



BOARD MEETING AGENDA

February 28, 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 – January 17, 2023 (p. 2)
- D. Public Comments
- E. Local Labor Monitoring Report – January 2023 - Kevin Loewke (p. 10)
- F. Local Labor Exemptions Report – January 2023 - Brian Lafountain (p. 12)
- G. Financial Report – January 2023 - Gregg Genovese (p. 14)
- H. Applications for Consideration
 - 1. Sundensity, LLC (p. 15)
 - 2. Andrews Terrace (Conifer Realty and Community Preservation Partners East) (p. 39)
- I. Project Modifications
 - 3. 30 West Broad Street, LLC – Extension (p. 67)
 - 4. Bace Build, LLC. – Extension (p. 73)
 - 5. Whitney Baird Associates LLC – Phase III – Renewal/Extension/Increase (p. 79)
- J. Governance Committee Report – J. Popli
- K. Finance Committee Report – A. Burr
Investment Plan
- L. Executive Director – Discussion Items
1199 SEIU League Training and Upgrading Fund - Workforce Development Fund Request (p. 87)
FAST NY Application (p. 94)
Dashboard (p. 107)
- M. Executive Session – For the purpose of proposed sale of real property, Section 105 (h) of the Open Meetings Law.
- N. Committee Assignments
- O. Chair Burr – Discussion Items
- P. Adjourn Meeting

Next meeting: Annual Meeting - Tuesday, March 28, 2023



DRAFT
BOARD MEETING MINUTES
January 17, 2023

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

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

Board Absent: J. Alloco

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

Chair Burr called the meeting to order at 12:03 p.m. and L. Bolzner led the board in the Pledge of Allegiance.

On motion by J. Popli, second by R. King, all aye, minutes of the November 15, 2022 meeting were approved.

R. Ryerse, Business Manager for the International Brotherhood of Electrical Works Local #86 gave public comments regarding the Amazon Manitou project and noted that COVID protocols were relaxed as well as the badging system requirements.

K. Loewke presented the local labor monitoring report for November and December 2022.

B. Lafountain presented the labor exemption report for December 2022. The report outlined 1 local labor exemption for the Li-Cycle North American Hub project, related to the provision of a temporary crane operator until an operator from the local labor area can be retained at the project site in Rochester, NY. Exempted contractor is Maxim Crane. The exemption was based on the “No local labor available” criteria.

G. Genovese presented the financial report for December 2022.

Executive Director Liss presented the following projects for consideration:

Howitt-Bayview, LLC

Howitt-Bayview, LLC, is proposing the construction of a 60-Unit, four-story residential apartment building in the town of Penfield. The first floor will be set aside for senior living (55 and over) with 7 of those units additionally set aside for affordable housing. The affordable component will total 7,040 sq.ft. In addition, there will be 3 units on the first floor that will be fully ADA accessible. As part of the project Howitt-Bayview, LLC will construct a left turn lane from Empire Blvd onto Wilbur Tract Road to create a safer turning lane, which will also benefit neighboring businesses on Wilbur Tract Road. Howitt-Bayview plans to create 4 new FTEs. The \$13 million project is seeking a real property tax abatement, mortgage recording tax. The applicant was represented by Scott Doescher, Wendy Howitt and Jeff Levinson. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and anticipated the potential for one local labor exemptions regarding gypcrete. Ms. Baranello stated there were no comments at the public hearing which was held on December 15, 2022.

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 DECEMBER 15, 2022, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY HOWITT-BAYVIEW LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (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, 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.

On motion by L. Bolzner, second by J. Popli for inducement and final resolution approving a real property tax abatement, mortgage recording 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	Yea	A. Burr	Yea
N. Jones	Yea		

Whitney Baird Associates, LLC

Whitney Baird Associates, LLC, a real estate holding company, is proposing the renovation and modernization of the 155 Culver Rd facility in the City of Rochester as the tenant, Security Risk Advisors, has signed a long-term lease. The \$730,000 project is projected to create 44 new FTEs over the next three years. The applicant and tenant are both seeking approval of sales tax exemptions only. The Benefit/Incentive ratio is 1055:1. The applicant was represented by Gabe Siftar and Fred Rainaldi Jr. 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. No public hearing was required.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TO APPOINT (i) WHITNEY BAIRD ASSOCIATES, LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AND SECURITY RISK ADVISORS INTL, 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 J. Popli 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
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L. Bolzner	Yea	R. King	Yea
T. Milne	Yea	A. Burr	Yea
N. Jones	Yea		

County Executive Adam Bello delivered a proclamation celebrating COMIDA's 50th Anniversary.

Executive Director Liss presented the following project modifications for consideration:

CT Rochester, LLC/University of Rochester - Assumption

CT Rochester, LLC has a mixed-use development adjacent to the University of Rochester, in the City of Rochester. CT Rochester, in partnership with the City of Rochester, redeveloped the 14 acre site which consists of retail, office, residential, hotel and parking facilities. In February 2013, the project was approved for a custom property tax abatement. The applicant is requesting approval to assume the property tax abatement.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE ASSIGNMENT BY CT ROCHESTER, LLC OF CERTAIN FINANCIAL ASSISTANCE AND DOCUMENTS IN CONNECTION WITH A CERTAIN PROJECT LOCATED AT 1351 MOUNT HOPE AVENUE IN THE CITY OF ROCHESTER, NEW YORK, TO A FOR-PROFIT ENTITY FORMED OR TO BE FORMED AND RELATED TO THE UNIVERSITY OF ROCHESTER; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by N. Jones, second by R. King all aye, motion carried to approve the assignment of the real property tax abatement.

FCP Driving Par LLC/1001 Driving Park LLC - Assumption

FCP Driving Park LLC, a real estate holding company, constructed a new 40,000 sq. ft. building for its tenant Farmer Jon's Popcorn in the City of Rochester. In January 2021, the \$6.8 million project was approved for a real property tax abatement, mortgage recording tax and sales tax exemption. The applicant is requesting approval to assume the property tax abatement.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE ASSIGNMENT BY FCP DRIVING PARK LLC OF CERTAIN FINANCIAL ASSISTANCE AND DOCUMENTS IN CONNECTION WITH A CERTAIN PROJECT LOCATED AT 25-65 PHIL BANKS WAY IN THE CITY OF ROCHESTER, NEW YORK, TO 1001 DRIVING PARK, LLC OR A RELATED ENTITY FORMED OR TO BE FORMED; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by N. Jones, second by L. Bolzner, all aye, motion carried to approve the assignment of the real property tax abatement.

O'Connell Electric Inc. – Increase and Extension

O'Connell Electric Co., Inc. is a full-service electrical contractor providing comprehensive design-build, construction, service, maintenance, and emergency response services. The proposed project is a 20,000 sq. ft. two-story office building and training facility consisting of 56 offices, a large training room and related common area. This building is necessary to accommodate O'Connell Electric's Power Division continued growth and expansion. O'Connell Electric anticipates creating 5 new FTEs in addition to the

existing 19 FTEs. In June 2022, the \$6.5 million project was approved for a real property tax abatement, mortgage recording tax and sales tax exemption. The applicant is now requesting an increase in project costs of \$4,000,000 due to the increase in construction costs. This amount includes \$3,050,000 in purchases of vehicles. The total project cost is now \$10,577,000 and the new sales tax exemption benefit amount is \$551,029 and the mortgage recording tax exemption is \$52,500. The applicant is also requesting an extension of the sales tax exemption through December 31, 2024 due to the extended completion date.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIALDEVELOPMENT AGENCY AUTHORIZING (i) AN AMENDMENT TO THE PROJECT SCOPE AND DESCRIPTION TO INCLUDE THE PURCHASE OF CERTAIN ALTEC/TEREX TRUCKS (AS HEREINAFTER DEFINED); (ii) ADDITIONAL FINANCIAL ASSISTANCE IN AMOUNTS EXCEEDING THE AMOUNTS PREVIOUSLY APPROVED BY THE AGENCY; (iii) THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) AND (iv) THE EXECUTION OF RELATED DOCUMENTS ALL IN RESPECT OF THE TO O'CONNELL ELECTRIC COMPANY, INC. PROJECT.

On motion by R. King, second by J. Popli, all aye, motion carried to approve an increase and an extension of the sales tax exemption through December 31, 2024.

Tower 195 - Extension

Tower 195 LLC, a Gallina Development real estate entity, began redevelopment of the former Chase Tower in 2015, now known as The Metropolitan located in the City of Rochester. Since that time, there have been several increases to sales tax and mortgage recording tax exemptions as well as extensions of the sales tax exemption. The project was originally approved for a mortgage recording tax and sales tax exemptions in October of 2015. The applicant is seeking an extension of the sales tax exemption through December 31, 2023 to construct apartments on floor 26. The project should be complete by end of 2023.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES TAX EXEMPTION BENEFIT GRANTED TO TOWER 195 LLC (THE "COMPANY") THROUGH DECEMBER 31, 2023; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by L. Bolzner, second by N. Jones, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2023.

Genesis Vision Inc. - Extension

Genesis Vision, Inc. dba Rochester Optical Manufacturing Company is renovating an existing building in the City of Rochester for its lens lab division. In December 2021, the project was approved for sales and mortgage recording tax exemptions. The project was approved for a sales tax extension last year through the end of 2022. The applicant is now requesting an extension through December 31, 2023 due to delays in delivery of manufacturing equipment and vehicles.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIALDEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) GRANTED TO GENESIS VISION, INC. (THE "COMPANY") THROUGH DECEMBER 31, 2023, AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by J. Popli, second by T. Milne, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2023.

Innovation Partners Roc LLC - Extension

Innovation Partners Roc LLC is renovating the Xerox Square property to create a collaborative academically focused campus. Phase 1 of the project was approved for sales and mortgage tax exemptions only in September 2020. Phase 2 of the project was approved for sales and mortgage recording tax exemptions only in November 2021. The applicant was approved for an increase in the mortgage recording tax exemption last year. The applicant is now requesting an extension of the sales tax exemption through December 31, 2023 to complete phase 2 of the project.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES TAX EXEMPTION BENEFIT GRANTED TO INNOVATION PARTNERS ROC LLC (THE "COMPANY") THROUGH DECEMBER 31, 2023; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by J. Popli, second by R. King, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2023.

American Management/American Fleet - Extension

American Management, a real estate holding company, is adding 8,000 sq ft to its existing building for its tenant American Fleet Maintenance, a related entity. American Fleet Maintenance performs vehicle maintenance and repair on light duty to heavy duty trucks and trailers for local and national fleets. The \$1.65 million project was approved in March 2022 for a real property tax abatement, mortgage recording tax and sales tax exemption. The applicant is now requesting an extension through December 31, 2023 as more time is needed to complete the project.

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 (AS HEREINAFTER DEFINED) GRANTED TO AMERICAN FLEET MAINTENANCE, INC. (THE "COMPANY") THROUGH DECEMBER 31, 2023, AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by L. Bolzner, second by J. Popli, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2023

Brad Griggs, Glendowlyn Thames, Harrison Sullivan, and Margaret Yu, all from Amazon, were present via Zoom to give an update on the USRE Manitou, LLC project. They provided project completion updates as well as an update on the \$1.7 million community contribution. James Murray-Coleman and Andy Ernest from Trammel Crow reviewed the local labor report for the project.

On motion by J. Popli, second by R. King, all eye motion carried to authorize the use of video conferencing pursuant to the Open Meetings Law Section 103-A and the adoption of the written procedures for the use of video conference.

Chair Popli reported that the Governance committee met and continued review the current local labor policy regarding specialty construction and warranty exemptions. The committee will meet again to continue the discussion.

Chari Popli also reported on the Governance Committee's discussion regarding the renewal of the following contracts:

Auditor – Mengel Metzger Bar as certified financial auditor to perform the 2022 financial audit per the proposal that was previously submitted; Accounting and Chief Financial Officer – Bonadio Group to provide accounting and chief financial services for fiscal year 2023; Local Labor Monitoring – Loewke Brill Consulting to provide local labor monitoring services for fiscal year 2023; Local Labor Exemption Processing – The Bonadio Group to process local labor exemptions for fiscal year 2023; Legal Services – Harris Beach PLLC to provide legal services for fiscal year 2023. On motion by J. Popli, second R. King, all aye, motion was approved to approve the renewal of all contracts listed above for fiscal year 2023.

Executive Director Liss presented a request to allocate additional funds to the Workforce Development Fund. On motion by R. King, second by N. Jones, all aye, motion approved to allocate an additional 20% of fee revenue received in 2022 to the Workforce Development Fund.

Executive Director Lis presented Angelica Perez-Delgado and Miguel Melendez from Ibero American Action League with a request for support through the Workforce Development Fund. On motion by N. Jones, second by J. Popli, all aye, motion carried to approve the execution and deliver of a contract with the Ibero American Action League to support the Ibero Workforce & Entrepreneurial Connection Program in an amount not to exceed \$1,000,000 for four years, subject to annual board approval.

Jim Gertner from Monroe Community College gave an update on the status of the MPower program.

Director Liss informed the Board that COMIDA will be hosting an MWBE breakfast in conjunction with the County, The Greater Rochester Chamber of Commerce and MCIDC.

Director Liss presented the Travel Report as well and the dashboard report to the board

There being no further business to discuss, on motion by J. Popli, second by R. King, all aye, the regular meeting of the Board was adjourned at 1:50 p.m.



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Local 86

2300 E. River Road
Rochester, N.Y. 14623
Tel: (585) 235-1510
Fax: (585) 235-0420

RAYMOND A. RYERSE JR., *Business Manager*
TIMOTHY M. LONGBINE, *President*
TODD M. KRENZER, *Financial Secretary*

To: Madam Chairperson and Board Members
From: Raymond A. Ryerse Jr.
Date: January 17th, 2023
Re: Covid-19 and Comida Requirements

Good afternoon, Madam Chairperson and Board Members,

My name is Raymond Ryerse, I am the Business Manager of the International Brotherhood of Electrical Workers Local Union #86.

I represent over 1400 Electricians in the Greater Rochester area; of which approximately 120 members worked on the Amazon ROC1 project.

All 120 members were required to use the "Badge in Badge out" system for accountability purposes, while in the employ of 3 Electrical Contractors.

Members working on the ROC1 project where subject to all Covid-19 and Comida requirements during the height of this project.

By Covid-19 requirements, I refer to a mandatory temperature check and wellness check set by the General Construction firms, Trammel Crow and Layton Construction.

Those same members were also in compliance with this Comida boards requirements:

1. Being a resident of the 9-county region mandate.
2. The "badge in badge out" protocols set by this board.

My statement here today is to serve as public record written into the minutes of this board meeting, as well, as provide context to how both the Covid -19 and the Comida requirements dissipated through the course of this project.

Simply stated as the Covid protocols relaxed so in turn did the badging requirements.

