



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

BOARD MEETING AGENDA

March 25, 2025

12:00 p.m. CityPlace Building

- A. Call Meeting to Order
- B. Pledge of Allegiance
- C. Approval of Minutes – February 18, 2025
- D. Public Comments
- E. Local Labor Monitoring Report – February – Kevin Loewke
- F. Local Labor Exemptions Report – February – Kevin Loewke
- G. Financial Report – February – Gregg Genovese
- H. Applications for Consideration
 - 1. The Raymond Corporation
 - 2. BDC Rochester LLC
 - 3. Buckingham Properties LLC/Popli Design Group
 - 4. Penn Central Apartments I, LLC
 - 5. Cascade District LLC – Presentation Only
- I. Project Modifications
 - 1. Whitney Baird Associates LLC – Increase and Extension
 - 2. Button Lofts LLC/Lux Lofts LLC– Assumption
- J. Executive Session under Section 105(f) of the Public Officers Law for the purpose of discussing financial information for a particular corporation.
- K. Executive Director – Discussion Items
- L. Chair Burr – Discussion Items
- M. Annual Organizational Matters – see separate agenda
- N. Adjourn Meeting

Next meeting: Tuesday, April 15, 2025

Annual Organizational Matters –

1. Audit Committee Report
2. Approval of 2024 Financial Audit
3. Finance Committee Report
 - Employee Handbook – Additional Benefit
 - Fee Schedule – Re-Adopt
4. Governance Committee Report
5. Adopt/Re-adopt policies
 - Annual Compliance Review Process and Procedure
 - Code of Ethics Policy
 - Compensation, Reimbursement & Attendance Policy
 - Conflict of Interest Policy
 - Defense and Indemnification Policy
 - Disposition of Property Policy
 - Duties & Responsibilities of Board Members
 - Extension of Credit Policy
 - Fee Schedule
 - FOIL (Freedom of Information Law) Policy
 - Internal Controls & Financial Accountability Policy
 - Investment & Deposit Policy
 - Local Labor Area
 - Local Labor Policy
 - Whistleblower Policy
 - Public Participation Policy
 - Purchasing Policy
 - Real Property Acquisition Policy
 - Recapture, Suspension or Discontinuance of Financial Assistance Policy
 - Record Retention Policy
 - Renewable Energy Policy
 - Return and Distribution of Recaptured Benefits Policy
 - Sexual Harassment Prevention Policy
 - Transparency & Accountability Policy
 - Travel and Business Expense Policy
 - Uniform Project Evaluation Policy
 - Uniform Tax Exemption Policy
 - Video Conference Policy
 - Whistleblower Policy
 - Housing Policy
6. Re-Adopt Bylaws
7. Re-Adopt Committee Charters
8. Approve Mission Statement and Performance Measure Report
9. Board Evaluation Summary
10. PARIS Report Update
11. 2024 Annual Report



COUNTY OF MONROE
COMIDA

INDUSTRIAL DEVELOPMENT AGENCY

DRAFT
BOARD MEETING MINUTES
February 18, 2025

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

Board Present: A. Burr, L. Bolzner, R. King, T. Tolefree, N. Jones (arrived at 12:05 PM), R. Ryerse

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

Chair Burr called the meeting to order at 12:00 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 January 21, 2025 meeting were approved.

K. Loewke presented the local labor monitoring report for January 2025.

K. Loewke presented the local labor exemption report for January 2025.

Executive Director Liss presented the financial report on behalf of G. Genovese for January 2025.

Executive Director Liss presented the following projects for consideration:

TopShelf Enterprises LLC

TopShelf Enterprises LLC, DBA WeTheHobby, a media and entertainment company catering to trading card hobbyists, is proposing the renovation of a building located in the Town of Henrietta due to significant growth and the need to consolidate and expand operations. This project is competitive with Texas and Florida. TopShelf LLC plans to expand its live streaming and e-commerce capabilities by adding modular streaming studios, a loading dock, racking equipment, and related furniture, fixtures, and equipment. Continued improvements are expected to occur in future phases. This phased project is projected to create 226 new FTEs over the next three years. The applicant is seeking approval of sales tax and mortgage recording tax exemptions only. The benefit to incentive ratio is 3046:1.

The applicant was represented by Noah Morgenstern. 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 TOP SHELF ENTERPRISES, 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) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (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 RENOVATION AND EQUIPPING OF THE PROJECT, AND (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING RELATED TO THE PROJECT; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND

DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by N. Jones, second by R. King, for inducement and final resolution approving a sales tax exemption and mortgage recording 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	R. Ryerse	Yea

Penn Central Apartments I, LLC – Housing Project – First Meeting/No Action

The proposed Penn Central Senior Apartment complex will consist of 310 units situated on approximately 20 acres of land located at 354 Island Cottage Road in the Town of Greece. This new development will consist of two buildings, four stories with surface parking, and a mix of one- and two-bedroom apartments. The total projected project cost will be approximately \$70M to \$75M. The owner intends to construct and fund this project in 2 phases. Phase 1 will consist of 163 one-bedroom/one bath, 745 SF units at a projected full market rental rate in CY 2026 of \$1,700/month (including utilities) and 17 two bedroom/2 bath, 970 SF units at a rental rate of \$2,049/month (including utilities) for senior households and healthcare workers. Phase 2 will be a mix of 130 one-bedroom and two-bedroom units and will be regulated affordable housing units for those earning at or below 50% and 60% of area median income (AMI). The applicant is seeking approval of a real property tax abatement, sales tax exemption and mortgage recording tax exemption for phase 1 only and is requesting a waiver of the affordable set-aside pending construction of phase 2 which will be 100% affordable. No board action was taken.

The applicant was represented by Mark Bohn. The following is a transcript of the discussion.

Truman Tolefree: So, for the financing, you say it's a 3-year process. Are you intending to use 9% tax credits or 4% tax credits?

Mark Bohn: We're working through that. Our partner on that affordable piece is Providence Housing, which has 33 or 34 in the greater area of these projects. As this is a larger than most projects, the last project this size was built in the town of Greece. It was built at the corner of Long Pond but it was over 10 years ago. Most of the projects in the affordable market are smaller especially in Upstate New York. If this was down state or in the city it'd get approved in no time but we don't get the same benefits up here.

Ann Burr: Are there any commercial facilities around this plot?

Mark: Commercial facilities?

Ann: Yes – shopping, restaurants or are they just....

Mark: Wegmans is not too far from there. Walmart is not too far from there. It is on the RTS On Demand and the other affordable projects that are on that same campus use those services now. So, if the people do not have their own transportation, we are... as part of the project... we will be putting sidewalks that connect the project all the way up to Latta Road, up through Island Cottage and you know connecting by the school and past it.

Ann: On page 36, they're the owners that... I guess you're one of the owners right?

Mark: I am. I am one of them, yes. The other owner is Ken Vasile, of Vasile construction, and the third owner is George Klemann. George was the CFO of ABVI Goodwill until he retired several years ago.

Norman Jones: You mentioned a market study. Who commissioned that?

Mark: We commissioned it. Newmarket Valuation did it.

Ann: It's a very impressive study.

Mark: It was one of the first things we did before we put the property under contract.

Truman: I guess I do have one question for you with respect to the affordability and the phasing of the projects. Have you given some thought to – given that Phase 1 is 100% market rate and Phase 2 is 100%

affordable – the integration and the circulation of those two-development side by side, do you have any concerns about the marketability of one Project's side by side 100% market rate and one project being 100% affordable? How do you think about that?

Mark: Because we're building these off the spec... first of all the HDR specs are higher than the market rate because of the demand by the state. The buildings will look the same in architecture and the same look to it, they'll have the same feel. They all are four stories at the highest point, three stories at the lowest points. Both buildings will have a fourth floor Community Center with an outdoor patio going out on the roof deck, being able to overlook the ponds and up to Lake Ontario. We feel very confident that we will not have a problem. It's going to be a really nice project and we're pretty proud to be behind it.

Executive Director Liss presented the following modifications for consideration:

55 GB LLC – Extension & Increase

55 GB LLC, a real estate holding company, purchased and is renovating the former Gannett Publishing headquarters building located in the City of Rochester. This vacant building is being converted to a mixed-use facility. Renovations include 87 market-rate apartments, climate controlled self-storage and retail space. The project was originally approved in December 2020 approved for sales tax exemption and mortgage recording tax exemption and an extension of the sales tax exemption in December of 2022. The applicant is now seeking another extension of the sales tax exemption through 2026 and an increase in project costs of \$2,299,038 as commercial units on the property still need to undergo renovation. The sales tax exemption is now not to exceed \$911,565.

The applicant was represented by Fred Lehmann, President, Taylor, The Builders.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) ADDITIONAL FINANCIAL ASSISTANCE TO 55 GB LLC (THE "COMPANY") IN AMOUNTS EXCEEDING THE AMOUNTS PREVIOUSLY APPROVED BY THE AGENCY; (ii) AN EXTENSION OF THE SALES TAX EXEMPTION BENEFITS THROUGH DECEMBER 31, 2026; AND (iii) THE EXECUTION OF RELATED DOCUMENTS.

On motion by R. King, second by L. Bolzner, all aye, motion carried to approve an increase in project costs of \$2,299,038 for an increase in the sales tax exemption to an amount not to exceed \$911,565 and an extension through December 31, 2026.

Innovation Partners ROC LLC – Extension

Innovation Partners ROC LLC is renovating the old Xerox Square property in the City of Rochester, to create a collaborative academically focused campus. Phase 1 of the project was approved for sales and mortgage recording tax exemptions in September 2020. Phase 2 of the project was approved for sales and mortgage recording tax exemptions in November 2021. The applicant was approved for an increase in the mortgage recording tax exemption in 2022 and an extension in January of 2023. The applicant is now requesting another extension of the sales tax exemption through December 31, 2025 to complete phase 2 of the mixed-use project.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES TAX EXEMPTION BENEFIT GRANTED TO INNOVATION PARTNERS ROC LLC (THE "COMPANY") THROUGH DECEMBER 31, 2025; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by N. Jones, second by L. Bolzner, all aye, motion carried to approve an extension of the sales tax exemption through December 31, 2025.

Executive Director Liss introduced Rebecca Horowitz, Assistant Director and Anthony Dinatale, CDL Coordinator of Monroe 2-Orleans BOCES CDL Class B Licensing Course. Ms. Horowitz provided an update on the CDL License Program and talked about program plans for 2025. The COMIDA board approved \$219,045 over 2 years. 2025 is the second year of the program, which is subject to annual board approval. On motion by T. Tolefree, second by R. Ryerse, all aye, motion carried to approve the second year of the contract to support the Monroe 2 -Orleans BOCES CDL-B program expansion.

Ms. Horowitz also discussed a new request to support the National Career Readiness Certificate Jump Starts kits. The goal is to equip 10 Monroe County schools with a kit for the pilot program to assist 10 high school students per school. On motion by R. King, second by L. Bolzner, abstention by N. Jones, motion carried to approve \$26,456 to support the Monroe 2-Orleans BOCES Funding Request of 10 Jump Start Kits during calendar year 2025.

Executive Director Liss reviewed the current dashboard.

On motion by N. Jones, second by R. King, all aye, motion carried to add Ray Ryerse to the Compliance and Audit Committee, and Truman Tolefree to the Governance Committee.

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 1:12 p.m.



February 2025 Monthly C.O.M.I.D.A. Report

March 3rd, 2025

1. This report covers our site visits between February 1st, 2025 and February 28th, 2025.
2. During this period Loewke Brill made 64 monthly site visits.
3. During this period Loewke Brill made “4” Follow up visits.
4. Loewke Brill checked for residence with 1281 workers.
5. Of those workers, there were “15” non-compliant.
 - a. 14– No proof of residence
 - i. 2/3/25 – Home Leasing, LLC – 1 from Bell Mechanical no ID, compliant on follow up visit 2/4/25
 - ii. 2/4/25 – 49 East Avenue, LLC – 6 from US Ceilings no ID, all compliant on follow up visit 2/5/25
 - iii. 2/19/25 – Gallina Development Corp – 4 from US Ceilings no ID, all off job site on follow up visit 02/20/25
 - iv. 2/20/25 – Fairlife, LLC – 2 from O’Connell electric no ID, both compliant on follow up visit 2/21/25
 - v. 2/28/25 – Howitt-Bayview, LLC – 1 from Ontario Exteriors no ID. Worker off the project on follow up visit 3/3/25
 - b. 1 – Out of Area
 - i. 2/28/25 – BYK Gardner – 1 from Surface Design out of area. Worker off the project on follow up visit 3/3/25
 - c. 0 – Invalid ID
6. There were “0” new COMIDA sign(s) delivered

February 2025 COMIDA Verified Local Labor Exemption Report

Board Meeting – March 25th, 2025

The following Verified Local Labor Exemption Requests were processed in February 2025

- **Sibley ReDevelopment II L.P.** – Standard Insulation – No Local Labor Available: Standard Insulation, based out of Marcy, NY (Oneida County), will be performing the acoustical spray insulation work at the Sibley ReDevelopment II LP project on 260 E. Main Street in Rochester. The International Cellulose Corporation, based out of Houston Texas, has a product called K-13 thermal insulation, which is a spray applied thermal and acoustical insulation typically used as an exposed ceiling spray insulation, requiring no additional barriers or materials. The company needs certified installers to perform this installation and provided their list of Western NY approved installers. None of those contractors are located in the defined COMIDA local area or could supply local workers. The bidding on this project went out in July 2024, and Standard Insulation was given the contract to perform the work. We worked with the local trades and the local builders exchange to see if local companies were available. As of January 2025, Rochester Davis Fetch (a local company), just received certification to perform this work, however, the timeline of them receiving this certification and the bidding process of the project do not align. Going forward, it's good to know that we do have a local company that can perform this work.



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COMIDA
Statement of Financial Position

	Year To Date 02/28/2025	Year Ending 12/31/2024
	Actual	Actual
Assets		
Current Assets		
Cash and Cash Equivalents	1,344,950	5,197,148
Cash - Grant Funding	5,045,932	5,046,811
Accounts Receivable, Net	30,847	29,159
Short Term Investments	17,261,950	13,670,805
Prepaid Expenses	19,524	20,989
Other Current Assets	168,172	115,790
Total Current Assets	23,871,375	24,080,702
Long-term Assets		
Property & Equipment	632,954	633,184
Other Long-term Assets	195,009	195,009
Total Long-term Assets	827,963	828,193
Total Assets	24,699,338	24,908,895
Liabilities and Net Assets		
Liabilities		
Short-term Liabilities		
Accounts Payable	9,361	320,850
Accrued Liabilities	420,628	249,741
Grant Liabilities	5,045,933	5,045,095
Total Short-term Liabilities	5,475,922	5,615,686
Long Term Liabilities	294,797	294,797
Total Liabilities	5,770,719	5,910,483
Net Assets		
Net Assets	18,998,412	17,980,965
Change In Net Assets	(69,793)	1,017,447
Total Net Assets	18,928,619	18,998,412
Total Liabilities and Net Assets	24,699,338	24,908,895

Summary Statement of Activities - All Funds with Prior Year

	Year To Date 02/28/2025	Year To Date 02/28/2025	Prior Year To Date 02/29/2024
	Actual	Budget	Actual
Revenue			
Fee Income	31,652	92,134	104,639
Interest Income	149,041	80,000	115,326
Total Revenue	180,693	172,134	219,965
Payroll			
Program & Community Development	83,631	79,207	55,502
General & Administrative	142,963	625,439	272,940
APEX Activity, Net	40,993	58,763	80,321
Total Expenses	250,486	763,408	428,977
Change In Net Assets	(69,793)	(591,275)	(209,012)



APPLICATION SUMMARY

DATE: March 25, 2025

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

PROJECT ADDRESS: 10 Carriage St.
Honeoye Falls, NY 14472

PROJECT SUMMARY: The Raymond Corporation, a wholly owned subsidiary of Toyota Industries Corporation and part of Toyota Material Handling North America (TMHNA), proposes the renovation of a portion of 10 Carriage St. in the Village of Honeoye Falls. This facility will be upfit for the purposes of designing and testing fuel cells for lift trucks. The facility is strategically located near TMHNA’s centralized North American development center for energy solutions in Henrietta. The \$3.5 million dollar project is projected to create 20 new FTEs over the next three years. The application is seeking approval of the sales tax exemption only. This project is contingent on support from Empire State Development. The benefit to incentive ratio is 58:1.

PROJECT AMOUNT: \$3,525,000 – Sales Tax Exemption Only
EXEMPTIONS: \$282,000

JOBS: EXISTING: 0 | FTEs
NEW: 20 | FTEs

PUBLIC HEARING DATE: March 21, 2025

BENEFIT TO INCENTIVE RATIO: 58: 1

SEQR: TYPE II ACTION UNDER SEQR SECTION 617.5

ELIGIBILITY: MANUFACTURER

APPROVED PURPOSE: JOB CREATION

County of Monroe Industrial Development Agency

MRB Cost Benefit Calculator



Date: March 25, 2025
 Project Title: The Raymond Corporation
 Project Location: 10 Carriage St., Honeoye Falls, NY 14472

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

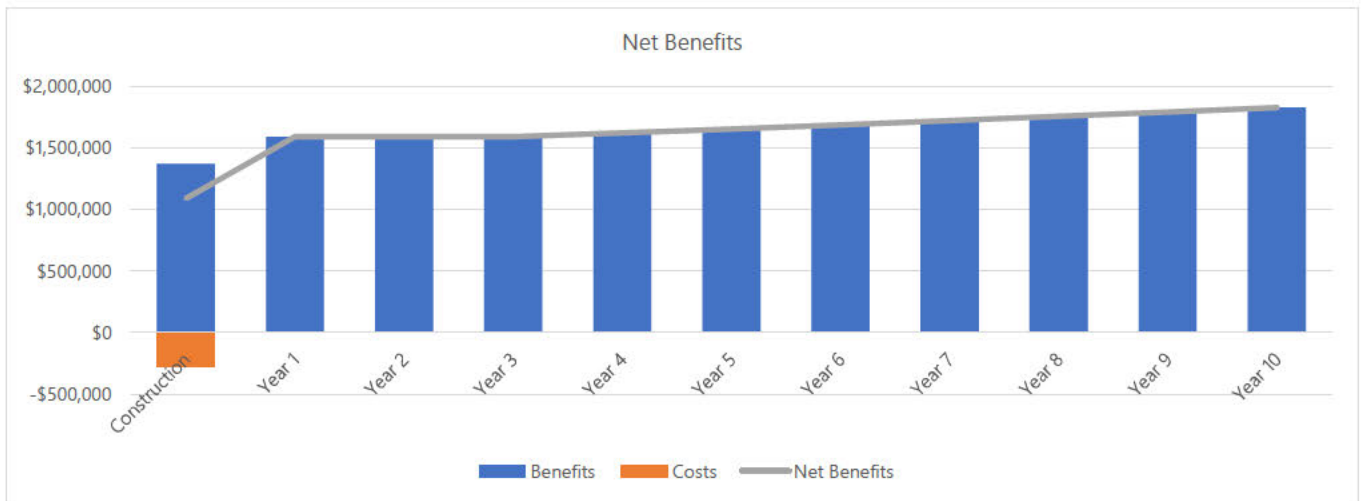
Project Total Investment

\$3,525,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	18	4	22
Earnings	\$1,086,765	\$206,204	\$1,292,969
Local Spend	\$2,820,000	\$701,951	\$3,521,951

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	20	0	20
Earnings	\$15,874,454	\$0	\$15,874,454

Figure 1



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

Figure 2

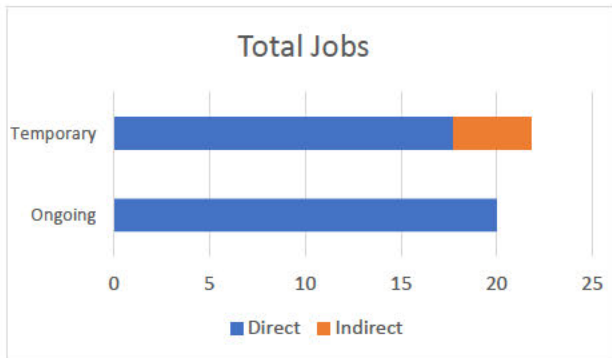
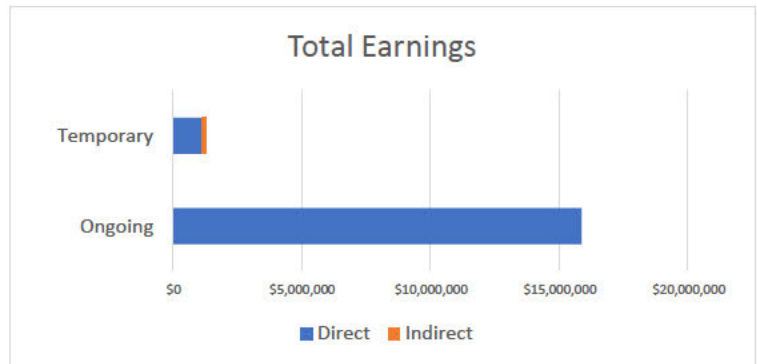


Figure 3



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	\$282,000	\$282,000
Local Sales Tax Exemption	\$141,000	\$141,000
State Sales Tax Exemption	\$141,000	\$141,000
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$282,000	\$282,000

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$17,287,595	\$15,621,771
To Private Individuals	\$17,167,423	\$15,513,179
Temporary Payroll	\$1,292,969	\$1,292,969
Ongoing Payroll	\$15,874,454	\$14,220,209
Other Payments to Private Individuals	\$0	\$0
To the Public	\$120,172	\$108,592
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$9,051	\$9,051
Ongoing Jobs - Sales Tax Revenue	\$111,121	\$99,541
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$892,706	\$806,685
To the Public	\$892,706	\$806,685
Temporary Income Tax Revenue	\$58,184	\$58,184
Ongoing Income Tax Revenue	\$714,350	\$639,909
Temporary Jobs - Sales Tax Revenue	\$9,051	\$9,051
Ongoing Jobs - Sales Tax Revenue	\$111,121	\$99,541
Total Benefits to State & Region	\$18,180,301	\$16,428,456

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$15,621,771	\$141,000	111:1
State	\$806,685	\$141,000	6:1
Grand Total	\$16,428,456	\$282,000	58:1

*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
(The Raymond Corporation Project)
OSC Code 2602-25-009A

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 March 25, 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 MARCH 21, 2025, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN BY THE RAYMOND CORPORATION, OR A RELATED ENTITY FORMED OR TO BE FORMED (THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, RENOVATION AND EQUIPPING OF THE PROJECT; AND (v) AUTHORIZING THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND 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, THE RAYMOND CORPORATION, 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: (A) the renovation and upfit of a portion of an existing building located at 10 Carriage Street in the Village of Honeoye Falls, New York 14472 (the "Improvements") for the purposes of designing and testing fuel cells for lift trucks; and (B) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Improvements, the "Facility"); and

WHEREAS, the 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, pursuant to Section 859-a of the Act, on Friday, March 21, 2025, at 11:00 a.m., local time, at the Honeoye Falls Village Hall, 5 East Street, Honeoye Falls, New York 14472, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as defined below) being contemplated by the Agency, whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, it is contemplated that the Agency will (i) negotiate a project agreement (the "Project Agreement"), pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project and (ii) provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions for purchases and rentals related to the 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, renovation and equipping of the Facility and hereby appoints the Company as the true and lawful agent of the Agency to acquire, renovate and equip the Facility, and such appointment includes the following activities as they relate to the completion, use, repair and maintenance of the Facility and the purchase, use, lease, placement, installation, repair, maintenance and replacement of the Equipment, whether or not any materials or supplies described below are incorporated into or become an integral part of the 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, renovation and equipping of the Facility, and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under the Facility, 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 **\$3,525,000**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$282,000**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

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

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

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

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

Section 8. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

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

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
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 March 25, 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 25th day of March, 2025.

