



## **BOARD MEETING AGENDA**

**November 19, 2024**

12:00 p.m. CityPlace Building

- A. Call Meeting to Order
- B. Pledge of Allegiance
- C. Approval of Minutes – October 15, 2024
- D. Public Comments
- E. Local Labor Monitoring Report – October – Kevin Loewke
- F. Local Labor Exemptions Report – October – Jim Loewke
- G. Financial Report – October - Gregg Genovese
- H. Applications for Consideration
  - 1. 120 Main Hotel LLC
  - 2. 2851 Clover LLC – Application Acceptance
  - 3. Pittsford Canalside Properties, LLC – Application Acceptance
  - 4. Unither Manufacturing LLC
  - 5. HIS Land LLC
- I. Project Modifications
  - 1. Apple Latta – Extension
  - 2. 1733 Ridge Road – Extension
  - 3. Jay's Acquisition II LLC – Increase
  - 4. APM Holdings LLC/TFI Rochester NY LLC – Assumption
- J. Governance Committee Report – A. Burr
- K. Executive Director – Discussion Items
  - Rochester Childfirst Network Contract Extension
  - NYSEDC Competitiveness Project
  - Dashboard
- L. Executive Session under Section 105(h) of the Public Officers Law for the purpose of discussing the proposed sale of real property.
- M. Chair Burr – Discussion Items
- N. Adjourn Meeting

Next meeting: Tuesday, December 17, 2024



COUNTY OF MONROE  
**COMIDA**  
INDUSTRIAL DEVELOPMENT AGENCY

DRAFT  
BOARD MEETING MINUTES  
October 15, 2024

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

Board Present: A. Burr, N. Jones, R. King, J. Alloco

Board Absent: L. Bolzner

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

Chair Burr called the meeting to order at 12:11 p.m. and R. King led the board in the Pledge of Allegiance.

On motion by J. Alloco, second by R. King, all aye, minutes of the September 17, 2024 meeting were approved.

J. Loewke presented the local labor monitoring report for September 2024.

J. Loewke presented the local labor exemption report for September 2024.

G. Genovese presented the financial report for September 2024.

Executive Director Liss presented the following projects for consideration:

**BYK – Gardner USA**

BYK-Gardner USA is a designer and manufacturer of ultrasonic measuring devices. They are proposing relocation from their current facility in Pittsford and the renovation of 320 Macedon Center Road in the Town of Perinton. This new location will allow BYK-Gardner USA to expand by an additional 16,000 square feet while adding offices and more area for research, development, and warehousing. The \$1,704,015 project is projected to create 5 FTEs over the next three years. BYK-Gardner USA is seeking approval of a sales tax exemption. The benefit to incentive ratio is 80:1.

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

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

**DOCUMENTS; AND (iv) MAKE A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA.**

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

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

**King Park 2022 LLC**

King Park 2022 LLC, a real estate development company, is proposing a multi-phased project, which will include the construction of eight (8) pole barn style buildings, totaling 88,000 square feet. The buildings will be designed to meet the needs of small businesses and skilled trades contractors in search of affordable rental spaces. This application represents the first phase and consists of the construction of two 12,000 square foot buildings. Each building will be divided up to eight units, with associated parking, office space and related facilities. King Park is projecting to create 2 FTEs. Rochester Earth Inc., a related entity performing civil site work, will occupy space and create 5 FTEs in addition to its existing 12 FTEs. The \$4,462,000 project is seeking a real property tax abatement, mortgage recording tax exemption and sales tax exemption. The cost benefit ratio is 15:1.

The applicant was represented by Austin Vyskocyl. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance. The applicant does not anticipate any local labor exemptions at this time. Ms. Baranello stated that there were two town officials at the public hearing, which was held on October 10, 2024, both individuals asked about the timing of the project.

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 OCTOBER 10, 2024, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY KING PARK 2022 LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN- LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.**

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

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

**733 Portland Properties, LLC**

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733 Portland Properties, LLC, a real estate holding company, is re-developing the 29,241 sq ft mostly vacant apartment building in the City of Rochester. This facility will consist of 33 residential units and will be subjected to a regulatory agreement to keep the rents affordable to individuals and families earning 65% AMI or less. Renovations include replacing the entire plumbing system, adding air conditioning, replacing all windows, all kitchens and bathrooms will be gutted and upgraded. 733 Portland Properties, LLC plans to create 1 new FTE. The \$6.4 million project is seeking a Shelter Rent property tax abatement, mortgage recording tax exemption and sales tax exemption. The cost benefit ratio is 7:1.

The applicant was represented by Patricia Cruz-Irving and Paul Irving, Owners. The applicant confirmed awareness of the local labor policy and that exemptions must be requested 45 days in advance. The applicant does not anticipate any local labor exemptions at this time. Ms. Baranello stated that there were no comments at the public hearing which was held on October 10, 2024.

