



BOARD MEETING AGENDA

January 21, 2025

12:00 p.m. CityPlace Building

- A. Call Meeting to Order
- B. Pledge of Allegiance
- C. Approval of Minutes – December 17, 2025
- D. Public Comments
- E. Local Labor Monitoring Report – December/Annual – Kevin Loewke
- F. Local Labor Exemptions Report – December – Kevin Loewke
- G. Financial Report – December – Gregg Genovese
- H. Applications for Consideration
 - 1. Westpoint Marina, LLC
 - 2. Central Roadways Inc
 - 3. Pittsford Canalside Properties LLC
- I. Project Modifications
 - 1. AlchLight LLC - Increase
 - 2. Nine Lives Properties LLC – Assumption of Rochester Maiden Park Owner, LLC
 - 3. Riverwood Tech Campus, LLC – Extension
 - 4. PFISTERER North American, Inc. – Extension
 - 5. GS Optics, LLC – Extension
- J. Executive Director – Discussion Items
 - Ibero American Action League – Update and Annual Request
 - Workforce Development Fund Allocation
 - Dashboard
- K. Chair Burr – Discussion Items
- L. Adjourn Meeting

Next meeting: Tuesday, February 18, 2025



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

DRAFT
BOARD MEETING MINUTES
December 17, 2024

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

Board Present: A. Burr, L. Bolzner, R. King, T. Tolefree, N. Jones

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

Chair Burr called the meeting to order at 12:02 p.m. and R. King led the board in the Pledge of Allegiance.

On motion by R. King, second by L. Bolzner, all aye, minutes of the November 19, 2024 meeting were approved.

K. Loewke presented the local labor monitoring report for November 2024.

K. Loewke presented the local labor exemption report for November 2024.

G. Genovese presented the financial report for November 2024.

Executive Director Liss presented the following projects for consideration:

AlchLight, LLC

Alchlight, LLC, a technology company specializing in advanced ultrafast laser material fabrication located in the City of Rochester, is proposing the purchase of a motorized 3D surface profiler. This equipment will be crucial to Alchlight's manufacturing process, allowing them to evaluate their manufacturing process and quality control. The \$145,279 project is projected to create 3 FTEs over the next three years. Alchlight, LLC has applied for a Great Rebate on the equipment purchase through the Monroe County Industrial Development Corporation and is seeking approval of the sales tax exemption through COMIDA. The Benefit/Incentive ratio is 140:1.

The applicant was represented by Vinh Ngo, General Manager & Senior Scientist. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance. The applicant does not anticipate any local labor exemptions at this time.

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

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

T. Tolefree	Yea	R. King	Yea
L. Bolzner	Yea	A. Burr	Yea
N. Jones	Yea		

Woerner Industries, LLC

Woerner Industries, LLC, a manufacturer of church furniture and machined equipment, proposes the purchase and renovation of a 24,742 square foot building in the City of Rochester. Woerner Industries recently acquired an Ohio based company and plans to consolidate operations into the newly renovated facility. Woerner Industries will allow the current owners to lease a portion of the building until they find a new location, after which they plan to renovate the remainder of the building. This \$2.9 million project is expected to create 4 new FTEs over the next three years in addition to its existing 18.5 FTEs. The applicant is requesting sales and mortgage recording tax exemptions only. The Benefit/incentive ratio is 52:1.

The applicant was represented by John Little, Owner and Jennifer Weinschreider, Business Manager. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance. The applicant does not anticipate any local labor exemptions at this time.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION (i) APPOINTING WOERNER INDUSTRIES, LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT; (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, RENOVATION AND EQUIPPING OF THE PROJECT, AND (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by L. Bolzner, second by T. Tolefree for inducement and final resolution approving a sales tax exemption and mortgage recording tax exemption, a roll call vote resulted as follows and the motion carried:

T. Tolefree	Yea	R. King	Yea
L. Bolzner	Yea	A. Burr	Yea
N. Jones	Yea		

Waffle8er, LLC

Waffle8er, LLC, a food production manufacturer specializing in waffles and other frozen foods, proposes the renovation of 3780 West Ridge Road, a 133,000 square foot building in the Town of Greece. Renovations include conversion of the facility from a dry storage warehouse to food manufacturing plant. A special 13-year real property tax abatement is supported by the Town of Greece in order to be competitive with offers from southern states luring the business. Waffle8er, LLC plans to create 133 FTEs over the next three years. The \$8.6 million project is seeking a custom real property tax abatement, mortgage recording tax exemption, and sales tax exemption. The cost/benefit ratio is 80:1.

The applicant was represented by Michael Pinkowski, President (via Zoom). The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance. The applicant does not anticipate any local labor exemptions at this time. Ms. Baranello stated that there were no comments at the public hearing, which was held on December 12, 2024.

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 12, 2024, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY WAFFLE8ER LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, RENOVATION AND EQUIPPING OF THE PROJECT, (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 N. Jones, second by L. Bolzner for inducement and final resolution approving a sales tax exemption, mortgage recording tax exemption and real property tax abatement, a roll call vote resulted as follows and the motion carried:

T. Tolefree	Yea	R. King	Yea
L. Bolzner	Yea	A. Burr	Yea
N. Jones	Yea		

2851 Clover LLC

2851 Clover LLC, is proposing the construction of a new housing development in the Town of Pittsford designed around the desires of the Town for affordable workforce housing. The proposed development will include 122 one-bedroom, 42 two-bedroom, and 12 3-bedroom apartments with rents ranging from \$1,599-\$3,199 per month. This \$41 million project is projected to create 8 new FTEs over the next three years. 2851 Clover LLC is seeking approval of sales tax and mortgage recording tax exemptions. The benefit/incentive ratio is 17:1.

The applicant was represented by Anthony Daniele and Danny Daniele. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance. The applicant does not anticipate any local labor exemptions at this time. Ms. Baranello stated that there were a number of comments received at the public hearing, which was held on December 9, 2024. These comments have been distributed to the board. Written comments from the Town Supervisor and Town Attorney opposed the inclusion of a set aside and real property tax abatement, which is why the board is considering sales and mortgage tax benefits only and waiver of the set aside.

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 9, 2024, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY 2851 CLOVER, LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT

PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT AND (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by T. Tolefree, second by N. Jones for inducement and final resolution approving a sales tax exemption and mortgage recording tax exemption and to waive the 20% affordable set aside, a roll call vote resulted as follows and the motion carried:

T. Tolefree	Yea	R. King	Yea
L. Bolzner	Nay	A. Burr	Yea
N. Jones	Yea		

Executive Director Liss presented the following modifications for consideration:

I-Square, LLC – PILOT Modification/Extension

I-Square is a mixed-use town center development in the Town of Irondequoit. The project was originally approved in March 2013 for a custom real property tax abatement, mortgage recording tax and sales tax exemptions. This ongoing project has received several extensions of the sales tax exemption through December 31, 2024. The applicant is requesting to modify the PILOT agreement by adjusting the construction milestone, adding a parcel and removing another parcel. The Town of Irondequoit and the West Irondequoit School District are supportive of the modifications. For information purposes, the applicant is in the process of buying back The Market building located at 400 Bakers Park that was sold last year. In addition, the applicant is requesting another extension of the sales tax exemption through December 31, 2026.

The applicant was represented by Michael Nolan.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS GRANTED TO I-SQUARE, LLC (THE "COMPANY") THROUGH DECEMBER 31, 2026, AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by R. King, second by N. Jones, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2026

On motion by R. King, second by L. Bolzner, all aye, motion carried to authorize an amendment to the PILOT agreement and related documents to add a parcel, remove a parcel, and modify the final construction milestone.

Sibley Redevelopment LP – Extension

Sibley Redevelopment Limited Partnership, is one of 3 entities created to redevelop the former Sibley Building in the City of Rochester. The project was approved in December 2012. The applicant has been approved for several extensions of the sales tax exemption. The applicant is now seeking an additional

extension of the sales tax exemption through December 31, 2026 as they continue to attract new tenants to lease the vacant space.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) THE EXTENSION OF THE SALES TAX EXEMPTION BENEFIT GRANTED TO SIBLEY REDEVELOPMENT LIMITED PARTNERSHIP (THE "COMPANY") THROUGH DECEMBER 31, 2026; AND (ii) THE EXECUTION OF RELATED DOCUMENTS.

On motion by N. Jones, second by R. King, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2026.

Sibley Mixed Use LLC – Extension

Sibley Mixed Use LLC was originally approved for a custom PILOT for the redevelopment of the former Sibley's department store in 2012. In 2016, the project was approved for sales and mortgage recording tax exemptions. The applicant has been approved for several extensions of the sales tax exemptions. The applicant is now seeking an extension of the sales tax exemption through December 31, 2026 due to tenant improvement fit-out of the remaining commercial space necessary to fully occupy and stabilize commercial space.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS GRANTED TO SIBLEY MIXED USE LLC (THE "COMPANY") THROUGH DECEMBER 31, 2026; AND (ii) THE EXECUTION OF RELATED DOCUMENTS.

On motion by L. Bolzner, second by T. Tolefree, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2026.

Sibley Commercial LLC – Extension

Sibley Commercial LLC was originally approved for a custom real property tax abatement for the redevelopment of the former Sibley's department store in 2012. In 2016, the project was approved for sales and mortgage recording tax exemptions. The project has been approved for several extensions of the sales tax exemption. The applicant is again requesting an extension of the sales tax exemption through December 31, 2026 due to tenant improvement fit-out of the remaining commercial space necessary to fully occupy and stabilize commercial space.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS GRANTED TO SIBLEY COMMERCIAL LLC (THE "COMPANY") THROUGH DECEMBER 31, 2026, AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by N. Jones, second by T. Tolefree, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2026.

The Governance Committee Report was given by Chair Burr. The Governance Committee met on December 3, 2024 to review the administrative annual contracts. The committee recommends the full board re-approve them for another year. No action is being taken on the Local Labor Exemption Processing contract at this time. The committee also reviewed the two proposals that were received from

the Housing Study RFP. The committee has asked staff to re-issue the RFP to try and get more responses. The RFP has been re-issued and responses are due January 3, 2025.

On motion by R. King, second by N. Jones, all aye, motion carried to approve an engagement with Mengel, Metzger, Barr as certified financial auditor to perform the 2024 financial audit with terms from the Request for Proposal.

On motion by N. Jones, second by T. Tolefree, all aye, motion carried to approve an engagement with The Bonadio Group to provide accounting and chief financial services for fiscal year 2025 with terms from the Request for Proposal.

On motion by L. Bolzner, second by R. King, all aye, motion carried to approve a contract with Loewke Brill Consulting to provide local labor monitoring services for fiscal year 2025 with terms from the Request for Proposal.

On motion by L. Bolzner, second by T. Tolefree, all aye, motion carried to approve a contract with Harris Beach PLLC to provide legal services for fiscal year 2025 with terms from the Request for Proposal.

On motion by R. King, second by N. Jones, all aye, motion to extend the listing agreement with Pyramid Brokerage Company through December 31, 2025.

Executive Director Liss noted there were offers received for the three parcels on Brew Road which are owned by COMIDA. These offers are for 30 Brew Road, 75 Brew Road, and 141 Brew Road. The proposed use for 30 Brew Road is a trucking/hub parking area. The proposed use for 75 Brew Road and 141 Brew Road is a ready-mix concrete facility. The attorneys are working through the terms of the sales at this time.

Executive Director Liss stated that the SAM (State and Municipal) grant, which will be passed through COMIDA, will partially fund a \$17 million project to be undertaken by RG&E to expand power capacity in Henrietta and allow commercial and residential developments that are delayed or halted to move forward. The COMIDA board action is to make a SEQR determination along with the authorization to apply, receive and disburse the grant funds.

On motion by R. King, second by L. Bolzner, all aye motion carried to identify the RG&E project as an "Unlisted Action" under SEQR based upon Parts 1 and 2 of the Short EAF and determination that the Project will result in no potential adverse environmental impacts.

Chair Burr stated that the Agency, having conducted an uncoordinated review of the Project pursuant to SEQR, issued a Negative Declaration. On motion by N. Jones, second by R. King, all aye, motion carried.

On motion by L. Bolzner, second by T. Tolefree, all aye, motion carried to authorize the submission of the SAM Grant application, accept the funds and disburse the funds to RG&E for purposes of undertaking the Project.

Executive Director Liss shared the travel report with the board.

Executive Director Liss reviewed the current dashboard.

On motion by R. King, second by N. Jones, all aye, motion carried to enter into executive session under Section 105(f) to discuss the personnel matters.

On motion by N. Jones, second by L. Bolzner, all aye, motion carried to come out of Executive Session and continue the regular meeting.

On motion by T. Tolefree, second by R. King, all aye, motion carried to accept the staff performance reviews and confirm compensation steps as discussed.

There being no further business to discuss, on motion by R. King, second by N. Jones, all aye, the regular meeting of the Board was adjourned at 1:26 p.m.



December 2024 Monthly C.O.M.I.D.A. Report

January 6th, 2024

1. This report covers our site visits between December 1st, 2024 and December 31st, 2024.
2. During this period Loewke Brill made 77 monthly site visits.
3. During this period Loewke Brill made “12” Follow up visits.
4. Loewke Brill checked for residence with 1596 workers.
5. Of those workers, there were “19” non-compliant.
 - a. 10– No proof of residence
 - i. 12/9/24 – 49 East Avenue, LLC – 1 from US Ceilings, no ID.
Compliant on follow up visit 12/10/24
 - ii. 12/11/24 - Gallina Development Corp – 1 from PIKE, no ID.
Compliant on follow up visit 12/12/24
 - iii. 12/11/24 – JM&J Leasing Henrietta, LLC – 1 from Lefrois, no ID.
Compliant on follow up visit 12/12/24
 - iv. 12/12/24 – Home Leasing, LLC NC/EM – 2 from Cantenary no ID,
1 from Loyal 9 no ID. 3 compliant on follow up visit 12/13/24
 - v. 12/16/24 – Emerald Point Developers – 1 from GZ Construction
no ID. Compliant on follow up visit 12/17/24
 - vi. 12/23/24 – Home Leasing, LLC – 1 from Bell Mechanical no ID, 1
from New York State Fence no ID. Both compliant on follow up visit 12/24/24
 - vii. 12/31/24 – Fairlife, LLC – 1 from Centimark no ID. Compliant on
follow up visit 01/02/25.
 - b. 6 – Out of Area

i. 12/11/24 – HIS Land, LLC – 1 from Sunset Roofing out of area (Florida), removed from job site and off the project on follow up visit 12/12/24

ii. 12/18/24 – Maguire Family Properties, Inc – 2 from J&R Specialties out of area (Buffalo). Both off job site on follow up visit 12/19/24

iii. 12/30/24 – Maguire Family Properties, Inc – 2 from ABJ out of area (Buffalo). Both off job site on follow up visit 12/31/24

iv. 12/31/24 – Fairlife, LLC – 1 from Crosby-Brownlie out of area. Removed from job site and off project on follow up visit 01/02/25

c. 3 – Invalid ID

i. 12/17/24 – Fairlife, LLC – 1 from O’Connell electric invalid ID. Compliant with local ID on 12/18/24.

ii. 12/18/24 – ESIV, LLC – 1 from Victor Excavating invalid ID. Compliant with local ID on 12/19/24

iii. 12/31/24 – Fairlife, LLC – 1 from Centimark invalid ID. Compliant with local ID on 01/02/25

6. There were “3” new COMIDA sign(s) delivered

a. HIS Land LLC

b. JM&J Leasing Henrietta, LLC

c. Unither Manufacturing, LLC



2024 Annual C.O.M.I.D.A. Reporting

January 6th, 2025

1. This report covers our site visits between January 1st, 2024 and December 31st, 2024
2. During this period Loewke Brill made 842 site visits.
3. During this period Loewke Brill made "67" Follow up visits.
4. Loewke Brill checked for residence with 11,943 workers.
5. Of those workers, there was "164" non-compliant.
6. Loewke Brill delivered "24" COMIDA Signs
7. There was a 94% average compliance on the initial site visit.
8. All sites were 100% compliant within 24 hours of the initial visit.

December 2024 COMIDA Verified Local Labor Exemption Report

Board Meeting – January 21st, 2025

The following Verified Local Labor Exemption Requests were processed in December 2024

- **Fairlife, LLC** – IMP Panels – Specialty Construction: Construction Thermal Specialists is being hired to install IMP (insulated metal panels) walls on the ASRS (automated storage retrieval system) system at Fairlife, LLC project located at 1900 Tebor Road in Webster. Haskell put out an RFP on the local builders exchange to find contractors to perform the work, and no local contractors responded to the RFP. The closest option that was available and submitted a bid was based out of Syracuse but did not demonstrate adequate experience to perform this installation. While IMP panel installation is common on warehouses, these panels at Fairlife will be installed at heights of over 100 feet tall and there are not many companies that can safely perform this scope.



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COMIDA
Statement of Financial Position

	Year To Date 12/31/2024	Year Ending 12/31/2023
	Actual	Actual
Assets		
Current Assets		
Cash and Cash Equivalents	5,197,148	5,637,860
Cash - Grant Funding	5,046,811	-
Accounts Receivable, Net	70,838	151,709
Short Term Investments	13,697,345	12,349,432
Prepaid Expenses	6,954	19,901
Total Current Assets	24,019,096	18,158,902
Long-term Assets		
Property & Equipment	633,185	625,000
Other Long-term Assets	260,511	260,511
Total Long-term Assets	893,696	885,511
Total Assets	24,912,792	19,044,413
Liabilities and Net Assets		
Liabilities		
Short-term Liabilities		
Accounts Payable	202,308	143,283
Accrued Liabilities	229,656	584,239
Grant Liabilities	5,046,811	-
Total Short-term Liabilities	5,478,775	727,522
Long Term Liabilities	279,792	335,926
Total Liabilities	5,758,567	1,063,448
Net Assets		
Net Assets	17,980,965	15,098,946
Change In Net Assets	1,173,260	2,882,019
Total Net Assets	19,154,225	17,980,965
Total Liabilities and Net Assets	24,912,792	19,044,413

Summary Statement of Activities - All Funds with Prior Year

	Year To Date 12/31/2024	Year To Date 12/31/2024	Prior Year To Date 12/31/2023
	Actual	Budget	Actual
Revenue			
Fee Income	4,677,616	2,500,000	5,913,875
Interest Income	709,519	350,000	425,048
Total Revenue	5,387,135	2,850,000	6,338,923
Payroll			
Program & Community Development	415,202	358,000	579,335
General & Administrative	2,941,447	2,927,182	2,244,500
Total Expenses	4,201,781	4,088,682	3,456,903
Change In Net Assets	1,173,260	(1,238,682)	2,882,019



APPLICATION SUMMARY

DATE: January 21, 2025

APPLICANT: Westpoint Marina, LLC
2851 Monroe Ave
Rochester, NY 14618

PROJECT ADDRESS: 105 E Manitou Road
Greece, NY 14612

PROJECT SUMMARY: Westpoint Marina, LLC, is a tenant of the Town of Greece for the management of Westpoint Marina located on Braddock Bay. Under their lease agreement, Westpoint Marina is obligated to maintain the navigation of the channel that connects Braddock Bay with Lake Ontario. The channel is used not only by residents, businesses, and emergency services located on Braddock Bay, but also by boaters using Braddock Bay as a safe harbor to seek refuge from Lake Ontario in the event of storms or dangerous weather conditions. In order to maintain a depth in the channel for most vessels to use it safely, Westpoint Marina proposes the acquisition of a VSI Dredge Model MD-615-HC and associated accessories. The \$438,000 project is projected to created 1 FTE over the next three years. Westpoint Marina, LLC has applied for a Great Rebate on the equipment purchase though the Monroe County Industrial Development Corporation and is seeking approval of the sales tax exemption through COMIDA. The Benefit/Incentive ratio is 12:1.