Ana J. Liss, Executive Director

II. PROJECT

A. Address of proposed project facility

Address: 10 Carriage St

Tax Map Parcel Number: 228.11-1-87

City/Town/Village: Honeyoye Falls

School District: Honeyoye Falls Lima

Zip: 14472

Current Legal Owner of Property:

Han-tek

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: February 2025

Proposed Commencement Date of Construction: March 2025

Anticipated Completion Date: April 2025

G. Contractor(s)

Pike

II. PROJECT (cont'd)

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

NAICS Code: 335912 _____

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

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

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

Toyota Motor developed a fuel cell module for the Mirai vehicle; it is the intent of this program to transfer this technology for use in lift trucks to the North American market.

Lab testing in a highly specialized environment must occur commensurate with fuel cell system development; 10 Carriage St Honeyoye Falls historically served as a Fuel Cell test facility. It is the intent of the Raymond Corporation to upfit and utilize this space for this purpose once again. Given its proximity to our Energy Solutions Development Center in Henrietta, it is ideally located to do so.

The Raymond Corporation intends to lease and upfit 10 Carriage St. for purposes of designing and testing fuel cells for lift trucks.

II. PROJECT (cont'd)

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

Please explain why financial assistance is necessary.

Toyota Industries Corporation works collaboratively with Toyota Motor Corporation to develop and transfer technology around the world. Toyota Motor just announced a Hydrogen Headquarters (H2HQ) in Gardena, California. Given NY's, and particularly Rochester's desire to attract TMHNA to the Rochester area, TICO/Raymond is interested in pursuing a hydrogen lab in this area to complement existing investment. The costs associated with this lab are not justified by this project, therefore financial assistance is required.

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

Yes No

Location: Greene, Henrietta, Kirkwood & Syracuse, NY

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

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

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

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

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

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

Check One:

JOBSPLUS

Requirements:

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

LEASEPLUS

Requirements:

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

ENHANCED JOBSPLUS

Requirements:

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

GREEN JOBSPLUS

Requirements:

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

SHELTER RENT

For student housing or affordable housing projects.

Local Tax Jurisdiction Sponsored PILOT

NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT

IV. APPLICANT PROJECT COSTS

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

Building Construction or Renovation

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

Site Work

- c. Materials c. \$ _____
- d. Labor d. \$ _____
- e. Non-Manufacturing Equipment e. \$ 3,500,000
- f. Manufacturing Equipment f. \$ _____
- g. Equipment Furniture and Fixtures g. \$ 25,000
- h. Land and/or Building Purchase h. \$ _____
- i. Soft Costs (Legal, Architect, Engineering) i. \$ _____
- Other (specify) j. _____ j. \$ _____
- k. _____ k. \$ _____
- l. _____ l. \$ _____
- m. _____ m. \$ _____

Total Project Costs \$ 3,525,000
(must equal Total Sources)

B. Sources of Funds for Project Costs:

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

Identify each state and federal grant/credit

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

e. Equity \$ 3,525,000

TOTAL SOURCES \$ 3,525,000
(must equal Total Project Costs)

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

Yes No

If yes, please specify bank, underwriter, etc.

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

Use additional sheets as necessary

Company Name _____

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

Estimated Costs Eligible for Sales Tax Exemption Benefit

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

g. _____ g. \$ _____
 h. _____ h. \$ _____
 i. _____ i. \$ _____

Total Project Costs \$ _____

Value of Incentives
The Raymond Corporation

A. IDA PILOT Benefits:	
Current Assessment	
Value of New Construction & Renovation Costs	
Estimated New Assessed Value Subject to IDA	\$0
Current Taxes	\$0
Current Taxes Escalator	2%
PILOT Terms - Years	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:	\$282,000
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:	\$282,000
Project Construction Costs:	\$3,525,000
	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	90%	\$0	\$0	\$0	\$0	\$0	\$0
2	80%	\$0	\$0	\$0	\$0	\$0	\$0
3	70%	\$0	\$0	\$0	\$0	\$0	\$0
4	60%	\$0	\$0	\$0	\$0	\$0	\$0
5	50%	\$0	\$0	\$0	\$0	\$0	\$0
6	40%	\$0	\$0	\$0	\$0	\$0	\$0
7	30%	\$0	\$0	\$0	\$0	\$0	\$0
8	20%	\$0	\$0	\$0	\$0	\$0	\$0
9	10%	\$0	\$0	\$0	\$0	\$0	\$0
10	0%	\$0	\$0	\$0	\$0	\$0	\$0

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Raymond Corporation/Toyota Material Handling NA

Applicant: **or** **User/Tenant:**

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

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	0	0	20	15
Part Time (PTE)				
Total	0	0	20	15

** 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 Raymond/Toyota Material Handling NA

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

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

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

JL
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.**

JL
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.

JL
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.

JL
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.

JL

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.

JL

Exemption Process

Initial

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

- o 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.
- o 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);
- o 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).
- o No local labor available for the project (if local bids were solicited with no response, please provide a copy of the bid, explain how it was advertised, and list who the bids were requested from).

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

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

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

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

The Raymond Corporation

 (APPLICANT COMPANY)

Jennifer de Souza Digitally signed by Jennifer de Souza
Date: 2023.11.29 17:01:05 -05'00' VP, ESS 01/31/25

 Signature , Title Date

 (TENANT COMPANY)

 Signature , Title Date

IX. FEES

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

The Raymond Corporation
(APPLICANT COMPANY)

(TENANT COMPANY)

[Signature] VP, Energy Services
Signature, Title Date
2/10/25

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

Raymond Corporation

Jennifer de Souza Digitally signed by Jennifer de Souza Date: 2023.11.29 17:01:48 -0500 VP, ESS 01/31/25

Signature, Title Date

TENANT COMPANY

Signature, Title Date



APPLICATION SUMMARY

DATE: March 25, 2025

APPLICANT: BDC Rochester LLC
24 Fairwood Dr
Rochester, NY 14623

PROJECT ADDRESS: 24 Fairwood Dr
Rochester, NY 14623

PROJECT SUMMARY: BDC Rochester LLC, a student housing development in the Town of Henrietta, is proposing the renovation of the three buildings located across their property. The comprehensive renovation plan catering to RIT students will bring units in-line with modern standards, update FFE, and provide major systems upgrades including fire safety, HVAC, and energy systems. The \$3.5 million project is expected to create 2 FTEs over the next three years. BDC Rochester LLC is seeking the approval of the sales tax exemption only. The Benefit/Incentive ratio is 12:1

PROJECT AMOUNT: \$3,580,353- Sales Tax Exemption Only
EXEMPTIONS: \$188,169

JOBS: EXISTING: 4.5 | FTEs
NEW: 2 | FTEs

PUBLIC HEARING DATE: March 21, 2025

BENEFIT TO INCENTIVE RATIO: 12:1

SEQR: TYPE II ACTION UNDER SEQR SECTION 617.5

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

APPROVED PURPOSE: JOB CREATION

County of Monroe Industrial Development Agency

MRB Cost Benefit Calculator



Date: March 25, 2025
 Project Title: BDC Rochester LLC
 Project Location: 24 Fairwood Drive

Economic Impacts

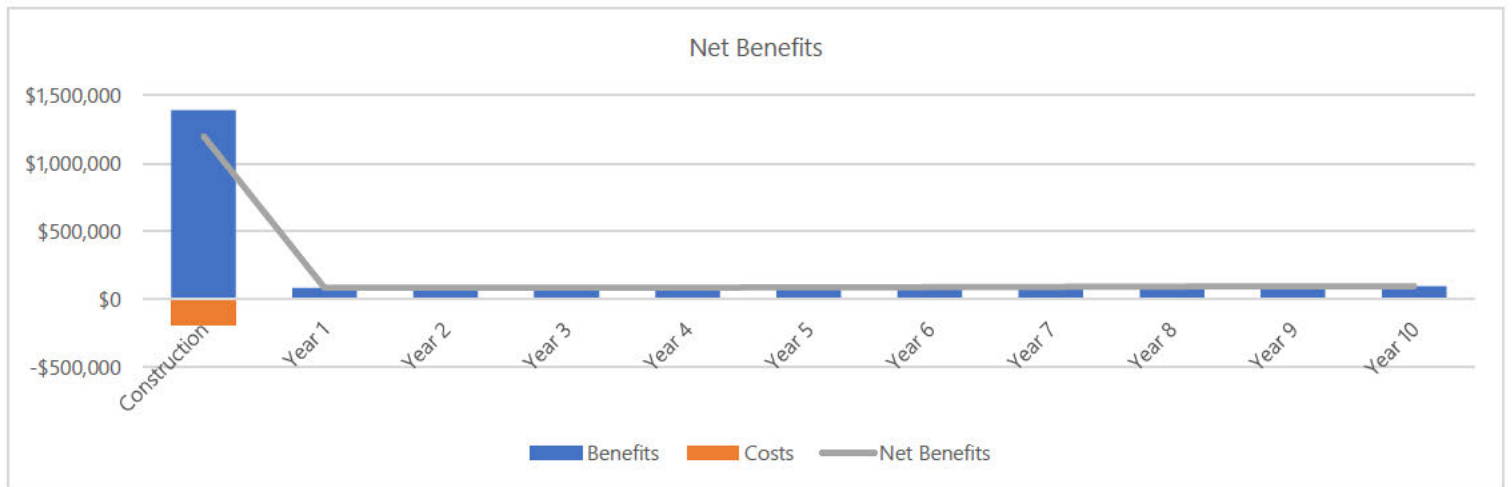
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$3,580,353

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	18	4	22
Earnings	\$1,103,830	\$209,442	\$1,313,273
Local Spend	\$2,864,282	\$712,974	\$3,577,256

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	2	0	2
Earnings	\$846,638	\$0	\$846,638

Figure 1



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

Figure 2

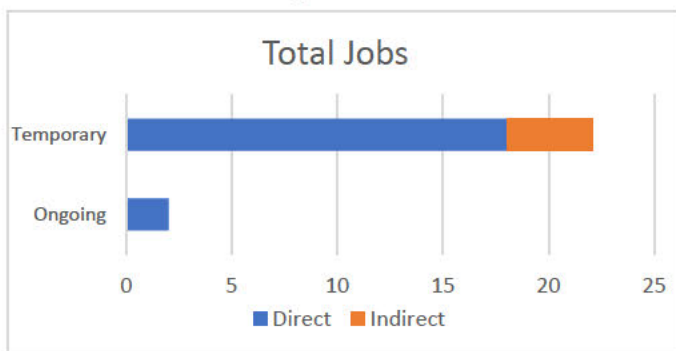
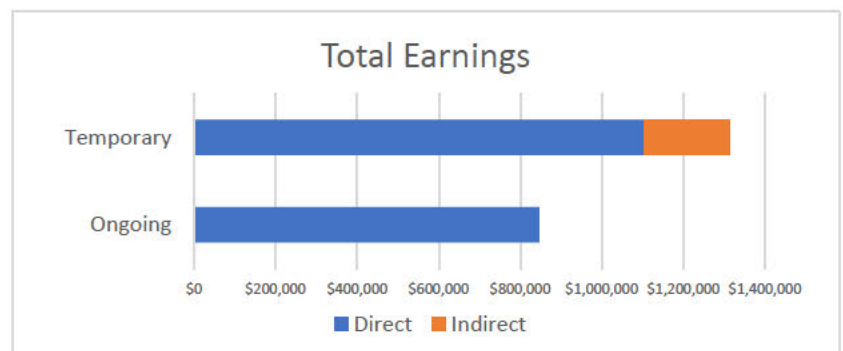


Figure 3



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	\$188,169	\$188,169
Local Sales Tax Exemption	\$94,085	\$94,085
State Sales Tax Exemption	\$94,085	\$94,085
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$188,169	\$188,169

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$2,175,030	\$2,086,186
To Private Individuals	\$2,159,910	\$2,071,684
Temporary Payroll	\$1,313,273	\$1,313,273
Ongoing Payroll	\$846,638	\$758,411
Other Payments to Private Individuals	\$0	\$0
To the Public	\$15,119	\$14,502
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$9,193	\$9,193
Ongoing Jobs - Sales Tax Revenue	\$5,926	\$5,309
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$112,315	\$107,728
To the Public	\$112,315	\$107,728
Temporary Income Tax Revenue	\$59,097	\$59,097
Ongoing Income Tax Revenue	\$38,099	\$34,129
Temporary Jobs - Sales Tax Revenue	\$9,193	\$9,193
Ongoing Jobs - Sales Tax Revenue	\$5,926	\$5,309
Total Benefits to State & Region	\$2,287,345	\$2,193,913

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$2,086,186	\$94,085	22:1
State	\$107,728	\$94,085	1:1
Grand Total	\$2,193,913	\$188,169	12:1

*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
(BDC Rochester LLC Project)
OSC Code 2602-25-006A

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 March 25, 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 MARCH 21, 2025, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN BY BDC ROCHESTER 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 SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE PROJECT; AND (v) AUTHORIZING THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND 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, **BDC ROCHESTER LLC**, a Delaware 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 renovation and modernization of existing buildings located on an approximately 12.42-acre parcel of land with an address of 24 Fairwood Drive (f/k/a 4000 East River Road) in the Town of Henrietta, New York 14623 and all other lands in the Town of Henrietta where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land") together with the existing improvements thereon (the "Existing Improvements"); the renovations include, but not limited to, new bathrooms, renovation of the clubhouse, upgrades to the leasing office, refurbishment of units and balconies and modernization of elevators (collectively, the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property including, but not limited to, new boilers, modernization of fire alarm systems, improvements to HVAC systems, in-

unit dishwashers, washer/dryer combinations, new gym equipment for the community fitness center, new furniture, fixtures, windows and exterior doors (collectively, the "Equipment" and, together with the Land, the Existing Improvements and the Improvements, the "Facility"), all for continued use as a student housing facility serving the Rochester Institute of Technology's students; 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, pursuant to Section 859-a of the Act, on Friday, March 21, 2025, at 1:00 p.m., local time, in the Main Meeting Room at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York 14623, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as defined below) being contemplated by the Agency, whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, it is contemplated that the Agency will (i) negotiate a project agreement (the "Project Agreement"), pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project and (ii) provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions for purchases and rentals related to the Project; 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, renovation and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency to acquire, renovate and equip the Facility, and such appointment includes the following activities as they relate to the construction, erection, completion, use, repair and maintenance of the Improvements and the purchase, use, lease, placement, installation, repair, maintenance and replacement of the Equipment, whether or not any materials or supplies described below are incorporated into or become an integral part of the Improvements or the Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with acquiring, renovating, equipping, repairing and maintaining the Facility, (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description in connection with acquiring, renovating, equipping, repairing and maintaining the Facility, and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under the Improvements, Land or the Equipment, including all repairs, maintenance and replacement of all such property. Said agents are authorized to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agents for the Agency, and in general to do all things which may be requisite or proper for completing the Facility, all with the same powers and with the same validity as the Agency could do if acting on its own behalf. As agent of the Agency, the Company is authorized to delegate such agency, in whole or in part, to agents, subagents, contractors, subcontractors, contractors and subcontractors of such agents and subagents and to such other parties as the Company chooses; provided, however, the Project Agreement shall expire on **December 31, 2026** (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 **\$2,352,118**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$188,169**. 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.

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.

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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 March 25, 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 25th day of March, 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: BDC Rochester LLC
 Address: 24 Fairwood Dr
 City/State/Zip: Rochester
 Tax Id No.: [REDACTED]
 Contact Name: Erin Daly
 Title: Director of Transactions
 Telephone: [REDACTED]
 E-Mail: [REDACTED]

B. Applicant's Legal Counsel

Name: Jon Lapper
 Firm: Bartlett, Pontiff, Stewart & Rhodes, PC
 Address: 1 Washington St.
 City/State/Zip: Glens Falls, NY 12801
 Telephone: [REDACTED]
 Email: [REDACTED]

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

Name	%	Corporate Title
The Collegiate JV II LLC	100	Cosmo Marfione, Manager

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: 24 Fairwood Drive

Tax Map Parcel Number: 263200 174.01-2-58.1

City/Town/Village: Rochester

School District: Rush-Henrietta Central School District

Zip: 14623

Current Legal Owner of Property:

BDC Rochester 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: 01/15/2025

Proposed Commencement Date of Construction: 4/1/2025

Anticipated Completion Date: 8/15/2026

G. Contractor(s)

BDC Builders Inc

II.PROJECT (cont'd)

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

NAICS Code: 236

BDC Builders Inc. has been designated as the General Contractor (GC) for this significant renovation project, overseeing all aspects of construction to ensure the successful transformation of the property. This student housing facility, strategically located to serve Rochester Institute of Technology (RIT) students, also provides a vital residential community for the university's strong deaf population. The property comprises three buildings—two of which were originally constructed in 1968, with the third, a newer addition, completed in 2018. While the older buildings underwent a renovation in 2018, the modifications were executed with minimal investment, leaving them to deteriorate quickly leaving them now in poor condition and in need of substantial upgrades to enhance livability. The facility currently offers 182 units and 358 beds, playing a crucial role in the local student housing market.

The comprehensive renovation plan focuses on revitalizing the living experience while enhancing old systems to mitigate problems the property may have down the road. A major component of the project is the full renovation of unit bathrooms to modern standards, ensuring durability, functionality, and an improved aesthetic. Additional necessary unit repairs will be completed to rectify years of wear and substandard modifications. The clubhouse, a central gathering space for residents, will undergo a full-scale transformation, creating a more welcoming and engaging environment for social interaction and student activities. The project also includes the conversion of select trash rooms into additional amenity spaces, optimizing underutilized areas to enhance the overall resident experience. The leasing office will be redesigned and upgraded to reflect a more professional and inviting atmosphere, while improvements to the property's entrance will enhance curb appeal and accessibility. Mechanical upgrades are a crucial part of the renovation, ensuring the long-term viability of the buildings. The project will include the refurbishment of balconies to address existing wear and tear, as well as the modernization of elevators to improve reliability and efficiency. Additionally, major system upgrades will be implemented, including new boilers to enhance heating efficiency, modernization of fire alarm systems to meet current safety standards, and improvements to the HVAC systems for better climate control and energy efficiency.

To further elevate the property's functionality and sustainability, a range of exterior and interior enhancements will be made. Windows and exterior doors will be upgraded to improve insulation and energy efficiency, contributing to lower utility costs and a more comfortable living environment. A fresh coat of paint will be applied throughout the facility, revitalizing the aesthetic appeal of both shared and private spaces. The project also includes the procurement and installation of new furniture, fixtures, and equipment (FF&E), ensuring that common areas and residential units are furnished with high-quality, durable pieces.

To enhance the overall living experience, new in-unit amenities will be introduced, including the installation of dishwashers and washer/dryer combo units, adding convenience and modernizing the residential offerings. Additionally, the community fitness center will be upgraded with the addition of new gym equipment, providing students with an improved space to prioritize health and wellness. By executing these critical renovations, BDC Builders Inc. is not only addressing the existing deficiencies within the property but also ensuring its long-term success as a premier student housing option near RIT. These improvements will create a more comfortable, functional, and modern living environment while preserving and enhancing the property's value for years to come.

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 project would not be undertaken without financial assistance from the Agency due to the significant costs associated with development, including construction expenses, infrastructure improvements, and compliance with regulatory requirements. Financial assistance is critical to bridging the gap between the high upfront capital needed and the projected revenue streams, especially in a competitive market where margins are tight. Without this support, the project would face considerable financial barriers that could render it economically unfeasible. The assistance provided by the Agency helps mitigate financial risks, attract necessary investment, and ensure the project's long-term viability, ultimately contributing to economic growth, job creation, and community development that would not be possible otherwise.

- 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. \$ 2,186,568
- b. Labor b. \$ 1,177,382

Site Work

- c. Materials c. \$ 43,550
- d. Labor d. \$ 23,450
- e. Non-Manufacturing Equipment e. \$ 25,000
- f. Manufacturing Equipment f. \$ 0
- g. Equipment Furniture and Fixtures g. \$ 97,000
- h. Land and/or Building Purchase h. \$ 0
- i. Soft Costs (Legal, Architect, Engineering) i. \$ 27,403
- Other (specify) j. _____ j. \$ _____
- k. _____ k. \$ _____
- l. _____ l. \$ _____
- m. _____ m. \$ _____

Total Project Costs (must equal Total Sources) \$ 3,580,353

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. \$ 3,580,353

TOTAL SOURCES (must equal Total Project Costs) \$ 3,580,353

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
BDC Rochester 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:	\$188,169
Estimated duration of ST exemption:	12/31/2026
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:	\$188,169
Project Construction Costs:	\$3,580,353
	5.26%

PILOT Schedule

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

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: _____

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)	4	4	1	4
Part Time (PTE)	1	1	2	3
Total	4.5	4.5	2	5.5

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

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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 BDC Rochester 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.

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.

AC

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.

AC

Exemption Process

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

- o 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.
- o 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);
- o 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).
- o 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.

BDC Rochester LLC

(APPLICANT COMPANY)

(TENANT COMPANY)


 Assistant Asset Manager
 Signature, Title, Date
 3/20/2025

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.