The board considered the following resolution: RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON OCTOBER 10, 2024, WITH RESPECT TO A CERTAIN PROJECT BEING UNDERTAKEN BY 733 PORTLAND PROPERTIES LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN- LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

On motion by J. Alloco, second by N. Jones for inducement and final resolution approving a sales tax exemption, mortgage recording tax exemption and a real property tax abatement, a roll call vote resulted as follows and the motion carried:

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

Executive Director Liss presented the following modifications for consideration:

**Li-Cycle, Inc. – Extension**

Li-Cycle North America Hub, Inc. is constructing a new manufacturing operation in the Town of Greece to process the black mass concentrate, which is an intermediate product generated from the recycling of Lithium-ion batteries. In December 2021, the applicant was approved for a sales tax exemption and in January 2022 was approved for a custom 15-year PILOT agreement. In August 2022, the applicant was approved for a mortgage recording tax exemption that had not been contemplated at the beginning of the project. The applicant is now seeking to extend the sales tax exemption through December 31, 2026 as they are getting ready to restart the project.

The applicant was represented by Chris Biederman, Chief Technical Officer and Kevin McAuliffe, Esq., attorney for Li-Cycle.

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 LI-CYCLE NORTH AMERICAN HUB, INC. (THE "COMPANY") THROUGH DECEMBER 31, 2026, AND THE EXECUTION OF RELATED DOCUMENTS.

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

The Finance Committee Report was given by Chair Burr. The Finance Committee met on October 8, 2024 and reviewed the proposed 2025 operating budget, the workforce development fund and current investment portfolio. The committee recommended the full board accept the 2025 operating budget, as presented.

On motion by R. King, second by N. Jones, all aye, motion carried to approve and accept the 2025 operating budget, as recommended by the Finance Committee.

The Governance Committee Report was given by Chair Burr. The Governance Committee met earlier on October 15, 2024 and reviewed the current housing policy as well as the draft RFP for a housing study. The committee discussed changes to the current housing policy that include reverting back to a 10% affordable set aside while the housing study is being undertaken. The committee will meet again soon to continue the discussion. The committee recommended that staff issue the RFP for a housing study..

Executive Director Liss reviewed the current dashboard.

There being no further business to discuss, on motion by N. Jones, second by J. Alloco, all aye, the regular meeting of the Board was adjourned at 1:01 p.m.



## October 2024 Monthly C.O.M.I.D.A. Report

November 4<sup>th</sup>, 2024

1. This report covers our site visits between October 1<sup>st</sup>, 2024 and October 31<sup>st</sup>, 2024.
2. During this period Loewke Brill made 85 monthly site visits.
3. During this period Loewke Brill made "12" Follow up visits.
4. Loewke Brill checked for residence with 1906 workers.
5. Of those workers, there were "23" non-compliant.
  - a. 10- No proof of residence
    - i. 10/02/24 - CPP & Conifer Realty - Lechase - 1 no ID, compliant on follow up visit 10/03/24
    - ii. 10/04/24 - Jay's Acquisitions II, LLC - Billitier - 1 no ID. FSI - 1 no ID. Both compliant on follow up 10/05/24
    - iii. 10/08/24 - Indus Lehigh Station, LLC - Genesee Construction - 1 no ID, compliant on follow up visit 10/09/24
    - iv. 10/08/24 - Maguire Family Properties, Inc - Burnett Steel - 1 no ID, compliant on follow up 10/09/24
    - v. 10/09/24 - Howitt-Bayview, LLC - American - 1 no ID, compliant on follow up visit 10/10/24
    - vi. 10/28/24 - Rochester Historic Properties, LLC - EMB - 1 no ID, compliant on follow up visit 10/29/24
    - vii. 10/28/24 - Fairlife, LLC - Zoladz - 1 no ID, compliant on follow up visit 10/29/24

viii. 10/29/24 – Gannett Partners I, LLC – Carey Lakes – 2 no ID, both workers off job site on follow up visit 10/30/24

b. 13– Out of Area

i. 10/07/24 – Pfisterer North America, Inc – Simmers – 3 out of area. Out of area workers removed from site and replaced with local workers, verified on follow up 10/08/24

ii. 10/08/24 – Howitt-Paul Road, LLC – ShellFab – 2 workers out of area. Both workers off project on follow up visit 10/09/24

iii. 10/09/24 – Fairlife, LLC – Contour Steel – 3 out of area. 2 compliant with local ID on follow up visit 10/10/24, 1 worker given exemption.

iv. 10/28/24 – CPP & Conifer Realty – Kennedy – 1 out of area. Tactical – 1 out of area. Both workers off job site on follow up inspection 10/29/24

v. 10/29/24 – Gannett Partners I, LLC – VRD – 3 workers out of area. All workers off job site on follow up visit 10/30/24