I can speak from firsthand experience, as well as the testimonials of my members and the signatory contractors for which they worked, these protocols not only dissipated but became virtually non-existent to the project as State and Federal Covid-19 mandates eased.

Quality and Pride since 1899

Affiliated with:

AFL-CIO • N.Y. State AFL-CIO • Rochester Labor Council AFL-CIO
N.Y. State Electrical Workers Association • N.Y. State Building Trades Council

This statement is to serve as a notice to remain ever vigilant and moreover, diligent when allocating tax exemptions and the protocols set forth to those, seeking to obtain said exemptions. My intents and purposes are not to imply malice or deception on those responsible for safeguarding county tax dollars, but rather serve as the litmus test for jobs and requirements to exemption in the years to come. I ask this statement to be entered into the minutes of this meeting to serve as a public record.

Respectfully submitted,

A handwritten signature in blue ink, reading "Raymond A. Ryerse Jr." in a cursive script.

Raymond A. Ryerse Jr.
Business Manager
I.B.E.W., Local #86
Phone: (585) 235-1510 extension 1107
Cell: (585) 465-9815
Fax: (585) 235-0420
Email: rryerse@ibewlu86.com



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

February 6th 2023,

1. This report covers our site visits between January 1st, 2023 and January 31st, 2023.
2. During this period Loewke Brill made 85 monthly site visits.
3. During this period Loewke Brill made "3" Follow up visits.
4. Loewke Brill checked for residence with 776 workers.
5. Of those workers, there were "14" non-compliant.
 - a. 7- No proof of residence
 - i. 1/3/23 - JD & Sons, Inc - 1 from Baltz No ID. Compliant on follow up visit 1/4/23
 - ii. 1/19/23 - JD & Sons, Inc - 1 from Douglas Electric No ID. Compliant on follow up visit 1/20/23
 - iii. 1/27/23 - A50EB, LLC - 1 from Billitier No ID, 1 from B & N Electric No ID, 2 from Gyp Systems No ID. All four workers compliant on follow up visit 1/30/23
 - iv. 1/31/23 - Aptitude Rochester, LLC - 1 from VRD Painting No ID. Compliant on follow up (2/1/23)
 - b. 7 - Out of Area
 - i. 1/26/23 - Li-Cycle North America Hub, Inc - 1 from U.D.N. (Apollo Steel) out of area. Waiver submitted and approved
 - ii. 1/27/23 - Indus South Union Street, LLC - 6 from Sackett Tile out of area. Waiver submitted for Sackett Tile and later approved.
 - c. 0 - Invalid ID

6. USRE Manitou – Current Overall = 72.9% – Project subject to 70% overall compliance
7. As of January 31st, 2023 all monitored sites were in compliance at time of our inspection.
8. There was “1” new COMIDA sign(s) delivered
 - a. Vuzix Corporation

Big firm capability. Small firm personality.

THE BONADIO GROUP

CPAs, Consultants & More

February 2023 Verified Local Labor Exemption Report

Board Meeting – February 2023

The following Verified Local Labor Exemption Requests were processed in January 2023

1. Li-Cycle North American Hub
 - a. One exemption related to the provision of a one Iron Worker from the Iron Workers Local #33 that resides outside of the COMIDA local labor jurisdiction. The Local #33 member is working for Apollo Steel. The exemption was based on the “No local labor available” criteria.
2. Indus South Union Street, LLC
 - a. One exemption related to the installation of the tile and terrazzo at the project site on South Union Street in Rochester. The composition of the tile work force will consist of 6 local and 6 non-local workers, all Local 677 Glaziers and Glassworkers Union members. The exemption was based on the “No local labor available” criteria.
 - b. One exemption related to the Local 3 Bricklayers and Craft Workers Union’s provision of tile setters and tile finishers at the project site on South Union Street in Rochester. The exemption was based on the “No local labor available” criteria.
3. Pike Conductor DEV 1, LLC
 - a. One exemption related to the installation of the pallet racking system at the project site in Rochester. The pallet racking system is required to be installed by and LCI approved vendor by the Manufacturer’s warranty. The exempted contractor is LCI Industrial. The exemption was based on the “Warranty Issues related to the installation.....” criteria.

4. Plug Power Inc.
 - a. One exemption related sheet metal scope of work, including all duct, duct accessories, duct installation, and air balance services at the project site in Henrietta. The Sheet Metal Workers Local No. 46 does not have the required resources at this time, and the Albany, NY local is providing one working Foreman and one journeyman (McD Metals, LLC) to supplement the manpower. The exemption was based on the “No local labor available...” criteria.
5. Whitney Housing I, LLC
 - a. One exemption related to the installation/application of the gypcrete flooring product to the floors at the project site on Whitney Road in Perinton. The exempted contractor is Henderson Johnson, Inc. The exemption is based on the “No local labor available” criteria.
6. Gannett Partners I, LLC
 - a. One exemption related to the structural steel and miscellaneous metals scope of work at the project site in Rochester. The exempted contractor is Holland Steel. The exemption is based on the “Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project....” Criteria.

Statement of Financial Position

	Year To Date 01/31/2023	Year Ending 12/31/2022
	Actual	Actual
Assets		
Current Assets		
Cash and Cash Equivalents	10,091,153	12,032,260
Restricted Cash	5,053,018	3,284,299
Accounts Receivable, Net	76,874	82,197
Prepaid Expenses	111,849	106,320
Total Current Assets	15,332,894	15,505,077
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	16,200,198	16,372,381
Liabilities and Net Assets		
Liabilities		
Short-term Liabilities		
Accounts Payable	310,535	17,878
Accrued Liabilities	582,470	951,536
Deferred Revenue	67,937	65,915
Other Short-term Liabilities	476	476
Total Short-term Liabilities	961,418	1,035,804
Long Term Liabilities	246,992	246,992
Total Liabilities	1,208,410	1,282,796
Net Assets		
Net Assets	15,089,584	8,846,166
Change In Net Assets	(97,796)	6,243,418
Total Net Assets	14,991,788	15,089,584
Total Liabilities and Net Assets	16,200,198	16,372,381

Summary Statement of Activities - All Funds with Prior Year

	Year To Date 01/31/2023	Year To Date 01/31/2023	Prior Year To Date 01/31/2022
	Actual	Budget	Actual
Revenue	1,779	166,750	671,191
Payroll	22,005	25,825	30,208
Sponsorships	0	833	3,000
Program & Community Development	43,811	204,317	79,167
General & Administrative	33,759	24,521	35,911
Total Expenses	99,575	255,496	148,286
Change In Net Assets	(97,796)	(88,746)	522,905



APPLICATION SUMMARY

DATE: February 28, 2023

APPLICANT:

SunDensity, Inc.
260 East Main Street
Rochester, NY 14604

PROJECT ADDRESS:

SunDensity, Inc.
260 East Main Street
Rochester, NY 14604

PROJECT SUMMARY:

SunDensity, Inc. is proposing an expansion to its current facility located at 260 West Main Street in the City of Rochester. SunDensity is competing in the green energy sector and has a novel platform for nano-optical photonic smart coatings aimed at improving solar output by 20%. This expansion will allow for additional office space, lab and clean room for R&D as well as a place to house R&D equipment. The applicant was previously approved for the initial phase of this project in May 2021 for a sales tax exemption. The \$1 million project is projected to create 19 new FTEs over the next three years. The applicant is seeking approval of sales tax exemptions only. The Benefit/Incentive ratio is 221:1.

**PROJECT AMOUNT:
EXEMPTIONS:**

\$1,196,000 – Sales Tax Exemption Only
\$94,080

**JOBS: EXISTING:
NEW:**

9	FTEs
19	FTEs

PUBLIC HEARING DATE:

February 28, 2023

BENEFIT TO INCENTIVE RATIO:

221:1

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 February 28, 2023
Project Title SunDensity Inc.
Project Location 250 Main Street, Rochester, NY 14604

Economic Impacts

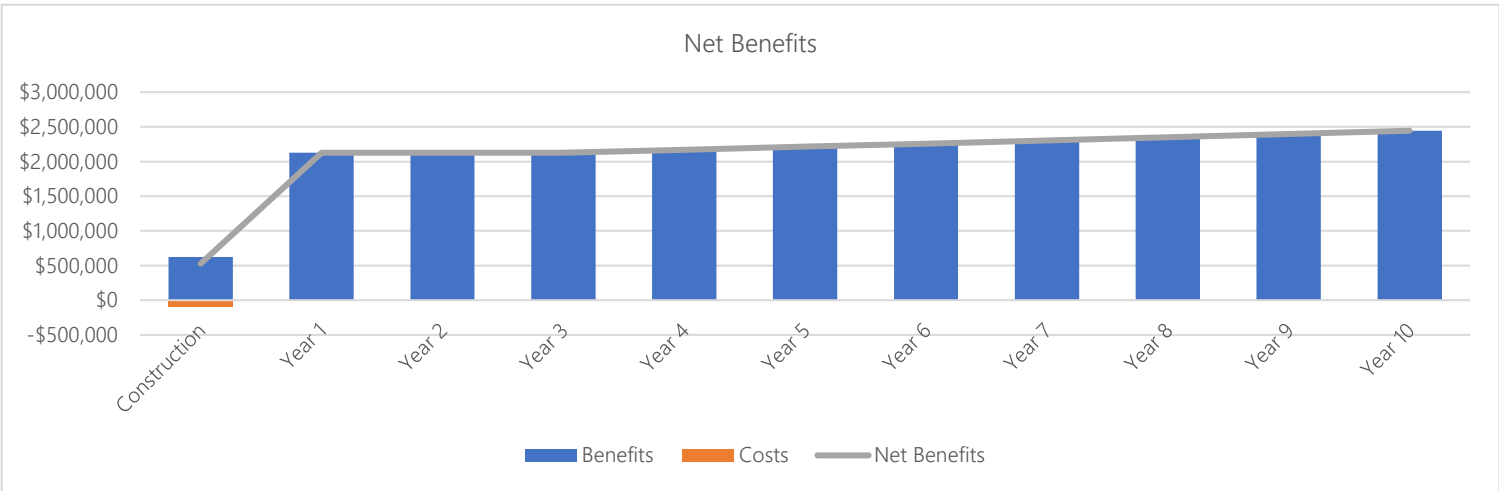
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
\$1,196,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	5	3	8
Earnings	\$395,672	\$191,434	\$587,106
Local Spend	\$956,800	\$569,995	\$1,526,795

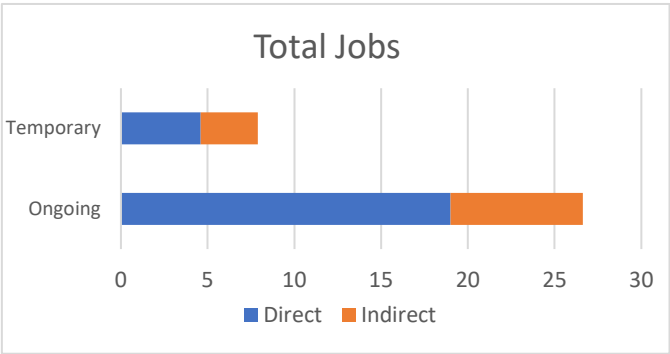
Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	19	8	27
Earnings	\$15,080,731	\$6,183,346	\$21,264,077

Figure 1



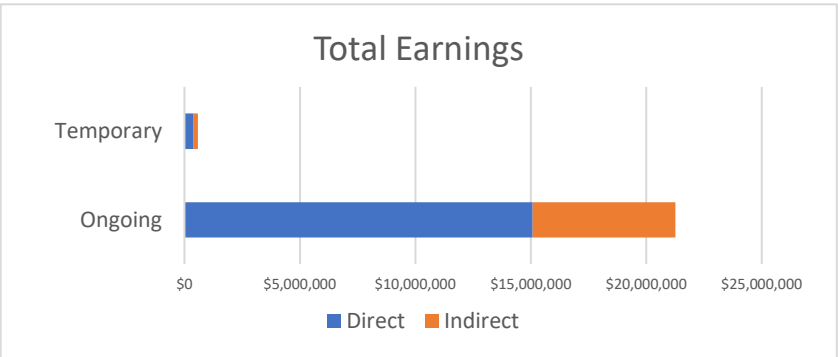
Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2



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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	\$0	\$0
Sales Tax Exemption	\$94,080	\$94,080
Local Sales Tax Exemption	\$47,040	\$47,040
State Sales Tax Exemption	\$47,040	\$47,040
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$94,080	\$94,080

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$22,004,142	\$19,772,745
To Private Individuals	\$21,851,184	\$19,635,298
Temporary Payroll	\$587,106	\$587,106
Ongoing Payroll	\$21,264,077	\$19,048,191
Other Payments to Private Individuals	\$0	\$0
To the Public	\$152,958	\$137,447
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$4,110	\$4,110
Ongoing Jobs - Sales Tax Revenue	\$148,849	\$133,337
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$1,136,262	\$1,021,035
To the Public	\$1,136,262	\$1,021,035
Temporary Income Tax Revenue	\$26,420	\$26,420
Ongoing Income Tax Revenue	\$956,883	\$857,169
Temporary Jobs - Sales Tax Revenue	\$4,110	\$4,110
Ongoing Jobs - Sales Tax Revenue	\$148,849	\$133,337
Total Benefits to State & Region	\$23,140,403	\$20,793,780

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$19,772,745	\$47,040	420:1
State	\$1,021,035	\$47,040	22:1
Grand Total	\$20,793,780	\$94,080	221:1

*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
 (SunDensity Inc. Project)
 OSC Code 2602-23-003A

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 February 28, 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 (i) APPOINT SUNDENSITY INC. 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, **SUNDENSITY INC.**, a Delaware 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: (A) the renovation of Suite 6407 located in the Sibley building, which is located at 250 East Main Street in the City of Rochester, New York, including but not limited to, the construction of office and lab space (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"); all for use by the Company as a manufacturing, research and development and headquarters in its business as a manufacturer of nano-optical photonic smart coatings for solar panels; 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 Tuesday, February 28, 2023, at 9:00 a.m., local time, at Agency's Offices, 50 West Main Street, 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 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 expansion, renovation and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency to expand, renovate and equip the Improvements, and such appointment includes the following activities as they relate to the renovation, 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 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 Improvements 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, 2023** (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 **\$1,176,000**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$94,080**. 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 February 28, 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 28th day of February, 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: SunDensity, Inc.
Address: 260 East Main Street - Ste 6407
City/State/Zip: Rochester, NY 14604
Tax Id No.: 81-2133262
Contact Name: Greg Siembor
Title: Director of Finance
Telephone: 585.739.5908
E-Mail: siembor@sundensity.net

B. Applicant's Legal Counsel

Name: J Michael Wood
Firm: Boylan Code
Address: 145 Culver Road, Suite 100
City/State/Zip: Rochester, NY 14620
Telephone: 585.232.5300
Email: mwood@boylancode.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>Nishkant Sonwalkar</u>	<u>18 %</u>	<u>President and Founder</u>
<u>Clean Energy Venture</u>	<u>25 %</u>	<u>investor</u>
<u>Rodgers Capital, LLC</u>	<u>28 %</u>	<u>investor</u>
<u>Luminate Venture Challenge</u>	<u>6 %</u>	<u>investor</u>
<u>Finger Lakes Venture Fund, LP</u>	<u>2 %</u>	<u>investor</u>
<u>Kevin Debasitis</u>	<u>2 %</u>	<u>VP Business Development</u>
<u>RR Belur & C. Sreenivas</u>	<u>1 %</u>	<u>investor</u>
<u>25 investors all under 1%</u>	<u>18 %</u>	<u>investor and employees</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: 260 East Main Street - 2nd floor

Tax Map Parcel Number: 106.80-1-31.002/200

City/Town/Village: Rochester

School District: Rochester

Zip: 14604

Current Legal Owner of Property:

Winn Properties

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: _____

Proposed Commencement Date of Construction: Feb 2023

Anticipated Completion Date: Dec 2023

G. Contractor(s)

Vasile Construction Corp

TBD

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.