BDC Rochester LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

Joe Calabrese
Signature

Assistant Asset manager 3/20/2025
, Title Date

Signature

, Title

Date

X. CERTIFICATION

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

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which have ownership of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. 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

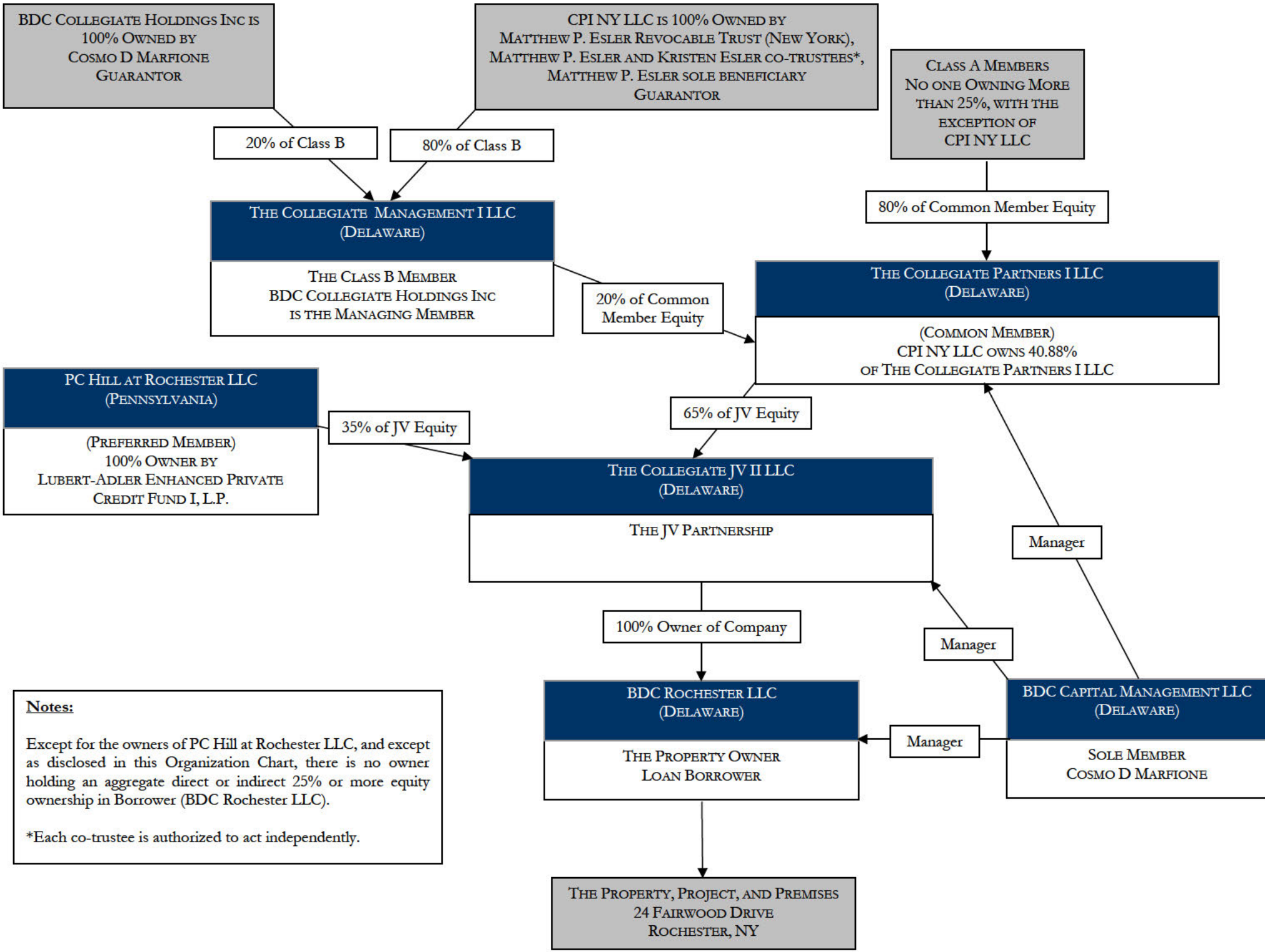
TENANT COMPANY

BDC Rochester LLC

 Signature, Title, Date
 Assistant Asset Manager 3/20/2025

 Signature, Title, Date





Notes:

Except for the owners of PC Hill at Rochester LLC, and except as disclosed in this Organization Chart, there is no owner holding an aggregate direct or indirect 25% or more equity ownership in Borrower (BDC Rochester LLC).

*Each co-trustee is authorized to act independently.



APPLICATION SUMMARY

DATE: March 25, 2025

APPLICANT: Buckingham Properties LLC
259 Alexander Street
Rochester, NY 14607

TENANT/PROJECT LOCATION: 220 Alexander Street
Rochester, NY 14607

PROJECT SUMMARY: Buckingham Properties LLC proposes the renovation of 220 Alexander Street, a 117,350 square foot building located in the City of Rochester. Renovations of 35,000 square feet on the building’s 6th and 7th floors will be completed for Popli Design Group (PDG). In addition to the buildout associated with PDG floors, the property will undergo improvements to mechanical, electrical, plumbing, and safety systems as well as its façade. PDG plans to create 15 new FTEs in addition to its existing 100 FTEs. The \$4.9 million project is seeking a real property tax abatement and approval of the sales tax exemption. The City of Rochester is supportive of a special, 15-year, PILOT agreement. The cost benefit ratio is 10:1.

PROJECT AMOUNT: \$4,900,000 Lease/Leaseback with Abatement
\$240,000 Sales Tax Exemption for Landlord
\$72,000 Sales Tax Exemption for Tenant

JOBS: EXISTING:	100	FTEs
NEW:	15	FTEs
REQUIREMENT:	15	FTEs

PUBLIC HEARING DATE: March 24, 2025

BENEFIT TO INCENTIVE RATIO: 10:1

SEQR: INTERNAL RENOVATIONS ONLY; SEQR PROCESS COMPLETE.

ELIGIBILITY: LOCAL TAX JURISDICTION SPONSORED PILOT

APPROVED PURPOSE: JOB CREATION

County of Monroe Industrial Development Agency

MRB Cost Benefit Calculator



Date: March 25, 2025
 Project Title: Buckingham Properties - Popli Design Group
 Project Location: 220 Alexander Street

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

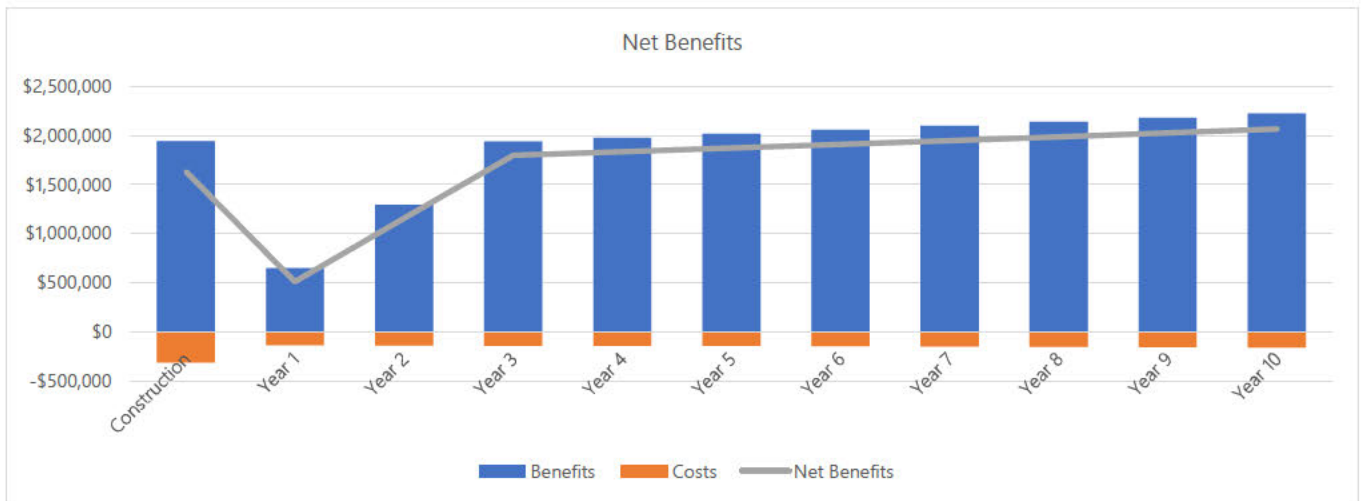
Project Total Investment

\$4,900,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	25	6	31
Earnings	\$1,541,511	\$292,488	\$1,833,999
Local Spend	\$4,000,000	\$995,676	\$4,995,676

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	15	7	22
Earnings	\$23,520,497	\$5,137,188	\$28,657,685

Figure 1



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

Figure 2

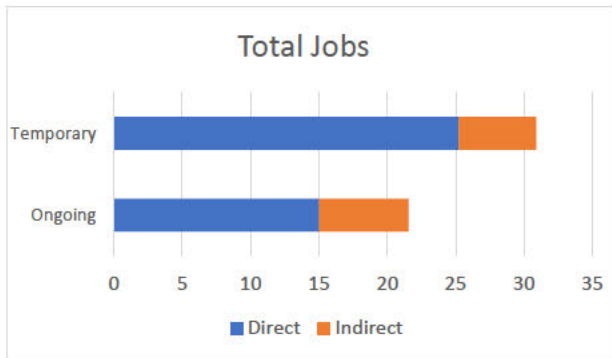
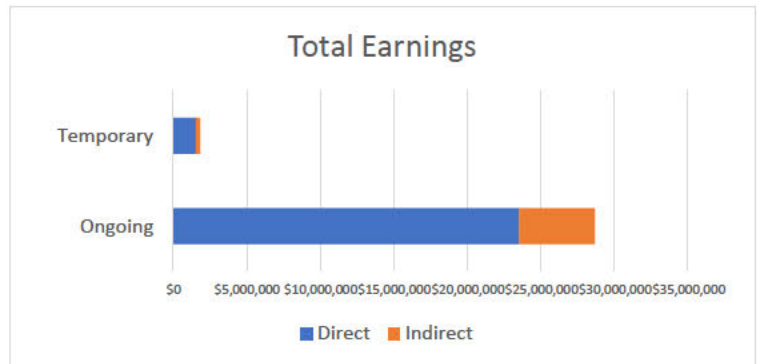


Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$2,296,566	\$1,952,941
Sales Tax Exemption	\$312,000	\$312,000
Local Sales Tax Exemption	\$156,000	\$156,000
State Sales Tax Exemption	\$156,000	\$156,000
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$2,608,566	\$2,264,941

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$24,102,499	\$20,558,284
To Private Individuals	\$30,491,684	\$25,991,052
Temporary Payroll	\$1,833,999	\$1,833,999
Ongoing Payroll	\$28,657,685	\$24,157,053
Other Payments to Private Individuals	\$0	\$0
To the Public	(\$6,389,185)	(\$5,432,769)
Increase in Property Tax Revenue	(\$6,602,627)	(\$5,614,706)
Temporary Jobs - Sales Tax Revenue	\$12,838	\$12,838
Ongoing Jobs - Sales Tax Revenue	\$200,604	\$169,099
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$1,585,568	\$1,351,535
To the Public	\$1,585,568	\$1,351,535
Temporary Income Tax Revenue	\$82,530	\$82,530
Ongoing Income Tax Revenue	\$1,289,596	\$1,087,067
Temporary Jobs - Sales Tax Revenue	\$12,838	\$12,838
Ongoing Jobs - Sales Tax Revenue	\$200,604	\$169,099
Total Benefits to State & Region	\$25,688,067	\$21,909,818

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$20,558,284	\$2,108,941	10:1
State	\$1,351,535	\$156,000	9:1
Grand Total	\$21,909,818	\$2,264,941	10:1

*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

(Buckingham Properties LLC and Popli Architecture + Engineering & L.S., D.P.C. Project)
OSC Codes: 2602-25-007A and 2602-25-008A, respectively

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 March 25, 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 MARCH 24, 2025, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN BY BUCKINGHAM PROPERTIES LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY") AND BY POPLI ARCHITECTURE + ENGINEERING & L.S., D.P.C. OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "TENANT");; (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AND THE TENANT AS AGENTS OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY AND THE TENANT IN THE FORM OF SALES AND USE TAX EXEMPTIONS FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, RENOVATION AND EQUIPPING OF THE PROJECT AND TO THE COMPANY IN THE FORM OF A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

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

WHEREAS, **BUCKINGHAM PROPERTIES LLC**, a New York limited liability company for itself or a related entity formed or to be formed (collectively, the "Company") and **POPLI ARCHITECTURE + ENGINEERING & L.S., D.P.C.**, a New York corporation for itself or a related entity formed or to be formed (collectively, the "Tenant") have requested that the Agency assist with a certain Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in an approximately 6.63-acre parcel of land located at 218-224 Alexander Street in the City of Rochester, New York 14607 and all other lands in the City of Rochester where, by license or easement or other agreement, the Company or its designees are making improvements

that benefit the Project (the "Land") together with the existing approximately 117,350 square-foot office building thereon (the "Existing Improvements"); (B)(i) the renovation of the Existing Improvements by the Company, including, but not limited to, a new roof, installation of line safety systems and façade improvements, and (ii) the renovation and modernization by the Company and the Tenant, of approximately 35,000 square feet (Floors 6 and 7) of the Existing Improvements for use by the Tenant as its office space (collectively, the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land and the Improvements, the "Facility"); 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, March 24, 2025, at 10:00 a.m., local time, at the Agency's Offices, 50 West Main Street, Suite 1150, Rochester, New York 14614, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as defined below) being contemplated by the Agency, whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

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

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

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

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

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

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

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

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

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

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

(f) 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 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 and the Tenant executing respective Project Agreements and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company and the Tenant to proceed with the acquisition, renovation and equipping of the Project and hereby appoints the Company and the Tenant as the true and lawful agents of the Agency to acquire, renovate and equip the Facility, and such appointment includes the following activities as they relate to the construction, erection, completion, use, repair and maintenance of the Improvements and the purchase, use, lease, placement, installation, repair, maintenance and replacement of the Equipment, whether or not any materials or supplies described below are incorporated into or become an integral part of the Improvements or the Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with

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

Section 5. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves 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 **\$3,000,000** which results in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$240,000**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 6. Based upon the representation and warranties made by the Tenant in its application for financial assistance, the Agency hereby authorizes and approves (i) the Tenant as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$900,000** which result in New York State and local sales and use tax exemption benefits not to exceed **\$72,000**. The Agency agrees to consider any requests by the Tenant for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 7. 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 8. The form and substance of the Lease Agreement, the Leaseback Agreement and the PILOT Agreement (each in substantially the forms presented to the Agency and which, prior to the execution and delivery thereof, may be redated) are hereby approved.

Section 9. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to negotiate and execute (A) the Lease Agreement whereby the Company leases the Project to the Agency, (B) the related Leaseback Agreement conveying the Project back to the Company, and (C) the PILOT Agreement; provided, that, (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 10. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement and PILOT Agreement are collectively referred to as, the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency (if any) to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency shall approve, the execution thereof by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 11. 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 12. 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 March 25, 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 25th day of March, 2025.

Ana J. Liss, Executive Director



COUNTY OF MONROE
COMIDA
 INDUSTRIAL DEVELOPMENT AGENCY

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: Buckingham Properties, LLC
 Address: 259 Alexander Street
 City/State/Zip: Rochester, NY 14607
 Tax Id No.: [REDACTED]
 Contact Name: Attn: Kyle Ingalls
 Title: CFO
 Telephone: [REDACTED]
 E-Mail: [REDACTED]

B. Applicant's Legal Counsel

Name: James Pronti
 Firm: Woods Oviatt Gilman LLP
 Address: 1900 Bausch and Lomb Place
 City/State/Zip: Rochester, NY 14604
 Telephone: [REDACTED]
 Email: [REDACTED]

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

Name	%	Corporate Title
<u>Laurence C Glazer Estate</u>	<u>72.62</u>	<u>Buckingham Properties LLC Member</u>
<u>Kenneth J Glazer</u>	<u>6.37</u>	<u>Buckingham Properties LLC Member</u>
<u>Richard H Glazer</u>	<u>6.37</u>	<u>Buckingham Properties LLC Member</u>
<u>Aaron A Malbone</u>	<u>7.32</u>	<u>Buckingham Properties LLC Member</u>
<u>Thomas C Latta</u>	<u>7.32</u>	<u>Buckingham Properties LLC Member</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: 220 Alexander Street

Tax Map Parcel Number: 121.42-3-58.002

City/Town/Village: Rochester

School District: City of Rochester

Zip: 14607

Current Legal Owner of Property:

Alex Park South, 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: Popli Design Group

Address: 555 Penbrooke Dr.

City/State/Zip: Penfield, NY 14526

Tax ID No: [REDACTED]

Contact Name: Jay Popli

Title: Executive Vice President

Telephone: [REDACTED]

E: [REDACTED]

% of facility to be occupied by user/tenant 12.9%

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

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

Name	%	Corporate Title
<u>See Attached</u>	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

F. Project Timeline

Proposed Date of Acquisition: _____

Proposed Commencement Date of Construction: April 2025

Anticipated Completion Date: December 2025

G. Contractor(s)

Buckingham Properties, LLC

II. PROJECT (cont'd)

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

NAICS Code: **541330/541310**

Popli Design Group's ("PDG") desired suburb to city relocation is 220 Alexander St., a seven story, 117,350 sq ft office building which is currently 90% vacant. With the relocation to the city, PDG, a NYS-certified MBE firm, would completely renovate and ultimately occupy approximately 35,000 sq ft. on the building's 6th and 7th floors at an estimated cost of \$4.0M, bringing over 100 engineering professionals from the suburbs to the City of Rochester, representing an annual payroll of over \$9,000,000.

With the abundance of available office space throughout Monroe County, PDG has the opportunity to relocate anywhere in the region. However, the firm is attracted to the amenities the City of Rochester offers and the chance to play a role in the City's continued growth and redevelopment.

220 Alexander St. was originally constructed as a single-tenant office space and lacks the modern amenities to attract and retain talent for an in-office workforce. In addition to the buildout associated with the PDG floors, the property will need substantial improvements to its MEP, roofing, life safety systems as well as its facade. It is anticipated that over \$4 million will be spent in the first 18 months of the project. The requested tax savings will be invested in the above improvements and correspond to PDG's proposed 15-year lease agreement with Buckingham Properties which demonstrates a significant commitment to the City of Rochester.

As a result of the impact to the city and migration of high paying office jobs from the suburbs to the City of Rochester, a specialized 15-year custom pilot program is being requested on the tax assessment associated with the space applicable to the PDG as a % of the entire parcel. The below details of the request.

- 90% abatement in years 1-6
- Standard pilot in years 7-15
- % of abatement declining by 10% annually

Even with the addition of PDG to the former MVP building, occupancy within the building will remain at less than 40% occupancy. The leasing of this office building remains a top priority and the building improvement work will help with attraction of new tenants.

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.

Financial Assistance is vital to the feasibility of this project.

Considering the age and occupancy of the former MVP building (220 Alex Park), the two floors in question will need a significant amount of modernization to make the property attractive and fit the needs of the prospect tenant. Additionally, the property will need substantial improvements to its MEP systems, roofing, life safety systems, and facade improvements.

Considering inflated construction costs and elevated interest rates, without a property tax and sales tax exemption, the required renovations to meet the needs of the potential user would not be possible. The former MVP building has been nearly vacant for over 2 years and even with PDG as a tenant will remain at less than 40% occupancy.

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

Yes No

Location:

Albany, Binghamton, Buffalo, New York City, Syracuse

Out of State Location: Iselin, NJ.

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:

The move of PDG's global HQ from the suburbs to the city

will help maintain the firm's competitive advantage and

attract new and highly skilled employees to support the firm's growth.

- 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. \$ 3,000,000
- b. Labor b. \$ 1,000,000

Site Work

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

Total Project Costs \$ 4,000,000
(must equal Total Sources)

B. Sources of Funds for Project Costs:

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

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

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

e. Equity e. \$ 4,000,000
TOTAL SOURCES \$ 4,000,000
 (must equal Total Project Costs)

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

Yes No

If yes, please specify bank, underwriter, etc.

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

Use additional sheets as necessary

Company Name Popli Design Group

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. \$ 900,000
- Other (specify): f. _____ f. \$ _____
- g. _____ g. \$ _____
- h. _____ h. \$ _____
- i. _____ i. \$ _____

Total Project Costs \$ 900,000

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Popli Design Group

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)	100	100	15	15
Part Time (PTE)				
Total	100	100	15	15

** 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 Buckingham 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.

KI

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.**

KI

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.

KI

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.

KI

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.

KI

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.

KI

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.


Buckingham Properties, LLC

(APPLICANT COMPANY)

 _____ CFO 3/3/2025
 Signature, Title Date

Popli Design Group

(TENANT COMPANY)

 _____ VP 3/3/2025
 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.

Buckingham Properties, LLC

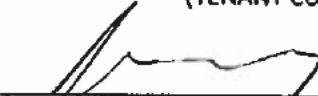
(APPLICANT COMPANY)



 Signature, Title: CFO, Date: 3/3/2025

Popli Design Group

(TENANT COMPANY)



 Signature, Title: VP, Date: 3/3/2025

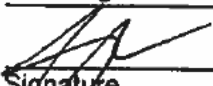
X. CERTIFICATION

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 and 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.

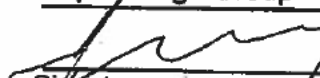
APPLICANT COMPANY

Buckingham Properties, LLC

 CFO 1/1/2025
 Signature Title Date

TENANT COMPANY

Popii Design Group

 VP 3/3/2025
 Signature Title Date



PDG Ownership

Om Popli – 68.4% (President)

S. Jay Popli – 20.0% (Exec V.P.)

Parmjit Sahani – 6.0% (Exec. V.P)

Mala Popli – 4.9% (V.P.)

Greg Hutter – 0.5% (Director)

Mike Short - 0.1% (V.P.)

Rich Cary - 0.1% (Partner)



March 13, 2025

Kyle Ingalls, CFO
Buckingham Properties, LLC
259 Alexander Street
Rochester, NY 14607

Via Email to: KIngalls@buckprop.com

Re: 220 Alexander Street, Rochester – Request for Special Payment In-Lieu of Taxes (PILOT) Support

Dear Mr. Ingalls,

The City of Rochester has received your request to support an application to COMIDA for a Special PILOT for the proposed renovation of two floors of one of the buildings located at 220 Alexander Street, Rochester (the “Property”). This project comprises the renovation of approximately 35,000 square feet on the Property’s sixth and seventh floors to create new offices for Popli Design Group (PDG), as well as building improvements to the Property’s mechanical, engineering, and plumbing systems, roofing, life safety systems, and façade. The total investment is projected to be approximately \$4 million. You have estimated that the project will relocate approximately 100 professionals from PDG’s current suburban location to the city of Rochester, and that at least 15 new permanent jobs will be created within three years of project completion. Approximately 100 temporary jobs will be created during construction.

The City of Rochester’s PILOT review committee has approved support of a special PILOT for the \$4 million investment that would provide exemption on the increase in real estate taxes for an annual in-lieu of payment based on the following schedule:

Year	% Exempt
1-6	90%
7	80%
8	70%
9	60%
10	50%
11	40%
12	30%
13	20%
14	10%
15	Return to Full Taxes

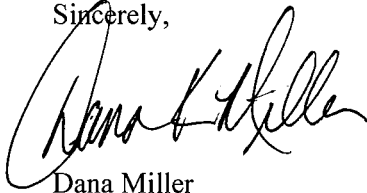
The approval of this special PILOT will oblige you to adhere to Minority and Women-Owned Business Enterprise (MWBE) and workforce goals. Thirty percent (30%) of the project’s estimated tax savings will be filled by MWBE. The estimated tax savings over fourteen years is \$1,464,122, thus, 30% of this project’s tax savings will be \$439,237. The workforce goals are as follows: minority workforce goal of 20%, women workforce goal of 6.9%, and city of Rochester resident workforce goal of 25%. The Developer, prime contractor, or an independent compliance monitor will track, verify,



and report the efforts made by the Developer/prime contractor in achieving the MWBE and workforce goals.