c. 0 – Invalid ID

6. There were “2” new COMIDA sign(s) delivered

a. ESIV LLC

b. King Park 2022 LLC

**October 2024 Verified Local Labor Exemption Report**

**Board Meeting – November 19<sup>th</sup>, 2024**

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

**1. Fairlife, LLC**

- a. **Tank Connection – Warranty** - Tank Connection, based out of Parson Kansas, will be fabricating and installing liquid tanks at the Fairlife, LLC project located at 1900 Tebor Road in Webster. Tank Connection is a preferred vendor for Fairlife and works with them across the country. The total cost is \$595,390.000 and will require seven total workers. Tank Connection is installing proprietary equipment, and only warranties their product if a certified installer is utilized. The closest certified company is J&S Tank Construction, LLC located in Pineville Missouri.
- b. **Local 33/Contour Steel – Lack of Local Labor** - Contour Steel is asking for an exemption for one journeyman (Mark Reynolds) steel worker on the Fairlife, LLC project. Local 33 has provided a letter for the worker stating his experience and skill level is necessary for the project. The worker will be coming from St. Lawrence County. Loewke Brill considers this waiver request to be valid and recommends the waiver to be processed.
- c. **ISI – Price Point** - ISI, located in Emigsville Pennsylvania , will be fabricating and installing the utility process piping at Fairlife, LLC project located at 1900 Tebor Road in Webster. Fairlife received bids from two local companies, however the price for utilizing local labor was significantly higher than the price offered by ISI, specifically 164% & 272% higher. We spent a considerable amount of time verifying the scope of work with the local and non local contractors to determine the validity of the waiver request.
- d. **Tetra Pak – Warranty/Specialty** - Fairlife has retained TETRA PAK to design, manufacture and install all of the equipment and controls for the receiving, storage, milk separation, milk filtration, flavored and white milk batching, ESL/Aseptic processing, aseptic storage and transfer to filling and loadout for the new facility being constructed in the Town of Webster. In addition to the Company's requirements, the systems have been designed by TETRA PAK to meet the requirements of the Pasteurized Milk Ordinance.

**2. Indus Lehigh Station, LLC**

- a. **Say-Core – No Local Labor Available** - Say-Core Inc, located in Portage Pennsylvania, will be fabricating and installing precast panels at the Indus Lehigh Station, LLC project located at 350 Kenneth Drive in Henrietta. There are currently no local companies who both manufacture and install precast panels in the defined local area. Say-Core also provides a warranty if the panels are installed directly by the company. Say-Core will be using a local crane operator from CP Ward to assist in the erection of the panels which shows a good faith effort to utilize local workforce during this portion of the project.

**3. 80 Lyndon, LLC**

- a. **Everything Ice – Specialty Construction** - Everything Ice, located in Johnstown Pennsylvania, will be fabricating and installing the ice rink at the 80 Lyndon LLC project on 80 Lyndon Road in Perinton. Everything Ice designs and installs their own rinks hockey areas and skating facilities across the country. There are no local companies who can perform the full scope of work relating to the installation of the rink and all mechanicals. We contacted two local companies, but neither could provide the full scope offered by Everything Ice. Everything Ice will install the ice rink itself, refrigeration and mechanical components, dasher boards, and dehumidification tools.
- b. **All American Arena Products – Warranty** - Everything Ice, located in Johnstown Pennsylvania, will be fabricating and installing the ice rink at the 80 Lyndon LLC project on 80 Lyndon Road in Perinton. Everything Ice designs and installs their own rinks hockey areas and skating facilities across the country. There are no local companies who can perform the full scope of work relating to the installation of the rink and all mechanicals. We contacted two local companies, but neither could provide the full scope offered by Everything Ice. Everything Ice will install the ice rink itself, refrigeration and mechanical components, dasher boards, and dehumidification tools.



*Your Best Defense in the Construction Industry*



**COMIDA**  
**Statement of Financial Position**

	Year To Date 10/31/2024	Year Ending 12/31/2023
	Actual	Actual
<b>Assets</b>		
Current Assets		
Cash and Cash Equivalents	2,607,458	5,637,860
Cash - Grant Funding	7,073,575	-
Accounts Receivable, Net	121,758	151,709
Short Term Investments	13,639,670	12,349,432
Prepaid Expenses	172,263	19,901
<b>Total Current Assets</b>	<b>23,614,724</b>	<b>18,158,902</b>
Long-term Assets		
Property & Equipment	633,415	625,000
Other Long-term Assets	260,511	260,511
<b>Total Long-term Assets</b>	<b>893,926</b>	<b>885,511</b>
<b>Total Assets</b>	<b>24,508,650</b>	<b>19,044,413</b>
<b>Liabilities and Net Assets</b>		
Liabilities		
Short-term Liabilities		
Accounts Payable	1,274,453	143,283
Accrued Liabilities	138,318	584,239
Grant Liabilities	7,073,575	-
<b>Total Short-term Liabilities</b>	<b>8,486,346</b>	<b>727,522</b>
Long Term Liabilities	335,926	335,926
<b>Total Liabilities</b>	<b>8,822,272</b>	<b>1,063,448</b>
Net Assets		
Net Assets	17,980,965	15,098,946
Change In Net Assets	(2,294,587)	2,882,019
<b>Total Net Assets</b>	<b>15,686,378</b>	<b>17,980,965</b>
<b>Total Liabilities and Net Assets</b>	<b>24,508,650</b>	<b>19,044,413</b>

**Summary Statement of Activities - All Funds with Prior Year**

	Year To Date 10/31/2024	Year To Date 10/31/2024	Prior Year To Date 10/31/2023
	Actual	Budget	Actual
<b>Revenue</b>			
Fee Income	669,474	2,083,333	1,803,479
Interest Income	633,893	291,667	254,380
<b>Total Revenue</b>	<b>1,303,367</b>	<b>2,375,000</b>	<b>2,057,859</b>
<b>Payroll</b>			
Program & Community Development	342,922	298,333	245,127
General & Administrative	2,589,575	2,540,682	1,621,124
<b>Total Expenses</b>	<b>665,057</b>	<b>632,083</b>	<b>640,549</b>
<b>Total Expenses</b>	<b>3,597,554</b>	<b>3,471,099</b>	<b>2,506,800</b>
<b>Change In Net Assets</b>	<b>(2,294,587)</b>	<b>(1,096,099)</b>	<b>(448,941)</b>



