



BOARD MEETING AGENDA

May 16, 2023

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

- A. Call Meeting to Order
- B. Pledge of Allegiance
- C. Approval of Minutes – April 18, 2023 (p. 2)
- D. Public Comments
- E. Local Labor Monitoring Report – April 2023 - Kevin Loewke (p. 6)
- F. Local Labor Exemptions Report – April 2023 - Brian Lafountain (p. 8)
- G. Financial Report – April 2023 - Gregg Genovese (p. 10)
- H. Applications for Consideration
 - 1. DeMarte Companies Inc. (p. 11)
 - 2. ClearChoice Building NY, LLC (p. 33)
 - 3. Rock Depot LLC (p. 62)
 - 4. Pittsford Canalside Properties LLC(p. 99)
- I. Executive Director – Discussion Items
 - PARIS Report Update
 - Dashboard (p. 170)
- J. Chair Burr – Discussion Items
- K. Adjourn Meeting

Next meeting: Tuesday, June 20, 2023



BOARD MEETING MINUTES
April 18, 2023

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

Board Present: A. Burr, R. King, T. Milne, L. Bolzner, N. Jones, J. Alloco (via Zoom)

Board Absent: J. Popli

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

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

On motion by N. Jones, second by T. Milne, all aye, minutes of the March 28, 2023 meeting were approved.

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

G. Genovese presented the financial report for March 2023.

Executive Director Liss presented the following projects for consideration:

1020 Place NY LLC

1020 Place NY LLC, a real estate holding company, is proposing to renovate an existing almost 20,000 square foot building in the Town of Henrietta for new tenants which are related entities. Ox Tools Group plans to occupy 4500 square feet and Melroc Group LLC plans to occupy 4300 square feet. The remaining square footage will be vacant for future expansion. Ox Tools Group is proposing to build an Innovation Centre of Excellence with areas to test and use tools. Melroc Group is a new startup looking to attract talent for new start-ups and existing businesses. The \$1.7 million project is projected to create 10 new FTEs over the next three years. The applicant is seeking approval of a real property tax exemption and sales tax exemption. The Benefit/Incentive ratio is 54:1.

The applicant was represented by Ben Stevens. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time. Ms. Baranello stated there were no comments at the public hearing which was held on April 17, 2023.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON AUGUST 17, 2023, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY 1020 PLACE NY LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, AND (B) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN- LIEU-OF-TAX

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AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

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

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

Sycamore Green Housing , L.P.

Sycamore Green Housing, L.P. proposes to purchase and renovate Sycamore Green Apartments in the Town of Irondequoit. The property, originally built in 1951, is a 195 unit complex with a mix of one and two bedroom units housed in 39 two-story walk-up buildings. All of the units are Section 8 housing. The applicant proposes renovating the units to modernize interiors, upgrade major building systems, improve amenities and enhance the overall appearance and energy efficiency. The applicant is seeking approval of a Shelter Rent PILOT agreement, tax-exempt bond financing, and sales tax and mortgage recording tax exemptions. The project will maintain the 6 FTEs on site. The cost benefit ratio is 2:1.

The applicant was represented by Zack Simmons. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance, and does not anticipate any local labor exemptions at this time. Ms. Baranello stated there were no comments at the public hearing which was held on April 17, 2023.

The board considered the following resolution: RESOLUTION AUTHORIZING THE ISSUANCE, EXECUTION, SALE AND DELIVERY BY THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY OF ITS MULTIFAMILY TAX-EXEMPT REVENUE BONDS (SYCAMORE GREEN HOUSING, L.P.), SERIES 2023, IN ONE OR MORE SERIES, AS PART OF A PLAN OF FINANCING, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$22,000,000, AND THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS.

On motion by L. Bolzner, second by R. King for inducement and final resolution approving a real property tax abatement, mortgage recording tax and sales tax exemption and the issuance of the Agency's tax exempt revenue bonds in an amount not to exceed \$22 million, a roll call vote resulted as follows and the motion carried:

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

Executive Director Liss presented the following project modifications for consideration:

XLI Manufacturing – Increase and Extension

XLI Manufacturing, tenant to Magna Real Property Acquisition Co II LLC, a leading contract manufacturer, is renovating its new location in the Town of Chili. In September 2022, the project was approved for sales tax exemptions for applicant and tenant. XLI Manufacturing is now requesting an increase in project costs of \$500,000 due to additional investment in the facility. The total project cost is now \$645,000 and the new sales tax exemption benefit amount is \$34,000. The applicant is also requesting an extension of the sales tax exemption through December 31, 2023 due to the extended completion date.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) ADDITIONAL FINANCIAL ASSISTANCE TO XLI MANUFACTURING, 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 THROUGH DECEMBER 31, 2023; AND THE EXECUTION OF RELATED DOCUMENTS.

On motion by N. Jones, second by T. Milne all aye, motion carried to approve an increase in project costs and an extension of the sales tax exemption through December 31, 2023

Pike Conductor DEV 1, LLC

Pike Conductor Dev 1, LLC, a joint venture between Conductor Construction Management, LLC and the Pike Company, has constructed the Warehouse Facility building as part of the Li-Cycle North America Hub, Inc. in the Town of Greece. The project was approved by the board in December 2021 for a taxable industrial revenue bond, mortgage recording tax exemption, sales tax exemption as well as a real property tax abatement. The applicant is requesting to include the adjacent project located at 205 McLaughlin Road in the taxable industrial revenue bond issuance and the mortgage recording tax exemption for financing purposes. This requires an increase in project costs of \$45,000,000 to account for the additional project location. The new amount of taxable industrial revenue bonds is now \$125,000,000 and the new mortgage recording tax exemption is now \$937,500. The applicant is also requesting an extension of the sales tax exemption through December 31, 2023.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON APRIL 17, 2023, WITH RESPECT TO A CERTAIN PROJECT (THE "PROJECT") BEING UNDERTAKEN BY PIKE CONDUCTOR DEV 1, LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (THE "COMPANY") AND LICICLE NORTH AMERICA HUB, INC. OR A RELATED ENTITY FORMED OR TO BE FORMED (THE "TENANT"); (ii) AUTHORIZING (A) ADDITIONAL FINANCIAL ASSISTANCE TO THE COMPANY AND THE TENANT IN AMOUNTS EXCEEDING THE AMOUNTS PREVIOUSLY APPROVED BY THE AGENCY AND (B) THE EXPANSION OF THE SCOPE OF THE PROJECT; AND (iii) THE EXECUTION OF RELATED DOCUMENTS.

On motion by T. Milne, second by N. Jones, all aye, motion carried to expand the scope of the project, an increase in the amount of taxable revenue bonds to an amount not to exceed \$125,000,000 and an approve extension of the sales tax exemption through December 31, 2023.

Sibley Commercial - Extension

Sibley Commercial LLC was originally approved for a custom real property tax abatement for the redevelopment of the former Sibley's department store in 2012. In 2016, the project was approved for sales and mortgage recording tax exemptions. In June 2021, the applicant was approved for an extension

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of the sales tax exemption through June 30, 2022 and then again through June 30, 2023. The applicant is again requesting an extension of the sales tax exemption through December 31, 2024 due to tenant improvement fit-out of the remaining commercial space necessary to fully occupy and stabilize commercial space.

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

On motion by L. Bolzner, second by R. King, all aye, motion carried to approve the increase in project costs and an extension of the sales tax exemption through December 31, 2024.

39 Jetview Drive LLC - Extension

39 Jet View Drive, LLC, a real estate holding company, is constructing a 52,500 sq. ft. building for its tenant Sydor Optics, a manufacturer of precision optical substrates. The project, located in the Town of Chili, was originally approved in April 2021. In December 2021, an extension was approved through December 31, 2022. The applicant is now seeking another extension of the sales tax exemption through December 31, 2023 because of construction delays.

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

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

Executive Director Liss presented Don Jefferies and Rachel Laber Pulvino with a funding request. On motion by T. Milne, second by L. Bolzner, all aye, motion carried to approve the execution and delivery of a contract with VisitRochester for economic development/tourism promotion in an amount not to exceed \$150,000 for one year.

On motion by L. Bolzner, second R. King, all aye, motion carried to adjourn the regular meeting and) enter into executive session under Section 105(f) of the Public Officers Law for the purpose of discussion of financial information for a particular corporation.



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

May 1st 2023,

1. This report covers our site visits between April 1st, 2023 and April 30th, 2023.
2. During this period Loewke Brill made 82 monthly site visits.
3. During this period Loewke Brill made "8" Follow up visits.
4. Loewke Brill checked for residence with 870 workers.
5. Of those workers, there were "33" non-compliant.
 - a. 9– No proof of residence
 - i. 4/6/23 – Li-Cycle North America Hub, Inc – LeChase – 4 no ID, LMC – 1 no ID, Pike – 1 no ID. 2 compliant on follow up 4/7/23, the rest compliant on follow up 4/10/23
 - ii. 4/26/23 – Howitt-Paul Road, LLC – 1 from US Ceilings no ID, compliant on follow up visit 4/27/23
 - iii. 4/27/23 – Erie Station 241, LLC – 2 from WNY Interiors no ID. 1 compliant with ID on follow up 4/28/23, 1 off job site.
 - b. 23 – Out of Area
 - i. 4/3/23 – 120 Marina Drive, LLC – 3 workers from R.D.F. out of area, and removed from job site. Project was compliant on follow up, with out of area workers off site.
 - ii. 4/6/23 – Li-Cycle North America Hub, Inc – Brand Safway – 1 out of area. TEC – 2 out of area. LeChase – 5 out of area. Pike – 6 out of area. Follow up visit, out of area workers off site. Pike issued waiver for out of area labor, TEC – waiver in process.

iii. 4/7/23 – A50EB, LLC – 2 from Gyp Systems out of area. Workers off job site on follow up 4/10/23

iv. 4/20/23 – Li-Cycle North America Hub, Inc – Brand Safway -1 out of area, G&J – 1 out of area, TEC – 2 out of area. Out of area workers removed from job on follow up, still pursuing waiver for TEC/Brand Safway.

c. 1 – Invalid ID

i. 4/4/23 – Vigneri Chocolate, Inc – 1 worker from Highland Contracting, invalid ID, compliant on follow up visit with local residency information

6. USRE Manitou – Current Overall = 73.2% – Project subject to 70% overall compliance

7. As of April 30th, 2023 all monitored sites were in compliance at time of our inspection.

8. There was “1” new COMIDA sign(s) delivered

a. University Ave, LLC

Big firm capability. Small firm personality.

THE BONADIO GROUP

CPAs, Consultants & More

May 2023 Verified Local Labor Exemption Report

Board Meeting – May 2023

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

1. Mantsi Solar LLC
 - a. One exemption related to the provision and installation of the agricultural fence and gates at the project site in Sweden, NY. The exempted contractor was Whitmore Fence Company from Dryden, NY. The exemption was based on the “Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project” criteria.
2. Wolf Solar LLC
 - a. One exemption related to the provision and installation of the agricultural fence and gates at the project site in Sweden, NY. The exempted contractor was Whitmore Fence Company from Dryden, NY. The exemption was based on the “Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project” criteria.
3. Gannett Partners I, LLC
 - a. One exemption related to the application / installation of the gypcrete cementious floor underlayment at the project site on Exchange Blvd in Rochester. The exempted contractor is Henderson Johnson Inc from Syracuse, NY. The exemption was based on the “No local labor available.....” criteria.
4. LiCycle North American Hub
 - a. One exemption related to the provision of carpenters to do the framing for the concrete at the project site in Rochester. The Local #276 Carpenters was at full employment and does not have the manpower to fully staff the carpentry work, so Local #276 members from outside the local labor area supplied to supplement the workforce. The exemption was based on the “No local labor available...” criteria.

- b. One exemption related to the provision of Ironworkers for the steel work at the project site in Rochester. Ironworkers Local #33 is unable to meet the staffing needs on the project, so additional Ironworkers from Local 6 in Buffalo and Local 60 in Syracuse will be utilized to supplement the workforce. The exemption was based on the “No local labor available...” criteria.

Statement of Financial Position

	Year To Date 04/30/2023	Year Ending 12/31/2022
	Actual	Actual
Assets		
Current Assets		
Cash and Cash Equivalents	9,743,510	10,551,290
Restricted Cash	4,521,829	4,765,270
Accounts Receivable, Net	75,326	82,197
Prepaid Expenses	94,016	115,681
Total Current Assets	14,434,680	15,514,438
Long-term Assets		
Property & Equipment	625,000	625,000
Other Long-term Assets	242,304	242,304
Total Long-term Assets	867,304	867,304
Total Assets	15,301,984	16,381,742
Liabilities and Net Assets		
Liabilities		
Short-term Liabilities		
Accounts Payable	118,073	17,878
Accrued Liabilities	281,326	951,536
Deferred Revenue	44,755	65,915
Other Short-term Liabilities	476	476
Total Short-term Liabilities	444,631	1,035,804
Long Term Liabilities	246,992	246,992
Total Liabilities	691,623	1,282,796
Net Assets		
Net Assets	15,098,945	8,846,166
Change In Net Assets	(488,585)	6,252,779
Total Net Assets	14,610,361	15,098,945
Total Liabilities and Net Assets	15,301,984	16,381,742

Summary Statement of Activities - All Funds with Prior Year

	Year To Date 04/30/2023	Year To Date 04/30/2023	Prior Year To Date 04/30/2022
	Actual	Budget	Actual
Revenue			
Fee Income	234,854	666,667	2,124,454
Interest Income	31,628	333	90
Grant Revenue - Governmental	0	200,500	0
Total Revenue	266,481	867,500	2,124,544
Payroll	96,215	103,300	134,569
Sponsorships	9,000	3,333	4,515
Program & Community Development	406,344	817,267	288,288
General & Administrative	243,507	216,583	232,231
Total Expenses	755,066	1,140,483	659,603
Change In Net Assets	(488,585)	(272,983)	1,464,941



APPLICATION SUMMARY

DATE: May 16, 2023

APPLICANT:

DeMarte Companies Inc.
6 Turner Drive
Spencerport, NY 14559

**TENANT & PROJECT
ADDRESS:**

38 Turner Drive
Spencerport, NY 14559

PROJECT SUMMARY:

DeMarte Companies Inc. dba Maris Systems Designs, designs and builds manufacturing equipment and robotics for the automotive, medical, energy and consumer markets. DeMarte is renovating an existing 25,000 sq. ft. building in the Town of Ogden. The \$1.2 million project will allow for continued growth and is projected to create 3 new FTEs over the next three years in addition to the existing 69 FTEs. The applicant is seeking approval of sales tax exemptions only. The Benefit/Incentive ratio is 53:1.

