. Proposed User(s)/Tenant(s) of the Facility

If there are multiple Users/Tenants, please attach additional pages.

Are the user and owner related entities? ☐ Yes ☒ No

Company Name: _____

Address: _____

City/State/Zip: _____

Tax ID No: _____

Contact Name: _____

Title: _____

Telephone: _____

Email: _____

% of facility to be occupied by user/tenant _____

E. Owners of User/Tenant Company (must total 100%)

If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
_____	____%	_____
_____	____%	_____
_____	____%	_____
_____	____%	_____

F. Project Timeline

Proposed Date of Acquisition: December 2023

Proposed Commencement Date of Construction: 12/23

Anticipated Completion Date: February 2024

G. Contractor(s)

II. PROJECT (cont'd)

H. DESCRIPTION OF THE PROJECT AND BACKGROUND ON USER(S) OF THE FACILITY

NAICS Code: 335912

The Raymond Corporation is a wholly owned subsidiary of Toyota Industries Corporation. Raymond is part of Toyota Material Handling North America ("TMHNA") and the Toyota Material Handling group, primarily engaged in the design and manufacture of material handling equipment (forklifts). Toyota Material Handling North America is comprised of The Raymond Corporation, headquartered in Greene, NY as well as Toyota Material Handling, Inc. ("TMH"), headquartered in Columbus, IN. Raymond is a 100+ year old company specializing in the design and manufacture of electric warehouse lift trucks whereas Toyota Material Handling manufactures both electric and combustion, sit down lift trucks primarily designed in Takahama, JP.

Toyota Material Handling has been #1 in the global market for material handling equipment for over ten years with an excess of \$15B in revenue annually.

As decarbonization trends are driving electrification domestically, energy sources are of primary concern. Not only can advanced energy technologies be deployed in Raymond equipment, these same technologies can be considered for advancing the transition from ICE to electric drive trains for TMH sit down product. TMHNA approval has been granted to establish a centralized, North American development center for Energy Solutions products, focused on design and development of advanced energy technologies supporting electrification across both product lines. These technologies will include lithium ion batteries, fuel cells and hydrogen engines.

The Rochester, NY area is an interesting target site for this new facility due to the ecosystem of Energy Storage companies and educational institutions growing in the area. At the same time, Raymond has had limited success growing its operations in Greene NY due to labor availability; from this perspective Columbus, IN is also viewed as a viable location, particularly given the proximity of Cummins who has made a pivot towards electrification.

Approximately 23k of space is required, where half will be for offices and the remainder for development space including prototypes and laboratories.

This development facility will support additional manufacturing of advanced energy products in New York State and will house personnel from Raymond, Toyota Material Handling and the Toyota Material Handling Group (Japan).

II. PROJECT (cont'd)

- I. Would the project be undertaken without financial assistance from the Agency? ☐ Yes ☒ No

Please explain why financial assistance is necessary.

Toyota Material Handling NA headquarters is in Columbus, Indiana; should we be unable to show incentives in NY to locate this expansion Columbus would become a preferred site.

- J. Are other facilities or related companies located within New York State?

☒ Yes ☐ No

Location: Greene, Albany & Syracuse, NY

Will the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state? ☐ Yes ☒ No

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

☐ Yes ☒ No

If Yes to either question, explain how the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Applicant or User's competitive position in its respective industry:

K. State Environmental Quality Review (SEQR) Act Compliance

COMIDA, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR).

Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

- ☐ YES - Include a copy of any SEQR documents related to this Project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration, etc.

☒ NO

III. PROPERTY TAX ABATEMENT/PAYMENT IN LIEU OF TAX AGREEMENT (PILOT)

Check One:

☐ **JOBSPLUS**

Requirements:

- Applicant must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **LEASEPLUS**

Requirements:

- University and/or medical related facilities in which a 501(c)3 entity leases from a for-profit entity.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **ENHANCED JOBSPLUS**

Requirements:

- A minimum \$15 million investment **AND**
- A minimum of 100 new jobs

☐ **GREEN JOBSPLUS**

Requirements:

- LEED® Certification – Project must be rated as Certified, Gold, Silver or Platinum by the United States Green
- Building Council's Leadership in Energy and Environmental Design (LEED®) Green Building Rating System.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **SHELTER RENT**

For student housing or affordable housing projects.

☐ **Local Tax Jurisdiction Sponsored PILOT**

☒ **NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT**

IV. APPLICANT PROJECT COSTS

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipment of the project by the APPLICANT.

Building Construction or Renovation

- a. Materials a. \$ _____
b. Labor b. \$ _____

Site Work

- c. Materials c. \$ _____
d. Labor d. \$ _____
e. Non-Manufacturing Equipment e. \$ 1,900,000
f. Manufacturing Equipment f. \$ _____
g. Equipment Furniture and Fixtures g. \$ 25,000
h. Land and/or Building Purchase h. \$ _____
i. Soft Costs (Legal, Architect, Engineering) i. \$ _____
Other (specify) j. _____ j. \$ _____
k. _____ k. \$ _____
l. _____ l. \$ _____
m. _____ m. \$ _____

Total Project Costs \$ 1,925,000
(must equal Total Sources)

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ _____
b. Taxable Industrial Revenue Bond b. \$ _____
c. Bank Financing c. \$ _____
d. Public Sources d. \$ _____

Identify each state and federal grant/credit

\$ _____

\$ _____

\$ _____

\$ _____

- e. Equity \$ 1,925,000
TOTAL SOURCES \$ 1,925,000
(must equal Total Project Costs)

- C. Has the applicant made any arrangements for the financing of this project

☐ Yes ☒ No

If yes, please specify bank, underwriter, etc.

V. COMPLETE FOR EACH USER/TENANT THAT IS SEEKING SALES TAX EXEMPTIONS USER(S)/TENANT(S) PROJECT COSTS

Use additional sheets as necessary

Company Name _____

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement, and/or equipping of the project by the user(s)/tenant(s) for which a sales tax exemption is requested.

Estimated Costs Eligible for Sales Tax Exemption Benefit

- a. Materials a. \$ _____
b. Labor b. \$ _____
c. Non-Manufacturing Equipment c. \$ _____
d. Manufacturing Equipment d. \$ _____
e. Furniture and Fixtures e. \$ _____
Other (specify): f. _____ f. \$ _____
g. _____ g. \$ _____
h. _____ h. \$ _____
i. _____ i. \$ _____

Total Project Costs \$ _____

**Value of Incentives
The Raymond Corporation**

A. IDA PILOT Benefits:

Current Assessment	
Value of New Construction & Renovation Costs	
Estimated New Assessed Value Subject to IDA	\$0
Current Taxes	\$0
Current Taxes Escalator	2%
PILOT Terms - Years	0
County Tax rate/\$1,000	
Local Tax Rate* Tax Rate/\$1,000	
School Tax Rate /\$1,000	
Total Tax Rate	0.00000

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption:	\$154,000
Estimated duration of ST exemption:	12/31/2024

C. Mortgage Recording Tax Exemption (MRTE) Benefit:

Estimated Value of MRTE:	\$0
--------------------------	-----

D. Industrial Revenue Bond Benefit

IRB inducement amount:	\$0
------------------------	-----

E. Percentage of Project Costs financed from Public Sector sources:

Total Value of Incentives:	\$154,000
Project Construction Costs:	\$1,925,000
	8.00%

PILOT Schedule

PILOT Year	% Abatement	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT***	Net Exemption**
	Total	\$0	\$0	\$0	\$0	\$0	\$0
-	90%	-	-	-	-	\$0	-
-	90%	-	-	-	-	-	-
-	80%	-	-	-	-	-	-
-	80%	-	-	-	-	-	-
-	70%	-	-	-	-	-	-
-	70%	-	-	-	-	-	-
-	60%	-	-	-	-	-	-
-	60%	-	-	-	-	-	-
-	50%	-	-	-	-	-	-
-	50%	-	-	-	-	-	-

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Raymond Corporation/Toyota Material Handling NA**Applicant:** ☐ **or** **User/Tenant:** ☒

Applicant/Tenant creating jobs must submit most recent NYS-45 or equivalent.

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	0	0	41	41
Part Time (PTE)				
Total	0	0	41	41

** For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Marker Area, in the fourth column. The Labor Marker Area includes: Monroe County, Orleans County, Genesee County, Wyoming County, Livingston County, Ontario County, Wayne County, Yates County, and Seneca County chosen at the Agency's discretion.

[Remainder of this Page Intentionally Left Blank]

VIII. LOCAL LABOR

To be completed by all Applicants and Users/Tenants of Projects which include the construction of new, expanded or renovated facilities:

Company Name Raymond/Toyota Material Handling NA

Applicant: ☐ **and/or User/Tenant:** ☒

The County of Monroe Industrial Development Agency (IDA) was established for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Monroe County. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Monroe County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs are vital to the overall employment opportunities and economic growth in Monroe County. The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices ("construction workers"), during the construction phase of projects.

JDS

100% Local Labor

Initial

Applicants receiving IDA benefits **must** ensure that the it and/or its contractor/developer hire **100% of its construction workers from the local labor market.**

JDS

Local Labor Market

Initial

For the purpose of this policy, the local labor market is defined as construction workers residing in the following counties in New York State: Monroe, Genesee, Livingston, Orleans, Ontario, Seneca, Steuben, Wayne, Wyoming and Yates.

JDS

Bid Processing

Initial

Local participation in qualified projects receiving IDA economic incentives and benefits is vital to the economic growth of Monroe County. As such, all applicants/contractors/developers of a qualified project with a minimum \$5,000,000 investment must place any and all invitations to bid in the Builders Exchange of Rochester Plan Room (<https://robex.com/planroom/>) two weeks before the bids are due.

JDS

Monitoring

Initial

A third-party auditing firm ("Project Monitor") will be engaged to monitor construction work commencing on the date benefits are granted by resolution of the IDA Board.

Once approved for IDA benefits, all applicants will be required to provide to the Project Monitor and the Exemption Processor (as hereinafter defined) the following information:

1. Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the applicant's project; and
2. Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions.

All Monroe County IDA projects are subject to local monitoring by the IDA and the Project Monitor. Proof of residency or copy of drivers' license shall be checked by the Project Monitor during the Project Monitor's periodic inspection of the project.

The Project Monitor shall issue a report to the IDA staff immediately when an applicant or applicant's contractor is not in compliance with this labor policy. IDA staff shall advise the IDA Board of non-compliance by email or at the next scheduled meeting. If a violation of policy has occurred, the Project Monitor shall notify the applicant and contractor of such non-compliance and give applicant a warning of violation and 72 hours in which to correct such violation. Upon evidence of continued non-compliance or additional violations, the IDA and/or the Project Monitor shall notify the applicant that the project is in violation of the Monroe County IDA Labor Policy and is subject to IDA Board action which may result in the revocation, termination and/or recapture of any or all benefits conferred by the IDA.

JDS

Signage

Initial

The applicant/contractor/developer of an IDA approved project shall be required to maintain a sign, provided by the Project Monitor, on the project site at all times during construction. This sign shall be located in an area that is accessible to onsite workers and visitors, which should be clear and legible.

JDS

Exemption Process

Initial

In some instances, use of 100% local labor may not be possible for any of the following reasons:

- Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers (a copy of the equipment warranty confirming the use of specific installers must be provided). The granting of an exemption for the use of non-local labor on warranty related grounds is expressly conditioned on either (i) said non-local sub-contractors being enrolled in a New York State certified apprenticeship program (proof of such enrollment shall be provided to the IDA upon request) or (ii) the hiring of an apprentice/apprentices or local construction laborer(s) to assist in the installation.
- Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work (proof of communication with local contractors, or details of the specialized construction must be provided);
- Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project. Three (3) bids are required and a cost differential of 25% is deemed significant. Where there is a significant cost differential, that if the local labor contractor agrees to reduce the bid to the average of the two bids, no waiver will be granted. However, if the average is still 25% or more, a waiver will be granted (copies of all bids/proposals received, including pricing, must be provided to confirm cost differential).
- No local labor available for the project (if local bids were solicited with no response, please provide a copy of the bid, explain how it was advertised, and list who the bids were requested from).

The request to secure an exemption for the use of non-local labor must be received from the applicant on the exemption form provided by the IDA or the 3rd party exemption monitor (the "Exemption Processor") and received by the Exemption Process forty-five (45) days in advance of work commencing. The request will be reviewed by the Exemption Processor and forwarded to the IDA, at which time the IDA's Executive Director shall have the authority to approve or disapprove the exemption. The Exemption Processor shall report each authorized exemption to the Board of Directors at its monthly meeting.

The applicant has read the Labor Policy and agrees to adhere to it without changes and shall require its construction manager, general contractor and sub-contractors who are not exempt to acknowledge the same.

The foregoing terms have been read, reviewed and understood by the Applicant or User/Tenant and all appropriate personnel. Furthermore, the undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialman. Furthermore, the undersigned agrees to post and maintain a sign, provided by COMIDA, in a prominent, easily accessible location, identifying the project as a recipient of COMIDA assistance and the local labor requirements associated with this assistance.

Furthermore, the undersigned realizes that failure to abide by the terms herein could result in COMIDA revoking all or any portion of benefits it deems reasonable in its sole discretion for any violation hereof.


The Raymond Corporation

<div style="text-align: center;">(APPLICANT COMPANY)</div> <div style="display: flex; justify-content: space-between; align-items: flex-end; padding-top: 10px;"> <div style="width: 30%;"> Jennifer de Souza <small>Digitally signed by Jennifer de Souza Date: 2023.11.29 17:01:05 -05'00'</small> </div> <div style="width: 30%; text-align: center;"> VP, ESS </div> <div style="width: 30%; text-align: right;"> 1129/23 </div> </div>	<div style="text-align: center;">(TENANT COMPANY)</div> <div style="height: 40px;"></div>
Signature _____, Title _____ Date _____	Signature _____, Title _____ Date _____

IX. FEES

Transaction Type	Fees
Real Property Tax Abatement (PILOT Agreement) including Sales Tax Exemption* and/or partial Mortgage Recording Tax Exemption.	Application Fee: Non-refundable \$350.00 IDA Fee: 0.75% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000.
Sales Tax Exemption* and/or Partial Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.50% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000 if transaction includes mortgage recording tax exemption. Minimum fee of \$750 if transaction is sales tax exemption only.
Bond: Taxable or Tax-Exempt Including any/all of the following: 1. PILOT Agreement 2. Sales Tax Exemption 3. Partial Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 1.25% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.
Bond: Taxable or Tax-Exempt	Application Fee: Non-refundable \$350.00 IDA Fee: 1.00% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.

*If the sales tax benefits are required prior to closing, a non-refundable twenty-five percent (25%) of the IDA fee and Legal fees are payable at that time. This amount will be applied towards the IDA fee and Legal fee.

<p>_____ (APPLICANT COMPANY)</p> <p> 11/29/23 _____ Signature, Title Date</p>	<p>_____ (TENANT COMPANY)</p> <p>_____ Signature, Title Date</p>
--	--

X. CERTIFICATION

The undersigned company officer and/or user/tenant officer each hereby certifies, on behalf of the company and/or user/tenant, respectively (each singularly and together, the "Applicant"), as follows:

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which have ownership of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
 § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- D. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- E. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- F. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- G. Pay Equity: The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- H. Applicant hereby releases the COMIDA ("Agency") from, 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 (A) the Agency's examination and processing of, and action pursuant to or upon, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits 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, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement 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 New York State and local sales and use tax exemption benefits, is true, accurate and complete.

APPLICANT COMPANY

Raymond Corporation

Jennifer de Souza Digitally signed by Jennifer de Souza
Date: 2023.11.29
17:01:48 -05'00' VP, ESS 11/29/23

Signature, Title Date

TENANT COMPANY

Signature, Title Date



APPLICATION SUMMARY

DATE: December 19, 2023

APPLICANT:

Eagles Landing 1 LLC
259 Alexander Street
Rochester, NY 14607

TENANT/PROJECT ADDRESS:

The Raymond Corporation
1565 Jefferson Road, Ste 460
Henrietta, NY 14623

PROJECT SUMMARY:

Eagles Landing 1 LLC is proposing the renovation of a 23,000 sq. ft. building in the Town of Henrietta for its tenant, The Raymond Corporation. The applicant is seeking approval of sales tax exemptions only on the \$800,000 project. The Raymond Corporation has applied for benefits separately. The Benefit/Incentive ratio is 11:1.

**PROJECT AMOUNT:
EXEMPTIONS:**

\$800,000 – Sales Tax Exemption Only
\$38,400

**JOBS: EXISTING:
NEW:**

0	FTEs
0	FTEs

PUBLIC HEARING DATE:

N/A

BENEFIT TO INCENTIVE RATIO:

11 : 1

SEQR:

TYPE II ACTION UNDER SEQR SECTION 617.5

ELIGIBILITY:

REHABILITATION OF EXISTING COMMERCIAL BUILDING

APPROVED PURPOSE:

JOB CREATION

Monroe County Industrial Development Agency

MRB Cost Benefit Calculator

Date December 19, 2023
 Project Title Eagles Landing 1 LLC
 Project Location 1565 Jefferson Rd. Henrietta, NY 14623



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

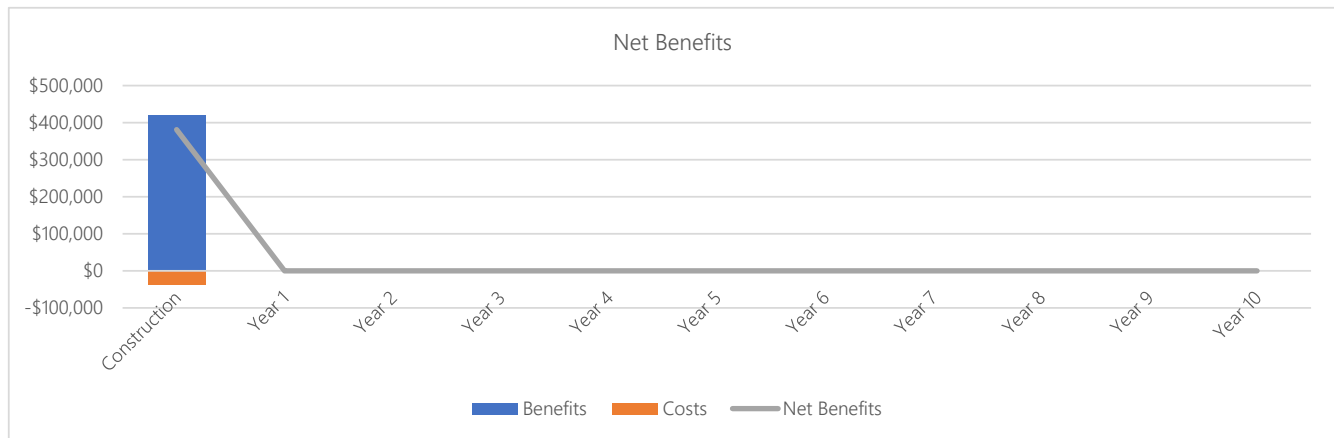
Project Total Investment

\$800,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	3	2	5
Earnings	\$267,916	\$128,196	\$396,112
Local Spend	\$640,000	\$380,904	\$1,020,904

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	0	0	0
Earnings	\$0	\$0	\$0

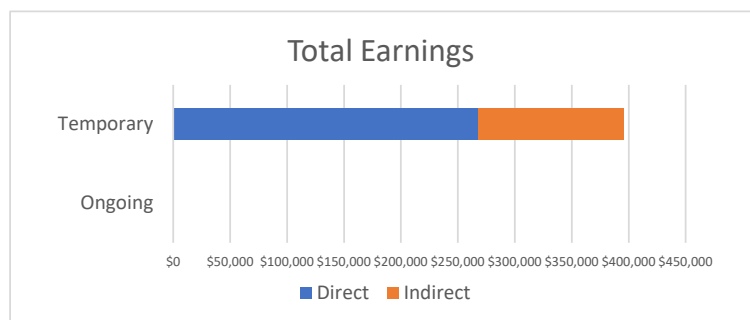
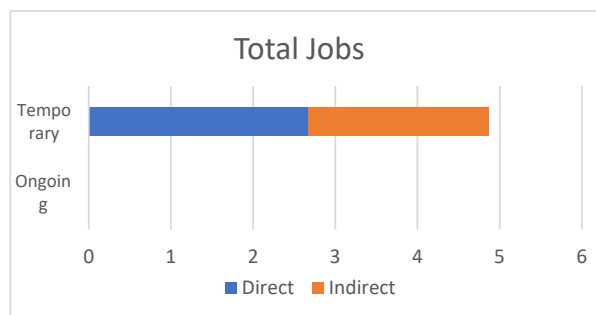
Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$38,400	\$38,400
Local Sales Tax Exemption	\$19,200	\$19,200
State Sales Tax Exemption	\$19,200	\$19,200
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$38,400	\$38,400

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$398,885	\$398,885
To Private Individuals	\$396,112	\$396,112
Temporary Payroll	\$396,112	\$396,112
Ongoing Payroll	\$0	\$0
Other Payments to Private Individuals	\$0	\$0
To the Public	\$2,773	\$2,773
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$2,773	\$2,773
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$20,598	\$20,598
To the Public	\$20,598	\$20,598
Temporary Income Tax Revenue	\$17,825	\$17,825
Ongoing Income Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$2,773	\$2,773
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Total Benefits to State & Region	\$419,483	\$419,483

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$398,885	\$19,200	21:1
State	\$20,598	\$19,200	1:1
Grand Total	\$419,483	\$38,400	11:1

*Discounted at 2%

Additional Comments from IDA

0

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

Motion By: _____
Seconded By: _____

RESOLUTION
(Eagles Landing 1 LLC Project)
OSC Code 2602-23-038A

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's offices located at 50 West Main Street, Rochester, New York 14614, on December 19, 2023 at 12:00 p.m.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TO APPOINT (i) EAGLES LANDING 1 LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT AS MORE FULLY DESCRIBED BELOW; (ii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE UNDERTAKING OF THE PROJECT; (iii) AUTHORIZE THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND RELATED DOCUMENTS; AND (iv) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW).

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, **EAGLES LANDING 1 LLC**, a New York limited liability company, for itself or an entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of the renovation of approximately 23,000 square feet of space in the existing building located at 1565 Jefferson Road, Suite 460, in the Town of Henrietta, New York 14623 (the "Improvements"); and the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Improvements, the "Facility"); all for use by The Raymond Corporation (the "Tenant") in its business of the design and manufacture of electric warehouse lift trucks; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, it is contemplated that the Agency will (i) negotiate a project agreement (the "Project Agreement"), pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project and (ii) provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions for purchases and rentals related to the renovation and equipping of the Facility; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's application and other correspondence submitted by the Company to the Agency, the Agency hereby finds and determines that:

(a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Project constitutes a "project", as such term is defined in the Act; and

(c) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purpose of undertaking the Project; and

(d) The action to be taken by the Agency will induce the Company to undertake the Project, thereby increasing employment opportunities in Monroe County and otherwise furthering the purposes of the Agency as set forth in the Act; and

(e) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(f) Pursuant to SEQRA, the Project constitutes a "Type II Action" as said term is defined in SEQRA, and therefore no further action is required to be taken under SEQRA.

Section 2. The Agency hereby approves the cost/benefit report submitted by the Company listing the proposed cost/benefits of the Project.