If you have any questions about this matter please contact Anne DaSilva Tella at anne.dasilvatella@cityofrochester.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Dana Miller". The signature is fluid and cursive, with the first name "Dana" being more prominent than the last name "Miller".

Dana Miller
Commissioner, Neighborhood & Business Development



APPLICATION SUMMARY

DATE: March 25, 2025

APPLICANT: Penn Central Apartments I, LLC
1200 Jefferson Road, Suite 210
Rochester, NY 14623

PROJECT LOCATION: 354 Island Cottage Road
Rochester, NY 14612

PROJECT SUMMARY:

The proposed Penn Central Senior Apartment complex will consist of 310 units situated on approximately 20 acres of land located at 354 Island Cottage Road in the Town of Greece. This new development will consist of two buildings, four stories with surface parking, and a mix of one- and two-bedroom apartments. The total projected project cost will be approximately \$70M to \$75M. The owner intends to construct and fund this project in 2 phases.

Phase 1 will consist of 163 one-bedroom/one bath, 745 SF units at a rental rate of \$1,700/month (including utilities) and 17 two bedroom/2 bath, 970 SF units at a rental rate of \$2,049/month (including utilities) for senior households and healthcare workers. Phase 2 will be a mix of 130 one-bedroom and two-bedroom units and will be regulated affordable housing units for those earning at or below 50% and 60% of area median income (AMI).

The applicant is seeking approval of a real property tax abatement, sales tax exemption and mortgage recording tax exemption for phase 1 only and is requesting a waiver of the affordable set-aside pending construction of phase 2 which will be 100% affordable. The \$35.9 million phase 1 portion of the project is projected to create 1.5 FTEs and has a benefit/incentive ratio of 4:1

PROJECT AMOUNT: \$35,929,852
\$1,248,000 Sales Tax Exemption
\$215,250 Mortgage Recording Tax Exemption

JOBS: EXISTING:	0	FTEs
NEW:	1.5	FTEs
REQUIREMENT:	1	FTE

PUBLIC HEARING DATE: March 21, 2025

BENEFIT TO INCENTIVE RATIO: 4:1

SEQR: REVIEWED AND PROCESS IS COMPLETE.

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: March 25, 2025
 Project Title: Penn Central Apartments I, LLC
 Project Location: Town of Greece

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

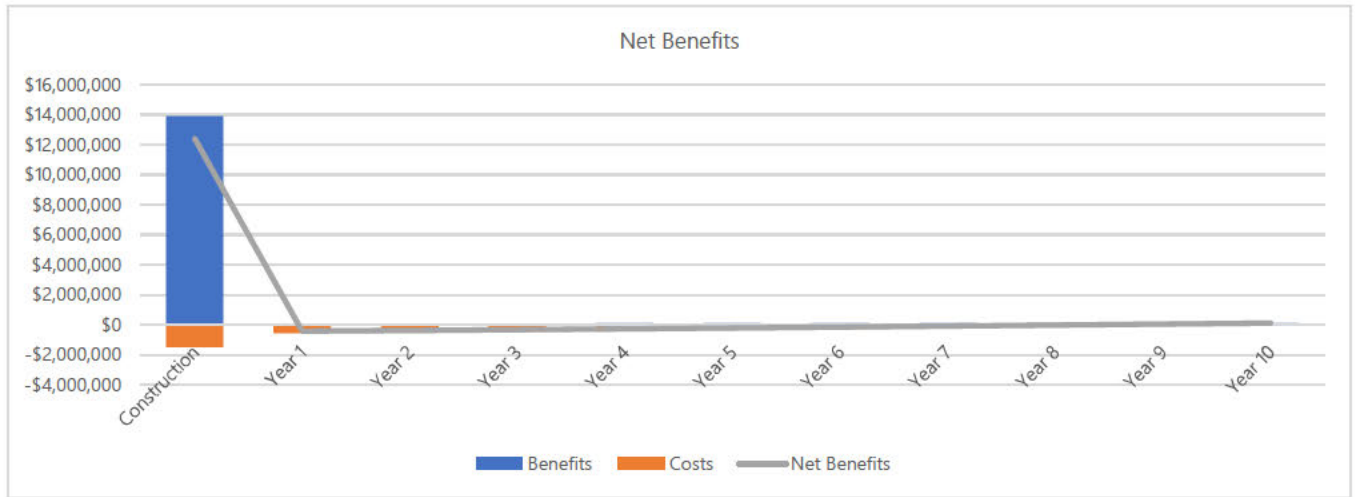
Project Total Investment

\$35,929,852

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		204	40	244
Earnings		\$11,072,980	\$2,055,927	\$13,128,907
Local Spend		\$28,743,882	\$7,042,644	\$35,786,526

		Ongoing (Operations)		
		Aggregate over life of the PILOT		
		Direct	Indirect	Total
Jobs		2	0	2
Earnings		\$952,467	\$176,845	\$1,129,312

Figure 1



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

Figure 2

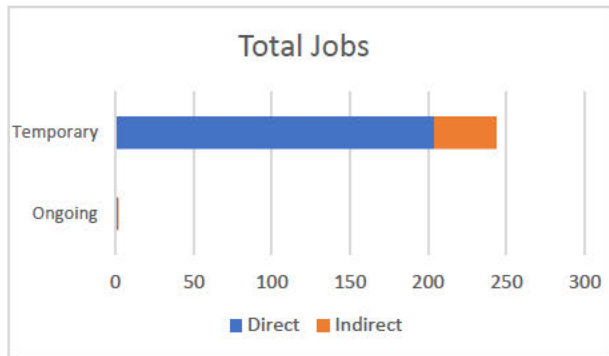
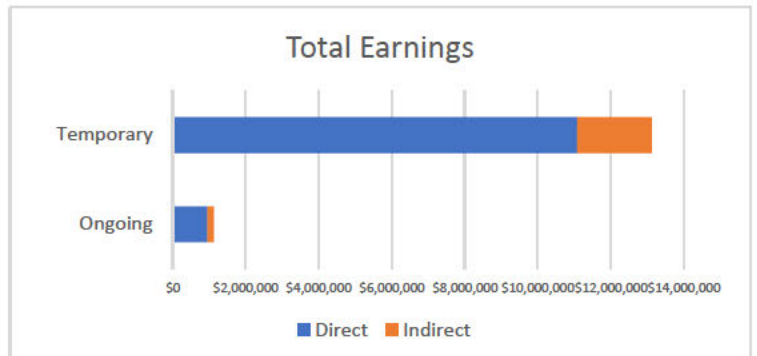


Figure 3



Fiscal Impacts

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$2,801,639	\$2,602,906
Sales Tax Exemption	\$1,248,000	\$1,248,000
Local Sales Tax Exemption	\$624,000	\$624,000
State Sales Tax Exemption	\$624,000	\$624,000
Mortgage Recording Tax Exemption	\$215,250	\$215,250
Local Mortgage Recording Tax Exemption	\$71,750	\$71,750
State Mortgage Recording Tax Exemption	\$143,500	\$143,500
Total Costs	\$4,264,889	\$4,066,156

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$18,016,635	\$17,420,849
To Private Individuals	\$14,258,219	\$14,140,536
Temporary Payroll	\$13,128,907	\$13,128,907
Ongoing Payroll	\$1,129,312	\$1,011,629
Other Payments to Private Individuals	\$0	\$0
To the Public	\$3,758,416	\$3,280,313
Increase in Property Tax Revenue	\$3,658,609	\$3,181,329
Temporary Jobs - Sales Tax Revenue	\$91,902	\$91,902
Ongoing Jobs - Sales Tax Revenue	\$7,905	\$7,081
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$741,427	\$735,308
To the Public	\$741,427	\$735,308
Temporary Income Tax Revenue	\$590,801	\$590,801
Ongoing Income Tax Revenue	\$50,819	\$45,523
Temporary Jobs - Sales Tax Revenue	\$91,902	\$91,902
Ongoing Jobs - Sales Tax Revenue	\$7,905	\$7,081
Total Benefits to State & Region	\$18,758,063	\$18,156,157

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$17,420,849	\$3,298,656	5:1
State	\$735,308	\$767,500	1:1
Grand Total	\$18,156,157	\$4,066,156	4:1

*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
(Penn Central Apartments I, LLC Project)
OSC Code 2602-25-005A

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 March 25, 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 MARCH 21, 2025, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN BY PENN CENTRAL APARTMENTS I, 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, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

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

WHEREAS, **PENN CENTRAL APARTMENTS I, LLC**, a New York limited liability company, for itself or a related entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in a portion of an approximately 20.16-acre parcel of land located at 354 Island Cottage Road in the Town of Greece, New York 14612, and all other lands in the Town of Greece where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"); (B) the construction of an approximately 180-unit, four-story market rate apartment facility and surface parking lot (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 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 Friday, March 21, 2025, at 9:30 a.m., local time, in Community Room B at the Greece Town Hall, One Vince Tofany Boulevard, Greece, New York 14612, 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"), leaseback agreement (the "Leaseback Agreement") and payment-in-lieu-of-tax agreement (the "PILOT Agreement") with the Company and (iii) provide financial assistance (the "Financial Assistance") to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Facility, (b) a partial mortgage recording tax exemption for financing relating to the Project and (c) a partial real property tax abatement structured through the PILOT Agreement; and

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

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

WHEREAS, the Planning Board of the Town of Greece (the "Planning 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 Planning Board dated December 11, 2024 (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 Planning Board has conducted a coordinated 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 Planning Board also issued a Negative Declaration on December 11, 2024, 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 Planning 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, 2026** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency) if the Lease Agreement, Leaseback Agreement and PILOT Agreement contemplated have not been executed and delivered. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are authorized and directed to execute and deliver to said agent an appropriate letter on Agency letterhead describing the authority granted under this resolution.

Section 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 **\$15,600,000** which results in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$1,248,000**. 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 **\$28,700,000**, resulting in a mortgage tax exemption not to exceed **\$215,250**; 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, the Leaseback Agreement and the PILOT Agreement (each in substantially the forms presented to the Agency and which, prior to the execution and delivery thereof, may be redated) are hereby approved.

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

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

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

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

Section 11. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

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

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
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 March 25, 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 25th day of March, 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: Penn Central Apartments I, LLC
 Address: 1200 Jefferson Road, Suite 210
 City/State/Zip: Rochester, NY 14623
 Tax Id No.: [REDACTED]
 Contact Name: George Klemann
 Title: CFO
 Telephone: [REDACTED]
 E-Mail: [REDACTED]

B. Applicant's Legal Counsel

Name: Alan Lookwood
 Firm: Boylan Code LLP
 Address: 145 Culver Road
 City/State/Zip: Rochester, New York 14620
 Telephone: [REDACTED]
 Email: [REDACTED]

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

Name	%	Corporate Title
<u>Mark Bohn</u>	<u>45.1%</u>	<u>Co-Managing Member</u>
<u>Ken Vasile</u>	<u>45.1%</u>	<u>Co-Managing Member</u>
<u>George Klemann</u>	<u>9.8%</u>	<u>CFO and Treasurer</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: 354 Island Cottage Road

Tax Map Parcel Number: 046.01-1-6.111

City/Town/Village: Town of Greece

School District: Greece Central

Zip: 14612

Current Legal Owner of Property:

Town of Greece

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: March, 2025

Proposed Commencement Date of Construction: April, 2025

Anticipated Completion Date: April, 2026

G. Contractor(s)

Vasile Construction Corp. or contractors to be later determined

II.PROJECT (cont'd)

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

NAICS Code: 236116

See Attached

OVERVIEW

The proposed Penn Central Senior Apartment complex will consist of 330 units situated on approximately 20 acres of land located at 354 Island Cottage Road in the Town of Greece.

The Town of Greece Planning Board has reviewed and approved the proposed plans, which consists of two buildings, four stories with surface parking, and a total of 310 one- and two-bedroom apartments. The total projected project cost will be approximately \$70M to \$75M. The owner intends to construct and fund this project in 2 phases:

PHASE I

The Phase I building will be restricted to senior households (55+ or 62+) and healthcare workers. The resident community space at a minimum would include lounge areas, a community room, and management offices. Additional amenities being considered include fitness, yoga room, theatre, and outdoor courtyard areas.

The Phase I four-story building will include 163 one-bedroom/one bath, 745 SF units at a projected full market rental rate in CY 2026 of \$1,700/month (including utilities) and 17 two bedroom/2 bath, 970 SF units at a rental rate of \$2,049/month (including utilities). As set forth in the Newmark Preliminary Market Study, there is support for up to 245 apartments including 100 one-bedroom and 145 two-bedrooms for Market Rate housing for seniors with no restrictions on income or rents.

PHASE II

The mix of one-bedroom and two-bedroom comprising the total 130 units projected for Phase II of the project will include age restricted affordable housing units under the Low-Income Housing Credit (LIHTC) guidelines and NYS Homes and Community Renewal (HCR). Page 1 of the Newmark Preliminary Market Study indicates that there is adequate market demand for these 130 units:

☐ “Operations under Low Income Housing Tax Credit (LIHTC) guidelines and Homes and Community Renewal (HCR) regulatory agreement at or below 50% and 60% of area median income (AMI). There is support for up to 193 apartments including 127 one-bedroom and 66 two-bedrooms.”

THE OWNER MAKES NO REPRESENTATION NOR GUARANTEE THAT IT WILL BE SUCCESSFUL IN OBTAINING THE APPROVALS FROM THE NEW YORK STATE HOUSING AUTHORITY, NYSEDA, AS WELL AS OTHER REGULATORY ENTITIES APPROVALS, WHICH ARE REQUIRED TO PROCEED WITH THE PROPOSED AFFORDABLE HOUSING 55+ PHASE II DEVELOPMENT.

OWNERSHIP STRUCTURE

The owner has formed a separate Limited Liability Corporations for each of the 2 development phases of the project, which hereinafter will be referred to as “Penn Central Apartments I, LLC” and “Penn Central Apartments II, LLC.” In connection with Phase I of the project development, the 20 acres of land will be purchased from the Town of Greece by a newly formed LLC. The Members of this entity will be Mark Bohn 45.1% membership interest, Ken Vasile 45.1%, and George Klemann 9.8%. Subsequently this 20-acre parcel will be subdivided into 2 parcels, which will then be assigned to Penn Central Apartments I, LLC and to Penn Central Apartments II, LLC.

OPERATIONAL MANAGEMENT OF COMPLETED PROJECT

As previously mentioned, the owner intends to develop Phase II of the project as an Affordable Housing Age 62+. The owner is currently collaborating with Providence Housing to submit its application to the New York Housing Authority on or about June 30, 2025. Providence Housing (Administrative offices located at 1150 Buffalo Road, Rochester, NY 14624) currently manages 32 projects in western New York state which provide Family Housing, Senior Housing, Supportive Housing and Special Needs Housing.

While no formal commitment has been entered into as of the date of this writing, the owner intends to engage Providence Housing for purposes of managing the operations for the Phase II completed apartments, given their expertise in managing affordable housing projects. Providence Housing has also expressed their willingness to take over the management operations for the Phase I apartments.

PROJECTED EMPLOYMENT

Please be advised that employment statistics set forth in Section "VII. PROJECTED EMPLOYMENT" of this application, only includes personnel directly employed by Penn Central Apartments I, LLC and does not include additional jobs created for Providence Housing (or other management company engaged by the project owners), projected employment related to Phase I and Phase II, nor does it include the hundreds of construction jobs created through the project development.

WAIVER REQUEST FOR AFFORDABLE SET-ASIDE

Owner respectfully requests a waiver of the COMIDA 20% affordable set-aside for Phase 1I, on the condition that Phase II will be 100% affordable units. Should Phase II not be built or not be built as affordable units, the set-aside will be enforced on phase 1.

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.

Despite the rising demand for senior housing, the rising cost for new construction and relatively high interest rates makes new construction not feasible without the financial assistance we are requesting from COMIDA.

- 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 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

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. \$ 15,100,000
- b. Labor b. \$ 14,786,000

Site Work

- c. Materials c. \$ 500,000
- d. Labor d. \$ 2,750,000
- e. Non-Manufacturing Equipment e. \$ _____
- f. Manufacturing Equipment f. \$ _____
- g. Equipment Furniture and Fixtures g. \$ _____
- h. Land and/or Building Purchase h. \$ 600,000
- i. Soft Costs (Legal, Architect, Engineering) i. \$ 645,000
- Other (specify) j. Taxes & Ins. j. \$ 251,000
- k. Financing Fees k. \$ 461,539
- l. Capitalized Interest l. \$ 761,313
- m. 3rd Party Reports m. \$ 75,000

Total Project Costs (must equal Total Sources) \$ 35,929,852

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ 0
- b. Taxable Industrial Revenue Bond b. \$ 0
- c. Bank Financing c. \$ 28,700,000
- d. TOTAL Public Sources d. \$ 0

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

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

- e. Equity e. \$ 7,229,852

TOTAL SOURCES (must equal Total Project Costs) \$ 35,929,852

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

Yes No

If yes, please specify bank, underwriter, etc.

bank financing is in process

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
Penn Central Apartments I, LLC**

A. IDA PILOT Benefits:	
Current Assessment	\$370,900
Value of New Construction & Renovation Costs	\$15,600,000
Estimated New Assessed Value Subject to IDA	\$15,970,900
Current Taxes	\$14,027
Current Taxes Escalator	2%
PILOT Terms - Years	10
County Tax rate/\$1,000	7.31000
Local Tax Rate* Tax Rate/\$1,000	5.98000
School Tax Rate /\$1,000	24.53000
Total Tax Rate	37.82000
B. Sales Tax Exemption Benefit:	
Estimated value of Sales Tax exemption:	\$1,248,000
Estimated duration of ST exemption:	12/31/2026
C. Mortgage Recording Tax Exemption (MRTE) Benefit:	
Estimated Value of MRTE:	\$215,250
D. Industrial Revenue Bond Benefit	
IRB inducement amount:	\$0
E. Percentage of Project Costs financed from Public Sector sources:	
Total Value of Incentives:	\$4,264,889
Project Construction Costs:	\$35,929,852
	11.87%

PILOT Schedule							
PILOT Year	% Abatement	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT***	Net Exemption**
	Total	\$707,150	\$578,490	\$2,372,969	\$3,658,609	\$6,460,248	\$2,801,639
1	90%	\$11,404	\$9,329	\$38,267	\$58,999	\$589,992	\$530,993
2	80%	\$23,263	\$19,031	\$78,064	\$120,358	\$601,792	\$481,433
3	70%	\$35,593	\$29,117	\$119,438	\$184,148	\$613,828	\$429,679
4	60%	\$48,406	\$39,599	\$162,436	\$250,442	\$626,104	\$375,663
5	50%	\$61,718	\$50,489	\$207,106	\$319,313	\$638,626	\$319,313
6	40%	\$75,543	\$61,798	\$253,498	\$390,839	\$651,399	\$260,560
7	30%	\$89,896	\$73,540	\$301,662	\$465,099	\$664,427	\$199,328
8	20%	\$104,793	\$85,727	\$351,652	\$542,172	\$677,715	\$135,543
9	10%	\$120,250	\$98,372	\$403,521	\$622,143	\$691,270	\$69,127
10	0%	\$136,284	\$111,488	\$457,324	\$705,095	\$705,095	\$0

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Penn Central Apartments I, LLC

Applicant: **or** **User/Tenant:**

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

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	0	1	1	1
Part Time (PTE)	0	1	1	1
Total	0	1.5	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 Penn Central Apartments I, 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.

X **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.**

X **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.

X **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.

X **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.

X

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.

X

Exemption Process

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

- o 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.
- o 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);
- o 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).
- o 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.

Penn Central Apartments I, LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

George Klemann

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Date: 2025.01.25 11:45:50 -06'00'

CFO

1/24/25

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.

Penn Central Apartments I, LLC

(APPLICANT COMPANY)

George
Klemann

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George Klemann
Date: 2025.01.25
11:46:56 -06'00'

CFO

01/24/25

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

Penn Central Apartments I, LLC

George
Klemann

Digitally signed by George
Klemann
Date: 2025.01.25 15:17:22
-06'00'

CFO

1/24/25

Signature

, Title

Date

TENANT COMPANY

Signature

, Title

1/24/25

Date

Exhibit 8 – Long Form EAF

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Penn Central Senior Living Facility		
Project Location (describe, and attach a general location map): 354 Island Cottage Road Greece NY 14612		
Brief Description of Proposed Action (include purpose or need): The project includes two 4-story senior living buildings containing a total of 332 units, outdoor amenity spaces, and some covered parking spaces. The proposed 349 parking spaces will provide sufficient parking for the residents and staff, as demonstrated by the usage at other senior living facilities. As the Town Code requires 581 spaces, a variance will be necessary.		
Name of Applicant/Sponsor: Kenneth Vasile	Telephone: [REDACTED]	E-Mail: [REDACTED]
Address: 1200 Jefferson Road, Suite 304		
City/PO: Rochester	State: NY	Zip Code: 14623
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Town of Greece	Telephone:	
	E-Mail:	
Address: 1 Vince Tofany Blvd		
City/PO: Rochester	State: NY	Zip Code: 14612

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Grace Town Board - Sale of Property	
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board - Lead Agency	11/24
c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	Zoning Board of Appeals - Variances	11/24
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	MCDOT - Driveway / NYSHCR - Funding	12/24
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - Stormwater / NYSHCR - Funding	12/24
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USACOE - Wetland Permit	TBD
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part I 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): NYS Heritage Areas: West Erie Canal Corridor	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
CHC: Central Health Care, EDIO: Economic Development Overlay

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Greece Central School District

b. What police or other public protection forces serve the project site?
Town of Greece Police Dept

c. Which fire protection and emergency medical services serve the project site?
Greece Volunteer Ambulance, North Greece Fire District

d. What parks serve the project site?
Badgerow Park, Veteran's Memorial Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?
Residential

b. a. Total acreage of the site of the proposed action? _____ 20.16 acres
 b. Total acreage to be physically disturbed? _____ 11.46 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 20.16 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Residential
 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ months
 ii. If Yes:
 • Total number of phases anticipated _____ 2
 • Anticipated commencement date of phase 1 (including demolition) _____ 4 month _____ 25 year
 • Anticipated completion date of final phase _____ 10 month _____ 30 year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____
Utilities and access will be installed in Phase 1 to support Phase 2.