PROJECT AMOUNT: \$438,000 – Sales Tax Exemption Only
EXEMPTIONS: \$35,040

JOBS: EXISTING: 3.5 | FTEs
NEW: 1 | FTEs

PUBLIC HEARING DATE: N/A

BENEFIT TO INCENTIVE RATIO: 12 : 1

SEQR: TYPE II ACTION UNDER SEQR SECTION 617.5

ELIGIBILITY: APPROVED GREATRATE/REBATE - EQUIPLUS ONLY

APPROVED PURPOSE: JOB CREATION

County of Monroe Industrial Development Agency

MRB Cost Benefit Calculator



Date: January 21, 2025
 Project Title: Westpoint Marina, LLC
 Project Location: 105 E Manitou Road, Greece, NY 14612

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

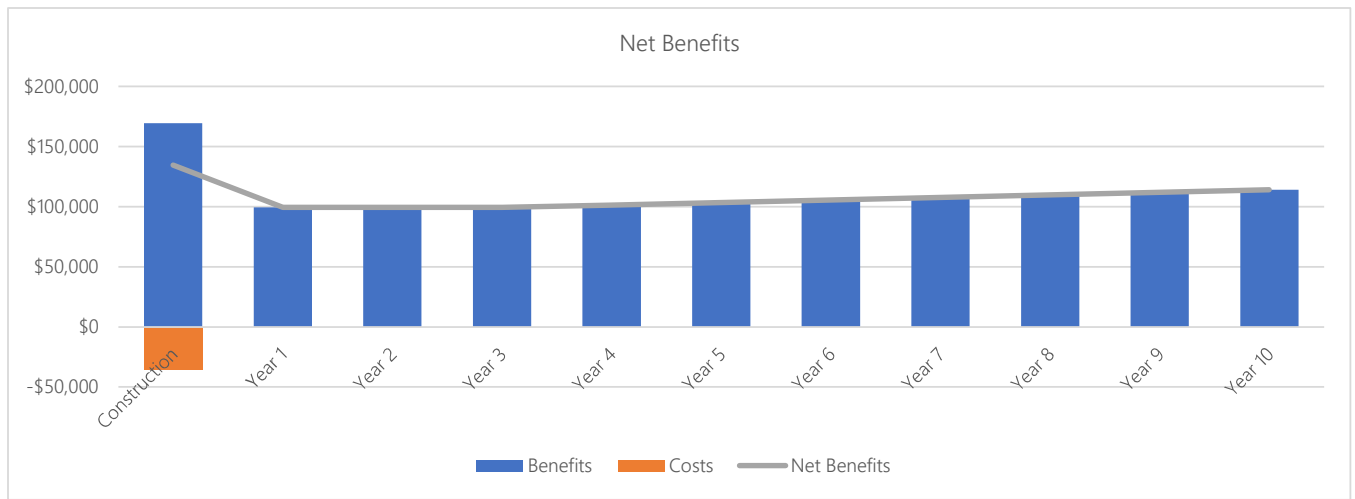
Project Total Investment

\$438,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	3	1	4
Earnings	\$134,301	\$25,864	\$160,165
Local Spend	\$350,400	\$88,074	\$438,474

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	1	0	1
Earnings	\$740,808	\$253,153	\$993,961

Figure 1



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

Figure 2

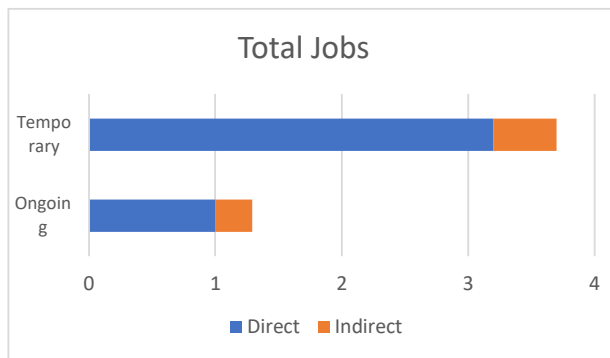
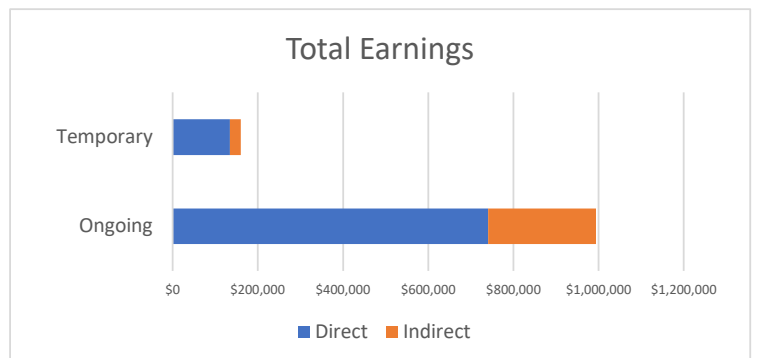


Figure 3



Fiscal Impacts

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$35,040	\$35,040
Local Sales Tax Exemption	\$17,520	\$17,520
State Sales Tax Exemption	\$17,520	\$17,520
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$35,040	\$35,040

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$1,162,205	\$1,057,901
To Private Individuals	\$1,154,126	\$1,050,547
Temporary Payroll	\$160,165	\$160,165
Ongoing Payroll	\$993,961	\$890,382
Other Payments to Private Individuals	\$0	\$0
To the Public	\$8,079	\$7,354
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$1,121	\$1,121
Ongoing Jobs - Sales Tax Revenue	\$6,958	\$6,233
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$60,015	\$54,628
To the Public	\$60,015	\$54,628
Temporary Income Tax Revenue	\$7,207	\$7,207
Ongoing Income Tax Revenue	\$44,728	\$40,067
Temporary Jobs - Sales Tax Revenue	\$1,121	\$1,121
Ongoing Jobs - Sales Tax Revenue	\$6,958	\$6,233
Total Benefits to State & Region	\$1,222,219	\$1,112,529

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$1,057,901	\$17,520	60:1
State	\$54,628	\$17,520	3:1
Grand Total	\$1,112,529	\$35,040	32:1

*Discounted at 2%

Additional Comments from IDA

This is a good project.

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



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: WESTPOINT MARINA, LLC
 Address: 2851 MONROE AVENUE
 City/State/Zip: ROCHESTER NY 14618
 Tax Id No.: 81-4227832
 Contact Name: ANTHONY DANIELE
 Title: MEMBER
 Telephone: 5859434055
 E-Mail: AJD@DANIELEFAMILY.COM

B. Applicant's Legal Counsel

Name: _____
 Firm: _____
 Address: _____
 City/State/Zip: _____
 Telephone: _____
 Email: _____

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

Name	%	Corporate Title
<u>Anthony Daniele</u>	<u>50%</u>	<u>Member</u>
<u>Danny Daniele</u>	<u>50%</u>	<u>Member</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

D. Is the business applying for assistance certified as an MWBE or service-disabled veterans' agency? Yes No

II. PROJECT

A. Address of proposed project facility

Address: 105 E Manitou Road

Tax Map Parcel Number: _____

City/Town/Village: Greece, NY

School District: Greece, NY

Zip: 14612

Current Legal Owner of Property:

New York State

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: Feb 2025

Proposed Commencement Date of Construction: _____

Anticipated Completion Date: _____

G. Contractor(s)

II.PROJECT (cont'd)

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

NAICS Code: _____

Westpoint Marina, LLC is a tenant of The Town of Greece for the operation and management of Westpoint Marina located on Braddock Bay. Westpoint Marina is obligated under the Lease Agreement with the Town of Greece to maintain the navigation channel that connects Braddock Bay with Lake Ontario. This channel is used by the residents who live on Braddock Bay, businesses and marinas located in Braddock Bay, recreational users who launch their boats from the public boat launch at Westpoint Marina, emergency services who use Braddock Bay to access the northers shoreline of Lake Ontario. Braddock Bay is also a safe harbor used by boaters on Lake Ontario to take safe refuge in the frequent event of a storm or dangerous weather conditions that make staying in the open waters of Lake Ontario unsafe.

The Braddock Bay Channel requires annual maintenance dredging in order to maintain a depth adequate for most vessels to use safely. Westpoint Marina, in cooperation with the Town of Greece and the NYSDEC, is aquiring a VSI Dredge Model MD-615-HC, Serial No. 683 along with the associated accessories like 1400' of 8" dredge pipe and floats and other accessories. The dredging work will be performed annually in the spring months of March and April as approved and authorized under a NYSDEC Permit. The purchase and implementation of this equipment will create four (4) full time jobs annually for a period of two (2) months.

II. PROJECT (cont'd)

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

Please explain why financial assistance is necessary.

The cost of this equipment is a significant burden being absorbed by the applicant and serves as a limiting factor in deciding on this acquisition and subsequent commitment to perform this task annually. The dredging fills a substantial community need and will benefit many residents, businesses and recreational users who participate in boating in the area of Greece and Braddock Bay.

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

Yes No

Location:

NA

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

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

Yes No

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

- K. State Environmental Quality Review (SEQR) Act Compliance

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

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

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

NO

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

Check One:

JOBSPLUS

Requirements:

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

LEASEPLUS

Requirements:

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

ENHANCED JOBSPLUS

Requirements:

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

GREEN JOBSPLUS

Requirements:

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

SHELTER RENT

For student housing or affordable housing projects.

Local Tax Jurisdiction Sponsored PILOT

NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT

IV. APPLICANT PROJECT COSTS

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

Building Construction or Renovation

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

Site Work

- c. Materials c. \$ _____
- d. Labor d. \$ _____
- e. Non-Manufacturing Equipment e. \$ 438,000.00
- f. Manufacturing Equipment f. \$ _____
- g. Equipment Furniture and Fixtures g. \$ _____
- h. Land and/or Building Purchase h. \$ _____
- i. Soft Costs (Legal, Architect, Engineering) i. \$ _____
- Other (specify) j. _____ j. \$ _____
- k. _____ k. \$ _____
- l. _____ l. \$ _____
- m. _____ m. \$ _____

Total Project Costs (must equal Total Sources) \$ 438,000

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. TOTAL Public Sources d. \$ _____

Identify below each state and federal grant/credit totaling the amount for d.)

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

- e. Equity e. \$ 438,000

TOTAL SOURCES (must equal Total Project Costs) \$ 438,000

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
Westpoint Marina, LLC**

A. IDA PILOT Benefits:	
Current Assessment	
Value of New Construction & Renovation Costs	
Estimated New Assessed Value Subject to IDA	\$0
Current Taxes	\$0
Current Taxes Escalator	2%
PILOT Terms - Years	10
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:	\$35,040
Estimated duration of ST exemption:	12/31/2025
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:	\$35,040
Project Construction Costs:	\$438,000
	8.00%

PILOT Schedule							
PILOT Year	% Abatement	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT***	Net Exemption**
	Total	\$0	\$0	\$0	\$0	\$0	\$0
1	0%	\$0	\$0	\$0	\$0	\$0	\$0
2	0%	\$0	\$0	\$0	\$0	\$0	\$0
3	0%	\$0	\$0	\$0	\$0	\$0	\$0
4	0%	\$0	\$0	\$0	\$0	\$0	\$0
5	0%	\$0	\$0	\$0	\$0	\$0	\$0
6	0%	\$0	\$0	\$0	\$0	\$0	\$0
7	0%	\$0	\$0	\$0	\$0	\$0	\$0
8	0%	\$0	\$0	\$0	\$0	\$0	\$0
9	0%	\$0	\$0	\$0	\$0	\$0	\$0
10	0%	\$0	\$0	\$0	\$0	\$0	\$0

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Westpoint Marina, LLC

Applicant: or User/Tenant:

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

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	2	2	0	0
Part Time (PTE)	3	3	2	2
Total	3.5	3.5	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 _____

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.

_____ **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.**

_____ **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.

_____ **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.

_____ **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.

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.

Westpoint Marina, LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

Anthony
Daniele

Digitally signed by
Anthony Daniele
Date: 2025.01.10
09:57:20 -05'00'

Member 1/10/2025

Signature

, Title

Date

Signature

, Title

Date

IX. FEES

Transaction Type	Fees
Real Property Tax Abatement (PILOT Agreement) including Sales Tax Exemption* and/or partial Mortgage Recording Tax Exemption.	Application Fee: Non-refundable \$350.00 IDA Fee: 0.75% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000.
Sales Tax Exemption* and/or partial Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.50% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000 if transaction includes mortgage recording tax exemption. Minimum fee of \$750 if transaction is sales tax exemption only.
Small Business Sales Tax Exemption (Non-retail projects with total project costs under \$500,000)	Application Fee: Non-refundable \$350.00 IDA Fee: Flat fee of \$750 (\$500 for certified M/WBE or certified service disabled Veterans) Legal Fee: Flat fee of \$750
Bond: Taxable or Tax-Exempt Including any/all of the following: 1. PILOT Agreement 2. Sales Tax Exemption 3. Partial Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 1.25% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.
Bond: Taxable or Tax-Exempt	Application Fee: Non-refundable \$350.00 IDA Fee: 1.00% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.

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

Westpoint Marina, LLC

(APPLICANT COMPANY)

Anthony
Daniele

Digitally signed by
Anthony Daniele
Date: 2025.01.10
09:58:28 -05'00'

member 1/10/2025

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. Absence of Conflicts of Interest – The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officers or employees of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described: N/A

- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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

Westpoint Marina, LLC

Anthony
Daniele

Digitally signed by Anthony
Daniele
Date: 2025.01.10 09:59:22
-05'00'

Member

1/10/2025

Signature

, Title

Date

TENANT COMPANY

Signature

, Title

Date

Motion By: _____
Seconded By: _____

RESOLUTION
(Westpoint Marina, LLC Project)
OSC Code 2602-25-003A

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 January 21, 2025 at 12:00 p.m.

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

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

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

WHEREAS, **WESTPOINT MARINA, LLC**, a New York limited liability company for itself or a related entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of the purchase of one (1) VSI Dredge Model MD-615-HC together with associated accessories including, but not limited to, 1,400 feet of 8-inch dredge pipe and floats (collectively, the "Equipment") to be located at the Braddock Bay Channel, 105 E. Manitou Road in the Town of Greece, New York 14612 for use by the Company to annually dredge and maintain the channel; and

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

WHEREAS, it is contemplated that the Agency will (i) negotiate a project agreement (the "Project Agreement"), pursuant to which the Agency will appoint the Company as its agent for the

purpose of undertaking the Project and (ii) provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions for purchases and rentals related to the acquisition of the Equipment; 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 acquisition of the Equipment and hereby appoints the Company as the true and lawful agent of the Agency to acquire the Equipment, and such appointment includes the following activities as they relate to the completion, use, repair and maintenance of the Equipment 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 Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with repairing and maintaining the Equipment, (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description in connection with acquisition of the Equipment, 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 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 Project, 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, 2025** (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 **\$438,000**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$35,040**. 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>
Lisa Bolzner				
Rhett King				
Norman Jones				
Truman Tolefree				
Raymond A. Ryerse Jr.				
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 January 21, 2025, 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 21st day of January, 2025.

Ana J. Liss, Executive Director



APPLICATION SUMMARY

DATE: January 21st, 2025

APPLICANT: Central Roadways Inc
590 Salt Road, Suite 5
Webster, NY 14580

PROJECT ADDRESS: 590 Salt Road, Suite 5
Webster, NY 14580

PROJECT SUMMARY: Central Roadways Inc, a company specializing in milling, excavation, and asphalt replacement located in the Town of Webster is proposing the purchase of an Excavator, two Cube Vans, and a Skidsteer. This equipment will allow Central Roadways to accept larger and more complex projects as they grow their business. The \$885,423 project is expected to create 1.5 FTEs over the next three years. Central Roadways Inc has applied for a GreatRebate through the Monroe County Industrial Development Corporation and is seeking approval of the sales tax exemption through COMIDA. The Benefit/Inventive ratio is 13:1.

PROJECT AMOUNT: \$885,423- Sales Tax Exemption Only
EXEMPTIONS: \$70,834

JOBS: EXISTING: 15.5 | FTEs
NEW: 1.5 | FTEs

PUBLIC HEARING DATE: N/A

BENEFIT TO INCENTIVE RATIO: 13:1

SEQR: TYPE II ACTION UNDER SEQR SECTION 617.5

ELIGIBILITY: APPROVED GREATRATE/REBATE - EQUIPLUS ONLY

APPROVED PURPOSE: JOB CREATION

County of Monroe Industrial Development Agency

MRB Cost Benefit Calculator



Date: January 21, 2025
 Project Title: Central Roadways Inc
 Project Location: 590 Salt St. Suite 5 Webster, NY 14580

Economic Impacts

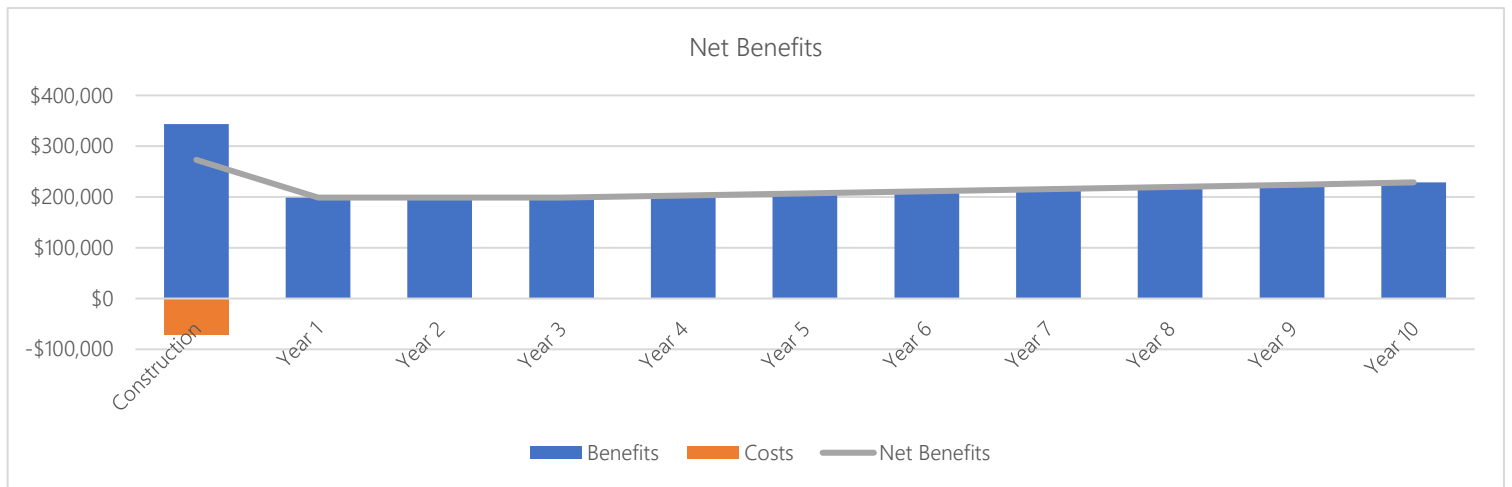
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$885,423

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	2	1	3
Earnings	\$272,404	\$52,352	\$324,756
Local Spend	\$708,338	\$177,933	\$886,271

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	2	1	2
Earnings	\$1,666,818	\$320,338	\$1,987,155

Figure 1



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

Figure 2

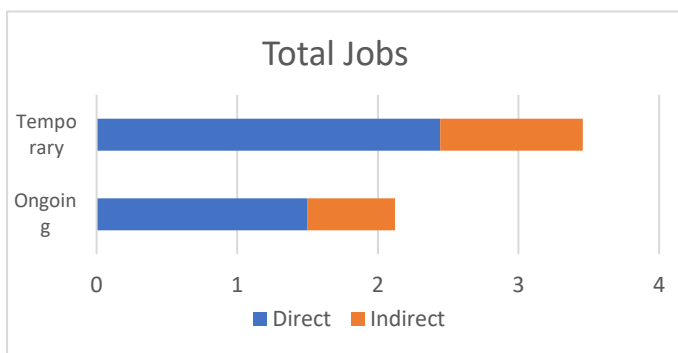
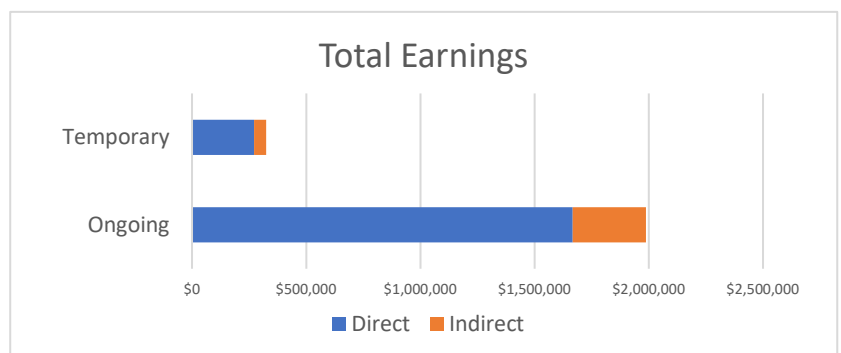


Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$70,834	\$70,834
Local Sales Tax Exemption	\$35,417	\$35,417
State Sales Tax Exemption	\$35,417	\$35,417
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$70,834	\$70,834

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$2,328,094	\$2,119,567
To Private Individuals	\$2,311,911	\$2,104,834
Temporary Payroll	\$324,756	\$324,756
Ongoing Payroll	\$1,987,155	\$1,780,078
Other Payments to Private Individuals	\$0	\$0
To the Public	\$16,183	\$14,734
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$2,273	\$2,273
Ongoing Jobs - Sales Tax Revenue	\$13,910	\$12,461
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$120,219	\$109,451
To the Public	\$120,219	\$109,451
Temporary Income Tax Revenue	\$14,614	\$14,614
Ongoing Income Tax Revenue	\$89,422	\$80,104
Temporary Jobs - Sales Tax Revenue	\$2,273	\$2,273
Ongoing Jobs - Sales Tax Revenue	\$13,910	\$12,461
Total Benefits to State & Region	\$2,448,314	\$2,229,019

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$2,119,567	\$35,417	60:1
State	\$109,451	\$35,417	3:1
Grand Total	\$2,229,019	\$70,834	31:1

*Discounted at 2%

Additional Comments from IDA

This is a good project.