Section 3. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the renovation and equipping of the Facility and hereby appoints the Company as the true and lawful agent of the Agency to renovate and equip the Facility, and such appointment includes the following activities as they relate to the renovation, completion, use, repair and maintenance of the Facility and the purchase, use, lease, placement, installation, repair, maintenance and replacement of the Equipment, whether or not any materials or supplies described below are incorporated into or become an integral part of the Facility or the Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with renovating, equipping, repairing and maintaining the Facility, (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description in connection with renovating, equipping, repairing and maintaining the Facility, and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under the Facility or the Equipment, including all repairs, maintenance and replacement of all such property. Said agents are authorized to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agents for the Agency, and in general to do all things which may be requisite or proper for completing the Facility, all with the same powers and with the same validity as the Agency could do if acting on its own behalf. As agent of the Agency, the Company is authorized to delegate such agency, in whole or in part, to agents, subagents, contractors, subcontractors, contractors and subcontractors of such agents and subagents and to such other parties as the Company chooses; provided, however, the Project Agreement shall expire on **December 31, 2024** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency).

Section 4. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$480,000**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$38,400**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party

authorized to make purchases for the benefit of the Project; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving sales and use tax exemption benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 6. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to negotiate the Project Agreement, pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project.

Section 7. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 8. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli				
Troy Milne				
Lisa Bolzner				
Joseph Alloco				
Rhett King				
Norman Jones				
Ann L. Burr				

The Resolutions were thereupon duly adopted.

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

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on December 19, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 19th day of December, 2023.

Ana J. Liss, Executive Director



APPLICATION FOR ASSISTANCE

Each applicant seeking assistance must complete this application and provide required supplemental forms/documentation.

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law, except for information that is considered deniable by the Freedom of Information Law. This form is available at www.monroecountybusiness.org/application.

Please send completed application via email to EconomicDevelopment@monroecounty.gov. A **non-refundable** application fee of \$350.00 is required. Please see page 12 for additional information on costs and fees.

I. APPLICANT

A. Applicant Information

Name: Eagles Landing 1 LLC
Address: 259 Alexander Street
City/State/Zip: Rochester, NY 14607
Tax Id No.: 20-8909812
Contact Name: Eric Jones
Title: Property Manager
Telephone: 585-334-1122
E-Mail: ejones@lefrois.com

B. Applicant's Legal Counsel

Name: Mitch Nusbaum
Firm: Woods Oviatt Gilman LLP
Address: 1900 Bausch & Lomb Place
City/State/Zip: Rochester, NY 14604
Telephone: 585-987-2874
Email: mnusbaum@wodsoviatt.com

C. Owners of Applicant Company (must total 100%). If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
Estate of Laurence Glazer	50 %	Member
LeFrois Associates, L.P.	50 %	Member
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	

II. PROJECT

A. Address of proposed project facility

Address: 1565 Jefferson Road,

Tax Map Parcel Number: 162.12-1-15.12

City/Town/Village: Henrietta

School District: Rush Henrietta

Zip: 14623

Current Legal Owner of Property:

Eagles Landing I LLC

B. Benefits Requested (Check all that apply)

- ☒ Sales Tax Exemption
- ☐ Mortgage Recording Tax Exemption
- ☐ Real Property Tax Abatement
- ☐ Industrial Revenue Bond Financing

C. Description of project (check all that apply)

- ☐ New Construction
- ☒ Existing Facility
- ☐ Acquisition
- ☐ Expansion
- ☒ Renovation/Modernization
- ☐ Acquisition of machinery/equipment
- ☐ Other (specify) _____

D. Proposed User(s)/Tenant(s) of the Facility

If there are multiple Users/Tenants, please attach additional pages.

Are the user and owner related entities? ☐ Yes ☒ No

Company Name: The Raymond Corporation

Address: 22 S. Canal Street

City/State/Zip: Greene, NY 13778

Tax ID No: 15-0372290

Contact Name: Jennifer de Souza

Title: Vice President, Energy Storage

Telephone: 607-656-2325

Email: jennifer.desouza@raymondcorp

% of facility to be occupied by user/tenant 64.1%

E. Owners of User/Tenant Company (must total 100%)

If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
<u>Toyota Industries Co</u>	<u>100 %</u>	<u>Parent Corp.</u>
_____	<u>%</u>	_____
_____	<u>%</u>	_____
_____	<u>%</u>	_____

F. Project Timeline

Proposed Date of Acquisition: N/A

Proposed Commencement Date of Construction: Jan 2024

Anticipated Completion Date: March 2024

G. Contractor(s)

Russell P. LeFrois Builder, Inc.

II. PROJECT (cont'd)

H. DESCRIPTION OF THE PROJECT AND BACKGROUND ON USER(S) OF THE FACILITY

NAICS Code: 335912

The Raymond Corporation is a wholly owned subsidiary of Toyota Industries Corporation. Raymond is part of Toyota Material Handling North America ("TMHNA") and the Toyota Material Handling group, primarily engaged in the design and manufacture of material handling equipment (forklifts). Toyota Material Handling North America is comprised of The Raymond Corporation, headquartered in Greene, NY as well as Toyota Material Handling, Inc. ("TMH"), headquartered in Columbus, IN. Raymond is a 100+ year old company specializing in the design and manufacture of electric warehouse lift trucks whereas Toyota Material Handling manufactures both electric and combustion, sit down lift trucks primarily designed in Takahama, JP.

Toyota Material Handling has been #1 in the global market for material handling equipment for over ten years with an excess of \$15B in revenue annually.

As decarbonization trends are driving electrification domestically, energy sources are of primary concern. Not only can advanced energy technologies be deployed in Raymond equipment, these same technologies can be considered for advancing the transition from ICE to electric drive trains for TMH sit down product. TMHNA approval has been granted to establish a centralized, North American development center for Energy Solutions products, focused on design and development of advanced energy technologies supporting electrification across both product lines. These technologies will include lithium ion batteries, fuel cells and hydrogen engines.

The Rochester, NY area is an interesting target site for this new facility due to the ecosystem of Energy Storage companies and educational institutions growing in the area. At the same time, Raymond has had limited success growing its operations in Greene NY due to labor availability; from this perspective Columbus, IN is also viewed as a viable location, particularly given the proximity of Cummins who has made a pivot towards electrification.

Approximately 23k of space is required, where half will be for offices and the remainder for development space including prototypes and laboratories. Construction is expected to start in January 2024 and construction costs will total approx. \$800k.

This development facility will support additional manufacturing of advanced energy products in New York State and will house personnel from Raymond, Toyota Material Handling and the Toyota Material Handling Group (Jaoan).

II. PROJECT (cont'd)

- I. Would the project be undertaken without financial assistance from the Agency? ☐ Yes ☒ No

Please explain why financial assistance is necessary.

Toyota Material Handling NA headquarters is in Columbus, Indiana; should we be unable to show incentives in NY to locate this expansion Columbus would become a preferred site.

- J. Are other facilities or related companies located within New York State?

☒ Yes ☐ No

Location: Greene, Albany & Syracuse, NY

Will the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state? ☐ Yes ☒ No

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

☐ Yes ☒ No

If Yes to either question, explain how the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Applicant or User's competitive position in its respective industry:

K. State Environmental Quality Review (SEQR) Act Compliance

COMIDA, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR). Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

- ☐ YES - Include a copy of any SEQR documents related to this Project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration, etc.
- ☒ NO

III. PROPERTY TAX ABATEMENT/PAYMENT IN LIEU OF TAX AGREEMENT (PILOT)

Check One:

☐ **JOBSPPLUS**

Requirements:

- Applicant must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **LEASEPLUS**

Requirements:

- University and/or medical related facilities in which a 501(c)3 entity leases from a for-profit entity.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **ENHANCED JOBSPPLUS**

Requirements:

- A minimum \$15 million investment **AND**
- A minimum of 100 new jobs

☐ **GREEN JOBSPPLUS**

Requirements:

- LEED® Certification – Project must be rated as Certified, Gold, Silver or Platinum by the United States Green Building Council's Leadership in Energy and Environmental Design (LEED®) Green Building Rating System.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **SHELTER RENT**

For student housing or affordable housing projects.

☐ **Local Tax Jurisdiction Sponsored PILOT**

☒ **NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT**

IV. APPLICANT PROJECT COSTS

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipment of the project by the APPLICANT.

Building Construction or Renovation

- | | | |
|--------------|-------|---------|
| a. Materials | a. \$ | 480,000 |
| b. Labor | b. \$ | 320,000 |

Site Work

- | | | |
|---|-------|-------|
| c. Materials | c. \$ | _____ |
| d. Labor | d. \$ | _____ |
| e. Non-Manufacturing Equipment | e. \$ | _____ |
| f. Manufacturing Equipment | f. \$ | _____ |
| g. Equipment Furniture and Fixtures | g. \$ | _____ |
| h. Land and/or Building Purchase | h. \$ | _____ |
| i. Soft Costs (Legal, Architect, Engineering) | i. \$ | _____ |
| Other (specify) j. _____ | j. \$ | _____ |
| k. _____ | k. \$ | _____ |
| l. _____ | l. \$ | _____ |
| m. _____ | m. \$ | _____ |

Total Project Costs \$ 800,000
(must equal Total Sources)

- B. Sources of Funds for Project Costs:

- | | | |
|---------------------------------------|-------|-------|
| a. Tax-Exempt Industrial Revenue Bond | a. \$ | _____ |
| b. Taxable Industrial Revenue Bond | b. \$ | _____ |
| c. Bank Financing | c. \$ | _____ |
| d. Public Sources | d. \$ | _____ |

Identify each state and federal grant/credit

_____	\$	_____
_____	\$	_____
_____	\$	_____
_____	\$	_____

- | | | |
|-----------|----|---------|
| e. Equity | \$ | 800,000 |
|-----------|----|---------|

TOTAL SOURCES \$ 800,000
(must equal Total Project Costs)

- C. Has the applicant made any arrangements for the financing of this project

☐ Yes ☒ No

If yes, please specify bank, underwriter, etc.

V. COMPLETE FOR EACH USER/TENANT THAT IS SEEKING SALES TAX EXEMPTIONS USER(S)/TENANT(S) PROJECT COSTS

Use additional sheets as necessary

Company Name _____

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement, and/or equipping of the project by the user(s)/tenant(s) for which a sales tax exemption is requested.

Estimated Costs Eligible for Sales Tax Exemption Benefit

- | | | |
|--------------------------------|-------|-------|
| a. Materials | a. \$ | _____ |
| b. Labor | b. \$ | _____ |
| c. Non-Manufacturing Equipment | c. \$ | _____ |
| d. Manufacturing Equipment | d. \$ | _____ |
| e. Furniture and Fixtures | e. \$ | _____ |

Other (specify): f. _____ f. \$ _____

g. _____ g. \$ _____

h. _____ h. \$ _____

i. _____ i. \$ _____

Total Project Costs \$ _____

**Value of Incentives
Eagles Landing 1 LLC**

A. IDA PILOT Benefits:

Current Assessment	
Value of New Construction & Renovation Costs	
Estimated New Assessed Value Subject to IDA	\$0
Current Taxes	\$0
Current Taxes Escalator	2%
PILOT Terms - Years	20
County Tax rate/\$1,000	
Local Tax Rate* Tax Rate/\$1,000	
School Tax Rate /\$1,000	
Total Tax Rate	0.00000

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption:	\$38,400
Estimated duration of ST exemption:	12/31/2024

C. Mortgage Recording Tax Exemption (MRTE) Benefit:

Estimated Value of MRTE:	\$0
--------------------------	-----

D. Industrial Revenue Bond Benefit

IRB inducement amount:	\$0
------------------------	-----

E. Percentage of Project Costs financed from Public Sector sources:

Total Value of Incentives:	\$38,400
Project Construction Costs:	\$800,000
	4.80%

PILOT Schedule

PILOT Year	% Abatement	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT***	Net Exemption**
	Total	\$0	\$0	\$0	\$0	\$0	\$0
1	90%	\$0	\$0	\$0	\$0	\$0	\$0
2	80%	\$0	\$0	\$0	\$0	\$0	\$0
3	70%	\$0	\$0	\$0	\$0	\$0	\$0
4	60%	\$0	\$0	\$0	\$0	\$0	\$0
5	50%	\$0	\$0	\$0	\$0	\$0	\$0
6	40%	\$0	\$0	\$0	\$0	\$0	\$0
7	30%	\$0	\$0	\$0	\$0	\$0	\$0
8	20%	\$0	\$0	\$0	\$0	\$0	\$0
9	10%	\$0	\$0	\$0	\$0	\$0	\$0
10	0%	\$0	\$0	\$0	\$0	\$0	\$0

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Raymond Corporation/Toyota Material Handling NA

Applicant: ☐ **or** **User/Tenant:** ☒

Applicant/Tenant creating jobs must submit most recent NYS-45 or equivalent.

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	0	0	41	41
Part Time (PTE)				
Total	0	0	41	41

** For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Marker Area, in the fourth column. The Labor Marker Area includes: Monroe County, Orleans County, Genesee County, Wyoming County, Livingston County, Ontario County, Wayne County, Yates County, and Seneca County chosen at the Agency's discretion.

[Remainder of this Page Intentionally Left Blank]

VIII. LOCAL LABOR

To be completed by all Applicants and Users/Tenants of Projects which include the construction of new, expanded or renovated facilities:

Eagles Landing I LLC

Company Name _____

Applicant: ☒ **and/or User/Tenant:** ☐

The County of Monroe Industrial Development Agency (IDA) was established for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Monroe County. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Monroe County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs are vital to the overall employment opportunities and economic growth in Monroe County. The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices ("construction workers"), during the construction phase of projects.

ESJ

100% Local Labor

Initial

Applicants receiving IDA benefits **must** ensure that the it and/or its contractor/developer hire **100% of its construction workers from the local labor market.**

ESJ

Local Labor Market

Initial

For the purpose of this policy, the local labor market is defined as construction workers residing in the following counties in New York State: Monroe, Genesee, Livingston, Orleans, Ontario, Seneca, Steuben, Wayne, Wyoming and Yates.

ESJ

Bid Processing

Initial

Local participation in qualified projects receiving IDA economic incentives and benefits is vital to the economic growth of Monroe County. As such, all applicants/contractors/developers of a qualified project with a minimum \$5,000,000 investment must place any and all invitations to bid in the Builders Exchange of Rochester Plan Room (<https://robex.com/planroom/>) two weeks before the bids are due.

ESJ

Monitoring

Initial

A third-party auditing firm ("Project Monitor") will be engaged to monitor construction work commencing on the date benefits are granted by resolution of the IDA Board.

Once approved for IDA benefits, all applicants will be required to provide to the Project Monitor and the Exemption Processor (as hereinafter defined) the following information:

1. Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the applicant's project; and
2. Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions.

All Monroe County IDA projects are subject to local monitoring by the IDA and the Project Monitor. Proof of residency or copy of drivers' license shall be checked by the Project Monitor during the Project Monitor's periodic inspection of the project.

The Project Monitor shall issue a report to the IDA staff immediately when an applicant or applicant's contractor is not in compliance with this labor policy. IDA staff shall advise the IDA Board of non-compliance by email or at the next scheduled meeting. If a violation of policy has occurred, the Project Monitor shall notify the applicant and contractor of such non-compliance and give applicant a warning of violation and 72 hours in which to correct such violation. Upon evidence of continued non-compliance or additional violations, the IDA and/or the Project Monitor shall notify the applicant that the project is in violation of the Monroe County IDA Labor Policy and is subject to IDA Board action which may result in the revocation, termination and/or recapture of any or all benefits conferred by the IDA.

ESJ

Signage

Initial

The applicant/contractor/developer of an IDA approved project shall be required to maintain a sign, provided by the Project Monitor, on the project site at all times during construction. This sign shall be located in an area that is accessible to onsite workers and visitors, which should be clear and legible.

ESJ

Exemption Process

Initial

In some instances, use of 100% local labor may not be possible for any of the following reasons:

- Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers (a copy of the equipment warranty confirming the use of specific installers must be provided). The granting of an exemption for the use of non-local labor on warranty related grounds is expressly conditioned on either (i) said non-local sub-contractors being enrolled in a New York State certified apprenticeship program (proof of such enrollment shall be provided to the IDA upon request) or (ii) the hiring of an apprentice/apprentices or local construction laborer(s) to assist in the installation.
- Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work (proof of communication with local contractors, or details of the specialized construction must be provided);
- Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project. Three (3) bids are required and a cost differential of 25% is deemed significant. Where there is a significant cost differential, that if the local labor contractor agrees to reduce the bid to the average of the two bids, no waiver will be granted. However, if the average is still 25% or more, a waiver will be granted (copies of all bids/proposals received, including pricing, must be provided to confirm cost differential).
- No local labor available for the project (if local bids were solicited with no response, please provide a copy of the bid, explain how it was advertised, and list who the bids were requested from).

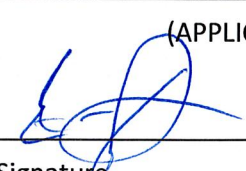
The request to secure an exemption for the use of non-local labor must be received from the applicant on the exemption form provided by the IDA or the 3rd party exemption monitor (the "Exemption Processor") and received by the Exemption Process forty-five (45) days in advance of work commencing. The request will be reviewed by the Exemption Processor and forwarded to the IDA, at which time the IDA's Executive Director shall have the authority to approve or disapprove the exemption. The Exemption Processor shall report each authorized exemption to the Board of Directors at its monthly meeting.

The applicant has read the Labor Policy and agrees to adhere to it without changes and shall require its construction manager, general contractor and sub-contractors who are not exempt to acknowledge the same.

The foregoing terms have been read, reviewed and understood by the Applicant or User/Tenant and all appropriate personnel. Furthermore, the undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialman. Furthermore, the undersigned agrees to post and maintain a sign, provided by COMIDA, in a prominent, easily accessible location, identifying the project as a recipient of COMIDA assistance and the local labor requirements associated with this assistance.

Furthermore, the undersigned realizes that failure to abide by the terms herein could result in COMIDA revoking all or any portion of benefits it deems reasonable in its sole discretion for any violation hereof.

Eagles Landing I LLC

(APPLICANT COMPANY)
 Prop. Manager 12/11/23

Signature, Title Date

(TENANT COMPANY)

Signature, Title Date

IX. FEES

Transaction Type	Fees
Real Property Tax Abatement (PILOT Agreement) including Sales Tax Exemption* and/or partial Mortgage Recording Tax Exemption.	Application Fee: Non-refundable \$350.00 IDA Fee: 0.75% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000.
Sales Tax Exemption* and/or Partial Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.50% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000 if transaction includes mortgage recording tax exemption. Minimum fee of \$750 if transaction is sales tax exemption only.
Bond: Taxable or Tax-Exempt Including any/all of the following: <ol style="list-style-type: none"> 1. PILOT Agreement 2. Sales Tax Exemption 3. Partial Mortgage Recording Tax Exemption 	Application Fee: Non-refundable \$350.00 IDA Fee: 1.25% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.
Bond: Taxable or Tax-Exempt	Application Fee: Non-refundable \$350.00 IDA Fee: 1.00% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.

*If the sales tax benefits are required prior to closing, a non-refundable twenty-five percent (25%) of the IDA fee and Legal fees are payable at that time. This amount will be applied towards the IDA fee and Legal fee.

<u>Eagles Landing I LLC</u> (APPLICANT COMPANY)	 (TENANT COMPANY)
<u>[Signature]</u> Signature, Title Date	 Signature, Title Date


X. CERTIFICATION

The undersigned company officer and/or user/tenant officer each hereby certifies, on behalf of the company and/or user/tenant, respectively (each singularly and together, the "Applicant"), as follows:

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which have ownership of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
 § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- D. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- E. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- F. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- G. Pay Equity: The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- H. Applicant hereby releases the COMIDA ("Agency") from, 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 (A) the Agency's examination and processing of, and action pursuant to or upon, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits 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, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement 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 New York State and local sales and use tax exemption benefits, is true, accurate and complete.

APPLICANT COMPANY

Eagles Landing I LLC

 _____
 Signature, Title Date
 Prop. Manager 12/11/23

TENANT COMPANY

 Signature, Title Date



APPLICATION SUMMARY

DATE: December 19, 2023

APPLICANT:

139 Troup Street LLC
PO Box 1371
Fairport, NY 14450

TENANT/PROJECT LOCATION:

139 Troup Street
Rochester, NY 14608

PROJECT SUMMARY:

139 Troup Street LLC is proposing the conversion of 2 buildings into market rate, multi-family housing in the City of Rochester. One building will contain 20 units which includes one studio, 16 one bedroom and 3 two bedroom apartments. Rent for these market rate apartments will range from \$1,025-\$1,650 per unit. The second building will be converted to house 6 studio units, 5 of which will be affordable to households earning no more than 60% of the area median income (AMI). 139 Troup Street LLC plans to create 1 new FTE. The \$3.3 million project, which is supported by the City of Rochester, is seeking a real property tax abatement, mortgage recording tax and sales tax exemption. The cost benefit ratio is 8:1.

PROJECT AMOUNT:

\$3,359,739 Lease/Leaseback with Abatement
\$88,000 Sales Tax Exemption
\$13,500 Mortgage Recording Tax Exemption

JOBS: EXISTING:

NEW:

REQUIREMENT:

0	FTEs
1	FTEs
1	FTEs

PUBLIC HEARING DATE:

December 14, 2023

BENEFIT TO INCENTIVE RATIO:

8:1

SEQR:

REVIEWED AND PROCESS IS COMPLETE.