SunDensity is competing in the green energy sector with a novel platform for nano-optical photonic smart coatings aimed at dramatically improving solar output by up to 20% more than other coatings for solar panels. This will propel solar energy adoption into the next generation of clean power and the company must ramp quickly to meet market demand and secure share. As a startup business, financial assistance is necessary to help SunDensity, Inc. conserve investment cash needed to expedite the hiring of operational, scientific and management staff and purchase vital equipment for rapid scale up that will drive company growth and local economic development.

- 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: 541400

SunDensity is competing in the green energy sector with a novel platform for nano-optical photonic smart coatings aimed at dramatically improving solar output by up to 20% more than other coatings for solar panels. This will propel solar energy adoption into the next generation of clean power and the company must ramp quickly to meet market demand and secure share.

SunDensity is currently in process of validating its technology and patents. The build-out will allow SunDensity to have office space, a lab and a clean room for Research & Development to house our R&D equipment and metrology. This is necessary for us to refine and perfect our patented technology.

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. \$ 1,080,000
b. Labor b. \$ _____

Site Work

- c. Materials c. \$ _____
d. Labor d. \$ _____
e. Non-Manufacturing Equipment e. \$ _____
f. Manufacturing Equipment f. \$ _____
g. Equipment Furniture and Fixtures g. \$ 70,000
h. Land and/or Building Purchase h. \$ _____
i. Soft Costs (Legal, Architect, Engineering) i. \$ 20,000
Other (specify) j. move equipment j. \$ 3,000
k. move F&F k. \$ 3,000
l. misc l. \$ 20,000
m. _____ m. \$ _____
Total Project Costs \$ 1,196,000
(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 \$ 1,196,000
TOTAL SOURCES \$ 1,196,000
(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
SunDensity Inc.**

A. IDA PILOT Benefits:

Current Assessment	\$475,000
Value of New Construction & Renovation Costs	\$1,196,000
Estimated New Assessed Value Subject to IDA	\$1,671,000
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:	\$94,080
Estimated duration of ST exemption:	12/31/2023

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:	\$94,080
Project Construction Costs:	\$1,196,000
	7.87%

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	-
-	80%	-	-	-	-	-	-
-	70%	-	-	-	-	-	-
-	60%	-	-	-	-	-	-
-	50%	-	-	-	-	-	-
-	40%	-	-	-	-	-	-
-	30%	-	-	-	-	-	-
-	20%	-	-	-	-	-	-
-	10%	-	-	-	-	-	-
-	0%	-	-	-	-	-	-

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: _____

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)	8	8	19	19
Part Time (PTE)	1	1	1	1
Total	9	9	20	20

** 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.

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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 SunDensity, Inc.

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.

NS
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.**

NS
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.

NS
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.

NS
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.

NS

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.

NS

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.

SunDensity, Inc.

(APPLICANT COMPANY)

(TENANT COMPANY)

Nishikant Sonwalkar President 01/27/23

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

SunDensity, Inc.

Nishikant Sonwalkar President 01/27/23
 Signature , Title Date

TENANT COMPANY

Signature , Title Date

SunDensity is competing in the green energy sector with a novel platform for nano-optical photonic smart coatings aimed at dramatically improving solar output by up to 20% more than other coatings for solar panels. This will propel solar energy adoption into the next generation of clean power and the company must ramp quickly to meet market demand and secure share. As a startup business, financial assistance is necessary to help SunDensity, Inc. conserve investment cash needed to expedite the hiring of operational, scientific and management staff and purchase vital equipment for rapid scale up that will drive company growth and local economic development.

SunDensity is in process of validating our technology and patents. We are funded by Clean Energy Ventures, nextcorps/Luminate, LaunchNY, Excell Partners, as well as others who believe in our technology and support us. We have received grants from the National Science Foundation.

We currently have a pilot system running in temporary space in the Sibley building in downtown Rochester and our employees are also residing in temporary space in in the Sibley's building. We are planning to build-out space at Sibley building to build a clean room for R&D processing, a lab space for analysis and office space to house our growing list of employees. We have a long-term lease on the space with options to expand, if necessary. We are in process to hiring five New York State employees that will be located at the facility.

SunDensity, Inc.

Ownership

as of 12/31/2022

Shareholder	Owner/Managing Partner	% of Fully Diluted	Corporate Title
Rodgers Capital, LLC	T.J. Rogers	31.3%	investor
Clean Energy Venture Fund I, LP	Temple Fennel	27.4%	investor
Nishikant Sonwalkar	self	19.7%	President & Founder
Luminate Venture Challenge Corp.	Sujatha Ramaujan	6.5%	investor
Finger Lakes Venture Fund, L.P.	Rami Katz	2.3%	investor
Kevin Debasitis	self	1.8%	VP Business Development
RR Belur & C Sreenivas LIV TR U/A DTD 02/12/2011	Raghu Belur	1.6%	investor
Greg Gresock	self	1.0%	employee
Shefali Patel	self	1.0%	Shefali Patel
The Rochester Angel Fund 2, LLC	James Senall	0.8%	investor
Henry Schek	self	0.7%	CEO
RKS Venures, LLC	Renu Gupta	0.7%	investor
LaunchNY Seed Fund, LLC	Marnie LaVigne	0.6%	investor
Swamini Shah	self	0.6%	former employee
Bengt Karlsson	self	0.6%	investor
LaunchNY Seed Fund I, LP	Marnie LaVigne	0.5%	investor
Jeffrey Weiss and Nancy Freeman Investment Trust	self	0.5%	investor
PHB Ventures LLC	James Ellis	0.4%	investor
Charles H. Boisseau	self	0.3%	investor
Robert and Erna Place, JTWROS	self	0.3%	investor
Quasar Holdings, LLC	Steve Kaufman	0.3%	investor
Bobrowich Consulting LLC	J. C. Bobrowich	0.3%	investor
Thomas C. Blum	self	0.2%	investor
LaunchNY IN III, LLC	Marnie LaVigne	0.2%	investor
Mitchell G. Tyson	self	0.1%	investor
Standard Normal Ventures, LLC	Bradley Jones	0.1%	investor
DMC II LP	Coleman Adams	0.1%	investor
Zaurie Zimmerman	self	0.1%	investor
Rick Lawendowski	self	0.0%	former employee
Samuel Tyler Phillips	self	0.0%	employee
Smail Lahlou	self	0.0%	employee
Total SunDensity		100.0%	Total SunDensity



APPLICATION SUMMARY

DATE: February 28, 2023

APPLICANT:

Community Preservation Partners and Conifer Realty
(Single Purpose Entity to be created)
11921 Freedom Drive, Suite 860
Reston, VA 20190

PROJECT LOCATION:

125 St. Paul Street
Rochester, NY 14604

PROJECT SUMMARY:

Andrews Terrace (Conifer Realty and Community Partners Preservation) proposes to purchase and renovate 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 proposes renovating the units, common areas, building systems and exterior improvements. The applicant is seeking approval of a Shelter Rent PILOT agreement, tax-exempt bond financing, and sales tax and mortgage recording tax exemptions. The project is expected to create 1 new FTE. The cost benefit ratio is 14:1.

PROJECT AMOUNT:

\$357,825,806
\$5,921,623 Sales Tax Exemption
\$1,447,500 Mortgage Recording Tax Exemption

JOBS: EXISTING:
NEW:

10	FTEs
1	FTEs

PUBLIC HEARING DATE:

February 28, 2023

BENEFIT TO INCENTIVE RATIO:

14:1

SEQR:

INTERNAL RENOVATIONS ONLY; SEQR PROCESS COMPLETE.

ELIGIBILITY:

NEW BUILDING CONSTRUCTION OR RENOVATION PROJECT FOR
STUDENT/SENIOR/AFFORDABLE HOUSING

APPROVED PURPOSE:

STUDENT/SENIOR/AFFORDABLE HOUSING

Monroe County Industrial Development Agency
MRB Cost Benefit Calculator

Date February 28, 2023
Project Title Andrews Terrace
Project Location 125 St. Paul Street



Economic Impacts

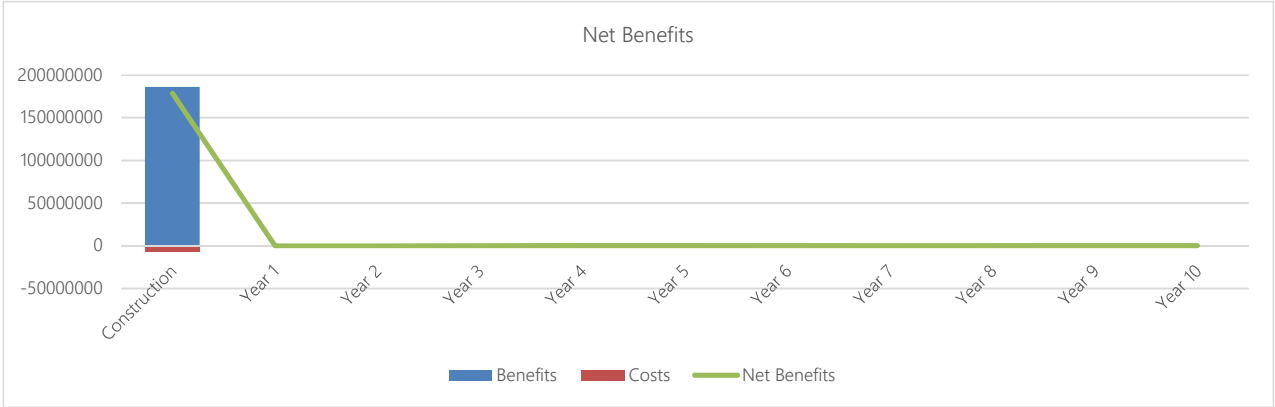
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
\$357,825,806

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	1374	983	2358
Earnings	\$118,379,304	\$57,274,399	\$175,653,703
Local Spend	\$286,260,645	\$170,534,238	\$456,794,883

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	1	1	2
Earnings	\$482,878	\$542,171	\$1,025,049

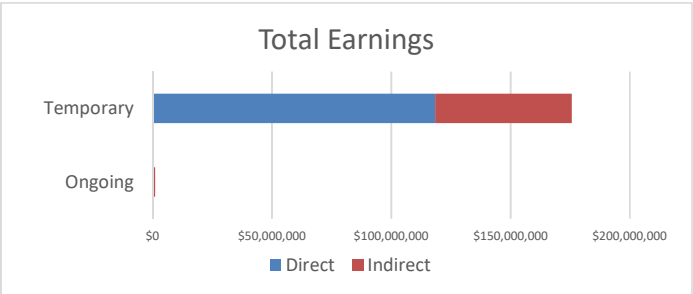
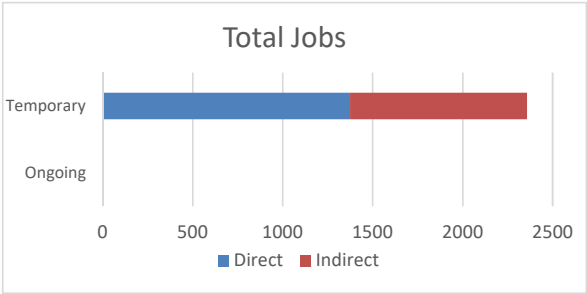
Figure 1



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	\$5,533,934	\$5,533,934
Sales Tax Exemption	\$5,921,623	\$5,921,623
Local Sales Tax Exemption	\$2,960,812	\$2,960,812
State Sales Tax Exemption	\$2,960,812	\$2,960,812
Mortgage Recording Tax Exemption	\$1,447,500	\$1,447,500
Local Mortgage Recording Tax Exemption	\$481,404	\$481,404
State Mortgage Recording Tax Exemption	\$962,808	\$962,808
Total Costs	\$12,903,057	\$12,903,057

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$177,915,503	\$177,789,901
To Private Individuals	\$176,678,752	\$176,554,022
Temporary Payroll	\$175,653,703	\$175,653,703
Ongoing Payroll	\$1,025,049	\$900,320
Other Payments to Private Individuals	\$0	\$0
To the Public	\$1,236,751	\$1,235,878
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$1,229,576	\$1,229,576
Ongoing Jobs - Sales Tax Revenue	\$7,175	\$6,302
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$9,187,295	\$9,180,809
To the Public	\$9,187,295	\$9,180,809
Temporary Income Tax Revenue	\$7,904,417	\$7,904,417
Ongoing Income Tax Revenue	\$46,127	\$40,514
Temporary Jobs - Sales Tax Revenue	\$1,229,576	\$1,229,576
Ongoing Jobs - Sales Tax Revenue	\$7,175	\$6,302
Total Benefits to State & Region	\$187,102,799	\$186,970,710

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$177,789,901	\$8,976,150	20:1
State	\$9,180,809	\$3,923,620	2:1
Grand Total	\$186,970,710	\$12,899,769	14:1

*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: _____

BOND RESOLUTION
 (Andrews Terrace Project)
 OSC Code 2602-23-002A

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 February 28, 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 the proposed issuance of the Issuer's County of Monroe Industrial Development Agency Multifamily Tax-Exempt Revenue Bonds (Andrews Terrace Project), Series 2023, in one or more series, as part of a plan of financing, in an aggregate maximum principal amount not to exceed \$193,000,000.