**PROJECT AMOUNT:
EXEMPTIONS:**

\$1,250,000 – Sales Tax Exemption Only
\$88,000

**JOBS: EXISTING:
NEW:**

69	FTEs
3	FTEs

PUBLIC HEARING DATE:

N/A

BENEFIT TO INCENTIVE RATIO:

53 : 1

SEQR:

TYPE II ACTION UNDER SEQR SECTION 617.5

ELIGIBILITY:

MANUFACTURER

APPROVED PURPOSE:

JOB CREATION

Monroe County Industrial Development Agency

MRB Cost Benefit Calculator

Date May 18, 2023
 Project Title DeMarte Companies, Inc.
 Project Location 38 Turner Drive, Spencerport, NY 14559



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

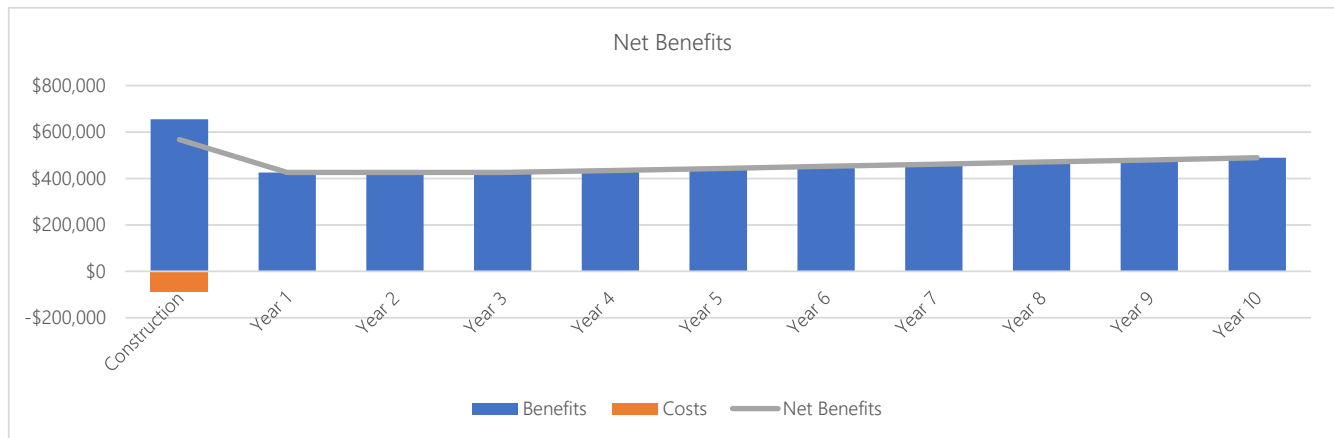
Project Total Investment

\$1,250,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	4	3	8
Earnings	\$418,619	\$200,306	\$618,925
Local Spend	\$1,000,000	\$595,162	\$1,595,162

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	3	3	6
Earnings	\$2,381,168	\$1,875,637	\$4,256,805

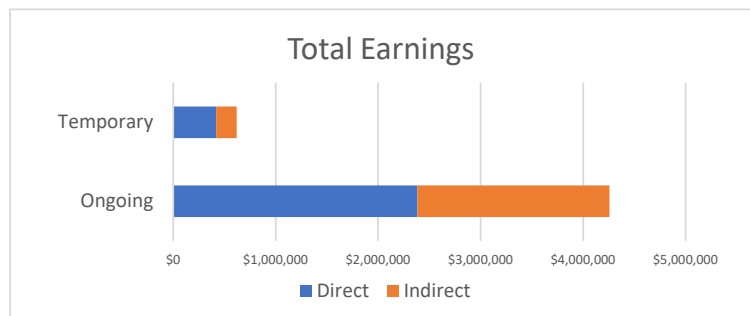
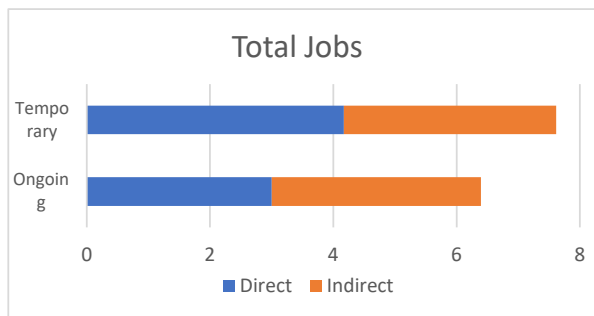
Figure 1



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	\$88,000	\$88,000
Local Sales Tax Exemption	\$44,000	\$44,000
State Sales Tax Exemption	\$44,000	\$44,000
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$88,000	\$88,000

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$4,909,860	\$4,463,162
To Private Individuals	\$4,875,730	\$4,432,137
Temporary Payroll	\$618,925	\$618,925
Ongoing Payroll	\$4,256,805	\$3,813,212
Other Payments to Private Individuals	\$0	\$0
To the Public	\$34,130	\$31,025
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$4,332	\$4,332
Ongoing Jobs - Sales Tax Revenue	\$29,798	\$26,692
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$253,538	\$230,471
To the Public	\$253,538	\$230,471
Temporary Income Tax Revenue	\$27,852	\$27,852
Ongoing Income Tax Revenue	\$191,556	\$171,595
Temporary Jobs - Sales Tax Revenue	\$4,332	\$4,332
Ongoing Jobs - Sales Tax Revenue	\$29,798	\$26,692
Total Benefits to State & Region	\$5,163,398	\$4,693,633

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$4,463,162	\$44,000	101:1
State	\$230,471	\$44,000	5:1
Grand Total	\$4,693,633	\$88,000	53:1

*Discounted at 2%

Additional Comments from IDA

0

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

Motion By: _____
Seconded By: _____

RESOLUTION

(DeMarte Companies Inc. d/b/a Maris Systems Design Project)
 OSC Code 2602-23-012A

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 May 16, 2023 at 12:00 p.m.

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

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

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

WHEREAS, **DEMARTE COMPANIES INC. D/B/A MARIS SYSTEMS DESIGN**, 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 expansion of the Company's newly acquired approximately 25,000 square-foot building located at 38 Turner Drive in the Town of Ogden, New York 14559 (the "Improvements"); and (B) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Improvements, the "Facility") for use in the Company's manufacturing business; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$1,100,000**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$88,000**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

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

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

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

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

Section 8. This resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

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

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

The Resolutions were thereupon duly adopted.

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

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

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on May 16, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this 16th day of May, 2023.

Ana J. Liss, Executive Director



APPLICATION FOR ASSISTANCE

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

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

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

I. APPLICANT

A. Applicant Information

Name: _____
Address: _____
City/State/Zip: _____
Tax Id No.: _____
Contact Name: _____
Title: _____
Telephone: _____
E-Mail: _____

B. Applicant's Legal Counsel

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

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

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

II. PROJECT

A. Address of proposed project facility

Address: _____

Tax Map Parcel Number: _____

City/Town/Village: _____

School District: _____

Zip: _____

Current Legal Owner of Property:

B. Benefits Requested (Check all that apply)

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

C. Description of project (check all that apply)

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

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

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

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

Company Name: _____

Address: _____

City/State/Zip: _____

Tax ID No: _____

Contact Name: _____

Title: _____

Telephone: _____

Email: _____

% of facility to be occupied by user/tenant _____

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

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

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

F. Project Timeline

Proposed Date of Acquisition: _____

Proposed Commencement Date of Construction: _____

Anticipated Completion Date: _____

G. Contractor(s)

II.PROJECT (cont'd)

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

Please explain why financial assistance is necessary.

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

☐ Yes ☐ No

Location:

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

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

☐ Yes ☐ No

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

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

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

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

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

☐ NO

II.PROJECT (cont'd)

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

NAICS Code:_____

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

Check One:

☐ **JOBSPPLUS**

Requirements:

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

☐ **LEASEPLUS**

Requirements:

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

☐ **ENHANCED JOBSPPLUS**

Requirements:

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

☐ **GREEN JOBSPPLUS**

Requirements:

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

☐ **SHELTER RENT**

For student housing or affordable housing projects.

☐ **Local Tax Jurisdiction Sponsored PILOT**

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

IV. APPLICANT PROJECT COSTS

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

Building Construction or Renovation

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

Site Work

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

Total Project Costs \$ _____
(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 \$ _____

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 \$ _____

**Value of Incentives
DeMarte Companies, Inc.**

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

C. Mortgage Recording Tax Exemption (MRTE) Benefit:

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

D. Industrial Revenue Bond Benefit

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

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

Total Value of Incentives:	\$88,000
Project Construction Costs:	\$1,250,000
	7.04%

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)				
Part Time (PTE)				
Total				

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

[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 _____

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

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.**

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.

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.

Monitoring

Initial

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

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

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

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

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

Signage

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.

Exemption Process

Initial

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

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

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

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

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

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

(APPLICANT COMPANY)

Signature, Title, Date

(TENANT COMPANY)

Signature, Title, Date

IX. FEES

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

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

(APPLICANT COMPANY)



Signature, Title Date

(TENANT COMPANY)


Signature, Title Date

X. CERTIFICATION

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

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which have ownership of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
 § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- D. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- E. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- F. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- G. Pay Equity: The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- H. Applicant hereby releases the COMIDA ("Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

APPLICANT COMPANY



Signature, Title Date

TENANT COMPANY

Signature, Title Date



APPLICATION SUMMARY

DATE: May 16, 2023

APPLICANT:

ClearChoice Building NY, LLC
103 Canal Landing Blvd.
Rochester, NY 14626

TENANT/PROJECT LOCATION:

130 Canal Landing Blvd.
Rochester, NY 14626

PROJECT SUMMARY:

ClearChoice Building NY, LLC, Inc., a real estate holding company, is constructing a new 30,000 sq. foot facility in the Town of Greece. This building will house Clear Choice Products, a manufacturer of ear molds for hearing devices, noise protection and musician in-ear monitors. The retail portion, Clear Choice Hearing and Balance, (21% of total budget) will also relocate here. The remaining space will be leased as office space. ClearChoice plans to create 7 new FTE's in addition to its existing 12 FTE's. The \$10.8 million project is seeking a real property tax abatement, mortgage recording tax and sales tax exemption. The Benefit/Incentive ratio is 9:1.

PROJECT AMOUNT:

\$10,800,000 Lease/Leaseback with Abatement
\$532,000 Sales Tax Exemption
\$81,000 Mortgage Recording Tax Exemption

JOBS: EXISTING:

NEW:

REQUIREMENT:

12	FTEs
7	FTEs
2	FTEs

PUBLIC HEARING DATE:

May 11, 2023

BENEFIT TO INCENTIVE RATIO:

9:1

SEQR:

REVIEWED AND PROCESS IS COMPLETE.

ELIGIBILITY:

NEW COMMERCIAL CONSTRUCTION WITH INCREASE TO THE TAX BASE

APPROVED PURPOSE:

JOB CREATION

Monroe County Industrial Development Agency

MRB Cost Benefit Calculator

Date May 16, 2023
 Project Title Clear Choice Building NY, LLC
 Project Location 130 Canal Landing Blvd



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Project Total Investment

\$10,800,000

Temporary (Construction)

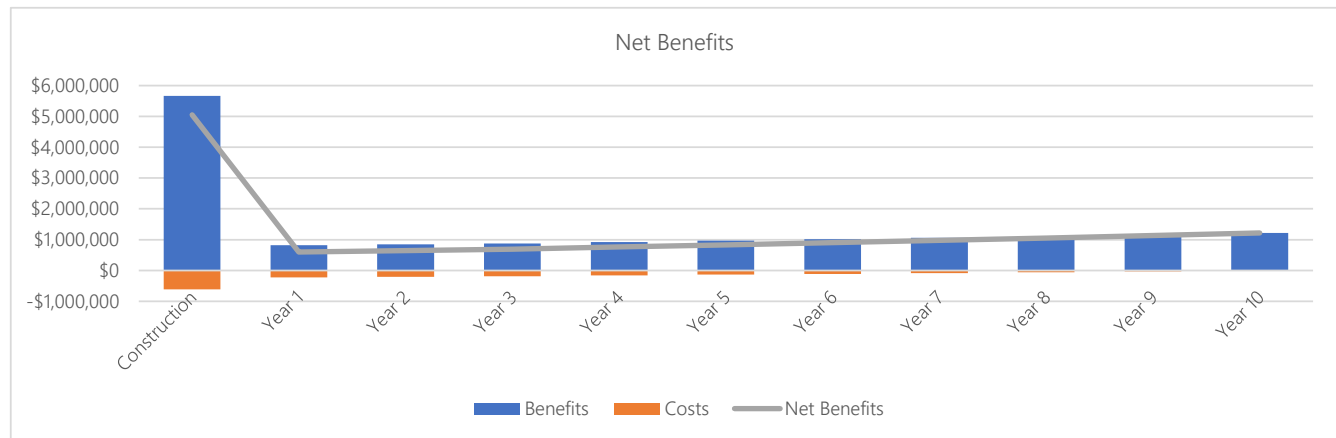
	Direct	Indirect	Total
Jobs	36	30	66
Earnings	\$3,616,864	\$1,730,647	\$5,347,512
Local Spend	\$8,640,000	\$5,142,202	\$13,782,202

Ongoing (Operations)

Aggregate over life of the PILOT

	Direct	Indirect	Total
Jobs	7	2	9
Earnings	\$5,926,463	\$2,066,121	\$7,992,583

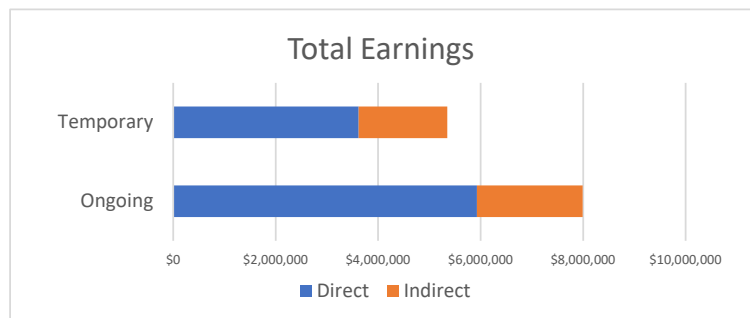
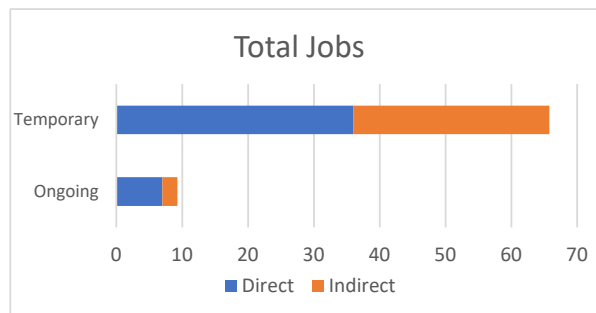
Figure 1



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	\$1,185,971	\$1,101,845
Sales Tax Exemption	\$532,000	\$532,000
Local Sales Tax Exemption	\$266,000	\$266,000
State Sales Tax Exemption	\$266,000	\$266,000
Mortgage Recording Tax Exemption	\$81,000	\$81,000
Local Mortgage Recording Tax Exemption	\$27,000	\$27,000
State Mortgage Recording Tax Exemption	\$54,000	\$54,000
Total Costs	\$1,798,971	\$1,714,845

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$14,982,213	\$13,941,454
To Private Individuals	\$13,340,095	\$12,507,204
Temporary Payroll	\$5,347,512	\$5,347,512
Ongoing Payroll	\$7,992,583	\$7,159,693
Other Payments to Private Individuals	\$0	\$0
To the Public	\$1,642,119	\$1,434,250
Increase in Property Tax Revenue	\$1,548,738	\$1,346,699
Temporary Jobs - Sales Tax Revenue	\$37,433	\$37,433
Ongoing Jobs - Sales Tax Revenue	\$55,948	\$50,118
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$693,685	\$650,375
To the Public	\$693,685	\$650,375
Temporary Income Tax Revenue	\$240,638	\$240,638
Ongoing Income Tax Revenue	\$359,666	\$322,186
Temporary Jobs - Sales Tax Revenue	\$37,433	\$37,433
Ongoing Jobs - Sales Tax Revenue	\$55,948	\$50,118
Total Benefits to State & Region	\$15,675,898	\$14,591,828

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$13,941,454	\$1,394,845	10:1
State	\$650,375	\$320,000	2:1
Grand Total	\$14,591,828	\$1,714,845	9:1

*Discounted at 2%

Additional Comments from IDA

0

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

Motion By: _____
Seconded By: _____

RESOLUTION

(ClearChoice Building NY, LLC Project)
 OSC Code 2602-23-010A

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 May 16, 2023 at 12:00 p.m.