ELIGIBILITY:

REHABILITATION OF EXISTING COMMERCIAL BUILDING VACANT FOR A LONG TIME

APPROVED PURPOSE:

COMMUNITY DEVELOPMENT

Monroe County Industrial Development Agency

MRB Cost Benefit Calculator

Date December 19, 2023
Project Title 139 Troup Street LLC
Project Location 139 Troup Street, City of Rochester



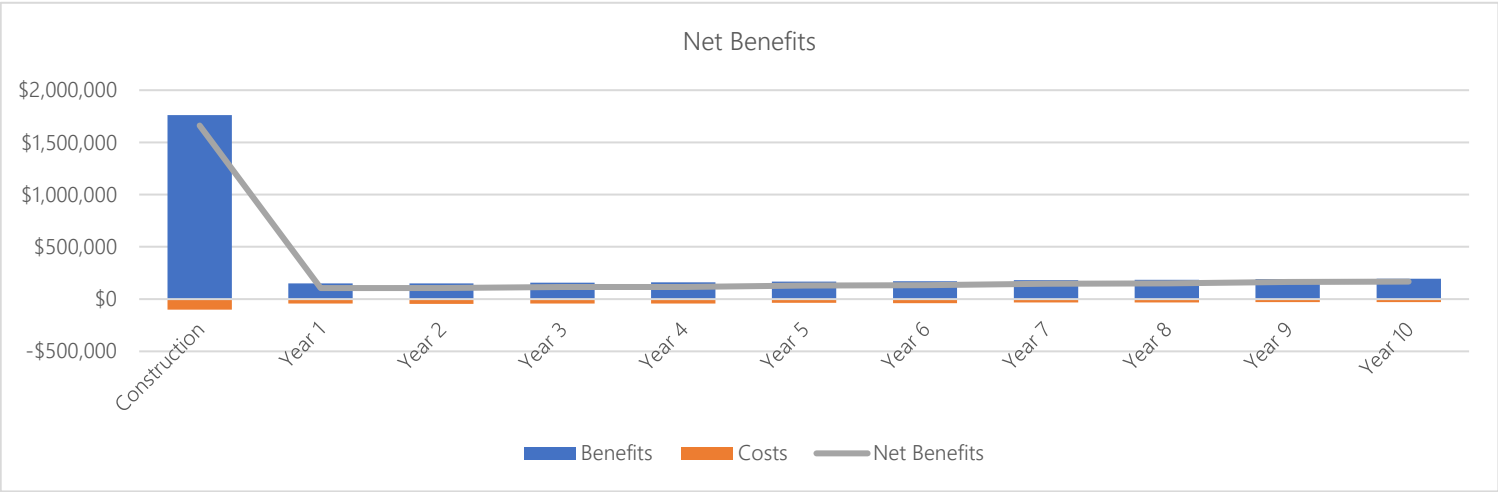
Economic Impacts

Summary of Economic Impacts over the Life of the PILOT
Project Total Investment
\$3,359,739

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	25	9	34
Earnings	\$1,128,031	\$536,958	\$1,664,989
Local Spend	\$2,687,791	\$1,595,193	\$4,282,985

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	1	1	2
Earnings	\$687,893	\$770,507	\$1,458,400

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

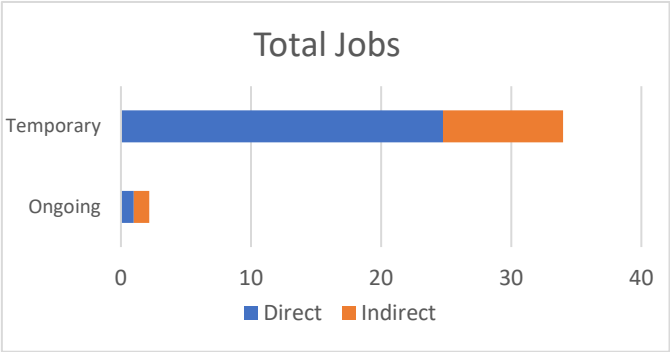
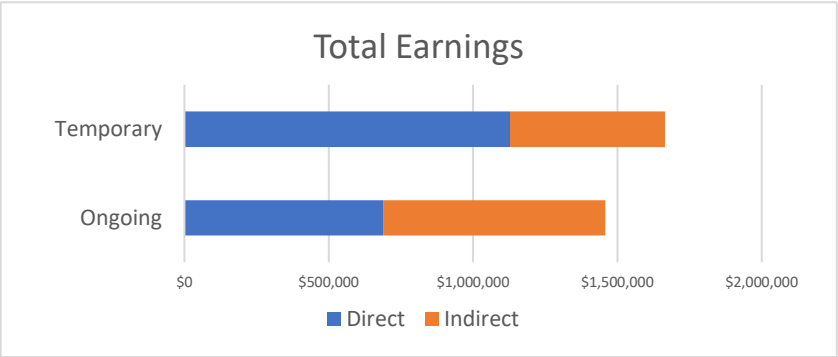


Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$369,782	\$334,875
Sales Tax Exemption	\$88,000	\$88,000
Local Sales Tax Exemption	\$44,000	\$44,000
State Sales Tax Exemption	\$44,000	\$44,000
Mortgage Recording Tax Exemption	\$13,500	\$13,500
Local Mortgage Recording Tax Exemption	\$4,500	\$4,500
State Mortgage Recording Tax Exemption	\$9,000	\$9,000
Total Costs	\$471,282	\$436,375

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$3,309,772	\$3,135,729
To Private Individuals	\$3,123,389	\$2,971,412
Temporary Payroll	\$1,664,989	\$1,664,989
Ongoing Payroll	\$1,458,400	\$1,306,423
Other Payments to Private Individuals	\$0	\$0
To the Public	\$186,384	\$164,318
Increase in Property Tax Revenue	\$164,520	\$143,518
Temporary Jobs - Sales Tax Revenue	\$11,655	\$11,655
Ongoing Jobs - Sales Tax Revenue	\$10,209	\$9,145
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$162,416	\$154,513
To the Public	\$162,416	\$154,513
Temporary Income Tax Revenue	\$74,924	\$74,924
Ongoing Income Tax Revenue	\$65,628	\$58,789
Temporary Jobs - Sales Tax Revenue	\$11,655	\$11,655
Ongoing Jobs - Sales Tax Revenue	\$10,209	\$9,145
Total Benefits to State & Region	\$3,472,189	\$3,290,243

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$3,135,729	\$383,375	8:1
State	\$154,513	\$53,000	3:1
Grand Total	\$3,290,243	\$436,375	8:1

*Discounted at 2%

Additional Comments from IDA

0

Does the IDA believe that the project can be accomplished in a timely fashion?

Yes

Motion By: _____
Seconded By: _____

RESOLUTION
 (139 Troup Street LLC Project)
 OSC Code 2602-23-036A

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's Offices, 50 West Main Street, Rochester, New York 14614, on December 19, 2023 at 12:00 p.m.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON DECEMBER 14, 2023, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN BY 139 TROUP STREET LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING RELATED TO THE PROJECT, AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, **139 TROUP STREET LLC**, a New York limited liability company for itself or a related entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in a parcel of land located at 139 Troup Street in the City of Rochester, New York 14608 and all other lands in the City of Rochester where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land") together with (i) the existing approximately 14,696± square-foot three-story building and (ii) an approximately 3,392± square-foot two-story building (collectively, the "Existing Improvements"); (B) (i) the renovation and modernization the Existing Improvements into a 26-unit multi-family dwelling, five (5) of the units will be restricted for qualifying households earning 60% or less of the

area median income and (ii) completion of roof repairs, installation of exterior railings for walkways, adjustments to the sprinkler system and installation of utility services; and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, pursuant to Section 859-a of the Act, on Thursday, December 14, 2023, at 10:00 a.m., local time, at the Agency's Offices, 50 West Main Street, Suite 1150, Rochester, New York 14614, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as defined below) being contemplated by the Agency, whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, it is contemplated that the Agency will (i) negotiate a project agreement (the "Project Agreement"), pursuant to which the Agency will appoint the as its agent for the purpose of undertaking the Project, (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), leaseback agreement (the "Leaseback Agreement") and payment-in-lieu-of-tax agreement (the "PILOT Agreement") with the Company and (iii) provide financial assistance (the "Financial Assistance") to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, renovation and equipping of the Facility, (b) a partial mortgage recording tax exemption for financing related to the Project and (c) a partial real property tax abatement structured through the PILOT Agreement; and

WHEREAS, the Company has agreed to indemnify the Agency against certain losses, claims, expenses, damages and liabilities which may arise in connection with the transactions contemplated by the lease of the Facility; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the application and other correspondence submitted by the Company to the Agency, the Agency hereby finds and determines that:

(a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Facility constitutes a "project", as such term is defined in the Act; and

(c) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of undertaking the Project; and

(d) The action to be taken by the Agency will induce the Company to undertake the Project, thereby increasing employment opportunities in Monroe County and otherwise furthering the purposes of the Agency as set forth in the Act; and

(e) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(f) Pursuant to SEQRA, the Project constitutes a "Type II Action" as said term is defined in SEQRA, and therefore no further action is required to be taken under SEQRA.

Section 2. The Agency hereby approves the cost/benefit report submitted by the Company listing the proposed cost/benefits of the Project.

Section 3. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, renovation and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency to acquire, renovate and equip the Facility, and such appointment includes the following activities as they relate to the construction, erection, completion, use, repair and maintenance of the Improvements and the purchase, use, lease, placement, installation, repair, maintenance and replacement of the Equipment, whether or not any materials or supplies described below are incorporated into or become an integral part of the Improvements or the Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with acquiring, renovating, equipping, repairing and maintaining the Facility, (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description in connection with acquiring, renovating, equipping, repairing and maintaining the Facility, and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under the Improvements, Land or the Equipment, including all repairs, maintenance and replacement of all such property. Said agents are authorized to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agents for the Agency, and in general to do all things which may be requisite or proper for completing the Facility, all with the same powers and with the same validity as the Agency could do if acting on its own behalf. As agent of the Agency, the

Company is authorized to delegate such agency, in whole or in part, to agents, subagents, contractors, subcontractors, contractors and subcontractors of such agents and subagents and to such other parties as the Company chooses; provided, however, the Project Agreement shall expire on **December 31, 2024** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency) if the Lease Agreement, Leaseback Agreement and PILOT Agreement contemplated have not been executed and delivered. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are authorized and directed to execute and deliver to said agent an appropriate letter on Agency letterhead describing the authority granted under this resolution.

Section 4. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$1,100,000** which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$88,000**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; (ii) a mortgage (or mortgages), in connection with the financing of the Facility or portions thereof and including any refinancing thereof, securing an aggregate principal amount not to exceed **\$1,800,000**, resulting in a mortgage tax exemption not to exceed **\$13,500**; and (iii) a partial real property tax abatement.

Section 5. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving sales and use tax exemption benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 6. The form and substance of the Lease Agreement, the Leaseback Agreement and the PILOT Agreement (each in substantially the forms presented to the Agency and which, prior to the execution and delivery thereof, may be redated) are hereby approved.

Section 7. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to negotiate and execute (A) the Lease Agreement whereby the Company leases the Project to the Agency, (B) the related Leaseback Agreement conveying the Project back to the Company, and (C) the PILOT Agreement; provided, that, (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 8. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement and PILOT Agreement are collectively referred to as, the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency (if any) to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency shall approve, the execution thereof by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 9. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 10. This resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli				
Troy Milne				
Lisa Bolzner				
Joseph Alloco				
Rhett King				
Norman Jones				
Ann L. Burr				

The Resolutions were thereupon duly adopted.

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

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on December 19, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 19th day of December, 2023.

Ana J. Liss, Executive Director



APPLICATION FOR ASSISTANCE

Each applicant seeking assistance must complete this application and provide required supplemental forms/documentation.

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law, except for information that is considered deniable by the Freedom of Information Law. This form is available at www.monroecountybusiness.org/application.

Please send completed application via email to EconomicDevelopment@monroecounty.gov. A **non-refundable** application fee of \$350.00 is required. Please see page 12 for additional information on costs and fees.

I. APPLICANT

A. Applicant Information

Name: 139 Troup Street LLC
Address: PO Box 1371
City/State/Zip: Fairport, NY 14450
Tax Id No.: 88-2483735
Contact Name: James Barons
Title: Member
Telephone: 585.746.0524
E-Mail: james@bentleypm.com

B. Applicant's Legal Counsel

Name: Tyler Ellis
Firm: Morgenstern DeVoesick PLLC
Address: 1080 Pittsford Victor Rd, Suite 200
City/State/Zip: Pittsford, NY 14534
Telephone: 585.672.5500
Email: tyler@morgdevo.com

C. Owners of Applicant Company (must total 100%). If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
<u>Joseph Burkart IV</u>	<u>50 %</u>	<u>Managing Member</u>
<u>James Barons</u>	<u>50 %</u>	<u>Member</u>
<u></u>	<u>%</u>	<u></u>
<u></u>	<u>%</u>	<u></u>
<u></u>	<u>%</u>	<u></u>
<u></u>	<u>%</u>	<u></u>
<u></u>	<u>%</u>	<u></u>
<u></u>	<u>%</u>	<u></u>
<u></u>	<u>%</u>	<u></u>
<u></u>	<u>%</u>	<u></u>
<u></u>	<u>%</u>	<u></u>
<u></u>	<u>%</u>	<u></u>

II. PROJECT

A. Address of proposed project facility

Address: 139 Troup Street

Tax Map Parcel Number: 121.380-1-95.1

City/Town/Village: Rochester

School District: Rochester

Zip: 14608

Current Legal Owner of Property:

139 Troup Holdco LLC

B. Benefits Requested (Check all that apply)

- ☒ Sales Tax Exemption
- ☒ Mortgage Recording Tax Exemption
- ☒ Real Property Tax Abatement
- ☐ Industrial Revenue Bond Financing

C. Description of project (check all that apply)

- ☐ New Construction
- ☐ Existing Facility
- ☐ Acquisition
- ☐ Expansion
- ☒ Renovation/Modernization
- ☐ Acquisition of machinery/equipment
- ☒ Other (specify) Conversion to multi-family apts

D. Proposed User(s)/Tenant(s) of the Facility

If there are multiple Users/Tenants, please attach additional pages.

Are the user and owner related entities? ☐ Yes ☒ No

Company Name: _____

Address: _____

City/State/Zip: _____

Tax ID No: _____

Contact Name: _____

Title: _____

Telephone: _____

Email: _____

% of facility to be occupied by user/tenant _____

E. Owners of User/Tenant Company (must total 100%)

If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
N/A	%	
	%	
	%	
	%	

F. Project Timeline

Proposed Date of Acquisition: 09/01/2022

Proposed Commencement Date of Construction: 12/15/2023

Anticipated Completion Date: 07/01/2024

G. Contractor(s)

Quatro Consulting Group

II.PROJECT (cont'd)

H. Would the project be undertaken without financial assistance from the Agency? ☐Yes ☒ No

Please explain why financial assistance is necessary.

Financial Assistance allows the development group to implement more improvements that will yield a better product for potential tenants and the neighborhood.

I. Are other facilities or related companies located within New York State?

☐Yes ☒ No

Location:

Will the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state? ☐Yes ☒ No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state? ☐Yes ☒ No

If Yes to either question, explain how the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Applicant or User's competitive position in its respective industry:

J. State Environmental Quality Review (SEQR) Act Compliance

COMIDA, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR).

Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

- ☐ YES - Include a copy of any SEQR documents related to this Project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration, etc.
- ☒ NO

II. PROJECT (cont'd)

K. DESCRIPTION OF THE PROJECT AND BACKGROUND ON USER(S) OF THE FACILITY

NAICS Code: 531110

The subject property consists of two (2) building improvements on a single tax parcel. The building improvements include a three-story mixed-use rooming house and multi-family dwelling, and a two-story former carriage house that was converted to a multi-family dwelling. The mixed-use building totals 14,696± sq.ft. in gross building area and was constructed over a partially finished walkout lower level in 1920. It contains a studio apartment in the lower level, various rooming units with shared bathrooms, offices, and common area kitchens and lounges on the first and second floors, and six (6) one-bedroom apartments on the third floor. The carriage house totals 3,392± sq.ft. in gross building area and was constructed in 1975 on a slab foundation. There are a total of six (6) studio apartment units in this building. The subject site is sloped, rectangular, serviced by all public utilities, and totals 0.67± acre. There is on-site parking for ~14 vehicles via an asphalt surface lot. The site is located within the High-Density Residential (R-3) zoning district; the subject's current use is a legal nonconforming use.

The owner has plans to invest \$2,326,366 into converting the mixed-use building into a 20-unit multi-family dwelling and complete renovation of the 6-unit Carriage House, separately metering all units for utilities, and expanding the parking. The budget also includes some roof repairs, exterior railings for walkways, minor adjustments to the sprinkler system, and installation of utility services (electrical, HVAC & plumbing).

The 20-unit building shall consist of one studio apartment, 16 one-bedroom apartments, and 3 two-bedroom apartments. These will be market rate apartments with an estimated range of \$1,025 - \$1,650 per unit. All six units in the Carriage House shall be studio apartments. Twenty percent (20%) of the proposed residential units will be affordable to households earning no more than 60% of the area median income (AMI). The five affordable units will be studio apartments and for 2023, the affordable rent amount is set at \$998/month.

III. PROPERTY TAX ABATEMENT/PAYMENT IN LIEU OF TAX AGREEMENT (PILOT)

Check One:

☒ **JOBSPLUS**

Requirements:

- Applicant must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is ____|____.

☐ **LEASEPLUS**

Requirements:

- University and/or medical related facilities in which a 501(c)3 entity leases from a for-profit entity.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **ENHANCED JOBSPLUS**

Requirements:

- A minimum \$15 million investment **AND**
- A minimum of 100 new jobs

☐ **GREEN JOBSPLUS**

Requirements:

- LEED® Certification – Project must be rated as Certified, Gold, Silver or Platinum by the United States Green Building Council's Leadership in Energy and Environmental Design (LEED®) Green Building Rating System.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **SHELTER RENT**

For student housing or affordable housing projects.

☐ **Local Tax Jurisdiction Sponsored PILOT**

☐ **NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT**

IV. APPLICANT PROJECT COSTS

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipment of the project by the APPLICANT.

Building Construction or Renovation

- a. Materials a. \$ 1,050,000
b. Labor b. \$ 750,000

Site Work

- c. Materials c. \$ 50,000
d. Labor d. \$ 50,000
e. Non-Manufacturing Equipment e. \$ 0
f. Manufacturing Equipment f. \$ 0
g. Equipment Furniture and Fixtures g. \$ 0
h. Land and/or Building Purchase h. \$ 1,100,000
i. Soft Costs (Legal, Architect, Engineering) i. \$ 359,739
Other (specify) j. _____ j. \$ _____
k. _____ k. \$ _____
l. _____ l. \$ _____
m. _____ m. \$ _____

Total Project Costs \$ 3,359,739
(must equal Total Sources)

- B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ 0
b. Taxable Industrial Revenue Bond b. \$ 0
c. Bank Financing c. \$ 1,800,000
d. Public Sources d. \$ _____

Identify each state and federal grant/credit

\$ _____

\$ _____

\$ _____

\$ _____

- e. Equity \$ 1,559,739

TOTAL SOURCES \$ 3,359,739
(must equal Total Project Costs)

- C. Has the applicant made any arrangements for the financing of this project

☒ Yes ☐ No

If yes, please specify bank, underwriter, etc.

NexTier Bank

V. COMPLETE FOR EACH USER/TENANT THAT IS SEEKING SALES TAX EXEMPTIONS USER(S)/TENANT(S) PROJECT COSTS

Use additional sheets as necessary

Company Name _____

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement, and/or equipping of the project by the user(s)/tenant(s) for which a sales tax exemption is requested.

Estimated Costs Eligible for Sales Tax Exemption Benefit

- a. Materials a. \$ _____
b. Labor b. \$ _____
c. Non-Manufacturing Equipment c. \$ _____ 0
d. Manufacturing Equipment d. \$ _____ 0
e. Furniture and Fixtures e. \$ _____ 0
Other (specify): f. _____ f. \$ _____

g. _____ g. \$ _____

h. _____ h. \$ _____

i. _____ i. \$ _____

Total Project Costs \$ _____

**Value of Incentives
139 Troup Street LLC**

A. IDA PILOT Benefits:

Current Assessment	\$620,000
Value of New Construction & Renovation Costs	\$1,100,000
Estimated New Assessed Value Subject to IDA	\$1,720,000
Current Taxes	\$27,503
Current Taxes Escalator	2%
PILOT Terms - Years	10
County Tax rate/\$1,000	8.29000
Local Tax Rate* Tax Rate/\$1,000	0.00000
School Tax Rate /\$1,000	36.07000
Total Tax Rate	44.36000

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption:	\$88,000
Estimated duration of ST exemption:	12/31/2024

C. Mortgage Recording Tax Exemption (MRTE) Benefit:

Estimated Value of MRTE:	\$13,500
--------------------------	----------

D. Industrial Revenue Bond Benefit

IRB inducement amount:	\$0
------------------------	-----

E. Percentage of Project Costs financed from Public Sector sources:

Total Value of Incentives:	\$471,282
Project Construction Costs:	\$3,359,739
	14.03%

PILOT Schedule

PILOT Year	% Abatement	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT***	Net Exemption**
	Total	\$30,746	\$0	\$133,775	\$164,520	\$534,303	\$369,782
1	90%	\$912	\$0	\$3,968	\$4,880	\$48,796	\$43,916
2	90%	\$930	\$0	\$4,047	\$4,977	\$49,772	\$44,795
3	80%	\$1,897	\$0	\$8,256	\$10,153	\$50,767	\$40,614
4	80%	\$1,935	\$0	\$8,421	\$10,357	\$51,783	\$41,426
5	70%	\$2,961	\$0	\$12,884	\$15,846	\$52,818	\$36,973
6	70%	\$3,020	\$0	\$13,142	\$16,162	\$53,875	\$37,712
7	60%	\$4,108	\$0	\$17,873	\$21,981	\$54,952	\$32,971
8	60%	\$4,190	\$0	\$18,231	\$22,421	\$56,051	\$33,631
9	50%	\$5,342	\$0	\$23,244	\$28,586	\$57,172	\$28,586
10	50%	\$5,449	\$0	\$23,709	\$29,158	\$58,316	\$29,158

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: 139 Troup Holdco LLC

Applicant: ☒

or

User/Tenant: ☐

Applicant/Tenant creating jobs must submit most recent NYS-45 or equivalent.

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	0	0	1	1
Part Time (PTE)	0	0	0	0
Total	0	0	1	1

** For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Marker Area, in the fourth column. The Labor Marker Area includes: Monroe County, Orleans County, Genesee County, Wyoming County, Livingston County, Ontario County, Wayne County, Yates County, and Seneca County chosen at the Agency's discretion.

This does not include construction jobs created from the renovation and improvement project.

[Remainder of this Page Intentionally Left Blank]

VIII. LOCAL LABOR

To be completed by all Applicants and Users/Tenants of Projects which include the construction of new, expanded or renovated facilities:

Company Name 139 Troup Holdco LLC

Applicant: ☒ **and/or User/Tenant:** ☐

The County of Monroe Industrial Development Agency (IDA) was established for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Monroe County. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Monroe County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs are vital to the overall employment opportunities and economic growth in Monroe County. The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices ("construction workers"), during the construction phase of projects.

JB
Initial **100% Local Labor**
Applicants receiving IDA benefits **must** ensure that the it and/or its contractor/developer hire **100% of its construction workers from the local labor market.**

JB
Initial **Local Labor Market**
For the purpose of this policy, the local labor market is defined as construction workers residing in the following counties in New York State: Monroe, Genesee, Livingston, Orleans, Ontario, Seneca, Steuben, Wayne, Wyoming and Yates.

JB
Initial **Bid Processing**
Local participation in qualified projects receiving IDA economic incentives and benefits is vital to the economic growth of Monroe County. As such, all applicants/contractors/developers of a qualified project with a minimum \$5,000,000 investment must place any and all invitations to bid in the Builders Exchange of Rochester Plan Room (<https://robex.com/planroom/>) two weeks before the bids are due.

JB
Initial **Monitoring**
A third-party auditing firm ("Project Monitor") will be engaged to monitor construction work commencing on the date benefits are granted by resolution of the IDA Board.

Once approved for IDA benefits, all applicants will be required to provide to the Project Monitor and the Exemption Processor (as hereinafter defined) the following information:

1. Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the applicant's project; and
2. Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions.

All Monroe County IDA projects are subject to local monitoring by the IDA and the Project Monitor. Proof of residency or copy of drivers' license shall be checked by the Project Monitor during the Project Monitor's periodic inspection of the project.

The Project Monitor shall issue a report to the IDA staff immediately when an applicant or applicant's contractor is not in compliance with this labor policy. IDA staff shall advise the IDA Board of non-compliance by email or at the next scheduled meeting. If a violation of policy has occurred, the Project Monitor shall notify the applicant and contractor of such non-compliance and give applicant a warning of violation and 72 hours in which to correct such violation. Upon evidence of continued non-compliance or additional violations, the IDA and/or the Project Monitor shall notify the applicant that the project is in violation of the Monroe County IDA Labor Policy and is subject to IDA Board action which may result in the revocation, termination and/or recapture of any or all benefits conferred by the IDA.

JB

Signage

Initial

The applicant/contractor/developer of an IDA approved project shall be required to maintain a sign, provided by the Project Monitor, on the project site at all times during construction. This sign shall be located in an area that is accessible to onsite workers and visitors, which should be clear and legible.

JB

Exemption Process

Initial

In some instances, use of 100% local labor may not be possible for any of the following reasons:

- Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers (a copy of the equipment warranty confirming the use of specific installers must be provided). The granting of an exemption for the use of non-local labor on warranty related grounds is expressly conditioned on either (i) said non-local sub-contractors being enrolled in a New York State certified apprenticeship program (proof of such enrollment shall be provided to the IDA upon request) or (ii) the hiring of an apprentice/apprentices or local construction laborer(s) to assist in the installation.
- Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work (proof of communication with local contractors, or details of the specialized construction must be provided);
- Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project. Three (3) bids are required and a cost differential of 25% is deemed significant. Where there is a significant cost differential, that if the local labor contractor agrees to reduce the bid to the average of the two bids, no waiver will be granted. However, if the average is still 25% or more, a waiver will be granted (copies of all bids/proposals received, including pricing, must be provided to confirm cost differential).
- No local labor available for the project (if local bids were solicited with no response, please provide a copy of the bid, explain how it was advertised, and list who the bids were requested from).