## APPLICATION SUMMARY

**DATE:** November 19, 2024

**APPLICANT:** 120 Main Hotel LLC  
550 Latona Road, Suite 501  
Rochester, NY 14626

**PROJECT ADDRESS:** 120-124 East Main Street  
Rochester, NY 14604

**PROJECT SUMMARY:** 120 Main Hotel LLC is proposing the renovation, reconstruction and rehabilitation of the former 14-story Rochester Riverside Hotel in the City of Rochester. The renovated facility will consist of: a parking garage with 329 structured and surface parking spaces; a 123 room hotel with restaurants and retail space on floors 1, 2 and 3; banquet and meeting spaces on floor 4; and 171 residential units on floors 6-14. The residential portion will have 1-2 bedroom units with rent ranges from \$1,000-\$1,654 per month. 20% (34) of the residential units will be set aside for individuals earning 60% of the area median income and will be a representative cross section of units. This project is considered "retail" under Section 862 of the General Municipal Law, however, the project qualifies for benefits under the "highly distressed area" exception (project is located contiguous to a distressed census tract).The \$61 million project is projected to create 27 jobs over three years. At the request of the City of Rochester, this project is seeking a special 20 year property tax abatement, sales tax and mortgage record tax exemptions. The benefit to incentive ratio is 3:1

**PROJECT AMOUNT:** \$61,073,397 Lease/Leaseback with Abatement  
\$2,181,523 Sales Tax Exemption  
\$ 293,964 Mortgage Recording Tax Exemption

<b>JOBS: EXISTING:</b>	0	FTEs
<b>NEW:</b>	27	FTEs
<b>REQUIREMENT:</b>	1	FTE

**PUBLIC HEARING DATE:** November 14, 2024

**BENEFIT TO INCENTIVE RATIO:** 3:1

**SEQR:** TYPE II ACTION UNDER SEQR SECTION 617.5

**ELIGIBILITY:** REHABILITATION OF EXISTING COMMERCIAL BUILDING

**APPROVED PURPOSE:** JOB CREATION

# County of Monroe Industrial Development Agency

## MRB Cost Benefit Calculator



Date: November 19,  
 Project Title: 120 Main Hotel LLC  
 Project Location: 120-124 East Main St. Rochester, NY 14604

### Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

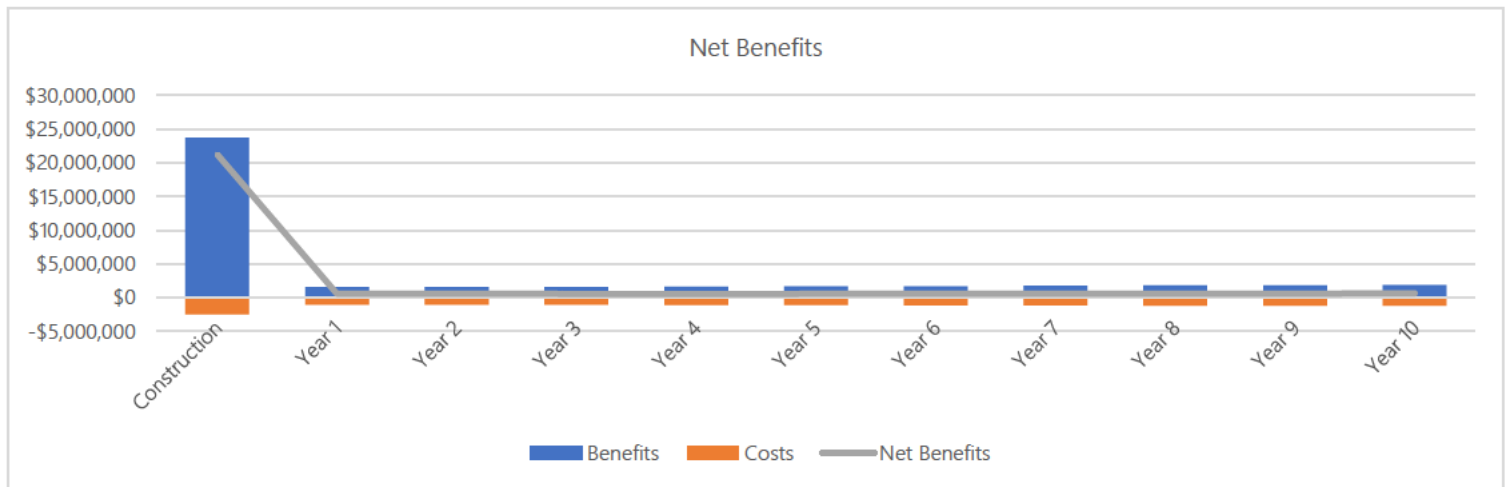
Project Total Investment  
 \$61,073,397

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	308	69	377
Earnings	\$18,829,062	\$3,572,649	\$22,401,711
Local Spend	\$48,858,718	\$12,161,858	\$61,020,576

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	27	9	36
Earnings	\$23,704,966	\$11,951,020	\$35,655,986