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

Motion By: _____
Seconded By: _____

RESOLUTION
(Central Roadways, Inc. Project)
OSC Code 2602-25-002A

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 January 21, 2025 at 12:00 p.m.

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

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TO APPOINT (i) CENTRAL ROADWAYS, 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, **CENTRAL ROADWAYS, INC.**, a New York corporation for itself or a related entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of the purchase of one (1) Skidster with mill, two (2) Freightliner Cube vans, one (1) 2024 Yanmar Excavator and one (1) Caterpillar model PM312 (collectively, the "Equipment") to be located at the Company's offices at 590 Salt Road in the Town of Webster, New York 14580 for use by the Company's in its asphalt paving business; and

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

WHEREAS, it is contemplated that the Agency will (i) negotiate a project agreement (the "Project Agreement"), pursuant to which the Agency will appoint the Company as its agent for the

purpose of undertaking the Project and (ii) provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions for purchases and rentals related to the acquisition of the Equipment; 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 acquisition of the Equipment and hereby appoints the Company as the true and lawful agent of the Agency to acquire the Equipment, and such appointment includes the following activities as they relate to the completion, use, repair and maintenance of the Equipment 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 Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with repairing and maintaining the Equipment, (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description in connection with acquisition of the Equipment, 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 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 Project, 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, 2025** (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 **\$885,423**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$70,834**. 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>
Lisa Bolzner				
Rhett King				
Norman Jones				
Truman Tolefree				
Raymond A. Ryerse Jr.				
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 January 21, 2025, 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 21st day of January, 2025.

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: Central Roadways Inc
 Address: 590 Salt Road Suite 5
 City/State/Zip: Webster, NY 14580
 Tax Id No.: 16-0909206
 Contact Name: Anthony Pilato
 Title: President
 Telephone: 585-265-2117
 E-Mail: paving@centralroadways.com

B. Applicant's Legal Counsel

Name: Jordan Morgenstern
 Firm: Morgenstern DeVoesick PLLC
 Address: 1080 Pittsford Victor Rd
 City/State/Zip: Pittsford, NY 14534
 Telephone: 5856725500
 Email: mailto:jordan@morgdevo.com

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

Name	%	Corporate Title
<u>Anthony Pilato</u>	<u>100</u>	<u>President</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

D. Is the business applying for assistance certified as an MWBE or service-disabled veterans' agency? Yes No

II. PROJECT

A. Address of proposed project facility

Address: 590 Salt Rd., Webster, NY 14580

Tax Map Parcel Number: 066.01-2-8

City/Town/Village: Webster

School District: Webster

Zip: 14580

Current Legal Owner of Property:

Monroe County Water Authority

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: 2/1/2025

Proposed Commencement Date of Construction: N/A

Anticipated Completion Date: 12/31/2025

G. Contractor(s)

Roc Rents, Morse Auto, Milton Cat

II.PROJECT (cont'd)

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

NAICS Code: **237310**

Central Roadways was established in 1964. We primarily do asphalt replacement jobs. We are a paving company and we have been using subcontractors for our milling project and excavations projects with various job sites, including Monroe County Water Authority.

Acquiring the new equipment would significantly enhance our ability to take on more projects and grow the business. We would have increased efficiency- being able to streamline operations and reduce time required to complete each job. For example, having more machinery allows us to divide tasks among more crews, speeding up project timelines and improving our ability to handle multiple projects simultaneously. Additional equipment also allows the company to take on larger, more complex jobs that require these specialized machines. Having a larger fleet of equipment, there is less risk of project delays that can often be caused by subcontractors timeline / schedule or equipment breakdowns and maintenance. Lastly, when crews have access to the right tools and equipment, they can work more efficiently and with better safety. This improves labor productivity and job quality.

In summary, acquiring more equipment enable the company to scale operations, take on larger and more diverse projects, reduce downtime, and operate more efficiently, all of which contribute to increased capacity for business growth.

Equipment to Purchase: Skidsteer with mill, (2) Freightliner Cube Vans, 2024 Yanmar Excavator.

II. PROJECT (cont'd)

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

Please explain why financial assistance is necessary.

COMIDA benefits would assist with expanding our types of services, which would in turn employ more people in our company.

Due to the upfront costs associated with purchasing machinery, as well as the ongoing expenses of maintenance, insurance, and staffing, we are requesting financial assistance.

We believe the assistance is essential because it allows the company to acquire the necessary equipment to expand our business capacity, take on more projects, gain employees, and grow our business without straining the working capital or hindering other critical areas of operation.

- J. **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:

- K. **State Environmental Quality Review (SEQR) Act Compliance**

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

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

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

NO

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

Check One:

JOBSPLUS

Requirements:

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

LEASEPLUS

Requirements:

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

ENHANCED JOBSPLUS

Requirements:

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

GREEN JOBSPLUS

Requirements:

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

SHELTER RENT

For student housing or affordable housing projects.

Local Tax Jurisdiction Sponsored PILOT

NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT

IV. APPLICANT PROJECT COSTS

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

Building Construction or Renovation

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

Site Work

- c. Materials c. \$ _____
- d. Labor d. \$ _____
- e. Non-Manufacturing Equipment e. \$ _____
- f. Manufacturing Equipment f. \$ _____
- g. Equipment Furniture and Fixtures g. \$ _____
- h. Land and/or Building Purchase h. \$ _____
- i. Soft Costs (Legal, Architect, Engineering) i. \$ _____
- Other (specify) j. (2) Freightliners j. \$ 182,232.00
- k. Skidsteer k. \$ 146,500.00
- l. Yanmar Excaator l. \$ 75,691.00
- m. CAT Mill m. \$ 481,000.00

Total Project Costs (must equal Total Sources) \$ 885,423.00

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ _____
- b. Taxable Industrial Revenue Bond b. \$ _____
- c. Bank Financing c. \$ 785,423.00
- d. TOTAL Public Sources d. \$ _____

Identify below each state and federal grant/credit totaling the amount for d.)

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

- e. Equity e. \$ 100,000.00

TOTAL SOURCES (must equal Total Project Costs) \$ 885,423.00

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

Yes No

If yes, please specify bank, underwriter, etc.

M&T Bank financing equipment.

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 \$ _____

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Central Roadways Inc.

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)	7	7	1	1
Part Time (PTE)	17	17	1	1
Total	15.5	15.5	1.5	1.5

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

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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 CENTRAL ROADWAYS, 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.

AP

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.**

AP

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.

AP

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.

AP

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.

AP

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.

AP

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.

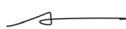
The foregoing terms have been read, reviewed and understood by the Applicant or User/Tenant and all appropriate personnel. Furthermore, the undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers 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.

Central Roadways, Inc.

(APPLICANT COMPANY)

(TENANT COMPANY)



Owner 12/3/24

Signature

, Title

Date

Signature

, Title

Date

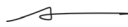
IX. FEES

Transaction Type	Fees
Real Property Tax Abatement (PILOT Agreement) including Sales Tax Exemption* and/or partial Mortgage Recording Tax Exemption.	Application Fee: Non-refundable \$350.00 IDA Fee: 0.75% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000.
Sales Tax Exemption* and/or partial Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.50% of the total project cost Legal Fee: 33% of the IDA fee. Minimum fee of \$4,000 if transaction includes mortgage recording tax exemption. Minimum fee of \$750 if transaction is sales tax exemption only.
Small Business Sales Tax Exemption (Non-retail projects with total project costs under \$500,000)	Application Fee: Non-refundable \$350.00 IDA Fee: Flat fee of \$750 (\$500 for certified M/WBE or certified service disabled Veterans) Legal Fee: Flat fee of \$750
Bond: Taxable or Tax-Exempt Including any/all of the following: 1. PILOT Agreement 2. Sales Tax Exemption 3. Partial Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 1.25% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.
Bond: Taxable or Tax-Exempt	Application Fee: Non-refundable \$350.00 IDA Fee: 1.00% of the total project cost Legal Fee: 33% of the IDA fee. Designated Bond Counsel fee is based on the complexity and amount of the transaction.

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

Central Roadways Inc.

(APPLICANT COMPANY)



Owner 12/3/24

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. Absence of Conflicts of Interest – The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officers or employees of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described: _____
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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

Central Roadways Inc.

 Signature, Title, Date

TENANT COMPANY

 Signature, Title, Date





APPLICATION SUMMARY

DATE: January 21, 2025

APPLICANT: Pittsford Canalside Properties LLC
301 Exchange Blvd
Rochester, NY 14608

PROJECT ADDRESS: 75 Monroe Avenue
Pittsford, NY 14534

PROJECT SUMMARY: Pittsford Canalside Properties LLC, a real estate holding company, is proposing to construct a mixed-use development on 7.5 acres on the Erie Canal in the Village of Pittsford. The development will include a 156-unit apartment complex, clubhouse and restaurant facility. The rent rates for the apartments will range from \$1,800 to \$3,500 and will consist of studios, one, two, and three bedroom units. 20% of the new units will be income restricted for qualifying households making 80% or less of the Rochester, NY metropolitan statistical area median household income. The site was part of the NYS Brownfield program and was successfully remediated including the removal of over 90,000 tons of soil. This site will feature public benefit and amenities including new public access points to the canal, sidewalks, gazebos, benches, landscaping and docks. The on-site restaurant will create 17 FTE's and the apartment complex will create 7 FTEs. The project is seeking mortgage recording tax and sales tax exemptions only and will be completed in phases, totaling over \$73 million. This approval is for costs related to Phase 1, which totals \$25 million. The applicant plans to return to the board for approval on subsequent phases. The Benefit/Incentive ratio is 27:1.

PROJECT AMOUNT: \$73,388,750 – Total Project Costs
\$25,231,250 - Phase I

EXEMPTIONS: \$1,113,000 Sales Tax Exemption
\$161,250 Mortgage Recording Tax Exemption

JOBS: EXISTING:	0	FTEs
NEW:	24	FTEs
REQUIRED:	1	FTEs

PUBLIC HEARING DATE: December 9, 2024

BENEFIT TO INCENTIVE RATIO: 27:1

SEQR: TYPE II ACTION UNDER SEQR SECTION 617.5

ELIGIBILITY: NEW COMMERCIAL CONSTRUCTION WITH INCREASE TO THE TAX BASE

APPROVED PURPOSE: JOB CREATION

County of Monroe Industrial Development Agency

MRB Cost Benefit Calculator



Date: November 17, 2024
 Project Title: Pittsford Canalside Properties LLC
 Project Location: 75 Monroe Ave, Pittsford, NY 14534

Economic Impacts

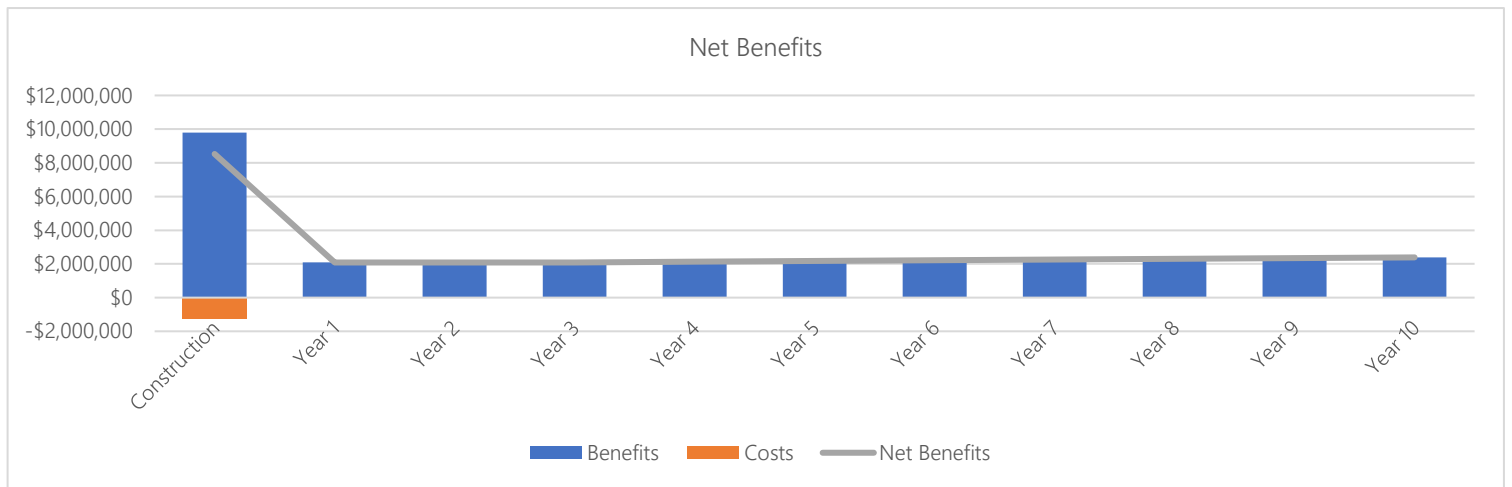
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$25,231,500

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	127	29	156
Earnings	\$7,778,927	\$1,475,983	\$9,254,910
Local Spend	\$20,185,200	\$5,024,478	\$25,209,678

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	24	14	38
Earnings	\$13,969,519	\$6,864,757	\$20,834,276

Figure 1



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

Figure 2

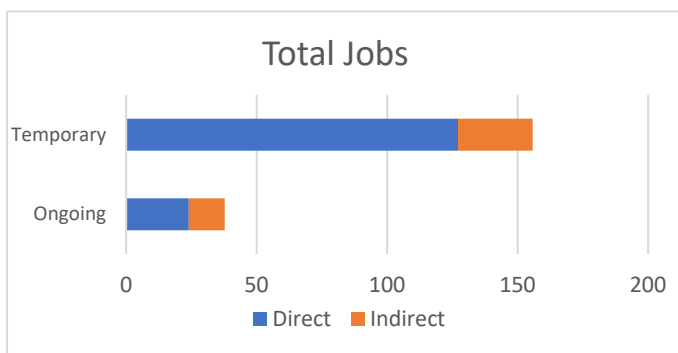
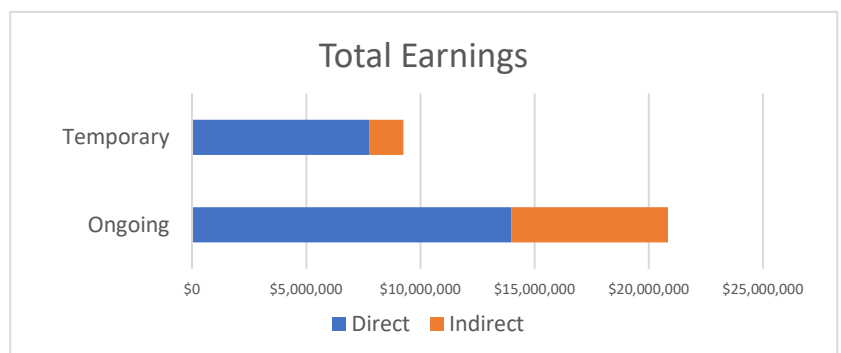


Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$1,113,000	\$1,113,000
Local Sales Tax Exemption	\$556,500	\$556,500
State Sales Tax Exemption	\$556,500	\$556,500
Mortgage Recording Tax Exemption	\$161,250	\$161,250
Local Mortgage Recording Tax Exemption	\$53,750	\$53,750
State Mortgage Recording Tax Exemption	\$107,500	\$107,500
Total Costs	\$1,274,250	\$1,274,250

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$36,271,174	\$33,460,025
To Private Individuals	\$30,089,186	\$27,918,089
Temporary Payroll	\$9,254,910	\$9,254,910
Ongoing Payroll	\$20,834,276	\$18,663,179
Other Payments to Private Individuals	\$0	\$0
To the Public	\$6,181,989	\$5,541,936
Increase in Property Tax Revenue	\$5,971,364	\$5,346,510
Temporary Jobs - Sales Tax Revenue	\$64,784	\$64,784
Ongoing Jobs - Sales Tax Revenue	\$145,840	\$130,642
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$1,564,638	\$1,451,741
To the Public	\$1,564,638	\$1,451,741
Temporary Income Tax Revenue	\$416,471	\$416,471
Ongoing Income Tax Revenue	\$937,542	\$839,843
Temporary Jobs - Sales Tax Revenue	\$64,784	\$64,784
Ongoing Jobs - Sales Tax Revenue	\$145,840	\$130,642
Total Benefits to State & Region	\$37,835,812	\$34,911,765

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$33,460,025	\$610,250	55:1
State	\$1,451,741	\$664,000	2:1
Grand Total	\$34,911,765	\$1,274,250	27:1

*Discounted at 2%

Additional Comments from IDA

This is a good project.

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

Motion By: _____
Seconded By: _____

RESOLUTION
(Pittsford Canalside Properties LLC Project)
OSC Code 2602-24-027A

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's Offices, 50 West Main Street, Rochester, New York 14614, on January 21, 2025 at 12:00 p.m.

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

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON DECEMBER 9, 2024, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN BY PITTSFORD CANALSIDE PROPERTIES LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, AND (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

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

WHEREAS, **PITTSFORD CANALSIDE PROPERTIES LLC**, a New York limited liability company, for itself or a related entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in an approximately 7.5-acre parcel of land located at 75 Monroe Avenue in the Village and Town of Pittsford, New York 14534 and all other lands in the Town of Pittsford where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (collectively, the "Land"); (B) the construction on the Land of a mixed-use development containing 156 apartment units in seven 3-story buildings together with a clubhouse and restaurant facility (collectively, the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, Phase 1 of the Project consists of an approximately 3-acre parcel of the Land; the construction and equipping of 57 units in 3 buildings (1-, 2-, and 3-bedroom units); together with offside improvements including, but not limited to, traffic calming enhancements on Monroe Avenue, watermain upgrade replacement on Sutherland Street; and ongoing environmental remediation as required by the NYSDEC Site Management Plan; and

WHEREAS, the Project is subject to the Agency's Housing Policy; 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 Monday, December 9, 2024, at 5:00 p.m., local time, in the PLC Fisher Meeting Room at the Pittsford Community Library, 24 State Street, Pittsford, New York 14534, 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, (ii) negotiate and enter into a lease agreement (the "Lease Agreement") and leaseback agreement (the "Leaseback Agreement") with the Company and (iii) provide financial assistance (the "Financial Assistance") to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Facility and (b) a partial mortgage recording tax exemption for financing relating to the Project; and

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

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

WHEREAS, the Village Board of Trustees of the Village of Pittsford (the "Village Board"), as lead agency, conducted a review of the Project pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), which resulted in the issuance of a negative declaration by the Village Board, dated August 9, 2012 (the "Negative Declaration"), concluding the SEQRA process.

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

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the application

and other correspondence submitted by the Company to the Agency, the Agency hereby finds and determines that:

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

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

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

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

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

(f) The Village Board has conducted a review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). In addition to classifying the Project as a "Type I" Action pursuant to SEQRA, the Village Board also issued a Negative Declaration on August 9, 2012, determining that the Project did not present a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Village Board pursuant to 6 N.Y.C.R.R. § 617.7.

Section 2. The Agency hereby determines that the acquisition of a leasehold interest in and the construction, equipping, repair and maintenance of the Facility by the Agency and the lease or sublease of the Facility to the Company will promote job opportunities, health, general prosperity and the economic welfare of the inhabitants of the County of Monroe and the people of the State of New York and improve their standard of living, thereby serving the public purposes of the Act and, therefore, the same is approved.