The request to secure an exemption for the use of non-local labor must be received from the applicant on the exemption form provided by the IDA or the 3rd party exemption monitor (the "Exemption Processor") and received by the Exemption Process forty-five (45) days in advance of work commencing. The request will be reviewed by the Exemption Processor and forwarded to the IDA, at which time the IDA's Executive Director shall have the authority to approve or disapprove the exemption. The Exemption Processor shall report each authorized exemption to the Board of Directors at its monthly meeting.

The applicant has read the Labor Policy and agrees to adhere to it without changes and shall require its construction manager, general contractor and sub-contractors who are not exempt to acknowledge the same.

The foregoing terms have been read, reviewed and understood by the Applicant or User/Tenant and all appropriate personnel. Furthermore, the undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialman. Furthermore, the undersigned agrees to post and maintain a sign, provided by COMIDA, in a prominent, easily accessible location, identifying the project as a recipient of COMIDA assistance and the local labor requirements associated with this assistance.

Furthermore, the undersigned realizes that failure to abide by the terms herein could result in COMIDA revoking all or any portion of benefits it deems reasonable in its sole discretion for any violation hereof.

139 Troup Holdco LLC

(APPLICANT COMPANY)

Joseph Burkart	Digitally signed by Joseph Burkart Date: 2023.11.06 16:03:31 -05'00'	Managing Mem	11-06-23
Signature		, Title	Date

(TENANT COMPANY)

Joseph Burkart	Digitally signed by Joseph Burkart Date: 2023.11.06 16:06:05 -05'00'		
Signature		, Title	Date

IX. FEES

Transaction Type	Fees
Lease/Leaseback including any/all of the following: 1. PILOT Agreement 2. Sales and Tax Exemption* 3. Mortgage Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.75% of the total project cost Legal Fee: 0.33% of the IDA fee. Minimum fee of \$4,000.
Sales Tax Exemption* and/or Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.50% of the total project cost Legal Fee: 0.33% of the IDA fee. Minimum fee of \$4,000 if transaction includes mortgage recording tax exemption. Minimum fee of \$750 if transaction is sales tax exemption only.
Bond: Taxable or Tax-Exempt with Lease/Leaseback Including any/all of the following: 1. PILOT Agreement 2. Sales Tax Exemption* 3. Mortgage Tax Exemption	Application fee: Non-refundable \$350 IDA Fee: 1.25% of the total project cost Legal Fee: 0.33% of IDA fee Designated Bond Counsel fee is based on the complexity and amount of the transaction
Bond: Taxable or Tax-Exempt	Application fee: Non-refundable \$350 IDA Fee: 1.00% of the total project cost Legal fee: 0.33% of the IDA fee Designated Bond Counsel fee is based on the complexity and amount of the transaction.

*If the sales tax benefits are required prior to closing, a non-refundable twenty-five percent (25%) of the IDA fee and Legal fees are payable at that time. This amount will be applied towards the IDA fee and Legal fee.

139 Troup Holdco LLC

(APPLICANT COMPANY)

Joseph Burkart Digitally signed by Joseph Burkart
Date: 2023.11.06 16:03:46 -05'00'

Managing Member

11-06-23

Signature , Title Date

(TENANT COMPANY)

Joseph Burkart Digitally signed by Joseph Burkart
Date: 2023.11.06 16:05:04 -05'00'

Signature , Title Date

X. CERTIFICATION

The undersigned company officer and/or user/tenant officer each hereby certifies, on behalf of the company and/or user/tenant, respectively (each singularly and together, the "Applicant"), as follows:

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which have ownership of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
 § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- D. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- E. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- F. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- G. Pay Equity: The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- H. Applicant hereby releases the COMIDA ("Agency") from, 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 (A) the Agency's examination and processing of, and action pursuant to or upon, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits 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, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement 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 New York State and local sales and use tax exemption benefits, is true, accurate and complete.

APPLICANT COMPANY

139 Troup Holdco LLC

Joseph Burkart	Digitally signed by Joseph Burkart Date: 2023.11.06 16:03:59 -05'00'	Managing Member	11-06-23
Signature		, Title	Date

TENANT COMPANY

Joseph Burkart	Digitally signed by Joseph Burkart Date: 2023.11.06 16:04:33 -05'00'		
Signature		, Title	Date



APPLICATION SUMMARY

DATE: December 19, 2023

APPLICANT:

JM&J Leasing Henrietta, LLC
100 Thielman Dr.
Buffalo, NY 14206

TENANT/PROJECT LOCATION:

Skyworks, LLC
Middle Road
Henrietta, NY 14467

PROJECT SUMMARY:

JM&J Leasing Middle Road, LLC, a real estate holding company, is proposing the construction of a new 27,000 sq. ft. facility in the Town of Henrietta for their tenant Skyworks, LLC, a related entity. Skyworks is an equipment rental, sales and service company headquartered in Buffalo, NY and has locations in 10 states. Skyworks is currently located in Gates, but needs to relocate and expand in order to meet the growing customer needs. The new facility would consist of office, shop, and warehouse space. Skyworks plans to create 5 new FTE's in addition to its existing 23 FTE's. The \$7 million project is seeking a real property tax abatement, mortgage recording tax and sales tax exemption. The cost benefit ratio is 11:1.

PROJECT AMOUNT:

\$7,096,000 Lease/Leaseback with Abatement
\$359,440 Sales Tax Exemption (Landlord)
\$40,000 Sale Tax Exemption (Tenant)
\$53,220 Mortgage Recording Tax Exemption

JOBS: EXISTING:
NEW:
REQUIREMENT:

23	FTEs
5	FTEs
2	FTEs

PUBLIC HEARING DATE:

December 14, 2023

BENEFIT TO INCENTIVE RATIO:

11:1

SEQR:

REVIEWED AND PROCESS IS COMPLETE.

ELIGIBILITY:

NEW COMMERCIAL CONSTRUCTION WITH INCREASE TO THE TAX BASE

APPROVED PURPOSE:

JOB CREATION

Monroe County Industrial Development Agency
MRB Cost Benefit Calculator

Date December 19, 2023
Project Title JM&J Leasing Henrietta, LLC
Project Location Middle Road, Henrietta NY 14467



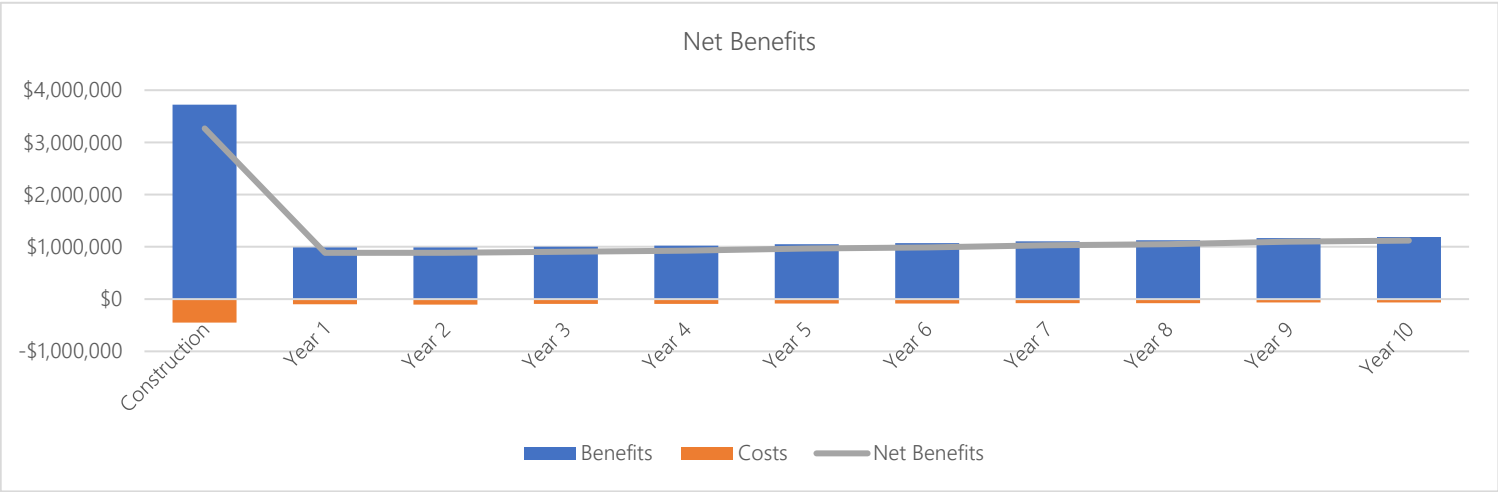
Economic Impacts

Summary of Economic Impacts over the Life of the PILOT
Project Total Investment
\$7,096,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	24	20	43
Earnings	\$2,376,414	\$1,137,099	\$3,513,513
Local Spend	\$5,676,800	\$3,378,617	\$9,055,417

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	5	10	15
Earnings	\$3,931,573	\$5,839,196	\$9,770,769

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

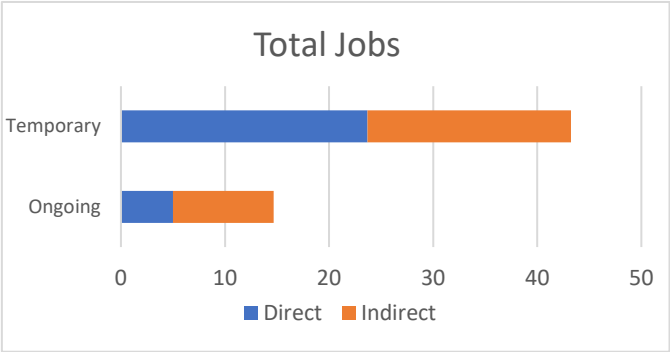
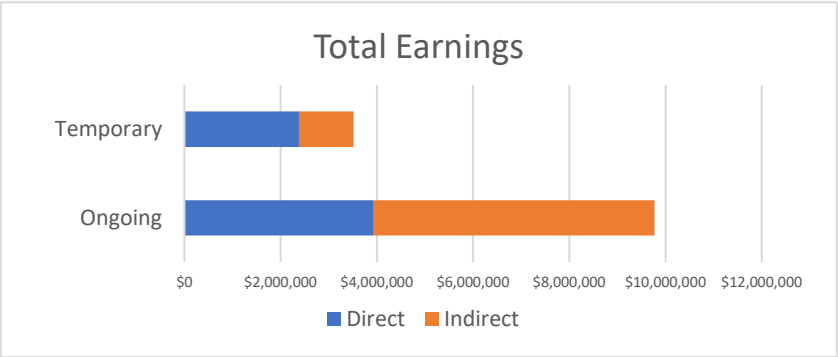


Figure 3



Ongoing earnings are all earnings over the life of the PILOT.

Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$843,804	\$764,148
Sales Tax Exemption	\$399,440	\$399,440
Local Sales Tax Exemption	\$199,720	\$199,720
State Sales Tax Exemption	\$199,720	\$199,720
Mortgage Recording Tax Exemption	\$53,220	\$53,220
Local Mortgage Recording Tax Exemption	\$17,740	\$17,740
State Mortgage Recording Tax Exemption	\$35,480	\$35,480
Total Costs	\$1,296,464	\$1,216,808

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$13,752,689	\$12,679,445
To Private Individuals	\$13,284,282	\$12,266,090
Temporary Payroll	\$3,513,513	\$3,513,513
Ongoing Payroll	\$9,770,769	\$8,752,577
Other Payments to Private Individuals	\$0	\$0
To the Public	\$468,407	\$413,355
Increase in Property Tax Revenue	\$375,417	\$327,492
Temporary Jobs - Sales Tax Revenue	\$24,595	\$24,595
Ongoing Jobs - Sales Tax Revenue	\$68,395	\$61,268
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$690,783	\$637,837
To the Public	\$690,783	\$637,837
Temporary Income Tax Revenue	\$158,108	\$158,108
Ongoing Income Tax Revenue	\$439,685	\$393,866
Temporary Jobs - Sales Tax Revenue	\$24,595	\$24,595
Ongoing Jobs - Sales Tax Revenue	\$68,395	\$61,268
Total Benefits to State & Region	\$14,443,472	\$13,317,281

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$12,679,445	\$981,608	13:1
State	\$637,837	\$235,200	3:1
Grand Total	\$13,317,281	\$1,216,808	11:1

*Discounted at 2%

Additional Comments from IDA

0

Does the IDA believe that the project can be accomplished in a timely fashion?

Yes

Motion By: _____
Seconded By: _____

RESOLUTION

(JM&J Leasing Henrietta LLC and Skyworks, LLC Project)
 OSC Code 2602-23-034A and 2602-23-035A

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Ebenezer Watts Center, 47 S. Fitzhugh St., Rochester, New York 14614, on December 19, 2023 at 12:00 p.m.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON DECEMBER 14, 2023, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN BY JM&J LEASING HENRIETTA, LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (THE "COMPANY") AND SKYWORKS, LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (THE "TENANT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AND THE TENANT AS AGENTS OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY AND THE TENANT IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, **JM&J LEASING HENRIETTA LLC**, a New York limited liability company for itself or a related entity formed or to be formed (collectively, the "Company") and **SKYWORKS, LLC**, a limited liability company for itself or a related entity formed or to be formed (collectively, the "Tenant") have requested that the Agency assist with a certain Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in an approximately 9.23-acre parcel of land located on Middle Road in the Town of Henrietta, New York 14467 and all other lands in the Town of Henrietta where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"); (B) the

construction on the Land of an approximately 27,000 square-foot building, approximately 6,000 square feet of which will be used as office space, approximately 11,000 square feet of which will be used for the repair and remanufacture of construction equipment, and approximately 10,000 square feet of which will be warehouse space (collectively, the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land and the Improvements, the "Facility") to be subleased to the Tenant for use in its business as a family-owned and operated full-service equipment rental, sales and service company; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, pursuant to Section 859-a of the Act, on Thursday, December 14, 2023, at 11:30 a.m., local time, in the Main Meeting Room at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York 14623, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as defined below) being contemplated by the Agency, whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, it is contemplated that the Agency will (i) negotiate project agreements (the "Project Agreements"), pursuant to which the Agency will appoint the Company and the Tenant, respectively, as its agents for the purpose of undertaking the Project, (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), leaseback agreement (the "Leaseback Agreement") and payment-in-lieu-of-tax agreement (the "PILOT Agreement") with the Company and (iii) provide financial assistance (the "Financial Assistance") to the Company and the Tenant in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Facility, (b) a partial mortgage recording tax exemption for financing relating to the Project and (c) a partial real property tax abatement structured through the PILOT Agreement; and

WHEREAS, the Company has agreed to indemnify the Agency against certain losses, claims, expenses, damages and liabilities which may arise in connection with the transactions contemplated by the lease of the Facility; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project; and

WHEREAS, the Town Board of the Town of Henrietta (the "Town Board"), as lead agency, conducted an uncoordinated review of the Project pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), which resulted in the issuance of a negative declaration by the Town Board, dated October 25, 2023 (the "Negative Declaration"), concluding the SEQRA process.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company and the Tenant to the Agency in the application and other correspondence submitted by the Company and the Tenant to the Agency, the Agency hereby finds and determines that:

(a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Facility constitutes a "project", as such term is defined in the Act; and

(c) It is desirable and in the public interest for the Agency to appoint the Company and the Tenant as its agents for purposes of undertaking the Project; and

(d) The action to be taken by the Agency will induce the Company to undertake the Project, thereby increasing employment opportunities in Monroe County and otherwise furthering the purposes of the Agency as set forth in the Act; and

(e) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(f) The Town Board has conducted a review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). In addition to classifying the Project as an "Unlisted Action" pursuant to SEQRA, the Town Board also issued a Negative Declaration on October 25, 2023, determining that the Project did not present a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Town Board pursuant to 6 N.Y.C.R.R. § 617.7.

Section 2. The Agency hereby approves the cost/benefit report submitted by the Company listing the proposed cost/benefits of the Project.

Section 3. Subject to the Company and the Tenant executing respective Project Agreements and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company and the Tenant to proceed with the acquisition, construction and equipping of the

Project and hereby appoints the Company and the Tenant as the true and lawful agents of the Agency to acquire, construct and equip the Facility, and such appointment includes the following activities as they relate to the construction, erection, completion, use, repair and maintenance of the Improvements and the purchase, use, lease, placement, installation, repair, maintenance and replacement of the Equipment, whether or not any materials or supplies described below are incorporated into or become an integral part of the Improvements or the Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with acquiring, constructing, equipping, repairing and maintaining the Facility, (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description in connection with acquiring, constructing, equipping, repairing and maintaining the Facility, and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under the Improvements, Land or the Equipment, including all repairs, maintenance and replacement of all such property. Said agents are authorized to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agents for the Agency, and in general to do all things which may be requisite or proper for completing the Facility, all with the same powers and with the same validity as the Agency could do if acting on its own behalf. As agents of the Agency, the Company and the Tenant are authorized to delegate such agency, in whole or in part, to agents, subagents, contractors, subcontractors, contractors and subcontractors of such agents and subagents and to such other parties as the Company and/or the Tenant chooses; provided, however, the Project Agreements shall expire on **December 31, 2025** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency) if the Lease Agreement, Leaseback Agreement and PILOT Agreement contemplated have not been executed and delivered. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are authorized and directed to execute and deliver to said agent an appropriate letter on Agency letterhead describing the authority granted under this resolution.

Section 4. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$4,493,000** which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$359,440**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; (ii) a mortgage (or mortgages), in connection with the financing of the Facility or portions thereof and including any refinancing thereof, securing an aggregate principal amount not to exceed **\$7,096,000**, resulting in a mortgage tax exemption not to exceed **\$53,220**; and (iii) a partial real property tax abatement.

Section 5. Based upon the representation and warranties made by the Tenant in its application for financial assistance, the Agency hereby authorizes and approves (i) the Tenant as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$500,000** which result in New York State and local sales and use tax exemption benefits not to exceed **\$40,000**. The Agency agrees to consider any requests by the Tenant for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 6. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company and/or the Tenant, their respective agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company and/or the Tenant, their respective agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company and/or the Tenant, their respective agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company and/or the Tenant, their respective agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the sales and use tax exemption benefits are taken in cases where the Company and/or the Tenant, their respective agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving sales and use tax exemption benefits, the Company and/or the Tenant, their respective agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 7. The form and substance of the Lease Agreement, the Leaseback Agreement and the PILOT Agreement (each in substantially the forms presented to the Agency and which, prior to the execution and delivery thereof, may be redated) are hereby approved.

Section 8. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to negotiate and execute (A) the Lease Agreement whereby the Company leases the Project to the Agency, (B) the related Leaseback Agreement conveying the Project back to the Company, and (C) the PILOT Agreement; provided, that, (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 9. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement and PILOT Agreement are collectively referred to as, the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency (if any) to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Executive Director, Deputy Director,

Chairman or Vice Chairman of the Agency shall approve, the execution thereof by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 10. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 11. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli				
Troy Milne				
Lisa Bolzner				
Joseph Alloco				
Rhett King				
Norman Jones				
Ann L. Burr				

The Resolutions were thereupon duly adopted.

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

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on December 19, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 19th day of December, 2023.

Ana J. Liss, Executive Director



APPLICATION FOR ASSISTANCE

Each applicant seeking assistance must complete this application and provide required supplemental forms/documentation.

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law, except for information that is considered deniable by the Freedom of Information Law. This form is available at www.monroecountybusiness.org/application.

Please send completed application via email to EconomicDevelopment@monroecounty.gov. A **non-refundable** application fee of \$350.00 is required. Please see page 12 for additional information on costs and fees.

I. APPLICANT

A. Applicant Information

Name: JM&J Leasing Henrietta, LLC
Address: 100 Thielman Drive
City/State/Zip: Buffalo, NY 14206
Tax Id No.: 93 2787536
Contact Name: Chad LaCivita
Title: VP of Operations
Telephone: 585-749-4936
E-Mail: chadL@skyworksLLc.com

B. Applicant's Legal Counsel

Name: Jerry Goldman
Firm: Woods Oviatt Gilman LLP
Address: 1900 Bausch & Lomb Place
City/State/Zip: Rochester, NY 14604
Telephone: 585-987-2901
Email: jgoldman@woodsoviatt.com

C. Owners of Applicant Company (must total 100%). If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
JM&J Leasing Middle Road, LLC	100 %	Manager
(c/o Jerry R Reinhart)	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	

II. PROJECT

A. Address of proposed project facility

Address: 0 Middle Road

Tax Map Parcel Number: 175.080-01-26.1

City/Town/Village: Henrietta, NY 14467

School District: Rush Henrietta CSD

Zip: 14467

Current Legal Owner of Property:

JM&J Leasing Middle Road, LLC

B. Benefits Requested (Check all that apply)

- ☒ Sales Tax Exemption
- ☒ Mortgage Recording Tax Exemption
- ☒ Real Property Tax Abatement
- ☐ Industrial Revenue Bond Financing

C. Description of project (check all that apply)

- ☒ New Construction
- ☐ Existing Facility
- ☐ Acquisition
- ☐ Expansion
- ☐ Renovation/Modernization
- ☒ Acquisition of machinery/equipment
- ☐ Other (specify) _____

D. Proposed User(s)/Tenant(s) of the Facility

If there are multiple Users/Tenants, please attach additional pages.

Are the user and owner related entities? ☒ Yes ☐ No

Company Name: Skyworks, LLC

Address: 100 Thielman Drive

City/State/Zip: Buffalo, NY 14206

Tax ID No: 16 1560664

Contact Name: Chad A LaCivita

Title: VP of Operations

Telephone: 585-749-4936

Email: chadL@skyworksLLC.com

% of facility to be occupied by user/tenant 100%

E. Owners of User/Tenant Company (must total 100%)

If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
<u>Jerry R Reinhart</u>	<u>99 %</u>	<u>President / CEO</u>
<u>Jerry J Reinhart</u>	<u>0 %</u>	<u>Memnber .333%</u>
<u>Maiya A Reinhart</u>	<u>0 %</u>	<u>Member .333%</u>
<u>Jesse R Reinhart</u>	<u>0 %</u>	<u>Member .333%</u>

F. Project Timeline

Proposed Date of Acquisition: Already Acquired

Proposed Commencement Date of Construction: Feb 2024

Anticipated Completion Date: March 2025

G. Contractor(s)

Manning Squires Henning

II. PROJECT (cont'd)

H. DESCRIPTION OF THE PROJECT AND BACKGROUND ON USER(S) OF THE FACILITY

NAICS Code: 532412

The new facility will be occupied by Skyworks, LLC. The building will be approximately 27,000 sq. ft facility with:

- 6000 sq. ft. of Office Space
- 11,000 sq. ft. of Shop Space (Repair and remanufacture of Construction Equipment
- 10,000 sq. ft. of Warehouse Space

Background on User: Skyworks, LLC is headquartered in Buffalo, NY and has over 600 employees throughout the country.

Skyworks, a family owned and operated - full-service equipment rental, sales and service company, opened its first branch in Buffalo, New York by Jerry R. Reinhart in 1999. As of October 2023, Skyworks now owns and operates 26 branches across the country. Due to Mr. Reinhart's passion and enthusiasm for our industry and through a very strategic expansion process over the last 24 years, Skyworks is now located in the following 10 states: Alabama, Florida, Indiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Texas. Skyworks also has access to servicing customers through our sister company JRG Equipment Rental and Sales, who operate out of Maryland, North Carolina, and Virginia.

Our customers are our number one priority. It is part of our culture and why we chose to be in this industry. It is a principle that we have instilled in all our employees, from our yard personnel up to the VP of operations and0, of course, Mr. Reinhart, himself. Which created and drives our mission statement:

"Creating a team inspired by a positive culture that builds exceptional customer experiences."

We know that it takes the right equipment for our customers to get the job done. That is why Skyworks rents and sells equipment from the top manufacturers in our industry. From small equipment to large – we have what you need.