Figure 1



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

Figure 2

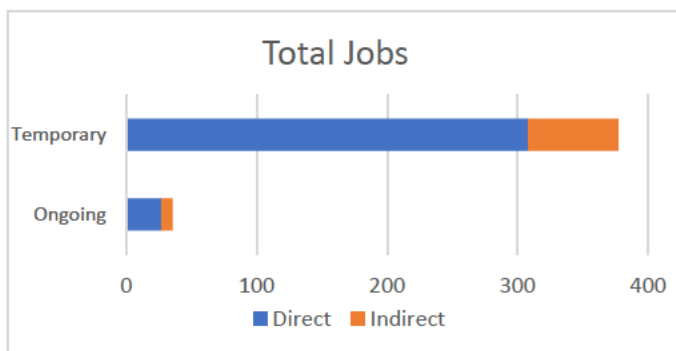
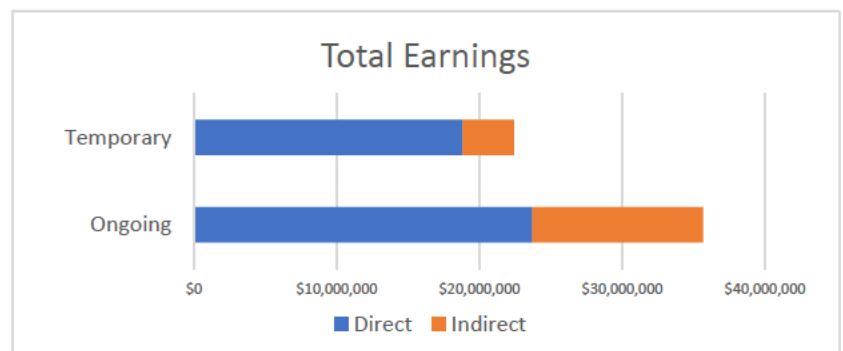


Figure 3



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

# Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$20,390,736	\$16,996,773
Sales Tax Exemption	\$2,181,524	\$2,181,524
Local Sales Tax Exemption	\$1,090,762	\$1,090,762
State Sales Tax Exemption	\$1,090,762	\$1,090,762
Mortgage Recording Tax Exemption	\$293,363	\$293,363
Local Mortgage Recording Tax Exemption	\$97,788	\$97,788
State Mortgage Recording Tax Exemption	\$195,575	\$195,575
<b>Total Costs</b>	<b>\$22,865,623</b>	<b>\$19,471,660</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$63,146,962</b>	<b>\$54,786,569</b>
<b>To Private Individuals</b>	<b>\$58,057,697</b>	<b>\$51,190,753</b>
Temporary Payroll	\$22,401,711	\$22,401,711
Ongoing Payroll	\$35,655,986	\$28,789,042
Other Payments to Private Individuals	\$0	\$0
<b>To the Public</b>	<b>\$5,089,265</b>	<b>\$3,595,816</b>
Increase in Property Tax Revenue	\$4,682,861	\$3,237,481
Temporary Jobs - Sales Tax Revenue	\$156,812	\$156,812
Ongoing Jobs - Sales Tax Revenue	\$249,592	\$201,523
Other Local Municipal Revenue	\$0	\$0
<b>State Benefits</b>	<b>\$3,019,000</b>	<b>\$2,661,919</b>
<b>To the Public</b>	<b>\$3,019,000</b>	<b>\$2,661,919</b>
Temporary Income Tax Revenue	\$1,008,077	\$1,008,077
Ongoing Income Tax Revenue	\$1,604,519	\$1,295,507
Temporary Jobs - Sales Tax Revenue	\$156,812	\$156,812
Ongoing Jobs - Sales Tax Revenue	\$249,592	\$201,523
<b>Total Benefits to State &amp; Region</b>	<b>\$66,165,962</b>	<b>\$57,448,488</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$54,786,569	\$18,185,323	3:1
State	\$2,661,919	\$1,286,337	2:1
<b>Grand Total</b>	<b>\$57,448,488</b>	<b>\$19,471,660</b>	<b>3:1</b>

\*Discounted at 2%

### Additional Comments from IDA

This is a good project.

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

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

**RESOLUTION**  
(120 Main Hotel LLC Project)  
OSC Code: 2602-24-031A

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 November 19, 2024 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 NOVEMBER 14, 2024, WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW) BEING UNDERTAKEN BY 120 MAIN HOTEL LLC OR A RELATED ENTITY FORMED OR TO BE FORMED (COLLECTIVELY, THE "COMPANY"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AND (C) A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A PAYMENT-IN-LIEU-OF-TAX AGREEMENT ("PILOT AGREEMENT"); AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