RESOLUTION AUTHORIZING THE ISSUANCE, EXECUTION, SALE AND DELIVERY BY THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY OF ITS MULTIFAMILY TAX-EXEMPT REVENUE BONDS (ANDREWS TERRACE PROJECT), SERIES 2023, IN ONE OR MORE SERIES, AS PART OF A PLAN OF FINANCING, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$193,000,000, AND THE EXECUTION AND DELIVERY 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, **CONIFER REALTY, LLC**, a New York limited liability company ("Conifer") and **CPP EAST, LLC**, a California limited liability company ("CPP"), have submitted an application (the "Application") on behalf of a single purpose entity, formed or to be formed (collectively, the "Company"); and

WHEREAS, CPP and Conifer are the beneficial parties of interest for the Company, and either CPP and Conifer or their wholly owned affiliate will be the members of the general partner of the Company; and

WHEREAS, pursuant to the Application, the Company has requested that the Issuer issue its Multifamily Tax-Exempt Revenue Bonds (Andrews Terrace Project), Series 2023, in one or more series, as part of a plan of financing (the "Bonds" or the "Series 2023 Bonds"), for the benefit of the Company for the purpose of financing or refinancing 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 Saint 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"); (D) the payment of all or a portion of the costs of issuing the Bonds, credit enhancement fees relating to the Bonds, if any, funding a debt service reserve fund, if any, and capitalized interest, if any; and (E) the retention by the Issuer of a leasehold or other interest in the Facility and the lease or sale of the Issuer's interest in the Facility back to the Company (and/or a special purpose housing development fund corporation formed pursuant to Article XI of the Private Housing Finance Law (the "HDFC")) pursuant to an agreement which shall require the Company to make payments sufficient to fund the debt service payments on the Bonds and make certain other payments; and

WHEREAS, all of the facilities financed and/or refinanced with the Bonds are or will be owned and/or operated by the Company, and are or will be on the Land; and

WHEREAS, the Bonds will constitute exempt facility bonds for qualified residential rental projects under Section 142(a)(7) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, in accordance with Section 147(f) of the Code, the Issuer conducted a public hearing on the issuance of the Bonds on February 28, 2023, following the publication of a notice of said public hearing in the *Democrat & Chronical*; and

WHEREAS, it is anticipated that the County Executive, Monroe County, New York, will approve of the issuance of the Bonds in accordance with Section 147(f) of the Code following this meeting; and

WHEREAS, pursuant to Section 146 of the Code, there must be allocated to the Bonds a portion of the private activity volume cap of the State sufficient to equal the par amount of the Bonds; and

WHEREAS, the Issuer anticipates receiving the allocation of the private activity volume cap of the State sufficient to equal the par amount of the Bonds; and

WHEREAS, the Bonds are to be issued pursuant to a certain Indenture of Trust (the "Indenture"), dated on or about July 1, 2023, by and between the Issuer and Wilmington Trust, National Association, as trustee (the "Trustee"); and

WHEREAS, in connection with the issuance of the Bonds, the Issuer, the Company and the HDFC, as nominee shall enter into (i) a certain Lease Agreement, dated on or about July 1, 2023 (the "Lease Agreement"), pursuant to which the Company and the HDFC shall lease their respective interests in and to the Facility to the Issuer; (ii) a certain Leaseback Agreement, dated

on or about July 1, 2023 (the "Leaseback Agreement"), by and between the Issuer, the Company and the HDFC pursuant to which the Issuer shall lease its interests in and to the Facility to the Company and the HDFC; and (iii) a certain Financing Agreement, dated on or about July 1, 2023 (the "Financing Agreement"), among the Issuer, KeyBank National Association, as lender (the "Lender"), the Trustee and the Company, for the purpose of specifying the terms and conditions pursuant to which the Issuer agrees to undertake the Project with the payments to be made by the Company thereunder to be in an amount sufficient to pay the principal of, premium, if any, and interest on the Bonds; and

WHEREAS, as security for the Bonds (i) the Issuer shall assign to the Trustee substantially all of its rights under the Financing Agreement (except the Reserved Rights as such term is defined therein) pursuant to the terms of a certain Pledge and Assignment, dated on or about July 1, 2023, from the Issuer to the Trustee (the "Pledge and Assignment") and (ii) the Issuer and the Company will grant to the Trustee a mortgage lien on and security interest in the Facility, pursuant to the terms of a certain Mortgage, and Security Agreement, dated on or about July 1, 2023, from the Issuer and the Company to the Trustee (the "Mortgage"); and

WHEREAS, KeyBanc Capital Markets Inc., as underwriter (the "Underwriter"), shall purchase the Bonds in accordance with a certain Bond Purchase Agreement to be dated the date of sale of the Bonds (the "Bond Purchase Agreement"); and

WHEREAS, the Issuer, the Company and the HDFC deem it necessary and proper to enter into Payment-In-Lieu-Of-Tax Agreement, dated on or about April 1, 2023 (the "PILOT Agreement"), making provisions for payments in lieu of taxes by the Company to the County of Monroe, New York and the City of Rochester, New York; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the regulations adopted pursuant thereto including those identified at 6 N.Y.C.R.R. Part 617.1 et seq., as amended (collectively referred to as "SEQRA"), the Issuer, as necessary, must undertake an environmental review of certain actions including funding of the Project to determine if same will have an impact on the environment prior to making a final determination as to whether to undertake the Project; and

WHEREAS, the Issuer reasonably expects that it will (i) pay or incur certain capital expenditures in connection with the Project prior to the issuance of the Bonds; (ii) use funds from sources other than proceeds of the Bonds which are or will be available on a short-term basis to pay for such capital expenditures; and (iii) reimburse itself for the use of such funds with proceeds of the Bonds.

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

Section 1. The Issuer hereby finds and determines:

(a) By virtue of the Act, the Issuer 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 will promote and maintain permanent private sector jobs, health, general prosperity and economic welfare of the citizens of the State of New York and improve their standard of living and will increase the overall number of permanent private sector jobs in the State and thereby serve the public purposes of the Act; and

(c) The Project and the operations conducted therein will not cause or result in the violation of the health, labor or other laws of the United States of America, the State of New York, or Monroe County; and

(d) It is desirable and in the public interest for the Issuer to issue and sell the Bonds upon the terms and conditions as are hereafter set forth in the Indenture for the purpose of assisting in financing the Project; and

(e) The public hearing held by the Issuer on February 28, 2023, concerning the issuance of the Bonds was duly held in accordance with the requirements of the Code, including but not limited to the giving of public notice of the hearing a reasonable time before the hearing and affording a reasonable opportunity for persons with differing views on the issuance of the Bonds to be heard; 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; and

(g) The Project will not result in the removal of a facility or plant of the Company or any other proposed occupant of the Facility 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 Facility located within the State; and the Issuer 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 Company from removing such other facility or plant to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Company in its industry; and

(h) All documents to be executed by the Issuer are reasonably necessary to provide the security described herein for the Bonds.

Section 2. In consequence of the foregoing, the Issuer hereby determines to: (i) acquire a leasehold interest in the Facility from the Company and the HDFC pursuant to the Lease Agreement, (ii) issue the Bonds pursuant to the terms of the Indenture, (iii) use the proceeds of the Bonds to assist the Company in financing the undertaking of the Project and to pay certain incidental expenses in connection therewith, (iv) lease its right, title and interest in the Facility back to the Company and the HDFC pursuant to the Leaseback Agreement, (v) execute a certain Tax Regulatory Agreement, to be dated as of the date of issuance and delivery of the Bonds (the "Tax Regulatory Agreement"), pursuant to which the Issuer and the Company make certain representations and covenants to ensure the continued tax-exempt status of the Bonds, (vi) execute a certain Arbitrage Certificate, to be dated as of the date of issuance and delivery of the Bonds (the "Arbitrage Certificate"), (vii) execute an Internal Revenue Service Form 8038 (the "Information Return") in connection with the issuance of the Bonds, (viii) appoint the Company as agent of the Agency to undertake the Project and provide the Company with an exemption from New York State sales and use taxes and the mortgage recording tax and

to execute and deliver a Project Agreement (and related forms) in furtherance thereof (the "Project Agreement") and (ix) execute the PILOT Agreement.

Section 3. Subject to the Company executing the Project Agreement and the delivery to the Issuer of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Issuer, the Issuer 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 Issuer 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 Issuer, 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 Issuer could do if acting on its own behalf. As agent of the Issuer, 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, 2025** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Issuer) 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 Issuer are authorized and directed to execute and deliver to said agent an appropriate letter on Issuer 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 Issuer 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 **\$74,020,298**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$5,921,624**. The Issuer agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Issuer 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 **\$193,000,000**, resulting in a mortgage tax exemption not to exceed **\$1,447,500**; and (iii) a partial real property tax abatement.

Section 5. Pursuant to Section 875(3) of the New York General Municipal Law, the Issuer 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 Issuer 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 Issuer 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 Issuer in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Issuer that the Issuer demands.

Section 6. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Issuer are hereby authorized, on behalf of the Issuer and upon the advice of Counsel to the Issuer and Bond Counsel, to negotiate, approve, execute and deliver the Bonds, the Indenture, the Financing Agreement, the Bond Purchase Agreement, the Tax Regulatory Agreement, the Pledge and Assignment, the Mortgage, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the PILOT Agreement and such other documents, instruments or agreements as may be necessary in connection with the issuance of the Bonds (collectively, the "Financing Documents").

Section 7. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Issuer are hereby authorized, on behalf of the Issuer and upon the advice of Counsel to the Issuer and Bond Counsel, to approve and deliver the Official Statement and the distribution thereof is hereby authorized.

Section 8. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Issuer are hereby authorized, on behalf of the Issuer and upon the advice of Counsel to the Issuer and Bond Counsel, to approve and execute the Information Return and to file the same with the Internal Revenue Service.

Section 9. The Issuer is hereby authorized to issue, execute, sell and deliver to the Underwriter the Bonds (subject to receipt of the approval, if required, of the County Executive of Monroe County, New York of the issuance of the Bonds pursuant to, and solely for the purposes of, Section 147 of the Code) pursuant to the Act, the Certificate and the County Resolution and in accordance with the Indenture; *provided, that:*

(a) The Bonds authorized to be issued, executed, sold and delivered pursuant to this Section: (i) shall be issued, executed and delivered at such time as the Executive Director, Deputy Director, Chairman or Vice Chairman of the Issuer shall determine, (ii) shall be in one or more series and in such aggregate maximum principal amount, as part of a plan of financing, not to exceed \$193,000,000, as is hereinafter approved by the Executive Director, Deputy Director,

Chairman or Vice Chairman of the Issuer, (iii) shall bear interest at such rates as are approved by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Issuer and are hereafter set forth in the Bonds and the Indenture and (iv) shall be subject to prepayment prior to maturity, and have such other provisions and be issued in such manner and on such conditions as are approved by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Issuer and are hereafter set forth in the Bonds and the Indenture.

(b) The Bonds shall be issued solely for the purpose of providing funds to assist the Company in financing the Project Costs, the administrative, legal, financial and other expenses of the Issuer in connection with such assistance and incidental to the issuance of the Bonds, as such costs are more specifically set forth in the Indenture.

(c) The Bonds and the interest thereon are not and shall never be a debt of the State of New York or Monroe County, New York, and neither the State of New York nor Monroe County, New York, shall be liable thereon.

(d) The Bonds, together with interest payable thereon, shall be special obligations of the Issuer payable solely out of the payments, revenues and receipts derived from or in connection with moneys received under the Financing Agreement or from the enforcement of the security provided by the Indenture.

Section 10. Notwithstanding any other provision of this resolution to the contrary, the Issuer covenants that it will make no use of the proceeds of the Bonds or of any other funds which, if such use had been reasonably expected on the date of issue of the Bonds, would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code.

Section 11. (a) The Executive Director, Deputy Director, Chairman or Vice Chairman of the Issuer is hereby authorized, on behalf of the Issuer and upon the advice of Counsel to the Issuer and Bond Counsel, to execute and deliver the Financing Documents, the Official Statement and the Information Return, together with all related documents all in substantially the forms as are approved by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Issuer upon the advice of Counsel to the Issuer and Bond Counsel, and the Secretary or any Assistant Secretary of the Issuer (or Counsel to the Issuer) is hereby authorized (but not required) to affix the seal of the Issuer thereto where appropriate and to attest the same. The execution of the Financing Documents, the Official Statement, the Information Return and such related documents by the Executive Director, Deputy Director, Chairman or Vice Chairman shall constitute conclusive evidence of such approval.

(b) Each of the Executive Director, Deputy Director, Chairman or Vice Chairman is further hereby authorized, on behalf of the Issuer, to designate such additional persons to act on behalf of the Issuer in connection with this resolution.

Section 12. Upon receipt of the requisite private activity volume cap, the Issuer hereby assigns its private activity bond volume cap allocation with respect to the Bonds in accordance with Section 146 of the Code and any applicable law of the State in an amount equal to \$193,000,000 (or such other amount equal to the principal amount of the Bonds to be issued).

Section 13. This resolution shall constitute the adoption of "official intent" (within the meaning of the United States Treasury Regulations Section 1.150-2(d)) with respect to issuance

of the Bonds and the original expenditures which are reasonably expected to be reimbursed from the proceeds of the Bonds.

Section 14. The members, officers, employees, and agents of the Issuer are hereby authorized and directed for and in the name and on behalf of the Issuer to do all acts and things required or provided by the provisions of the Financing Documents, and to execute and deliver all such additional certificates, instruments and documents, including the Financing Documents, the Official Statement and the Information Return, to determine and to do all such further acts and things as may be necessary or in the opinion of the member, officer, employee, or agent acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Issuer with all of the terms, covenants, and provisions of the Financing Documents binding upon the Issuer.

Section 15. It is hereby found and determined that all formal actions of the Issuer concerning and relating to the adoption of this resolution were adopted in an open meeting of the Issuer and that all deliberations of the Issuer and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

Section 16. Due to the complex nature of this transaction, the Issuer hereby authorizes its Executive Director, Deputy Director, Chairman or Vice Chairman to approve, execute and deliver on behalf of the Issuer, such further agreements, documents and certificates as the Issuer may be advised by Bond Counsel or Counsel to the Issuer to be necessary or desirable to effectuate the foregoing and the issuance of the Bonds, such approval to be conclusively evidenced by the execution of any such agreements, documents or certificates by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Issuer.

Section 17. Counsel to the Issuer and Bond Counsel are hereby authorized to work with counsel to the Company and others to prepare for submission to the Issuer, all documents necessary to effect the authorization, issuance and sale of the Bonds and reimbursement of the cost of all such work prior to the date hereof is hereby authorized to the extent permitted by the Code.

Section 18. This resolution shall take effect immediately upon adoption and the Bonds are hereby ordered to be issued in accordance with this resolution.

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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.

[Remainder of Page Intentionally Left Blank]

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 "Issuer"), including the resolutions contained therein, held on the 28th day of February, 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 Issuer and of such resolution set forth therein and of the whole of said original insofar as the same relates to the subject in matters therein referred to.