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

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MAY 11, 2023, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN BY CLEARCHOICE BUILDING NY, LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING RELATED TO THE PROJECT, AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

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

WHEREAS, **CLEARCHOICE BUILDING NY, LLC**, a New York limited liability company for itself or a related entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in an approximately 3.72-acre parcel of land located at 130 Canal Landing Boulevard in the Town of Greece, New York 14626 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 (collectively, the "Land"); (B) the construction on the Land of an approximately 30,000 square-foot 2-story building (the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal

property (the "Equipment" and, together with the Land and the Improvements, the "Facility"); for use by (i) Clear Choice Hearing Solutions, Inc. d/b/a Clear Choice Hearing and Balance for use in its business as a medical diagnostic audiology business; and (ii) ClearChoice Products LLC for use in its business of developing/producing/packaging products such as custom ear molds for hearing devices, noise protection, and musician in-ear-monitors, ear wax softener, ear lights and noise machines; and

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

WHEREAS, pursuant to Section 859-a of the Act, on Thursday, May 11, at 10:00 a.m., local time, in Community Room A 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 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 related to the Project and (c) a partial real property tax abatement structured through the PILOT Agreement; and

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

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

WHEREAS, the Planning Board of the Town of Greece (the "Planning Board"), as lead agency, conducted an uncoordinated review of the Project pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), which resulted in the issuance of a negative declaration by the Planning Board, dated April 10, 2023 (the "Negative Declaration"), concluding the SEQRA process.

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

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company 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 review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). In addition to classifying the Project as an "Unlisted Action" pursuant to SEQRA, the Planning Board also issued a Negative Declaration on April 10, 2023, determining that the Project did not present a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Planning Board pursuant to 6 N.Y.C.R.R. § 617.7.

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

Section 3. Subject to the Company 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, 2024** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency) if the Lease Agreement, Leaseback Agreement and PILOT Agreement contemplated have not been executed and delivered. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are authorized and directed to execute and deliver to said agent an appropriate letter on Agency letterhead describing the authority granted under this resolution.

Section 4. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$6,650,000** which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$532,000**. 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 **\$10,800,000**, resulting in a mortgage tax exemption not to exceed **\$81,000**; and (iii) a partial real property tax abatement.

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

manner approved by the Agency in connection with the Project. As a condition precedent of receiving sales and use tax exemption benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

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

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

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

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

Section 10. This resolution shall take effect immediately.

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

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

The Resolutions were thereupon duly adopted.

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

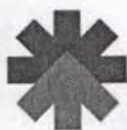
I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on May 16, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this 16th day of May, 2023.

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: Clear Choice Building NY, LLC.
Address: 103 Canal Landing Blvd.
City/State/Zip: Rochester NY
Tax Id No.: 88-3044158
Contact Name: Christine Tirk
Title: President
Telephone: 585.723.3440
E-Mail: ctirk@clearchb.com

B. Applicant's Legal Counsel

Name: Anthony Dinitto
Firm: Anthony A Dinitto Law Firm
Address: 2250 West Ridge Road Suite 300
City/State/Zip: Rochester NY 14626
Telephone: 585.349.9577
Email: anthony@dinittolaw.com

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

Name	%	Corporate Title
Christine Tirk	100 %	Single-Member
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	

II. PROJECT**A. Address of proposed project facility**Address: 130 Canal Landing BlvdTax Map Parcel Number: 089.04-1-12.11City/Town/Village: Rochestr/GreeceSchool District: Greece Central (262801)Zip: 14626

Current Legal Owner of Property:

Clear Choice Building NY 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 ☐ NoCompany Name: Clear Choice Hearing SolutionAddress: 103 Canal Landing Blvd Ste #3City/State/Zip: Rochester NY 14626Tax ID No: 26-2494015Contact Name: Christine TirkTitle: PresidentTelephone: 585.723.3440Email: ctirk@clearchb.com% of facility to be occupied by user/tenant 29%**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>Christine Tirk</u>	<u>100 %</u>	<u>President</u>
_____	<u>%</u>	<u>Single-Member</u>
_____	<u>%</u>	_____
_____	<u>%</u>	_____

F. Project TimelineProposed Date of Acquisition: 05/26/22Proposed Commencement Date of Construction: 05/22/23Anticipated Completion Date: 05/22/24**G. Contractor(s)**DiPasquale Construction, Inc-GC

2

II. PROJECT**A. Address of proposed project facility**Address: 130 Canal Landing BlvdTax Map Parcel Number: 089.04-1-12.11City/Town/Village: Rochester/GreeceSchool District: Greece Central (262801)Zip: 14262

Current Legal Owner of Property:

Clear Choice Building NY 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 ☐ NoCompany Name: Clear Choice ProductsAddress: 103 Canal Landing Blvd Ste \$3City/State/Zip: Rochester NY 14626Tax ID No: 97-0876655Contact Name: Christine TirkTitle: PresidentTelephone: 585.723.3440Email: ctirk@clearchb.com% of facility to be occupied by user/tenant 6%**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>Christine Tirk</u>	<u>100 %</u>	<u>President</u>
_____	<u>%</u>	<u>Single-Member</u>
_____	<u>%</u>	_____
_____	<u>%</u>	_____

F. Project TimelineProposed Date of Acquisition: 05/26/22Proposed Commencement Date of Construction: 05/22/23Anticipated Completion Date: 05/22/24**G. Contractor(s)**DiPasquale Construction, Inc-GC

II. PROJECT (cont'd)

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

Please explain why financial assistance is necessary.

I purchased the property with the intent to build a new state-of-art corporate headquarters for (DBA): Clear Choice Hearing and Balance on the premises. I am also moving Clear Choice Products to the new facility. We have placed both projects out to bid and due to the current escalation of cost on materials (residual battle from COVID-19) we might be leaning towards placing portions of the project on hold until material costs come back down. I am seeking assistance to make this project move forward in all facets verse waiting for material costs to come down to pre-pandemic levels. This building would of cost approx. \$165-\$200 per square feet in 2019 and we are now looking at \$250-\$300 per square foot now due to the current environment of material availability.

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

☒ Yes ☐ No

Location:

1065 Senator Keating Blvd Roch NY 14618

103 Canal Landng Blvd Roch NY 14626

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:

Relocation is required to retain a competitive advantage, so we can maintain the growth that is necessary to continue continuity of care to the public.

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

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

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

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

☐ NO

II. PROJECT (cont'd)**K. DESCRIPTION OF THE PROJECT AND BACKGROUND ON USER(S) OF THE FACILITY**

Please see below
 NAICS Code: _____

The project is a proposed 30,000 sqft 2 story building, 15,000 per floor. The first floor is where (DBA) Clear Choice Hearing and Balance will be occupying 8800 sqft. Cost is \$2,000,000.00 or 21% of total budget for building construction costs. The second floor will be Clear Choice Products and will occupy 1800 sqft. Both companies are owned by single-member Christine Tirk.

1. Clear Choice Hearing and Balance is a medical diagnostic audiology private practice that was founded in 2008. CCHB provides diagnostic/treatment to newborns all the way to geriatric care. CCHB is a leader in the medical community and utilizes state-of-the-art technology. We have grown annually and will continue to significantly in the next 12-18 months. The need to build a new facility came when we grossly outgrew our current Greece location and have no other option but to look for a larger space. I am planning on hiring 6 new employees to help support this growth. To keep the continuity of care in place "the team" of professionals/doctors have to be under one roof. Growth will continue in a aggressive nature to provide and fulfill the growing need for full scope audiology. This includes NYS EI (Early Intervention) and several military contracts that we provide through the Veterans Administration in Rochester and surrounding areas.

2. Clear Choice Products is a manufacturing/packaging/production LLC. We specialize in developing/production/packaging products on site such as: custom ear molds for hearing devices, noise protection, musician in-ear-monitors. A few other products are ear wax softener, ear lights, noise machines and custom hearing devices. CCP is a unique state-of-the-art company and there are no other businesses in Monroe County of it's kind. When I relocate CCP I plan on hiring 5 new employees to make CCP a cemented company in Rochester NY. Growth projection will continue in a quick fashion due to high demand of custom products locally and state wide.

The remaining space is being represented by a realtor and will be leased under the guide lines of COMIDA.

130 Canal Landing is centrally located to the city of Rochester and the suburbs and is located near major highways making the destination easy to access and favorable for employment.

Building plans are available upon request. Interior plans are being drawn up currently.

*Clear Choice Hearing and Balance - NAICS Code: 621340

*Clear Choice Products - NAICS Code: 466199

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

Check One:

☒ **JOBSPLUS**

Requirements:

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

☐ **LEASEPLUS**

Requirements:

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

☐ **ENHANCED JOBSPLUS**

Requirements:

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

☐ **GREEN JOBSPLUS**

Requirements:

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

☐ **SHELTER RENT**

For student housing or affordable housing projects.

☐ **Local Tax Jurisdiction Sponsored PILOT**☐ **NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT**

IV. APPLICANT PROJECT COSTS

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

Building Construction or Renovation

- a. Materials a. \$ 5,700,000
b. Labor b. \$ 3,800,000

Site Work

- c. Materials c. \$ 650,000
d. Labor d. \$ 350,000
e. Non-Manufacturing Equipment e. \$ 100,000
f. Manufacturing Equipment f. \$ 100,000
g. Equipment Furniture and Fixtures g. \$ 100,000
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 \$ 10,800,000
(must equal Total Sources)

- B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ _____
b. Taxable Industrial Revenue Bond b. \$ _____
c. Bank Financing c. \$ 10,800,000
d. Public Sources d. \$ _____

Identify each state and federal grant/credit

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

- e. Equity \$ _____
TOTAL SOURCES \$ 10,800,000
(must equal Total Project Costs)

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

☐ Yes ☐ No

If yes, please specify bank, underwriter, etc.

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

Use additional sheets as necessary

Company Name _____

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

Estimated Costs Eligible for Sales Tax Exemption Benefit

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

Total Project Costs \$ _____

Value of Incentives
Clear Choice Building NY, LLC

A. IDA PILOT Benefits:

Current Assessment	\$148,000
Value of New Construction & Renovation Costs	\$6,550,000
Estimated New Assessed Value Subject to IDA	\$6,698,000
Current Taxes	\$5,643
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	24.84000
Total Tax Rate	38.13000

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption:	\$532,000
Estimated duration of ST exemption:	12/31/2024

C. Mortgage Recording Tax Exemption (MRTE) Benefit:

Estimated Value of MRTE:	\$81,000
--------------------------	----------

D. Industrial Revenue Bond Benefit

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

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

Total Value of Incentives:	\$1,798,971
Project Construction Costs:	\$10,800,000
	16.66%

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	\$296,913	\$242,892	\$1,008,934	\$1,548,738	\$2,734,709	\$1,185,971
1	90%	\$4,788	\$3,917	\$16,270	\$24,975	\$249,752	\$224,776
2	80%	\$9,768	\$7,990	\$33,191	\$50,949	\$254,747	\$203,797
3	70%	\$14,944	\$12,225	\$50,783	\$77,952	\$259,841	\$181,889
4	60%	\$20,324	\$16,627	\$69,064	\$106,015	\$265,038	\$159,023
5	50%	\$25,914	\$21,199	\$88,057	\$135,170	\$270,339	\$135,170
6	40%	\$31,718	\$25,947	\$107,782	\$165,448	\$275,746	\$110,298
7	30%	\$37,745	\$30,877	\$128,260	\$196,883	\$281,261	\$84,378
8	20%	\$44,000	\$35,994	\$149,515	\$229,509	\$286,886	\$57,377
9	10%	\$50,490	\$41,303	\$171,568	\$263,361	\$292,624	\$29,262
10	0%	\$57,222	\$46,811	\$194,444	\$298,476	\$298,476	\$0

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Clear Choice Building NY LLCApplicant: ☐ 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)	12	12	10	6
Part Time (PTE)		0	1	1
Total	12	12	11	7

** 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:

Clear Choice Building NY LLC

Company Name _____

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

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

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


Initial

100% Local Labor

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


Initial

Local Labor Market

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


Initial

Bid Processing

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


Initial

Monitoring

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

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

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

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

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



Initial

Signage

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



Initial

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.

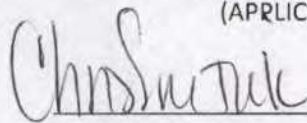
Furthermore, the undersigned realizes that failure to abide by the terms herein could result in COMIDA revoking all or any portion of benefits it deems reasonable in its sole discretion for any violation hereof.


Clear Choice Building NY LLC

Clear Choice Hearing and Balance
Clear Choice Products

(APPLICANT COMPANY)

(TENANT COMPANY)


Signature, Title, Date
Member 4/18/23


Signature, Title, Date
President 4/18/23

IX. FEES

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

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

Clear Choice Building NY LLC

Clear Choice Hearing and Balance
Clear Choice Products

(APPLICANT COMPANY)

(TENANT COMPANY)

Christine Tirk Member 4/18/23
Signature , Title Date

Christine Tirk President 4/18/23
Signature , Title Date

X. CERTIFICATION

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

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which have ownership of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
 § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- D. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- E. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- F. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- G. Pay Equity: The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- H. Applicant hereby releases the COMIDA ("Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

APPLICANT COMPANY

Clear Choice Building NY LLC

Christine M Tirk Member 4/18/23
 Signature , Title Date

TENANT COMPANY

Clear Choice Hearing and Balance

Christine M Tirk President 4/18/23
 Signature , Title Date

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Proposed Office Building			
Project Location (describe, and attach a location map): 130 Canal Landing Boulevard			
Brief Description of Proposed Action: construct a 2 story 30,000 sf office building with associated parking and utilities			
Name of Applicant or Sponsor: Clear Choice Hearing & Balance - Christine Tirk		Telephone: 723-3440 E-Mail: ctirk888@yahoo.com	
Address: 103 Canal Landing Blvd, Suite 3			
City/PO: Rochester		State: NY	Zip Code: 14626
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			3.9 acres 3.5 acres 3.9 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
site will drain into the on-site stormwater pond which drains into the overall stormwater pond for Canal Ponds Business Park		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Bergmann Associates - AS Agent</u> Date: <u>11-21-22</u> Signature: <u></u> Title: <u>Discipline Leader - Land Development</u>		

Project: 130 Canal Landing Boulevard

Date: 4/10/23

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Project: 130 Canal Landing Boul⁶¹

Date: 4/10/23

Short Environmental Assessment Form

Part 3 Determination of Significance

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

Unlisted Action - Negative Declaration. The proposal requests the construction of a two-story, 30,000 square foot building with associated parking, grading, utilities, to be located at 130 Canal Landing Boulevard (Mon. Co. Tax No.: 089.04-1-12.11). The project is located within an existing business park (Canal Ponds Business Park), which contains a mixture (e.g. office, medical, manufacturing, etc.) of non-residential and residential uses. Vehicle access to the site will be provided via an ingress/egress driveway onto Canal Ponds Boulevard. The sanitary sewer connection for the building will be provided via an existing sanitary sewer located within the southern right-of-way of Canal Landing Boulevard. Stormwater management will be take place on the property through an existing stormwater pond on the property and will be modified to meet this particular user (Clear Choice Hearing and Balance). As part of the review of the project, analysis, plans, and reports are provided showing compliance with all applicable local, state, and federal stormwater management requirements. No significant impact shall occur with the approval of this project.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.



Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Greece Planning Board

4/10/2023

Name of Lead Agency


Date

John T. Caterino, AICP

Planner / Clerk of the Planning Board

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer


Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM



APPLICATION SUMMARY

DATE: May 16, 2023

APPLICANT:

Rock Depot, LLC
35 Deep Rock Road
Rochester, NY 14624

TENANT/PROJECT LOCATION:

37 Deep Rock Rd.
Rochester, NY 14624

PROJECT SUMMARY:

Rock Depot, LLC, a real estate holding company, is constructing a new 35,000 sq. ft. facility in the Town of Gates. The main tenant will be Rydex Logistics, a new transportation company that specializes in local deliveries, cross docking and temporary storage of dry goods. Rock Depot, LLC plans to create 3 new FTE's. The \$3.9 million project is seeking a real property tax abatement, mortgage recording tax and sales tax exemption. The Benefit/Incentive ratio is 9:1.

PROJECT AMOUNT:

\$3,901,366 Lease/Leaseback with Abatement
\$178,205 Sales Tax Exemption
\$26,335 Mortgage Recording Tax Exemption

JOBS: EXISTING:

NEW:

REQUIREMENT:

0	FTEs
3	FTEs
1	FTEs

PUBLIC HEARING DATE:

May 11, 2023

BENEFIT TO INCENTIVE RATIO:

9:1

SEQR:

REVIEWED AND PROCESS IS COMPLETE.

ELIGIBILITY:

NEW COMMERCIAL CONSTRUCTION WITH INCREASE TO THE TAX BASE

APPROVED PURPOSE:

JOB CREATION

Monroe County Industrial Development Agency

MRB Cost Benefit Calculator

Date May 16, 2023
 Project Title Rock Depot, LLC
 Project Location 37 Deep Rock Rd., Rochester, NY 14624



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Project Total Investment

\$3,901,366

Temporary (Construction)

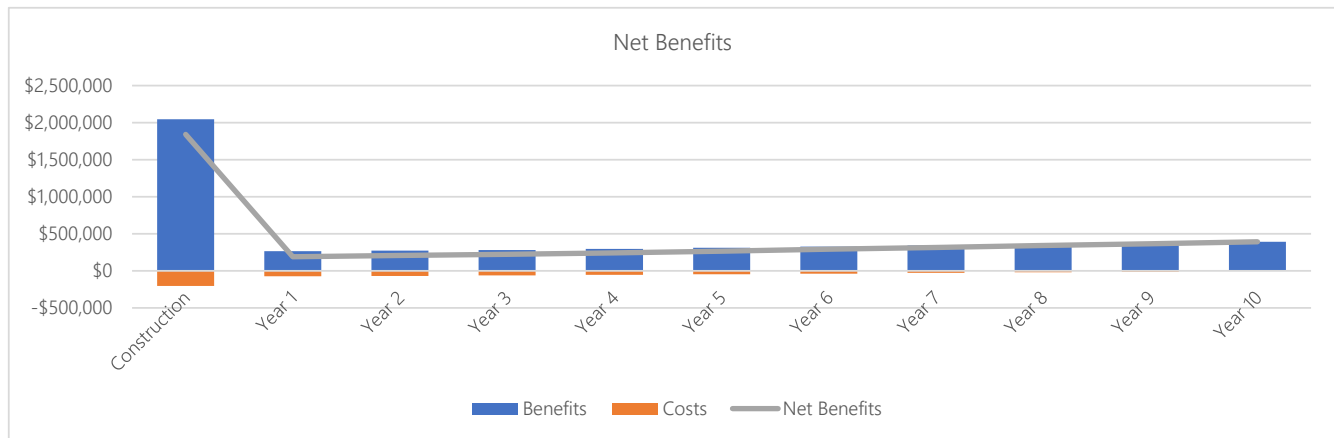
	Direct	Indirect	Total
Jobs	13	11	24
Earnings	\$1,306,547	\$625,175	\$1,931,722
Local Spend	\$3,121,093	\$1,857,557	\$4,978,649

Ongoing (Operations)

Aggregate over life of the PILOT

	Direct	Indirect	Total
Jobs	3	2	5
Earnings	\$1,460,450	\$1,103,463	\$2,563,913

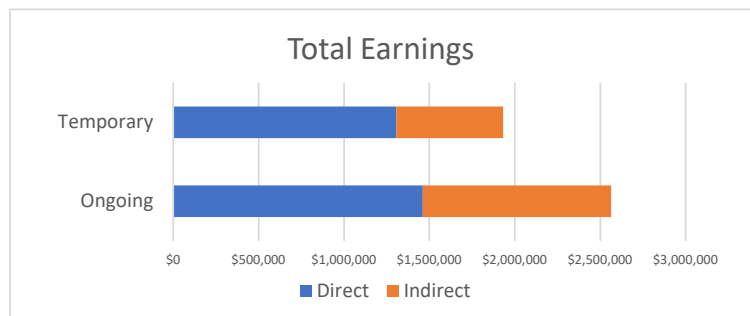
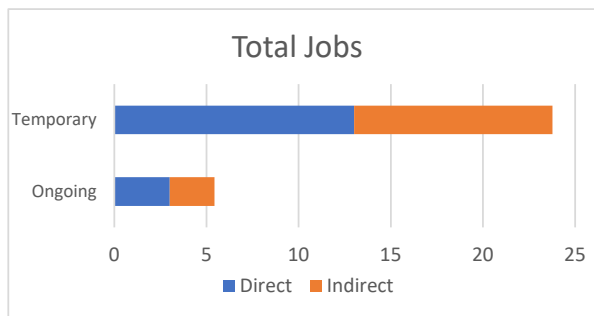
Figure 1



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	\$393,916	\$365,974
Sales Tax Exemption	\$178,205	\$178,205
Local Sales Tax Exemption	\$89,103	\$89,103
State Sales Tax Exemption	\$89,103	\$89,103
Mortgage Recording Tax Exemption	\$26,335	\$26,335
Local Mortgage Recording Tax Exemption	\$8,778	\$8,778
State Mortgage Recording Tax Exemption	\$17,557	\$17,557
Total Costs	\$598,456	\$570,514

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$5,041,512	\$4,705,355
To Private Individuals	\$4,495,635	\$4,228,455
Temporary Payroll	\$1,931,722	\$1,931,722
Ongoing Payroll	\$2,563,913	\$2,296,733
Other Payments to Private Individuals	\$0	\$0
To the Public	\$545,877	\$476,900
Increase in Property Tax Revenue	\$514,407	\$447,301
Temporary Jobs - Sales Tax Revenue	\$13,522	\$13,522
Ongoing Jobs - Sales Tax Revenue	\$17,947	\$16,077
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$233,773	\$219,880
To the Public	\$233,773	\$219,880
Temporary Income Tax Revenue	\$86,927	\$86,927
Ongoing Income Tax Revenue	\$115,376	\$103,353
Temporary Jobs - Sales Tax Revenue	\$13,522	\$13,522
Ongoing Jobs - Sales Tax Revenue	\$17,947	\$16,077
Total Benefits to State & Region	\$5,275,285	\$4,925,235

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$4,705,355	\$463,854	10:1
State	\$219,880	\$106,659	2:1
Grand Total	\$4,925,235	\$570,514	9:1

*Discounted at 2%

Additional Comments from IDA

0

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

Motion By: _____
Seconded By: _____

RESOLUTION
 (Rock Depot LLC Project)
 OSC Code 2602-23-011A

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 May 16, 2023 at 12:00 p.m.

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

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MAY 11, 2023, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN BY ROCK DEPOT LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING RELATED TO THE PROJECT, AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

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

WHEREAS, **ROCK DEPOT LLC**, a New York limited liability company for itself or a related entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in an aggregate approximately 1.8-acre parcel of land located at 37 Deep Rock Road in the Town of Gates, New York 14624 and all other lands in the Town of Gates where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (collectively, the "Land"); (B) the construction of an approximately 35,000 square-foot building thereon consisting of approximately 30,000 square feet of warehouse space with eight loading docks and approximately 5,000 square feet of 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"), to be subleased primarily to Rydex Logistics LLC (the "Tenant"), for use in its business of making local deliveries, cross docking and temporary storage of dry goods; and

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

WHEREAS, pursuant to Section 859-a of the Act, on Thursday, May 11, at 11:00 a.m., local time, in the Supervisor's Conference Room at the Gates Town Hall, 1605 Buffalo Road, Rochester, New York 14624, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as defined below) being contemplated by the Agency, whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

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

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

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

WHEREAS, the Planning Board of the Town of Gates (the "Planning Board"), as lead agency, conducted an coordinated 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 October 24, 2022 (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 review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). In addition to classifying the Project as an "Type I" pursuant to SEQRA, the Planning Board also issued a Negative Declaration on October 24, 2022, 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 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, 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, 2024** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency) if the Lease Agreement, Leaseback Agreement and PILOT Agreement contemplated have not been executed and delivered. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are authorized and directed to execute and deliver to said agent an appropriate letter on Agency letterhead describing the authority granted under this resolution.

Section 4. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$2,227,551** which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$178,204**. 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 **\$3,511,230**, resulting in a mortgage tax exemption not to exceed **\$26,334.23**; and (iii) a partial real property tax abatement.

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

subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

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

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

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

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

Section 10. This resolution shall take effect immediately.

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

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

The Resolutions were thereupon duly adopted.

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

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

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on May 16, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this 16th day of May, 2023.

Ana J. Liss, Executive Director



APPLICATION FOR ASSISTANCE

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

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

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

I. APPLICANT

A. Applicant Information

Name: Rock Depot, LLC
 Address: 35 Deep Rock Rd
 City/State/Zip: Rochester, NY 14624
 Tax Id No.: 92-2055007
 Contact Name: Roman Kshysyak
 Title: Manager
 Telephone: 585-576-3220
 E-Mail: dsbooks2020@gmail.com

B. Applicant's Legal Counsel

Name: Kyle D Taylor
 Firm: DeMarco Taylor Law
 Address: 2526 Browncroft Blvd
 City/State/Zip: Rochester, NY 14624
 Telephone: 585-491-6950
 Email: ktaylor@demarcotaylorlaw.com

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

Name	%	Corporate Title
Dmitriy Solonichnyy	100 %	Member
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	
	%	

II. PROJECT

A. Address of proposed project facility

Address: 37 Deep Rock Rd Rochester, NY

Tax Map Parcel Number: 134.12-1-13.2

City/Town/Village: Town of Gates

School District: Gates school district

Zip: 14624

Current Legal Owner of Property:

Deep Rock II, 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: Rydex Logistics, LLC

Address: 37 Deep Rock Rd

City/State/Zip: Rochester, NY 14624

Tax ID No: 88-4239159

Contact Name: Dmitriy Solonichnyy

Title: Member/President

Telephone: 585-214-9591

Email: rydexlog@gmail.com

% of facility to be occupied by user/tenant 65

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>Dmitriy Solonichnyy</u>	<u>100 %</u>	<u>President</u>
_____	<u>%</u>	_____
_____	<u>%</u>	_____
_____	<u>%</u>	_____

F. Project Timeline

Proposed Date of Acquisition: August 9, 2022

Proposed Commencement Date of Construction: June 1, 2023

Anticipated Completion Date: March 1, 2024

G. Contractor(s)

Building Innovation Group Inc

II. PROJECT (cont'd)

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

NAICS Code: 484121

Rock Depot, LLC is looking to build a 35,000 sq ft building (30,000 warehouse space with 8 loading docks and 5,000 sq ft of office space). Building to be built on 37 Deep Rock Rd Rochester, NY 14624 (tax ID 134.12-1-13.2 & 134.12-1-13.4. These two lots are being combined). Owner of the land is Deep Rock II, LLC. Attorney will provide an operational agreement between Rock Depot, LLC and Deep Rock II, LLC. Primary tenant of the new building will be Rydex Logistics, LLC. Rydex Logistics, LLC is a new to the local market transportation company established in 2023. Rydex Logistics, LLC will be involved in the local deliveries, cross docking and temporary storage of dry goods. Rydex Logistics, LLC was established by Dmitriy Solonichnyy. Dmitriy has over 13 years of working in the transportation industry and successfully managing his own transportation company Global Way, Inc since 2013. Once the new building is completed Rydex Logistics, LLC will move in and occupy 65% of the warehouse and office space of the new building.

Rydex Logistics, LLC will be providing services to Global Way, Inc, Accurate Trans, Inc and other transportation companies.

Remaining 35% of the space will be saved for the future growth. Might consider short term rental. Both lots that will be used for this project are free and clear.

Dmitriy Solonichnyy is the common owner of all entities in this project.

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.

Seeking financial assistance due to increasing construction cost and high interest rates. Savings will allow to create more jobs in the local market.

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

☒ Yes ☐ No

Location: 37 Deep Rock Rd Rochester, 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 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. \$ 1,930,311.00
b. Labor b. \$ 1,160,983.00

Site Work

- c. Materials c. \$ 297,240.00
d. Labor d. \$ 279,553.00
e. Non-Manufacturing Equipment e. \$ 0
f. Manufacturing Equipment f. \$ 0
g. Equipment Furniture and Fixtures g. \$ 0
h. Land and/or Building Purchase h. \$ 185,000.00
i. Soft Costs (Legal, Architect, Engineering) i. \$ 26,500.00
Other (specify) j. Schultz Associates j. \$ 21779.00
k. _____ k. \$ 0
l. _____ l. \$ 0
m. _____ m. \$ 0
Total Project Costs \$ 3,901,366.00
(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. \$ 3,511,230.00
d. Public Sources d. \$ _____

Identify each state and federal grant/credit

\$ _____

\$ _____

\$ _____

\$ _____

- e. Equity \$ 390136.00
TOTAL SOURCES \$ 3,901,366.0
(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.

Canandaigua National Bank & Trust
Lindsay M Mohr - VP Commercial Services
585-953-1238
lmohr@cnbank.com

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

Use additional sheets as necessary

Company Name _____

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

Estimated Costs Eligible for Sales Tax Exemption Benefit

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

Total Project Costs \$ _____

Value of Incentives
Rock Depot, LLC

A. IDA PILOT Benefits:

Current Assessment	\$52,900
Value of New Construction & Renovation Costs	\$2,227,551
Estimated New Assessed Value Subject to IDA	\$2,280,451
Current Taxes	\$1,970
Current Taxes Escalator	2%
PILOT Terms - Years	10
County Tax rate/\$1,000	6.99000
Local Tax Rate* Tax Rate/\$1,000	6.11000
School Tax Rate /\$1,000	24.14000
Total Tax Rate	37.24000

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption:	\$178,205
Estimated duration of ST exemption:	12/31/2024

C. Mortgage Recording Tax Exemption (MRTE) Benefit:

Estimated Value of MRTE:	\$26,335
--------------------------	----------

D. Industrial Revenue Bond Benefit

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

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

Total Value of Incentives:	\$598,456
Project Construction Costs:	\$3,901,366
	15.34%

PILOT Schedule

PILOT Year	% Abatement	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT***	Net Exemption**
	Total	\$96,555	\$84,399	\$333,453	\$514,407	\$908,323	\$393,916
1	90%	\$1,557	\$1,361	\$5,377	\$8,295	\$82,954	\$74,659
2	80%	\$3,176	\$2,777	\$10,970	\$16,923	\$84,613	\$67,690
3	70%	\$4,860	\$4,248	\$16,784	\$25,892	\$86,305	\$60,414
4	60%	\$6,609	\$5,777	\$22,826	\$35,213	\$88,031	\$52,819
5	50%	\$8,427	\$7,366	\$29,103	\$44,896	\$89,792	\$44,896
6	40%	\$10,315	\$9,016	\$35,622	\$54,953	\$91,588	\$36,635
7	30%	\$12,275	\$10,729	\$42,390	\$65,394	\$93,420	\$28,026
8	20%	\$14,309	\$12,507	\$49,415	\$76,230	\$95,288	\$19,058
9	10%	\$16,419	\$14,352	\$56,703	\$87,474	\$97,194	\$9,719
10	0%	\$18,608	\$16,266	\$64,264	\$99,138	\$99,138	\$0

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Rock Depot, LLC; Rydex Logistics, LLC

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

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

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

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

Rock Depot, LLC ; Rydex Logistics, LLC

Company Name _____

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

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

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

DS

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.**

DS

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.