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	332

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,
 i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,
 i. Purpose of the impoundment: Stormwater Management
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify:
 Surface Runoff _____
 iii. If other than water, identify the type of impounded/contained liquids and their source.

 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ 1 ± acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:
 i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____
 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Federal wetland on north side will have less than a tenth of an acre of disturbance.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
 Placement of fill to create emergency access route requirements by fire code location and design selected to minimize fill to 0.09 AC.

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

- acres of aquatic vegetation proposed to be removed: 0.01 AC
- expected acreage of aquatic vegetation remaining after project completion: 1.53 AC
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): Emergency access drive installation.
- proposed method of plant removal: Excavation
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____
 Restoration of disturbed area: _____

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: _____ 43,920 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: MCWA
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
Service Extension only
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ 43,920 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: Rochester Pure Waters District
- Name of district: Rochester Pure Waters District
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____
 Private sewer extension _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____
 v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

 vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or 6.2 acres (impervious surface)
 _____ Square feet or 20.2 acres (parcel size)
 ii. Describe types of new point sources. Roofs, parking and sidewalk

 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
 On-site stormwater management facilities and existing on-site drainage ways

 • If to surface waters, identify receiving water bodies or wetlands: Tributary to Round Pond Creek

 • Will stormwater runoff flow to adjacent properties? Yes No
 iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
 Construction Equipment
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
 N/A
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
 N/A

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____ 7am-7pm _____
- Saturday: _____ 7am-7pm _____
- Sunday: _____ 7am-7pm _____
- Holidays: _____ 7am-7pm _____

ii. During Operations:

- Monday - Friday: _____ 24/7 (residential) _____
- Saturday: _____ 24/7 (residential) _____
- Sunday: _____ 24/7 (residential) _____
- Holidays: _____ 24/7 (residential) _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
Typical construction noises are expected during normal business hours throughout the construction phase.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Post mounted area lighting, mounted at 20' height. Lighting driveway and parking lot.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0 AC	6.24 AC	+6.24
• Forested	12.93 AC	5.69 AC	-7.24
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	5.61 AC	4.30 AC	-1.31
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.08 AC	0.01 AC	+0.92
• Wetlands (freshwater or tidal)	1.54 AC	1.53 AC	-0.01
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
 i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
 If Yes,
 i. Identify Facilities:
 Greece Arcadia High School, Unity Family Medicine, RRH Edna Tina Wilson Living Center Nursing Home

e. Does the project site contain an existing dam? Yes No
 If Yes:
 i. Dimensions of the dam and impoundment:
 • Dam height: _____ feet
 • Dam length: _____ feet
 • Surface area: _____ acres
 • Volume impounded: _____ gallons OR acre-feet
 ii. Dam's existing hazard classification: _____
 iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
 If Yes:
 i. Has the facility been formally closed? Yes No
 • If yes, cite sources/documentation: _____
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

 iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
 If Yes:
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): _____
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ +6 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

CIB Collamer silt loam	_____	64.7 %
CIA Collamer silt loam	_____	31 %
Hc Hamlin silt loam	_____	4.1 %

d. What is the average depth to the water table on the project site? Average: _____ 1.5 feet

e. Drainage status of project site soils:

- Well Drained: _____ 4.1 % of site
- Moderately Well Drained: _____ 95.8 % of site
- Poorly Drained: _____ % of site

f. Approximate proportion of proposed action site with slopes:

- 0-10%: _____ 100 % of site
- 10-15%: _____ % of site
- 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 847-587 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size 1.67 AC
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:		
Small mammals _____	birds _____	rodents _____
insects _____	deer _____	_____
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Describe the habitat/community (composition, function, and basis for designation): _____		
ii. Source(s) of description or evaluation: _____		
iii. Extent of community/habitat:		
• Currently: _____ acres		
• Following completion of project as proposed: _____ acres		
• Gain or loss (indicate + or -): _____ acres		
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Species and listing (endangered or threatened): _____		

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Species and listing: _____		

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, give a brief description of how the proposed action may affect that use: _____		

E.3. Designated Public Resources On or Near Project Site		
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes, provide county plus district name/number: _____		
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. If Yes: acreage(s) on project site? _____		
ii. Source(s) of soil rating(s): _____		
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature		
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____		

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. CEA name: _____		
ii. Basis for designation: _____		
iii. Designating agency and date: _____		

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: Great Lakes Scenic Byway (Lake Ontario State Parkway)	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): State scenic byway	
<i>iii.</i> Distance between project and resource: _____ 0.5 miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Matt Tomlinson, Marathon Engineering as Agent Date 9/20/24

Signature  Title Project Manager



William D. Reilich
Supervisor

12/23/24 MWK
cc Jeff Kadul

TOWN OF GREECE

PLANNING & ECONOMIC DEVELOPMENT

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December 18, 2024

Ken Vasile / Penn Central Senior Apartments, LLC.
1200 Jefferson Road Suite 304
Rochester, NY 14623

Dear Sir/Madam:

RE: 354 Island Cottage Road – Site Plan

At its **December 11, 2024** meeting, the Town of Greece Planning Board **CONDITIONALLY APPROVED** the above referenced project. The Conditional Approval will expire after one year. In order to obtain Building Permits and proceed to construction, **you must obtain Final Approval prior to December 11, 2025**. In order to obtain *Final Approval*, **please** follow the instructions below:

- Carefully read the enclosed Planning Board approval conditions and plan your submittal for Final Approval accordingly.
- Review the status of staff and agency review comments and revise design plans and reports accordingly.
- Provide the following materials to the Planning Board Secretary for review prior to final approval signatures, including but not limited to:
 - **Two (2) copies of any easements and/or agreements (public and private as necessary) in draft form using Town templates, unsigned, including text, maps and legal descriptions as necessary.**
 - **Note:** Final Approval will not be given until legal documents have been approved.
 - Two (2) copies of any required reports, analyses, or correspondence
 - One (1) copy of the final revised Storm Water Pollution Prevention Plan (SWPPP)
 - Six (6) copies of design drawings, revised as necessary
 - Two (2) full size color copies of elevations, with color and materials labeled

It is the Applicant's responsibility to provide the materials necessary to obtain Final Approval in a timely manner. Materials should be provided as a single package in order to avoid unnecessary delays.

For further instructions, contact Office of Planning and Economic Development or consult the Town of Greece Application Review Procedure at <http://greeceny.gov/planning/planningboard>

Sincerely,

John T. Caterino,
Planner

SITE PLANS

Old Business

1. Applicant: Ken Vasile / Penn Central Senior Apartments, LLC
Location: 354 Island Cottage Road
Mon. Co. Tax No.: 046.01-1-6.111
Request: Site Plan approval for a proposed senior living facility (2-buildings, each 4-stories high; 332 units; 82,500± square feet) with related outdoor amenity spaces, parking, utilities, grading, and landscaping on approximately 20.2± acres.
Zoning District: CHC (Central Health Care) and EDIO (Economic Development Overlay)

The following is a synopsis of the discussion pertaining to the above-referenced request.

Matt Tomlinson, Marathon Engineering; Jeff Ladue, Form2 Architecture, and members of the development team, presented the application:

Mr. Tomlinson: Just wanted to give a quick overview and touch on a few items that were given as follow-up from the last meeting. Original submission was a two-phase project, two, four story buildings with a total of 332 units, a peaked roof with a height of 66 feet. After revisions, this is still a two-Phase project but we have lowered to three and four stories and reduced to a total of 310 units (180 units in the market rate building on the south side of the property, and 130 in the HCR or HFA finance project, north building). Access off of Island Cottage Road, Old Hojack line to the south, parkway lands to the east, Town of Greece and Pure Water lands to our north as well as the neighbor to the west. I would like to go over drainage and traffic. We showed at the last meeting how much lower this property is from the residential neighbors to the east and south of us. We showed how everything to our east goes toward the parkway, everything south goes to Round Pond Creek up and to the north. We have worked with staff on floodplain and wetlands, and we have made application to the Army Corp of Engineers and New York State DEC for our minor impacts of a crossing with culvert for our driveway. This will fall under a Nationwide permit but we have made joint application with the Town, as a portion is on town land. We have provided enough information to Engineering to make sure we are in compliance with Town and DEC requirements for stormwater, reducing the amount of flow that comes off of our property. We had been requested to have our traffic consultant prepare some supplemental information, submitted previously, Monroe County Department of Transportation (MCDOT) indicated no concerns with site distance, and we have included it all to staff. From a pedestrian standpoint, Mr. Geisler had indicated a desire that was well received by other members of the board, to see the potential for pedestrian connection to elsewhere outside of the site. We are creating 310 units on a piece of property and did not have a defined sidewalk or pedestrian access to public sidewalks so as part of the project, we had previously agreed to add sidewalk along our road frontage with the understanding that we don't have a lot of flexibility for other sidewalks. However as we looked at it and heard the comments from the board, there is public sidewalk immediately south of the project, on the west side of Island Cottage Road and that there is opportunity through property that, I won't say publicly owned, but is part of the trail that RG&E owns and also within the Island Cottage right of way to potentially facilitate the extension of sidewalks down across the trail, a crosswalk and then a small piece of sidewalk within the Island Cottage right of way, which is MCDOT owned to connect to that public sidewalk. The developer has agreed to install that. There are agreements and steps that will need to be put in place for this and will help with those steps. Mr. Selke had brought up the canopy for people getting dropped off at the entrances. We have provided a rendering; we will need to

PLANNING BOARD MINUTES
December 11, 2024

get a structural engineer as it is quite an overhang but the intention is to provide covered drop off area on both buildings.

Mr. Caterino: After the previous meeting we did forward the updated traffic study to MCDOT and they concurred with the traffic study which included the information regarding the buses and the traffic associated with the Greece Central School District. The Town's traffic advisory committee reviewed the study and they concurred as well. At the last meeting we discussed driveway signage along Island Cottage Road, MCDOT did not feel that it was warranted. They did concur there was adequate site distance at the driveway going down to Island Cottage Road which is one of the reasons they did not think it was needed. We have also engaged MCDOT, RG&E and Monroe County Water Authority regarding the sidewalk extension along Island Cottage Road and Hojack line and crossing Island Cottage Road. It is feasible, there is a process we have to go through. RG&E is a little longer process because it is regulated by New York State public service commission, they have to go through a process that could take up to 18 months. A lot of what we do in terms of sidewalk, crosswalk, would have to have a finalized plan, get it to those agencies to review and make any modifications like signage, easements, etc.

Mr. Trau: We have no remaining concerns at this time, we have worked closely with the applicant to get through some concerns, we are in good standing at this point.

Mr. Timmons: The traffic study is saying they don't have a concern seeing the new driveway when you are north bound or south bound on Island Cottage Road?

Mr. Caterino: That is correct, the site distance to north and south meet MCDOT standards.

Mr. Geisler: The road that is existing now, then there is a big dip, north of that is going to be the entrance to this project, how many feet down from the RG&E road?

Mr. Tomlinson: We are prescribed by State and County DOT of how we have to measure that and what height objects are at, both visible that we see as well as at the driveway, that is supposed to represent both the car approaching and turning out, so those are measured at 42" above grade 12 feet off the edge of the road. We will have lighting on the entire entry drive with a monument sign. There will be a stop sign and a stop bar at the exit of the driveway. Right out and left out onto Island Cottage Road.

Mr. Geisler: I think a project this big should have a secondary access, in and out. Not just emergency access. In case there was emergency vehicles in the parking lot, people can still get in and out. I went around and looked at other facilities, they are more in line with residential nature, fewer units, this new design is not in keeping with the residential nature, I liked the peak roof presented at the first meeting. Why can't you keep it two stories and room for emergency vehicles to get around?

Mr. Tomlinson: We have explored a lot of different designs, there are a couple reasons for it. The zoning (CHC) does not have a height restriction so in theory we could go six stories. The feedback that we heard liked the look of the peaked roofs but was too tall and preferred this look.

Mr. Geisler: How do you ensure that the perimeter will be maintained to preserve the integrity barrier, the designated wetlands?

Mr. Tomlinson: We have applied for permits to the Army Corp of Engineers and to the DEC and they use a number of mechanisms to ensure that folks stay within the permit parameters like site visits, ariel visits, and the town also has measures to ensure compliance.

Mr. Geisler: I drove down the emergency access road today and that is in very poor condition. Who maintains that?

PLANNING BOARD MINUTES
December 11, 2024

Mr. Tomlinson: My understanding is that there is a purchase and sale agreement between the developer and the town and it relates to easements; we did a structural analysis of the bridge, and that was given to the Fire Marshal. Language in the agreements will cover things like maintenance and access.

Mr. Caterino: If this project was approved, that would become private property and an easement would be needed across the Town land, maintenance language can be added to that. As far as wetlands, we can get a conservation easement over that.

Mr. Selke: This is a pretty significant application for the town, and I need some more clarification on a few things. The mitigation of the soil contamination, what was the conclusion on that? You had said the building will look the same on all sides, correct? The water from the retention pond will go into the creek? Fire trucks have demonstrated they can get there in time, the entire building will be sprinklered? Internal stop signs should be put in the parking areas.

Mr. Tomlinson: There is a soil management plan that is in place or prior to any construction that includes monitoring and testing of materials and the developer and contractors are required to follow all of those requirements for remediation. That is correct, the building will look the same on all sides. The water first goes into a portion of the federal wetlands and then drains through a swale into the creek. Yes, the entire building is sprinklered. We are in compliance with the vehicular fire apparatus access.

Mr. Geisler: How long will it take to complete the first Phase? The first building will be built then you're going to start the back building, and then it will take another couple of years, why do it that way ?

Mr. Tomlinson: Phase I would be complete toward the end of 2026. Phase II will be building only and take less time, less large equipment, as most of the ground work will happen with Phase I.

Mr. Geisler: If there is a fire like a grease fire on the fourth floor and the alarm goes off, elevators shut down, are all residents going to be asked to evacuate the building?

Jeff Ladue, Form 2 Architecture: Yes. There is a lot of fire code and building code requirements that the building will be built to and that we will follow.

Casey Bulson, 440 Shorecliff Drive: Brought in some slides to be shown regarding the soil contamination plume from the Odenbach shipyard, showing dead trees and no new growth, plume traveling over the years. What soil vapor testing has been performed? If it hasn't been tested, it isn't possible to get an accurate soil vapor test in the winter. What is the start date on the project for clarification? Driveway placement, in order to do that, the ditch will need to be filled in, how much impact will that have due to the reduction in space for the water that sits there? How will that effect erosion on either side of the driveway?

Laura Jackett, 65 North Drive: Jenn and Steve are neighbors, they own the horse farm, they have done a really good job with the property. You're going to push him out, the noise from the trucks and construction, backed up to four story buildings that does not belong in this neighborhood. The people that live here and pay taxes, we expect you to follow our wishes, not the developer.

Ryan Murphy, 197 Old Country Road: Wanted to verify the construction of the buildings? HVAC units on the roof will need massive reinforcement. Concerned about the construction vehicles on the driveways.

Suzie Syracuse, 612 Shorecliff Drive: The railroad track road that is there, where you are going to put your road is 8 feet lower, how is that not going to flood? Or how do people see a road that is coming out that is 8 feet lower than the railroad road? Being that you're going to put in a sidewalk, a sidewalk should be the full length of the railroad track road because someone could fall off of it being 8 foot lower. Where is the power coming from? The horses

PLANNING BOARD MINUTES
December 11, 2024

- is there a way to build a barrier so that the horses aren't bothered by the lights and the noise like they have on the expressways?

Mr. Tomlinson: Right at the driveway the elevation at the driveway connection to the road for what will be proposed grades relative to where the trail comes out is approximately 2 feet in elevation change. As you move further east along the trail the grade on our property continues to drop. We are filling along the road, making ways for drainage to be directed to culverts that will be installed to capture flow and ensure we are in compliance. Power, I believe, is coming off of Island Cottage Road. RG&E engineers do the design of their own utilities to service projects, so where they connect to. This project will require three face power, a lot of single-family residential homes require one face power. Substations are required to either step up or step down differently, so a project like this with more stories, more connections, and transformers being set, would be fed elsewhere than a single-family subdivision. Sidewalks will be designed to ADA requirements. Further into the site, there is more of a step down but if we can make trail connections for sidewalks and if we have a higher difference in grade, those sidewalks will get longer so they can be gradual. To address the contamination concerns, I am not aware of any contamination concerns outside of what was identified in the Phase I and Phase II environmental studies, that were prepared by the Town of Greece. Prior to selling property, banks and lenders want to know before lending can take place. The developer is working with that consultant to ensure we are following the letter of the law on everything that is required. DEC reviews these management plans and the areas within the site. There are methods identified for soil management treatment, disposal, monitoring, testing, and observation. There are also allowance within the health code by the DEC, if we run into something that wasn't known, like an odor, that is required to be reported by licensed contractors to the DEC to ensure that is taken care of appropriately.

Mr. Selke: What has been determined to mitigate any contamination on site? Are you required to replace whatever is taken off?

Mr. Tomlinson: Anything above the minimum required contamination levels for appearing on a residential property will be required to be removed from on site and disposed of offsite in a legal manner, so that means to a facility that is licensed to accept whatever the contaminant is that is found. Yes, we will be excavating and balance from the materials on site. The areas of contamination are limited and relatively near the surface, mostly the result of prior agricultural use, pesticides that kind of thing. Start date for the project, weather dependent, is as early in the spring as we can, March/April 2025. We have a lot to go into the design before we can get final drawings approved. This is all wood framed construction. As far as the barrier to the farm, we have the back of the garage which will provide a solid barrier for headlights coming through and adding quite a bit of landscape along the parcel as well. The Clerk to the Planning Board can also require supplemental plantings, if deemed necessary, after construction.

Suzanne Albright, 2096 Edgemere Drive: I just have a comment, one of your newly appointed board members is the secretary and treasurer also of Munipro, LLC. Property sold to the developer for this project. I am pretty certain and not alone in believing that he should recuse himself of any participation and decision making in this project for that reason, or any other project that comes before this board with connection to Munipro, it is a clear conflict of interest.

Brendan Bulson, 440 Shorecliff Drive: From last time it was mentioned that Phase I testing had been done and that Phase II was on the responsibility of Greece, was it done or still to come? In that, for what they find, do they find that it can be fully remediated before their groundbreaking goal? Is there going to be lighting on the secondary emergency exit of the property?

PLANNING BOARD MINUTES
December 11, 2024

Ann Marie Galletto, 514 Shorecliff Drive: I was looking at meeting minutes from November 7, 2024 and wondering if we could have some clarification on master backflow and pressure zone. If there is an issue in the area, how are we getting water to the buildings? How many fire hydrants are going to be in the area? Do you have to dig trenches to get water? How much is that going to cost? Right behind our homes they cleared out area, why are the blue stakes there? When you start building, where are the trucks going to come in? This is a total of 4 years of construction. We were told before that it is almost impossible to get a rezoning but yet this area has been rezoned three times, so you can't tell me there isn't going to be a time when our seniors are going to grow out of this building, and it gets sold for something else and we are all going to pay taxes on it. Who owns the buildings, who is going to maintain them, how tall are the lights?

Steve DiBattisto, 364 Island Cottage Road: I appreciate everything you all have said and all the work you have done, I am going to hand you my name, number and address and you can come to my house and tell me if a four-story building belongs there.

Cheryl Brandt, 418 Shorecliff Drive: Will there be a fence around that pond? Kids from the school go back there and hang out.

Mr. Tomlinson: There is not a fence around the stormwater management facility. There is design criteria that the DEC requires for the slope of the pond, the depth, and a safety bench. Property maintenance and residents will have to control if any kids are hanging around. Any time there is a clearing of trees or any improvements, a dig safe request is required to be called in so utility owners can map that out. That would be what the blue flags would be for, something RG&E probably called in, nothing our development has called in. Once construction starts, we will call in a request so we don't hit any utilities. Pressure zone and hydrants, there are different pressure zones all throughout Monroe County. Water is a utility that is under pressure through the mains to make sure it comes out your faucets at the right pressure and doesn't blow fixtures off the walls. This area along the lake is the lowest land within Monroe County, so there is step downs in pressures at the different zones. We happen to be right at a dividing line for that, there is transmission lines that run between the Shoremont Plant and some treatment plants, so we will be fed off the higher pressure zone to ensure there isn't a loss of pressure. All that is calculated, reviewed, and approved by the Monroe County Water Authority, Health Department and Engineering staff at the Town. We are not planning to light the emergency secondary access point; we don't want that to look like an enter/exit point. A Phase I and Phase II environmental study has been done on the property. Both phases of our construction will need to comply with the soil remediation plan that was identified in the environmental Phase II that was performed. Nothing that we do on our site, that is significantly lower than the Shorecliff neighborhood and does not take drainage from the Shorecliff neighborhood, will affect drainage positively or negatively for that neighborhood. It sits up 20-30 feet higher and drains to the parkway lands. The lights are 20 feet in height.

Kelly Goodwin, 621 Shorecliff Drive: I have a question on the process of decision making, do you make recommendations to another board on this project?

Mr. Fisher: No, we make the decision on the subdivision and the site plan, to determine if everything meets the requirements of the zoning. Town Board already determined what projects are allowed to go in areas. We look at drainage, traffic, design; we rely on other agencies as well when it comes to traffic for example. We make determinations based on if what is being proposed meets their criteria (Health Department, Water Authority, Department of Transportation, Department of Environmental Conservation, etc.). We can then put some conditions on the approval that the applicant must agree too. We listen to the residents to get their feedback and ask questions, get answers to the questions, address all concerns. Sometimes based on those concerns, that is how we get to our conditions.

PLANNING BOARD MINUTES
December 11, 2024

Mr. Selke: Town Board decides on the zoning and the particular use. Planning Board determines how it is best used under the zoning. We can't stop the project but we can try to make it the best project possible under the zoning.

Doug Dobson, 1630 Edgemere Drive: Lakeshore Fire District Chairman of the Board of Commissioners. We still remain highly opposed to anything over two story structure. We have consulted our district attorney; we are in the process of putting a resolution together to be submitted to the Planning Board and Town Board requesting that the character of the Lakeshore Fire District be maintained with less than three and four story buildings. I am encouraged to see that there has been progress made in terms of the fire response and fire access to the site. This year we have gone on 1,060 calls. We send a fire truck and four people, 80 percent are EMS, and about 200 calls are fire related. This will probably put about 160 more EMS calls on the Lakeshore Fire District. As explained before if we go on an EMS call, we can't leave until the ambulance arrives. Has the staff reviewed what an impact the additional EMS calls at this site will have on the ambulance core?

William, Hilton: In my experience when a situation comes up (fire alarm related), they usually designate an area to go to until it is determined if all need to evacuate.

Ann Marie Galletto: Who is owning these buildings? What is Greece getting out of this?