Section 3. The Agency hereby approves the cost/benefit report submitted by the Company listing the proposed cost/benefits of the Project.

Section 4. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the

Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency to acquire, construct and equip the Facility, and such appointment includes the following activities as they relate to the construction, erection, completion, use, repair and maintenance of the Improvements and the purchase, use, lease, placement, installation, repair, maintenance and replacement of the Equipment, whether or not any materials or supplies described below are incorporated into or become an integral part of the Improvements or the Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with acquiring, constructing, equipping, repairing and maintaining the Facility, (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description in connection with acquiring, constructing, equipping, repairing and maintaining the Facility, and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under the Improvements, Land or the Equipment, including all repairs, maintenance and replacement of all such property. Said agents are authorized to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agents for the Agency, and in general to do all things which may be requisite or proper for completing the Facility, all with the same powers and with the same validity as the Agency could do if acting on its own behalf. As 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, 2027** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency) if the Lease Agreement and Leaseback Agreement contemplated have not been executed and delivered. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are authorized and directed to execute and deliver to said agent an appropriate letter on Agency letterhead describing the authority granted under this resolution.

Section 5. 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 **\$13,912,500**, which results in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$1,113,000**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; (ii) a mortgage (or mortgages), in connection with the financing of the Facility or portions thereof and including any refinancing thereof, securing an aggregate principal amount not to exceed **\$21,500,000**, resulting in a mortgage tax exemption not to exceed **\$161,250**; and (iii) a partial real property tax abatement.

Section 6. 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 7. The form and substance of the Lease Agreement and Leaseback Agreement (each in substantially the forms presented to the Agency and which, prior to the execution and delivery thereof, may be redated) are hereby approved.

Section 8. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to negotiate and execute (A) the Lease Agreement whereby the Company leases the Project to the Agency and (B) the related Leaseback Agreement conveying the Project back to the Company; provided, that, the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project.

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

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

resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 11. This resolution shall take effect immediately.

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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>
Lisa Bolzner				
Rhett King				
Norman Jones				
Truman Tolefree				
Raymond A. Ryerse Jr.				
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 January 21, 2025, 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 21st day of January, 2025.

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: Pittsford Canalside Properties LLC
 Address: 301 Exchange Blvd
 City/State/Zip: Rochester, NY 14608
 Tax Id No.: 20-2428905
 Contact Name: Tim Reidy
 Title: CFO
 Telephone: (585) 232-1760 (ext. 158)
 E-Mail: treidy@markiventerprises.com

B. Applicant's Legal Counsel

Name: Christian Nadler, Esq.
 Firm: General Counsel
 Address: 301 Exchange Blvd
 City/State/Zip: Rochester NY
 Telephone: (585) 315-4767
 Email: cnadler@markiventerprises.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>Christopher DiMarzo</u>	<u>50 %</u>	<u>Member</u>
<u>Steven DiMarzo</u>	<u>50 %</u>	<u>Member</u>
<u> </u>	<u> </u>	<u> </u>
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II. PROJECT

A. Address of proposed project facility

Address: 75 Monroe Avenue, Pittsford NY

Tax Map Parcel Number: 151.18-1-51.1

City/Town/Village: Pittsford

School District: Pittsford

Zip: 14534

Current Legal Owner of Property:

Pittsford Canalside Properties 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: Property Already Owned

Proposed Commencement Date of Construction: 1/20/2025

Anticipated Completion Date: Phase I: 6/20/2027

FINAL PHASE: 6/20/30

G. Contractor(s)

Newmark Development

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.

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: _____

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 1 .

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

PHASE I PROJECT COSTS

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. \$ 12,420,000
- b. Labor b. \$ 8,280,000

Site Work

- c. Materials c. \$ 1,237,500
- d. Labor d. \$ 1,512,500
- e. Non-Manufacturing Equipment e. \$ _____
- f. Manufacturing Equipment f. \$ _____
- g. Equipment Furniture and Fixtures g. \$ 255,000
- h. Land and/or Building Purchase h. \$ 126,250
- i. Soft Costs (Legal, Architect, Engineering) i. \$ 1,400,000
- Other (specify) j. _____ j. \$ _____
- k. _____ k. \$ _____
- l. _____ l. \$ _____
- m. _____ m. \$ _____

Total Project Costs \$ 25,231,500
(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. \$ 21,500,000
- d. Public Sources d. \$ _____

Identify each state and federal grant/credit

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

e. Equity \$ 3,731,250

TOTAL SOURCES \$ 25,231,250
(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.

We are in the process of negotiating the terms of Phase I construction loan.

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 \$ _____

TOTAL PROJECT COSTS

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. \$ 36,690,000
- b. Labor b. \$ 24,460,000

Site Work

- c. Materials c. \$ 3,307,500
- d. Labor d. \$ 4,042,500
- e. Non-Manufacturing Equipment e. \$ _____
- f. Manufacturing Equipment f. \$ _____
- g. Equipment Furniture and Fixtures g. \$ 735,000
- h. Land and/or Building Purchase h. \$ 378,750
- i. Soft Costs (Legal, Architect, Engineering) i. \$ 3,775,000
- Other (specify) j. _____ j. \$ _____
- k. _____ k. \$ _____
- l. _____ l. \$ _____
- m. _____ m. \$ _____

Total Project Costs \$ 73,388,750
(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. \$ 65,000,000
- d. Public Sources d. \$ _____

Identify each state and federal grant/credit

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

- e. Equity \$ 8,388,750

TOTAL SOURCES \$ 73,388,750
(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.

We are in the process of negotiating the terms of Phase I construction loan.

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 \$ _____

PHASE 1

Value of Incentives
Pittsford Canalside Properties LLC

A. IDA PILOT Benefits:	
Current Assessment	\$250,000
Value of New Construction & Renovation Costs	\$13,657,500
Estimated New Assessed Value Subject to IDA	\$13,907,500
Current Taxes	\$9,983
Current Taxes Escalator	2%
PILOT Terms - Years	10
County Tax rate/\$1,000	9.29000
Local Tax Rate* Tax Rate/\$1,000	3.40000
School Tax Rate /\$1,000	27.24000
Total Tax Rate	39.93000
B. Sales Tax Exemption Benefit:	
Estimated value of Sales Tax exemption:	\$1,113,000
Estimated duration of ST exemption:	12/31/2025
C. Mortgage Recording Tax Exemption (MRTE) Benefit:	
Estimated Value of MRTE:	\$161,250
D. Industrial Revenue Bond Benefit	
IRB inducement amount:	\$0
E. Percentage of Project Costs financed from Public Sector sources:	
Total Value of Incentives:	\$1,274,250
Project Construction Costs:	\$25,231,250
	5.05%

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	\$1,389,281	\$508,456	\$4,073,628	\$5,971,364	\$5,971,364	\$0
1		\$126,878	\$46,436	\$372,030	\$545,344	\$545,344	\$0
2		\$129,416	\$47,364	\$379,471	\$556,251	\$556,251	\$0
3		\$132,004	\$48,311	\$387,060	\$567,376	\$567,376	\$0
4		\$134,644	\$49,278	\$394,802	\$578,723	\$578,723	\$0
5		\$137,337	\$50,263	\$402,698	\$590,298	\$590,298	\$0
6		\$140,084	\$51,269	\$410,752	\$602,104	\$602,104	\$0
7		\$142,885	\$52,294	\$418,967	\$614,146	\$614,146	\$0
8		\$145,743	\$53,340	\$427,346	\$626,429	\$626,429	\$0
9		\$148,658	\$54,407	\$435,893	\$638,957	\$638,957	\$0
10		\$151,631	\$55,495	\$444,611	\$651,737	\$651,737	\$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)				
Part Time (PTE)				
Total				

** 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 Pittsford Canalside Properties LLC

Applicant: and/or User/Tenant:

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

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

CD **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.**

CD **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.

CD **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.

CD **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.

CD

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.

CD

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.

PITTSFORD CANALSIDE PROPERTIES LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

 MEMBER 12/13/2024

 Signature, Title Date

 Signature, Title Date

IX. FEES

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

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

PITTSFORD CANALSIDE PROPERTIES, LLC

(APPLICANT COMPANY)



Signature

MEMBER 12/13/2024

, 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

PITTSFORD CANALSIDE PROPERTIES LLC

 MEMBER 12/13/2024
 Signature, Title Date

TENANT COMPANY

 Signature, Title Date

WESTPORT CROSSING
COMIDA APPLICATION

I. INTRODUCTION

Westport Crossing is an exciting mixed-use development that will contain 156 apartment units contained in 7 architecturally unique 3-story buildings on 7.5 acres in the Village of Pittsford. There will be a clubhouse and restaurant facility along the Erie Canal. **(See Appendix #1)** The long and narrow blighted site bordered by the CSX railroad and the Canal created many reuse difficulties, however it was determined that multi-family development was best suited for the community. The project will feature significant public benefits and public amenities, including *unprecedented* public access to the historic Erie Canal, remediation of an environmentally contaminated brownfield site, an extensive network of sidewalks, boardwalks, gazebos and benches, extensive landscaping, and off-site public infrastructure improvement projects, all of which were mandated by the Village of Pittsford. The additional costs of the public amenities and off-site infrastructure improvements require COMIDA benefits to make the project financially viable.

II. PROJECT BACKGROUND

After an extensive municipal approval process over the last 18 years, Pittsford Canalside Properties (PCP) has spent years working closely with the Village of Pittsford's Historic Preservation Board, Planning Board, and Board of Trustees to completely redesign the architecture so that it accurately reflects the Historic Canal Commercial character that is featured throughout the Village of Pittsford.

III. BROWNFIELD REMEDIATION.

The Site, located at 75 Monroe Avenue, was developed in the mid-1920s for storage and distribution of petroleum products and operated until the mid-1980s when it was used for liquid asphalt and fertilizer distribution which spewed noxious fumes and leached contaminants into the Canal until it was closed down by the Federal Government EPA in 2000.

(See Appendix #2)

As a result of the toxic uses and over 16 verified NYSDEC spills, the blighted site needed an extensive environmental response from the USEPA who cleaned portions of the site. In 2015 Pittsford Canalside Properties LLC, the current owner developer, voluntarily entered into the NYS Brownfield Program and successfully remediated the entire distressed site and removed over 90,000 tons of contaminated soil at a cost of over \$5,200,000. A Certificate of Completion from the NYS Department of Environmental Contamination was received and the site is now fully cleared for construction. The project was the *largest Brownfield Remediation Site* in New York State in 2015. **(See Appendix #3)** This environmental cleanup has and will be a public health and safety benefit to the Town and Village of Pittsford and all downstream areas on the Erie Canal for years to come.

IV. PUBLIC AMENITIES AND OFF-SITE IMPROVEMENTS

The Project requires construction of extensive public amenities and off-site infrastructure improvements:

- Erie Canal Dock, Boardwalk, ADA accessible Ramps, sidewalks and public Restrooms (\$475,000)
- Additional Public Realm Greenway Landscaping and Open Space (\$365,000)

- Pedestrian Sidewalk Network with Gazebos, Benches (\$325,000)
- Traffic Calming Enhancements on Monroe Avenue (\$750,000)
- Water Main Rehabilitation Installation on Sutherland Street (\$530,000)
- Ongoing Environmental management as required by the NYSDEC site management Plan (SMP) as part of the Brownfield process (\$480,000)

These additional items required by the municipality and the State will provide incalculable benefits to the surrounding community, but they will also greatly increase the cost of the project to the developer. The estimated cost increase as a result of public amenities, off-site infrastructure improvements, and Brownfield remediation adds an additional \$8,125,000 to the project.

V. NEED FOR COMIDA ASSISTANCE

Due to these unique factors, the costs required for the public amenities and infrastructure improvements are more than the project can withstand financially without COMIDA assistance.

We believe that the provided community public amenities, infrastructure improvements, environmental clean-up, and development of a blighted site provide immeasurable benefits to the Village, Town, and Monroe County as a whole.

Notwithstanding the basic fact of cleaning an environmentally contaminated site for residential reuse, the addition of hundreds of construction jobs, full time jobs, increased tax base, consistency with The Village of Pittsford Comprehensive plan, opportunity for new housing types not currently offered including current and future need for age-in-place friendly ADA housing for seniors, will create an economic multiplier in the County that is greatly needed.

We look forward to forging a long-term relationship with Monroe County Economic Development and other career centered organizations on these initiatives on this and future projects.

Appendix #1 – Westport Crossing – Restaurant on Canal



Clubhouse View 1

MARK IV ENTERPRISES
WESTPORT CROSSING
75 MONROE AVE
PITTSFORD, NY 14534
08/10/2022





DRAFT - Not Final Materials



Building 3 / Parking Entrance to Garage

MARK IV ENTERPRISES
WESTPORT CROSSING
75 MONROE AVE
PITTSFORD, NY 14534
08/11/2022





Building 1 Entrance - Canal Side - Human Scale



MARK IV ENTERPRISES
WESTPORT CROSSING
76 MONROE AVE.
PITTSFORD, NY 14534
09/19/2022



Westport Crossing- Conceptual Aerial Overlay



Appendix #2 – View of the 75 Monroe Avenue Site when used as a petroleum distribution 1985 prior to remediation.



Appendix #3 Brownfield Environmental Remediation Pic #1



Appendix #3 Brownfield Remediation Picture #2



Appendix #3 Brownfield remediation Picture #3



Appendix #3 Brownfield Remediation Picture #4



**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Project Name: Westport Crossing

Date: 8/9/12

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village Board of Trustees of the Village of Pittsford, as lead agency (21 North Main Street, Pittsford NY 14534), has determined that the proposed action, described herein, will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

SEQR Action Status: Type 1 Unlisted

Conditioned Negative Declaration: No

Description of Action: The issuance of special permits, site plan approval, certificate of appropriateness, NYSDOT permits, and NYS Canal Corporation permits relating to the development of 167 apartments and a 125 seat restaurant, with underground and surface parking facilities and canal side amenities including docks, a public promenade, landscaping and interpretive signage, small water craft launch and restroom facilities.

Location: 75 Monroe Avenue, Village of Pittsford NY

Reasons Supporting This Determination:

The Project proposal has been accompanied by a full environmental assessment form (EAF) which has been reviewed by the Lead Agency and Involved Agencies.

The Lead Agency and certain Involved Agencies, in the interests of a comprehensive environmental review, have retained and utilized expert consultation in the areas of traffic, planning, historic preservation, environmental engineering, SEQRA and village law.

The Lead Agency has inspected the subject site; carefully and comprehensively reviewed the project including all documents, reports, expert opinion and public comment on record; and, has discussed and considered the project at a multitude of public meetings; and, has secured significant project changes in agreement with the project sponsor, thereby eliminating substantial environmental impacts of the project as proposed.

After a lengthy period of analysis and review, the Lead Agency arranged for and conducted a public meeting and invited all involved and interested agencies to attend in order to provide a project update, with an emphasis on project changes, process status and to seek additional comments.

A Part II Environmental Assessment form has been completed by the Lead Agency, as required, and as a result of its completion of the Part II EAF, the lead agency deemed several defined impacts to be potentially large (aesthetic resources, historic resources, open space and recreation, and transportation)

The Lead Agency has completed a Part III EAF in which it presents a careful discussion and analysis of potentially large impacts as required, but also, in the interests of a comprehensive and thorough review, discussed and further analyzed those impacts deemed to be small to moderate and not required to be addressed in the Part III analysis. (Water, air, noise, odor, public health, community growth and character)

A public informational meeting was held on June 14, 2012, the purpose of which was to discuss and disclose the process to date and the process to follow and to review updates to the project since its original submission, and to provide for complete disclosure of, and for public review of, the Part II and Part III EAF documents and to hear comments and entertain questions on the project and the process;

The Lead Agency thoroughly identified and analyzed the relevant areas of environmental concern and has set forth a reasoned elaboration of its significance determination.

For Further Information:

Contact Person: Robert Corby, Mayor, Village of Pittsford
Address: 21 North Main Street Pittsford NY 1453
Telephone Number: 585-586-4332
E-Mail Address: Email: pittsfordvillage@frontiernet.net

xc: Village of Pittsford, Mayor
Village of Pittsford, Board of Trustees
Village of Pittsford, Planning and Zoning Board
Village of Pittsford, Architectural, Preservation and Review Board
New York State Department of Transportation
New York State Canal Corporation
New York State Historic Preservation Office
Town of Pittsford
County of Monroe

Pittsford Canalside Properties, LLC

Resolution to Adopt Environmental Significance Determination for the Westport Crossing Development at 75 Monroe Avenue

Whereas, the review and approval of the development of the property at 75 Monroe Avenue, known as Westport Crossing (The Project), including associated special permits, site plan approval, certificate of appropriateness, right of way improvements; and, coastal improvements, are actions subject to the New York State Environmental Quality Review Act (SEQRA); and,

Whereas, the proposed actions are Type I Actions pursuant to SEQRA; and,

Whereas, the Board of Trustees of the Village of Pittsford, has coordinated with other involved agencies and has been designated Lead Agency for the environmental review of the Project;

Whereas, the Project proposal has been accompanied by a full environmental assessment form (EAF) which has been reviewed by the Lead Agency and Involved Agencies; and,

Whereas, the Lead Agency has carefully and comprehensively reviewed the project over an extended period of time; has discussed and reviewed the project at a multitude of public meetings; and, has secured significant project changes in agreement with the project sponsor, thereby eliminating substantial adverse environmental impacts;

Whereas, the Lead Agency and certain Involved Agencies, in the interests of a comprehensive environmental review, have retained expert consultation in the areas of traffic, planning, historic preservation, environmental engineering, SEQRA and village law;

Whereas, most recently, after a lengthy period of analysis the lead agency arranged for and conducted a public meeting, May 31, 2012, for involved and interested agencies to review project changes and to seek additional comments;

Whereas, The Village Board of the Village of Pittsford, has completed the Part II EAF and Part III EAF;

Whereas, a public informational meeting was held on June 14, 2012 the purpose of which was to allow for public review of the process to date and the process to follow; to review and comment on the Part II and Part III environmental assessment, and to review project changes since its original submission;

Accordingly, be it resolved that the Village Board of Trustees of the Village of Pittsford, as Lead Agency and in accordance with 6NYCRR Part 617, determines that based on the information and analysis cited above and all supporting documentation, resolves to adopt a Negative Declaration and Notice of environmental determination attesting to and giving notice of the same.

Pittsford Village Board of Trustees, Lead Agency

By: Mayor

Date:  8/9/12

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be any impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| C Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Construction that will continue for more than 1 year or involve more than one phase or stage. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?

NO YES

Examples that would apply to column 2

- | | | | | | |
|---|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| C | Proposed Action will require a discharge permit. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Construction or operation causing any contamination of a water supply system. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Proposed Action will adversely affect groundwater. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Proposed Action would use water in excess of 20,000 gallons per day. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Proposed Action will allow residential uses in areas without water and/or sewer services. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C | Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
c Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

c Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

c Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

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4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

c A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

--	--	--	--

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
-------------------------------------	-----------------------------------	--

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| C Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Other Impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Some drainage will flow to Canal

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| C Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Other Impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Proposed restaurant may emit odors

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| C Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
C Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Other Impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO YES

Examples that would apply to column 2

C Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Other Impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

NO YES

Examples that would apply to column 2

C The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
C The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
 NO YES

Examples that would apply to column 2

C Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Other impacts:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Project will affect views important to the community, including views to and from its most important natural resource.

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
 NO YES

Examples that would apply to column 2

C Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1
Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated by
Project Change

C Other impacts:

Yes No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO YES

Examples that would apply to column 2

C The permanent foreclosure of a future recreational opportunity.

Yes No

C A major reduction of an open space important to the community.

Yes No

C Other impacts:

Yes No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

C Proposed Action to locate within the CEA?

Yes No

C Proposed Action will result in a reduction in the quantity of the resource?

Yes No

C Proposed Action will result in a reduction in the quality of the resource?

Yes No

C Proposed Action will impact the use, function or enjoyment of the resource?

Yes No

C Other impacts:

Yes No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action effect public health and safety?