DS

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.

DS

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.

DS

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.

DS

Exemption Process

Initial

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

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

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

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

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


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

Rock Depot, LLC


Rydex Logistics, LLC

(APPLICANT COMPANY)

(TENANT COMPANY)



Signature, Title, Date
Member 4/20/2023




Signature, Title, Date
Member 4/20/2023

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


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

Rock Depot, LLC

Rydex Logistics, LLC

(APPLICANT COMPANY)
 Member 4/20/2023

Signature , Title Date

(TENANT COMPANY)
 Member 4/20/2023

Signature , Title Date

X. CERTIFICATION


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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

Rock Depot LLC

 Member 4/20/2023
Signature, Title Date

TENANT COMPANY

Rydex Logistics, LLC

 Member 4/20/2023
Signature, Title Date

Short Environmental Assessment Form

Part 1 - Project Information

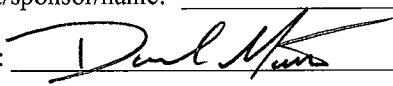
Instructions for Completing

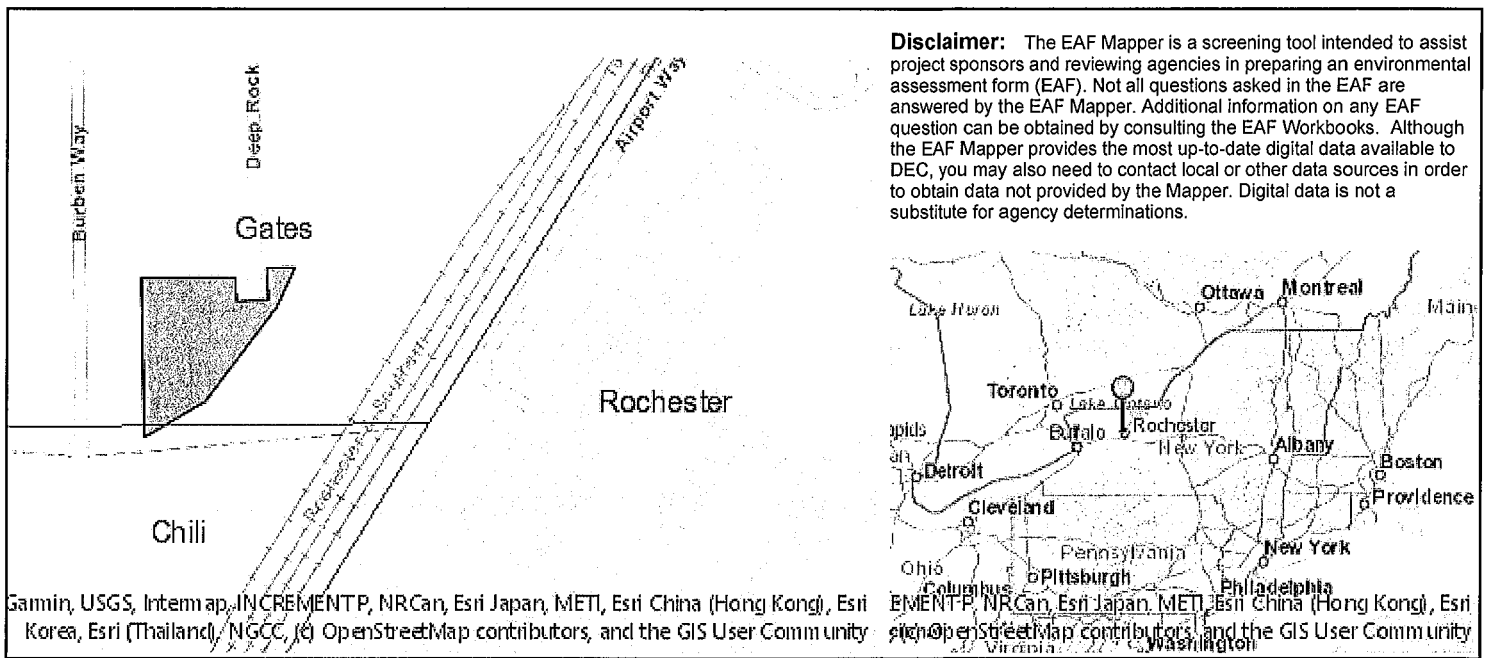
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Resubdivision of Lots 2 and 4 of the Alson Development Corp. Subdivision			
Project Location (describe, and attach a location map): 37 Deep Rock Road and the parcel to the south			
Brief Description of Proposed Action: Construction of a 33,340+ SF storage warehouse with up to 8 loading docks. No sales area. The warehouse will support their existing business at #35 Deep Rock Rd. There are no new employees expected, the warehouse will be managed by employees already working at #35 Deep Rock Road. The primary usage of the building will be for storage associated with the existing business, secondary will be office space to manage pick up and deliveries. Wall height will be approximately 24 feet to accommodate stacking of shelving. The entire site is currently a gravel parking area. The development will disturb approximately 44,015 SF of impervious area for the new building and loading docks. and will add 11,755 SF of lawn area.			
Name of Applicant or Sponsor: Schultz Associates Engineers and Land Surveyors, PC - David Matt (Sponsor)		Telephone: 585-349-3750 E-Mail: dmatt@schultzpc.com	
Address: PO Box 89			
City/PO: Spencerport		State: NY	Zip Code: 14559
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Gates Planning Board - Subdivision and Site Plan Approval			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.806 acres	
b. Total acreage to be physically disturbed?		0.98 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.606 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: Proposed action will meet all local energy code requirements	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Existing storm sewers and swales		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>David Matt for Schultz Associates, PC</u> Date: <u>May 6, 2022</u> Signature: <u></u> Title: <u>Project Engineer</u>		



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

The Town of Gates **Planning Board** held two (2) TABLED Public Hearings, one (1) Concept Plan Review & two (2) Final Site Plan Review on Monday, October 24, 2022 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., and beginning at 7:30PM

MEMBERS PRESENT:

Mike Wall	Chairman
Joseph Argenta	
Andrew Gartley	Vice Chairman
Theresa May	
Juan Ruiz	
Dan Schum	Town Attorney
Kurt. Rappazzo	Director of Public Works
Mike Ritchie	Costich Engineering, P.E
Cosmo Giunta	Town Supervisor
Tanios Sarkis	Alternate

MEMBERS NOT-PRESENT:

Ken Martin	Alternate
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Chairman Mike Wall called the meeting to order at 7:30 PM and began with the Pledge of Allegiance and a Moment of Silent Prayer.

Chairman Wall asked for a motion to approve the September 26, 2022 Planning Board Minutes as sent to the Board.

Theresa May motioned Andrew Gartley second All in Favor...Aye Opposed.... None

MOTION CARRIED

The Storage Mall
OWNER: The Storage Mall
ENGINEER: APD Engineering
LOCATION: 1214 Brooks Ave.
General Industrial Zone (GI) District

Chairman Wall asked if the applicant was present to speak on the project. There was no one present.

Attorney Schum, noted due to the time this project has been before the board, it would be appropriate for the board to deny without prejudice giving them the right to reapply in the future.

Chairman Wall motioned to **UNTABLE** The Storage Mall, 1214 Brooks Ave

Joe Argenta second All in Favor...Aye Opposed.... None

Chairman Wall motioned to **DENY WITHOUT PREJUDICE** The Storage Mall, 1214 Brooks Ave.

Theresa May second All in Favor...Aye Opposed.... None

**PRELIMINARY & FINAL SITE PLAN REVIEW
DEEP ROCK RE-SUBDIVISION
OWNER: Roman Kshysyak
ENGINEER: Schultz Associates
LOCATION: 35 Deep Rock Road
General Industrial Zone (GI) District**

Chairman Wall motioned to **UNTABLE** Deep Rock Re-Subdivision, 35 Deep Rock Rd.

Joe Argenta second All in Favor...Aye Opposed.... None

Chairman Wall asked if the applicant was present to speak on the project.

Dave Matt with Schultz Associates and introduced the owners of 35 Deep Rock Rd. They were before the board back in May 2022 with a Concept Plan which they were then sent to the Zoning Board, where they obtained Variances back in September 2022 for having less than the hundred-foot (100) buffer between residential and industrial, having less than required set-backs and having less than required parking. They also waited for the drawings from architectural, showing elevations of the proposed building. The building is two-hundred & seventy-four feet long (274), one-hundred & ten-feet wide (110) with two (2) fifty by fifty (50x50) offices in the front edge, looking like bump-outs. There will be eight (8) loading docks recessed in the center between the office's buildings.

As part of this project they will tear down the existing building at 37 lot and combining the lots. The stand alone, existing buildings 35 and 39 will stand alone.

Chairman Wall asked if there were revised site plans for the board to look over?

Mr. Kshysyak passed them out while Mr. Matt explained they are essentially the same as back in September with the additions of the Zoning Variances and showing the delineation line of the wetland to the southeast.

They are looking for storage buildings for businesses to store dry goods, general storage, companies like Wegmans, who may not have a location, could temporarily use this location to store things.

There is a new water service and sewer lateral going to the north end of 39. There are a few existing access points to access deep rock to all the lots even though eventually they will own all four (4) properties, they currently own two (2), but have purchase offers on the other two (2).

The building itself will be a blue metal building with a grey block along the bottom edge of the warehouse red brick along the office area. The back wall will be twenty-four (24) feet and pitch up to twenty-eight (28) feet in front of the storage area.

Storm water wise, roof leaders will be caught on the backside, duggers, downspouts go to a storm lateral that is shown going south to a rock lined swale

The area to the south and west of the building will be turned into grass and a few trees will be added.

In part of the Zoning board, they did speak with several neighbors, mainly those that back-up to and they submitted letters of approval

Mr. Argenta, asked if there would be some sort of screening along the west elevation

Mr. Matt, the west side elevation is about fifteen (15) feet off the property line and there are existing trees and fences that are mainly on the neighboring pieces

Mr. Argenta asked if the fencing is chain-link?

Mr. Matt there are a mixture of different types of fencing, but appear to all belong to the residential side.

Mr. Argenta, looking at the elevations, is the block going to be painted?

Mr. Matt believes the plans call for it to be natural grey

Mr. Argenta asked if it's a veneer, is it low bearing

Mr. Demetrius Kshysyak (**using the rendering to show**) confirmed the material shown with normal cinderblock

Mr. Argenta asked if the red in the front is being painted block at the warehouse portion?

Mr. D Kshysyak along the front will be the same, the block is grey

Mrs. May, it was stated the neighbors were spoken too, what exactly will the neighbors see, what's the make-up of the buffer, the fencing? What will be done to make the neighborhood beautiful with the new building?

Mr. Matt, looking at the neighbor's house on the west side, they're going to see their own backyard, trees at the end of their property, whatever fences they currently have, then eventually the blue siding. The fences and vegetation should block some of it.

Mrs. May asked about the buffer of trees and if any trees are being taken down?

Mr. Matt those are on the private side, it's what they already have. They do not plan on taking down any trees

Mr. Gartley asked if a photometrics had been done with the lights on the west side?

Mr. May does have the photometrics on all the other ones, but not that one, but will get something on it.

Mr. Gartley on the elevations he has, the side view of the warehouse it shows straight blue and asked if they will be vertical panels to match the others?

Mr. Matt, yes

Mr. Argenta asked what color the roof will be?

Mr. Matt, galvanized aluminum

Mr. R. Kshysyak presented samples of the roof as well as the siding and concrete

Mr. Argenta asked if there is a landscaping plan?

Mr. Matt, 3rd page shows lighting plan and there is also the landscaping schedule

Chairman Wall looking at the rear elevation, the west side, there are two (2) man doors, but where are the corresponding concrete pads

Mr. Matt will add those

Mr. Gartley asked what color the man doors are planned to be as well as the overhead doors?

Mr. D Kshysyak Man doors, grey and overhead doors, white

Side Table

Mr. Rappazzo, nothing further

Mr. Ritchie, did get revised plans with materials, SWPPP, letter of credit, etc. didn't have the opportunity to go over letter received today, but they have addressed things from his previous letter and feels he can work out any loose ends.

Chairman Wall asked if there are any proposed easements the town is in review?

Mr. Matt they are all privates because they will own all the lots

Supervisor Giunta, none

Open to Public

None

Executive Session 7:49-7:51PM

Chairman Wall as the board, they understand the fifteen-foot (15) width is granted by the Zoning Board, but would like to see additional buffering or fencing requirement between the property towards the west, but feel it can be handled with the Department of Public Works and Town Engineer as part of the approval, but will need to be addresses prior to be signed off on.

Chairman Wall motioned to declare the Town of Gates the Lead Agency, and find this project a Type I project under the SEQR review and that there is no negative impact to the environment, and no further action is required.

Mr. Argenta second All in Favor...Aye Opposed.... None

MOTION PASSED: NEG. DEC.

Chairman Wall motioned to **Grant Subdivision, Preliminary and Final Site Plan Review Approval of 35 Deep Rock Road** with the following conditions:

MOTION PASSED: NEG. DEC.

1. The following notes are to be added to the Final Site Plan:
 - a. The stormwater management feature, covert etc., is to be privately owned and maintained
 - b. The applicant is to pay particular attention to the maintenance and cleanliness of the bordering roads to the property during the construction phase to the satisfaction of the Town's Dept. of Public Works
 - c. No outside storage of vehicles and or materials be permitted on the property
2. A final drainage calculation be provided to the Town Engineer for his review and approval
3. All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
4. All Signage will conform to Town of Gates standards
5. The Gates Fire Marshal shall review and approve the plan prior to the Final review
6. Any necessary Easement agreements are to be reviewed and approved by the Town Attorney.
7. The final site plan should show the photometrics for the western side of the building
8. All stamps of approval from all regulatory agencies, including the Fire Marshal, are to be affixed to the Final Site Plan prior to the signature of the Planning Board Chairman.
9. A letter of credit is submitted to the Director of Public Works before in the amounts sufficient to cover drainage, landscaping, and As-built survey.
10. The building is to be constructed according to the renderings and building samples as presented to the Board
11. The applicant adds the concrete pads to the man doors on the western and eastern sides of the building
12. The applicant is to address any final questions, comments, or concerns from the Town's Dept. of Public Works and Town Engineer
13. The applicant adds snow guards over the all the doors

14. The applicant is to work with the Town Engineer and the Director of Public Works and Planning Board Chair to address additional buffering considerations on the western side of the building and bordering the residential properties towards the west.