Mr. Tomlinson: We are building to the New York State fire code as it relates to ISO ratings so I do not anticipate any issues related to that. We have sidewalks around the buildings for access in an emergency. Doorways are at the ends of the buildings and the main entrance. This is property owned by the Town, so property tax will be paid on this development. The applicant information is on file with the town, the developer will own it, they will contract to management to Providence housing for the property. I don't know all the calculations that go into figuring out taxes on multi-family developments but there are published tax rates. We anticipate the first phase of this will be 35 million dollars, typically assessed around construction value, \$5/per thousand at 75 percent equalization that is roughly 127 thousand dollars a year (if it is 68 percent maybe around 120 thousand dollars) There may be some increase to EMS calls but this may help with staffing and this helps mitigate that, the taxes that are paid to the town for emergency services, police support, fire districts, other special districts. Phase II will be around 24 million dollars; it may be a PILOT but that will be negotiated as part of it.

Steve DiBattisto: I spoke to the guy doing the dig holes and he said anything above two stories, the second story or third floor has to be poured concrete, is that true?

Mr. Caterino: That would be dictated by the building code. So, drawings would have to be submitted to the building department and fire marshal, they would be reviewed to see how they line up with the New York State building and fire codes. If it doesn't then revisions will be made.

Mr. Tomlinson: At the last meeting there was discussion about the fire chief being consulted as it related to SEQR, we provided the letter, staff did touch base with the fire chief. We sat with the Fire Marshal to make sure we have everything to his satisfaction.

Mr. Caterino: We have a draft resolution before the board. Some of the site-specific conditions to mention: #5 - no soil disturbance, removal or relocation can occur on the site until plans are reviewed and approved by Monroe County Department of Health and NY State Department of Environmental Conservation. #8 - going along the western property line and filling in any vegetation gaps. #13 - rooftop HVAC units being screened. #14 - all light spill is to be contained on the property. #22 - applicant will provide sidewalks on the north and west side of the Phase II building, subject to approval of Fire Marshal. #23 - currently there are no doors leading to the back area, if for some reason they are needed, they will connect to the sidewalks. #24 - provide a five-foot sidewalk across the frontage of Island Cottage Road. #25 - the sidewalk proposed would extend south to the Hojack line,

cross Island Cottage Road via a crosswalk, back to western side of Hojack and connect to the public side walk that ends at 353 Island Cottage Road, subject to approval of RG&E, MCDOT and MC Water Authority. #26 - installation of sidewalk from Island Cottage Road to the Phase I building. #27 - FEMA floodzone and proposed filling of that. #28 - secondary access gate subject to approval of Fire Marshal. We are adding some additional conditions from tonight's discussions #35 - that the applicant place a conservation easement over the eastern portion of the property. #36 - include a stop sign and a stop bar at the driveway going onto Island Cottage Road. #37 - add drop off canopies at the main entrance of the buildings. #38 - applicant to provide stop controls within the facility.

Ms. Anthony made a motion, seconded by Mr. Timmons:

WHEREAS, Ken Vasile / Penn Central Senior Apartments, LLC (the "Applicant") has submitted a proposal to the Town of Greece Planning Board (the "Planning Board") for approval of a minor subdivision and site plan for property located at 354 Island Cottage Road (the "Premises"); and

WHEREAS, having carefully considered all relevant documentary, testimonial, and other evidence submitted, the Planning Board makes the following findings:

1. In summary, the Applicant has requested minor subdivision and site plan approval for a proposed senior living facility (2-buildings, each 4-stories high; 332 units; 82,500± square feet) with related outdoor amenity spaces, parking, utilities, grading, and landscaping on approximately 20.2± acres (the "Project").
2. The Premise is located on property in the Town of Greece (Monroe County tax account number 046.01-1-6.111) bordered by Island Cottage Road (Monroe County Route 134) to the west, the former Hojack Line to the south, and Town of Greece land to the north and east.
3. Pursuant to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), the Project constitutes a Type I action under SEQRA.
4. The Planning Board considered the Project at a regular meeting on November 7, 2024, November 17, 2024, and December 11, 2024.
5. On September 18, 2024, in accordance with SEQRA, the Planning Board passed a resolution declaring its intent to become Lead Agency in the coordinated environmental review of the Project, directing the Planning Board staff to provide notice of such intent to all involved and interested agencies. Such Notice of Intent to Become Lead Agency was distributed on September 24, 2024.
6. The Planning Board has carefully considered environmental information that was prepared by the Applicant's representatives, which included but was not limited to: oral and written descriptions of the Project; a layout plan; building elevations; a Traffic Trip Generation Letter; a Phase 1 (1A & 1B) Cultural Resource Investigation; a Wetland and Waterbodies Delineation Report; an Engineering Report; and Part 1 of an Environmental Assessment Form (the "EAF"), which was prepared in part by using the New York State Department of Environmental Conservation's (the "NYSDEC") online EAF Mapper application (collectively, the "Environmental Analysis").
7. The Planning Board also has included in the Environmental Analysis and has carefully considered additional information submitted by the Applicant's representatives, including but not limited to: supplemental or revised maps, drawings, architectural elevations, descriptions, analyses, and reports; and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.

8. The Planning Board also has included in the Environmental Analysis and has carefully considered information, recommendations, and oral or written comments that resulted from telephone conversations, meetings, or correspondence from or with various involved and interested agencies, including but not limited to: the Monroe County Department of Transportation (the "MCDOT"); the Monroe County Department of Planning and Development; the New York State Historic Preservation Office (the "SHPO"); and the Town's own staff.
9. The Planning Board also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from owners of nearby properties or other interested parties, and all other relevant comments submitted to the Planning Board as of December 11, 2024.
10. The Planning Board has carefully considered the Environmental Analysis, which examined the potential effects of the Project on the following principal relevant issues: Impact on Land; Impacts on Surface Water; Impacts on Flooding; Impacts on Aesthetic Resources; Impact on Historical and Archeological Resources; and Consistence with Community Character. A summary of the analyses of these issues and the Planning Board's reasoned elaboration supporting its determination of environmental significance follows.

Impacts on Land

Currently, the Premises is an undeveloped, vacant property, so any development proposed could be considered an impact. Per information submitted by the Applicant, the project will occur in two (2) phases with an estimated completion around 2030 or so. The proposed development is consistent with the adjoining developed area, as directly to the north of the project location is the Edna Tina Wilson Living Center and Resch Commons Affordable Senior Living Community, which are both operated by Rochester Regional Health, and both located in same zoning district – Central Health Care (CHC) of the project location. In terms of increased erosion due to disturbance, the project will be required to comply with the Town of Greece and New York State Department of Environmental Conservation requirements and regulations as it relates to drainage, stormwater management and water quality. Furthermore, related to contaminants on the Premises, the Applicant will be required to mitigate said contaminants in accordance with the rules and regulations of including, but not limited to the Monroe County Department of Health and the New York State Department of Environmental Conservation.

Impacts on Surface Water

As part of the project, the Applicant will be constructing new waterbodies in the form of stormwater management facilities on site. Said facilities will be required to be constructed to the regulations and requirements of the Town of Greece and the New York State Department of Environmental Conservation. The project location contains federal and state wetlands identified by the United State Army Corp. of Engineers and the New York State Department of Environmental conservation. The Applicant has completed and submitted a Joint Permit application to those agencies and will be required to comply with any conditions of approval associated with said permit application.

Impacts on Flooding

The Premises contains flood zones as identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Panel #36055C0068H, effective on July 31, 2024. As part of the project, the Applicant proposes to fill certain sections of the flood zone pursuant to Chapter 117 (Flood Damage

Prevention) of the Code of the Town of Greece, which requires that the Applicant provide compensatory storage demonstrating that there will be no net-fill of the flood zones. In layman's terms, whatever amount of fill is added to the flood zones, the same amount or greater of storage area is required to be provided on the Premises and shall not result in a negative impact to adjoining property owners.

Impacts on Aesthetic Resources

The project location fronts on Island Cottage Road (Monroe County Route 134) and is in close proximity to New York State Route 390 and Lake Ontario State Parkway. Given this proximity, the project will be visible from those locations either year-round or seasonally. Originally, the Applicant proposed each building to be 4-stories with gable roofs and an approximate height of 64-feet to the ridge of the roofs. Based on comments from town staff, members of the Planning Board, and residents, the Applicant has revised the building elevations and height. The revised building elevations reduce the number of stories down three (3) in certain areas and replaces the gabled roofs with flat roofs. By doing so, the height of the 4-story sections has been reduced to below 49-feet, and the 3-story sections down to 36-feet. As a result, the visual impacts of the buildings from certain adjoining areas/locations will be reduced. The reduction in height also reduced the number of proposed units of the project from 332 units to 310. It should be noted that the Central Health Care (CHC) zoning district does not have a maximum number of stories or height requirement as long as the proposed buildings meet the required setbacks from the zoning district boundary, which this project does.

Impact on Historical and Archeological Resources

Per the Part 1 Environmental Assessment Form submitted by the Applicant, the project location is located in or adjacent to an area designated as sensitive for archeological sites on the New York State Historic Preservation Office (SHPO) archeological site inventory. As a result, the Applicant had prepared a Phase I (1A & 1B) Cultural Resource Investigation prepared by Powers Archaeology LLC, which was submitted to the New York State Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) for review. On July 19, 2024, the Applicant received correspondence from OPRHP, that they had reviewed the Cultural Resources Investigation and that "No archeological sites were identified by the survey. Therefore, it is the opinion of the OPRHP that no properties, including archeological and/or historic resources, listed in or eligible for the New York State and National Register of Historic Places will be impacted by this project".

Consistency with Community Character

Currently, the Premises is an undeveloped, vacant property, so any development proposed could be considered an impact. The proposed development is consistent with the adjoining developed area, as directly to the north of the project location is the Edna Tina Wilson Living Center and Resch Commons Affordable Senior Living Community, which are both operated by Rochester Regional Health, and both located in same zoning district – Central Health Care (CHC) of the project location. To the west and south of the Premises, you have a mixture of a utility right-of-way, single-family homes, an office park, and public school. To the east, you have a mixture of single-family homes and public land owned by New York State. As it relates to architectural scale and character, originally the Applicant proposed each building to be 4-stories with gable roofs and an approximate height of 64-feet to the ridge of the roofs. Based on comments from town staff, members of the Planning Board, and residents, the Applicant has revised the building elevations and height. The revised building elevations reduce the number of stories down three (3) in certain areas and replaces the gabled roofs with flat roofs. By doing so, the height of the 4-story

PLANNING BOARD MINUTES
December 11, 2024

sections has been reduced to below 49-feet, and the 3-story sections down to below 36-feet. The reduction in height also reduced the number of proposed units of the project from 332 units to 310. As a result, the Applicant has reduced the scale of the project.

11. The Environmental Analysis examined the relevant issues associated with the Project.
12. The Planning Board has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
13. The Planning Board has met the procedural and substantive requirements of SEQRA.
14. The Planning Board has carefully considered each and every criterion for determining the potential significance of the Project upon the environment, as set forth in SEQRA.
15. The Planning Board has carefully considered (that is, has taken the required "hard look" at) the Project and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis and all additional relevant information submitted.
16. The Planning Board concurs with the information and conclusions contained in the Environmental Analysis.
17. The Planning Board has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Planning Board's determination is supported by substantial evidence, as set forth herein.
18. To the maximum extent practicable, potential adverse environmental impacts revealed in the environmental review process will be avoided or minimized by Project elements that are integral to the design or by the Applicant's voluntary incorporation of Project design modifications that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Planning Board's own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Planning Board determines that the Project will not have a significant adverse impact on the environment, which constitutes a negative declaration.

And be it further

RESOLVED that this determination constitutes the Planning Board's analysis of Part 2 and Part 3 of the Full Environmental Assessment Form, and constitutes the Board's reasoned elaboration of why the Project, with the design elements proposed by the Applicant, will not have a significant adverse environmental impact.

VOTE:	Anthony	Yes	Timmons	Yes
	Geisler	No	Fisher	Yes
	Selke	Yes		

MOTION CARRIED

Ms. Anthony made a motion, seconded by Mr. Timmons to approve this application subject to the following conditions:

1. The Applicant shall develop the Premises in conformity with all details of the Project as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Project, the site development plans of the Project, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. Any Town of Greece approval or permit for these premises does not relieve the applicant, developer, or owner of the premises from obtaining all other town, county, state, or federal government approvals or permits that are required for the premises. A note that indicates this requirement shall be added to the plat.
3. No building permits shall be issued unless and until highway permits are issued. A note that indicates this requirement shall be added to the plat.
4. The Planning Board further finds that development of these apartments will contribute to the demand for additional park and recreation space, and that this apartment development provides no suitable park or recreation land to address such current or future need. Therefore, pursuant to the New York State Town Law, Section 274-a, payment of the Town's recreation fee shall be required for each dwelling unit in this apartment development, payable to the Town upon the issuance of the original building permit for each dwelling unit. A note that indicates this requirement shall be added to the plan.
5. The Applicant has prepared a draft Proposed Mitigation/Remediation of Impacted Soils for the Premises. No soil disturbance, soil removal, or soil relocation shall commence on the Premises until such plans to do so have been reviewed and approved by the Monroe County Department of Public Health and the New York State Department of Environmental Conservation. A note that indicates this requirement shall be added to the plan.
6. Prior to the issuance of a Final Certificate of Occupancy for the Premises, The Applicant shall provide certification verifying proper installation of landscape areas on the site in accordance with the landscape plan approved by the Planning Board, and in accordance with the Town's Landscape Guidelines for Development. Such certification shall be on the certification form provided in such guidelines and shall be completed by a New York State Licensed Landscape Architect. A note that indicates these requirements shall be added to the plan.
7. The landscaping on the Premises shall be maintained by the current owner of the Premises, and by any future owner. The owner of the Premises shall replace any dead plants with the same species or a similar species. The replacement plant shall be no smaller than the previous plant when it originally was installed. A note that indicates these requirements shall be added to the plan.
8. As offered and agreed to by the Applicant, the Applicant shall provide additional evergreen trees and/or woody shrubs along the west property line to fill in gaps in existing vegetation for the purpose of providing buffering for the benefit of existing residence to the west. A note indicating this requirement shall be added to the plan. The final number, species, size, and location of such trees shall be subject to approval by the Clerk of the Planning Board.
9. The exterior appearance (that is, materials, colors, and architectural style) of the proposed apartments shall be georgetown brick (in the brown/orange color families), sawn limestone (in the gray color family), EIFS (in the beige, dark blue, black, brown, and gray color family). Elevations of the exterior appearance shall identify

PLANNING BOARD MINUTES
December 11, 2024

these colors and materials, shall show all sides of the proposed apartments, and shall be filed with the site plan.

10. The exterior appearance (that is, materials, colors, and architectural style) of the proposed covered carport and garages shall be consistent with the proposed apartment buildings, subject to the approval of the Clerk of the Planning Board.
11. The exterior appearance (that is, materials, colors, and architectural style) of the proposed dumpster enclosure shall be consistent with the proposed apartment buildings. Furthermore, said enclosure shall consist of solid materials for the gate and enclosure, and the height of said enclosure shall exceed the height of the proposed dumpsters.
12. The proposed roof-top communal areas of each building shall be subject to the approval of the Clerk of the Planning Board as it relates to appliances, noise-generating equipment and lighting.
13. All heating, ventilation, and air conditioning (HVAC) equipment shall be screened from public view. If the HVAC equipment is or will be roof-mounted, the screening for such HVAC equipment shall be visually compatible with the proposed building(s), and shall be shown on the architectural elevations of the building(s). If the HVAC equipment is or will be ground-mounted, its location shall be shown on the site plan. Evidence that such HVAC equipment is or will be screened shall be submitted for review and approval by the Clerk of the Planning Board prior to affixing the Planning Board approval signature to the site plan.
14. Light spill shall be contained on the Premises. Outdoor light sources shall be aimed or shielded so that they are not visible when viewed from off the Premises, and so that light spill is cast only downward onto the Premises. Exempt from this requirement are low-wattage or low-voltage lights that are located near the principal entrance to a building, and low-wattage or low-voltage lights, not higher than 42 inches above grade, that define a walkway or other access to a building. A note that indicates this requirement shall be added to the plan.
15. Snow storage areas shall be identified on the plan
16. The locations of the designated fire lanes shall be shown on the Site Plan.
17. Water mains and hydrants shall be installed and be in proper operating conditions prior to the commencement of any above-ground construction.
18. Permanently mounted "No Parking – Fire Lane" signs shall be posted along the fire lanes at intervals of 50 feet or less. A note that indicates this requirement shall be added to the plan.
19. No final approval signature shall be placed on the plans unless and until the appropriate easement documents have been prepared and provided to the Town for review.
20. No building permits shall be issued unless and until the appropriate easement documents, including all necessary map references, have been filed in the Office of the Monroe County Clerk.
21. No pre-construction meeting shall be scheduled unless and until a Notice of Intent (NOI) has been filed with the New York State Department of Environmental Conservation (the "NYSDEC").

Throughout the life of the storm water permit (from the filing of the Notice of Intent to the Notice of Termination), the developer shall comply fully with all aspects of the NYSDEC General Permit No. GP-0-15-002, particularly Part IV, which describes:

PLANNING BOARD MINUTES
December 11, 2024

- periodic inspections of the construction site by a qualified professional; and
- maintenance of a site log; and
- stabilization requirements; and
- maintenance of sediment traps and ponds during construction.

The periodic inspection reports shall be provided to the Town's Engineering staff within 24 hours of inspections.

22. As offered and agreed to by the Applicant, the Applicant shall provide additional sidewalks along the north and west side of the Phase II building, subject to the approval of the Fire Marshal.
23. The location of all exterior doors shall be shown on the plan. All exterior doors shall be connected by a sidewalk to an acceptable fire safety zone or the proposed sidewalks around the perimeter of the buildings, if required by the New York State Uniform Fire Prevention and Building Code and subject to the approval of the Building Inspector and/or Fire Marshal.
24. A 5-foot-wide concrete sidewalk and sidewalk easement to the Town of Greece shall be provided along the Island Cottage Road frontage of the Premises, subject to the approval of the Town's engineering staff.
25. As offered and agreed to by the Applicant, the Applicant shall provide a public sidewalk extension to the Hojack Line to the south with crosswalk and associated signage across Island Cottage Road in effort to connect with the existing public sidewalk which currently terminates at 353 Island Cottage Road, subject to the approval of RG&E, Monroe County Department of Transportation, the Monroe County Water Authority, and the Clerk of the Planning Board.
26. The Applicant shall provide a sidewalk connection from the proposed public sidewalk along the Island Cottage Road frontage to the proposed Phase I building, subject to the approval of the Clerk of the Planning Board.
27. Pursuant to Chapter 117 (Flood Damage Prevention) of the Code of the Town of Greece, any proposed filling of the FEMA AE zone shall not occur, unless the Applicant provides compensatory storage resulting in no-net gain, subject to the approval of the Town's engineering staff.
28. The proposed secondary access gate for emergency and fire services shall be subject to the approval of the Fire Marshal.
29. The Applicant shall develop the Premises as it relates to accessibility, as required by the New York State Uniform Fire Prevention and Building Codes and subject to the approval of the Building Inspector. Furthermore, the Building Inspector shall approve field changes to the approved plan as it relates to Accessibility/ADA Compliance.
30. Subject to approval by the Town's Building Inspector, Fire Marshal, Commissioner of Public Works, and Engineering staff.
31. No building permits shall be issued unless and until a digital copy of the plans has been submitted. All sheets in the drawing set, with all necessary signatures, shall be provided in Tagged Image File (".TIF") format at a minimum resolution of 400 dpi.
32. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include any successors and assigns.
33. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.

PLANNING BOARD MINUTES
December 11, 2024

- 34. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.
- 35. The Applicant shall provide a conservation easement over the eastern portion of the property.
- 36. The Applicant shall include a stop sign and stop bar at the driveway going onto Island Cottage Road.
- 37. The Applicant shall add drop off canopies at the main entrance of the buildings.
- 38. The Applicant shall provide stop controls within the facility.

VOTE:	Anthony	Yes	Timmons	Yes
	Geisler	No	Fisher	Yes
	Selke	Yes		

MOTION CARRIED
APPLICATION APPROVED WITH CONDITIONS



William D. Reilich
Supervisor

TOWN OF GREECE

PLANNING & ECONOMIC DEVELOPMENT

1 VINCE TOFANY BOULEVARD • GREECE, NEW YORK 14612-5016
www.greecenyny.gov

December 18, 2024

Ken Vasile / Penn Central Senior Apartments, LLC.
1200 Jefferson Road Suite 304
Rochester, NY 14623

Dear Sir/Madam:

RE: 354 Island Cottage Road – Minor Subdivision

At its **December 11, 2024** meeting, the Town of Greece Planning Board **CONDITIONALLY APPROVED** the above referenced project. The Conditional Approval will expire after 180 days. In order to obtain Building Permits and proceed to construction, **you must obtain Final Approval prior to June 11, 2025.**

In order to obtain *Final Approval*, please carefully follow the instructions below:

- Carefully read the enclosed Planning Board approval conditions and plan your submittal for Final Approval accordingly.
- Review the status of staff and agency review comments and revise design plans and reports accordingly.
- Provide the following materials to the Planning Board Secretary for review prior to final approval signatures, including but not limited to:
 - **Two (2) copies of any easements and/or agreements (public and private as necessary) in draft form using Town templates, unsigned, including text, maps and legal descriptions as necessary.**
 - **Note:** Final Approval will not be given until legal documents have been approved.
 - Two (2) copies of any required reports, analyses, or correspondence
 - One (1) copy of the final revised Storm Water Pollution Prevention Plan (SWPPP)
 - Six (6) copies of design drawings, revised as necessary

It is the Applicant's responsibility to provide the materials necessary to obtain Final Approval in a timely manner. Materials should be provided as a single package in order to avoid unnecessary delays.

For further instructions, contact Office of Planning and Economic Development or consult the Town of Greece Application Review Procedure at <http://greecenyny.gov/planning/planningboard>

Sincerely,

John T. Caterino,
Planner

PUBLIC HEARINGS

Old Business

1. Applicant: Ken Vasile / Penn Central Senior Apartments, LLC
Location: 354 Island Cottage Road
Mon. Co. Tax No.: 046.01-1-6.111
Request: Minor Subdivision approval for the Penn Central Subdivision, being a re-subdivision of Lot R-354 of the Edwin J. Resch Estate, consisting of two (2) lots on approximately 20.2± acres.
Zoning District: CHC (Central Health Care) and EDIO (Economic Development Overlay)

For a synopsis of the discussion relative to this request, see the minutes of this meeting relative to the request for site plan approval for property located at 354 Island Cottage Road by applicant Ken Vasile/Penn Central Senior Apartments, LLC.