NO YES

- | | | | | |
|---|--|-------------------------------------|--------------------------|--|
| C | Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Other Impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**IMPACT ON GROWTH AND CHARACTER
OF COMMUNITY OR NEIGHBORHOOD**

19. Will Proposed Action affect the character of the existing community?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|---|-------------------------------------|--------------------------|--|
| C | The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Proposed Action will conflict with officially adopted plans or goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Proposed Action will cause a change in the density of land use. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| C | Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|-------------------------------------|------------------------------|-----------------------------|
| C Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Other impacts: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| C Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| C Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Odors will occur routinely (more than one hour per day). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C Other impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Noise and vibration can be expected from the construction activities on the site. Noise from outdoor dining area for restaurant. See Air Impact section also.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
c Proposed Action will set an important precedent for future projects.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c Other Impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
 NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **Important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

PART III

IMPACT ON LAND

The proposed action result in a physical change to the project site. This impact was deemed to be small to moderate in the Part II EAF.

The project site had been previously developed as an oil tank farm and asphalt plant. As a result of its prior use and development the site is contaminated with no public access to the site or the canal waterfront. In its current state, recreational opportunities along the waterfront, both active and passive, are precluded. The comprehensive plan encourages the development of the subject land area. (Implementation: Goals/Actions 1.1.2, 2.2.3; Village Schematic 3.8.7)

The project will involve construction on slopes of 15% or greater. In 2003, approximately 1,200 tons of contaminated soils were removed from the center of the site as part of the EPA remediation, resulting in a low area in the middle of the site with slopes over 15%. Slopes leading to the canal waterfront typically exceed 15% and are covered with a mix of vegetative materials, none of which is deemed to be highly significant either in terms of its quality or function. Likewise, the slopes referenced are not considered to be unique or unusual land forms of this extensively disturbed site

Construction of the proposed development will include re-grading of the slopes around the perimeter of the area excavated by the EPA in 2003 to accommodate the proposed apartment buildings and underground parking. The slopes leading to the canal will be re-contoured in areas where the docks and promenade are to be constructed and vegetation in these areas will be removed. This grading and stripping will be necessary to make the area accessible to the public. Construction of the proposed apartments and parking areas will also result in lowering the existing grade along the canal by 10 or more feet to accommodate the movement of vehicles in and out of the underground garages. All grading is subject to permit approval by the New York State Canal Corporation.

The construction is likely to continue for more than 1 year and will involve two phases, each lasting approximately 14 months. The area of construction is at a significantly lower grade than adjoining Village properties (nonresidential) and is also separated from those village properties by a railroad right-of-way. Hours of construction will be controlled, typically Monday through Saturday 7:00 AM – 6:00 PM. All staging will occur and be contained on site. Construction impacts are considered to be unavoidable and temporary and hence, small to moderate.

The physical changes are considered to be positive in that the project will result in the remediation of an environmentally contaminated site; greater public access along the canal and to an historic resource; new recreational opportunities; and, the utilization of currently underutilized land for productive use.

IMPACT ON AIR

The proposed action may affect air quality in that the proposed restaurant may generate odors. This impact was deemed to be small to moderate in the Part II EAF.

The proposed restaurant will require a building permit and therefore will be subject to the current New York State Building Code, which requires a hood system to manage exhaust and intake air to address the cooking odors emitting from the restaurant. There are other restaurants in the Village that exist in areas closer to both residential uses and other businesses that are regulated in the same way and are able to conduct viable non-intrusive businesses. Further, the developer has an interest in not permitting odors to become objectionable as the occupants of its own residential units would be most affected.

IMPACT ON WATER

**The proposed Action will affect surface or groundwater quality or quantity.
This impact was deemed to be small to moderate in the Part II EAF.**

The primary surface water discharge for the existing site is currently the Erie Canal. The proposed development will also discharge some storm water runoff to the Erie Canal through one or more piped conduits. The proposed Action will require a discharge permit which must be obtained from the New York State Department of Environmental Conservation.

The proposed storm water management plan is described in the 4/26/2010 project sponsor response to the Village's request for additional information (pp.13 & 14). The proposed plan addresses both construction and post-construction conditions and reflects an awareness of the property's Brownfield designation. Construction or operation may cause contamination of a water supply system. The storm water management plan will be prepared per guidance provided by NYSDEC and per the NYSDEC approved remediation work plan.

The Plan will be prepared per the requirements of the NYSDEC Stormwater Management Design Manual. The design will conform to Chapter 9 of the manual, redevelopment guidelines, and to the requirements of the NYSDEC General Permit GP-10-001. The project sponsor must comply with this permit. Discussions with DEC staff have acknowledged the property's past history and Brownfield designation. The design will take advantage of the permeable soils available on-site. The main component of the system will be the use of stormwater infiltration to manage post development runoff. An underground system of infiltration chambers will collect, detain, and allow percolation into the subsurface. The design of the underground storage will provide for water quality treatment volume. Additional storage will be provided for stormwater quantity control volume with an overflow discharge to the canal. Smaller more frequent storms will use infiltration and larger less frequent storms the discharge.

The proposed plan also addresses stormwater runoff and erosion during construction. A complete construction erosion control plan will be designed per the NYSDEC's Erosion Control Guidelines as well as a complete Stormwater Pollution Prevention Plan (SWPPP). Once all mitigation is completed there will be no contamination left on site to affect the water supply system or the Canal waters. The proposed plan has been reviewed by the Village Engineer who indicated approval of the proposed plan for a cleaned up site.

The proposed action may alter drainage flow or patterns, or surface water runoff. The proposed action will follow the existing drainage patterns with a majority of the surface water directed towards the canal. While the amount of surface water runoff will increase, the flow will be controlled. The storm water management system, referenced above, will mitigate the expected increase in runoff flow rate to at or below existing conditions. The canal flows toward the Village center and not westerly toward the Longmeadow neighborhood from which concerns have been expressed. There will not be any drainage impacts associated with the project that will cause flooding in the Longmeadow neighborhood.

IMPACT ON AESTHETIC RESOURCES

The proposed action will affect aesthetic resources. This impact was deemed to be potentially large in the Part II EAF.

Proposed land uses, or project components, are obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural. The project is the first large multiple-family rental development proposed in the Village of Pittsford, and follows the Village Board's adoption of the R-5 Zoning Ordinance which, among other things, promotes such development. Since this is a new use in the Village, the project is different from surrounding land use patterns, which include an office park, state and municipal public works facilities, retail establishments, a high school and single-family residential structures.

The Village has retained an outstanding degree of historic and aesthetic integrity from its early years of settlement. Its small scale is an important component of its unique visual character and appeal. The proposed mass and bulk of the buildings are large in comparison to most Village buildings. The Village's strong aesthetic character is a key contributor to quality of life, economic vitality and property values. Only 9 of 800 structures in the Village are greater than 3 stories in height. Much care has been taken by the Board in the consideration and analysis of the potential impacts of the project on aesthetic resources, not only from the view of adjacent properties and the canal, but also from the standpoint of the extraordinary aesthetic qualities of the Village itself. It is important that this new construction does not appear to be out of place. Location of buildings, design of their footprint and mass will serve to minimize their apparent bulk. Generous plantings on Monroe Ave., along the Canal, and throughout the project are also important in lessening of visual impacts. While there are no locally legislated view sheds in the Village, there are significant views of importance to the community. Further, the Erie Canal is on the state inventory of aesthetic resources. As such, the DEC Policy for Mitigating Visual Impacts was consulted for guidance (issued 7/31/00). The policy states that... *significant aesthetic impacts are those that may cause a diminishment of the public enjoyment and appreciation of an inventoried resource, or one that impairs the character or quality of such a place. Proposed large facilities by themselves should not be a trigger for a declaration of significance. Aesthetic impact occurs when there is a detrimental effect on the perceived beauty of a place or structure. Mere visibility, even startling visibility of a project proposal, should not be a threshold for decision making. Instead a project, by virtue of its visibility, must clearly interfere with or reduce the public's enjoyment and/or appreciation of the appearance of an inventoried resource.*

The proposed development is located at a critical gateway to the Village of Pittsford, fronting on Monroe Avenue, the Village's busiest arterial street. The appropriate standard for setting design queues is the attractive residential single family home area on Monroe Avenue. In fact, the largest impact on any existing view shed will occur as pedestrians, cyclists and drivers travel easterly over the Monroe Avenue Canal Bridge. A similar impact will occur with vessels on the canal and pedestrians on the pathway. The proposed development will also be seen from the hill on Sutherland Street and by westbound motorists on Monroe Avenue. The impact of the view from the residential properties in the Town to the west is negligible as it currently consists primarily of a view of the NYS and Municipal buildings on the west side of the Canal. The Planning Board conducted a site visit along Sutherland Street to analyze the view shed looking west from Sutherland St. While the very tops of the buildings of the proposed development would be visible the view to downtown Rochester will remain. The March 20, 2012.

Memorandum from the Planning and Zoning Board indicates that their analysis and evaluation resulted in a conclusion that the proposed development will not negatively affect these views. (Also, reference view study, Tab 9, Comprehensive Response to Comments date 11/23/11.)

The development will be composed of non-specular materials and views to the development have been mitigated through downsizing and various off-sets with respect to existing conditions. Lighting controls (per 117 Village Code) will ensure against excessive glare and light shed as well as sky glare. The applicant has stated that the lighting for the project will be "dark sky" or "full cut-off". The proposed landscaping will be maintained by the project sponsor who has extensive experience and a record of quality maintenance.

Based on the intent of the R-5 District, the Comprehensive Plan (see Impact on Land Section above & section 1.2.2 of the Comprehensive Plan) and analysis and input from the Planning and Zoning Board and the Architectural & Preservation Review Board, the proposed development is not aesthetically or visually in conflict with surrounding uses and natural features. Rather than diminishing the public enjoyment and appreciation of an inventoried resource, or impairing the character or quality of the resource, the action will result in greater visual and physical access to and from the Canal. This will improve the public's perception and appreciation of the canal front.

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

The proposed Action will impact sites or structures of historic, prehistoric or paleontological importance. This impact was deemed to be potentially large in the Part II EAF.

The proposed action will occur within or substantially contiguous to a site listed on the State or National Register of Historic places. The Village itself, the Canal and the Monroe Avenue Bridge are considered to be of historic importance. The Village in its entirety has been designated a Local Historic Preservation District which underscores the need to consider potential historic resource impacts in the context of the Village as a whole. In fact, it is a legislated matter of public policy that the protection, enhancement, perpetuation and use of buildings, structures, places and sites of historic, architectural, cultural or aesthetic value is a public necessity and purpose in the Village of Pittsford. The Village's preservation ordinance is over 40 years old.

Development along the entire Canal system has been advantageous to localities as well as to the state, as it has opened public access, provided enjoyment of the Canal and adjacent historic sites and communities, and provided economic development opportunities. Schoen Place is an example of the positive effects of quality development on, within and adjacent to historic resources. The Village of Pittsford is one of the leading and most historically preserved Canal communities in the State of New York.

The Lead Agency has been guided by the Code of the Village of Pittsford that requires development projects to implement the vision, goals, and objectives of both the Erie Canalway National Heritage Corridor and the Erie Canal Preservation and Management Plan. In terms of the former, the Lead agency has sought, through the encouragement of major project changes and attention to location, design and landscaping, to ensure new construction and the development of recreational opportunities is in harmony with the protection of heritage resources. To this end the development plans have been proposed and modified in such a way as to protect the Canal Corridor's sense of place, scenic views, and other natural features. With respect to the latter, it warns against sacrificing historic character in the interest of short term economic gain. The Plan calls for new development to consider the treatment of public space-roads, parks, and sightlines which have been considered and analyzed in this review.

As noted above regarding the impact on aesthetic resources, the views of the Village, the Canal and the Monroe Avenue Bridge were all considered by the Planning and Zoning Board of Appeals in its Memorandum dated March 20, 2012, from which it concludes that there will be no adverse or significant impact on historically important resources.

The most significant historic resources to be affected are the Erie Canal and the Village itself. The Canal is directly affected because the project is located on the Canal, and the Village because the project would be the most dominant feature of the eastern gateway to the Village. The removal of contaminated soils, the restoration of the site, and increased public access to and enjoyment of the site will enhance the Canal's role in the community. The "Canal Commercial" character of the architectural design can be expected to enhance the historic significance of the Canal and Canal the Village of Pittsford. Months of study, analysis, public input and project changes have been keyed to the assessment of the project impacts on these historic resources. A multitude of project changes addressing this issue have been made in response to the board's concerns including, significant changes to density, configuration, mass, scale, material composition, and parking layout. The resultant "Canal Commercial" design has been character changing and draws on existing and historic examples of Canal side development.

In their letter of April 27, 2011, Crawford & Stearns, Architects and Preservation Planners, as consultants to the APRB rendered an opinion that the changes made in the overall character of the project from the time of the original submission were significant. "The use of the Canal Commercial concept allows for diversity of design, scale, massing and architectural design that can create a contemporary site development that remains compatible with the Village's historic character". It was the expressed, expert

opinion of that consultant that the project design is compatible with the historic character of the Village of Pittsford as stated in the R-5 district legislation.

While working with the APRB over the last 18 months the applicant has modified their design to reduce its apparent bulk and mass, reduce its height, varied building design, and has adopted a design language compatible with the project site's historic Canal side context. The APRB, as an involved agency, has expressed concern with the scale and massing of the project. Comments received from the APRB relating to the standards for special permit approval stated that the project is not compatible with the visual character of the village in terms of scale, massing, orientation and architectural design. At the same time the ARPB discusses how the concept plan provides varied roof heights, projecting bays, gables, recesses that visually divide larger buildings to produce a scale that is visually compatible with the Village's aesthetic character. The ARPB did not make a recommendation on a significance determination. The Board of Trustees, as Lead Agency, believes outstanding issues relating to scale and mass can be addressed by the ARPB as they review the project application for a certificate of appropriateness. The Lead Agency has considered those concerns, other expert input, as well as the ability of the APRB to address those issues and apply conditions as they may deem appropriate. The Lead Agency in looking at all of the relevant documentation on the issues in the context of the whole action does not believe that those concerns should raise the level of environmental review to that of an environmental impact statement.

The Lead Agency has received correspondence from the NYS Canal Corporation which has indicated that, based on its initial review, it is in general support of the subject mixed use development. Canal Corporation Occupancy and Work permits are required to be issued for land use and construction.

Correspondence has also been received from the New York State Office of Parks, Recreation and Historic Preservation, Historic Preservation Field Services Bureau which indicates that the agency believes that subject project will have no adverse impact on the National Register Canal or other resources eligible for inclusion in the National Register of Historic Places. Landscape plantings along the Canal were recommended by SHPO. Screening elements for the site are within the purview of the local boards and will be duly considered and applied in conjunction with the processing of local approvals.

IMPACT ON OPEN SPACE AND RECREATION

Proposed Action will affect the quantity or quality of existing or future open spaces or recreational opportunities. This impact was deemed to be potentially large in the Part II EAF.

The development of the property does not result in the loss of public open space. The project site is a former industrial site that has been previously disturbed, is contaminated and in its current condition lacks any amenity for public recreational purposes or enjoyment.

Future open space and recreational opportunities will result from the project, and the public will have a new access point to the Canal. The additional recreational opportunities provided by the project are consistent with the Village's Comprehensive Plan and the R-5 Zoning ordinance.

The physical changes to the project will result in the remediation of an environmentally contaminated site; greater public access along the canal, with public walkways and docking, and amenities such as outdoor seating for restaurant patrons. Public access to a significant historic resource will be enhanced as will the possibilities for new recreational opportunities.

IMPACT ON TRANSPORTATION

There will be an effect to existing transportation systems that could result in major traffic problems. This impact was deemed to be potentially large in the Part II EAF.

The existing and projected traffic conditions have been thoroughly evaluated and the proposal has been thoroughly assessed regarding the significance of traffic impacts:

- Stantec March 10, 2010 Traffic Impact Study
- NYSDOT letter dated August 30, 2010 summarizing their review of Stantec March 10, 2010 Traffic Impact Study. Stantec Traffic Impact Study dated revised July 10, 2010
- SRF Monroe Avenue Corridor Study dated April 2010 SRF Traffic Assessment Reviews dated August 26, 2010 and February 17, 2011
- SRF memo with updated response to applicant's transportation recommendations 7-16-12.
- Westport Crossing-Stantec Response Letter July 2012.

The Village of Pittsford is a Complete Streets Community and encourages walking, bicycling, and public transit for transportation, health, fitness, and recreation. It recognizes the importance of creating Streets that enable safe travel by all users, including pedestrians, bicyclists, public transportation riders and drivers, and people of all ages and abilities. The Village considers all transportation and/or development projects to be an opportunity to improve safety, access and mobility for all travelers and to position bicycling, walking and transit as integral elements of the local transportation system. The planning and review process associated with transportation and/or development projects shall incorporate as a primary objective the alteration of existing streets and other infrastructure and the creation of new streets and other infrastructure that conform fully with the Village's Complete Streets Policy. This policy has been consulted in connection with the assessment of the development plan as well as potential mitigation or project changes that would positively affect the Monroe Avenue right of way.

Traffic impact mitigation measures include, appropriate access location, lane restriping, median construction, additional traffic calming features, speed signs, enhanced walkability, gateway landscaping and signage for the vicinity of the project to calm traffic and reduce impacts in the area of the project site. As a result, the speed of traffic adjacent to the subject site on Monroe Ave. will be reduced by 10 mph.

Specifically, the applicant proposes to and will construct, and bear the full cost of construction of, a raised 250' median on the west side of the Monroe Avenue Bridge. Additionally, the developer will pay the cost of installing and maintaining landscaping on the raised median and the cost of providing the Village with a Portable Radar Speed Sign to be deployed at or near the project entrance and elsewhere as the Village and/or the Monroe County Sheriff's Department may determine. These project changes eliminate substantial traffic impact of the proposal.

The 2010 Monroe Avenue Corridor Study addresses future conditions and projects an ambient growth rate of 0.25% over a ten year period. It projected future conditions based on this expected ambient growth and considered future land use projects as well. The study accounted for the subject project as well as for the future development, the Northwest Canal Development (Community Center) the development of 3750 Monroe Avenue (offices/Distribution). The proposed development meets the Village Code requirement for off-street parking. Spaces have been allocated for waterfront uses and it is estimated that there will be a 15% availability rate based on actual usage by residents.

IMPACT ON PUBLIC HEALTH

The Proposed Action may affect public health and safety. This impact was deemed to be small to moderate in the Part II EAF.

The site is a registered spill site and contains areas of soil contamination and abandoned buildings and site infrastructure. The site has become an "attractive nuisance," the buildings are covered with graffiti and there are frequent trespassers on the property.

The site is part of the New York State Brownfield Cleanup Program. The status of the program is discussed in the materials submitted by the applicant dated April 26, 2010. As of this date the NYSDEC has reviewed and accepted the Remedial Investigation report (Step 3), and has reviewed and approved the Interim Remedial Measures (IRM) Work Plan.

As part of the proposed action, the existing abandoned buildings and site infrastructure will be removed. Remediation of the site under the Brownfield Cleanup Program and the removal of the abandoned buildings, which will be prerequisite to the issuance of permits for development and occupancy of the site, will improve public health and safety.

The site has been utilized for industrial activities since the 1930s. A significant fuel oil spill occurred in 1999 that the Environmental Protection Agency (EPA) responded to. The EPA spent \$980,000 on remediation so a good portion of the gross contamination that existed on the site has already been remediated.

As stated earlier, the site is part of NYS's Brownfield program. The Brownfield Program has seven steps. The steps are: Remedial Investigation Plan; Remedial Investigation; Remedial Investigation Report; Remedial Work Plan; Remedial Work; Remedial Work Report; and Certificate of Completion. The approved IRM is an initial action in Step 4 (Remedial Work) of the overall seven steps.

All Brownfield Program documentation and environmental reports are available to the public in the Town/Village of Pittsford's Public Library.

Several soil and groundwater investigations have been completed at the site. A Phase 1 Environmental Investigation, a Phase 2 Environmental Investigation, and a NYSDEC-approved Remedial Investigation (under NYS's Brownfield Program) have been completed. These combined studies have effectively characterized the remaining environmental contamination and public health risks at the site. However, the NYSDEC will require additional remediation work at the site if additional environmental contamination or risks are identified when the site remediation begins.

The Remedial Investigation Report Identified seven environmental areas of concern at the site:

- Former Storage Tank Areas and the EPA's Bio Cell Areas
- Impacted Groundwater Area at Monitoring Well #3
- Former Service Station Area
- Former Garage Area
- Former Rail Road Loading Area
- Former State Pollution Discharge Elimination System (SPDES) Discharge Outfall
- Area of potentially buried drums and containers

NOISE AND ODOR IMPACT

There may be objectionable odors, noise or vibration as a result of the Proposed Action. This impact was deemed to be small to moderate in the Part II EAF.