That the Financing Documents and the Bonds contained in the transcript of proceedings are each in substantially the forms presented to and approved at said meeting or as duly approved hereunder.

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 the New York Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, that all members of said Issuer had due notice of said meeting and that the meeting was in all respects duly held.

I FURTHER CERTIFY that there was a quorum of the members of the Issuer present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand as of the 28th day of February, 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: CPP & Conifer Realty (to be formed single purpose entity controlled by CPP & Conifer Realty)
Address: 11921 Freedom Drive, Suite 860
City/State/Zip: Reston, VA 20190
Tax Id No.: TBD
Contact Name: John Fraser (w/ CPP Co-Dev)
Title: Director
Telephone: 781-475-2457
E-Mail: jfraser@cpp-housing.com

Contact Name: Michael Birkby (w/ Conifer Co-Developer)
Title: Sr. Project Manager
Telephone: 585-455-7106
E-Mail: mbirkby@coniferllc.com

B. Applicant's Legal Counsel

Name: Eleor Cohen
Firm: Levitt & Boccio, LLP
Address: 423 W 55th St, 8th Floor
City/State/Zip: New York, NY 10019
Telephone: 212-801-3763
Email: ecohen@levittboccio.com

Name: Matthew Carrigg (co-counsel)
Firm: Nixon Peabody LLP
Address: 1300 Clinton Square
City/State/Zip: Rochester, NY 14604-1792
Telephone: 585-263-1214
Email: mcarrigg@nixonpeabody.com

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

<u>Name</u>		<u>Corporate Title</u>
To be formed single purpose entity GP controlled by CPP & Conifer Realty	0.01 %	General Partner
TBD Holding Entity	99.99 %	SLP / Holding Entity

II. PROJECT

A. Address of proposed project facility

Address: 125 St. Paul Street

Tax Map Parcel Number: 106.79-1-64

City/Town/Village: Rochester

School District: Monroe

Zip: 14604

Current Legal Owner of Property:

Andrews Terrace, 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: May 2023

Proposed Commencement Date of Construction: July 2023

Anticipated Completion Date: December 2025

G. Contractor(s)

GC: Conifer-LeChase Construction, LLC

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.

Without an issuance of tax-exempt bond from COMIDA, the property would not be able to get as-of-right 4% Low Income Housing Tax Credits from NYSHFA and would therefore be financially infeasible. Furthermore, without a sales tax exemption on construction materials as well as the mortgage recording tax exemption, there would be substantially more development expenses which would likewise make the project infeasible. The real property tax abatement is also critical as the amount of supportable debt proceeds would be greatly diminished if the project were not able to secure an abatement which would also make it financially infeasible. Furthermore, the property suffers from deferred maintenance, outdated building systems and water infiltration which is putting the structural integrity of the balconies, cross-bridges and parking structure at risk. Without the rehab which the financial assistance from COMIDA will allow, the property is at risk of losing its certificate of occupancy.

- 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: 531311

Andrews Terrace is a 526-unit multifamily community in Rochester, NY with a 496-unit project-based Section 8 HAP contract. Originally built in 1975, the property underwent a LIHTC-financed rehab in 2007. This downtown Rochester property, located on the Genesee River, consists of a 22-story elevated building, a connected 19-story elevated building, and a connected 2-story parking structure.

Co-developers Conifer Realty and Community Preservation Partners, propose to undertake a LIHTC-financed acquisition and rehabilitation of Andrews Terrace. The planned execution is for the property to be purchased in May 2023. Concurrently, the development team would request a rent adjustment and 20-year renewal to the Project-based Section 8 HAP contract from HUD; an issuance of Tax-Exempt Private Activity Bonds, sales tax exemption, mortgage recording fees exemption and a Payment-in-Lieu of Taxes Agreement (PILOT – 10% of shelter rents) from the County of Monroe Industrial Development Authority (COMIDA); and 4% Low Income Housing Tax Credits (LIHTC) from New York State Division of Housing and Community Renewal (NYSHCR). The to-be-formed Limited Partnership would acquire the property from the bridge-holding entity in July 2023 and at closing we would then undertake a meaningful rehabilitation of the property.

Rehabilitation of the property will be tenant-in-place (occupied) renovation and is expected to take 24-30 months to complete. Scope of work for the rehabilitation includes addressing masonry, waterproofing, and structural issues at the balconies, bridges, and parking structure, renovation of dwelling units (new kitchens, bathrooms, flooring, lighting, etc.), common areas (paint and lighting), building systems (waste line repairs/replacement; HVAC upgrades, elevator upgrades, etc.), exterior work (brick masonry repairs, painting, balcony upgrades, roof replacement, etc.) and site work (parking garage repairs (mill, repave, re-stripe), exterior amenities, etc.). There will also be substantial upgrades to the accessibility of the property with ADA unit conversions and path of travel improvements.

The anticipated relocation plan during the rehabilitation of Andrews Terrace will be similar to the approach being undertaken at Keeler Park (also a CPP and Conifer Partnership). Residents will temporarily vacate their units for approximately 3 weeks into vacant units (on-site hospitality suites) then return to their original unit upon that unit's completion. Several units will be held vacant for use as hospitality suites during the anticipated 30-month rehab period.

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. \$ 67,291,180
b. Labor b. \$ 55,178,768

Site Work

- c. Materials c. \$ 6,729,118
d. Labor d. \$ 5,393,294
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. \$ 105,587,707
i. Soft Costs (Legal, Architect, Engineering) i. \$ 23,932,764
Other (specify) j. Financing Costs j. \$ 60,586,772
k. Reserves k. \$ 2,643,000
l. Developer Fee l. \$ 30,483,203
m. _____ m. \$ _____

Total Project Costs \$ 357,825,806
(must equal Total Sources)

- B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ 192,561,711
b. Taxable Industrial Revenue Bond b. \$ 0
c. Bank Financing c. \$ 0
d. Public Sources d. \$ 0

Identify each state and federal grant/credit

Equity from Sale LIHTC \$ 165,264,095

- e. Equity \$ _____
TOTAL SOURCES \$ 357,825,806
(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.

KeyBank - Robbie Lynn, VP
202-452-4922 -
robbie_lynn@keybank.com

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 \$ _____

VI. Value of Incentives**Project name:**

A. IDA PILOT Benefits:	Andrews Terrace
Current Assessment	15,048,000
Dollar Value of New Construction & Renovation C	6,729,118
Estimated New Assessed Value of Project Subject	21,777,118

County Tax rate/\$1,000	9.98
Local Tax Rate* Tax Rate/\$1,000	
School Tax Rate /\$1,000	35.83
Total Tax Rate	45.81

PILOT Year	Gross Rent	Utilities	Net rent before vac	PILOT %	Total Before Benefit	Total PILOT Payment After
1	9,415,524	574,828	8,840,696	10%	997,609.78	884,069.60
2	9,603,834	592,073	9,011,762	10%	1,017,561.97	901,176.16
3	9,795,911	609,835	9,186,076	10%	1,037,913.21	918,607.61
4	9,991,829	628,130	9,363,699	10%	1,058,671.47	936,369.93
5	10,191,666	646,974	9,544,692	10%	1,079,844.90	954,469.20
6	10,395,499	666,383	9,729,116	10%	1,101,441.80	972,911.61
7	10,603,409	686,375	9,917,035	10%	1,123,470.64	991,703.46
8	10,815,477	706,966	10,108,512	10%	1,145,940.05	1,010,851.15
9	11,031,787	728,175	10,303,612	10%	1,168,858.85	1,030,361.21
10	11,252,423	750,020	10,502,403	10%	1,192,236.03	1,050,240.26
11	11,477,471	772,521	10,704,950	10%	1,216,080.75	1,070,495.05
12	11,707,021	795,696	10,911,324	10%	1,240,402.36	1,091,132.43
13	11,941,161	819,567	11,121,594	10%	1,265,210.41	1,112,159.38
14	12,179,984	844,154	11,335,830	10%	1,290,514.62	1,133,583.00
15	12,423,584	869,479	11,554,105	10%	1,316,324.91	1,155,410.50
16	12,672,056	895,563	11,776,492	10%	1,342,651.41	1,177,649.23
17	12,925,497	922,430	12,003,067	10%	1,369,504.44	1,200,306.66
18	13,184,007	950,103	12,233,904	10%	1,396,894.53	1,223,390.36
19	13,447,687	978,606	12,469,081	10%	1,424,832.42	1,246,908.06
20	13,716,641	1,007,964	12,708,676	10%	1,453,329.07	1,270,867.62
21	13,990,973	1,038,203	12,952,770	10%	1,482,395.65	1,295,277.01
22	14,270,793	1,069,349	13,201,443	10%	1,512,043.56	1,320,144.34
23	14,556,209	1,101,430	13,454,779	10%	1,542,284.43	1,345,477.88
24	14,847,333	1,134,473	13,712,860	10%	1,573,130.12	1,371,286.01
25	15,144,280	1,168,507	13,975,773	10%	1,604,592.72	1,397,577.26
26	15,447,165	1,203,562	14,243,603	10%	1,636,684.58	1,424,360.29
27	15,756,108	1,239,669	14,516,439	10%	1,669,418.27	1,451,643.94
28	16,071,231	1,276,859	14,794,371	10%	1,702,806.63	1,479,437.15
29	16,392,655	1,315,165	15,077,490	10%	1,736,862.77	1,507,749.03
30	16,720,508	1,354,620	15,365,888	10%	1,771,600.02	1,536,588.85

40,471,112.39 35,462,204.23

B. Sales Tax Exemption Benefit:		
Estimated value of Sales Tax exemption for faculty construc		\$5,921,623
Estimated duration of Sales Tax exemption:		12/31/2025
C. Mortgage Recording Tax Exemption Benefit:		
Estimated Value of Mortgage Recording Tax exemption:		\$1,444,500
D. Industrial Revenue Bond Benefit		
IRB inducement amount, if required:	\$	193,000,000
E. Percentage of Project Costs financed form Public Sector sources:		
Total Value of Incentives:	12,375,031	3.46%
Sources of Funds (Section IV.B.)	357,825,806	

** All estimates are based on current tax rates.

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: TBD c/o Community Preservation Partners

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)	9	9	1	1
Part Time (PTE)	1	1	0	0
Total	9.5	9.5	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.

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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 TBD c/o Community Preservation Partners

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.

SG
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.**

SG
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.

SG
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.

SG
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.



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.

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.

c/o Community Preservation Partners

(APPLICANT COMPANY)

Senior VP Jan 27, 2023

Signature, Title, Date

(TENANT COMPANY)

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.

c/o Community Preservation Partners

(APPLICANT COMPANY)



Senior VP Jan 27, 2023

Signature

, Title

Date

(TENANT COMPANY)

Signature

, Title

Date

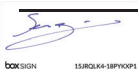
X. CERTIFICATION

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

c/o Community Preservation Partners



Senior VP Jan 27, 2023

Signature

, Title

Date

TENANT COMPANY

Signature

, Title

Date

APPLICATION SUMMARY

DATE: February 28, 2023

APPLICANT:

30 West Broad Street, LLC
15 Fairhaven Rd
Rochester, NY 14610

PROJECT LOCATION:

30 West Broad St
Rochester, NY 14614

PROJECT SUMMARY:

30 West Broad Street served as Rochester's City Hall for over a century and is included on the National Historic Register. The building will be converted from existing commercial office space to a mixed-use structure with thirty (30) market rate and affordable apartments, preserving and relocating existing tenants within the building. The conversion plan will also create an opportunity zone incubator for small businesses. This project anticipates to create 7 FTE's in addition to the 100 FTE's currently in the building. The project was originally approved for sales and mortgage recording tax exemptions in April 2021. An increase in the mortgage recording tax exemption was approved in June 2021. The applicant is now seeking and extension of the sales tax exemption through December 31, 2023 because of project and supply chain delays.

ORIGINAL AMOUNT:

\$10,670,000

Motion By: _____
Seconded By: _____

RESOLUTION
 (30 West Broad Street, LLC Project)
 OSC Code 2602-21-027C

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 February 28, 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 30 WEST BROAD STREET, LLC (THE "COMPANY") THROUGH DECEMBER 31, 2023; 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 Resolutions duly adopted on April 20, 2021 and June 15, 2021 (collectively, the "Authorizing Resolution"), the Agency appointed **30 WEST BROAD STREET, 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 "Project") consisting of: (A) the acquisition of a leasehold interest in an approximately 0.25-acre parcel of land located at 30 West Broad Street in the City of Rochester, New York 14614 (the "Land") together with the existing approximately 56,610 square-foot office building thereon (the "Existing Improvements"); (B) the renovation of the Existing Improvements into a mixed-use facility including thirty (30) market-rate apartments (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 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, 2022; and

WHEREAS, the Company has, pursuant to a certain Project Modification Request, dated January 30, 2023, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2023; 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, 2023**. 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 February 28, 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 28th day of February, 2023.

Ana J. Liss, Executive Director

PROJECT MODIFICATION REQUEST

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

Applicant: 30 West Broad Street, LLC
 Project Address: 30 West Broad Street Rochester, NY 14608
 Contact Name: Joel Barrett
 Contact Company: 30 West Broad Street, LLC
 Contact Address: 30 West Broad Street Rochester, NY 14608
 Contact Email: joel@bacebuild.com Contact Phone: 585-305-4488

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: \$ N/A Original Project Cost
 \$ N/A Increase in Project Costs
 \$ N/A New Project Costs

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

12/31/2022

12/31/2023

\$ 2022 EST. \$ 256,000.00 (SALES TAX)

Current Expiration Date

Requested Expiration Date

Amount of Exemptions Taken to Date

Reason for Extension:

Project and supply chain delays.

☐ **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: 1/30/2023

Print Name and Title: JOEL BARRETT, PARTNER 30 WEST BROAD STREET, LLC

Staff Use Only:

Date Received 1/27/23 Date of Original Approval: 4/20/21 New Code 2602 21 027 6

2/20



APPLICATION SUMMARY

DATE: February 28, 2023

APPLICANT: Bace Build, LLC
15 Fairhaven Road
Rochester, NY 14610

PROJECT ADDRESS: 222 South Avenue
Rochester, New York 14604

PROJECT SUMMARY: Bace Build, LLC is renovating a vacant building on South Avenue in the City of Rochester. The building will be converted to a mixed-use facility with 2 commercial floors and 1 residential floor consisting of 2 apartments. The project was approved in July 2021 for sales tax and mortgage recording tax exemptions. The applicant is now seeking an extension of the sales tax exemption through December 31, 2024 due to construction delays.