Two mainstays of our industry are service and safety. We have over 110 factory-trained technicians working to ensure that we deliver safe and reliable equipment to our customers. We follow a progressive and meticulous maintenance schedule to ensure that we minimize on site down time and that our equipment is safe.

So, whether you are looking to rent, buy, or have service performed on our equipment or yours, try THE SKYWORKS difference. It is in the Culture and the People. We are here because we love what we do and that is taking care of you the customer.

II. PROJECT (cont'd)

I. Would the project be undertaken without financial assistance from the Agency? ☐ Yes ☒ No

Please explain why financial assistance is necessary.

- Costs to build facilities of this nature have greatly increased over the last 4 years actually doubling in price.

- We can stay in our current facility in gates, however we see increased opportunity for growth in the Rochester area and a new building would help us grow in the area and better meet customer needs.

J. Are other facilities or related companies located within New York State?

☒ Yes ☐ No

Location: Albany, Buffalo, Rochester, Syracuse and Elmira

Will the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state? ☐ Yes ☒ No

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

☒ Yes ☐ No

If Yes to either question, explain how the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Applicant or User's competitive position in its respective industry:

Skyworks currently operates our Rochester

location from: 63 Pixley Street Ext, Rochester,

NY 14627. We have outgrown this location and

will sell or Lease this current location

K. State Environmental Quality Review (SEQR) Act Compliance

COMIDA, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR).

Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

☒ YES - Include a copy of any SEQR documents related to this Project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration, etc.

☐ NO

III. PROPERTY TAX ABATEMENT/PAYMENT IN LIEU OF TAX AGREEMENT (PILOT)

Check One:

☒ **JOBSPLUS**

Requirements:

- Applicant must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is 2.

☐ **LEASEPLUS**

Requirements:

- University and/or medical related facilities in which a 501(c)3 entity leases from a for-profit entity.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **ENHANCED JOBSPLUS**

Requirements:

- A minimum \$15 million investment **AND**
- A minimum of 100 new jobs

☐ **GREEN JOBSPLUS**

Requirements:

- LEED® Certification – Project must be rated as Certified, Gold, Silver or Platinum by the United States Green Building Council's Leadership in Energy and Environmental Design (LEED®) Green Building Rating System.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ **SHELTER RENT**

For student housing or affordable housing projects.

☐ **Local Tax Jurisdiction Sponsored PILOT**

☐ **NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT**

IV. APPLICANT PROJECT COSTS

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipment of the project by the APPLICANT.

Building Construction or Renovation

- a. Materials a. \$ 3,795,000
b. Labor b. \$ 1,542,000

Site Work

- c. Materials c. \$ 650,000
d. Labor d. \$ 840,000
e. Non-Manufacturing Equipment e. \$ 48,000
f. Manufacturing Equipment f. \$ _____
g. Equipment Furniture and Fixtures g. \$ _____
h. Land and/or Building Purchase h. \$ _____
i. Soft Costs (Legal, Architect, Engineering) i. \$ 221,000
Other (specify) j. _____ j. \$ _____
k. _____ k. \$ _____
l. _____ l. \$ _____
m. _____ m. \$ _____

Total Project Costs \$ 7,096,000
(must equal Total Sources)

- B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ _____
b. Taxable Industrial Revenue Bond b. \$ _____
c. Bank Financing c. \$ 7,096,000
d. Public Sources d. \$ _____

Identify each state and federal grant/credit

_____ \$ _____
_____ \$ _____
_____ \$ _____
_____ \$ _____

- e. Equity \$ _____
TOTAL SOURCES \$ 7,096,000
(must equal Total Project Costs)

- C. Has the applicant made any arrangements for the financing of this project

☒ Yes ☐ No

If yes, please specify bank, underwriter, etc.

Financing is being secured with 5 Star Bank
Project will be paid for with ABL Line and
Financed
after completion

V. COMPLETE FOR EACH USER/TENANT THAT IS SEEKING SALES TAX EXEMPTIONS USER(S)/TENANT(S) PROJECT COSTS

Use additional sheets as necessary

Company Name Skyworks, LLC

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement, and/or equipping of the project by the user(s)/tenant(s) for which a sales tax exemption is requested.

Estimated Costs Eligible for Sales Tax Exemption Benefit

- a. Materials a. \$ _____
b. Labor b. \$ _____
c. Non-Manufacturing Equipment c. \$ _____
d. Manufacturing Equipment d. \$ _____
e. Furniture and Fixtures e. \$ 500,000

Other (specify): f. _____ f. \$ _____

g. _____ g. \$ _____

h. _____ h. \$ _____

i. _____ i. \$ _____

Total Project Costs \$ 500,000

Value of Incentives
JM&J Leasing Henrietta, LLC

A. IDA PILOT Benefits:

Current Assessment	\$784,600
Value of New Construction & Renovation Costs	\$4,445,000
Estimated New Assessed Value Subject to IDA	\$5,229,600
Current Taxes	\$19,654
Current Taxes Escalator	2%
PILOT Terms - Years	10
County Tax rate/\$1,000	6.44000
Local Tax Rate* Tax Rate/\$1,000	1.06000
School Tax Rate /\$1,000	17.55000
Total Tax Rate	25.05000

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption:	\$399,440
Estimated duration of ST exemption:	12/31/2025

C. Mortgage Recording Tax Exemption (MRTE) Benefit:

Estimated Value of MRTE:	\$53,220
--------------------------	----------

D. Industrial Revenue Bond Benefit

IRB inducement amount:	\$0
------------------------	-----

E. Percentage of Project Costs financed from Public Sector sources:

Total Value of Incentives:	\$1,296,464
Project Construction Costs:	\$7,096,000
	18.27%

PILOT Schedule

PILOT Year	% Abatement	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT***	Net Exemption**
	Total	\$96,514	\$15,886	\$263,017	\$375,417	\$1,219,221	\$843,804
1	90%	\$2,863	\$471	\$7,801	\$11,135	\$111,347	\$100,213
2	90%	\$2,920	\$481	\$7,957	\$11,357	\$113,574	\$102,217
3	80%	\$5,956	\$980	\$16,232	\$23,169	\$115,846	\$92,677
4	80%	\$6,076	\$1,000	\$16,557	\$23,633	\$118,163	\$94,530
5	70%	\$9,296	\$1,530	\$25,332	\$36,158	\$120,526	\$84,368
6	70%	\$9,482	\$1,561	\$25,839	\$36,881	\$122,936	\$86,055
7	60%	\$12,895	\$2,122	\$35,141	\$50,158	\$125,395	\$75,237
8	60%	\$13,153	\$2,165	\$35,843	\$51,161	\$127,903	\$76,742
9	50%	\$16,770	\$2,760	\$45,700	\$65,231	\$130,461	\$65,231
10	50%	\$17,105	\$2,815	\$46,614	\$66,535	\$133,070	\$66,535

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Skyworks, LLC

Applicant: ☐ **or** **User/Tenant:** ☒

Applicant/Tenant creating jobs must submit most recent NYS-45 or equivalent.

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	23	23	5	5
Part Time (PTE)	0	0	0	0
Total	23	23	5	5

** For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Marker Area, in the fourth column. The Labor Marker Area includes: Monroe County, Orleans County, Genesee County, Wyoming County, Livingston County, Ontario County, Wayne County, Yates County, and Seneca County chosen at the Agency's discretion.

[Remainder of this Page Intentionally Left Blank]

VIII. LOCAL LABOR

To be completed by all Applicants and Users/Tenants of Projects which include the construction of new, expanded or renovated facilities:

Company Name Skyworks, LLC

Applicant: ☒ **and/or User/Tenant:** ☒

The County of Monroe Industrial Development Agency (IDA) was established for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Monroe County. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Monroe County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs are vital to the overall employment opportunities and economic growth in Monroe County. The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices ("construction workers"), during the construction phase of projects.

CAL
Initial **100% Local Labor**
Applicants receiving IDA benefits **must** ensure that the it and/or its contractor/developer hire **100% of its construction workers from the local labor market.**

CAL
Initial **Local Labor Market**
For the purpose of this policy, the local labor market is defined as construction workers residing in the following counties in New York State: Monroe, Genesee, Livingston, Orleans, Ontario, Seneca, Steuben, Wayne, Wyoming and Yates.

CAL
Initial **Bid Processing**
Local participation in qualified projects receiving IDA economic incentives and benefits is vital to the economic growth of Monroe County. As such, all applicants/contractors/developers of a qualified project with a minimum \$5,000,000 investment must place any and all invitations to bid in the Builders Exchange of Rochester Plan Room (<https://robex.com/planroom/>) two weeks before the bids are due.

CAL
Initial **Monitoring**
A third-party auditing firm ("Project Monitor") will be engaged to monitor construction work commencing on the date benefits are granted by resolution of the IDA Board.

Once approved for IDA benefits, all applicants will be required to provide to the Project Monitor and the Exemption Processor (as hereinafter defined) the following information:

1. Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the applicant's project; and
2. Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions.

All Monroe County IDA projects are subject to local monitoring by the IDA and the Project Monitor. Proof of residency or copy of drivers' license shall be checked by the Project Monitor during the Project Monitor's periodic inspection of the project.

The Project Monitor shall issue a report to the IDA staff immediately when an applicant or applicant's contractor is not in compliance with this labor policy. IDA staff shall advise the IDA Board of non-compliance by email or at the next scheduled meeting. If a violation of policy has occurred, the Project Monitor shall notify the applicant and contractor of such non-compliance and give applicant a warning of violation and 72 hours in which to correct such violation. Upon evidence of continued non-compliance or additional violations, the IDA and/or the Project Monitor shall notify the applicant that the project is in violation of the Monroe County IDA Labor Policy and is subject to IDA Board action which may result in the revocation, termination and/or recapture of any or all benefits conferred by the IDA.

CAL

Initial

Signage

The applicant/contractor/developer of an IDA approved project shall be required to maintain a sign, provided by the Project Monitor, on the project site at all times during construction. This sign shall be located in an area that is accessible to onsite workers and visitors, which should be clear and legible.

CAL

Initial

Exemption Process

In some instances, use of 100% local labor may not be possible for any of the following reasons:

- Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers (a copy of the equipment warranty confirming the use of specific installers must be provided). The granting of an exemption for the use of non-local labor on warranty related grounds is expressly conditioned on either (i) said non-local sub-contractors being enrolled in a New York State certified apprenticeship program (proof of such enrollment shall be provided to the IDA upon request) or (ii) the hiring of an apprentice/apprentices or local construction laborer(s) to assist in the installation.
- Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work (proof of communication with local contractors, or details of the specialized construction must be provided);
- Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project. Three (3) bids are required and a cost differential of 25% is deemed significant. Where there is a significant cost differential, that if the local labor contractor agrees to reduce the bid to the average of the two bids, no waiver will be granted. However, if the average is still 25% or more, a waiver will be granted (copies of all bids/proposals received, including pricing, must be provided to confirm cost differential).
- No local labor available for the project (if local bids were solicited with no response, please provide a copy of the bid, explain how it was advertised, and list who the bids were requested from).

The request to secure an exemption for the use of non-local labor must be received from the applicant on the exemption form provided by the IDA or the 3rd party exemption monitor (the "Exemption Processor") and received by the Exemption Process forty-five (45) days in advance of work commencing. The request will be reviewed by the Exemption Processor and forwarded to the IDA, at which time the IDA's Executive Director shall have the authority to approve or disapprove the exemption. The Exemption Processor shall report each authorized exemption to the Board of Directors at its monthly meeting.

The applicant has read the Labor Policy and agrees to adhere to it without changes and shall require its construction manager, general contractor and sub-contractors who are not exempt to acknowledge the same.

The foregoing terms have been read, reviewed and understood by the Applicant or User/Tenant and all appropriate personnel. Furthermore, the undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialman. Furthermore, the undersigned agrees to post and maintain a sign, provided by COMIDA, in a prominent, easily accessible location, identifying the project as a recipient of COMIDA assistance and the local labor requirements associated with this assistance.

Furthermore, the undersigned realizes that failure to abide by the terms herein could result in COMIDA revoking all or any portion of benefits it deems reasonable in its sole discretion for any violation hereof.

JM&J Leasing Middle Road, LLC

Skyworks, LLC

(APPLICANT COMPANY)

Chad LaCivita	Digitally signed by Chad LaCivita Date: 2023.11.21 13:53:07 -05'00'	VP	11/21/23
Signature		, Title	Date

(TENANT COMPANY)

Chad LaCivita	Digitally signed by Chad LaCivita Date: 2023.11.21 13:53:21 -05'00'	VP	11/21/23
Signature		, Title	Date

IX. FEES

Transaction Type	Fees
Real Property Tax Abatement (PILOT Agreement) including Sales Tax Exemption* and/or partial Mortgage Recording Tax Exemption.	Application Fee: Non-refundable \$350.00 IDA Fee: 0.75% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000.
Sales Tax Exemption* and/or Partial Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.50% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000 if transaction includes mortgage recording tax exemption. Minimum fee of \$750 if transaction is sales tax exemption only.
Bond: Taxable or Tax-Exempt Including any/all of the following: 1. PILOT Agreement 2. Sales Tax Exemption 3. Partial Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 1.25% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.
Bond: Taxable or Tax-Exempt	Application Fee: Non-refundable \$350.00 IDA Fee: 1.00% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.

*If the sales tax benefits are required prior to closing, a non-refundable twenty-five percent (25%) of the IDA fee and Legal fees are payable at that time. This amount will be applied towards the IDA fee and Legal fee.

JM&J Leasing Middle Road, LLC
(APPLICANT COMPANY)

Skyworks, LLC
(TENANT COMPANY)

[Signature] VP 11-21-23
Signature , Title Date

[Signature] VP 11-21-23
Signature , Title Date

X. CERTIFICATION

The undersigned company officer and/or user/tenant officer each hereby certifies, on behalf of the company and/or user/tenant, respectively (each singularly and together, the "Applicant"), as follows:

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which have ownership of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
 § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- D. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- E. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- F. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- G. Pay Equity: The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- H. Applicant hereby releases the COMIDA ("Agency") from, 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 (A) the Agency's examination and processing of, and action pursuant to or upon, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits 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, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement 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 New York State and local sales and use tax exemption benefits, is true, accurate and complete.

APPLICANT COMPANY

JM&J Leasing Middle Road, LLC

Chad LaCivita	<small>Digitally signed by Chad LaCivita Date: 2023.11.21 13:53:39 -05'00'</small>	VP	11/21/23
Signature		, Title	Date

TENANT COMPANY

Skyworks, LLC

Chad LaCivita	<small>Digitally signed by Chad LaCivita Date: 2023.11.21 13:53:51 -05'00'</small>	VP	11/21/23
Signature		, Title	Date

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON OCTOBER 25, 2023 AT 6:00 P.M.

RESOLUTION #22-356/2023

To issue a Negative Declaration and approve Special Use Permit No. 2023-037 to establish a Skyworks equipment rental and sales facility at 65 Middle Road.

On Motion of
Councilmember Page

Seconded by
Councilmember Bolzner

WHEREAS, Skyworks, LLC has applied for a Special Use Permit, Application No. 2023-037, to allow an equipment rental and sales facility on that parcel, (the "Application") to be located in a Commercial B-2 Zoning District, at 65 Middle Road, Rochester, New York 14623, Tax ID #175.08-1-26.1 (the "Property"), or as more particularly described in plans on file in the Town Clerk's Office; and

WHEREAS, a public hearing was duly advertised and held relative to the same.

THEREFORE, BE IT RESOLVED, that pursuant to the State Environmental Quality Review Act, in accordance with the EAF Parts 1, 2, and 3, attached hereto and accepted and approved, the Application will not have a significant environmental impact and the Town Board issues a Negative Declaration relative to the Application.

BE IT FURTHER RESOLVED, that the Town Board has considered the Special Use Permit factors for Application No. 2023-037 to allow an equipment rental and sales facility on that parcel, in a Commercial B-2 Zoning District, and, based upon the record, including all materials submitted related to such Application, and based upon those reasons discussed at the public meeting related to the same, and so long as compliant with the conditions set forth herein, finds that said Special Use Permit factors favor approval of the application.

BE IT FURTHER RESOLVED, that the Town Board approves Special Use Permit Application No. 2023-037 to allow an equipment rental and sales facility on that parcel in a Commercial B-2 Zoning District, subject to the following condition:

- 1) Must receive Planning Board site plan approval.

Duly put to a vote:

Councilmember Sefranek	Aye
Councilmember Bolzner	Aye
Councilmember Page	Aye
Councilmember Bellanca	Aye
Supervisor Schultz	Aye

RESOLUTION ADOPTED



TOWN OF HENRIETTA
County of Monroe
State of New York

475 Calkins Road, Rochester, NY 14623
(585) 334-7700 • www.henrietta.org

TOWN OF HENRIETTA
APPLICATION TO TOWN BOARD
- SPECIAL USE PERMIT -

Appeal No. SP. 2023-037
Date 9/20/23

Applicant: Skyworks, LLC by Jerry A. Goldman, attorney & agent jgoldman@woodsaviatt.com

1900 Bausch & Lomb Place Rochester New York 14604 (585) 987-2901
No. & Street City State Zip Code Phone Number

Business Owner: Skyworks, LLC chadl@skyworksllc.com
Name Email

63 Pixley Industrial Ext. Rochester New York 14624
No. & Street City State Zip Code Phone Number

Business Name: Skyworks (Chad Lacivita)

Business Address: 63 Pixley Industrial Ext. Rochester New York 14624
No. & Street City State Zip Code

Property Owner: Middle Road Properties Brian Morath Ron Pluta bmorath1@aol.com ron.pluta@aol.com
Name Email

200 Red Creek Dr. Ste. 200 Henrietta New York 14467 (585) 663-5438
No. & Street City State Zip Code Phone Number

Architect/Engineer: Marathon Engineering mtomlinson@marathoneng.com
Name Email

39 Cascade Drive Rochester New York 14614 (585) 458-7770
No. & Street City State Zip Code Phone Number

Hereby request from the Town Board for a Special Use Permit for the property located at:

0 Middle Road Henrietta New York 14467
No. & Street City State Zip Code
175.08-1-26.1 (To be known as 65 Middle) B-2
Tax Map No. Zoning District

If property is under a purchase option, indicate date option expires: _____

Under the Zoning Ordinance, a Special Permit is requested pursuant to:

Article: VI Section: 295-16 Subsection: A Paragraph: (6) of the Zoning Ordinance.

Description of Proposal: To establish a Skyworks equipment rental and sales facility.

Multiple Dwelling Applications – Dwelling Units per Acre: _____

Does this exceed allowed amount per Henrietta Code §295-13[E](1)(b) ☐ Yes ☐ No

Printed Name: Jerry A. Goldman, Esq.

Signature: [Signature]

T Wenzel
Received By

October 25, 2023
Date of Meeting*

TBD
Time

*A meeting date will be assigned when applications are turned in but if the application is deemed incomplete, it will not be scheduled and the Applicant will be notified.

1900 Bausch and Lomb Place
Rochester, New York 14604
P 585-987-2800 F 585.454.3968



1900 Main Place Tower
Buffalo, New York 14202
P 716.248.3200 F 716-854-5100

www.woodsoviatt.com

Writer's Direct Dial Number: 585.987.2901

Writer's Direct Fax Number: 585.362.4602

Email: jgoldman@woodsoviatt.com

Admitted to practice in New York and Florida

September 19, 2023

Town Board of the Town of Henrietta
475 Calkins Road
Henrietta, NY 14467

**Re: Application of Skyworks, LLC
Special Permit – Southwest corner of Middle Road and Calkins Road
LETTER OF INTENT**

Dear Board Members:

This office has been retained by Skyworks, LLC to assist in obtaining governmental approvals for the development of the currently vacant property at the southwest corner of Middle Road and Calkins Road (tax account # 175.08-1-26.1) for a Skyworks equipment rental and sales facility. The subject property is located in the B-2 Commercial zoning district. The proposed use is allowed upon receipt of a Town Board Special Permit pursuant to Code § 295-16(A)(6).

Skyworks has branches throughout the eastern United States, as well as Louisiana and Texas. Their current Rochester area facility is located in the Town of Gates. After a long search, Skyworks has decided to relocate their facilities to this site in Henrietta.

Skyworks intends to construct a modern 38,800± square foot building on this 9.23± acre parcel for their Rochester home. The fenced outdoor 222' x 310' equipment storage area is located south of the building and away from Calkins Road. This is a large site, which allows for all site development to be within the lot requirements of the Town Code without the need for any zoning variances. If this special permit is granted, site plan approval from the Planning Board is required under Town Code, where site development details will be analyzed in depth.

Anderson Equipment Company and ABF Freight are located directly to the south of our site on the west side of Middle Road, making our proposal consistent with development in our neighborhood. The subject property borders the Route 390 expressway to the west of our site, making this an ideal location for the proposed use.

The procedures for obtaining special permits are set forth in Article XII of the Town Zoning Code. In particular, § 295-54 defines the standards to be evaluated by the Town Board in the grant of special permits:

A. The effect of the proposed use on the orderly development and character of the neighborhood of the proposed use and upon the development and conduct of other lawful uses in the vicinity.

This proposed use is totally in character with the neighborhood as demonstrated above and the placement of this facility on a large lot will promote orderly development.

B. Whether the proposed use will be in harmony with the existing and probable future development of the neighborhood in which the premises are situated.

The proposed use is in harmony with the area's uses currently existing and fills out development on the westerly corridor of Middle Road, south of Calkins Road

C. The number and proximity of the same or similar uses in the neighborhood of the premises.

There are similar uses in the neighborhood, which are complementary to each other. The desire to be close to Route 390 (down the street from the Hylan Drive entrance to Route 390) makes this site attractive for this use.

D. Whether the proposed use will be a nuisance in law or in fact and whether the use will be noxious, offensive or injurious by reason of production of or emission of dust, smoke, refuse, poisonous substances, odors, fumes, noise, radiation, vibration, unsightliness or similar conditions or will contaminate waters.

Skyworks maintains tight site control at all of its locations and no nuisances in law or in fact due to the enumerated potential concerns (or any others) are contemplated.

E. Whether the proposed use will create hazards or dangers to the public or to persons in the vicinity from fire, explosion, electricity, radiation, and traffic congestion, crowds, parking of automobiles or other causes.

This particular use is a low traffic generator and will mesh well with the other industrial and commercial uses in the vicinity. No potential hazards or dangers are perceived from the causes enumerated (or any others).

F. What conditions, restrictions, and safeguards are necessary to protect property values in the vicinity of the proposed use and for the protection of the health, safety, morals, peace and general welfare of the community and of the public.

Skyworks/Letter of Intent-Special Permit
September 19, 2023
Page 3

The nature of the business is self-contained and is contained in any industrial/commercial area, with no expected impacts to any residential area. Accordingly, no specific conditions with regard to the use are anticipated to be necessary.

An Environmental Assessment Form is being submitted with the application package. The Action is categorized as an "unlisted" action under the State Environmental Quality Review Act and no significant adverse environmental impacts are identified.

We look forward to presenting this application to the Town Board at its October 25, 2023 meeting. If any Board Member has any questions in the interim, please do not hesitate to contact me.