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, **120 MAIN HOTEL 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 2.6-acre parcel of land located at 120 and 124 East Main Street in the City of Rochester, New York 14614 and all other lands in the City of Rochester where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land") together with the existing approximately 321,192 square-foot 14-story hotel and approximately 66,254 square-foot parking garage located respectively thereon (collectively, the "Existing Improvements"); (B) the renovation, redevelopment and rehabilitation of the Existing Improvements into four (4)

condominium units consisting of, restaurant and retail space, approximately 123 hotel guest rooms, banquet and meeting space, approximately 171 residential apartment units (20% of which units will be restricted for qualifying households earning 60% or less of the area median income) and approximately 329 structured and surface parking spaces (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, November 14, 2024, at 10:00 a.m., local time, at the Agency's Offices, 50 West Main Street, Suite 1150, Rochester, New York 14614, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as defined below) being contemplated by the Agency, whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, it is contemplated that the Agency will (i) negotiate a project agreement (the "Project Agreement"), pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project, (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), leaseback agreement (the "Leaseback Agreement") and payment-in-lieu-of-tax agreement (the "PILOT Agreement") with the Company and (iii) provide financial assistance (the "Financial Assistance") to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, renovation and equipping of the Facility, (b) a partial mortgage recording tax exemption for financing 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, the Project constitutes a "retail" project as defined under Section 862 of the Act and as such requires additional findings; and

WHEREAS, the Company has represented to the Agency that the Project is located in a "highly distressed area" as defined in Section 862(b)(ii) of the Act; and

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

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

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

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

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

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

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

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

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

(f) Pursuant to Section 862 of the Act, the Project constitutes a "retail" project. Based on representations made by the Company to the Agency, the Agency hereby finds that the Project is located in a "highly distressed area" as defined in Section 862(b)(ii) of the Act; and

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

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

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

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

the acquisition, renovation 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, 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 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, renovating, equipping, repairing and maintaining the Facility, and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under the Improvements, Land or the Equipment, including all repairs, maintenance and replacement of all such property. Said agents are authorized to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agents for the Agency, and in general to do all things which may be requisite or proper for completing the Facility, all with the same powers and with the same validity as the Agency could do if acting on its own behalf. As agent of the Agency, the Company is authorized to delegate such agency, in whole or in part, to agents, subagents, contractors, subcontractors, contractors and subcontractors of such agents and subagents and to such other parties as the Company chooses; provided, however, the Project Agreement shall expire on **December 31, 2027** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency) if the Lease Agreement, Leaseback Agreement and PILOT Agreement contemplated have not been executed and delivered. The Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency are authorized and directed to execute and deliver to said agent an appropriate letter on Agency letterhead describing the authority granted under this resolution.

Section 5. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$27,269,042** which results in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$2,181,523**. 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 **\$39,195,154**, resulting in a mortgage tax exemption not to exceed **\$293,964**; and (iii) a partial real property tax abatement.

Section 6. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts

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

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

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

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

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

Vice Chairman of the Agency acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 11. This resolution shall take effect immediately.

*[Remainder of Page Intentionally Left Blank]*

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

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Lisa Bolzner				
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 Deputy 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 November 19, 2024, 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 19<sup>th</sup> day of November, 2024.

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Robin L. Finnerty, Deputy 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](http://www.monroecountybusiness.org/application).

Please send completed application via email to [EconomicDevelopment@monroecounty.gov](mailto: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: 120 Main Hotel LLC  
 Address: 550 Latona Road, Suite 501  
 City/State/Zip: Rochester, New York 14626  
 Tax Id No.: [REDACTED]  
 Contact Name: Angelo Ingrassia  
 Title: Member  
 Telephone: [REDACTED]  
 E-Mail: [REDACTED]

#### B. Applicant's Legal Counsel

Name: \_\_\_\_\_  
 Firm: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Email: \_\_\_\_\_

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

Name	%	Corporate Title
<u>1093 Group, LLC</u>	<u>50%</u>	<u>Member</u>
<u>120 E Main Leo, LLC</u>	<u>50%</u>	<u>Member</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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



## 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](http://www.monroecountybusiness.org/application).

Please send completed application via email to [EconomicDevelopment@monroecounty.gov](mailto: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: 124 Main Parking LLC  
 Address: 550 Latona Road, Suite 501  
 City/State/Zip: Rochester, New York 14626  
 Tax Id No.: [REDACTED]  
 Contact Name: Angelo Ingrassia  
 Title: Member  
 Telephone: [REDACTED]  
 E-Mail: [REDACTED]

#### B. Applicant's Legal Counsel

Name: \_\_\_\_\_  
 Firm: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Email: \_\_\_\_\_

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

Name	%	Corporate Title
<u>1093 Group, LLC</u>	<u>50%</u>	<u>Member</u>
<u>120 E Main St Parking, LLC</u>	<u>50%</u>	<u>Member</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

## II. PROJECT

### A. Address of proposed project facility

Address: 120-124 East main Street

Tax Map Parcel Number: 121.23-1-4.001, .002

City/Town/Village: Rochester, NY 14604

School District: Rochester City SD

Zip: 14614

Current Legal Owner of Property:

120 Main Hotel LLC/124 Main Parking 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: N/A

Proposed Commencement Date of Construction: Q3 2025

Anticipated Completion Date: 12/31/2027

### G. Contractor(s)

\_\_\_\_\_  
\_\_\_\_\_

## II.PROJECT (cont'd)

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

531110; 812930; 561920; 721110  
NAICS Code: \_\_\_\_\_

120 Main Hotel LLC/120 Main Parking LLC and/or certain entities formed or to be formed plans to re-develop the former Rochester Riverside Hotel and parking garage located at 120-124 East Main Street consisting of the renovation, reconstruction and rehabilitation for the comprehensive redevelopment of the former fourteen (14) story Rochester Riverside Hotel comprised of four condominium units consisting of:

Condo Unit #1: on Floors 1, 2 (portion), 3 and 4, certain restaurant and retail related space, together with approximately 123 hotel guest rooms;

Condo Unit #2: on Floor 2 (portion), certain banquet and meeting space;

Condo Unit #3: on Floors 6 through 14, approximately 171 residential apartment units comprised of both one (1) and two (2) bedroom units. Approximately 20% of said residential units will serve those earning no more than 60% AMI. The rental range on units serving those earning no more than 60% AMI will range from \$943 - \$1,307 per month for 1- and 2-Bedroom unit configurations based on current HUD guidelines for the Rochester, New York Metropolitan Statistical Area. Market-rate unit rents will be set based upon market conditions at the time of project completion and unit readiness, but are anticipated at this time to range from \$1,000 - \$1,654 per month; and

Condo Unit #4: approximately 329 structured and surface parking spaces.

## 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.

Without a sales tax exemption on construction materials as well as the partial mortgage recording tax exemption, there would be substantially more development expenses/costs, making the project infeasible. Furthermore, the partial real property tax abatement will allow the project to reach stabilization on a more condensed time frame. The property has suffered from extreme deferred maintenance, outdated building systems and a fire in 2022. Without the complete rehabilitation/renovation of the property, which the financial incentive package from COMIDA will allow, the property will continue to be a blight in the heart of downtown Rochester.

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

Yes  No

Location:

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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:

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

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

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

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

NO

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

Check One:

**JOBSPLUS**

Requirements:

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

**LEASEPLUS**

Requirements:

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

**ENHANCED JOBSPLUS**

Requirements:

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

**GREEN JOBSPLUS**

Requirements:

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

**SHELTER RENT**

For student housing or affordable housing projects.

**Local Tax Jurisdiction Sponsored PILOT**

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

# CONDO UNIT #1

## IV. APPLICANT PROJECT COSTS

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

**Building Construction or Renovation**

- a. Materials a. \$ 9,114,252
- b. Labor b. \$ 9,114,252

**Site Work**

- c. Materials c. \$ 165,000
- d. Labor d. \$ 165,000
- e. Non-Manufacturing Equipment e. \$ \_\_\_\_\_
- f. Manufacturing Equipment f. \$ \_\_\_\_\_
- g. Equipment Furniture and Fixtures g. \$ 1,374,600
- h. Land and/or Building Purchase h. \$ 1,376,027
- i. Soft Costs (Legal, Architect, Engineering) i. \$ 434,039
- Other (specify) j. Other j. \$ 937,141
- k. \_\_\_\_\_ k. \$ \_\_\_\_\_
- l. \_\_\_\_\_ l. \$ \_\_\_\_\_
- m. \_\_\_\_\_ m. \$ \_\_\_\_\_

**Total Project Costs**  
(must equal Total Sources) \$ 22,680,312

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ \_\_\_\_\_
- b. Taxable Industrial Revenue Bond b. \$ \_\_\_\_\_
- c. Bank Financing c. \$ 12,172,567
- d. Public Sources d. \$ \_\_\_\_\_

Identify each state and federal grant/credit

ESD Grant \$ 3,136,480  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

- e. Equity \$ 7,371,265

**TOTAL SOURCES**  
(must equal Total Project Costs) \$ 22,680,312

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** \$ \_\_\_\_\_

# CONDO UNIT #2

## IV. APPLICANT PROJECT COSTS

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

**Building Construction or Renovation**

- a. Materials a. \$ 3,246,476
- b. Labor b. \$ 3,246,476

**Site Work**

- c. Materials c. \$ \_\_\_\_\_
- d. Labor d. \$ \_\_\_\_\_
- e. Non-Manufacturing Equipment e. \$ \_\_\_\_\_
- f. Manufacturing Equipment f. \$ \_\_\_\_\_
- g. Equipment Furniture and Fixtures g. \$ 1,538,838
- h. Land and/or Building Purchase h. \$ 555,574
- i. Soft Costs (Legal, Architect, Engineering) i. \$ 175,353
- Other (specify) j. Other j. \$ 342,593
- k. \_\_\_\_\_ k. \$ \_\_\_\_\_
- l. \_\_\_\_\_ l. \$ \_\_\_\_\_
- m. \_\_\_\_\_ m. \$ \_\_\_\_\_

**Total Project Costs (must equal Total Sources) \$ 9,105,310**

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ \_\_\_\_\_
- b. Taxable Industrial Revenue Bond b. \$ \_\_\_\_\_
- c. Bank Financing c. \$ 6,740,757
- d. Public Sources d. \$ \_\_\_\_\_

Identify each state and federal grant/credit

ESD Grant \$ 1,266,362  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

e. Equity \$ 1,098,191  
**TOTAL SOURCES (must equal Total Project Costs) \$ 9,105,310**

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 \$ \_\_\_\_\_**

# CONDO UNIT #3

## 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. \$ 11,094,876
- b. Labor b. \$ 11,094,876

### 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. \$ 1,728,980
- i. Soft Costs (Legal, Architect, Engineering) i. \$ 545,709
- Other (specify) j. Other j. \$ 1,151,669
- k. \_\_\_\_\_ k. \$ \_\_\_\_\_
- l. \_\_\_\_\_ l. \$ \_\_\_\_\_
- m. \_\_\_\_\_ m. \$ \_\_\_\_\_