PROJECT AMOUNT: \$1,073,500

Motion By: _____
Seconded By: _____

RESOLUTION
 (216-222 South Ave., LLC Project)
 OSC Code 2602-21-042B

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 February 28, 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 216-222 SOUTH AVE., 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 July 20, 2021 (the "Authorizing Resolution"), the Agency appointed **216-222 SOUTH AVE., 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 "Project") consisting of: (A) the acquisition of a leasehold interest in an approximately 0.09-acre parcel of land located at 216-222 South Avenue in the City of Rochester, New York (the "Land") together with the existing approximately 7,300 square-foot three-story building thereon (the "Existing Improvements"); (B) the renovation of the Existing Improvements, including, but not limited to, the conversion of floors 1 and 3 into commercial space and floor 2 into residential space consisting of 2 apartments (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") through December 31, 2022; and

WHEREAS, the Company has, pursuant to a certain Project Modification Request, dated January 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 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 February 28, 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 28th day of February, 2023.

Ana J. Liss, Executive Director

PROJECT MODIFICATION REQUEST

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

Applicant: BACE BUILD, LLC
 Project Address: 216-222 SOUTH AVENUE ROCHESTER, NY 14607
 Contact Name: JOEL BARRETT
 Contact Company: BACE BUILD
 Contact Address: 15 FAIRHAVEN ROAD ROCHESTER, NY 14610
 Contact Email: JOEL@BACEBUILD.COM Contact Phone: 585-305-4488

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: \$ _____ \$ _____ \$ 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.)

12/31/2022 06/30/2024 \$ 0
 Current Expiration Date Requested Expiration Date Amount of Exemptions Taken to Date

Reason for Extension:

Project was nominated for National Historic Register, requiring us to delay construction. No sales tax exemptions taken to 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: JOEL BARRETT Date: 1/30/2023

Print Name and Title: JOEL BARRETT PARTNER 216-222 SOUTH AVE, LLC & BACE BUILD

Staff Use Only:

2/20

Date Received 1/27/23 Date of Original Approval: 7/20/21 New Code 2602 21 042 B

APPLICATION SUMMARY

DATE: February 28, 2023

APPLICANT:

Whitney Baird Associates LLC – Phase III
205 St. Paul Street, Suite 200
Rochester, NY 14604

PROJECT LOCATION:

350 Rosedale Street
Rochester, NY 14620

PROJECT SUMMARY:

Whitney Board Associates LLC, a local real estate development company, was approved in 2010 to acquire and renovate the former Culver Road Armory in the City of Rochester. In August 2013, phase II was approved and in March 2016 phase III was approved for a custom real property tax abatement, sales and mortgage recording tax exemptions. Phase III of the project consists of a 15,000 square foot multi-tenant building and stalled due to economic conditions at the time. The applicant is now moving forward with the project and is requesting a renewal and extension of the sales tax exemption through December 31, 2024 as well as an increase in the sales tax and mortgage recording tax exemptions. The total project cost is now \$4,979,762 and the new sales tax exemption benefit amount is \$154,287 and the new mortgage recording tax benefit is \$30,000.

PROJECT AMOUNT:

<u>Original</u>	<u>Requested</u>	<u>New Total</u>
\$4,102,500	\$877,262	\$4,979,762

Motion By: _____
Seconded By: _____

RESOLUTION

(Whitney Baird Associates LLC Project)
 OSC Code 2602-16-006B

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 February 28, 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 WHITNEY BAIRD ASSOCIATES 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, 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 March 15, 2016 (the "Authorizing Resolution"), the Agency appointed **WHITNEY BAIRD ASSOCIATES 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 "Project") consisting of: (A) the acquisition of a leasehold interest in a portion of an approximately 0.94-acre parcel of land located at 350 Rosedale Street in the City of Rochester, New York 14620 and all other lands in the County of Monroe 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 thereon of an approximately 15,000 square-foot building (the "Improvements"), (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"); and

WHEREAS, the Agency previously approved a mortgage amount of \$3,200,000 which would result in mortgage recording tax savings through the Agency of \$24,000; 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 \$1,274,000, which would result in New York State and local sales and use tax exemption benefits not to exceed \$101,920 through November 30, 2017; and

WHEREAS, the Company, by the Project Modification Request, dated February 10, 2023, has requested the Agency approve the increase in mortgage amount to \$4,000,000 which would result in mortgage tax savings through the Agency of \$30,000; and

WHEREAS, the Company has also requested that 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 \$11,715,541, which would result in New York State and local Sales and Use Tax Exemption Benefits not to exceed \$937,243 (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, 2024; and

WHEREAS, the Agency desires to adopt a resolution authorizing (i) the increase in mortgage amount and savings on mortgage recording tax, (ii) 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 **\$1,928,586**, which result in New York State and local Sales and Use Tax Exemption Benefits not to exceed **\$154,287** 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 further authorizes and approves a mortgage in the amount of **\$4,000,000**, which results in mortgage recording tax savings through the Agency of **\$30,000**.

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 changes with respect to the Facility.

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 February 28, 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 28th day of February, 2023.

Ana J. Liss, Executive Director

PROJECT MODIFICATION REQUEST

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

84

Applicant: Whitney Baird Associates, LLC
 Project Address: 350 Rosedale Street Rochester, NY 14620
 Contact Name: Frederick Rainaldi
 Contact Company: Whitney Baird Associates, LLC
 Contact Address: 205 St. Paul Street Suite 200 Rochester, NY 14604
 Contact Email: Fredr@rainaldibros.com Contact Phone: 585-732-2483

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: \$ 4,102,500 \$ 877,262 \$ 4,979,762
 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.)

11/30/2017

\$0

Current Expiration Date

Requested Expiration Date

Amount of Exemptions Taken to Date

Reason for Extension:

Original benefit expired prior to commencement of construction.

☐ **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: 02/13/2023

Print Name and Title: Frederick Rainaldi (Member)

Staff Use Only:

2/20

Date Received 2/14/23 Date of Original Approval: 3/15/23 New Code 2602 16 006B

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	\$ 1,117,000	\$ 654,586	\$ 1,771,586
b. Labor	\$ 1,366,000	\$ 222,676	\$ 1,588,676
Site Work			
c. Materials	\$ 157,000	\$	\$ 157,000
d. Labor	\$ 235,000	\$	\$ 235,000
e. Non-Manufacturing Equipment	\$	\$	\$ 0
f. Furniture & Fixtures	\$	\$	\$ 0
g. Land and/or Building Purchase	\$ 400,000	\$	\$ 400,000
h. Manufacturing Equipment	\$	\$	\$ 0
i. Soft Costs (Legal, Architect, Engineer)	\$ 827,500	\$	\$ 827,500
Other Costs (specify)			
j. _____	\$	\$	\$ 0
k. _____	\$	\$	\$ 0
l. _____	\$	\$	\$ 0
m. _____	\$	\$	\$ 0
Total Project Costs	\$ 4,102,500	\$ 877,262	\$ 4,979,762
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)	\$ 3,200,000	\$ 800,000	\$ 4,000,000
e. Public Sources	\$	\$	\$ 0
f. Equity	\$ 902,500	\$ 77,262	\$ 979,762
Total Sources	\$ 4,102,500	\$ 877,262	\$ 4,979,762

B. Reason for Increase:

The building size has increased by 2,000 SF which carries a corresponding increase cost of so.

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

Organization: 1199SEIU League Training and Upgrading Fund (TUF)

Contact Name: Diana P. Torres

Contact email: diana.torres@1199funds.org

Contact phone: 646-753-1994

Address: 498 7th Avenue New York, NY 10018

Tax EIN: 13-2637580

1. A brief overview of your program including your program's mission and target audience. The 1199SEIU Training and Upgrading Fund (TUF) will offer a one-year training program for 30 unemployed, underemployed, and incumbent workers in Monroe County who have been negatively impacted by COVID-19. The initiative builds economic resilience in areas of economic distress, while alleviating healthcare employers' widespread staffing shortages. The project advances workforce development and economic recovery by removing barriers to training and employment in underserved communities.

The program includes recruitment, pre-training preparation, case management, training, certification, and job placement. A \$500 monthly basic income/stipend throughout the training will encourage program completion. Thirty (30) residents and incumbent, entry-level healthcare workers will be placed in 1199 union jobs with access to union benefits: average starting salary of \$35K+, career pathways, health benefits, childcare, pension, and continuous opportunities for career advancement.

Recruitment will target 65% of community residents and 35% incumbent (1199SEIU) workers from historically underserved communities of color. We prioritize participant recruitment in five Rochester zip codes where there is a 30% poverty rate and a disproportional impact of COVID-19; each has at least 70% Black or Hispanic residents.

Participants will receive training and job placement in four in-demand occupations: *Certified Nursing Assistant (CNA)*, *Licensed Practical Nurse (LPN)*, *Phlebotomy Technician*, and *Pharmacy Technician*. One hundred and twenty-three (123) Monroe residents (30 trainees+ ninety-three families composed of 3.1 individuals) will be able to move into the middle class by obtaining access to in-demand healthcare jobs, improving their family, community, economic and social well-being.

The project is transformative because of the long-term opportunity to scale up this initiative to reach hundreds of residents in the future.

2. Who are your other community partners, if any. Please list all funding partners, collaborative partners as well as businesses or industry groups for job placement.

1. The Healthcare Education Project (HEP)

- CBO working with individuals, healthcare providers, and civic/religious leaders. Mission is to expand access to quality, affordable healthcare via education and advocacy. In Upstate NY, HEP can reach 15K union members/families.
- HEP/TUF collaborated on WIO and recent COVID-19 vaccination campaigns. Once vaccines were available, HEP conducted grassroots outreach to the most impacted communities, assisting with vaccine pop-ups and educating residents regarding vaccines.
- **ROLE:** Outreach with community organizations to promote project with Black & Brown residents impacted by COVID-19.

2. 1199SEIU United Healthcare Workers East Union's (UHWE) & SEIU Local 200

- 1199SEIU is the largest/fastest growing healthcare union in US. 1199SEIU Upstate NY: 42 employees serving more than 22,000 members.
- SEIU Local 200 has worked in the region since 2000.
- Both focus on fostering good wages and safe jobs for working families.
- SEIU Local 200: 320 members at U of R; 1199SEIU - deep ties with seven sites employing 1,306 union members.
- **ROLE:** Leverage extensive member networks/regional staff to recruit low-wage healthcare workers, support workers in training, to meet the 35% incumbent worker target. Three local organizers will outreach to seven sites.
- Relationship w/ Healthcare Workers Rising's 75,000 home healthcare workers will be invited to enroll.

3. Healthcare Workers Rising (HWR)

- Worker-led non-profit CBO committed to supporting home healthcare workers in Western New York. HWR is committed to raising the standard of living for homecare workers and improving their profession. Working with stakeholders in the community, elected officials, homecare workers/clients, HWR improves working conditions and client care.
- **ROLE:** Outreach via its 800 members across Rochester and Monroe County. Recruit via meetings/one-on-one outreach/social media.
- TUF/HWR have collaborated on WIO and a transportation pilot to ensure homecare workers had reliable and safe transportation during the pandemic.

4. Common Ground Health (CGH)

- CBO w/50+ staff working in all nine Finger Lake counties.
- Through regional partnerships, CGH highlights community health issues via data analysis/resident engagement/solution implementation.
- Since 2021 CGH has closely worked w/HEP/TUF to address the pandemic and provide information to communities about vaccines. Thanks to this partnership, over 72% of Monroe County residents were fully vaccinated.

- **ROLE:** Refer residents to program through collaboration with their network of 240 organizations and 700 individuals in vulnerable communities. CGH will recruit participants from this pool.

5. **Employers**

- TUF has a proven record training and placing residents from vulnerable communities in high paying, quality healthcare jobs at these sites. Historically, TUF has an 83% training completion rate and 80% placement rate.
- **ROLE:** Communicate hiring needs to TUF to create employment and advancement for program graduates. To fill vacancies, employers commit to interview/hire graduates based on credential attainment and skills.
- TUF and Strong Memorial Hospital, the largest employer in the region, will identify clinical training sites, vacancies, and job placements at the new Nursing Home wing at the hospital, and other nursing home sites.
- Strong and TUF have long partnered in placing qualified candidates in jobs and support internal upgrades. Strong employs about 900 union members.

3.How your program is directly linked to job creation in Monroe County. Are jobs available for the program participants to be placed into upon completion of the program/training.

The project addresses a wide shortage of healthcare workers in Monroe's healthcare and long-term care (LTC) workforce: The NYS Center for Health Workforce Studies projects that the need for LPNs, CNAs, and related occupations in the Finger Lakes region is expected to exceed 5,600 new jobs by 2026.

Yes, jobs are available for the program participants to be placed into upon completion of the program.

COMIDA's funding will help extend TUF's workforce training/job placement model to unemployed, underemployed Monroe residents and incumbent workers impacted by COVID-19, granting them access to in demand health care jobs.

Collaboration with Employers

- TUF has a proven record training and placing residents from vulnerable communities in high paying, quality healthcare jobs at these sites. Historically, TUF has an 83% training completion rate and 80% placement rate.
- TUF will collaborate with employers in Monroe who will communicate hiring needs to TUF to create employment and advancement for program graduates. To fill vacancies, employers commit to interview/hire graduates based on credential attainment and skills.
- TUF and Strong Memorial Hospital, the largest employer in the region, will identify clinical training sites, vacancies, and job placements at the hospital and its new Nursing Home wing, and other nursing home sites.
- Strong and TUF have long partnered in placing qualified candidates in jobs and support internal upgrades. Strong employs about 900 union members.

4. How do you plan to measure the success of your program. Performance metrics should include success rates, job placement rates and number of participants. If your program is new, projected metrics should be included.

The program's success will be measured by the following:

1. At least 85% (25) of Monroe resident participants who enroll will successfully complete job training, obtain an industry-recognized credential and be placed in a union job as a CNA/LPN/Pharmacy Technician/Phlebotomy Technician with average per capita salary of \$35,000+. Union jobs will include health insurance, childcare subsidies, pension, and education benefits.
2. At least 80% (24) of all program graduates will be placed in one of the four occupations (CNA/LPN/Pharmacy Tech/Phlebotomy) within the first three months of obtaining certification or another industry-recognized credential.
3. Assess participant incomes every 6 months to ensure that goals are being achieved.
4. TUF will collect, retain and report on demographic data and progression through educational programs. These systems will be utilized to collect initial demographic data (age, race/ethnicity, marital status, neighborhood of residence, annual income) as well as use of wraparound services, educational milestones, certification and licensure, and where applicable, initial employment
5. The data collected will be recorded and summarized for reporting. All data will be disaggregated by demographics and other factors of relevance. The collection and further analysis of the data will be overseen by our Research staff in the New York City office.

5. Amount of funding requested and how these dollars would be used. TUF is requesting a \$300K grant. Below, a description of how the funds will be used.