Very Truly Yours,

WOODS OVIATT GILMAN LLP

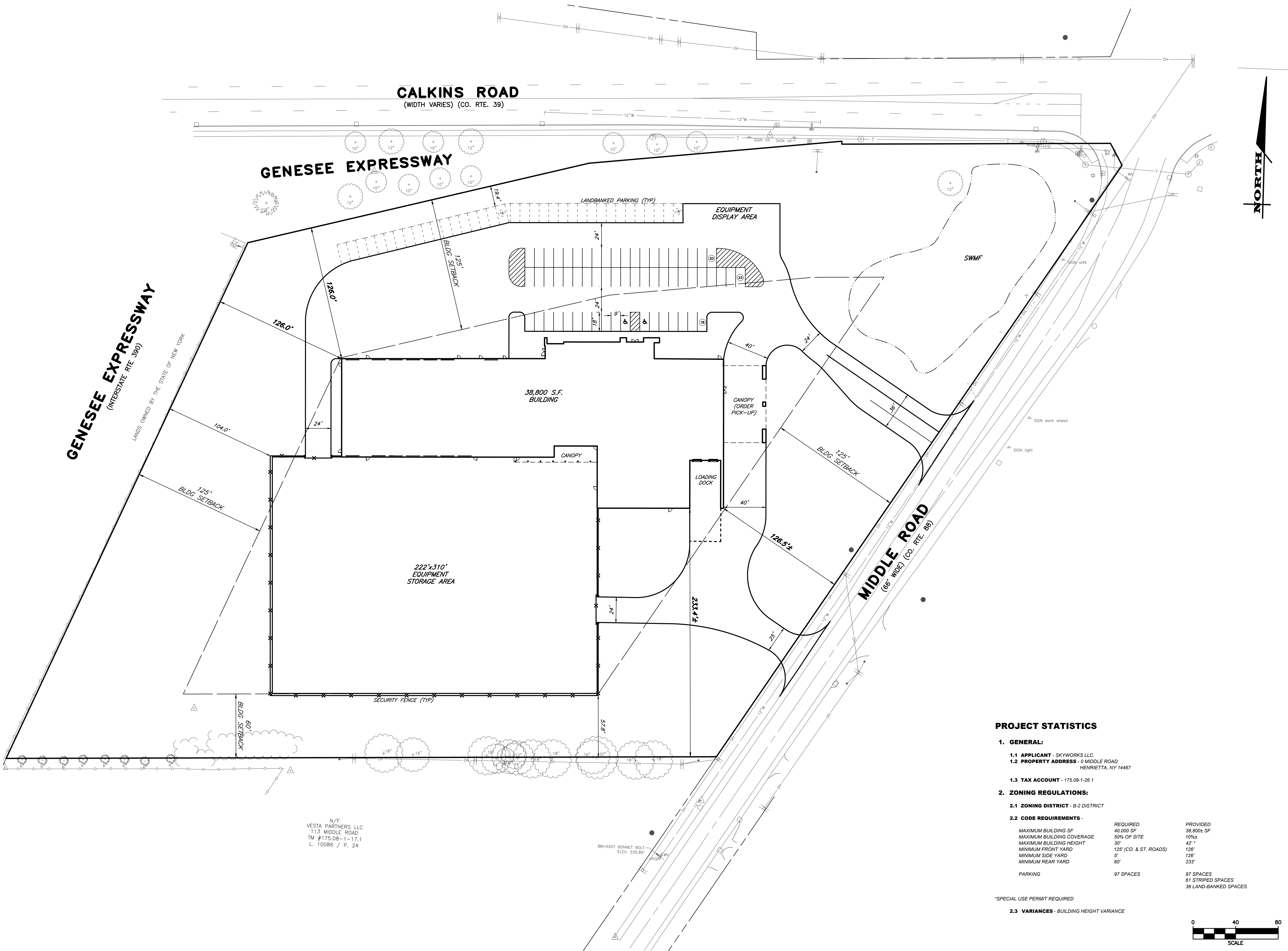


Jerry A. Goldman

Please direct responses to Rochester Office

JAG/dgl

File: Z:\Engineering\Job Files\1644-23\Drawings\1644 Design.dwg, Last saved: 9/15/2023, Plot Date: 9/15/2023, By: RYEDF, Plot Style: -----



PROJECT STATISTICS

1. GENERAL:

- 1.1 APPLICANT - SKYWORKS LLC.
1.2 PROPERTY ADDRESS - 0 MIDDLE ROAD
HENRIETTA, NY 14467

- 1.3 TAX ACCOUNT - 175.08-1-26.1

2. ZONING REGULATIONS:

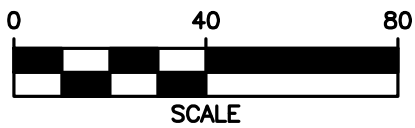
- 2.1 ZONING DISTRICT - B-2 DISTRICT

2.2 CODE REQUIREMENTS -

	REQUIRED	PROVIDED
MAXIMUM BUILDING SF	40,000 SF	38,800± SF
MAXIMUM BUILDING COVERAGE	50% OF SITE	10%
MAXIMUM BUILDING HEIGHT	30'	42' "
MINIMUM FRONT YARD	125' (CO. & ST. ROADS)	126'
MINIMUM SIDE YARD	5'	126'
MINIMUM REAR YARD	60'	233'
PARKING	97 SPACES	97 SPACES 61 STRIPED SPACES 36 LAND-BANKED SPACES

*SPECIAL USE PERMIT REQUIRED

- 2.3 VARIANCES - BUILDING HEIGHT VARIANCE



MARATHON ENGINEERING
ROCHESTER LOCATION
39 CASCADE DRIVE
ROCHESTER, NY 14614
585-458-7770
ITHACA LOCATION
840 HANSHAW RD, STE 6
ITHACA, NY 14850
607-241-2917
www.marathoneng.com

SKETCH PLAN
for
SKYWORKS HENRIETTA

STATE OF NEW YORK

MIDDLE ROAD
MONROE COUNTY

TOWN OF HENRIETTA

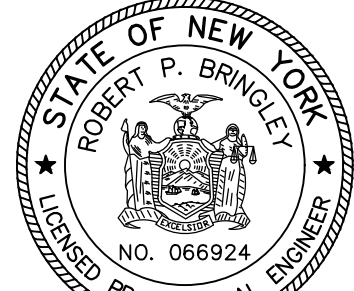
JOB NO: 1644-23
SCALE: 1" = 40'
DRAWN: RJT
DESIGNED: RJT
DATE: 9/14/2023

REVISIONS

DATE BY REVISION

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145, SECTION 2208 FOR ANY PERSON, UNDER ANY TITLE, TO ENGAGE IN THE PRACTICE OF PROFESSIONAL ENGINEERING WITHOUT BEING A LICENSED PROFESSIONAL ENGINEER OR UNDER THE CLOSE PERSONAL SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER. THE SEAL OF A PROFESSIONAL ENGINEER OR LAND SURVEYOR IS A CREDENTIAL OF THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS. IT IS A VIOLATION OF THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS TO ENGAGE IN THE PRACTICE OF PROFESSIONAL ENGINEERING OR LAND SURVEYING WITHOUT BEING A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR. THE SEAL OF A PROFESSIONAL ENGINEER OR LAND SURVEYOR IS A CREDENTIAL OF THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS. IT IS A VIOLATION OF THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS TO ENGAGE IN THE PRACTICE OF PROFESSIONAL ENGINEERING OR LAND SURVEYING WITHOUT BEING A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR.

COPYRIGHT © 2023 MARATHON ENG.



ROBERT P. BRINGLEY

DRAWING TITLE:
SKETCH PLAN

1 of 1
SHEET No: SK-1
1644-23
JOB No: DRAWING No:

Short Environmental Assessment Form

Part 1 - Project Information

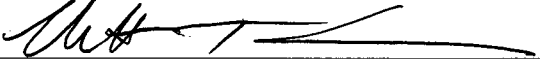
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

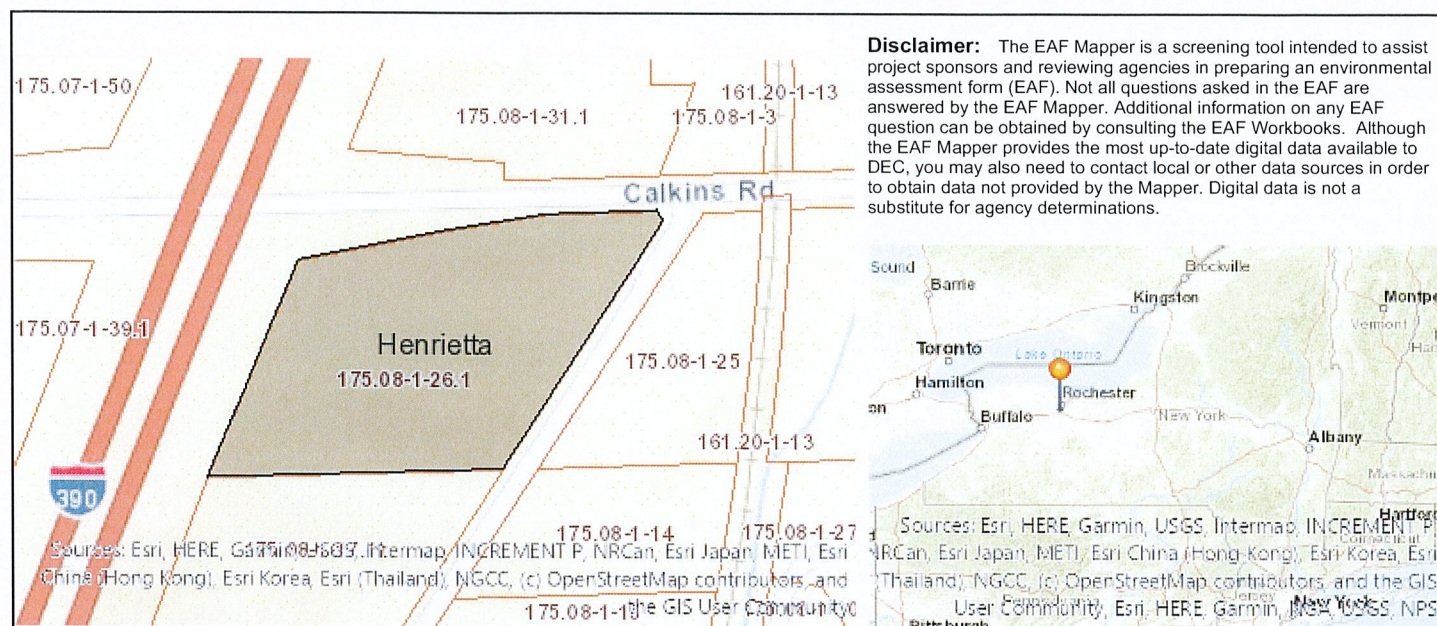
Part 1 – Project and Sponsor Information			
Name of Action or Project: Skyworks Henrietta			
Project Location (describe, and attach a location map): 65 Middle Road Henrietta NY			
Brief Description of Proposed Action: Approximately 40,000+/- sf building on 9.23 acres. Outdoor fenced equipment storage yard, 91 total parking spaces, both access points off of Middle Road with appropriate utilities, lighting and landscaping installed.			
Name of Applicant or Sponsor: Chad LaCivita, Skyworks, LLC		Telephone: 716-822-5438	
		E-Mail: chadl@skyworkslc.com	
Address: 100 Thielman Dr			
City/PO: Buffalo		State: NY	Zip Code: 14206
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Henrietta Site Plan Approval NYSDEC Stormwater			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		9.23 acres	
b. Total acreage to be physically disturbed?		7 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		9.23 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? with Special Permit b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: <u>The proposed action will meet the state energy code requirements.</u>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. 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? b. 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?	NO <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ A portion of the site falls within the State Regulated Wetland Checkzone, but there is no designated wetland within the parcel boundary and there will be no encroachment or alteration to any designated wetlands. See attached NYS Environmental Resource Map.	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	

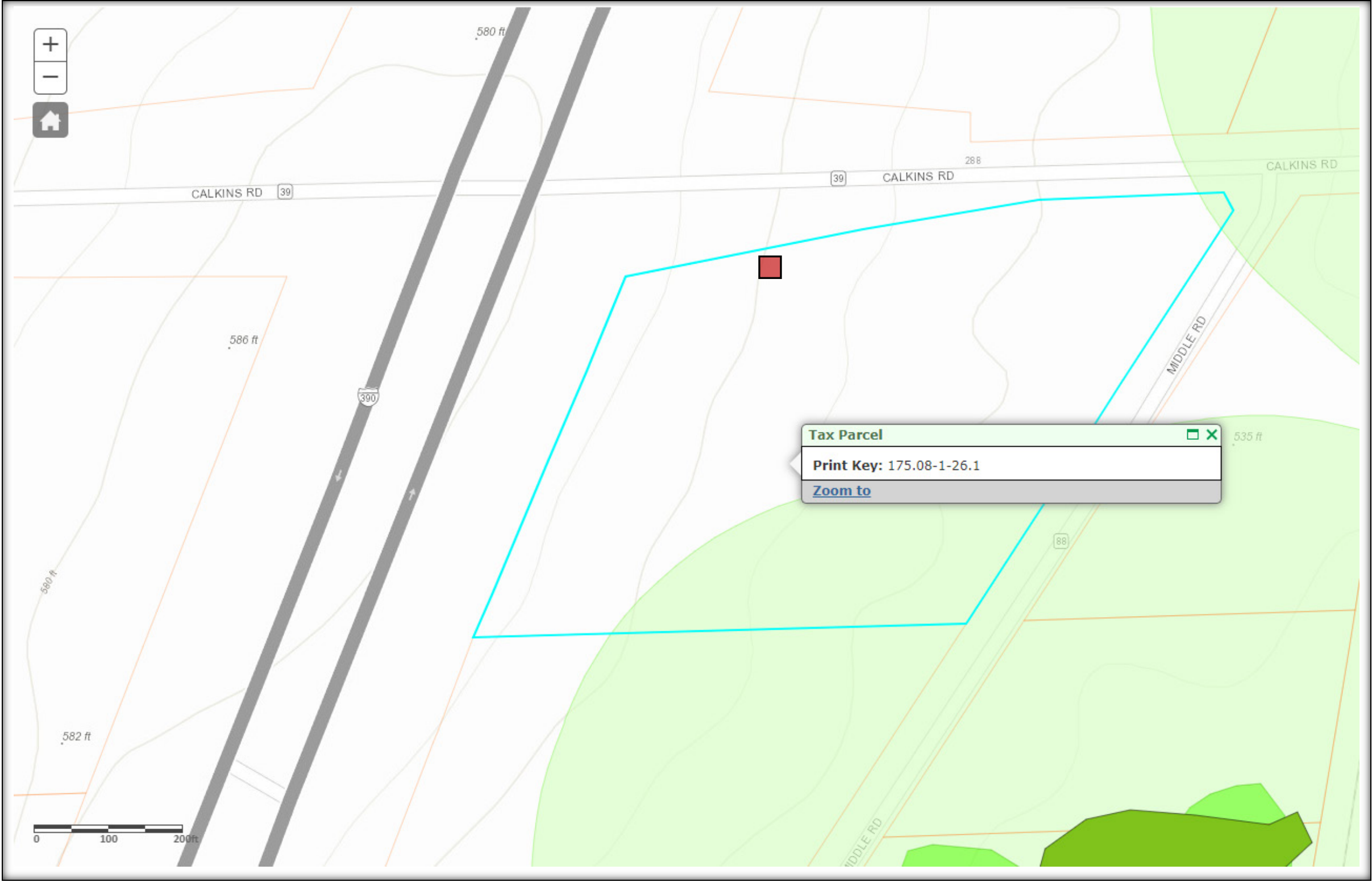
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
To Monroe County Highway storm system		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
Stormwater management facility - size to be as required by MS4 and NYSDEC requirements.		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Matt Tomlinson, Marathon Engineering, as Agent</u> Date: <u>9/20/2023</u> Signature: <u></u> Title: <u>Project Manager</u>		

EAF Mapper Summary Report

Monday, September 18, 2023 9:48 AM



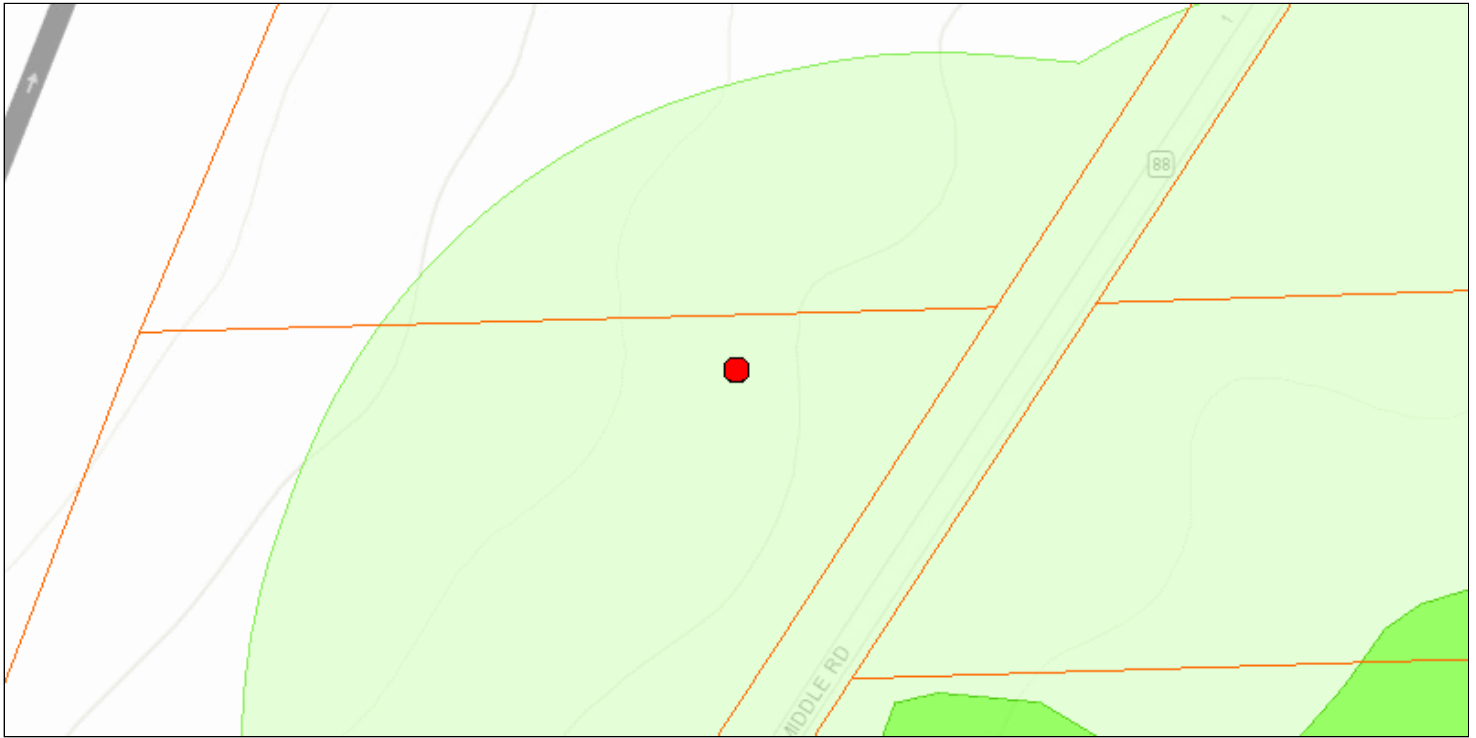
Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



- ☐ ★ Unique Geological Features
- ☐ Waterbody Classifications for Rivers/Streams
- ☐ Waterbody Classifications for Lakes
- ☐ State Regulated Freshwater Wetlands (Outside of the Adirondack Park)
- ☐ State Regulated Wetland Checkzone
- ☐ Significant Natural Communities
- ☐ Natural Communities Near This Location
- ☐ Rare Plants or Animals
- ☐ National Wetlands Inventory
 - Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Other
 - Riverine
- Job Site

Environmental
Resource Mapper
1644 - Middle Rd
Town of Henrietta

Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18

Easting: 285468.1610841423

Northing: 4771557.559677716

Longitude/Latitude

Longitude: -77.63480030513213

Latitude: 43.06640489802514

The approximate address of the point you clicked on is:

53-109 Middle Rd, Henrietta, New York, 14467

County: Monroe

Town: Henrietta

USGS Quad: WEST HENRIETTA

[Freshwater Wetlands Checkzone](#)

This location is in the vicinity of one or more Regulated Freshwater Wetlands.

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.

[Print Preview](#)

What is the NYS Freshwater Wetlands "check zone?"

New York's freshwater wetlands maps only show the approximate location of the actual wetland boundary. They are not precise, regardless of how closely you zoom in on the map. The "check zone" is an area around the mapped wetland in which the actual wetland may occur. If you are proposing a project that may encroach into this area, you should check with your regional DEC office to make sure where the actual wetland boundary is. If necessary, they may have a biologist come out and perform a field delineation for you to help you avoid impacts in the wetland or the regulated 100-foot buffer zone.

Project: Skyworks Equipment Rental

Date: September 26, 2023

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Skyworks Equip. Rental

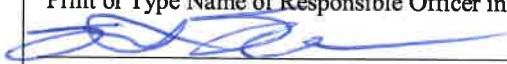
Date: September 26, 2023

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

For the support documentation for Part 2, see the attached "EAF Part 3 for the Skyworks Equipment Rental" Special Use Permit supplement dated September 26, 2023.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Henrietta Town Board	10/25/2023
Name of Lead Agency	Date
Stephen L. Schultz	Town Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	Christopher E. Martin
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM



MODIFICATION SUMMARY

DATE: December 19, 2023

APPLICANT:

One Forty-Five LLC
274 North Goodman street
Rochester, NY 14607

PROJECT LOCATION:

145 College Avenue
Rochester, NY 14607

MODIFICATION REQUEST:

One Forty-Five LLC, a real estate holding company, is demolishing an existing 14,000 sq ft. building to construct a new 80,000 sq ft apartment building in the Neighborhood of the Arts in the City of Rochester. The \$15,000,000 project was approved in June 2021 for a real property tax abatement, mortgage recording tax and sales tax exemptions. The applicant is now seeking an increase in project costs and an extension of the sales tax exemption though December 31, 2025 due to higher construction costs and interest rates. The new sales tax exemption is now not to exceed \$682,000.

PROJECT AMOUNT

<u>ORIGINAL</u>	<u>INCREASE</u>	<u>NEW TOTAL</u>
\$15,000,000	1,500,000	16,500,000

Motion By: _____
Seconded By: _____

RESOLUTION
 (One Forty-Five LLC Project Modification)
 OSC Code: 2602-21-035B

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's Offices located at 50 West Main Street, Rochester, New York 14614, on December 19, 2023, at 12:00 p.m.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) ADDITIONAL FINANCIAL ASSISTANCE TO ONE FORTY-FIVE LLC (THE "COMPANY") IN AMOUNTS EXCEEDING THE AMOUNTS PREVIOUSLY APPROVED BY THE AGENCY AND (ii) THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) THROUGH DECEMBER 31, 2025; AND THE EXECUTION OF RELATED DOCUMENTS.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, by Resolution duly adopted on July 20, 2021 (the "Authorizing Resolution"), the Agency appointed **ONE FORTY-FIVE LLC**, a New York limited liability company for itself or a related entity formed or to be formed (collectively, the "Company") requested the Agency to assist with a certain Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in a parcel of land located at 145 College Avenue in the City of Rochester, New York 14607 (the "Land") together with the existing approximately 14,000 square foot building thereon (the "Existing Improvements"); (B)(i) the demolition of the Existing Improvements and (ii) the construction of an approximately 48-unit apartment building, of which 4-5 units will be designated as affordable housing for households whose income is at or below 60% of the Monroe County median household income, and approximately 1,600 square feet of space will be designated for commercial use (collectively the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, the Agency previously appointed the Company as its true and lawful agent to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax (the "Sales and Use Tax Exemption Benefits") in an amount up to \$7,750,000, which would result in New York State and local sales and use tax exemption benefits not to exceed \$620,000 through December 31, 2023; and

WHEREAS, the Company, by the Project Modification Request, dated November 27, 2023, has requested the Agency approve the increase in purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$8,525,000**, which would result in New York State and local Sales and Use Tax Exemption Benefits not to exceed **\$682,000** (as increased, the "Sales and Use Tax Exemption Benefits") and that the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2025; and

WHEREAS, the Agency desires to adopt a resolution authorizing (i) the increase and extension in Sales and Use Tax Exemption Benefits; and (iii) the execution and delivery of any documents necessary and incidental thereto.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. Based upon the representation and warranties made by the Company in its request, the Agency hereby authorizes and approves the Company, as its agent, to continue to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use in an amount up to **\$8,525,000**, which result in New York State and local Sales and Use Tax Exemption Benefits not to exceed **\$682,000** through **December 31, 2025**. The Agency agrees to consider any requests by the Company for another extension or an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 2. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any agreements, documents or certificates necessary and incidental to providing the Company with the Sales and Use Tax Exemption Benefits and necessary to effectuate the above-described changes with respect to the Facility.