Ms. Anthony made a motion, seconded by Mr. Timmons:

WHEREAS, Ken Vasile / Penn Central Senior Apartments, L.L.C (the "Applicant") has submitted a proposed to the Town of Greece (the "Town") Planning Board (the "Planning Board") for approval of a minor subdivision, as more fully described in the minutes of the public meeting (the "Proposal") relative to property located at 354 Island Cottage Road (the "Premises"); and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Planning Board makes the following findings:

1. Upon review of the application, the Planning Board determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA")
2. On December 11, 2024, the Planning Board approved a site plan relative to the Premises. As a Type I action pursuant to the SEQRA Regulations, the site plan was the subject of a coordinated environmental review, for which the Planning Board, as the Lead Agency, issued a negative declaration pursuant to SEQRA, indicating that there would be no significant adverse environmental impact.
3. The Planning Board finds the Proposal to be consisted with the site plan review by the Planning Board.

NOW, THEREFORE, be it

RESOLVED that SEQRA requires no further environmental review by the Planning Board.

VOTE:	Anthony	Yes	Timmons	Yes
	Geisler	No	Fisher	Yes
	Selke	Yes		

MOTION CARRIED

Ms. Anthony made a motion, seconded by Mr. Timmons to approve the application with the following conditions:

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. Any Town of Greece approval or permit for these premises does not relieve the applicant, developer, or owner of the premises from obtaining all other town, county, state, or federal government approvals or permits that are required for the premises. A note that indicates this requirement shall be added to the site plan.
3. No final approval signature shall be placed on the plans unless and until the appropriate easement documents have been prepared and provided to the Town for review.
4. No building permits shall be issued unless and until a digital copy of the plans has been submitted. All sheets in the drawing set, with all necessary signatures, shall be provided in Tagged Image File (".TIF") format at a minimum resolution of 400 dpi.
5. Subject to approval by the Town's Commissioner of Public Works, Fire Marshal, and Engineering staff.
6. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include any successors and assigns.
7. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
8. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

VOTE:	Anthony	Yes	Timmons	Yes
	Geisler	No	Fisher	Yes
	Selke	Yes		

MOTION CARRIED
APPLICATION APPROVED WITH CONDITIONS

New Business

None



Housing Project – 1st Meeting Review

March 25, 2025

Applicant: Cascade District LLC
7 Van Auker Street
Rochester, NY 14623

Location: 69 and 72-78 Cascade Drive
Rochester, NY 14614

PROJECT SUMMARY:

The proposed Cascade District project involves the renovation of an approximately 230,000 sq foot industrial building into a mixed-use development in the City of Rochester. The building currently houses 32 loft-style apartments as well as some commercial tenants. The existing lofts will undergo extensive renovations and an additional 58 one- and two-bedroom loft-style apartments will be constructed bringing the total number of residential units to 90. Additional commercial tenants will be sought to transform this space and bring new life to the area.

The applicant is seeking approval of a real property tax abatement, sales tax exemption and mortgage recording tax exemption and is committed to having 20% of the units set aside as affordable for those earning up to 80% AMI.

No Benefits are Being Approved at this Time.



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

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: Cascade District LLC
 Address: 7 Van Auker St
 City/State/Zip: Rochester, NY 14608
 Tax Id No.: [REDACTED]
 Contact Name: Michael M. Spoleta
 Title: Manager
 Telephone: [REDACTED]
 E-Mail: [REDACTED]

B. Applicant's Legal Counsel

Name: Anthony J. Mastrodonato
 Firm: Kaman, Berlove, Marafioti, Jacobstein & Goldman LLP
 Address: 135 Corporate Woods, Suite 300
 City/State/Zip: Rochester, NY 14623
 Telephone: [REDACTED]
 Email: [REDACTED]

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

Name	%	Corporate Title
<u>Michael M. Spoleta</u>	<u>20.04</u>	<u>Manager</u>
<u>Anthony Mastrodonato</u>	<u>20.00</u>	<u>Member</u>
<u>Sam Messina</u>	<u>20.00</u>	<u>Member</u>
<u>David Spoleta</u>	<u>9.99</u>	<u>Member</u>
<u>Terry Giangreco</u>	<u>9.99</u>	<u>Member</u>
<u>Richard Gray</u>	<u>9.99</u>	<u>Member</u>
<u>Mark Paciorek</u>	<u>9.99</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: 69 and 72-28 Cascade Dr

Tax Map Parcel Number: 121.21-1-31, 121.21-1-24

City/Town/Village: Rochester

School District: City of Rochester

Zip: 14614

Current Legal Owner of Property:

Cascade District 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: See Attached Rent Roll

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: 5/16/2024

Proposed Commencement Date of Construction: 4/1/2025

Anticipated Completion Date: 12/31/2026

G. Contractor(s)

Spoleta Construction Corp

II.PROJECT (cont'd)

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

NAICS Code: **53**

The project involves the renovation and adaptive reuse of an approximately 230,000-square-foot industrial building into a vibrant mixed-use development, contributing to the ongoing revitalization of downtown Rochester. The existing structure, originally built for industrial and warehouse purposes, currently houses 32 loft-style apartments, which will undergo extensive renovations, including new flooring, updated kitchens and bathrooms, fresh paint, and modern finishes. An additional 58 one- and two-bedroom loft-style apartments will be constructed, bringing the total to 90 residential units. Of these, 18 units will be designated for middle-income households earning up to 80% AMI.

The building currently has 10 commercial and industrial tenants, but 61,000 square feet remains vacant, presenting a significant opportunity for revitalization. Our redevelopment plan will transform these underutilized spaces into a mix of residential, industrial, and office spaces for lease, breathing new life into this section of downtown.

To maintain the building's historical integrity, all renovations will comply with preservation guidelines. This includes exposing original beams, using historically appropriate flooring materials, restoring masonry, and updating windows and exterior paint in accordance with historical society requirements. Additional upgrades include:

- New mechanical systems to improve efficiency and functionality.
- Updates to the four existing elevators to enhance safety and reliability.
- An exercise facility, tenant gathering space, and conference room to create a sense of community among residents.
- Renovations to the underground parking area to improve safety, accessibility and convenience.

The commercial component of the project will transform the lower floors into flexible industrial and office spaces available for lease. While no new tenants have been identified yet, we are committed to working with businesses to provide affordable leasing options that encourage local economic growth. Additionally, a new café is planned, which is expected to enhance the building's appeal and help attract tenants. Once fully leased, the commercial spaces will generate new local job opportunities, further supporting downtown Rochester's economic resurgence.

This redevelopment will transform a vacant industrial property into a dynamic community asset, offering high-quality housing, business opportunities, and economic revitalization while preserving its historic character. By activating a large and currently underutilized space, this project will play a key role in strengthening the downtown Rochester community, attracting new residents and businesses, and reinforcing the city's ongoing renewal efforts.

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.

Our project represents a significant investment in revitalizing an underutilized property, transforming it into a vibrant mixed-use development that will bring new housing, business opportunities, and economic activity to the area. However, the scale and complexity of the renovations—including extensive structural upgrades, modernizing building systems, and ensuring compliance with current codes—come with substantial costs.

A sales tax exemption on construction materials and eligible expenses would provide critical financial relief, helping to offset rising material and labor costs. This assistance will enable us to maintain project viability, keep rental rates competitive, and accelerate development timelines. Additionally, the project will generate long-term economic benefits, including job creation and enhanced community amenities.

By granting this exemption, the County of Monroe Industrial Development Agency would be supporting a transformative redevelopment effort that aligns with regional economic growth and urban revitalization goals.

- 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. \$ 9,120,450
- b. Labor b. \$ 5,372,550

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. \$ 6,600,000
 - i. Soft Costs (Legal, Architect, Engineering) i. \$ 725,000
 - Other (specify) j. Preservation studios j. \$ 75,000
 - k. Agency Fees k. \$ 225,000
 - l. Construction Interest l. \$ 600,000
 - m. _____ m. \$ _____
- Total Project Costs (must equal Total Sources) \$ 22,718,000**

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ _____
- b. Taxable Industrial Revenue Bond b. \$ _____
- c. Bank Financing c. \$ 18,200,000
- d. TOTAL Public Sources d. \$ _____

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

Historical Tax Credit \$4,518,000
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____

- e. Equity e. \$ _____
- TOTAL SOURCES (must equal Total Project Costs) \$ _____**

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

- Yes No

If yes, please specify bank, underwriter, etc.

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

Use additional sheets as necessary

Company Name _____

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

Estimated Costs Eligible for Sales Tax Exemption Benefit

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

Total Project Costs \$ _____

VI. Value of Incentives

A. IDA Benefit: Agency staff will indicate the amount of real property tax abatement, sales and mortgage recording tax benefits (the "PILOT Benefit") based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation.

** This section of this Application will be: (i) **completed by IDA Staff** based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.

PILOT Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
TOTAL							

*Estimates provided are based on current property tax rates and assessment values

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption: \$ _____

C. Mortgage Recording Tax Exemption Benefit:

Estimated value of Mortgage Recording Tax exemption: \$ _____

D. Industrial Revenue Bond Benefit:

IRB inducement amount, if requested: \$ _____

E. Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon Sources of Funds for Project Costs as depicted above under Section IV.B.

F. **The completion of this Section VI by IDA staff constitutes notice to the applicant that the estimated sales tax exemption benefit, the estimated mortgage recording tax benefit and the estimated PILOT benefit amount as so identified in this Section VI are "public funds and not otherwise excluded under Section 224-a(3) of the New York Labor Law.**

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Cascade District 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)	1	1	1	2
Part Time (PTE)	1	1	1	2
Total	1.5	1.5	1.5	3

** 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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Salary and Fringe Benefits for Jobs to be Retained and/or Created*:

Category of Jobs to be Retained and Created	Average Annual Salary or Range of Salary	Average Annual Fringe Benefits or Range of Fringe Benefits (stated as a percentage)
Management	60,000	approx. 9,000
Professional		
Administrative		
Production		
Independent Contractor		
Other	80,000	approx. 12,000

Estimated Annual Salary of **NEW** jobs

AVERAGE	55,000
HIGH	70,000
LOW	40,000

* This information constitutes a "trade secret" and/or "information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise", and, is thereby exempt from disclosure pursuant to New York Freedom of Information Law.

[The Remainder of this Page Intentionally Left Blank]

VIII. LOCAL LABOR

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

Company Name Cascade District 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.

M.L.

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.**

M.L.

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.

M.L.

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.

M.L.

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.

M.S.

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.

M.S.

Exemption Process

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

- o 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.
- o 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);
- o 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).
- o 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.

Cascade District LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

Richard A. Spolito Partner 2/13/25

 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.

Cascade District LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

<p><i>Natalie Spolton-Dartner</i> 2/13/25</p> <p>_____ Signature, Title Date</p>	<p>_____ Signature, Title Date</p>
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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

Cascade District LLC

Signature, Title, Date 2/13/25

TENANT COMPANY

Signature, Title, Date





CASCADE BUILDING APARTMENTS

CASCADE APARTMENTS



APPLICATION SUMMARY

DATE: March 25, 2025

APPLICANT:

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

PROJECT LOCATION:

350 Rosedale Street/165 Culver Road Rochester, NY 14620
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PROJECT SUMMARY:

Whitney Board Associates LLC, a local real estate development company, was approved in 2010 to acquire and renovate the former Culver Road Armory in the City of Rochester. In August 2013, phase II was approved and in March 2016 phase III was approved for a custom real property tax abatement, sales and mortgage recording tax exemptions. Phase III of the project consists of a 15,000 square foot multi-tenant building and stalled due to economic conditions at the time. The applicant previously requested an increase and extension of the sales tax exemption in February 2023 and is now requesting the same through December 31, 2025 to complete the buildout. The total project cost is now \$5,079,762 and the new sales tax exemption benefit amount is \$159,087.
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PROJECT AMOUNT:

<u>Original</u>	<u>Requested</u>	<u>New Total</u>
\$4,102,500	\$100,000	\$5,079,762

Motion By: _____
Seconded By: _____

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

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 March 25, 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) ADDITIONAL FINANCIAL ASSISTANCE TO WHITNEY BAIRD ASSOCIATES LLC (THE "COMPANY") IN AMOUNTS EXCEEDING THE AMOUNTS PREVIOUSLY APPROVED BY THE AGENCY AND (ii) THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) THROUGH DECEMBER 31, 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 March 15, 2016 (the "Authorizing Resolution"), the Agency appointed **WHITNEY BAIRD ASSOCIATES LLC**, a New York limited liability company, for itself or an entity formed or to be formed (collectively, the "Company"), the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of: (A) the acquisition of a leasehold interest in a portion of an approximately 0.94-acre parcel of land located at 350 Rosedale Street in the City of Rochester, New York 14620 and all other lands in the County of Monroe where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"); (B) the construction thereon of an approximately 15,000 square-foot building (the "Improvements"), (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, the Agency previously appointed the Company as its true and lawful agent to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax (the "Sales and Use Tax Exemption Benefits") in an amount up to \$1,274,000, which would result in New York State and local sales and use tax exemption benefits not to exceed \$101,920 through November 30, 2016; and

WHEREAS, the Company, pursuant to a Project Modification Request, dated June 28, 2016, then requested the Agency approve the extension of New York State and local sales and use tax exemptions through November 30, 2017; and

WHEREAS, the Company then requested that the Agency approve the increase in purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax in an amount up to \$1,928,586 which would result in New York State and local Sales and Use Tax Exemption Benefits not to exceed \$154,287 (as increased, the "Sales and Use Tax Exemption Benefits") and that the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2024; and

WHEREAS, the Company has now, by the Project Modification Request, dated February 27, 2025, requested the Agency approve the increase 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 \$1,988,586, which would result in New York State and local Sales and Use Tax Exemption Benefits not to exceed \$159,087 (as increased, the "Sales and Use Tax Exemption Benefits") and that the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2025; and

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

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

Section 1. Based upon the representation and warranties made by the Company in its request, the Agency hereby authorizes and approves the Company, as its agent, to continue to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use in an amount up to **\$1,988,586**, which result in New York State and local Sales and Use Tax Exemption Benefits not to exceed **\$159,087** 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.

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 March 25, 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 25th day of March, 2025.

Ana J. Liss, Executive Director



PROJECT MODIFICATION REQUEST

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

Applicant:	Whitney Baird Associates, LLC		
Project Address:	165 Culver Road Rochester, NY 14620		
Contact Name:	Frederick Rainaldi		
Contact Company:	Whitney Baird Associates, LLC		
Contact Address:	205 St. Paul Street Suite 200 Rochester, NY 14604		
Contact Email:	[REDACTED]	Contact Phone:	[REDACTED]

Employment in Monroe County:	_____	_____	12-31-24
	Full Time	Part Time	As of Date

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

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

Assistance Requested: Check all that apply.

Property Tax Abatement
 Mortgage Tax Exemption
 Sales Tax Exemption

Project Cost Information:	\$ 4,979,762	\$ 100,000	\$ 5,079,762
	Original Project Cost	Increase in Project Costs	New Project Costs

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

12/31/2024	12/31/2025	\$ 151,231.28
Current Expiration Date	Requested Expiration Date	Amount of Exemptions Taken to Date

Reason for Extension:
Benefits expired prior to completion.

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

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

Signed: Date: 02/27/2025
 Print Name and Title: Fred J. Rainaldi

Staff Use Only: _____ 2/20
 Date Received _____ Date of Original Approval: _____ New Code 2602 _____

Project Modification Request - Page 2
Required when requesting an Increase in Project Costs

A. Applicant Project Costs	Original/Current Approval	Requested Increase Modification	Revised Approval Requested
Building Construction or Renovation			
a. Materials	\$ 1,771,586	\$ 60,000	\$ 1,831,586
b. Labor	\$ 1,588,676	\$ 40,000	\$ 1,628,676
Site Work			
c. Materials	\$ 157,000	\$	\$ 157,000
d. Labor	\$ 235,000	\$	\$ 235,000
e. Non-Manufacturing Equipment	\$	\$	\$ 0
f. Furniture & Fixtures	\$	\$	\$ 0
g. Land and/or Building Purchase	\$ 400,000	\$	\$ 400,000
h. Manufacturing Equipment	\$	\$	\$ 0
i. Soft Costs (Legal, Architect, Engineer)	\$ 827,500	\$	\$ 827,500
Other Costs (specify)			
j. _____	\$ _____	\$ _____	\$ 0
k. _____	\$ _____	\$ _____	\$ 0
l. _____	\$ _____	\$ _____	\$ 0
m. _____	\$ _____	\$ _____	\$ 0
Total Project Costs	\$ 4,979,762	\$ 100,000	\$ 5,079,762

Sources of Funds for Project Costs			
a. Tax Exempt Industrial Revenue Bond	\$ _____	\$ _____	\$ 0
b. Taxable Industrial Revenue Bond	\$ _____	\$ _____	\$ 0
c. Tax Exempt Civic Facility Bond	\$ _____	\$ _____	\$ 0
d. Bank Financing (subject to recording tax)	\$ 4,000,000	\$ _____	\$ 4,000,000
e. Public Sources	\$ _____	\$ _____	\$ 0
f. Equity	\$ 979,762	\$ 100,000	\$ 1,079,762
Total Sources	\$ 4,979,762	\$ 100,000	\$ 5,079,762

B. Reason for Increase:
 Project costs increases

C. Amount of Sale Tax Exemptions Taken to Date: \$ 151,231.28



ASSIGNMENT/ASSUMPTION SUMMARY

DATE: March 25, 2025

APPLICANT:

Assignor:
Button Lofts LLC
2604 Elmwood Avenue, Suite 268
Rochester, NY 14618

Assignee:
Lux Lofts LLC D/B/A Lux Lofts Rutgers LLC
2604 Elmwood Avenue, Suite 268
Rochester, NY 14618

PROJECT LOCATION:

340 Rutgers Street
Rochester, NY 14607

ORIGINAL APPROVAL DATE:

August 27, 2013

MODIFICATION REQUEST:

Button Lofts was purchased in December 2013 and converted from a furniture warehouse to loft apartments and townhomes in the City of Rochester. Button Lofts is requesting the Agency's approval of the change in ownership of the facility and the assignment of the real property tax abatement to Lux Lofts LLC.

ORIGINAL PROJECT AMOUNT:

\$6,020,000

Motion By: _____
Seconded By: _____

RESOLUTION

(Assignment of Button Lofts, LLC Project to Lux Lofts LLC d/b/a/ Lux Lofts Rutgers LLC)
OSC Code 2602-20-020A

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 March 25, 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 BUTTON LOFTS, LLC OF CERTAIN FINANCIAL ASSISTANCE AND DOCUMENTS (EACH AS DEFINED BELOW) IN CONNECTION WITH A CERTAIN PROJECT LOCATED ON RUTGERS STREET IN THE CITY OF ROCHESTER, NEW YORK, TO LUX LOFTS LLC D/B/A LUX LOFTS RUTGERS 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 August 27, 2013, the Agency appointed Button Lofts, LLC, a New York limited liability company ("Button"), the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of: (A) the acquisition of a leasehold interest in an approximately .066-acre parcel of land located at 340 Rutgers Street in the City of Rochester, New York (the "Land") together with the existing approximately 56,600 square-foot building located thereon (the "Existing Improvements"); (B) the renovation of the Existing Improvements into three (3) townhomes and 36 loft-style apartments (collectively, the "Improvements"), (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, the Agency and Button executed and delivered (i) a certain Lease Agreement, dated as of May 1, 2020, by and between Button and the Agency, pursuant to which Button 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 June 15, 2020 in Liber 12351 of Deeds, at Page 616; (ii) a certain Leaseback Agreement, dated as of May 1, 2020, by and between the Agency and Button, pursuant to which the Agency leased the Facility back to Button (the "Leaseback Agreement"), a memorandum of which was recorded in the Monroe County Clerk's Office on June 15, 2020 in Liber 12351 of Deeds, at Page 623 (the "Memorandum of Leaseback"); and (iii) a certain Payment-In-Lieu-Of-Tax Agreement, dated as

of May 1, 2020, by and between the Agency and Button (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 Button in the form of (a) sales and use tax exemptions for purchases and rentals related to the acquisition, renovation 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 February 26, 2025, Button Lofts, LLC (hereinafter, the "Assignor") has requested the Agency's approval of the change in ownership of the Facility and assignment of the Financial Assistance and the Documents to Lux Lofts LLC, a Delaware limited liability company authorized to do business in New York at Lux Lofts Rutgers LLC (herein, the "Assignee"); and

WHEREAS, Assignor and the Assignee represent that the change in ownership 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 change in ownership 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 transfer 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 March 25, 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 25th day of March, 2025.

Ana J. Liss, Executive Director



COUNTY OF MONROE
COMIDA
INDUSTRIAL DEVELOPMENT AGENCY

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.

I. PROJECT

- a. Address 340 Rutgers Street
City/State/Zip Rochester, NY 14607
TAX Map No 121.67-3-16.004
- b. Current Project Owner
Button Lofts 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 Lux Lofts LLC
Address 2604 Elmwood Avenue, Suite 260
City/State/Zip Rochester, NY 14618
TAX ID No [REDACTED]
Contact Name Paige Camp
Title Asset Manager
Telephone # [REDACTED]
Email [REDACTED]
- b. Owners of 20% or more Applicant Company
NGU Assets LLC, 40%
Yellow Yolk LLC, 40%
Blake Consulting LLC, 20%

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

III. APPLICANT Legal Counsel

Name Scott Sydelnik
Firm Davidson & Fink
Address 400 Meridian Centre Blvd, Suite 200
City/State/Zip Rochester, NY 14618
Telephone # [REDACTED]
Email [REDACTED]

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:

[Signature]

Thomas Masaschi Member 2/26/2025
Name, Title Date

Assignee:

[Signature]

James Preston Manager 2/26/2025
Name, Title Date

1733 Ridge Rd LLC
550 Latona Road
Building E, Suite 501
Rochester, New York 14626

February 5, 2025

County of Monroe Industrial Development Agency
CityPlace Suite 1150
50 W. Main Street
Rochester, New York 14614
Attn: Ana J. Liss

Re: Skyview on the Ridge - Redevelopment of the former Medley Center regional shopping mall ("Skyview").

1733 Ridge Rd LLC ("Company") has an existing lease/leaseback with County of Monroe Industrial Development Agency (the "Agency").