Noise and vibration are likely to result from construction activities and are typically unavoidable impacts in any built up location. Construction activities will occur during morning and afternoon hours, typically from 7am to 6pm, Monday thru Saturday, and are not anticipated to interfere with surrounding uses or the enjoyment of nearby properties. All construction activities and staging will occur and be contained within the project site. There will be 2 phases of construction each lasting approximately 14 months, hence, the noise and vibration associated with construction activity will be temporary in nature.

Other generators of noise at the operational level will be site maintenance and traffic. The Planning Board concluded after reviewing a substantial amount of data submitted by the applicant that such noise would not be discernibly higher than current ambient levels. Outdoor dining and any associated music or entertainment may be another source of noise. The developer has indicated that a lease restriction for any tenant of the restaurant building would prohibit live, recorded or amplified music or singing outdoors after a designated time, such as 10PM or however the hours may be restricted by the special use permit.

Potential odors from the restaurant use are addressed above (Impact on Air).

3. Emergency Response and Communication of Incidents that occur during Remediation Actions

Considering the scope and scale of the remediation steps that are planned for the site, there is a probability that incidents may occur with the heavy equipment operating at the site, the large quantities of material being trucked offsite, and with the maintenance and fueling of this onsite equipment.

In addition to the applicant (and their contractors complying) complying with all NYSDEC incident reporting regulations, they should also develop a mechanism to alert the Village to incidents that may occur on site. This will allow Village staff to be aware of situations that they may receive questions on from neighbors or interested citizens that are following the site's remediation.

4. Preparation for Significant Rainfall Events

Because of the site's proximity to the Erie Canal, special preparation for significant rainfall events and the potential impact they may have on the canal should be completed by the applicant.

The applicant's plan in the approved IRM is to individually remediate the seven areas of concern at the site. While individual plans have been developed for each of the seven areas, special planning should be completed to both anticipate and mitigate the impact that a significant rainfall event could have on the Erie Canal if a sudden storm would be encountered during an important remediation step.

PELytle, E&L Solutions, Inc.

The Applicant's initial focus will be on these seven areas of concern. They will further investigate these areas and complete appropriate cleanups. The final site remediation will be done when the site is being developed.

The NYSDEC approved IRM is a very detailed work proposal. Virtually every step of this initial site remediation is spelled out and will be closely monitored by the NYSDEC. The applicant will also have routine reporting responsibilities throughout the completion of the IRM that will provide ongoing justification that the approved remediation steps yield the NYSDEC cleanup requirements.

Improvements to Public Health and Safety

1. Background

As stated earlier, this proposed action will provide significant improvements to public health and safety. The existing conditions at the site are currently presenting risks to both public safety and the environment. Because of the site's location on the Erie Canal, restricting access to the site has been difficult. The site's dilapidated buildings provide great risk to trespassers on the property. In addition, the residual, uncontained environmental contamination is providing some degree of offsite migration of site contaminants to the Erie Canal, neighboring properties, and groundwater under the site.

While significant benefits to public health and safety will be realized by this proposed action, successful completion of such a remediation will require careful planning, utilizing experienced remediation specialists, and routine/effective communications.

In order to realize the maximum benefit to public health/safety and the environment through this proposed action, the applicant and their contractors must appropriately react to the environmental conditions that are encountered at the site so that appropriate actions are taken to correct them.

The IRM is a very detailed and structure plan, however, challenges and new environmental situations will undoubtedly arise when the work begins. The way that the applicant and their contractors effectively manage these challenges will determine whether the maximum benefit is derived from the proposed action.

2. Response to Previously Unrecognized Environmental Risks on the Site

Because there is the potential for previously unrecognized environmental contamination and risks being identified during remediation, the applicant (and their remediation contractors) must have an effective communication process in place with both the NYSEDC and the Village of Pittsford should unanticipated problems be encountered.

The applicant and their contractors must be experienced and quick to identify and respond to conditions that may pose a risk to neighbors, Village inspectors, interested citizens, or the Erie Canal. Some of these new conditions may require a modification to the approved remediation plan.

The Village should review and approve the process that the applicant will utilize to identify and communicate previously unrecognized situations and risks so that appropriate public alerts and public communications can be effectively carried out.

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

The Proposed Action may affect the character of the existing community. This impact was deemed to be small to moderate in the Part II EAF.

The proposed action will occur within or substantially contiguous to a site listed on the State or National Register of Historic places. The Village itself, the Canal and the Monroe Avenue Bridge are considered to be of historic importance and significant elements of community character. The Village has been designated a Local Historic Preservation District which underscores the need to consider potential community character impacts in the context of the Village as a whole.

The project location is at an important gateway to the Village and as such its design, function and appearance have been reviewed extensively in an effort to ensure that it will exude the Village's community character at this important entry point. It is evident that prior usage and current condition do not positively affect community character or gateway importance.

The proposed Action will cause a change in the density of land use. The project will create a 167-unit multiple-family residential development and a restaurant on a vacant former industrial site. It will be the first large-scale apartment community within the Village of Pittsford. The development of the subject site is encouraged by the Comprehensive Plan.

In their letter of April 27, 2011, Crawford & Stearns, Architects and Preservation Planners, as consultants to the APRB rendered an opinion that the changes made in the overall character of the project from the time of the original submission were significant and indicated that "The use of the Canal Commercial concept allows for diversity of design, scale, massing and architectural design that can create a contemporary site development that remains compatible with the Village's historic character". It was the expressed, expert opinion of that consultant that the project design is compatible with the historic character of the Village of Pittsford as stated in the R-5 district legislation.

The development may create a demand for additional community services (e.g. schools, police, and fire, etc.). The Planning and Zoning Board of Appeals reviewed the demand for additional community services, and the applicant submitted materials addressing this issue dated November 23, 2011 and February 20, 2012. The March 26, 2012 Memorandum from the Planning and Zoning Board of Appeals indicates that community services will be available to serve the growth anticipated as a result of the proposed development.

Based upon the expected demographics of the project the Pittsford School District has indicated that it will be able to accommodate the project. Based on the potential increase in school attendance and increased tax revenue associated with the project the Planning Board asserted that it is reasonable to assume a net gain in revenue by the school district. The Lead Agency understands that an increase in the tax base associated with the project will more certainly result in lower taxes in the community and could result in increased revenue for the school district as well.

The Pittsford Fire District has a long range plan that incorporated new areas of residential and business development. That plan provides that services for the new development will be absorbed by the added tax revenue that the development will contribute.

The Monroe County Sheriff's Office and the State Police provide law enforcement services to the Village at the current time and will continue to provide those services to the area of the new development. New tax revenues will cover any additional cost that might be generated by the new development at 75 Monroe Ave.

The Monroe County Water Authority has indicated that certain improvements will be needed to provide adequate water supply to the site. A supply is available however the water main in Sutherland Street must be improved or replaced. If the plans for this improvement are approved by the Authority, the developer enters into a Main Extension Agreement, and all requirements of the "Rules for the Sale of Water and the Collection of Rents and Charges" and "Uniform Design and Construction Standards for Extending Water Distribution Systems" are met, the Authority will supply water to the site. This upgrade will be evaluated by MCWA and confirmed by the Village Engineer. Trauma to Sutherland Street from this construction is of concern and will be evaluated as the plans develop.

The proposed action will use in excess of 20,000 gallons of water per day. Total anticipated water usage is 37,775 gallons per day, based on a development containing 167 residential units and a restaurant with 125 seats. The project will utilize water conservation fixtures and the effluent will be discharged to the Village of Pittsford's sanitary sewer system. The system has been determined to have sufficient capacity to accommodate the project. (4/26/2010 project sponsor response to the Village's request for additional information; Appendix4)

To address agency concerns regarding the adequacy of the sewer siphon system beneath the Canal to accommodate flow from the proposed project additional analysis was required by the Lead Agency. The project sponsor met with the Village DPW Director on 7/2/12 at the sewer siphon location. As a result the BME project sponsor study was updated. The Village engineer, who has reviewed revised calculations and analysis by BME associates (7/27/12), indicates and that there is adequate capacity for the siphon to serve the proposed development. He further indicates that as the project approaches site plan design, there will likely be discussions for enhancements or improvements to the siphon. However, the Village Engineer states that, for the purpose of judging environmental impacts, the existing siphon has the necessary capacity to pass the additional wastewater generated from this project.

Clark, Allison

From: philip alvaro <pmalvaro1@yahoo.com>
Sent: Monday, December 9, 2024 6:49 PM
To: Clark, Allison
Subject: COMIDA Plan for Pittsford

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Dear Ms. Clark,

I am opposed to allowing low income housing as part of the plan for the development of apartments in the town of Pittsford. Low income housing should be 100% for low income personnel. Property within the town of Pittsford should not be forced to follow a model of combined housing accommodations.

One of my fears: With Monroe County being declared a sanctuary destination, and with the State and Federal governments desperately looking for places to house illegals, any "best intentions" for housing, regardless where our decisions lie, could be taken from the Town before we knew what happened.

Thank you for your attention. If there is anything else you would like from me, please feel free to contact me.

Sincerely,

Philip M. Alvaro  
(585) 683-2416

[Sent from Yahoo Mail for iPad](#)

**Clark, Allison**

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**From:** Economic Development  
**Sent:** Tuesday, December 10, 2024 9:16 AM  
**To:** Clark, Allison; Finnerty, Robin  
**Subject:** FW: Public Hearing 75 Monroe Avenue, Pittsford Library  
**Attachments:** Comida Letter 2.pdf

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**From:** Dorothea M. Ciccarelli <villageclerk@villageofpittsford.com>  
**Sent:** Monday, December 9, 2024 5:05 PM  
**To:** Economic Development <EconomicDevelopment@monroecounty.gov>; Liss, Ana J <AnaLiss@monroecounty.gov>  
**Cc:** mayorplummer@villageofpittsford.com; 'David Marshall' <dmarshall@villageofpittsford.com>; Justin Leitgeb (trusteeleitgeb@villageofpittsford.com) <trusteeleitgeb@villageofpittsford.com>; Lili Lanphear (trusteellanphear@villageofpittsford.com) <trusteellanphear@villageofpittsford.com>; Lisa Cove <trusteelcove@villageofpittsford.com>  
**Subject:** Public Hearing 75 Monroe Avenue, Pittsford Library

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Good Afternoon,

I attached correspondence from the Village of Pittsford Board of Trustees regarding the public hearing for 75 Monroe Avenue, which will be held on Monday, December 9, 2024, at 5:00 p.m., in the PLC Fisher Meeting Room at the Pittsford Community Library, 24 State Street, Pittsford, NY 14534.

Have a great evening,

Dorothea M. Ciccarelli
Village Clerk

VILLAGE OF PITTSFORD

SETTLED 1789 • INCORPORATED 1827



Village Hall ca 1855 (remodeled 1937)

December 9, 2024

County of Monroe Industrial Development Agency
City Place
50 West Main Street
Suite 1150
Rochester, NY 14614

Executive Director Liss:

The Village of Pittsford Board of Trustees calls upon the County of Monroe IDA to again reject the financial assistance application of PCP for Westport Crossing for the following reasons:

- There is simply no demonstration that the Project needs any financial assistance. Unadorned conclusory statements do not meet the legal standard of demonstrating need. Of particular importance, previously, COMIDA was told the Project could not proceed without a real property tax exemption, yet now no such exemption is being requested. PCP must demonstrate the need for such exemptions and can do so publicly or through the submission of proprietary information to the COMIDA.
- During the Planning Board meetings, the Project was described as a luxury housing community. Luxury housing communities do not need tax breaks.
- The Application incorrectly refers to the Town Comprehensive Plan while the Village is the Zoning Authority. This should be corrected prior to any vote.
- The Village of Pittsford is a highly desirable residential location in a market short of housing with premier school districts. Thus, this Project can command top of market prices and should not need tax breaks. Also, it is our understanding that they are already receiving generous brownfield tax credits.
- The Village and the COMIDA have spent enormous amounts of public funds defending a series of frivolous and unsuccessful lawsuits by PCP. This has been in excess of a million dollars by the Village. This is not reflected in the cost-benefit analysis. At a minimum, any approval should be conditioned on the COMIDA being reimbursed for its litigation expenses, and frankly, the COMIDA should explain why it would grant tax breaks to an entity that acts towards the public as PCP has acted.
- Although the Projects contains public amenities, no agreements are in place to allow public access. This should be a condition to any grant of assistance.
- The affordable rate housing promise is vague at best and conditioned on financial viability. No mechanism for determining that viability is provided. The commitment must be clear and absolute in any approval.

Thank you for your consideration,

Village of Pittsford Village Board

Clark, Allison

From: Fei Li <ahtc0589@hotmail.com>
Sent: Tuesday, December 10, 2024 11:10 PM
To: Clark, Allison
Subject: Objection to the proposed Pittsford Oaks Apartment Complex project

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Hi there,

I couldn't make to Monday's COMIDA meeting. So instead I am writing to you to express my objection to the proposal.

My family just moved to Pittsford this past summer for the premier Pittsford school district. We paid top dollars for our new home here in order to send our son to the renowned Mendon high school. The area we moved from had good schools years ago. Recently though as more affordable housing projects popped up and influx of families with subsidized housing moving in, the school performance has suffered quickly. As we all know, schools can only do much to educate children whose performance is highly dependent on his her family upbringing. If parents don't have stable jobs and income, kids education will suffer. Not everyone has same luck as JD Vance who benefited from his Mamaw and extended family. I am not against helping those children, but rather I am against a brute force approach to the issue like this project. I hate to have to move out of this area again to seek better education for my children.

Best regards,

Fei Li

## Clark, Allison

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**From:** Michael Barone <mvbarone1971@gmail.com>  
**Sent:** Friday, December 13, 2024 1:40 PM  
**To:** Clark, Allison  
**Subject:** Below Market Rate for Pittsford Oaks + 75 Monroe Ave Project

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Good afternoon Allison,

I am writing to voice my opposition and objection to the below-market-rate set aside for the Pittsford Oaks project, as well as the 75 Monroe Ave project. Please officially note my opposition.

Thank you.

Sincerely,
Michael Barone
68 Wood Creek Dr
Pittsford, NY 14534

Clark, Allison

From: Finnerty, Robin
Sent: Tuesday, December 17, 2024 11:45 AM
To: Clark, Allison
Subject: FW: Westport Crossing...

From: Chris DiMarzo <cdimarzo@markiventerprises.com>
Sent: Tuesday, December 17, 2024 10:59 AM
To: Liss, Ana J <AnaLiss@monroecounty.gov>
Cc: Finnerty, Robin <RFinnerty@monroecounty.gov>; Rachel C. Baranello <rbaranello@harrisbeach.com>; Christian M. Nadler <cnadler@markiventerprises.com>; howardmaffucci@gmail.com
Subject: FW: Westport Crossing...

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Robin- Below is a letter from a Pittsford resident regarding the Westport Crossing COMIDA application. Could you please forward this letter to the COMIDA Board and add it to the public comments regarding the Westport Crossing submission.  
Thank you, Chris DiMarzo

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**From:** Gregg Bowering <[boweringhomes@live.com](mailto:boweringhomes@live.com)>  
**Sent:** Tuesday, December 17, 2024 9:35 AM  
**To:** [trusteedmarshall@villageofpittsford.com](mailto:trusteedmarshall@villageofpittsford.com); [mayorplummer@villageofpittsford.com](mailto:mayorplummer@villageofpittsford.com); [wsmith@townofpittsford.org](mailto:wsmith@townofpittsford.org)  
**Subject:** Westport Crossing...

[USE CAUTION: This email originated from outside of the organization]

Dear Trustee Marshall, Mayor Plummer, and Supervisor Smith,

I am a lifelong 67-year-old Pittsford resident. I grew up here, matriculated through the Pittsford schools, and was in the first graduating class of the then new Pittsford Mendon HS in 1975. I have lived in Pittsford probably longer than any of you have and have seen all that has gone on in the Town since my parents moved here in 1959. My family homebuilding company has been responsible for the development and building of well over 200 homes built in town from the late 1970's up until when the full effect of the 'Greenprint' was realized in 1997 where, effectively, only the largest builder/developers with the deepest pockets could continue in Pittsford. Like Supervisor Smith said in his public meeting comments, I too am writing this today as a 'concerned resident' and not as a homebuilder/developer.

I see in the RBJ that you are all opposed to COMIDA granting any tax incentives to Mark IV/PCP for their Westport Crossing project. How bitter can you all be? How are you all qualified to say this developer 'doesn't

need it'? How do you know what they need or don't need, who of you are developers with experience in projects like this? How do the Village trustees 'know that supply and demand indicate there is no need for tax exemptions'; are the board members all economists? Also, where in this article do you acknowledge the developer for spending multiple millions of dollars cleaning up the old Monoco Oil asphalt waste dump right at the doorstep to the Village and along the Canal? A simple 'thank you' to PCP probably would have been enough. In the RBJ article, Supervisor Smith also neglected to point out that this little \$5M +/- clean up expense wasn't required as part of the development costs of Kilbourne Place or Dunnwood Green he referred to as comparable. Perhaps this was edited out by the RBJ?

I would encourage you to drive thru the village of Fairport sometime again and take a good hard look at how they have handled growth along their piece of the Canal. There is a beautiful mix of residential and commercial here stretching from the Parker St bridge all the way east thru the Village and onto Roselawn Ave/Packet Boat Dr. Granted, this result took a lot of work and cooperation by the Village of Fairport and their prospective developers to make it happen, but somehow, somehow they all compromised and made it work. Why can't this be the case in Pittsford?? Instead, we get a lot of fighting, hard feelings, and endless (expensive) lawsuits. The fact that the Village has spent in excess of \$1M in attorney fees defending itself and now wants to be re-imbursed (!) is laughable; you should have realized what seeds you were sowing long ago. Perhaps you should look to former mayor Corby for your reimbursement since his leadership (or lack thereof) as mayor back then certainly did the village no favors.

After almost 8 years now of daily driving past this neglected village 'gateway', don't you think it might be time to bury the hatchet and jointly work to finally seeing something positive on this site? I sure do. Assuming this bitterness can be overcome when work finally gets started on this project, I am confident it will be a welcome addition and improvement to our village and might also (finally) be something that expands the (especially needed now!) tax base of the village as well.

Sincerely,  
Gregg Bowering  
12 Tamarron Way

**CONFIDENTIALITY NOTICE:**

This email message and any attachments are confidential and intended solely for the named addressee(s). They may be subject to legal, professional or other privilege or may be protected by other legal rules. They must not be disclosed to anyone without the sender's authorization. If you are not the intended recipient or authorized to receive this email for the intended recipient, you may not disclose, copy, distribute or retain this message or any part of it. We would appreciate it if you would notify us if you received this message but were not the intended recipient.

## Clark, Allison

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**From:** Economic Development  
**Sent:** Tuesday, December 10, 2024 9:16 AM  
**To:** Clark, Allison; Finnerty, Robin  
**Subject:** FW: Westport Crossings 75 Monroe Ave Pittsford Village

-----Original Message-----

From: Lisa Cove <lisacoveforthevillage@gmail.com>  
Sent: Monday, December 9, 2024 7:17 PM  
To: Economic Development <EconomicDevelopment@monroecounty.gov>  
Subject: Westport Crossings 75 Monroe Ave Pittsford Village

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Dear COMIDA,

As a resident of the Village of Pittsford for 17 years, as an active community advocate sitting on the Historic Preservation board and now a Trustee for the village, I have had personal experience in the continued success and economic stability and vitality of the Village of Pittsford. The residents have a powerful voice and passion in their neighborhoods however sometimes big money and strong developers find their way through the system designed to protect the historic integrity of our quaint historic community.

With that said, speaking on behalf of a resident,

The 75 Monroe Westport Crossings project; is too big in mass and scale, it changes the successful recipe of owners verses renters causing potential disruption in housing values and the commitment to our community long term this developer has caused us millions of dollars in legal suits, segregation of our community and irrefutable stress to leaders and residents alike.

This developer has plenty of money to sue this small village, refuse to abide by requirements, regulations, building codes and more in an unprofessional, non-transparent way. This developer DOES NOT need financial assistance in any way! Please give benefits to developers that come into a community in need. Pittsford does not NEED this development in any way. Our housing values are through the roof and people wait years and spend lots for money to live in this community.

We do not need this.