Section 3. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli				
Troy Milne				
Lisa Bolzner				
Joseph Alloco				
Rhett King				
Norman Jones				
Ann L. Burr				

The Resolutions were thereupon duly adopted.

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

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on December 19, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 19th day of December, 2023.

Ana J. Liss, Executive Director



PROJECT MODIFICATION REQUEST

120

If you have any questions or need assistance, please call 585.753.2000.

Applicant:	One-Forty-Five LLC		
Project Address:	145 College Ave Rochester, NY 14607		
Contact Name:	Allan Stern		
Contact Company:	Stern Properties		
Contact Address:	274 North Goodman St Rochester, NY 14607		
Contact Email:	irene@sternproperties.com	Contact Phone:	5854429061

Employment in Monroe County:	_____	_____	_____
	Full Time	Part Time	As of Date

Modification Requested: Check all that apply. (Attach additional page if necessary). Legal fees apply.
 ***A substantial change in project costs or scope may require a new application. ***

☒ **Increase in Project Costs:** Must complete page 2. (If there is a significant change in Project Scope, an application will be required.)

Assistance Requested: Check all that apply.

☒ Property Tax Abatement
 ☒ Mortgage Tax Exemption
 ☒ Sales Tax Exemption

Project Cost Information: \$	15,000,000	\$1,500,000	\$016,500,000
	Original Project Cost	Increase in Project Costs	New Project Costs


☒ **Extend or Renew Sales Tax Exemption:** (If exemption date has expired, a \$350 fee applies.)

12/31/23	12/31/25	\$0.00
Current Expiration Date	Requested Expiration Date	Amount of Exemptions Taken to Date

Reason for Extension:
 The increase in construction costs and interest rates.

☐ **New Tenant:** Include name, business description , and square feet to be occupied.

Applicant hereby represents that (i) it is not in default under any documents executed in connection with the Project being modified; (ii) Applicant will pay all applicable fees of the Agency and its counsel in connection with the modification of the Project.

Signed:  Date: 11/27/23

Print Name and Title: Allan Stern

Staff Use Only:

Date Received 11/27/23 Date of Original Approval: 7/20/21 New Code 2602 21 035 A

2/20

Project Modification Request - Page 2

Required when requesting an Increase in Project Costs

A. Applicant Project Costs	Original/Current Approval	Requested Increase Modification	Revised Approval Requested
Building Construction or Renovation			
a. Materials	\$6,500,000	\$650,000	\$7,150,000
b. Labor	\$4,250,000	\$425,000	\$4,675,000
Site Work			
c. Materials	\$750,000	\$75,000	\$825,000
d. Labor	\$750,000	\$75,000	\$825,000
e. Non-Manufacturing Equipment	\$	\$	\$
f. Furniture & Fixtures	\$500,000	\$50,000	\$550,000
g. Land and/or Building Purchase	\$1,500,000	\$150,000	\$1,650,000
h. Manufacturing Equipment	\$	\$	\$
i. Soft Costs (Legal, Architect, Engineer)	\$750,000	\$75,000	\$825,000
Other Costs (specify)			
j. _____	\$ _____	\$ _____	\$0
k. _____	\$ _____	\$ _____	\$0
l. _____	\$ _____	\$ _____	\$0
m. _____	\$ _____	\$ _____	\$0
Total Project Costs	\$15,000,000	\$1,500,000	\$1,650,000
Sources of Funds for Project Costs			
a. Tax Exempt Industrial Revenue Bond	\$ _____	\$ _____	\$0
b. Taxable Industrial Revenue Bond	\$ _____	\$ _____	\$0
c. Tax Exempt Civic Facility Bond	\$ _____	\$ _____	\$0
d. Bank Financing (subject to recording tax)	\$12,000,000	\$ _____	\$12,000,000
e. Public Sources	\$ _____	\$ _____	\$0
f. Equity	\$3,000,000	\$1,500,000	\$4,500,000
Total Sources	\$1,500,000	\$0	\$16,500,000

B. Reason for Increase:

The increase in construction costs and interest rates.

C. Amount of Sale Tax Exemptions Taken to Date: \$0.00

DATE: December 19, 2023

APPLICANT:	DGNA Real Estate Holdings LLC 50 Methodist Hill Dr. Suite 100 Rochester, NY 14623
-------------------	---

PROJECT LOCATION:	667 Panorama Trail Penfield, NY 14625
--------------------------	--

<p>MODIFICATION REQUEST:</p>	<p>DGNA Real Estate Holdings LLC, a real estate holding company, acquired and is renovating a 40,000 sq. ft. facility in the Town of Penfield for its tenant Durst Image Technology, US LLC, a related entity. In October 2022, the applicant received a real property tax abatement, mortgage recording tax and sales tax exemption. In August 2023, Durst Image Technology, received an increase and extension of the sales tax exemption through December 31, 2024. The applicant is now also seeking an extension of the sales tax exemption through December 31, 2024 due to a delay in construction.</p>
-------------------------------------	--

PROJECT AMOUNT	ORIGINAL
	\$7,741,150

Motion By: _____
Seconded By: _____

RESOLUTION

(DGNA Real Estate Holdings LLC Project Modification)
 OSC Project Code 2602-22-033B

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's Offices located at 50 West Main Street, Rochester, New York 14614, on December 19, 2023, at 12:00 p.m.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES TAX EXEMPTION BENEFIT GRANTED TO DGNA REAL ESTATE HOLDINGS LLC (THE "COMPANY") THROUGH DECEMBER 31, 2024; AND THE EXECUTION OF RELATED DOCUMENTS.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, by Resolution duly adopted on October 18, 2022, the Agency appointed **DGNA Real Estate Holdings LLC**, a New York limited liability company, for itself or an entity formed or to be formed (collectively, the "Company"), the true and lawful agent of the Agency to undertake a certain project (the "2020 Project") consisting of: (A) the acquisition of a leasehold interest in a portion of an approximately 3-acre parcel of land located at 667 Panorama Trail West in the Town of Penfield, New York 14625 (the "Land") together with the existing approximately 40,000 square-foot building thereon (the "Existing Improvements"); (B) the renovation of the Existing Improvements into spaces for training, offices, common area and warehousing (the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land, the Existing Improvements and the Improvements, the "Facility") to be subleased to Durst Image Technology US LLC (the "Tenant") for use in its business as a manufacturer of digital inkjet printing systems; and

WHEREAS, the Agency previously appointed the Company as its true and lawful agent to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax (the "Sales and Use Tax Exemption Benefits") through December 31, 2023; and

WHEREAS, the Company has now, pursuant to a certain Project Modification Request, dated November 29, 2023, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2024; and

WHEREAS, the Agency desires to adopt a resolution authorizing the extension of Sales and Use Tax Exemption Benefits to the Company and the execution and delivery of any documents necessary and incidental thereto.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. Based upon the representation and warranties made by the Company in its request, the Agency hereby authorizes and approves the Company, as its agent, to continue to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax through **December 31, 2024**. The Agency agrees to consider any requests by the Company for another extension or an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 2. The Executive Director, Deputy Executive Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any agreements, documents or certificates necessary and incidental to providing the Company with the Sales and Use Tax Exemption Benefits and necessary to effectuate the above-described changes with respect to the Facility.

Section 3. The Executive Director, Deputy Executive Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Deputy Executive Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. This resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli				
Troy Milne				
Lisa Bolzner				
Joseph Alloco				
Rhett King				
Norman Jones				
Ann L. Burr				

The Resolutions were thereupon duly adopted.

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

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on December 19, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 19th day of December, 2023.

Ana J. Liss, Executive Director

If you have any questions or need assistance, please call 585.753.2000.

Applicant:	Durst Real Estate Holdings LLC	
Project Address:	667 Panorama Trail West, Penfield, NY 14625	
Contact Name:	Tiffany Gruschow	
Contact Company:	Durst Image Technology US LLC	
Contact Address:	50 Methodist Hill Dr, Suite 100, Rochester, NY 14623	
Contact Email:	tiffany.gruschow@durst-group.com	Contact Phone: 585-486-0340 x5275

Employment in Monroe County:	<u>44</u>	<u>2</u>	<u>11/29/23</u>
	Full Time	Part Time	As of Date

Modification Requested: Check all that apply. (Attach additional page if necessary). Legal fees apply.

A substantial change in project costs or scope may require a new application.

☐ **Increase in Project Costs:** Must complete page 2. (If there is a significant change in Project Scope, an application will be required.)

Assistance Requested: Check all that apply.☐ Property Tax Abatement☐ Mortgage Tax Exemption☐ Sales Tax Exemption

Project Cost Information: \$ _____ \$ _____ \$ 0
Original Project Cost Increase in Project Costs New Project Costs

☒ **Extend or Renew Sales Tax Exemption:** (If exemption date has expired, a \$350 fee applies.)

12/31/2023

12/31/2024

\$50,942

Current Expiration Date

Requested Expiration Date

Amount of Exemptions Taken to Date

Reason for Extension:

Project started six months later than originally expected.

☐ **New Tenant:** Include name, business description , and square feet to be occupied.

Applicant hereby represents that (i) it is not in default under any documents executed in connection with the Project being modified; (ii) Applicant will pay all applicable fees of the Agency and its counsel in connection with the modification of the Project.

Signed:  Date: 11/29/2023

Print Name and Title: Tiffany Gruschow, Director of Accounting and Administration

Staff Use Only:

2/20

Date Received 11/29/23 Date of Original Approval: 10/18/2022 New Code 2602 22 033 B



MODIFICATION SUMMARY

DATE: December 19, 2023

APPLICANT:

Sibley Redevelopment Limited Partnership
Redevelopment LLC
260 East Main Street
Rochester, NY 14604

PROJECT LOCATION:

228-280 East Main Street
Rochester, NY 14604

MODIFICATION REQUEST:

Sibley Redevelopment Limited Partnership, is one of 3 entities created to redevelop the former Sibley Building in the City of Rochester. The project was approved in December 2012. Redevelopment of the 4th and 5th floors has begun for 2 new tenants, Bandwidth and SWBR, reactivating more than 60,000 sq. ft. in the commercial portion of the redevelopment. The applicant has been approved for several extensions of the sales tax exemption. The applicant is seeking an extension of the sales tax exemption through December 31, 2024. The tenant is also seeking approval for the new tenants, Deaf Refugee Advocacy, Miss Julies School of Beauty and Miles Exotic Pets.

PROJECT AMOUNT

ORIGINAL
\$8,250,000

Motion By: _____
Seconded By: _____

RESOLUTION

(Sibley Redevelopment Limited Partnership Project Modification)
 OSC Code 2602-12-067G

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's Offices, 50 West Main Street, Rochester, New York 14614, on December 19, 2023 at 12:00 p.m.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) THE EXTENSION OF THE SALES TAX EXEMPTION BENEFIT GRANTED TO SIBLEY REDEVELOPMENT LIMITED PARTNERSHIP (THE "COMPANY") THROUGH DECEMBER 31, 2024; (ii) THE SUBLEASE OF PORTIONS OF THE FACILITY (DEFINED BELOW) TO DEAF REFUGEE ADVOCACY, MISS JULIES SCHOOL OF BEAUTY AND MILES EXOTIC PETS; AND (iii) THE EXECUTION OF RELATED DOCUMENTS.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, by Resolution duly adopted on December 18, 2012, the Agency appointed **Sibley Redevelopment Limited Partnership**, a limited partnership, for itself or an entity formed or to be formed (collectively, the "Company"), the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of: (i) the acquisition of a leasehold or other interest in an approximately 3.21-acre parcel of land located at 228-280 Main Street in the City of Rochester, New York (the "Land"), together with the existing 12-story, approximately 980,000 square foot former Sibley Department Store located thereon (the "Existing Improvements"), a portion of which Existing Improvements are to continue to be leased to various remaining tenants; and (ii) the acquisition and installation of various machinery, equipment and personal property therein and thereon (the "Equipment" and, together with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, the Agency previously appointed the Company as its true and lawful agent to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax (the "Sales and Use Tax Exemption Benefits") through December 31, 2018; and

WHEREAS, the Company pursuant to a certain Project Modification Request, dated January 3, 2019, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2019; and

WHEREAS, the Company subsequently submitted a Project Modification Request, dated December 17, 2019, requesting the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2020; and

WHEREAS, the Company subsequently submitted a Project Modification Request, dated October 29, 2020, requesting the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2021; and

WHEREAS, the Company subsequently submitted a Project Modification Request, dated November 30, 2021, requesting the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2022; and

WHEREAS, the Company subsequently submitted a Project Modification Request, dated November 23, 2022, requesting the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2023; and

WHEREAS, the Company has, pursuant to a certain Project Modification Request, dated November 29, 2023 (the "2023 Modification Request"), requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2024; and

WHEREAS, by the 2023 Modification Request, the Company also requested the Agency approve the sublease of portions of the Facility to (i) Deaf Refugee Advocacy, (ii) Miss Julies School of Beauty, and (iii) Miles Exotic Pets (collectively the companies listed in this paragraph are hereafter sometimes referred to as, the "Proposed Tenants");

WHEREAS, the Agency desires to adopt a resolution authorizing the further extension of Sales and Use Tax Exemption Benefits to the Company, the approval of the sublease of portions of the Facility to the above-named Proposed Tenants and the execution and delivery of any documents necessary and incidental thereto.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. Based upon the representation and warranties made by the Company in its request, the Agency hereby authorizes and approves the Company, as its agent, to continue to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax through **December 31, 2024**. The Agency agrees to consider any requests by the Company for another extension or an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 2. The Agency hereby approves the sublease of portions of the Facility to the Proposed Tenants.

Section 3. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any agreements, documents or certificates necessary and incidental to providing the Company with the Sales and Use Tax Exemption Benefits and necessary to effectuate the above-described extension.

Section 4. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency

to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 5. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli				
Troy Milne				
Lisa Bolzner				
Joseph Alloco				
Rhett King				
Norman Jones				
Ann L. Burr				

The Resolutions were thereupon duly adopted.

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

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on December 19, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 19th day of December, 2023.

Ana J. Liss, Executive Director



November 29, 2023

Robin Finnerty, Deputy Director
County of Monroe Industrial Development Agency
50 West Main Street, Suite 1150
Rochester, NY 14614

Sibley Redevelopment Project Modification

Request Robin,

Thank you for considering Winn Development's project modification requests for Sibley Redevelopment LLC. In 2023 we began redevelopment of the 4th and 5th floors including demolitions, remediation, design, and engineering for Bandwidth and SWBR. These 2 leases will reactivate more than 60,000 sq ft.

We also signed leases for Deaf Refugee Advocacy, Miss Julies School of Beauty and Miles Exotic Pets reactivating and additional 6,000 sq ft on the 1st, 2nd and 3rd floors.

The total capital required to complete the 5 spaces mentioned above is in excess of \$8,000,000.

None of this would be possible without the continued support of Monroe County. Please let us know if we can answer any additional questions and in advance, thank you for the continued support.

All our best,

A handwritten signature in black ink, appearing to read "Kevin Corcoran", written over a red digital signature line.

Digitally signed by
Kevin Corcoran
Date: 2023.11.29
08:56:39 -05'00'

Kevin Corcoran

Vice President, Development Asset Management



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

PROJECT MODIFICATION REQUEST

If you have any questions or need assistance, please call 585.753.2000.

Applicant: WinnDevelopment (Sibley Redevelopment LLC)
 Project Address: 228-280 East Main Street, Rochester NY 14604
 Contact Name: Sean Brooks
 Contact Company: WinnCompanies
 Contact Address: 260 East Main Street, Rochester, NY 14604
 Contact Email: sbrooks@winnco.com Contact Phone: 5853131687

Employment in Monroe County: 153 16 11/28/2023
 Full Time Part Time As of Date

Modification Requested: Check all that apply. (Attach additional page if necessary). Legal fees apply.

A substantial change in project costs or scope may require a new application.

☐ **Increase in Project Costs:** Must complete page 2. (If there is a significant change in Project Scope, an application will be required.)

Assistance Requested: Check all that apply.

☐ Property Tax Abatement

☐ Mortgage Tax Exemption

☐ Sales Tax Exemption

Project Cost Information: \$ \$ \$
 Original Project Cost Increase in Project Costs New Project Costs

☒ **Extend or Renew Sales Tax Exemption:** (If exemption date has expired, a \$350 fee applies.)

12/31/2023

12/31/2024

\$ 449,914.61

Current Expiration Date

Requested Expiration Date

Amount of Exemptions Taken to Date

Reason for Extension:

Tenant Improvement fit-out of remaining commercial space necessary to fully occupy and stabilize commercial space.

☒ **New Tenant:** Include name, business description, and square feet to be occupied.

SWBR - Architect - 36,182 rentable sq ft | Bandwidth - Networking - 35,820 rentable sq ft

Applicant hereby represents that (i) it is not in default under any documents executed in connection with the Project being modified; (ii) Applicant will pay all applicable fees of the Agency and its counsel in connection with the modification of the Project.

Signed: Digitally signed by Kevin Corcoran Date: 2023.11.29 08:57:05 -05'00' Date: 11/29/2023

Print Name and Title: VP Development Asset Management

Staff Use Only:

2/20

Date Received 11/29/23 Date of Original Approval: 12/18/12 New Code 2602 067 G



MODIFICATION SUMMARY

DATE: December 19, 2023

APPLICANT:

Sibley Mixed Use LLC
260 East Main Street
Rochester, NY 14604

PROJECT LOCATION:

228-280 East Main Street
Rochester, NY 14604

MODIFICATION REQUEST:

Sibley Mixed Use LLC was originally approved for a custom PILOT for the redevelopment of the former Sibley's department store in 2012. In 2016, the project was approved for sales and mortgage recording tax exemptions. The applicant has been approved for several extensions of the sales tax exemptions. The applicant is now seeking an extension of the sales tax exemption through December 31, 2024 due to tenant improvement fit-out of the remaining commercial space necessary to fully occupy and stabilize commercial space.

PROJECT AMOUNT

ORIGINAL
\$54,509,650

Motion By: _____
Seconded By: _____

RESOLUTION
(Sibley Mixed Use LLC Project Modification)
OSC Code 2602-16-070F

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's Offices, 50 West Main Street, Rochester, New York 14614, on December 19, 2023 at 12:00 p.m.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) GRANTED TO SIBLEY MIXED USE LLC (THE "COMPANY") THROUGH DECEMBER 31, 2024; AND (ii) THE EXECUTION OF RELATED DOCUMENTS.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, by Resolution duly adopted on May 17, 2016, the Agency appointed **SIBLEY MIXED USE LLC**, a New York corporation, for itself or a related entity formed or to be formed (collectively, the "Company"), the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of: (A) the renovation of approximately 39,000 square feet of leasable retail space on the first floor of the existing building located at 250 East Main Street in the City of Rochester, New York and the conversion of Floors 9 through 12 of the building into ninety-six (96) new apartments with an entrance on the first floor and amenities on the second floor (the "Improvements"); and (B) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Improvements, the "Facility"); and

WHEREAS, the Agency previously appointed the Company as its true and lawful agent to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax (the "Sales and Use Tax Exemption Benefits") through June 30, 2020; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated September 9, 2020, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2021; and

WHEREAS, the Company subsequently submitted a Project Modification Request, dated November 30, 2021, requesting the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2022; and

WHEREAS, the Company subsequently submitted a Project Modification Request, dated November 23, 2022, requesting the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2023; and

WHEREAS, the Company has, pursuant to a certain Project Modification Request, dated November 29, 2023, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2024; and

WHEREAS, the Agency desires to adopt a resolution authorizing the extension of Sales and Use Tax Exemption Benefits to the Company and the execution and delivery of any documents necessary and incidental thereto.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. Based upon the representation and warranties made by the Company in its request, the Agency hereby authorizes and approves the Company, as its agent, to continue to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax through **December 31, 2024**. The Agency agrees to consider any requests by the Company for another extension or an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 2. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any agreements, documents or certificates necessary and incidental to providing the Company with the Sales and Use Tax Exemption Benefits and necessary to effectuate the above-described extension.

Section 3. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli				
Troy Milne				
Lisa Bolzner				
Joseph Alloco				
Rhett King				
Norman Jones				
Ann L. Burr				

The Resolutions were thereupon duly adopted.

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

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on December 19, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 19th day of December, 2023.

Ana J. Liss, Executive Director



November 29, 2023

Robin Finnerty, Deputy Director
County of Monroe Industrial Development Agency
50 West Main Street, Suite 1150
Rochester, NY 14614

Sibley Mixed Use Project Modification Request

Robin,

Thank you for considering Winn Development's project modification requests for Sibley Mixed Use LLC. During fiscal year 2023, we built and delivered Cricket Wireless and Breaking All Barriers Daycare within Sibley Mixed Use reactivating ~5,500 square feet for \$190k in TI and Capex costs.

We are still working diligently to buildout and lease the remaining space within Sibley Mixed Use. We have ~4,500 square feet that remains to be occupied on Main Street along with some restaurants within The Mercantile on Main which may need to be re-leased. To re-lease these spaces, there is a need for an ~ \$650,000 for tenant improvements and capital expenditures.

None of this would be possible without the continued support of Monroe County. Please let us know if we can answer any additional questions and in advance, thank you for the continued support.

All our best,

 Digitally signed by Kevin
Corcoran
Date: 2023.11.29 08:52:53 -05'00'

Kevin Corcoran

Vice President, Development Asset Management



If you have any questions or need assistance, please call 585.753.2000.

Applicant:	WinnDevelopment (Sibley Mixed Use LLC)		
Project Address:	228-280 East Main Street, Rochester NY 14604		
Contact Name:	Sean Brooks		
Contact Company:	WinnCompanies		
Contact Address:	260 East Main Street, Rochester, NY 14604		
Contact Email:	sbrooks@winnco.com	Contact Phone:	5853131687

Employment in Monroe County:	195	16	11/28/2023
	Full Time	Part Time	As of Date

Modification Requested: Check all that apply. (Attach additional page if necessary). Legal fees apply.
A substantial change in project costs or scope may require a new application.

☐ **Increase in Project Costs:** Must complete page 2. (If there is a significant change in Project Scope, an application will be required.)

Assistance Requested: Check all that apply.

☐ Property Tax Abatement ☐ Mortgage Tax Exemption ☐ Sales Tax Exemption

Project Cost Information: \$ _____ \$ _____ \$ _____
Original Project Cost Increase in Project Costs New Project Costs


☒ **Extend or Renew Sales Tax Exemption:** (If exemption date has expired, a \$350 fee applies.)

12/31/2023	12/31/2024	\$ 1,329,107.40
Current Expiration Date	Requested Expiration Date	Amount of Exemptions Taken to Date

Reason for Extension:
Tenant Improvement fit-out of remaining commercial space necessary to fully occupy and stabilize commercial space.

☒ **New Tenant:** Include name, business description, and square feet to be occupied.
We are still working diligently to build out and lease the remaining space within Sibley Mixed Use.

Applicant hereby represents that (i) it is not in default under any documents executed in connection with the Project being modified; (ii) Applicant will pay all applicable fees of the Agency and its counsel in connection with the modification of the Project.