In order to redevelop Skyview and to attract new tenants and build-existing space to attract and accommodate new tenants ("2025 Redevelopment"), Company desires to extinguish certain portions of the following: (1) Construction, Operation and Reciprocal Easement Agreement and Supplemental Construction, Operation and Reciprocal Easement Agreement, both made by and among Ironwil Associates ("Ironwil"), Adcor Realty Corporation ("Adcor"), J.C. Penney Properties, Inc. ("Penney") and Sears, Roebuck and Co. ("Sears"), dated July 19, 1989 and recorded in the Monroe County Clerk's Office on July 20, 1989 in Liber 7684 of Deeds, page 1 and Liber 7684 of Deeds, page 301, respectively; as amended and restated by that certain Amended and Restated Construction, Operation and Reciprocal Easement Agreement by and among Ironwil, Federated Retail Holdings, Inc. ("Federated") (as successor in interest to Adcor), Penney, Sears and McCurdy & Company ("McCurdy"), dated as of October 30, 1991 and recorded in the Monroe County Clerk's Office on November 27, 1991 in Liber 8150 of Deeds, Page 1, as further amended by that certain First Amendment to Amended and Restated Construction, Operation and Reciprocal Easement Agreement by and among Ironwil, Federated, Penney, Sears and McCurdy, dated as of April 22, 1993 and recorded in the Monroe County Clerk's Office on June 30, 1993 in Liber 8354 of Deeds, Page 215; as further amended and restated by that certain Second Amended and Restated Construction, Operation and Reciprocal Easement Agreement by and among Ironwil, Federated, Penney, Sears and The Bon-Ton Stores, Inc. ("Bon-Ton") (as successor in interest to McCurdy) dated as of March 29, 1996 and recorded in the Monroe County Clerk's Office on May 29, 1996 in Liber 8742 of Deeds, page 225; and as further amended by the First Amendment to Second Amended and Restated Construction, Operation and Reciprocal Easement Agreement made by and among

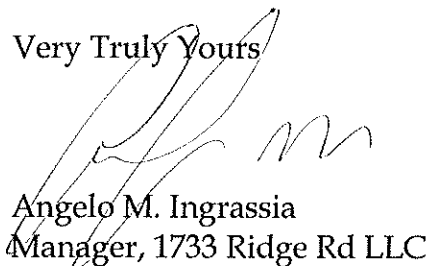
Bersin Properties, LLC, Federated, Bon-Ton, Sears, County of Monroe Industrial Development Agency and Target Corporation (collectively, the "Skyview REA Agreement"); (2) the Supplemental Agreement made by and among Bersin Properties, LLC, Target Corporation and County of Monroe Industrial Development Agency dated January 13, 2006, as memorialized by the Memorandum of Supplemental Agreement recorded in the Monroe County Clerk's Office on January 26, 2006 in Book 10249, at Page 194 (collectively, the "Supplemental Agreement"); and (3) the Declaration of Reciprocal Easements and Agreements made by and between Company and One Medley Center, LLC recorded in the Monroe County Clerk's Office on February 14, 2018 in Book 11984 of Deeds at Page 532 (the "One Medley REA"). References to the portions of the Skyview REA Agreement, Supplemental Agreement and One Medley REA that Company desires to be condemned are set forth on Schedule A (collectively, the "REA Restrictions").

We have multiple opportunities to lease space within Skyview, including negotiations that are currently ongoing with Goodwill, which prospective tenant is currently restricted from leasing space at Skyview based upon REA Restrictions. We need flexibility to commit space to tenants that may be barred by the REA Restrictions and are inability to do so may block significant opportunities.

Company hereby requests that the Agency pursue condemnation of REA Restrictions that interfere or inhibit in any way with the 2025 Redevelopment as an additional form of assistance under the existing project and lease/leaseback arrangement. But for the Agency's actions, Company will not have flexibility to lease to tenants and/or build out the Skyview site necessary to attract tenants to Skyview as part of the 2025 Redevelopment. In an effort to bring the 2025 Redevelopment to fruition and thereby adding job opportunities and economic growth, we are requesting the Agency's assistance in utilizing its condemnation powers to acquire the above described REA Restrictions that may inhibit in any way the 2025 Redevelopment. Under the lease and leaseback, Company acknowledges its obligation to pay the costs of the Agency for these activities.

Please feel free to reach out of me if you have any questions or concerns.

Very Truly Yours



Angelo M. Ingrassia
Manager, 1733 Ridge Rd LLC

cc: Harris Beach Murtha
99 Garnsey Road
Pittsford, New York 14534
Attn: Rachel C. Baranello

Phillips Lytle LLP
28 East Main Street
Suite 1400
Rochester, New York 14614
Attn: Anthony J. Iacchetta

SCHEDULE A SUPPLEMENTAL AGREEMENT

1. The prohibited uses set forth in Section 5 of the Supplemental Agreement set forth herein

Section 5. Uses

5.1 The Target Site and Developer Site shall be used only for retail sales, offices, restaurants or other permitted commercial purposes (including without limitation, hotel, restaurant or similar uses). "Business Office" shall mean an office which does not provide services directly to consumers; "Retail Office" shall mean an office which provides services directly to consumers, including but not limited to financial institutions, real estate, stock brokerage and title companies, travel and insurance agencies, and medical, dental and legal clinics. No more than ten percent (10%) of the total Floor Area on the Developer Site may be used for Retail Office and/or Business Office purposes; provided, however, that office space

used by an Occupant for administrative purposes, and which is not open to the general public, shall not be considered Retail Office or Business Office for the purpose of this limitation.

5.2 No use shall be permitted on the Target Site or Developer Site which is inconsistent with the operation of a first class retail shopping center. Without limiting the generality of the foregoing, the following uses shall not be permitted:

(i) Any use which emits an obnoxious odor, noise or sound which can be heard or smelled outside of the Target Building, the Developer Mall Stores or the Enclosed Mall (each individually herein called a "Building").

(ii) An operation primarily used as a storage warehouse operation and any assembling, manufacturing, distilling, refining, smelting, agricultural or mining operation.

(iii) Any "second hand" store, "surplus" store, or pawn shop (provided, however, an E-Bay listing store is permitted).

(iv) Any mobile home park, trailer court, labor camp, junkyard, or stockyard; provided, however, this prohibition shall not be applicable to the temporary use of construction trailers during periods of construction, reconstruction or maintenance.

(v) Any dumping, disposing, incineration or reduction of garbage; provided, however, this prohibition shall not be applicable to garbage compactors located near the rear of any Building.

(vi) Any fire sale, bankruptcy sale (unless pursuant to a court order) or auction house operation.

(vii) Any central laundry, dry cleaning plant or laundromat; provided, however, this prohibition shall not be applicable to nominal supportive facilities for on site service oriented to pickup and delivery by the ultimate consumer as the same may be found in retail shopping centers in the metropolitan area where the Shopping Center is located.

(viii) Any automobile, truck, trailer or recreational vehicle sales, leasing, display or body shop repair operation (which shall not be deemed to limit temporary displays within the Enclosed Mall).

(ix) Any bowling alley or skating rink within 500 feet of the Target Site.

(x) Any movie theater or live performance theater within 500 feet of the Target Site (provided, however, the Bon-Ton Store Building as shown on the Plot Plan attached hereto as Exhibit C may be used for such purposes).

(xi) Any hotel, motel, short or long term residential use, including but not limited to: single family dwellings, townhouses, condominiums, other multi-family units, and other

forms of living quarters, sleeping apartments or lodging rooms (provided, however, the Holiday Inn Express and the "Developer's Southeast PBA" as shown on the Plot Plan may be used for such purposes).

(xii) Any veterinary hospital or animal raising or boarding facility, provided, however, this prohibition shall not be applicable to pet shops. Notwithstanding the forgoing exception, any veterinary or boarding services provided in connection with the operation of a pet shop shall only be incidental to such operation; the boarding of pets as a separate customer service shall be prohibited; all kennels, runs and pens shall be located inside a Building; and the combined incidental veterinary and boarding facilities shall occupy no more than fifteen percent (15%) of the Floor Area of the pet shop.

(xiii) Any mortuary or funeral home.

(xiv) Any establishment selling or exhibiting pornographic materials or which sells drug-related paraphernalia or which exhibits either live or by other means to any degree, nude or partially clothed dancers or wait staff and/or any massage parlors or similar establishments.

(xv) Any bar, tavern, restaurant or other establishment whose reasonably projected annual gross revenues from the sale of alcoholic beverages for on premises consumption exceeds thirty percent (30%) of the gross revenues of such business.

(xvi) Any health spa, fitness center or workout facility over three thousand (3,000) square feet of Floor Area.

(xvii) Any flea market, amusement or video arcade, pool or billiard hall, car wash or dance hall (provided, however, a children's soft play area within the Enclosed Mall, an amusement or video arcade within the Enclosed Mall portion of the Developer Site with less than two thousand five hundred (2,500) square feet of Floor Area, and a Dave and Busters-type integrated restaurant and entertainment facility within the Developer Mall Stores Building shall be permitted.

(xviii) Any training or educational facility, including but not limited to: beauty schools, barber colleges, reading rooms, places of instruction or other operations catering primarily to students or trainees rather than to customers; provided, however, this prohibition shall not be applicable to on site employee training by an Occupant incidental to the conduct of its business at the Shopping Center.

(xix) Any gambling facility or operation, including but not limited to: off-track or sports betting parlor; table games such as blackjack or poker; slot machines, video poker/blackjack/keno machines or similar devices; or bingo hall. Notwithstanding the foregoing, this prohibition shall not be applicable to government sponsored gambling activities or charitable gambling activities, so long as such activities are incidental to the business operation being conducted by the Occupant.

5.3 The following use and occupancy restrictions shall be applicable to the Developer Site:

(i) Other than the Building shown and designated as "IHOP" on the Plot Plan, no restaurant shall be located thereon within three hundred (300) feet of the Permissible Building Area located on the Target Site.

(ii) No pet shop shall be located thereon within three hundred (300) feet of the Permissible Building Area located on the Target Site.

(iii) No drug store exceeding ten thousand (10,000) square feet of Floor Area shall be permitted, and no store of any size selling or offering for sale any pharmaceutical products requiring the services of a licensed pharmacist shall be permitted.

(iv) No gas or service station and/or other facility that dispenses gasoline, diesel or other petroleum products as fuel shall be permitted within five hundred (500) feet of the Permissible Building Area on the Target Site.

(v) No liquor store offering off-premises sale of alcoholic beverages shall be permitted within four hundred (400) feet of the Permissible Building Area on the Target Site, nor any liquor store offering off-premises sale of alcoholic beverages exceeding fifteen thousand (15,000) square feet of Floor Area shall be permitted.

5.4 Notwithstanding anything in the COREA to the contrary, no additional Floor Area shall be added on the Adjacent Parcels (described below) nor shall uses thereon be changed from those existing on the date hereof unless the parking area on that portion of the Developer Site west of the Target Site (i.e. between the Target Site and North Goodman Street) (herein called the "Adjacent Parcels") shall contain sufficient ground level parking spaces, without reliance on parking spaces that may be available on another Site, in order to comply with the greater of Governmental Requirements or the following minimum requirements:

(i) Five (5.0) parking spaces for each one thousand (1,000) square feet of Floor Area, exclusive of restaurant parking requirements set forth below.

(ii) If a business use contains a drive-up unit (such as a remote banking teller or food ordering/dispensing facility), then there shall also be created space for stacking not less than five (5) automobiles for each drive-up unit.

(iii) For each single restaurant which has less than five thousand (5,000) square feet of Floor Area, then ten (10) parking spaces for each one thousand (1,000) square feet of Floor Area devoted to such use.

(iv) For each single restaurant which has at least five thousand (5,000) square feet of Floor Area, but less than seven thousand (7,000) square feet of Floor Area, then fifteen (15) parking spaces for each one thousand (1,000) square feet of Floor Area devoted to such use.

(v) For each single restaurant which has seven thousand (7,000) square feet or more of Floor Area, then twenty (20) parking spaces for each one thousand (1,000) square feet of Floor Area devoted to such use.

(vi) For each hotel/motel, one (1) parking space for each guest room and one (1) parking space for each employee.

If an Occupant operates a restaurant incidental to its primary business purpose, then so long as such incidental operation continues, the portion of the Floor Area occupied by such restaurant shall be excluded from the application of paragraphs (iii), (iv) and (v) above. For the purpose of this clause only, a restaurant shall be an "incidental operation" if it occupies less than seven percent (7%) of the Occupant's Floor Area and does not have a separate customer entry/exit door to the outside of the Building. In the event an Occupant utilizes Floor Area for a restaurant and other purposes, only the portion of Floor Area allocated for restaurant purposes shall be subject to the increased parking requirements set forth above.

In the event of a condemnation of part of an Adjacent Parcel or a sale or transfer in lieu thereof that reduces the number of usable parking spaces on such Adjacent Parcel below that which is required herein, Developer shall use its best efforts (including using proceeds from the condemnation award or settlement) to restore and/or substitute ground-level parking spaces on such Adjacent Parcel in order to comply with the parking requirements set forth in this Agreement. If such compliance is not reasonably possible, Developer shall not be deemed in default hereunder, but Developer shall not be permitted to expand the amount of Floor Area located on such Adjacent Parcel. If such Floor Area is thereafter reduced other than by casualty, then the Floor Area on such Adjacent Parcel may not subsequently be increased unless the parking requirements set forth above are satisfied.

Temporary unavailability of parking spaces caused by uses or promotions permitted under this Agreement or the COREA shall not result in or be deemed a violation of this Section 5.4.

5.5 If at any time after the tenth (10th) anniversary of the date of this Agreement, Target desires to expand the Target Building within the Permissible Building Area(s) on the Target Site, and provided (i) that there exists on the Developer Site parking spaces in excess of the minimum number of parking spaces required to be provided on the Developer Site pursuant to Section 16.1 of the COREA (as amended) (the "Minimum Parking Requirements"), and/or (ii) Developer owns or controls (including any right or option to purchase) property within a Permissible Future Mall Parking area adjacent to the Target Site not then being utilized to satisfy the Minimum Parking Requirements for the Developer Site (the property and/or parking areas described in clauses (i) and (ii) are herein called "Additional Parking"), Developer shall convey to Target (in fee if Developer then owns the Additional Parking, or by subleasehold if Developer then leases the Additional Parking), free of any encumbrances other than the encumbrances to which the Target Site is subject as of the date of this Agreement (unless approved by Target), a sufficient number of parking spaces, or property sufficient for the construction thereon of such number of parking spaces, adjacent to the Target Site, to satisfy the Minimum Parking Requirements on the Target Site, after expansion of the Target Building. Upon conveyance of the Additional Parking to Target, Target shall (i) pay to Developer an amount equal to

Developer's cost basis in the Additional Parking, determined in accordance with generally accepted accounting practices, or (ii) if the Additional Parking is being acquired by Developer simultaneously with conveyance thereof to Target, pay directly to the owner of the Additional Parking the consideration to be paid by Developer for acquisition thereof. Developer's obligation hereunder shall be subject to Target obtaining, at Target's cost and expense, all necessary permits, approvals and other governmental and quasi governmental authorizations necessary for expansion of the Target Building and construction of the Additional Parking, if required. The cost and expense of constructing the Additional Parking (if required) shall be borne by Target.

SKYVIEW REA

1. Section 5.1 – This section requires certain off-site improvements (water lines, telephone lines, roadways, electrical lines and sanitary sewer) to be made in accordance with the overall design plan and the plans therefor shall be approved by the department stores.
2. Section 6.1 – This section requires that the developer prepare all “on-site improvements” (i.e. common areas, etc.) in accordance with the design plan and in compliance with the minimum technical specifications and following approval by the department stores.
3. Section 7.4 – Prohibits floor area to extend outside of permissible building area.
4. Article 8 – Developer facilities defined as a 2-level building that constitutes the mall. This is no longer accurate as the developer facility has significantly changed. This is also considered a common area and each department store is given an easement for access.
5. Article 9 – Similarly, department store facilities no longer exist as contemplated.
6. Section 13.1 – Each of developer and each department store is granted a license to effect construction and maintenance.
7. Section 14.1 – Developer agrees to operate the common areas and mall in accordance with certain requirements applicable to a regional mall.
8. Section 14.2 – The name of the mall cannot be changed without the approval of each department store.
9. Article 15 – This section contains the operating covenants for each department store. These are all not applicable any longer. Further, Section 15.6 includes covenants with respect to Developer and the department store operating covenants which are not applicable.
10. Section 16.1 – Parking ratio requirements.
11. Article 18 – Sign Criteria, no signs are to be erected or permitted on the site except in accordance with the sign criteria.
12. Article 19 – Defined common areas to include the enclosed mall. Section 19.2(d) prohibits relocation of the ring road without the consent of all department stores. Section 19.4 requires the developer leases to include the rules and regulations in this agreement. Section 19.7 prohibits the alteration or diminishing of the common facilities.
13. Article 20 is no longer applicable. The enclosed mall is not built in accordance with the approved plans
14. Section 23.4 – Remove developer security obligations.
15. Section 28.1 – Insurance requirements that would apply to each party including the developer.

16. Article 37 – Limitations on building areas, limitations on alterations and changes to common facilities.
17. Section 52 is no longer applicable to the site.

ONE MEDLEY REA

1. Section 7: Parking requirements and obligations on property of Company for the benefit of One Medley.
2. Section 10: Limits the ability of Company to expand or reconstruct existing improvements without consent of One Medley and compliance with additional parking requirements.
3. Section 12(f): Limits the ability of Company to lease space to second-hand stores such as Goodwill.

Motion By: _____
Seconded By: _____

RESOLUTION
(1733 Ridge Road Project)

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 March 25, 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:

The following resolution was duly offered and seconded, to wit:

RESOLUTION AUTHORIZING THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY TO COMMENCE AND PURSUE TO CONCLUSION THE PROCESS, THROUGH ITS EMINENT DOMAIN POWERS OF ACQUIRING CERTAIN REAL PROPERTY INTERESTS LOCATED AT THE FORMER MALL FACILITY (AS DEFINED BELOW) LOCATED IN THE TOWN OF IRONDEQUOIT, MONROE COUNTY, NEW YORK, ALL AS DESCRIBED BELOW.

WHEREAS, by Title 1 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, as amended (collectively, the "Act"), the Agency was created with the authority and power through eminent domain or otherwise to acquire, own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, 1733 RIDGE RD LLC, a New York limited liability company (the "Company"), and the Agency previously entered into a "straight-lease transaction" (as such quoted term is defined in the Act) pursuant to that certain Lease Agreement, dated as of February 1, 2019, as amended by that certain Amended and Restated Lease, dated as of November 1, 2021 and as further amended by that certain Second Amendment to Agreements, dated as of December 12, 2024 (as so amended and as may be further amended from time to time, the "Lease Agreement"), from the Company to the Agency, and that certain Leaseback Agreement, dated as of February 1, 2019, as amended by that certain Amended and Restated Leaseback Agreement, dated as if November 1, 2021 and as further amended by that certain Second Amendment to Agreements, dated as of December 12, 2024 (as so amended and as may be further amended from time to time, the "Leaseback Agreement"), from the Agency to the Company, all in connection with the undertaking by the Company, as agent of the Agency, of the "Project" (as defined in the Leaseback Agreement); and

WHEREAS, pursuant to the Lease Agreement, the Agency acquired a leasehold interest in certain parcels of land comprising in the aggregate approximately 35.61± acres and located at (i) 400 Skyview Centre Parkway (identifiable by Tax ID#: 092.05-1-85.2), (ii) 350 Skyview Centre Parkway (identifiable by Tax ID#: 092.05-1-85.101), (iii) 250 Skyview Centre Parkway (identifiable by Tax ID#: 092.05-1-85.102), (iv) 300 Skyview Centre Parkway (identifiable by Tax ID#: 092.05-1-85.104), (v) Skyview Centre Parkway (identifiable by Tax ID#: 092.05-1-85.106), (vi) 1665 E. Ridge Road (identifiable by Tax ID#: 092.05-1-9 and (vii) 1765 E. Ridge Road (identifiable by Tax ID#:092.05-1-20.12), all located in the Town of Irondequoit, New York and upon which is located, among other things, the former regional, and now predominantly vacant and failed, shopping center formerly known as the Medley Centre and prior thereto the Irondequoit Mall (collectively, the "Former Mall Facility"); and

WHEREAS, the Company, by letter (and exhibits thereto) dated February 5, 2025 (as may be modified or supplemented from time to time, the "Request Letter"), has requested, among other things, the Agency to further assist in a certain project (collectively, the "2025 Project") consisting of the "acquisition" (as such quoted term is defined under the New York Eminent Domain Procedure Law ("EDPL")); hereinafter referred to as the "Acquisition") by the Agency of certain "real property" (as such quoted term is defined under the EDPL) rights/interests (collectively, the "Proposed Interests") of those certain tenants and/or occupants of the Former Mall Facility and nearby and/or adjacent parties identified by the Company in their Request Letter including, without limitation, any and all rights, rights of approval, interests, privileges or easements of any and all such tenants and/or occupants of the Former Mall Facility and nearby and/or adjacent parties identified by the Company in their Request Letter, their respective successors or assigns, under any and all leases, instruments or agreements, including, without limitation, any and all operating covenant agreements (or similar agreements), reciprocal easement agreements (or similar agreements) whether or not recorded (collectively, the "Proposed Interests"), all as may be needed in order to facilitate and in connection with the productive reuse and redevelopment by the Company of the Former Mall Facility and any and all related parking realignments, parking improvements, infrastructure or site improvements or modifications necessary therefor at the Former Mall Facility, contemporaneously or in stages pursuant to the EDPL, to redevelop and enhance the Former Mall Facility for use as multi purpose mixed use facility to attract and accommodate new and diverse tenant(s) and/or end user(s) to the Former Mall Facility and the surrounding area in order to advance the general prosperity and economic welfare of the residents of the County by returning the vacant and underutilized Former Mall Facility to productive use thereby promote employment by creating job opportunities within Monroe County, and alleviate the negative impacts associated with vacant underutilized commercial facilities; and

WHEREAS, in order to complete the 2025 Project, it will be necessary for the Agency to exercise its power of eminent domain; and

WHEREAS, the Company has represented to the Agency that no proposed alternate locations are being considered for the 2025 Project and the Company has existing agreements under the Leaseback Agreement to hold the Agency harmless and to pay all Agency expenses and fees related to the existing Project and the 2025 Project (as indicated in the Company's Request Letter to the Agency); and

WHEREAS, the Agency desires to adopt a resolution authorizing (1) the commencement of all steps necessary for the Acquisition of the Proposed Interests and (2) the taking of title to or another interest in the Proposed Interests.

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

Section 1. The members, officers, employees and agents of the Agency (including counsel to the Agency) are hereby authorized to commence proceedings under the EDPL, including, but not limited to, the sending and publication of notice and scheduling of a public hearing, if any, to be held at a date, time and place to be determined to consider proceeding with the Acquisition of the Proposed Interests in connection with the 2025 Project (the "Public Hearing"), as well as undertake all other action as permitted or required by law in connection with the Acquisition or other transfer of the Proposed Interests.

Section 2. At any such Public Hearing, all interested parties shall be invited to attend the Public Hearing and be afforded an opportunity to comment on the proposed Acquisition. Any comments and related documents will be brought to the attention of the Agency and will become part of the official public hearing record.

Section 3. The members, officers, employees and agents 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 certificates, instruments and documents, to pay all fees, charges and expenses and to do all further acts and things as may be necessary or, in the opinion of the member, officer, employee or agent of the Agency, desirable and proper to effectuate the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of any documents executed for and on behalf of the Agency for purposes of effectuating any of the foregoing.

Section 4. This Resolution shall take effect immediately.

[Reminder 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 Resolution was 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 March 25, 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 25th day of March, 2025.

Ana J. Liss, Executive Director