Thank you for listening
Lisa Cove

Clark, Allison

From: Julie Steele <juliesteele253@gmail.com>
Sent: Tuesday, December 10, 2024 7:39 PM
To: Clark, Allison
Subject: COMIDA Applications Town and Village of Pittsford

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To Whom It May Concern:

We have been residents of Pittsford for 43 years. Like many, many residents, we strongly oppose the COMIDA applications for the Pittsford Oaks Apartments at Jefferson and Clover (Daniele Family Companies) and Westside Crossing at 75 Monroe Ave. (Pittsford Canalside Properties).

These projects have been represented to the taxpayers as market rate apartments. Giving tax incentives to already wealthy developers is not only a misrepresentation of the projects but also is not in the best interest of our community.

We ask that the COMIDA Board reject both of these applications.

Thank you,

Julie & Jeff Steele  
14 Rockdale Meadows  
Pittsford, NY 14534

January 12, 2025

RE: Pittsford Canalside Properties – Application

Dear Chairwoman Burr and the COMIDA Board members:

As a long-time resident of the Town of Pittsford and a county legislator currently representing the Village of Pittsford and much of the Town of Pittsford, I write this letter of support for COMIDA assistance for the development of 75 Monroe.

The developer requests COMIDA assistance because the project is in a previously blighted area. Due to the long, drawn-out approval process, the costs required for the planned public amenities and infrastructure improvements make COMIDA assistance beneficial to the project and allow it to move forward in the most fiscally responsible way.

The benefits provided by and planned by the developer include significant public community amenity benefits, infrastructure improvements, and environmental cleanup. These include:

- Erie Canal dock, boardwalk, and public restrooms (\$475,000)
- Additional Landscaping and Green Space (\$365,000)
- Extensive Sidewalk Network with Gazebos, Benches (\$325,000)
- Traffic Calming Measures on Monroe Avenue (\$750,000)
- Water Main Installation on Sutherland Street (\$530,000)

The total cost of these benefits is \$2,445,000.

In addition, the developer has already provided a significant community benefit through the Brownfield Remediation. The 75 Monroe Avenue site was used as an oil storage and fuel distribution facility for many years until shut down by the Federal Government in the 1980s due to extensive environmental contamination. The benefits of ecological cleanup cannot be overstated. It is no longer a public health and safety threat to the Town and Village of Pittsford and all downstream areas on the Erie Canal.

The Brownfield cleanup of the site cost the developer \$4,680,000 (\$5,200,000 minus \$520,000 NYS Brownfield credit). Collectively, the developer will have invested \$7,125,000 in public benefits as part of the project.

The planned units will provide an age-in-place alternative to many community residents as they leave their homes, helping achieve a significant objective identified in the Town of Pittsford's 2019 Comprehensive Plan. The plan recognizes that the Town's aging population lacks sufficient housing options for that demographic.



The financial benefits for the developer are a sales and use tax exemption and mortgage recording tax exemption not exceeding \$1,274,250. Notably, the developer is not seeking a property tax abatement. The project will grow the tax base in the Village of Pittsford and generally by creating needed housing.

Considering all factors, granting the benefits will assist the developer in completing the project in a cost-effective manner. The project has mitigated a Brownfield Site and will provide significant community benefits. It will provide nearly two dozen jobs (property management/maintenance and restaurant employment), as well as supply chain advantages during construction and a significant number of construction jobs. The planned units help mitigate much-needed age-in-place housing, identified as a significant concern for the Town.

Sincerely,



Howard Maffucci  
Resident Town of Pittsford  
County Legislator - LD 10

December 23, 2024

To the Members of the County of Monroe Industrial Development Agency Board:

Re: Westport Crossing / 75 Monroe Avenue

I formally request that our application for the Westport Crossing Development be placed on the agenda for the January 2025 meeting for approval under the COMIDA Jobs Plus program.

As discussed during our initial meeting with the board on November 14th, the Westport Crossing application meets all legal requirements for approval. At this time, we are requesting only mortgage and sales tax benefits for the first phase of the project and are not seeking a full 10-year PILOT. The basis for this request is the significant costs associated with site development, complex site constraints, required off-site town enhancements, essential on-site public amenities, and ongoing environmental monitoring and petroleum waste clean-up efforts.

As you are aware, when our application for COMIDA assistance was denied two years ago, we were forced to lay off 50 construction workers and unable to begin the project. The need for COMIDA assistance is now even more critical as we move forward, especially given the rising costs and complexities of the project. Our current, scaled-back request represents a modest appeal given the circumstances.

We are hopeful that with COMIDA's support, we will be able to reinstate many of those jobs and create over 120 local construction jobs, both union and non-union. This aligns directly with the mission of COMIDA to promote local job creation and economic growth.

It has come to my attention that the delay in processing our application may be due to perceived disinterest or lack of support from the Pittsford Village Trustees. I would like to clarify that the municipal approval process for this project took over 17 years and was marked by significant opposition, including concerns about the architecture, scope, and legal disputes with local activist groups. Despite this, all necessary approvals and building permits have now been granted. However, some members of the Village leadership remain opposed to the project and continue to use it as leverage for their own internal political issues.

Unfortunately, I do not believe the Village leadership fully understands the relatively modest benefits we are requesting from COMIDA nor the miniscule direct lost revenue cost to the Village from sales tax revenue abatement totaling approximately \$580. We have made multiple attempts to communicate with the Village Mayor regarding our COMIDA application including all of the benefits therein, but unfortunately, we have not received any response nor cooperation.

The only response we've received was from the Village's attorney was a message, dated 12/18/24 that they would be willing to meet with us to discuss withdrawing their



letter to COMIDA provided that we would be willing to consider a “substantially smaller project”. Please note that over the 17 year entitlement process the project was reduced and modified dozens and dozens of times including, reductions from 4 stories to 3 stories, from 220 units to 156, architectural detail and material enhancements, on-site and off-site improvements, and public access to the waterfront. At this point in the process after a building permit has been issued, it is disingenuous and not in good faith to extort additional project reductions as a quid pro quo for their support for County benefits and we will not engage in that pretense.

Putting all of the noise aside, the benefits of the success of the Westport Crossing development far outweigh any negativity. This development will provide:

- Over 120 construction jobs including Union employment.
- 20 New permanent full time jobs and 8 part time jobs.
- Over \$1.1 million dollars in annual tax revenue.
- Hundreds of thousands in fees to Monroe County that could be used for job creation and training of local labor.
- Housing type not provided in the Village of Pittsford.
- Public docks and public bathrooms on the Canal.
- Traffic calming median on Monroe Ave.
- Upgraded watermain system on Sutherland street.
- Public access to the Canal and new sidewalk network.
- New restaurant.
- Needed senior and empty nester housing stock

The economic impact of the proposed project is significant, with a projected overall local multiplier effect of 55:1, as detailed in the MRB Group’s fiscal impact report dated November 17, 2024. This demonstrates an overwhelming substantial economic benefit that the Westport Crossing project will bring to the County. These items are hallmarks of the mission of the COMIDA and more than exceed the criteria for the Jobs Plus program.

In light of these considerations, we respectfully request that the board proceed to completion of our application in support of job creation, economic development, and the core mission of COMIDA. We believe the Westport Crossing project will stand as a shining example of the positive outcomes that can result from our partnership.

Thank you for your attention to this matter and for your continued support.

Sincerely,



Chris DiMarzo  
President

CC: R. Baranello, Esq.



## MODIFICATION SUMMARY

**DATE:** January 21, 2025

**APPLICANT:** Alchlight, LLC  
1999 Lake Avenue, Suite A512  
Rochester, NY 14615

**PROJECT LOCATION:** 1999 Lake Avenue, Suite A512  
Rochester, NY 14615

**MODIFICATION REQUEST:** Alchlight, LLC, a technology company specializing in advanced ultrafast laser material fabrication located in the City of Rochester, is purchasing equipment to evaluate and improve their manufacturing process. The project was approved by the board in December of 2024 for a sales tax exemption. The applicant is requesting an increase in project costs of \$307,425 in order to purchase equipment necessary to accelerate the company’s manufacturing capabilities. The new sales tax exemption is not to exceed \$36,216. The total project cost is now \$452,704.

|                       |                |                  |                  |
|-----------------------|----------------|------------------|------------------|
| <b>PROJECT AMOUNT</b> | <u>CURRENT</u> | <u>REQUESTED</u> | <u>NEW TOTAL</u> |
|                       | \$145,279      | <b>\$307,425</b> | <b>\$452,704</b> |

**Motion By:** \_\_\_\_\_  
**Seconded By:** \_\_\_\_\_

**RESOLUTION**  
(Alchlight, LLC Project)  
OSC Code 2602-24-033B

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's Offices located at 50 West Main Street, Rochester, New York 14614, on January 21, 2025, 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 ADDITIONAL FINANCIAL ASSISTANCE TO ALCHLIGHT,  
LLC IN AMOUNTS EXCEEDING THE AMOUNTS PREVIOUSLY  
APPROVED BY THE AGENCY 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 December 17, 2024, the Agency appointed **ALCHLIGHT, LLC**, a New York limited liability company, for itself, or a related entity formed or to be formed (collectively, the "Company") the true and lawful agent of the Agency to undertake a certain Project (the "Project"), consisting of the purchase and installation of one (1) Motorized 3D Surface Profiler (model # VK-X3100) (the "Equipment") to be located at the Company's offices at 1999 Lake Avenue in the City of Rochester, New York 14615 for use in the Company's manufacturing process which involves creating surface textures on various materials; 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 in an amount up to \$145,279, which would result in New York State and local sales and use tax exemption benefits not to exceed \$11,622 through December 31, 2025; and

WHEREAS, pursuant to a certain Project Modification Request, dated December 24, 2024, the Company has notified the Agency that project costs have increased and requested that the Agency authorize the increase in sales and use tax exemption to not more than **\$452,704**, which would result in a partial mortgage recording tax in the amount of **\$36,216** (as increased, the "Sales Tax Exemption Benefits"); and

WHEREAS, the Agency desires to adopt a resolution authorizing (i) the purchase of additional equipment and (ii) the increase in Sales and Use Tax Exemption Benefits.

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, including, but not limited to, additional laser machinery and material characterization equipment, and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$452,704**, which result in New York State and local Sales and Use Tax Exemption Benefits not to exceed **\$36,216**.

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 an increase of Sales and Use Tax Exemption Benefits.

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> |
|-----------------------|-------------------|-------------------|----------------------|-----------------------|
|                       |                   |                   |                      |                       |
| Lisa Bolzner          |                   |                   |                      |                       |
| Rhett King            |                   |                   |                      |                       |
| Norman Jones          |                   |                   |                      |                       |
| Truman Tolefree       |                   |                   |                      |                       |
| Raymond A. Ryerse Jr. |                   |                   |                      |                       |
| 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 January 21, 2025, 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 21<sup>st</sup> day of January, 2025.

---

Ana J. Liss, Executive Director



# PROJECT MODIFICATION REQUEST

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

|                  |                              |                           |
|------------------|------------------------------|---------------------------|
| Applicant:       | AlchLight LLC                |                           |
| Project Address: | 1999 Lake Avenue, Suite A512 |                           |
| Contact Name:    | Chi Vinh Ngo                 |                           |
| Contact Company: | AlchLight LLC                |                           |
| Contact Address: | 1999 Lake Avenue, Suite A512 |                           |
| Contact Email:   | chivinhngo@alchlight.com     | Contact Phone: 5853504630 |

|                                     |           |           |                   |
|-------------------------------------|-----------|-----------|-------------------|
| <b>Employment in Monroe County:</b> | <u>2</u>  | <u>3</u>  | <u>12/24/2024</u> |
|                                     | Full Time | Part Time | As of Date        |

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

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

**Assistance Requested:** Check all that apply.

Property Tax Abatement     
  Mortgage Tax Exemption     
  Sales Tax Exemption

**Project Cost Information:** \$ 145,279      \$ 307,424.87      \$ 452,704  
 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.)


\_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_  
 Current Expiration Date      Requested Expiration Date      Amount of Exemptions Taken to Date

**Reason for Extension:**

---

**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: Chi Vinh Ngo  Digitally signed by Chi Vinh Ngo  
DN: cn=Chi Vinh Ngo, o=AlchLight LLC, email=chivinhngo@alchlight.com  
Reason: I agree to the terms defined by the placement of my signature in this document  
Location:  
Date: 2024.12.24 15:26:19-05'00'  
Foxit PDF Reader Version: 2024.4.0 Date: 12/24/2024

Print Name and Title: Chi Vinh Ngo, General Manager & Senior Scientist

|                             |                                            |
|-----------------------------|--------------------------------------------|
| Staff Use Only:             | 2/20                                       |
| Date Received <u>1/6/25</u> | Date of Original Approval: <u>12/17/24</u> |
| New Code 2602 24 033B       |                                            |

**Project Modification Request - Page 2**

**Required when requesting an Increase in Project Costs**

| <b>A. Applicant Project Costs</b>            | <b>Original/Current<br/>Approval</b> | <b>Requested Increase<br/>Modification</b> | <b>Revised<br/>Approval Requested</b> |
|----------------------------------------------|--------------------------------------|--------------------------------------------|---------------------------------------|
| <b>Building Construction or Renovation</b>   |                                      |                                            |                                       |
| a. Materials                                 | \$ _____                             | \$ _____                                   | \$ 0                                  |
| b. Labor                                     | \$ _____                             | \$ _____                                   | \$ 0                                  |
| <b>Site Work</b>                             |                                      |                                            |                                       |
| c. Materials                                 | \$ _____                             | \$ _____                                   | \$ 0                                  |
| d. Labor                                     | \$ _____                             | \$ _____                                   | \$ 0                                  |
| e. Non-Manufacturing Equipment               | \$ 145,279                           | \$ 54,845                                  | \$ 200,124                            |
| f. Furniture & Fixtures                      | \$ _____                             | \$ _____                                   | \$ 0                                  |
| g. Land and/or Building Purchase             | \$ _____                             | \$ _____                                   | \$ 0                                  |
| h. Manufacturing Equipment                   | \$ 0                                 | \$ 252,580                                 | \$ 252,580                            |
| i. Soft Costs (Legal, Architect, Engineer)   | \$ _____                             | \$ _____                                   | \$ 0                                  |
| Other Costs (specify)                        |                                      |                                            |                                       |
| j. _____                                     | \$ _____                             | \$ _____                                   | \$ 0                                  |
| k. _____                                     | \$ _____                             | \$ _____                                   | \$ 0                                  |
| l. _____                                     | \$ _____                             | \$ _____                                   | \$ 0                                  |
| m. _____                                     | \$ _____                             | \$ _____                                   | \$ 0                                  |
| <b>Total Project Costs</b>                   | <b>\$ 145,279</b>                    | <b>\$ 307,425</b>                          | <b>\$ 452,704</b>                     |
| <b>Sources of Funds for Project Costs</b>    |                                      |                                            |                                       |
| a. Tax Exempt Industrial Revenue Bond        | \$ 0                                 | \$ _____                                   | \$ 0                                  |
| b. Taxable Industrial Revenue Bond           | \$ 0                                 | \$ _____                                   | \$ 0                                  |
| c. Tax Exempt Civic Facility Bond            | \$ 0                                 | \$ _____                                   | \$ 0                                  |
| d. Bank Financing (subject to recording tax) | \$ 0                                 | \$ _____                                   | \$ 0                                  |
| e. Public Sources                            | \$ 145,279                           | \$ 307,425                                 | \$ 452,704                            |
| f. Equity                                    | \$ _____                             | \$ _____                                   | \$ 0                                  |
| <b>Total Sources</b>                         | <b>\$ 145,279</b>                    | <b>\$ 307,425</b>                          | <b>\$ 452,704</b>                     |

**B. Reason for Increase:**

We recently decided to accelerate our manufacturing process by acquiring more advanced laser machinery and material characterization equipment to assess optical and corrosive properties.

**C. Amount of Sale Tax Exemptions Taken to Date:** \$ 11,622.32



## ASSIGNMENT/ASSUMPTION SUMMARY

**DATE:** January 21, 2025

**APPLICANT:**

Assignor:  
Rochester Maiden Park Owner, LLC  
399 Park Avenue  
New York, NY 10022

Assignee:  
Nine Lives Properties LLC  
232 West Canton Street, Apt. 4  
Boston, Massachusetts 02116

**PROJECT LOCATION:**

749 Maiden Lane  
Greece, NY 14615

**ORIGINAL APPROVAL DATE:**

May 19, 2015

**MODIFICATION REQUEST:**

Nine Lives Properties LLC has entered into an agreement to purchase the senior housing project at 749 Maiden Lane in the Town of Greece and is requesting approval to assume the real property tax abatement.

**ORIGINAL PROJECT AMOUNT:**

\$13,100,000

**Motion By:** \_\_\_\_\_  
**Seconded By:** \_\_\_\_\_

## RESOLUTION

(Assignment of Legacy at Maiden Park Project to Nine Lives Properties LLC)  
OSC Code 2602-25-001A

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's Offices, 50 West Main Street, Rochester, New York 14614, on January 21, 2025 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 ASSIGNMENT BY LEGACY AT MAIDEN PARK LLC OF CERTAIN FINANCIAL ASSISTANCE AND DOCUMENTS (EACH AS DEFINED BELOW) IN CONNECTION WITH A CERTAIN PROJECT LOCATED ON MAIDEN LANE IN THE TOWN OF GREECE, NEW YORK, TO NINE LIVES PROPERTIES LLC; 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 May 19, 2015, the Agency appointed Legacy at Maiden Park, a New York limited liability company ("Legacy"), the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of: (A) the acquisition by lease, license or otherwise, of an interest in an approximately 6.6-acre parcel of vacant land located at 749 Maiden Lane in the Town of Greece, New York (Tax Map ID # 075.05-2-3.2) (the "Land"); (B) the construction thereon of an approximately 57,000 square-foot, single-story, 79-unit assisted-living facility with parking space for 45 vehicles, landscaping and related improvements (collectively, the "Improvements"), and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, the Agency and Legacy executed and delivered (i) a certain Lease Agreement, dated as of September 1, 2015, by and between Legacy and the Agency, pursuant to which Legacy leased the Facility to the Agency (the "Lease Agreement"), a memorandum of which (the "Memorandum of Lease") was recorded in the Monroe County Clerk's Office on October 15, 2015 in Liber 11605 of Deeds, at Page 507; (ii) a certain Leaseback Agreement, dated as of September 1, 2015, by and between the Agency and Legacy, pursuant to which the Agency leased the Facility back to Legacy (the "Leaseback Agreement"), a memorandum of which was recorded in the Monroe County Clerk's Office on October 15, 2015 in Liber 11605 of Deeds, at Page 512 (the "Memorandum of Leaseback"); and (iii) a certain Payment-In-Lieu-Of-

Tax Agreement, dated as of September 1, 2015, by and between the Agency and Legacy (the "PILOT Agreement"; and, together with Lease Agreement and the Leaseback Agreement, the "Documents"); and

WHEREAS, pursuant to the Documents, the Agency provided financial assistance (the "Financial Assistance") to Legacy in the form of (a) sales and use tax exemptions for purchases and rentals related to the acquisition, construction and equipping of the Facility; (b) a partial mortgage recording tax exemption for financing relating to the Project; and (c) a partial real property tax abatement structured through the PILOT Agreement; and

WHEREAS, by Application for Assumption, dated December 12, 2024, Legacy (herein, the "Assignor") has requested the Agency's approval of the sale of the Facility and assignment of the Financial Assistance and the Documents to Nine Lives Properties LLC, a Massachusetts limited liability company (herein, the "Assignee"); and

WHEREAS, Assignor and the Assignee represent that the sale of the Facility to the Assignee will not in any way change the use of the Facility and that the Facility will continue to constitute a "project" as such quoted term is defined in the Act; and

WHEREAS, the Agency now desires to adopt a resolution: (i) approving the sale of the Facility, (ii) approving the assignment of the Financial Assistance and the Documents to the Assignee and (iii) approving the execution of any and all documents necessary to effectuate the assignment of the Financial Assistance and the Documents.

NOW, THEREFORE, BE IT RESOLVED by the County of Monroe Industrial Development Agency (a majority of the members thereof affirmatively concurring) as follows:

Section 1. The Agency hereby consents to the sale of Assignor's rights, title and interests in and to the Facility to the Assignee.

Section 2. The Agency hereby consents to the assignment of the Financial Assistance and the Documents from Assignor to the Assignee.

Section 3. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver any and all documents necessary to effectuate the above-described assignments and continuation of the Financial Assistance and the Documents with respect to the Facility.