Mrs. May, seconded. All in Favor...Aye Opposed...None

Mr. Matt clarified it was stated in the beginning 35 Deeprock Rd, but site plan 2 and 4 which is actual 37 the site

CONCEPT PLAN REVIEW
Manitou Rd Flex Space Complex
OWNER: 3500 Buffalo Rd LLC
ENGINEER: MRB Engineering
LOCATION: 3500 Buffalo Rd
Limited Industrial Zone (LI) District

Chairman Wall there will be no final decision made on this project at this meeting it is just for concept review.

Mr. Fromberger, handed out plans. The owners could not attend this meeting, but asked any information given from the Board was to be passed along to them. This is a conceptual review. It's a mix of uses, from office to warehouse, manufacturing to even storage. The building look more like a mini-storage, but will have bathrooms to give the ability to be used as offices.

A rough rendering was passed out, to show what the facility will look like, with access points at the garage doors and man doors. The interior space is divided equally, with restrooms in the back, utility room. Each building will require sprinklers, which will be provided as part of this project. The plan is to do in several phases with the first phase being the three (3) buildings (**used the rendering to show**) in front the main focus. The existing buildings will remain until the use develops it to be taken down. The blue area (**used the rendering to show**) are the stormwater bioretention facilities, but still need to go over the designs.

There is a hundred foot (100) set back off the front and is well buffered with existing vegetation and trees. An access point is off Manitou Rd and Buffalo Rd. The accesses point will be off Manitou Rd where there is a curb cut, but has a shared easement

They did receive the Engineering comments and went through them.

1. Self-storage is not a permitted use and would need Town Board approval for a Conditional Use Permit. But really dependent on the uses, which could be permitted
2. Base on the square footage, indicates this may be a Type I action and will need further clarification
4. Parking Area is not really designated, due to not really generating a lot of traffic. It's more of an off an on-traffic pattern and different times of the day. Really to show trailers
6. Show permanent fencing, but at this point do not really have any fencing plans, but may in the future
7. Disposal, will need to provide dumpster enclosure for things to be disposed properly

Mrs. May, this looks like a massive site as is concerned with the beautification of the property like fencing, buffering. What will it look like from the road?

Mr. Fromberger overall, they can add to the vegetated buffer area and improve upon it. (**used the rendering to show**) what is showing as blue really is the green space. The buffer in the back is a good amount but can be enhances as well

Mrs. May, looking a phasing the project, with all the traffic coming and going while working on the project, when will a traffic study be done?

Mr. Fromberger doesn't see a need for a traffic study

Mr. Argenta it was mentioned some uses could include manufacturing and office, which is not a storage use, so may want to consider change to tenant spaces. And being manufacturing and office could be looked at differently from storage, so it

needs to be more definitive on what it's going to be. Also, may want to look into sidewalks, so some adjustments could be made. Also, identify snow storage areas.

Mr. Argenta asked how high is the building and with parking which use was it based on?

Mr. Fromberger twenty-four (24) feet high and parking on the one (1) per four-hundred (400) square feet for storage use

Mr. Fromberger trying to not over-populate with parking, but making it the most efficient use of space, but understands

Mr. Argenta if it's strictly storage it's one way and if another use could change it.

Mr. Gartley asked to see the floor plans.... Mr. Fromberger brought up to show

Mrs. May asked how would a fire truck be able to turn around and maneuver

Mr. Fromberger they will show on new plans

Mr. Argenta, asked if there is a potential use for southeast

Mr. Fromberger, none right now

Mr. Gartley asked if the owner owns the property to the south as well? It looks like a drive-lane that goes into it.

Mr. Fromberger, he does and there are access easements to all the properties

Mr. Gartley asked if there will be any lot lights added or just building lights? He added photometrics will probably be needed

Mr. Fromberger building lights

Attorney Schum asked if there is any proposal for outside storage

Mr. Fromberger, replied, No

Side Table

Mr. Rappazzo, #1. would like to see the shared access drive, show defined areas for entering and exit to have a free-for-all thru traffic #2. Love the aerial, good to see the pines through there and would love to see them being incorporated and keeping some of the mature woods throughout.

He also asked where the stormwater is charged too?

Mr. Romberger it's something they are working on

Mr. Ritchie, nothing additional

Supervisor Giunta, none

Mr. Fromberger asked how they get on Town Board Agenda for CUP

Attorney Schum, you need to apply, it's gets posted and advertised for public hearing

Supervisor Giunta, it's a two-month process

Open to Public

None

FINAL SITE PLAN REVIEW
2548 Manitou Rd Flex Space Complex
OWNER: Daniel Thomas of Taouk Development
ENGINEER: Land Tech
LOCATION: 2548 Manitou Rd
Limited Industrial Zone (LI) District

Chairman Wall asked if the applicant was present to speak on the project.

John Sciarabba with Land Tech is representing Dan Thomas for a four (4) building flex project. It's currently a mining site. The project was previously submitted and fully approved in July 2017 under advisement of town officials, they are submitting an AMENDED Site Plan for Preliminary and Final Site Plan Approvals. They modified the site plan slightly, to accommodate two (2) buildings that are a little bit farther then originally submitted, being **Building B** and **Building D** adding approximately nine (9) thousand square feet to the project. All the setbacks remain the same, the two (2) building are the same square foot as well. **B & D** will be the initial buildings and then **A & C** is proposed as future. The new proposed buildings will be 60x250. This all resulted in some site plan changes, creating drainage, pipes, and waterlines, buildings and utilities shifting further north. Still need to adjust some of the grades with the septic field that was proposed, so after five (5) years some minor changes.

They did receive the comment letter from Mike Ritchie, town engineer on Friday and this is the revised plan based on his comments, the board has the original plans. He did address some of the comments from the letter, one of the things is based on the original approval of the hundred (100) foot setback required on Manitou and Spencerport expressway. November of 2016 the previous owners received variances for setbacks, which is way the front setback for Building B is at seventy-four point four (74.4) and sides are forty-seven (47) along Spencerport expressway and they have held on to those ties to those variances.

He addressed the general comments from the letter and set to Kurt Rappazzo and Mike Ritchie with the updates. Items like the SWIP which was prepared for the original submittal. There was a stormwater management previously submitted and signed by Mr. Amico, July 24, 2017. A letter of credit was originally submitted, but will resubmit. The architectural designs are in the way. A thirty (30) foot side yard setback is required, but initially it was twenty-five (25). Mr. Ritchie had asked if there would be tractor trailers stored on-site, but they do not believe so, they owner may have a few construction vehicles in the back, parked as part of his business.

The utility plan with a roof top run-off, (**used the rendering to show**) to show the run-off. Erosion control issues, and access drive, stormwater control outlet, provided a driveway with easement.

Need to do some precision detail with the Septic Field, with possibly some slop reinforcement, also stabilizing construction entrance, some check dams

Mr. Argenta looking at this, accessible parking spaces throughout the site, the 4 slopes would need to be maintained, they look a bit steep especially for ADA

Mr. Sciarabba it must be at two percent (2%) and believes the original 2017 plans shows some irregular handicap spaces on areas that were too steep

Mr. Argenta also asked about snow storage being identified

Mr. Gartley the slop between Builds B & D with nine (9) feet transition there, is parking at an angle, looks steep

Mr. Sciarabba doesn't feel it'll be the most demand parking spaces. Parking is mainly for tenants

Mr. Gartley the dumpster is at a ninety degree (90) to the building, might be too tight for dump truck to get in to pick up. Possibly consider moving,

Attorney Schum, it was mentioned that someone the previous executes a stormwater maintenance agreement, that agreement was referred to the previously approved plan, but a new stormwater agreement with THIS plan would be appropriate

Mrs. May asked what will be stored in the units and are any heated?

Mr. Sciarabba it will be acting as small independent businesses, there could be copiers working as an office or parts for a business, anything that's allowed by code. They are all heated.

Mr. Gartley how will the metering be handled; will it be one (1) meter or multiple and where will be located

Daniel Thomas all separate meters and location will be up to RG&E as well has having one (1) water meter

Mrs. May will there be any hazmat material stored?

Mr. Thomas, No, they would comply with what the town code

Mr. Argenta is there consideration to add bollards so dumpster doesn't get pushed into building?

Attorney Schum it was mentioned the owner may house construction vehicles generally to the east, will it be outside storage

Mr. Sciarabba there will be no outside storage of materials, may just be a dump truck or trailer or backhoe on trailer

Attorney Schum clarified there will be no renting of outside storage of vehicles or trailers

Mr. Sciarabba, No

Mr. Gartley how about a retaining wall between A & C because of the drop

Mr. Sciarabba, **(used the rendering to show)** it's two on one, engineer suggested reinforcement, which they can do and should hold up, but the grades don't technically require a retaining wall

Side Table

Mr. Rappazzo, Just to be sure the Variances are listed on the site plan to have record of

Mr. Ritchie, good job going over the comments, has not had time to go over previously approved plans nor SWIP so comments were general questions, but if they could be provided to him, it would be appreciated additionally add the infiltration to the final plan as well. This is consistently planned with the previously approved plan
Supervisor Giunta, none

Open to Public None

Executive Session 8:38-8:40PM

Chairman Wall motioned to **Amend Previously Approved Preliminary Site Plan Review from back in July 2017 based on the NEW Plans submitted by the applicants for 2548 Manitou Rd. ALL Conditions set for the July 2017 are still in Effect** with the following additions:

MOTION PASSED: NEG. DEC.

1. The applicant looks at the ADA parking spaces to be sure they comply
2. The applicant depicts Snow Storage location upon the Final Plan
3. The applicant is to work with the Town Engineer and the Director of Public Works on the final details for the security gates
4. The applicant revise the Dumpster location as discussed in the Planning Board Meeting
5. The updated stormwater agreement be reviewed and approved by the town Attorney
6. The bollards at the dumpsters by addressed
7. The applicant depicts the Variances on the Approved Site Plan

8. The applicant provides the infiltration results to the final site plan
9. The applicant is to address any and all Town Engineer and Director of Public Works comments
10. A letter of credit is submitted to the Director of Public Works in the amount sufficient to cover drainage, landscaping, and as built survey
11. All stamps of approval from all regulatory agencies, including the Fire Marshal, are to be affixed to the Final Site Plan prior to the signature of the Planning Board Chairman

Mr. Argent, seconded. All in Favor...Aye

Opposed...None

FINAL SITE PLAN REVIEW
Land Clearing
OWNER: Leslie Klein
ENGINEER: Polymer
LOCATION: 23 Moonlanding Road
Limited Industrial Zone (LI) District

Chairman Wall asked if the applicant was present to speak on the project.

Neal Onderdonk representing SLK Moonlanding Rd. they would like to clear eight (8) acres of trees on the north side of Trabold Rd, which runs parallel to 390 to 490.

It's basically just clearing and seeding, no plans for construction

Mrs. May is concerned the impact of drainage and creeks

Mr. Onderdonk, It will go to the same place it goes now, Little Black Creek

Mrs. May is there future plans to use

Mr. Onderdonk that's to be determined, but right now the plans is to clear

Chairman Wall asked if there will be any grading?

Mr. Onderdonk doesn't know if any grading is required

Chairman Wall for the Board and referring to the comment letter from Mike Ritchie there are Federal Wetlands and will need to see where that line falls and the impact of that line. With the grading not sure, but there is no grading plan present.

Chairman Wall continue that additional information will be needed in order to make a decision on this. He apologized if they hadn't received the comment letter from Mike Ritchie and quickly went over it.

Mrs. May because you're clearing a lot, is concerned with the property be let looking astatically nice as possible

Mr. Onderdonk all the trees will come off the property and be recycled, all stumps will be removed

Side Table

Mr. Rappazzo asked how equipment is coming in and out of the property to remove the trees, stumps. Will a road be built to get it in and out?

Mr. Onderdonk coming from Moonlanding and utilizing their parking lot and nothing was mentioned about additional roads being needed

Mr. Rappazzo if a road becomes necessary, it will need to be shown in the plans. Also, pulling the stumps will leave holes, is there a plan to bring in fill to add or grade off with what's there?

Mr. Onderdonk grade off what's there

Mr. Rappazzo drawings will need to reflect that, as long as no fill or top soil is coming in, should be in good shape and whatever sediment controls would be appreciated

Mr. Ritchie, as said in letter land clearing, stumps is disturbance. The state determines anything over eight (8) acres requires a SWIP, obviously there are no roads being built, so no stormwater management is needed, but per states law should submit for stormwater permit to be stabilized and anyone who helps prepare the plan can help do. Doesn't need to be a large engineer document, it's just for road sediment control. There are consequences in doing work without a permit, per state, not just town

Supervisor Giunta, none

Open to Public None

Chairman Wall motioned to **TABLE** 23 Moonlanding Rd, pending the applicant providing additional information as outlined in Mike Ritchie's, October 20, 2022 comment letter and also the addition of road details.

Theresa May second All in Favor...Aye Opposed.... None

Chairman Wall motioned to adjourn the meeting

Mr. Gartley second All in Favor...Aye Opposed....None

The meeting was ADJOURNED at 8:53PM

Respectfully submitted,

Lily Alberto
Recording Secretary



APPLICATION SUMMARY

DATE: May 16, 2023

APPLICANT:

Pittsford Canalside Properties LLC
301 Exchange Blvd
Rochester, NY 14608

TENANT/PROJECT LOCATION:

75 Monroe Avenue
Pittsford, NY 14534

PROJECT SUMMARY:

Pittsford Canalside Properties LLC, a real estate holding company, plans to construct a mixed-use development on 7.5 acres in the Village of Pittsford. The development will include a 156 unit apartment complex, clubhouse and restaurant facility along the Erie Canal. The apartments will range from \$1,300 for a studio up to \$3,200 for a three bedroom unit. 10% of the new units will be income restricted for qualifying households making 60% or less of the Rochester, NY metropolitan statistical area median household income. The site was part of the NYS Brownfield program and was successfully remediated including the removal of over 90,000 tons of soil. This site will feature public benefit and amenities including new public access points to the canal, sidewalks, gazebos, benches, landscaping and docks. The on-site restaurant will create 17 FTE's and the apartment complex will create 7 jobs. The \$53 million project is seeking a real property tax abatement, mortgage recording tax and sales tax exemption. The Benefit/Incentive ratio is 8:1.

PROJECT AMOUNT:

\$53,000,000 Lease/Leaseback with Abatement
\$2,072,000 Sales Tax Exemption
\$298,125 Mortgage Recording Tax Exemption

JOBS: EXISTING:

NEW:

REQUIREMENT:

0	FTEs
24	FTEs
1	FTEs

PUBLIC HEARING DATE:

May 11, 2023

BENEFIT TO INCENTIVE RATIO:

8:1

SEQR:

REVIEWED AND PROCESS IS COMPLETE.