Description	Total Budget Request
Program Staff Salary & Fringe (Partial FTEs of existing grant staff; 20%, 15%, and 5% respectively)	\$58,673.90
Materials, Supplies, and Other Program Costs	\$3,105.48
Stipend (\$500 per month per student)	\$80,000.00
Instruction (tuition)	\$87,359.02
Academic Support Services (tutoring & case management)	\$40,861.60
Admin	\$30,000.00
Total Budget Amount	\$300,000.00

6. A copy of the operating budget and statement of financial position (balance sheet). See Attached TUF financials

7. Administration and operation of the organization. Please give a basic outline of how the program organizational structure as well as staff duties, org chart and an explanation of internal controls.

TUF's mission is to change the structure of opportunity for healthcare workers through career pathways, while ensuring quality care by meeting the workforce needs of healthcare employers. TUF administers education benefits for more than 250,000 healthcare workers and 450 employers and collaborates with more than 100 independent training programs and institutions of higher education.

Since its founding in 1969, TUF has provided services to more than 1.5 million healthcare workers and graduated more than 324,000 adult learners in allied health degrees with an 83 percent completion rate, serving a predominantly middle-aged, immigrant, minority and female population of healthcare workers. 88 percent of these workers live in low-income communities.

TUF has 303 staff members and an Executive Leadership team of nine members. TUF enjoys the support of many internal units with vast experience in the programmatic and administrative functions of executing large programs and grant-funded activities. This includes strong program, administrative, and fiscal departments with the ability to ensure that the programs proposed can be carried out in an effective and timely manner.

For this project, TUF's Regional Director, Donald Fiorilli, and Field Coordinator II, Luis Torres, will advise and support the work of the Project Director, Ronieka Burns. These individuals have a track record of providing intensive planning, management, and oversight to ensure success. They will serve as Senior Advisors and help ensure that deliverables are met according to the program plan.

Moreover, to effectively implement its goals and manage and report to Directors and grantors, TUF has developed administrative, financial, and program data and monitoring teams within a statewide organizational structure. These teams have the expertise and experience as well as the systems (financial, program, data and accounting) in place to develop programs, recruit and support students, and report on all activity related to grant funding.

The centralized administrative team includes Florence Wong, Director of Operations, who is responsible for the core services of accounting, I.T., data collection and reporting. Ms. Wong uses state-of-the-art financial and participant reporting systems developed for TUF with specific modules built for grant-related reporting. Grant reporting elements in the TUF database include enrollment, completion, licensure, upgrade, post-upgrade wage rates, employer name and pre- and post-training job titles. Ms. Wong is supported by Andy Krokodilos and a team of four data analysts who have expertise in data management, project management and data analytics and are responsible for class and participant data and outcome measures. Nina Chambers reports to Ms. Wong and is responsible for grant accounting. Supported by Business Analysts, Ms. Chambers' team tracks course costs, per participant costs, instruction, material and administrative expenses and has achieved a track record of grant compliance with Health Workforce Retraining Initiative, federal, and foundation grants.

1199SEIU League Training and Upgrading Fund

Trustees Meeting, December 9, 2021

Overview: 2021 Forecast and 2022 Budget

Downstate Only

	A	B	C	D (C-B)	E
	2021				2022
	Budget Presented December 10, 2020	Revised Budget	Forecast	Variance	Budget
1 Net Assets Available for Benefits - Beginning	\$ 14,772,944	\$ 14,772,944	\$ 26,251,365	\$ 11,478,421	\$ 12,490,502
2 Additions					
3 Employer Contributions, Net	31,902,498	31,902,498	32,434,700	532,202	33,373,500
4 Diversions from NBF	15,000,000	15,000,000	15,000,000	-	15,000,000
5 Diversions from JSF	-	-	-	-	10,000,000
6 Interest Income and Other Misc Revenue	10,000	10,000	10,000	-	10,000
7 PPP Forgivable Loan	-	-	2,356,587	2,356,587	-
Grants/Contract Revenue					
8 WIO Revenue	583,503	583,503	322,903	(260,600)	-
9 Other Grants	487,680	487,680	487,680	-	-
10 Total Grants/Contract Revenue	1,071,183	1,071,183	810,583	(260,600)	-
11 In-Kind Revenue	1,730,000	967,956	967,956	-	967,956
12 Total Additions	49,713,681	48,951,637	51,579,826	2,628,189	59,351,456
Deductions					
Grants/Contract Expenses					
13 WIO Program - Direct	61,728	61,728	101,728	40,000	-
14 WIO Staff Allocation - Offset	21,775	21,775	21,175	(600)	-
15 WIO Program - Offset	500,000	500,000	200,000	(300,000)	-
16 Subtotal WIO	583,503	583,503	322,903	(260,600)	-
Other Grants					
18 Other Grants	487,680	487,680	487,680	-	-
19 Subtotal Other Grants	487,680	487,680	487,680	-	-
20 Total Grants/Contract Expenses	1,071,183	1,071,183	810,583	(260,600)	-
21 Donated Goods	1,730,000	967,956	967,956	-	967,956
Benefits					
22 Admissions & Counseling	149,162	149,162	52,000	(97,162)	149,162
23 Adult Education	995,058	995,058	564,435	(430,623)	995,058
24 College & Financial Assistance	24,697,376	24,697,376	26,909,346	2,211,970	24,697,376
25 Professional & Technical Programs	11,718,067	11,718,067	10,015,000	(1,703,067)	11,718,066
26 Subtotal Benefits Expenses	37,559,663	37,559,663	37,540,781	(18,882)	37,559,662
27 Program Staff	9,875,598	10,760,184	11,138,994	378,811	11,197,902
28 Administrative Expenses	1,967,735	3,068,391	2,937,685	(130,706)	3,099,075
29 Depreciation and Amortization	543,765	543,765	429,674	(114,091)	784,943
30 Total Deductions	52,747,944	53,971,142	53,825,673	(145,469)	53,609,538
31 Net Operating Activity	(3,034,263)	(5,019,504)	(2,245,847)	2,773,657	5,741,918
32 Net Assets (Deficit) Available for Benefits Before IAE - Ending	\$ 11,738,681	\$ 9,753,440	\$ 24,005,518	\$ 14,252,078	\$ 18,232,420
Less:					
33 Indirect Administrative Expenses (IAE)	8,393,015	11,635,614	11,515,016	(120,598)	12,719,687
34 Net Assets (Deficit) Available for Benefits After IAE - Ending	\$ 3,345,666	\$ (1,882,174)	\$ 12,490,502	\$ 14,372,676	\$ 5,512,733
Less:					
35 Fixed Assets Balance	1,089,592	1,089,592	1,089,592	-	1,240,325
36 Benefit Obligations	10,516,706	10,516,706	10,516,706	-	11,252,055
37 Net Assets (Deficit)	\$ (8,260,631)	\$ (13,488,471)	\$ 884,205	\$ 14,372,676	\$ (6,979,647)

• Beginning Net Assets Available for Benefits (Line 1, Column C) is equal to 12/31/2020 Net Assets Available for Benefits - Ending per the audited financial statements.

Tim Weber
Acquest Development
5554 Main St.
Williamsville, NY 14221

Re: Site Information for 119 Shepard Rd. Ogden, NY14624

Municipal/Municipally Designated Organization Name

- *County of Monroe Industrial Development Agency (COMIDA)*

Type of Applicant

- *Municipally Designated Local Development Corporation/Industrial Development Agency*

Type of Municipality (if applicable)

- *County*

Street Address

- *50 West Main Street, Suite 1150*

City

- *Rochester*

State

- *NY*

Zip Code

- *14614*

County

- *Monroe*

Individual Contact Name

- *Ana Liss*

Title

- *Executive Director*

Phone Number

- *(585)753-2012*

Email Address

- *Analiss@monroecounty.gov*

Name of Project

- *West Monroe Logistics Park*

Site Address

- *119 Shepard Rd. Ogden, NY 14624*

County

- *Monroe*

Region

- *Finger Lakes*

Number of Acres

- *84.5*

Type of Grant Requested

- *Track C- Infrastructure*

Estimated Total FAST NY Request

- *\$500,000.00*

Estimated Total Project Cost

- *\$1,000,000*

Site Control Documentation

- *Written consent from ownership entity to apply*

Targeted Industry

- *Interstate distribution and logistics*

Site Activities


- *Interstate distribution and logistics*

Brief Project Description

- *West Monroe Logistics Park is an 84.5-acre interstate distribution/logistics park, providing users the opportunity for international connectivity, while being situated immediately adjacent to Rt-531, 4 miles from the I-390, 15 miles from the I-90, and 7 miles from the Greater Rochester International Airport. With a FAST NY Shovel-Ready Certification, the West Monroe Logistics Park will be situated as a top contender for businesses looking to move their operations to New York.*