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> |
|-----------------------|-------------------|-------------------|----------------------|-----------------------|
|                       |                   |                   |                      |                       |
| Lisa Bolzner          |                   |                   |                      |                       |
| Rhett King            |                   |                   |                      |                       |
| Norman Jones          |                   |                   |                      |                       |
| Truman Tolefree       |                   |                   |                      |                       |
| Raymond A. Ryerse Jr. |                   |                   |                      |                       |
| 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 January 21, 2025, 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 21<sup>st</sup> day of January, 2025.

---

Ana J. Liss, Executive Director

New code: 2602 25 001 A  
old code: 2602 17 048



### APPLICATION FOR ASSUMPTION

Each applicant seeking assumption of an existing Project must complete this form and provide additional information if requested. A **non-refundable** application fee of \$350 must be included with this application. Make check payable to COMIDA. If assumption is approved, assumption will require preparation of legal documentation and a fee of \$2,000 plus legal costs.

**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 online at [www.monroecountyida.org](http://www.monroecountyida.org).

#### I. PROJECT

a. Address 749 Maiden Lane  
 City/State/Zip Greece, New York 14615  
 TAX Map No 075.050-0002-003.200

b. Current Project Owner  
Rochester Maiden Park Owner, LLC

c. Does Applicant contemplate any changes in use or tenancy of the project? YES  NO   
 If YES, provide information on additional pages.

#### II. APPLICANT

a. Name Nine Lives Properties LLC  
 Address 232 West Canton Street, Apt. 4  
 City/State/Zip Boston, Massachusetts 02116  
 TAX ID No 99-4363391  
 Contact Name Dan Botwinik  
 Title Manager  
 Telephone # 703-980-7518  
 Email dan@cougarcapitalm.com

b. Owners of 20% or more Applicant Company  
Dan Botwinik  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Do any of these owners currently own property within Monroe County New York? YES  NO

#### III. APPLICANT Legal Counsel

Name Michael Sardo  
 Firm Hinman Straub P.C.  
 Address 121 State Street  
 City/State/Zip Albany, New York 12207  
 Telephone # 518-436-0751  
 Email msardo@hinmanstraub.com

#### IV. CERTIFICATION

Current Project Owner represents that (i) it is not in default under any documents executed in connection with the Project being assigned; (ii) Assignee must agree to assume Current Project Owner's rights, interest, duties, obligations and liability set forth in any documents executed in connection with the Project being assigned; and (iii) Assignee will pay all fees of the Agency and its counsel in connection with the assignment of said Project.

**Signed:**  
**Current Project Owner:**  
 ROCHESTER MAIDEN PARK OWNER, LLC  
  
 Name, Title \_\_\_\_\_ Date \_\_\_\_\_

**Assignee:**  
 NINE LIVES PROPERTIES LLC  
  
 Name, Title \_\_\_\_\_ Date \_\_\_\_\_





## MODIFICATION SUMMARY

**DATE:** January 21, 2025

**APPLICANT:**

|                                                                                     |
|-------------------------------------------------------------------------------------|
| Riverwood Tech Campus, LLC<br>205 St. Paul Street, Suite 200<br>Rochester, NY 14604 |
|-------------------------------------------------------------------------------------|

**PROJECT LOCATION:**

|                                                  |
|--------------------------------------------------|
| 4545 East River Road<br>West Henrietta, NY 14586 |
|--------------------------------------------------|

**MODIFICATION REQUEST:**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Riverwood Tech Campus, LLC is redeveloping the former Kodak Marketing Education Center in the Town of Henrietta. The project originally received Board approval in October 2015 for a custom real property tax abatement as well as sales and mortgage recording tax exemptions. The project has been approved for multiple sales exemption extensions as well as an increase in project costs in November 2019. The applicant is now seeking an extension of the sales tax exemption through December 31, 2025, as the project is still under construction. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**PROJECT AMOUNT**

|                                 |
|---------------------------------|
| <u>ORIGINAL</u><br>\$19,400,000 |
|---------------------------------|

**Motion By:** \_\_\_\_\_  
**Seconded By:** \_\_\_\_\_

**RESOLUTION**  
(Riverwood Tech Campus, LLC Project)  
OSC Code 2602-15-070H

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 January 21, 2025 at 12:00 p.m.

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

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES TAX EXEMPTION BENEFIT GRANTED TO RIVERWOOD TECH CAMPUS, LLC (THE "COMPANY") THROUGH DECEMBER 31, 2025; AND THE EXECUTION OF RELATED DOCUMENTS.

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

WHEREAS, by Resolution duly adopted on October 20, 2015, the Agency appointed **Riverwood Tech Campus, 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 by lease of an interest in an approximately 93.7-acre parcel of land located at 4545 East River Road in the Town of Henrietta, New York [Tax Map No. 174.03-2-1.12] (the "Land") together with the long vacant, approximately 365,000 square-foot former Kodak Marketing Education Center located thereon (the "Existing Improvements"); (B) the renovation and revitalization of the Existing Improvements into high tech office space, assembly and light industrial multi-tenant space (the "Improvements"), and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land, the Existing Improvements and the Improvements, the "Facility"), to be subleased to various tenants; and

WHEREAS, the Agency initially 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 January 31, 2016;

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated January 31, 2016, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through April 30, 2016; and

WHEREAS, the Company then requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through April 30, 2017; and

WHEREAS, the Company then requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through April 30, 2018; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated April 27, 2018, then requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through April 30, 2019; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated November 11, 2019, then requested the Agency approve an increase in Project costs; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated May 28, 2020, then requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through June 30, 2021; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated May 26, 2021, then requested the Agency grant an extension to the Sales and Use Tax Benefits through June 30, 2022; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated June 14, 2022, then requested the Agency grant an extension to the Sales and Use Tax Benefits through June 30, 2023; and

WHEREAS, the Company, pursuant to a Project Modification Request, dated June 29, 2023, requested the Agency grant a further extension to the Sales and Use Tax Benefits through December 31, 2024; and

WHEREAS, the Company has, pursuant to a Project Modification Request, dated December 10, 2024, requested the Agency grant a further extension to the Sales and Use Tax Benefits through December 31, 2025; 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, 2025**. The Agency agrees to consider any requests by the Company for another extension or an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

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

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

Section 4. This resolution shall take effect immediately.

*[Remainder of Page Intentionally Left Blank]*

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

|                       | <u><i>Yea</i></u> | <u><i>Nay</i></u> | <u><i>Absent</i></u> | <u><i>Abstain</i></u> |
|-----------------------|-------------------|-------------------|----------------------|-----------------------|
|                       |                   |                   |                      |                       |
| Lisa Bolzner          |                   |                   |                      |                       |
| Rhett King            |                   |                   |                      |                       |
| Norman Jones          |                   |                   |                      |                       |
| Truman Tolefree       |                   |                   |                      |                       |
| Raymond A. Ryerse Jr. |                   |                   |                      |                       |
| 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 January 21, 2025, 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.

N WITNESS WHEREOF, I have hereunto set my hand on this 21<sup>st</sup> day of January, 2025.

---

Ana J. Liss, Executive Director



## PROJECT MODIFICATION REQUEST

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

|                  |                                               |                                     |
|------------------|-----------------------------------------------|-------------------------------------|
| Applicant:       | Riverwood Tech Campus, LLC                    |                                     |
| Project Address: | 4545 East River Road West Henrietta, NY 14586 |                                     |
| Contact Name:    | Frederick Rainaldi                            |                                     |
| Contact Company: | Riverwood Tech Campus, LLC                    |                                     |
| Contact Address: | 205 St. Paul Street Suite 200                 |                                     |
| Contact Email:   | Fredr@rainaldibros.com                        | Contact Phone: 585-232-4408 ext 208 |

|                                     |            |           |                 |
|-------------------------------------|------------|-----------|-----------------|
| <b>Employment in Monroe County:</b> | <u>595</u> | <u>0</u>  | <u>12/31/23</u> |
|                                     | Full Time  | Part Time | As of Date      |

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

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

**Assistance Requested:** Check all that apply.

Property Tax Abatement       Mortgage Tax Exemption       Sales Tax Exemption

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

---

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

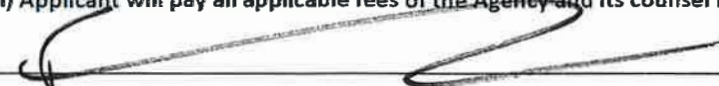
|                         |                           |                                    |
|-------------------------|---------------------------|------------------------------------|
| <u>12/31/2024</u>       | <u>12/31/2025</u>         | \$ <u>1,222,095.55</u>             |
| Current Expiration Date | Requested Expiration Date | Amount of Exemptions Taken to Date |

**Reason for Extension:**  
 Project still under 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: 11/21/2024  
 Print Name and Title: Fred R. Rainaldi (Member)

Staff Use Only:      12/10/24      10/20/15      15 070 H <sup>2/20</sup>  
 Date Received \_\_\_\_\_ Date of Original Approval: \_\_\_\_\_ New Code 2602 \_\_\_\_\_



## MODIFICATION SUMMARY

**DATE:** January 21, 2025

**APPLICANT:**

|                                                                     |
|---------------------------------------------------------------------|
| PFISTERER North America, Inc.<br>130 Gilbert St.<br>Leroy, NY 14482 |
|---------------------------------------------------------------------|

**PROJECT LOCATION:**

|                                                   |
|---------------------------------------------------|
| 2292 Innovation Way Bldg 8<br>Rochester, NY 14624 |
|---------------------------------------------------|

**MODIFICATION REQUEST:**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PFISTERER North America, Inc. is a manufacturer of medium and high voltage connectors and jumper cables for wind generation equipment. PFISTERER is currently renovating 50,000 sq. ft. of a building in the Rochester Tech Park in the Town of Gates. The project was approved by the board in September 2023 for sales tax exemption only. Due to material delays, the project is requesting an extension of the sales tax exemption through December 31, 2025. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**PROJECT AMOUNT**

|                                |
|--------------------------------|
| <u>ORIGINAL</u><br>\$4,187,032 |
|--------------------------------|



**Motion By:** \_\_\_\_\_  
**Seconded By:** \_\_\_\_\_

**RESOLUTION**  
(Pfisterer North America, Inc. Project Modification)  
OSC Code 2602-23-023B

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 January 21, 2025, at 12:00 p.m.

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

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) GRANTED TO PFISTERER NORTH AMERICA, INC. THROUGH DECEMBER 31, 2025; AND (ii) THE EXECUTION OF RELATED DOCUMENTS.

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

WHEREAS, by Resolution duly adopted on September 26, 2023, the Agency appointed **PFISTERER NORTH AMERICA, INC.**, a corporation for itself or a related entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of: (A) the renovation and modernization of an approximately 50,000± square-foot portion of an existing approximately 92,600± square-foot building known as Building 8 in the Rochester Tech Park, 2992 Innovation Way in the Town of Gates, New York 14624, including, but not limited to, the renovation of factory space to prepare for the installation of state-of-the-art milling equipment and the latest high-voltage testing equipment; the renovation of office space; and the creation of a new state-of-the-art training center (collectively, 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 to expand its North American manufacturing of medium- and high-voltage connectors and high-voltage jumper cables for growing the offshore wind generation market along the eastern seaboard of the United States; 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 in an amount up to \$3,805,892, which would result in New York State and local sales and use tax exemption benefits not to exceed \$304,471 through December 31, 2024; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated January 7, 2025, has requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2025; and

WHEREAS, the Agency desires to adopt a resolution authorizing 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, 2025**. The Agency agrees to consider any requests by the Company for another extension or an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

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

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> |
|-----------------------|-------------------|-------------------|----------------------|-----------------------|
| Lisa Bolzner          |                   |                   |                      |                       |
| Rhett King            |                   |                   |                      |                       |
| Norman Jones          |                   |                   |                      |                       |
| Truman Tolefree       |                   |                   |                      |                       |
| Raymond A. Ryerse Jr. |                   |                   |                      |                       |
| 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 January 21, 2025, 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 21<sup>st</sup> day of January, 2025.

---

Ana J. Liss, Executive Director

# PROJECT MODIFICATION REQUEST

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

|                  |                                           |                             |
|------------------|-------------------------------------------|-----------------------------|
| Applicant:       | PFISTERER North America, Inc.             |                             |
| Project Address: | 2292 Innovation Way / Rochester, NY 14624 |                             |
| Contact Name:    | Michael Graham                            |                             |
| Contact Company: | PFISTERER North America, Inc.             |                             |
| Contact Address: | 2292 Innovation Way / Rochester, NY 14624 |                             |
| Contact Email:   | michael.graham@pfisterer.com              | Contact Phone: 585-643-9695 |

|                                     |           |           |                   |
|-------------------------------------|-----------|-----------|-------------------|
| <b>Employment in Monroe County:</b> | <u>44</u> | <u>1</u>  | <u>12/31/2024</u> |
|                                     | Full Time | Part Time | As of Date        |

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

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

**Assistance Requested:** Check all that apply.

Property Tax Abatement       Mortgage Tax Exemption       Sales Tax Exemption

**Project Cost Information:** \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ 0

Original Project Cost      Increase in Project Costs      New Project Costs

---

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


|                         |                           |                                    |
|-------------------------|---------------------------|------------------------------------|
| <u>12/31/2024</u>       | <u>12/31/2025</u>         | \$ <u>184,709</u>                  |
| Current Expiration Date | Requested Expiration Date | Amount of Exemptions Taken to Date |

**Reason for Extension:**  
 Project extension due to delays of materials needed to complete setup of facility and 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: Graham, Michael  Digitally signed by: Graham, Michael  
DN: CN = Graham, Michael email = michael.graham@pfisterer.com OU = Pfisterer-Group, Users, Internal Users, US-  
Pfisterer  
Date: 2025.01.08 07:47:09 -0500 Date: 01/07/2022

Print Name and Title: Michael Graham Vice President of Finance

Staff Use Only: 2/20

Date Received \_\_\_\_\_ Date of Original Approval: \_\_\_\_\_ New Code 2602 \_\_\_\_\_



## MODIFICATION SUMMARY

**DATE:** January 21, 2025

**APPLICANT:**

|                                                           |
|-----------------------------------------------------------|
| GS Optics, LLC<br>408 St. Paul St.<br>Rochester, NY 14605 |
|-----------------------------------------------------------|

**PROJECT LOCATION:**

|                                                              |
|--------------------------------------------------------------|
| 19-23 Emmett Street, 408 St. Paul St.<br>Rochester, NY 14605 |
|--------------------------------------------------------------|

**MODIFICATION REQUEST:**

|                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GS Optics, LLC, a tenant of Germanow-Simon Corp, received board approval in November 2023 for a sales tax exemption for the renovation of a 44,000 sq. ft. building in the City of Rochester. The applicant was approved for an increase in sales tax exemption in August of 2024 and is now seeking an extension of the sales tax exemption through December, 31 2025 as the project was delayed. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**PROJECT AMOUNT**

|                              |
|------------------------------|
| <u>ORIGINAL</u><br>\$675,000 |
|------------------------------|

**Motion By:** \_\_\_\_\_  
**Seconded By:** \_\_\_\_\_

**RESOLUTION**  
(GS Optics LLC Project Modification)  
OSC Code 2602-23-030C

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 January 21, 2025, at 12:00 p.m.

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

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) GRANTED TO GS OPTICS LLC (THE "COMPANY") THROUGH DECEMBER 31, 2025; AND (ii) THE EXECUTION OF RELATED DOCUMENTS.

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

WHEREAS, by Resolution duly adopted on November 21, 2023, the Agency appointed **GS OPTICS LLC**, a Delaware limited liability company, for itself, or a related entity formed or to be formed (collectively, the "Company") the true and lawful agent of the Agency to undertake a certain Project (the "Project"), consisting of: (A) the renovation of an aggregate approximately 44,000± square feet of space at two (2) buildings located at 408 St. Paul Street and 19-23 Emmett Street, all in the City of Rochester, New York 14605 consisting of, but not limited to, buildouts, replacement of fire escapes and elevator repair (collectively, 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"); for use by the Company in the business of providing photonics engineering and manufacturing solutions for industry, telecoms, aerospace, defense, space and life sciences; 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 in an amount up to \$475,000, which would result in New York State and local sales and use tax exemption benefits not to exceed \$38,000 through December 31, 2024; and

WHEREAS, the Company subsequently submitted a Project Modification Request, dated July 29, 2024, notifying the Agency of additions to the original scope of the project including

additional buildout and furnishings and requesting an increase in sales tax exemption benefits; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated January 6, 2025, has requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2025; and

WHEREAS, the Agency desires to adopt a resolution authorizing 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, 2025**. The Agency agrees to consider any requests by the Company for another extension or an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

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

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> |
|-----------------------|-------------------|-------------------|----------------------|-----------------------|
| Lisa Bolzner          |                   |                   |                      |                       |
| Rhett King            |                   |                   |                      |                       |
| Norman Jones          |                   |                   |                      |                       |
| Truman Tolefree       |                   |                   |                      |                       |
| Raymond A. Ryerse Jr. |                   |                   |                      |                       |
| 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 January 21, 2025, 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 21<sup>st</sup> day of January, 2025.

---

Ana J. Liss, Executive Director

# PROJECT MODIFICATION REQUEST

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

|                  |                                                 |                                  |
|------------------|-------------------------------------------------|----------------------------------|
| Applicant:       | <u>GS Optics, LLC</u>                           |                                  |
| Project Address: | <u>408 St. Paul Street, Rochester, NY 14605</u> |                                  |
| Contact Name:    | <u>Ben Vespone</u>                              |                                  |
| Contact Company: | <u>GS Optics, LLC</u>                           |                                  |
| Contact Address: | <u>408 St. Paul Street, Rochester, NY 14605</u> |                                  |
| Contact Email:   | <u>bvespone@gandh.com</u>                       | Contact Phone: <u>5855044850</u> |

|                                     |           |                 |
|-------------------------------------|-----------|-----------------|
| <b>Employment in Monroe County:</b> | <u>42</u> | <u>1/6/2025</u> |
|                                     | Full Time | As of Date      |
|                                     | Part Time |                 |

**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.)

|                         |                           |                                    |
|-------------------------|---------------------------|------------------------------------|
| <u>12/31/2024</u>       | <u>12/31/2025</u>         | \$ <u>14,000</u>                   |
| Current Expiration Date | Requested Expiration Date | Amount of Exemptions Taken to Date |

**Reason for Extension:**  
Project 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: Anette Cucchiara      Digitally signed by Anette Cucchiara      Date: 01/06/2025  
Date: 2025.01.06 10:22:20 -05'00'

Print Name and Title: Annette Cucchiara, Director of Finance

|                                           |                                                        |
|-------------------------------------------|--------------------------------------------------------|
| Staff Use Only:                           | 2/20                                                   |
| Date Received <u>                    </u> | Date of Original Approval: <u>                    </u> |
|                                           | New Code 2602 <u>                    </u>              |



COUNTY OF MONROE  
**COMIDA**  
 INDUSTRIAL DEVELOPMENT AGENCY

**Dashboard**

As of December 31, 2024

**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  |
| 22                   | 29             | 13                               | 11             | 12           | 12             | \$340,047,153            | \$1,138,208,960 |

**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 |
| 22                       | 26             | 1245                                   | 321            | 704                             | 490            | 168                | 118            |

**Fees for Approved Projects (includes all app and agency fees)**

| Total             |                  | Paid to Date      |                  | Outstanding       |                  |
|-------------------|------------------|-------------------|------------------|-------------------|------------------|
| 2024 Projects YTD | 2023 Projects YE | 2024 Projects YTD | 2023 Projects YE | 2024 Projects YTD | 2023 Projects YE |
| \$2,260,486       | \$10,091,277     | \$665,993         | \$9,380,793      | \$1,594,493       | \$710,484        |

**Workforce Development Fund**  
 Beginning Balance \$2,500,000

| Allocated Fee income |             | Committed Funds |             | Fund Balance |           |
|----------------------|-------------|-----------------|-------------|--------------|-----------|
| 2024 YE              | 2023 YE     | 2024            | 2023 YE     | 2024 YTD     | 2023 YE   |
| \$1,774,162          | \$2,656,917 | \$2,479,000     | \$2,970,000 | \$82,079     | \$786,917 |

**Solar WD Fund**

| Fees Approved to Date | Fees Collected to Date | Allocated to Date | Balance  |
|-----------------------|------------------------|-------------------|----------|
| \$75,000              | \$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