ELIGIBILITY:

NEW COMMERCIAL CONSTRUCTION WITH INCREASE TO THE TAX BASE

APPROVED PURPOSE:

JOB CREATION

Monroe County Industrial Development Agency

MRB Cost Benefit Calculator

Date May 16, 2023
 Project Title Pittsford Canalside Properties
 Project Location 75 Monroe Avenue, Pittsford, NY 14534



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Project Total Investment

\$53,000,000

Temporary (Construction)

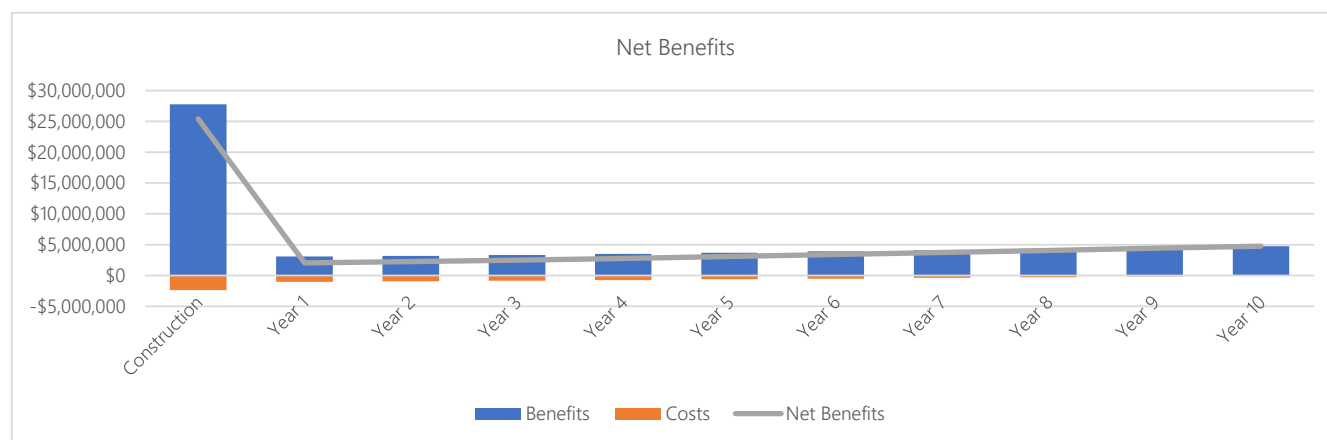
	Direct	Indirect	Total
Jobs	438	145	584
Earnings	\$17,770,671	\$8,463,180	\$26,233,851
Local Spend	\$42,400,000	\$25,147,966	\$67,547,966

Ongoing (Operations)

Aggregate over life of the PILOT

	Direct	Indirect	Total
Jobs	24	28	52
Earnings	\$13,969,519	\$15,647,217	\$29,616,736

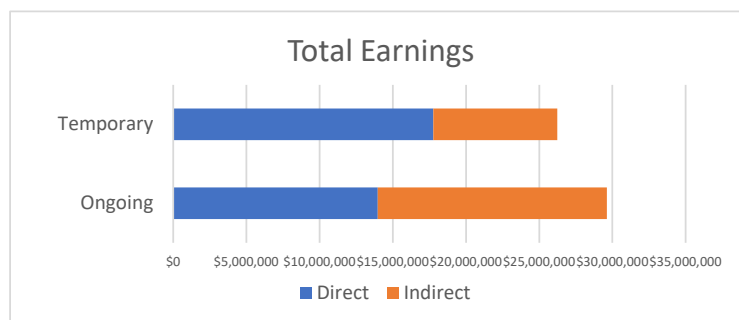
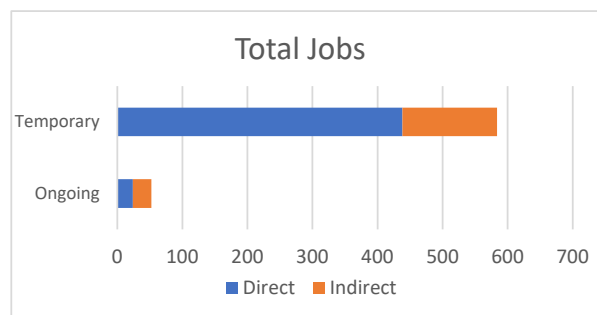
Figure 1



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

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$5,447,828	\$5,061,388
Sales Tax Exemption	\$2,072,000	\$2,072,000
Local Sales Tax Exemption	\$1,036,000	\$1,036,000
State Sales Tax Exemption	\$1,036,000	\$1,036,000
Mortgage Recording Tax Exemption	\$298,125	\$298,125
Local Mortgage Recording Tax Exemption	\$99,375	\$99,375
State Mortgage Recording Tax Exemption	\$198,750	\$198,750
Total Costs	\$7,817,953	\$7,431,513

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$63,355,759	\$59,319,779
To Private Individuals	\$55,850,587	\$52,764,288
Temporary Payroll	\$26,233,851	\$26,233,851
Ongoing Payroll	\$29,616,736	\$26,530,437
Other Payments to Private Individuals	\$0	\$0
To the Public	\$7,505,172	\$6,555,491
Increase in Property Tax Revenue	\$7,114,218	\$6,186,141
Temporary Jobs - Sales Tax Revenue	\$183,637	\$183,637
Ongoing Jobs - Sales Tax Revenue	\$207,317	\$185,713
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$2,904,231	\$2,743,743
To the Public	\$2,904,231	\$2,743,743
Temporary Income Tax Revenue	\$1,180,523	\$1,180,523
Ongoing Income Tax Revenue	\$1,332,753	\$1,193,870
Temporary Jobs - Sales Tax Revenue	\$183,637	\$183,637
Ongoing Jobs - Sales Tax Revenue	\$207,317	\$185,713
Total Benefits to State & Region	\$66,259,990	\$62,063,522

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$59,319,779	\$6,196,763	10:1
State	\$2,743,743	\$1,234,750	2:1
Grand Total	\$62,063,522	\$7,431,513	8:1

*Discounted at 2%

Additional Comments from IDA

0

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

Motion By: _____
Seconded By: _____

RESOLUTION
(Pittsford Canalside Properties LLC Project)
OSC Code 2602-23-009A

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 May 16, 2023 at 12:00 p.m.

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

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON MAY 11, 2023, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN BY PITTSFORD CANALSIDE PROPERTIES LLC, OR A RELATED ENTITY FORMED OR TO BE FORMED (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, **PITTSFORD CANALSIDE PROPERTIES LLC**, a New York limited liability company for itself or a related entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in an approximately 7.5-acre parcel of land located at 75 Monroe Avenue in the Village and Town of Pittsford, New York 14534 and all other lands in the Town of Pittsford where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (collectively, the "Land"); (B) the construction on the Land of a mixed-use development containing 156 apartment units in seven 3-story buildings together with a clubhouse and restaurant facility (collectively, the "Improvements"); and (C) the

acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land and the Improvements, the "Facility"); and

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

WHEREAS, pursuant to Section 859-a of the Act, on Thursday, May 11, 2023, at 5:30 p.m., local time, in the Village Hall Meeting Room at the Pittsford Village Hall, 21 North Main Street, Pittsford, New York 14534, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as defined below) being contemplated by the Agency, whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

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

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

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

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

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

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

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

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

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

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

Section 2. The Agency hereby 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, 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, 2024** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency) if the Lease Agreement, Leaseback Agreement and PILOT Agreement contemplated have not been executed and delivered. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are authorized and directed to execute and deliver to said agent an appropriate letter on Agency letterhead describing the authority granted under this resolution.

Section 4. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$25,900,000** which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$2,072,000**. 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 **\$39,750,000**, resulting in a mortgage tax exemption not to exceed **\$298,125**; and (iii) a partial real property tax abatement.

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

the sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving sales and use tax exemption benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

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

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

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

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

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

Section 10. This resolution shall take effect immediately.

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

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

The Resolutions were thereupon duly adopted.

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

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

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on May 16, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this 16th day of May, 2023.

Ana J. Liss, Executive Director



APPLICATION FOR ASSISTANCE

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

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

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

I. APPLICANT

A. Applicant Information

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

B. Applicant's Legal Counsel

Name: Chris Nadler
Firm: General Counsel
Address: 301 Exchange Blvd
City/State/Zip: Rochester NY
Telephone: (585) 315-4767
Email: cnadler@markiventerprises.com

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

Name	%	Corporate Title
<u>Christopher DiMarzo</u>	<u>50</u> %	<u>Member</u>
<u>Steven DiMarzo</u>	<u>50</u> %	<u>Member</u>
<u></u>	<u></u> %	<u></u>
<u></u>	<u></u> %	<u></u>
<u></u>	<u></u> %	<u></u>
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<u></u>	<u></u> %	<u></u>
<u></u>	<u></u> %	<u></u>

II. PROJECT

A. Address of proposed project facility

Address: 75 Monroe Avenue, Pittsford NY

Tax Map Parcel Number: 151.18-1-51.1

City/Town/Village: Pittsford

School District: Pittsford

Zip: 14534

Current Legal Owner of Property:

Pittsford Canalside Properties, LLC

B. Benefits Requested (Check all that apply)

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

C. Description of project (check all that apply)

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

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

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

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

Company Name: _____

Address: _____

City/State/Zip: _____

Tax ID No: _____

Contact Name: _____

Title: _____

Telephone: _____

Email: _____

% of facility to be occupied by user/tenant _____

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

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

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

F. Project Timeline

Proposed Date of Acquisition: Property Already Owned

Proposed Commencement Date of Construction: 5/22/2023

Anticipated Completion Date: 5/16/2027

G. Contractor(s)

Newmark Development

II. PROJECT (cont'd)

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

Please explain why financial assistance is necessary.

The Project requires construction of extensive public amenities and off-site infrastructure improvements totaling over \$8,100,000*. These additional costs combined with the highest interest rates we have seen in the last 15 years makes it infeasible to obtain adequate financing to move the project forward.

See Exhibit A for more details.

* The majority of the expense is the Brownfield Clean up of environmental contamination left on site by the Monoco Oil Company. The clean up was undertaken by Pittsford Canalside Properties and was the largest environmental remediation project in New York State in 2015. Costs and expenses related to the contamination and re-use of the site will be on-going through the construction process.

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

☐ Yes ☒ No

Location:

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

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

☐ Yes ☒ No

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

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

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

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

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

☐ NO

II. PROJECT (cont'd)

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

NAICS Code: 531110

Westport Crossing is an exciting mixed-use development that will contain 156 apartment units contained in 7 unique 3-story buildings on 7.5 acres in the Village of Pittsford, along with a clubhouse and restaurant facility along the canal. The Unit mix will consist of: 3% Studios/ 36% 1 Bedrooms/ 38% 2 Bedrooms and 21% 3 Bedroom Units. Rents will range from \$1,300 to \$3,200. 10% of the units will be set aside for affordable housing as defined in the COMIDA housing incentive document. The project will feature significant public benefits and public amenities, including unprecedented public access to the historic Erie Canal, remediation of an environmentally contaminated Brownfield site, an extensive network of sidewalks, boardwalks, gazebos and benches, extensive landscaping, docks on the canal and two off-site public infrastructure improvement projects, all of which were mandated by the Village of Pittsford. The project, including the restaurant, will generate approximately 20 full time and 8 part time jobs. Seven of the jobs created will be associated with the management and maintenance of the residential portion of the development and 17 of the jobs will be associated with the restaurant component. Less than 5% of the development will be for commercial use as a restaurant. The restaurant will have 125 seats indoor and outdoor seating and access to the docks. (see appendix #1)

See Exhibit A for more details.

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. \$ 23,750,000
b. Labor b. \$ 19,450,000

Site Work

- c. Materials c. \$ 1,350,000
d. Labor d. \$ 1,650,000
e. Non-Manufacturing Equipment e. \$
f. Manufacturing Equipment f. \$
g. Equipment Furniture and Fixtures g. \$ 800,000
h. Land and/or Building Purchase h. \$ 2,500,000
i. Soft Costs (Legal, Architect, Engineering) i. \$ 3,500,000
Other (specify) j. \$
k. \$
l. \$
m. \$

Total Project Costs \$ 53,000,000
(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. \$ 39,750,000
d. Public Sources d. \$

Identify each state and federal grant/credit

\$
\$
\$
\$

- e. Equity \$ 13,250,000

TOTAL SOURCES \$ 53,000,000
(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.

We are in the process of finalizing the terms of a construction loan with a local bank.

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

Use additional sheets as necessary

Company Name

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

Estimated Costs Eligible for Sales Tax Exemption Benefit

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

- g. \$
h. \$
i. \$

Total Project Costs \$

**Value of Incentives
Pittsford Canalside Properties**

A. IDA PILOT Benefits:

Current Assessment	\$250,000
Value of New Construction & Renovation Costs	\$25,700,000
Estimated New Assessed Value Subject to IDA	\$25,950,000
Current Taxes	\$11,160
Current Taxes Escalator	2%
PILOT Terms - Years	10
County Tax rate/\$1,000	9.29000
Local Tax Rate* Tax Rate/\$1,000	7.82000
School Tax Rate /\$1,000	27.53000
Total Tax Rate	44.64000

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption:	\$2,072,000
Estimated duration of ST exemption:	12/31/2024

C. Mortgage Recording Tax Exemption (MRTE) Benefit:

Estimated Value of MRTE:	\$298,125
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D. Industrial Revenue Bond Benefit

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

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

Total Value of Incentives:	\$7,817,953
Project Construction Costs:	\$53,000,000
	14.75%

PILOT Schedule

PILOT Year	% Abatement	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT***	Net Exemption**
	Total	\$1,480,535	\$1,246,263	\$4,387,420	\$7,114,218	\$12,562,046	\$5,447,828
1	90%	\$23,875	\$20,097	\$70,752	\$114,725	\$1,147,248	\$1,032,523
2	80%	\$48,706	\$40,999	\$144,334	\$234,039	\$1,170,193	\$936,154
3	70%	\$74,520	\$62,728	\$220,831	\$358,079	\$1,193,597	\$835,518
4	60%	\$101,347	\$85,310	\$300,331	\$486,988	\$1,217,469	\$730,481
5	50%	\$129,217	\$108,770	\$382,922	\$620,909	\$1,241,818	\$620,909
6	40%	\$158,162	\$133,135	\$468,696	\$759,993	\$1,266,654	\$506,662
7	30%	\$188,212	\$158,431	\$557,748	\$904,391	\$1,291,988	\$387,596
8	20%	\$219,402	\$184,685	\$650,175	\$1,054,262	\$1,317,827	\$263,565
9	10%	\$251,763	\$211,926	\$746,076	\$1,209,765	\$1,344,184	\$134,418
10	0%	\$285,332	\$240,183	\$845,553	\$1,371,068	\$1,371,068	\$0

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Pittsford Canalside Properties, LLC

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

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

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	0	0	20	20
Part Time (PTE)	0	0	8	8
Total	0	0	24	24

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

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VIII. LOCAL LABOR

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

Company Name Pittsford Canalside Properties, LLC

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

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

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

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

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

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

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

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

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

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

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

CD

Signage

Initial

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

CD

Exemption Process

Initial

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

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


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

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

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

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

Pittsford Canalside Properties, LLC

 Member, 5/5/2023
(APPLICANT COMPANY)

(TENANT COMPANY)

Signature

, Title

Date

Signature

, Title

Date

IX. FEES

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

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

Pittsford Canalside Properties, LLC


(APPLICANT COMPANY)

Member, 5/5/2023

(TENANT COMPANY)

Signature

, Title

Date

Signature

, Title

Date


X. CERTIFICATION

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

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which have ownership of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
 § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- D. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- E. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- F. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- G. Pay Equity: The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- H. Applicant hereby releases the COMIDA ("Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

APPLICANT COMPANY

Pittsford Canalside Properties, LLC

 Member, 5/5/2023
 Signature, Title Date

TENANT COMPANY

 Signature, Title Date

WESTPORT CROSSING COMIDA APPLICATION

I. INTRODUCTION

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

II. PROJECT BACKGROUND

After an extensive municipal approval process over the last 16 years, Pittsford Canalside Properties (PCP) has spent the last 2 years working closely with the Village of Pittsford's Historic Preservation Board, Planning Board, and Board of Trustees to completely redesign the architecture so that it accurately reflects the Historic Canal Commercial character that is featured throughout the Village of Pittsford. Since the beginning of the project in 2007, the Village leadership has been supportive of COMIDA assistance, and such assistance has always been contemplated in our financial planning.