Signed:  Digitally signed by Kevin Corcoran Date: 2023.11.29 08:53:41 -05'00' Date: 11/29/2023

Print Name and Title: VP Development Asset Management

Staff Use Only:

Date Received 11/29/23 Date of Original Approval: 5/17/26 New Code 2602 16070 F ^{2/20}



MODIFICATION SUMMARY

DATE: December 19, 2023

APPLICANT:

39 Jet View Dr. LLC
31 Jet View Drive
Rochester, NY 14624

PROJECT LOCATION:

39 Jet View Drive
Rochester, NY 14614

MODIFICATION REQUEST:

39 Jet View Drive, LLC, a real estate holding company, is constructing a 52,500 sq. ft. building for its tenant Sydor Optics, a manufacturer of precision optical substrates. The project, located in the Town of Chili, was originally approved in April 2021. In April 2023, an extension was approved through December 31, 2023. The applicant is now seeking another extension of the sales tax exemption through December 31, 2024 due to a change in the anticipated initial tenant.

PROJECT AMOUNT

ORIGINAL
\$3,133,414

Motion By: _____
Seconded By: _____

RESOLUTION

(39 Jet View Drive, LLC Project Modification)
 OSC Code 2602-21-026D

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's offices located at 50 West Main Street, Rochester, New York 14614, on December 19, 2023 at 12:00 p.m.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) GRANTED TO 39 JET VIEW DRIVE, LLC (THE "COMPANY") THROUGH DECEMBER 31, 2024, AND THE EXECUTION OF RELATED DOCUMENTS.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, by Resolution duly adopted on April 20, 2021, December 21, 2021 and April 18, 2023, the Agency appointed **39 JET VIEW DRIVE, LLC**, a New York limited liability company, for itself or a related entity formed or to be formed (collectively, the "Company"), the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of: (A) the acquisition of a leasehold interest in an approximately 4.39-acre parcel of land located at 39 Jetview Drive in the Town of Chili, New York 14624 (the "Land"); (B) the construction thereon of an approximately 52,500 square-foot warehouse/manufacturing building (the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land, the Improvements, the "Facility"); all to be leased to the Company and subleased to Sydor Optics (the "Tenant") for use in its business as a manufacturer of precision optical substrates; and

WHEREAS, the Agency previously appointed the Company as its true and lawful agent to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax (the "Sales and Use Tax Exemption Benefits") through December 31, 2021; and

WHEREAS, the Company previously, pursuant to a certain Project Modification Request, dated November 22, 2021, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2022; and

WHEREAS, the Company previously, pursuant to a certain Project Modification Request, dated March 29, 2023, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2023; and

WHEREAS, the Company has, pursuant to a certain Project Modification Request, dated November 30, 2023, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2024; and

WHEREAS, the Agency desires to adopt a resolution authorizing the extension of Sales and Use Tax Exemption Benefits to the Company and the execution and delivery of any documents necessary and incidental thereto.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. Based upon the representation and warranties made by the Company in its request, the Agency hereby authorizes and approves the Company, as its agent, to continue to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax through **December 31, 2024**. The Agency agrees to consider any requests by the Company for another extension or an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 2. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any agreements, documents or certificates necessary and incidental to providing the Company with the Sales and Use Tax Exemption Benefits and necessary to effectuate the above-described extension.

Section 3. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli				
Troy Milne				
Lisa Bolzner				
Joseph Alloco				
Rhett King				
Norman Jones				
Ann L. Burr				

The Resolutions were thereupon duly adopted.

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

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on December 19, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 19th day of December, 2023.

Ana J. Liss, Executive Director



MODIFICATION SUMMARY

DATE: December 19, 2023

APPLICANT: Andrews Terrace Community Partners, L.P.
11921 Freedom Drive, Suite 860
Reston, VA 20190

PROJECT LOCATION: 125 St. Paul Street
Rochester, NY 14604

MODIFICATION REQUEST: Andrews Terrace Community Partners, L.P. is purchasing and renovating Andrews Terrace Apartments in the City of Rochester. Andrews Terrace is an affordable housing project with 526 units, 496 of which are Section 8 housing. The applicant is renovating the units, common areas, building systems and exterior improvements. In February 2023, the applicant was approved for a Shelter Rent PILOT agreement, tax-exempt bond financing, and sales tax and mortgage recording tax exemptions through December 31, 2025. The applicant is now seeking an extension of the sales tax exemptions through December 31, 2026 due to a change in construction period completion date.

PROJECT AMOUNT ORIGINAL
\$357,825,806

Motion By: _____
Seconded By: _____

RESOLUTION

(Andrews Terrace Community Partners, L.P. Project Modification)
 OSC Project Code 2602-23-002B

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's Offices located at 50 West Main Street, Rochester, New York 14614, on December 19, 2023, at 12:00 p.m.

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to a certain Project more particularly described below.

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL
 DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE
 EXTENSION OF THE SALES TAX EXEMPTION BENEFIT GRANTED TO
 ANDREWS TERRACE COMMUNITY PARTNERS, L.P. (THE "COMPANY")
 THROUGH DECEMBER 31, 2026; AND THE EXECUTION OF RELATED
 DOCUMENTS.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 55 of the Laws of 1972 of the State of New York (collectively, the "Act"), the Agency was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, by Resolution duly adopted on February 28, 2023, the Agency appointed **Andrews Terrace Community Partners, L.P.** (the "Company"), the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of: (A) the acquisition of a leasehold interest in an approximately 3.10-acre parcel of land located at 125 St. Paul Street (aka 91 St. Paul Street) in the City of Rochester, Monroe County, New York 14604 (collectively, the "Land"), together with the existing approximately 474,456 square foot, 22-story and 19-story, 526-unit affordable housing complex with approximately 26,366 square feet of balconies and related approximately 96,988 square foot, 2-story parking structure located on the Land (the "Existing Improvements"); (B) the renovation, refurbishment and upgrading of the Existing Improvements, including, but not limited to, (i) new kitchens, bathrooms, flooring, lighting, roof and façade, (ii) upgrades to the HVAC system, balconies and elevators; (iii) repaving of the parking lot and (iv) related amenities and improvements (collectively, the "Improvements"); (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment, fixtures, furniture and other incidental tangible personal property (collectively, the "Equipment", and together with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, the Agency previously appointed the Company as its true and lawful agent to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax (the "Sales and Use Tax Exemption Benefits") through December 31, 2025; and

WHEREAS, the Company has, pursuant to a certain Project Modification Request, dated November 20, 2023, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2026; and

WHEREAS, the Agency desires to adopt a resolution authorizing the extension of Sales and Use Tax Exemption Benefits to the Company and the execution and delivery of any documents necessary and incidental thereto.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency as follows:

Section 1. Based upon the representation and warranties made by the Company in its request, the Agency hereby authorizes and approves the Company, as its agent, to continue to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax through **December 31, 2026**. The Agency agrees to consider any requests by the Company for another extension or an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 2. The Executive Director, Deputy Executive Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any agreements, documents or certificates necessary and incidental to providing the Company with the Sales and Use Tax Exemption Benefits and necessary to effectuate the above-described changes with respect to the Facility.

Section 3. The Executive Director, Deputy Executive Director, Chairman or Vice Chairman of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of such Executive Director, Deputy Executive Director, Chairman or Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. This resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli				
Troy Milne				
Lisa Bolzner				
Joseph Alloco				
Rhett King				
Norman Jones				
Ann L. Burr				

The Resolutions were thereupon duly adopted.

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

I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on December 19, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with Sections 103 and 104 of the New York Public Officers Law (Open Meetings Law) that all members of the Agency had due notice of the meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand on this 19th day of December, 2023.

Ana J. Liss, Executive Director



Applicant: Andrews Terrace Community Partners, L.P. (CPP / Conifer Realty)
 Project Address: 125 Saint Paul St., Rochester, NY 14604
 Contact Name: John Fraser / Ari Shachter
 Contact Company: Community Preservation Partners / Conifer Realty
 Contact Address: 11921 Freedom Dr, St 860, Reston, VA 20190 (CPP)
 Contact Email: jfraser@cpp-housing.com / ari.shachter@coniferllc.com Contact Phone: 781-475-2457 / 856-290-7388

Employment in Monroe County: 9 1 11/20/2023
 Full Time Part Time As of Date

Modification Requested: Check all that apply. (Attach additional page if necessary). Legal fees apply.

A substantial change in project costs or scope may require a new application.

☐ **Increase in Project Costs:** Must complete page 2. (If there is a significant change in Project Scope, an application will be required.)

Assistance Requested: Check all that apply.

☐ Property Tax Abatement ☐ Mortgage Tax Exemption ☐ Sales Tax Exemption

Project Cost Information: \$ \$ \$ 0
 Original Project Cost Increase in Project Costs New Project Costs

☒ **Extend or Renew Sales Tax Exemption:** (If exemption date has expired, a \$350 fee applies.)

12/31/2025 12/31/2026 \$ 0
 Current Expiration Date Requested Expiration Date Amount of Exemptions Taken to Date

Reason for Extension:

Pushed construction period completion date.

☐ **New Tenant:** Include name, business description, and square feet to be occupied.

Applicant hereby represents that (i) it is not in default under any documents executed in connection with the Project being modified; (ii) Applicant will pay all applicable fees of the Agency and its counsel in connection with the modification of the Project.

Signed: [Signature] Date: 11/20/2023

Print Name and Title: Seth Gellis - Authorized Signatory and President of CPP

Staff Use Only:
 Date Received 11/20/23 Date of Original Approval: 2/22/23 New Code 2602 23 002 B ^{2/20}

REQUEST FOR SUPPORT APPLICATION

We are pleased to be able to collaborate with many innovative and impactful organizations throughout Monroe County to further community prosperity. Please fill in all information below to be considered for program support. For questions and applications submissions please email Allison Clark at allisonclark@monroecounty.gov or call (585) 753-2006.

Organization/Program Name: _____

Contact Name: _____ Contact Phone: _____

Contact Email: _____ Year program started: _____

Address: _____ City: _____ State: _____ Zip: _____

Please describe your program's mission and target audience. Use additional pages if necessary.

What makes your program unique and how will it have an impact on the community in Monroe County?

How do you plan to measure the success of your program? If this program has been active longer than one program year, please also attach past performance metrics.

How is your program directly linked to job creation in Monroe County?

How does your program advance the job opportunities, health, general prosperity, and/or economic welfare of the people of Monroe County?

Funding is limited, so applicants are encouraged to provide evidence of matching contributions from other sources.

Amount of funding requested: _____

Please indicate how these dollars would be used as well as a copy of the operating budget.

Item/Category	Number needed	Use	Estimated Price Low End	Estimated Price High End
Prep Room				
Autoclave	1	sterilization of equipment	\$ 4,000	\$ 6,000
Sink (with foot pedals)	1	cleaning equipment/surgical scrub	\$ 500	\$ 1,700
Surgical Table	1	surgical procedures	\$ 3,000	\$ 4,000
Larygoscopes	2	intubating patients	\$ 500	\$ 800
Endotracheal tubes	6 of each size(sizes 2.5-12)	intubating patients	\$ 750	\$ 900
Avagard hand sanitizer and foot pump	1	sterile procedures	\$ 70	\$ 80
Overhead or wall mounted light	1	Visibility during procedures	\$ 3,500	\$ 3,500
Anesthesia machine	2	anesthetized procedures	\$ 6,000	\$ 9,000
Anesthesia monitoring equipment	2	safety for patients during anesthetized procedures	\$ 6,000	\$ 10,000
ET tube rack	1	intubating patients quickly	\$ 50	\$ 50
Clippers- rechargeable	2	Shaving/sanitizing patients for surgery	\$ 170	\$ 250
Cordless vacuum	1	to vacuum hair after shaving pets	\$ 75	\$ 80
Oxygen Tanks and tubing	2	administering oxygen	\$ 1,000	\$ 1,500
Surgical packs	8 to 10	Metal trays, hemostats, needle drivers, forceps, scalple, mayo and metzenbaum scissors, etc	\$ 2,000	\$ 2,500
Washing Machine and Dryer	1 of each	washing drapes before reuse	\$ 2,000	\$ 3,000
Extra instruments	several of each type	in case of dropped instruments during surgery	\$ 1,000	\$ 1,500
Mayo Stand	3	to carry sterile instruments	\$ 200	\$ 300
Ultrasonic instrument cleaner	1	to clean instruments after surgery	\$ 400	\$ 600
Fluid pumps	3	to administer fluids during anesthesia	\$ 3,000	\$ 4,000
Syringe Pumps	3	to administer medications during anesthesia	\$ 3,000	\$ 4,000
Recovery				
Cage Banks	at least a 10 foot span, plus a	to recover animals following anesthesia	\$ 6,000	\$ 8,000
Ult	1	For post anesthesia monitoring	\$ 1,200	\$ 1,500
Fluid pumps	4	to administer fluids following anesthesia	\$ 3,600	\$ 4,000
Bair Hugger patient warming system	1 to 2	patient warming system following anesthesia	\$ 800	\$ 1,600
IV poles with 5 leg base	2	for holding IV fluids during transport	\$ 200	\$ 300
Diagnostic and lab equipment				
Catalyst Machine	1	Chemistry panels, electrolyts, T4	\$ 20,000	\$ 25,000
Ultrasound	1	Abdominal and cardiad	\$ 3,500	\$ 3,800
CR Radiology	1	Abdominal/chest/epaxial radiogrphs	\$ 20,000	\$ 25,000
radiology plates	2	radiographs	\$ 1,200	\$ 1600
Catalyst Machine	1	Chemistry panels, electrolyts, T4	\$ 10,000	\$ 12,000
Sediview	1	Complete urinalysis	\$ 1,000	\$ 1,100
SNAP reader	1	Heartworm/tick disease/FelV/FIV/parvo	\$ 950	\$ 1,000
Centrifuge	2	prepping blood/urine/fecal samples	\$ 2,000	\$ 2,500
Microscope	1	Cytology (otic/skin)	\$ 600	\$ 800
Catalyst slides	multiple	chemistry panesl/electrolytes/t4	\$ 1,500	\$ 2,000
Surgery				
ceiling mounted surgical light	1	Visibility during procedures	\$ 3,157	\$ 3157
Surgical table	1	For surgical procedures	\$ 3,000	\$ 4,000
Cautery Pen	1	Achieving hemostasis during surgery	\$ 45	\$ 45
Suction	1	Intra-abdominal visibility	\$ 1,200	\$ 1,300
Anesthesia machine	1	Anesthetized surgical procedures	\$ 2,000	\$ 4,000
Anesthesia monitoring machine with capnograph	1	Anesthetic safety for patients	\$ 3,000	\$ 5,000
JorVet Vinyl Water Blanket	1 (small)	patient warming system during surgery	\$ 750	\$ 900
Surgical Gowns	3 of each size	for sterile procedures	\$ 350	\$ 400
Gurney ETA 3-4 months	2	for moving patients	\$ 2,869	
Ceiling mounted IV pole bracket	1	for holding IV fluids	\$ 270	\$ 300
Gurney for surgical prep	1	for surgical prep		
Mobile Anesthesia unit for surgical prep	1	for surgical prep	\$ 3,150	
Oxygen tank for mobile anesthesai unit	1	for surgical prep		
Medications and White Goods				
Oral medications	1	antibiotics, pain meds, otic meds. ophthalmc meds. etc	\$ 40,000	\$ 50,000
Drug Safe	1	to secure controlled drugs	\$ 300	\$ 400
white goods	1	bandaging material/gauze/cotton balls	1,000	\$ 1,500
Injectable medications		Pain/sedation/antibiotics/emergency drugs	\$ 10,000	\$ 12,000
casting material/splints		fracture stabilization	\$ 500	\$ 600
			\$ 181,356	\$ 227,562

Joseph D. Morelle
25th District, New York

Washington Office
570 Cannon House Office Building
Washington, D.C. 20515
(202) 225-3615

Rochester Office
3120 Federal Building
100 State Street
Rochester, NY 14614
(585) 232-4850



Congress of the United States
House of Representatives
Washington, DC 20515

158
Committee on House Administration
Ranking Member

Committee on Appropriations
*Subcommittee on Commerce, Justice,
Science, and Related Agencies*
*Subcommittee on Energy and Water
Development, and Related Agencies*

December 5, 2023

Rochester Emergency Veterinary Services
1150 University Avenue
Rochester, NY 14607

Dear Rochester Emergency Veterinary Services (REVS),

I write to you today to thank you for your commitment to the Rochester pet-owning community and to express my support for REVS's funding application for programmatic support through the County of Monroe Industrial Development Agency.

As you know, in May of 2021, Thrive Pet Healthcare bought out the locally owned Veterinary Specialists and Emergency Services (VSES) facility in Rochester, New York, formerly serving as the sole 24-hour emergency veterinary service provider in the region. After just two years of ownership, the company permanently closed VSES in November of 2023, pushing 132 individuals out of employment and leaving our community without access to emergency care for pets.

REVS seeks to close this critical gap in care as they launch an emergency animal hospital providing overnight care in January of 2024. REVS couples a highly skilled team with experienced veterinarians to provide reliable and efficient service to the pet-owning community in Rochester. Not only will REVS improve the quality of life for pet parents and pets alike in our community, but REVS will retain a crucial aspect of our region's workforce: emergency veterinary services. Without REVS, residents of Rochester are forced to travel hours by car to obtain critical emergency care for their animals.

Throughout my time in Congress, I have worked to put our community first, and I believe Rochester Emergency Veterinary Services will provide meaningful workforce development, animal welfare, and improved quality of life for the residents of Monroe County. I support your efforts and wish you success with this funding application.

Sincerely,

A handwritten signature in blue ink that reads "Joseph D. Morelle".

Joseph D. Morelle
Member of Congress



99 Victor Road
Fairport, NY 14450

December 6, 2023

COMIDA
City Place
50 W Main Street, Suite 1150
Rochester, NY 14614

Dear County of Monroe Industrial Development Agency:

I write to you today to thank you for your commitment to the Rochester pet-owning community and to express my support for Rochester Emergency Veterinary Services' (REVS) funding application for programmatic support.

As you know, in May of 2021, Thrive Pet Healthcare bought out the locally owned Veterinary the sole 24-hour emergency veterinary service provider in the region. After two years of ownership, the company permanently closed VSES in November 2023. This action has caused 132 individuals to lose their employment or to leave the veterinary service sector altogether, leaving our community without access to emergency care for pets. The shortage in veterinary care staff significantly impacts the quality of life for Monroe County pet owners and their pets alike.

REVS seeks to resolve this critical community need by launching an emergency animal hospital in January of 2024. They intend to provide overnight, emergency care. REVS is comprised of a highly skilled team with experienced veterinarians and staff who will provide reliable and efficient service to the pet-owning community in our region. Not only will REVS improve the quality of life for pet parents and pets alike in our community, but REVS will retain a crucial aspect of our region's workforce, emergency veterinary services. Without REVS, residents of Monroe County and Rochester are forced to travel hours by car to obtain critical emergency care for their animals in other parts of the state.

Throughout my time at Lollypop Farm, I have worked to keep people and pets together. I believe Rochester Emergency Veterinary Services will provide meaningful workforce development, animal welfare, and improved quality of life for the residents in our region.

Sincerely,

Alice Calabrese, Certified Animal Welfare Administrator
President and CEO



December 8, 2023

Rochester Emergency Veterinary Services
1150 University Avenue
Rochester, NY 14607

Dear Rochester Emergency Veterinary Services (REVS):

For many in Rochester, Monroe County, and beyond, a pet is a cherished family member and valued companion. I thank you for your commitment to providing veterinary care in our community, and I would like to express my wholehearted support for REVS's funding application for programmatic support through the County of Monroe Industrial Development Agency.

The permanent closure of Veterinary Specialists and Emergency Services (VSES) last month left a void in the pet services our community needs—an unfortunate end for VSES just two years after the locally owned business was bought out by Thrive Pet Healthcare.

Thank you for your willingness to step up and fill this void. The improved health and quality of life that you will be able to offer our local pets, and the peace of mind this will give our pet parents is truly invaluable. In addition, I appreciate the employment opportunities your veterinary hospital will be able to offer city residents. Jobs are a cornerstone of economic prosperity, and creating a safe, equitable and prosperous Rochester is what I work towards every day with my City of Rochester administration, community partners and local businesses.

I will never tire of saying, "It's we, not me." And it truly is "we." Together we can make progress addressing the multifaceted needs of our community. I will eagerly await the outcome of your funding application. May you find success in your endeavor.

Sincerely,

Malik D. Evans
Mayor



2024 COMIDA Board Meetings

12:00 p.m.

City Place

50 West Main Street

Rochester, NY 14614

(Meetings are held every 3rd Tuesday of the month unless noted)

Meeting Dates

January 16, 2024

February 20, 2024

March 26, 2024

(Annual Meeting - 4th Tuesday)

April 16, 2024

May 21, 2024

June 18, 2024

July 16, 2024

August 20, 2024

September 17, 2024

October 15, 2024

November 19, 2024

December 17, 2024



Dashboard

December 2023

Incentives Summary							
Sales Tax Exemptions		Mortgage Recording Tax Exemption		PILOTS		Total Company Investment	
Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End
30	30	13	17	13	17	\$1,192,371,436	\$738,190,997

Jobs Summary							
Number of Total Projects		Existing Jobs Retained per Application		New Jobs Projected by Applicant		New Jobs Required*	
Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End
20	29	321	1948	518	737	120	245

Fees for Approved Projects (includes all app and agency fees)					
Total		Paid to Date		Outstanding	
2023 Projects YTD	2022 Projects YE	2023 Projects YTD	2022 Projects YE	2023 Projects YTD	2022 Projects YE
\$10,466,965	\$5,361,074	\$1,532,097	\$5,166,426	\$8,934,867	\$216,269

Workforce Development Fund					
Beginning Balance \$2,500,000					
Allocated Revenue		Committed Funds		Fund Balance	
2023 YTD	2022 YE	2023 YTD	2022 YE	2023 YTD	2022 YE
\$180,347	\$2,656,317	\$2,970,000	\$1,400,000	\$786,317	\$3,756,317

Solar WD Fund		
Fee Collected to Date	Committed to Date	Balance
\$75,000	\$0	\$75,000

*Required jobs are calculated as 10% of the existing jobs, with a minimum of 1 job. Enhanced JobsPlus is 100 jobs with a minimum of \$15,000,000 investment. There is no job creation requirement for projects that only receive sales tax exemptions

2024 Annual Contract Review

All contracts subject to annual board approval

Auditor Contract

RFP Issued: November 2020
Awarded to: Mengel, Metzger, Barr & Co.
Term: Fiscal years ending 2020 - 2024
2022 Amount: \$11,550 (for 2021 audit)
2023 Amount: \$11,850 (for 2022 audit)
2024 Amount: \$12,150 (for 2023 audit)

Accounting & Chief Financial Officer Contract

RFP Issued: December 2021
Awarded to: The Bonadio Group
Term: January 1, 2022 – December 31, 2025
2022 Amount: \$55,860
2023 Amount: \$56,975
2024 Amount: \$58,125

Local Labor Monitoring Contract

RFP Issued: December 2021
Awarded to: Loewke Brill Consulting Group
Term: January 1, 2022 – December 31, 2025
2022 Amount: \$77,000
2023 Amount: \$77,000
2023 Amount: \$77,000

Local Labor Exemption Processing Contract

RFP Issued: December 2021
Awarded to: The Bonadio Group
Term: January 1, 2022 – December 31, 2025
2022 Amount: \$28,000
2023 Amount: \$28,000
2024 Amount: \$28,000

Legal Contract

RFP Issued: April 2021
Awarded to: Harris Beach
Term: January 1, 2022 – December 31, 2025
2022 Amount: Fee schedule set by board
2023 Amount: Fee schedule set by board