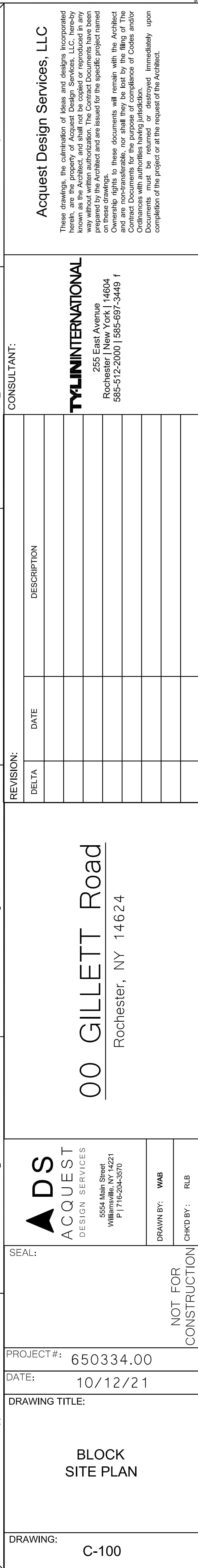
Gillett Road, Ogden

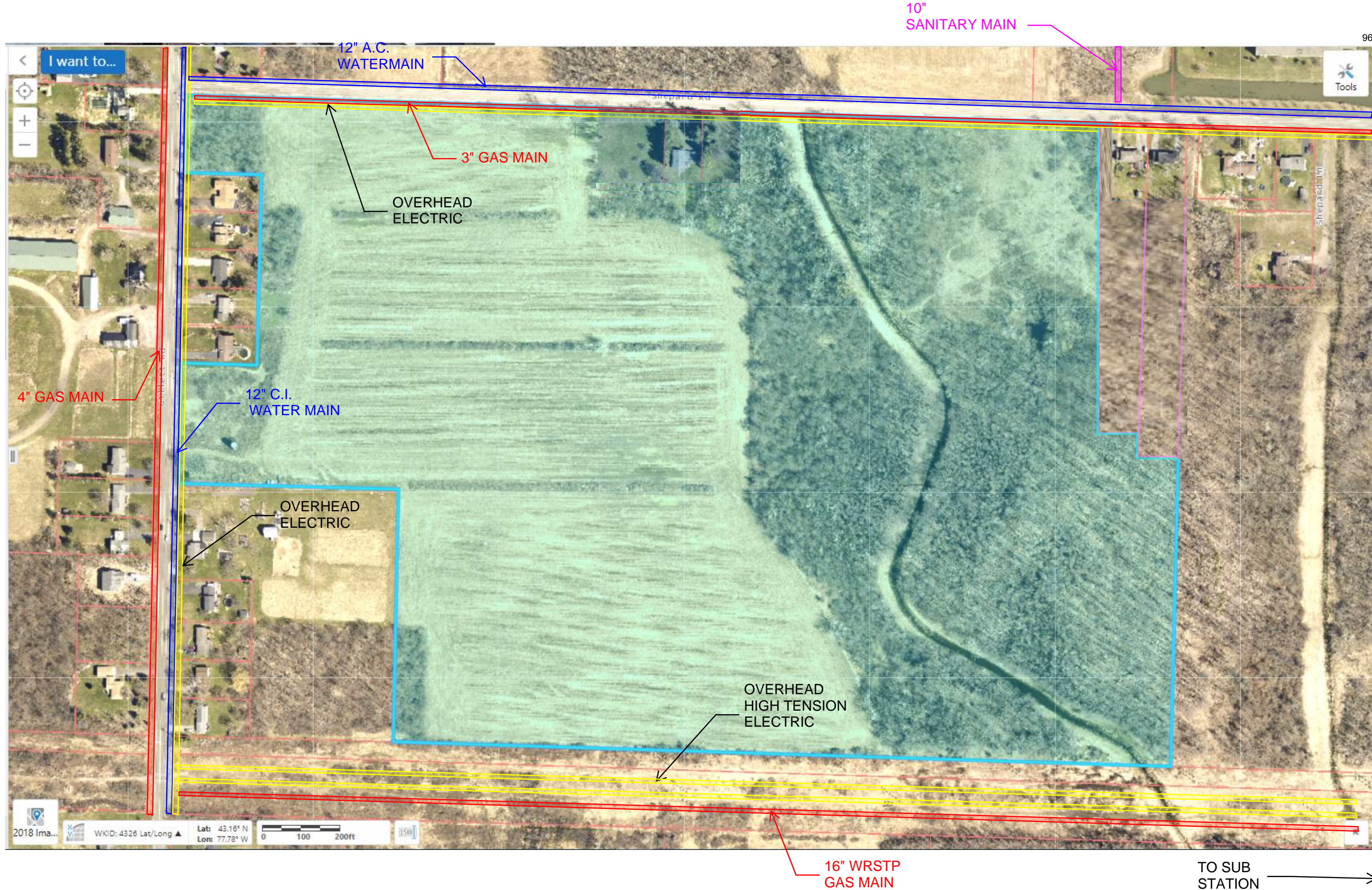


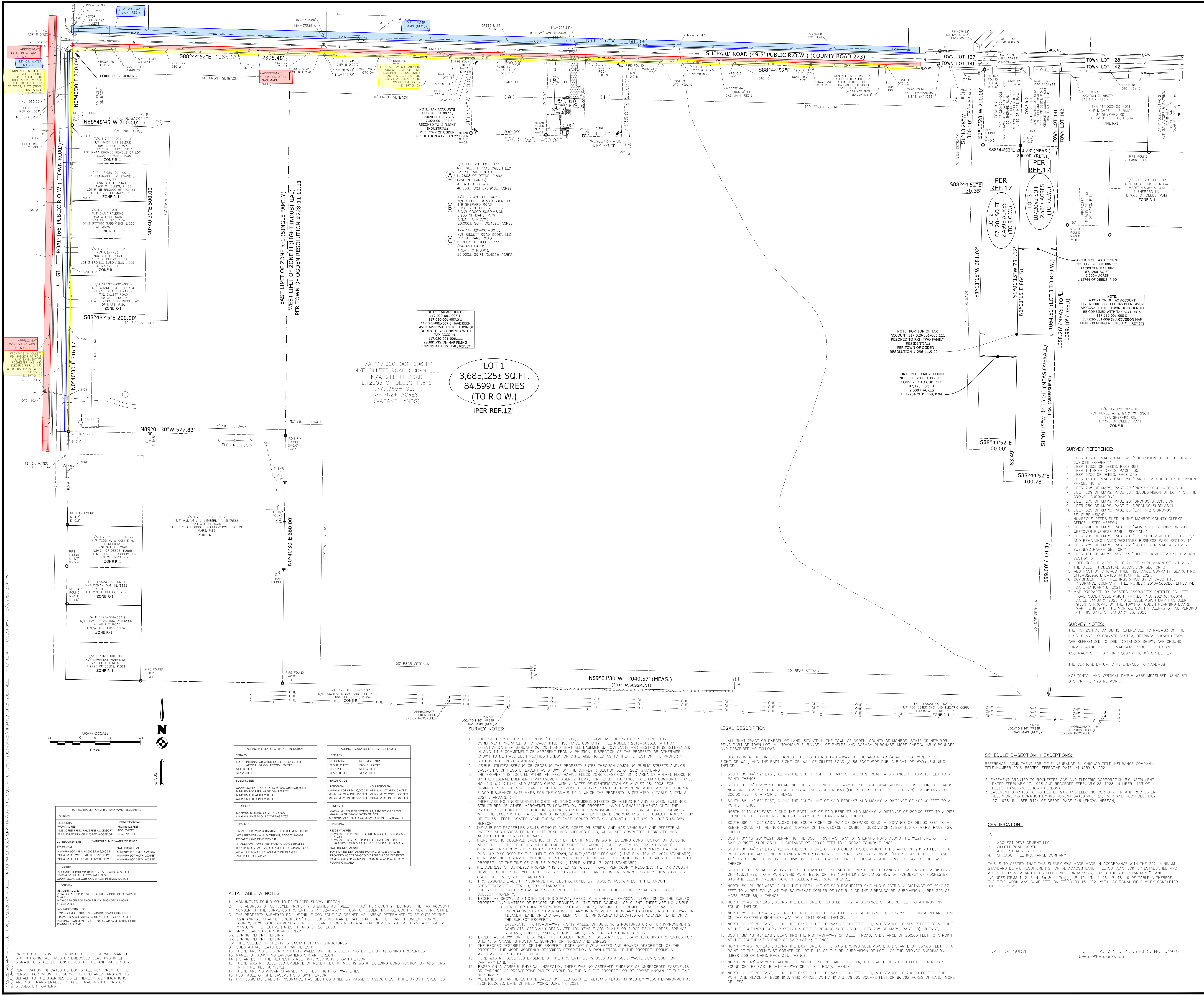
 Zoned Industrial

 Available Site

 Access to Exp 531 & I-490









Passero Associates
Rochester, NY • Fernandina Beach, FL
www.passero.com

DATE: 01/26/2023
TIME: 10:00 AM

ABBREVIATION TABLE

BLDG.	BUILDING
CLB	CHAIN LINK FENCE
CNC	CONCRETE
E.O.P.	EDGE OF PAVEMENT
HWS	HIGHWAY
R.O.W.	RIGHT OF WAY
SDM	STOODANCE FENCE

LEGEND

⊠ OR	CATHAMOR (UNKNOWN TYPE)
○ OR	CLEANOUT (UNKNOWN TYPE)
○ OR	CLEANOUT DRAINAGE SEWER
○ OR	CLEANOUT SANITARY SEWER
▷	EDGE SECTION DRAINAGE PIPE
⊗	Gas Valve
○	HYDRANT
⊠	LIPTOP
○	MANHOLE (UNKNOWN TYPE)
⊗	MANHOLE DRAINAGE INLET
⊗	MANHOLE DRAINAGE SEWER
⊗	MANHOLE SANITARY SEWER
⊗	SEWER POST (SINGLE)
SP	TRAFFIC LIGHT SPAN POLE
UP	UTILITY POLE
○	UTILITY PIPE AND/OR WIRE
○	UTILITY PIPE WITH LIGHT
○	WATER SERVICE
WV	WATER VALVE

Revisions

No.	Date	By	Description
1	01/26/2023	RS	REVISIONS

UNAPPROVED REVISIONS OR ADDITIONS TO THIS DRAWING IS IN VIOLATION OF STATE REGULATIONS AND MAY BE SUBJECT TO FINES AND/OR JAIL IN VIOLATION OF SECTION 705.03. THIS PLAN IS NOT TO BE REPRODUCED OR COPIED WITHOUT THE WRITTEN CONSENT OF PASSERO ASSOCIATES, INC.



Town Of Ogden
Not to Scale

Passero Associates

34 WEST MAIN STREET, SUITE 100
ROCHESTER, NY 14614

Principal-in-Charge: Robert Scarpello, Esq.
Project Manager: David L. Cox, PE
Drafted by: Robert A. Vento, PLS
A. Snyder, PLS

(585) 225-1000
FAX: (585) 225-4000

Client: Robert Scarpello, Esq.
Acquist Development Company, LLC
3554 Main Street
Williamsport, NY 14221
(716) 204-3570
rscarpello@acquistdevelopment.com

TOPOGRAPHIC & ALTA/NSPS

LAND TITLE SURVEY

SUBDIVISION

SHOWING "GILLET ROAD OGDEN"

(MAP FILING PENDING REF.17)

TRACT ACCT. NO. 17-020-001-006-111

LANDS NOW OR FORMERLY OF THE ANTHONY M. & CAROL D. BRONCO TRUST

SITUATED ON THE EASTERN SIDE OF GILLET ROAD AND SOUTHERLY SIDE OF SHEPHERD ROAD

PART OF TOWN OF ALTA, TOWNSHIP 3, RANGE 1, OF THE TILLEY & GORDMAN PURCHASE

TOWN OF OGDEN, MONROE COUNTY, NEW YORK STATE

Project No. 20213076

Sheet No. 0001

Drawing No. ALTA-1

Scale: 1" = 80'

Date: JANUARY 26, 2023

Sheet No. 1 of 1



TOWN OF
Ogden
COUNTY OF MONROE
STATE OF NEW YORK

STATE OF NEW YORK)
COUNTY OF MONROE) **Resolution #227-11.10.21**
TOWN OF OGDEN)

I, NOELLE M. BURLEY, TOWN CLERK of the Town of Ogden, Monroe County, New York, **DO HEREBY CERTIFY**, that I have compared the document attached hereto with the original thereof filed in my office in Spencerport, New York, Monroe County, on the **10th day of November 2021** and that the same is a true and correct copy of said original and of the whole thereof.

In testimony hereof, I have hereunto set my hand and affixed my seal of the said Town of Ogden this **16th day of November 2021**.

Town Clerk of the Town of Ogden
Monroe County, New York

SEAL of the

Town of Ogden

Resolution #227-11.10.21

**RESOLUTION AND NEGATIVE DECLARATION OF ENVIRONMENTAL
SIGNIFICANCE ON BEHALF OF ACQUEST DEVELOPMENT
COMPANY LLC APPLICANT: GILLETT ROAD OGDEN, LLC AS
OWNER and PROJECT: REZONING 75.594 ACRES VACANT LAND,
SOUTH SIDE SHEPARD ROAD FROM R-1-RESIDENTIAL TO LI-LIGHT
INDUSTRIAL**

Introduced by Councilman Perry

Seconded by Councilman Cole

WHEREAS, Acquest Development Company, LLC, as applicant on behalf of Gillett Road Ogden, LLC, as owner, has made application to the Town Board of the Town of Ogden to rezone a portion of its lands located at the south side of Shepard Road, consisting of 75.594+ acres, from R-1- Residential to LI Light Industrial, and

WHEREAS, as part of such application the applicant did submit the following additional documentation in support of its application

1. Boundary Description prepared by Passero Associates
2. ALTA Survey prepared by Passero Associates dated October 2021
3. Preliminary Jurisdictional Determination (PJD) Form by the Army Corps of Engineers dated September 23, 2021
4. SHPO No Impact Letter dated July 1, 2021
5. Environmental Assessment Form prepared by T.Y. Lin International dated October 11, 2021
6. Concept Block Plan prepared by T.Y. Lin International dated October 12, 2021
7. Landscape Berm Detail prepared by T/Y/ Lin International
8. GRE Letter of support dated July 20, 2021

9. Traffic Memo prepared by SRF Associates dated October 5, 2021
10. Development Review referral (OG21010) response dated September 21, 2021
11. MCDOT Section 136 Permit #20211034 dated August 13, 2021
12. MCPW Sewer Connection Permit #10079462 dated August 16, 2021
13. Ogden Zoning Map Exhibit
14. Ogden Future Land Use Map Exhibit
15. Ogden Farmland Use Map Exhibit
16. Industrial Corridor Aerial
17. Gates-Chili-Ogden Pure Waters Sewer District Map Exhibit

WHEREAS, upon review of the application and maps and plans, the Town Board did hold a public hearing upon such application on September 22, 2021, due notice of which was given as required by law, and at which hearing all interested persons were heard concerning the proposed rezoning request, and

WHEREAS, the proposed Notice of Rezoning of 75.594 acres is a Type I Action under SEQRA, and

WHEREAS, the Town Board of the Town of Ogden did give Notice to all other potentially involved agencies of the intent of the Ogden Town Board to act as lead agency concerning this application, and more than 30 days have passed from the giving of such Notice, with no objections have been received, and

WHEREAS, the Town Board did, at its September 22, 2021 regular Town Board meeting declare itself as Lead Agency for the purposes of SEQRA review, and

WHEREAS, the Town Board has reviewed all of the maps, plans, documents and materials above referenced, as well as comments from the Town of Ogden Professional Staff, comments from the Monroe County Department of Planning and Development, as well as comments from the Public, and

WHEREAS, before the Ogden Town Board may act upon the application it must first determine the Environmental Significance, if any, of the proposed action on the Environment, and

WHEREAS, as Lead Agency the Town Board has completed parts 2 and 3 of the Long Form Environmental Assessment Statement, having taken the requisite hard look at the project and having engaged in reasoned elaboration concerning the same;

NOW THEREFORE, The Town Board of the Town of Ogden does hereby Resolve, Find and Determine as follows:

SECTION I: That the Town Board of the Town of Ogden Finds and Determines that the proposed rezoning action will not have any significant negative impact upon the environment, and issues this Negative Declaration of Environmental Significance pursuant to SEQRA.

SECTION II: That the Town Board may act upon the rezoning application without further regard to SEQRA.

SECTION III: That the reasons supporting this determination include, but are not limited to

- A) The proposed LI Light Industrial Zone is consistent with the Town's future land use map, and The Comprehensive Plan for this area of the Town
- B) The proposed uses of the property under the LI Light Industrial Zone are consistent with existing and developing industrial uses in the vicinity of the project site
- C) That the site has all required utilities available to it for LI uses
- D) That any future development of the parcel will continue to be subject to site plan review and approval by the Town of Ogden Planning Board, and will be subject to all of the requirements and compliance with all provisions of the LI Light Industrial Code of the Town of Ogden, as well as all other codes, rules and regulations relating to actual site development

E) That any future development of the parcel shall provide for a BERM and screening of adjoining residential properties to the west, the size, location and details of a landscape BERM to be approved by the Planning Board

F) That any site plan approval shall provide for the recording of permanent conservation easements over the wetland areas as confirmed by the Army Corps of Engineers

SECTION IV: That Notice of this Negative Declaration of Environmental Significance shall be given as required by Law.

Vote of the Board:

Ayes: Baker, Cole, Lenhard, Perry, Zale

Nays: None

February 13, 2023

David Whipple
Empire State Development
FAST NY Program

Dear Mr. Whipple,

I am writing to express my support for the County of Monroe Industrial Development Agency (COMIDA) and Acquest Development application for funding under New York State's FAST NY program. The West Monroe Logistics Park is an 84.5-acre light industrial property located on Shepard Road in the Town of Ogden immediately adjacent to 220 acres of light industrial parks. The property is located within 1 mile of major fulfillment centers owned by Amazon, FedEx, and Pepsi Bottling in Ogden and Gates. The Town of Ogden Town Board has issued a SEQR Negative Declaration in November 2021 for the rezoning of the property which contemplated a 385,00 square foot cross-dock warehouse distribution facility with 112 loading docks and 242 truck parking spaces.

The Town of Ogden has recently worked with Acquest Development in the successful completion of a 280,000 square foot Amazon Fulfillment Distribution Facility directly adjacent to the subject site. Exemplifying Acquest's availability of resources and experience necessary for attracting prospective companies and the effective and efficient utilization of funds. Continuing to grow the number of Shovel-Ready site's is imperative to increasing the overall economic growth and prosperity in the region.

Please don't hesitate to contact me if you have any further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Zale", written in a cursive style.

Mike Zale
Supervisor, Town of Ogden

February 7, 2023

Empire State Development
FAST NY Program

I am writing on behalf of Greater Rochester Enterprise (GRE) to support the County of Monroe Industry Development Agency (COMIDA) and Acquest Companies application for FAST NY funding needed for the development of the 87 acre parcel on Gillett Road in Ogden.

GRE is an economic development organization working to attract new capital investments, wealth and jobs in the Greater Rochester, NY region. Acquest's request to bring a large industrial parcel online for future commercial development supports GRE's mission to increase economic development in the Greater Rochester, New York region.

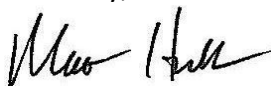
To stay competitive in today's fast-moving corporate site selection process, the Greater Rochester region must possess site and building inventories that meet requirements for business attraction and expansion opportunities. Without an inventory of developable sites, the region could lose the chance to compete for new private investment, new jobs, and the associated economic growth that each of these opportunities presents.

As of February 2023, GRE has more than 100 active business attraction and expansion projects in the pipeline considering the region for investment. The availability of developable sites is a key element that could help GRE secure one of these many business investment opportunities.

When a community decides to increase the inventory of market-ready sites and facilities in its jurisdiction, it chooses to increase its chances for future economic success.

Please feel free to call me at 585.530.6208 with any questions regarding this support.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Hurlbutt", written in a cursive style.

Matt Hurlbutt
President and CEO



Dashboard

February 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
6	30	3	17	2	17	\$377,164,282	\$734,190,997

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
5	29	37	1948	68	737	2	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
\$4,579,515	\$5,331,074	\$0	\$4,873,459	\$4,579,515	\$479,235

Workforce Development Fund Beginning Balance \$2,500,000					
Allocated Revenue		Committed Funds		Fund Balance	
2023 YTD	2022 YE	2023 YTD	2022 YE	2022 YE	2023 YTD
\$178	\$5,156,317	\$0	\$2,400,000	\$2,756,317	\$2,756,317

Solar WD Fund		
Fee Collected to Date	Committed to Date	Balance
\$50,000	\$0	\$50,000

*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.