III. BROWNFIELD REMEDIATION.

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

(See Appendix #2)

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

IV. PUBLIC AMENITIES AND OFF-SITE IMPROVEMENTS

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

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

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

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

V. NEED FOR COMIDA ASSISTANCE

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

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

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

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

Appendix #1 – Westport Crossing – Restaurant on Canal



Clubhouse View 1

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





DRAFT - Not Final Materials



Building 3 / Parking Entrance to Garage



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





Building 1 Entrance - Canal Side - Human Scale

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



Westport Crossing- Conceptual Aerial Overlay



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



Appendix #3 Brownfield Environmental Remediation Pic #1



Appendix #3 Brownfield Remediation Picture #2



Appendix #3 Brownfield remediation Picture #3



Appendix #3 Brownfield Remediation Picture #4



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

Project Name: Westport Crossing

Date: 8/9/12

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

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

SEQR Action Status: Type 1 X Unlisted__

Conditioned Negative Declaration: No

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

Location: 75 Monroe Avenue, Village of Pittsford NY

Reasons Supporting This Determination:

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

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

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

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

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

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

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

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

For Further Information:

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

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

Pittsford Canalside Properties, LLC

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

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

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

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

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

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

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

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

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

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

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

Pittsford Village Board of Trustees, Lead Agency

By: Mayor

Date:

8/9/12

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

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

Instructions (Read carefully)

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

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

Impact on Land

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

NO ☐ YES ☒

Examples that would apply to column 2

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

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
5. Will Proposed Action affect surface or groundwater quality or quantity? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES			
Examples that would apply to column 2			
C Proposed Action will require a discharge permit.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Construction or operation causing any contamination of a water supply system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action will adversely affect groundwater.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action would use water in excess of 20,000 gallons per day.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action will allow residential uses in areas without water and/or sewer services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

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

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

☒ NO ☐ YES

c Specific land forms: ☐ ☐ ☐ Yes ☐ No

Impact on Water

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

☒ NO ☐ YES

Examples that would apply to column 2

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

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

☒ NO ☐ YES

Examples that would apply to column 2

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

1
Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated by
Project Change

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

☐ NO ☒ YES

Examples that would apply to column 2

- C Proposed Action would change flood water flows

☐☐

☐ Yes ☐ No

- C Proposed Action may cause substantial erosion.

☐☐

☐ Yes ☐ No

- C Proposed Action is incompatible with existing drainage patterns.

☐☐

☐ Yes ☐ No

- C Proposed Action will allow development in a designated floodway.

☐☐

☐ Yes ☐ No

- C Other Impacts:

☒☐

☐ Yes ☐ No

Some drainage will flow to Canal

IMPACT ON AIR

7. Will Proposed Action affect air quality?

☐ NO ☒ YES

Examples that would apply to column 2

- C Proposed Action will induce 1,000 or more vehicle trips in any given hour.

☐☐

☐ Yes ☐ No

- C Proposed Action will result in the incineration of more than 1 ton of refuse per hour.

☐☐

☐ Yes ☐ No

- C Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.

☐☐

☐ Yes ☐ No

- C Proposed Action will allow an increase in the amount of land committed to industrial use.

☐☐

☐ Yes ☐ No

- C Proposed Action will allow an increase in the density of industrial development within existing industrial areas.

☐☐

☐ Yes ☐ No

- C Other Impacts:

☒☐

☐ Yes ☐ No

Proposed restaurant may emit odors

IMPACT ON PLANTS AND ANIMALS

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

☒ NO ☐ YES

Examples that would apply to column 2

- C Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.

☐☐

☐ Yes ☐ No

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

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

☒ NO ☐ YES

Examples that would apply to column 2

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

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

☒ NO ☐ YES

Examples that would apply to column 2

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

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

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

☐ NO ☒ YES

Examples that would apply to column 2

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

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

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

☐ NO ☒ YES

Examples that would apply to column 2

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

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
C Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON OPEN SPACE AND RECREATION

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

☐ NO ☒ YES

Examples that would apply to column 2

C The permanent foreclosure of a future recreational opportunity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C A major reduction of an open space important to the community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

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

☒ NO ☐ YES

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

Examples that would apply to column 2

C Proposed Action to locate within the CEA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action will result in a reduction in the quantity of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action will result in a reduction in the quality of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Proposed Action will impact the use, function or enjoyment of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
C Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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IMPACT ON PUBLIC HEALTH

18. Will Proposed Action effect public health and safety?

☐ NO ☒ YES

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

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

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

☐ NO ☒ YES

Examples that would apply to column 2

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

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

IMPACT ON TRANSPORTATION

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

☐ NO ☒ YES

Examples that would apply to column 2

C Alteration of present patterns of movement of people and/or goods.

☐☐☐ Yes☐ No

C Proposed Action will result in major traffic problems.

☐☐☐ Yes☐ No

C Other impacts:

☐☒☐ Yes☐ No**IMPACT ON ENERGY**

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

☒ NO ☐ YES

Examples that would apply to column 2

C Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.

☐☐☐ Yes☐ No

C Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.

☐☐☐ Yes☐ No

C Other impacts:

☐☐☐ Yes☐ No**NOISE AND ODOR IMPACT**

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

☐ NO ☒ YES

Examples that would apply to column 2

C Blasting within 1,500 feet of a hospital, school or other sensitive facility.

☐☐☐ Yes☐ No

C Odors will occur routinely (more than one hour per day).

☒☐☐ Yes☐ No

C Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.

☒☐☐ Yes☐ No

C Proposed Action will remove natural barriers that would act as a noise screen.

☐☐☐ Yes☐ No

C Other impacts:

☒☐☐ Yes☐ No

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

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

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

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

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

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

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

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

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

To answer the question of importance, consider:

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

PART III

IMPACT ON LAND

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

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

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

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

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

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

IMPACT ON AIR

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

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

IMPACT ON WATER

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

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

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

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

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

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

IMPACT ON AESTHETIC RESOURCES

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

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

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

The proposed development is located at a critical gateway to the Village of Pittsford, fronting on Monroe Avenue, the Village's busiest arterial street. The appropriate standard for setting design queues is the attractive residential single family home area on Monroe Avenue.

In fact, the largest impact on any existing view shed will occur as pedestrians, cyclists and drivers travel easterly over the Monroe Avenue Canal Bridge. A similar impact will occur with vessels on the canal and pedestrians on the pathway. The proposed development will also be seen from the hill on Sutherland Street and by westbound motorists on Monroe Avenue. The impact of the view from the residential properties in the Town to the west is negligible as it currently consists primarily of a view of the NYS and Municipal buildings on the west side of the Canal. The Planning Board conducted a site visit along Sutherland Street to analyze the view shed looking west from Sutherland St. While the very tops of the buildings of the proposed development would be visible the view to downtown Rochester will remain. The March 20, 2012

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

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

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

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

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

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

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

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

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

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

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

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

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

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

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

IMPACT ON OPEN SPACE AND RECREATION

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

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

Future open space and recreational opportunities will result from the project, and the public will have a new access point to the Canal.

The additional recreational opportunities provided by the project are consistent with the Village's Comprehensive Plan and the R-5 Zoning ordinance.

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

IMPACT ON TRANSPORTATION

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

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

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

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

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

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

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

IMPACT ON PUBLIC HEALTH

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

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

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

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

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

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

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

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

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

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

NOISE AND ODOR IMPACT

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

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

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

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

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

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

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

4. Preparation for Significant Rainfall Events

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

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

PELytle, E&L Solutions, Inc.

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

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

Improvements to Public Health and Safety

1. Background

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

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

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

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

2. Response to Previously Unrecognized Environmental Risks on the Site

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

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

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

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

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

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

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

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

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

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

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

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

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

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

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

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

From: [David Marshall](#)
To: [Clark, Allison](#)
Subject: COMIDA - 75 Monroe
Date: Monday, February 27, 2023 8:14:36 PM

CAUTION: This email originated from outside Monroe County systems. Exercise caution when opening attachments or clicking links, especially from unknown senders.

~~~~~

> Hi Allison,  
 >  
 > Please pass along as appropriate -  
 >  
 > Attn: ANA LISS, EXECUTIVE  
 > DIRECTOR  
 > Monroe County Economic  
 > Development  
 > City Place  
 > 5 West Main Street  
 > Suite #150  
 > Rochester, NY 14614  
 >

>> Hello COMIDA,  
 >>

>> I'm not sure at what point in the site plan approval process COMIDA grants or approves the tax breaks, but it should be noted that the engineering review for the current project has not yet been determined satisfactory by the Planning and Zoning Board of Appeals which is the first condition of the site plan approval resolution.

>>

>> Furthermore, it should be noted that, by my estimation walking door-to-door in the campaign trail, the letter from the Village Board supporting the tax breaks is not widely supported by residents. The public meeting in which it was approved was at a non-standard time, short notice, had only three of five board members present, presented as a budget meeting, and within which the "value" of the property was grossly miscalculated and far far lower than the stated cost of development by the applicant or NPV of future cash-flows.

>>

>> After years of court litigation (cases were won by the Village) and high costs, the recent decision to support tax breaks has not been well received.

>>

>> Sincerely,

>>

>> Dave Marshall

>> Candidate for Trustee, Village of Pittsford

**From:** [Clark, Allison](#)  
**To:** [Finnerty, Robin](#); [Liss, Ana J](#)  
**Subject:** FW: Comida Funds for Mark IV  
**Date:** Sunday, February 26, 2023 3:28:23 PM  
**Attachments:** [image003.jpg](#)  
[image004.jpg](#)

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FYI

## Allison Clark

Manager of Operations  
 County of Monroe Industrial Development Agency  
 (585) 753-2006  
 1150 City Place  
 50 W. Main St.  
 Rochester, NY 14614  
[www.monroecountybusiness.org](http://www.monroecountybusiness.org)



**From:** Randi <winkone@gmail.com>  
**Sent:** Sunday, February 26, 2023 1:46 PM  
**To:** Clark, Allison <AllisonClark@monroecounty.gov>  
**Subject:** Comida Funds for Mark IV

**CAUTION:** This email originated from outside Monroe County systems. Exercise caution when opening attachments or clicking links, especially from unknown senders.

~~~~~

I am so angry that this canalside development is getting funds from Monroe County. As a longtime resident of the adjacent Longmeadow Neighborhood, we have long been against a large development between the canal, a bridge and train tracks. The issues are late night noise due to a restaurant with live music, traffic and safety. This developer has already gone ahead and cut down all the trees along the canal without permission to open up areas for the large number of boat slips they plan on having across their tiny 7 acre property. They are self-centered and focused only on their own profits. They are NOT good neighbors. Moreover, this developer has already caused taxes to be raised twice in the Village of Pittsford due to lawsuits raised by their in-house lawyers.

How can you justify rewarding them?

Randi Winterman
 160 Woodland Road

From: [Clark, Allison](#)
To: [Liss, Ana J](#); [Finnerty, Robin](#)
Subject: Fwd: COMIDA tax break for builder of 75 Monroe
Date: Sunday, February 26, 2023 8:26:14 PM

Sent from my iPhone

Begin forwarded message:

From: Lynne McSloy <lynnecm2002@gmail.com>
Date: February 26, 2023 at 7:44:28 PM EST
To: "Clark, Allison" <AllisonClark@monroecounty.gov>
Subject: **COMIDA tax break for builder of 75 Monroe**

CAUTION: This email originated from outside Monroe County systems. Exercise caution when opening attachments or clicking links, especially from unknown senders.

~~~~~

Dear Allison,

I am reaching out about how unhappy I am about the tax breaks the builder of 75 Monroe Ave will receive. I am a Pittsford resident and fed up with my current tax bills. We taxpayers in Pittsford will have to pay for this!! Not fair when a corporation wants to build a money making project and we have to help fund it.

Lynne McSloy  
Pittsford, NY



# VILLAGE OF PITTSFORD

SETTLED 1789 • INCORPORATED 1827

169



*Village Hall ca 1855 (remodeled 1937)*

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

2/14/2023

To Whom It May Concern:

Re: Westport Crossing COMIDA Application

The Board of Trustees of the Village of Pittsford has been asked by Mark IV Enterprises for a letter of support in regard to the application for financial assistance to COMIDA for the Westport Crossing project in the Village. This letter will confirm that the Board of Trustees supports the granting of financial assistance to the residential portion of the project.

Please contact us if you have any questions.



Mayor Alysa Plummer





## Dashboard

May 2023

| Incentives Summary   |                |                                  |                |              |                |                          |                |
|----------------------|----------------|----------------------------------|----------------|--------------|----------------|--------------------------|----------------|
| Sales Tax Exemptions |                | Mortgage Recording Tax Exemption |                | PILOTS       |                | Total Company Investment |                |
| Year To Date         | Prior Year End | Year To Date                     | Prior Year End | Year To Date | Prior Year End | Year To Date             | Prior Year End |
| 12                   | 30             | 6                                | 17             | 7            | 17             | \$483,778,325            | \$738,190,997  |

| Jobs Summary             |                |                                        |                |                                 |                |                    |                |
|--------------------------|----------------|----------------------------------------|----------------|---------------------------------|----------------|--------------------|----------------|
| Number of Total Projects |                | Existing Jobs Retained per Application |                | New Jobs Projected by Applicant |                | New Jobs Required* |                |
| Year To Date             | Prior Year End | Year To Date                           | Prior Year End | Year To Date                    | Prior Year End | Year To Date       | Prior Year End |
| 13                       | 29             | 99                                     | 1948           | 125                             | 737            | 11                 | 245            |

| Fees for Approved Projects (includes all app and agency fees) |                  |                   |                  |                   |                  |
|---------------------------------------------------------------|------------------|-------------------|------------------|-------------------|------------------|
| Total                                                         |                  | Paid to Date      |                  | Outstanding       |                  |
| 2023 Projects YTD                                             | 2022 Projects YE | 2023 Projects YTD | 2022 Projects YE | 2023 Projects YTD | 2022 Projects YE |
| \$5,369,960                                                   | \$5,361,074      | \$24,483          | \$5,090,980      | \$5,345,478       | \$291,714        |

| Workforce Development Fund    |             |                 |             |              |             |
|-------------------------------|-------------|-----------------|-------------|--------------|-------------|
| Beginning Balance \$2,500,000 |             |                 |             |              |             |
| Allocated Revenue             |             | Committed Funds |             | Fund Balance |             |
| 2023 YTD                      | 2022 YE     | 2023 YTD        | 2022 YE     | 2022 YE      | 2023 YTD    |
| \$266,481                     | \$5,156,317 | \$300,000       | \$2,400,000 | \$2,756,317  | \$2,722,798 |

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

\*Required jobs are calculated as 10% of the existing jobs, with a minimum of 1 job. Enhanced JobsPlus is 100 jobs with a minimum of \$15,000,000 investment. There is no job creation requirement for projects that only receive sales tax exemptions.