**Total Project Costs**  
(must equal Total Sources) \$ 25,616,111

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ \_\_\_\_\_
- b. Taxable Industrial Revenue Bond b. \$ \_\_\_\_\_
- c. Bank Financing c. \$ 19,484,635
- d. Public Sources d. \$ \_\_\_\_\_

Identify each state and federal grant/credit

\_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

- e. Equity e. \$ 6,131,476
- TOTAL SOURCES**  
(must equal Total Project Costs) \$ 25,616,111

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** \$ \_\_\_\_\_

# CONDO UNIT #4

## 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. \$ 735,000
- d. Labor d. \$ 735,000
- e. Non-Manufacturing Equipment e. \$ \_\_\_\_\_
- f. Manufacturing Equipment f. \$ \_\_\_\_\_
- g. Equipment Furniture and Fixtures g. \$ \_\_\_\_\_
- h. Land and/or Building Purchase h. \$ 1,139,418
- i. Soft Costs (Legal, Architect, Engineering) i. \$ 359,629
- Other (specify) j. Other j. \$ 702,617
- k. \_\_\_\_\_ k. \$ \_\_\_\_\_
- l. \_\_\_\_\_ l. \$ \_\_\_\_\_
- m. \_\_\_\_\_ m. \$ \_\_\_\_\_

**Total Project Costs**  
(must equal Total Sources) \$ 3,671,664

E. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ \_\_\_\_\_
- b. Taxable Industrial Revenue Bond b. \$ \_\_\_\_\_
- c. Bank Financing c. \$ 797,195
- d. Public Sources d. \$ \_\_\_\_\_

Identify each state and federal grant/credit

ESD Grant \$ 2,597,159

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

e. Equity \$ 277,310

**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** \$ \_\_\_\_\_



**VII. PROJECTED EMPLOYMENT**

Complete for each Applicant or User/Tenant

**Company Name:** 120 Main Hotel LLC/124 Main Parking 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 <b>RETAINED</b>	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be <b>CREATED</b> 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	22	22
Part Time (PTE)	0	0	10	10
Total	0	0	27	27

\*\* 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 120 Main Hotel LLC/124 Main Parking 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.

A.I.

### 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.**

A.I.

### 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.

A.I.

### 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.

A.I.

### 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.

A.I.

**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.

A.I.

**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.

120 Main Hotel LLC + 124 Main Parking LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

[Signature]      Manager      11/7/24  
Signature      , Title      Date

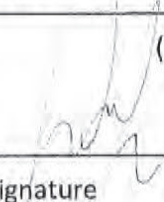
\_\_\_\_\_  
Signature      , Title      Date

**IX. FEES**

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

120 Main Hotel LLC + 124 Main Parking LLC

_____ (APPLICANT COMPANY)			_____ (TENANT COMPANY)		
	Manager	11/7/24			
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. Absence of Conflicts of Interest – The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officers or employees of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described: \_\_\_\_\_
- D. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:  
 § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- E. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- F. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- G. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- H. Pay Equity: The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- I. Applicant hereby releases the COMIDA ("Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

**APPLICANT COMPANY**

**TENANT COMPANY**

120 Main Hotel LLC + 124 Main Parking LLC

Signature: [Handwritten Signature] Title: Manager Date: 11/7/24

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



SANTA CROCE GROUP, LLC

Name	Ownership %
PALADINO, WILLIAM	26.48%
MAGLIANO GROUP, LLC	22.37%
9912 GROUP, LLC	13.65%
PALADINO 2000 TRUST	5.54%
SARTORI, JOEL	5.09%
PALADINO, JOSEPH	5.04%
HANNON, JOSEPH	5.04%
FITSCHER, KIRK	4.03%
JOE CAVAN REV. TRUST	2.12%
COUCH, SARAH	1.81%
LINHARDT, KATHY	1.51%
SCHUSTER, WENDY	1.51%
GREGORY, PAUL	1.51%
DILLON, MIKE	1.42%
KOBIS, MIKE	0.81%
SHEPARD, DON	0.76%
MCARTHUR, JEFF	0.55%
FOX, TOM	0.40%
MOLENDIA, TOM	0.20%
CARBAUGH, LORI	0.15%
<b>TOTAL ISSUED</b>	<b>100.00%</b>

1093 Group, LLC (EDC's interest) is owned 100% by Santa Croce Group, LLC. A full breakdown of ownership within Santa Croce Group, LLC is attached.

120 Main Hotel LLC owned 50% by 120 E Main

Leo LLC (Ingrassia's interest) 120 E Main Leo

LLC is owned 100% by Angelo M. Ingrassia

124 Main Parking LLC owned 50% by 120 E Main St

Parking LLC (Ingrassia's interest) 120 E Main St Parking

LLC is owned 100% by Angelo M. Ingrassia



September 6, 2024

Ana J. Liss, Executive Director  
County of Monroe Industrial Development Agency  
1150 City Place  
50 W. Main Street  
Rochester, NY 14614

Via Email to: AnaLiss@monroecounty.gov

**Re: 120 E. Main Street (Former Riverside Hotel) Special PILOT Support**

Dear Ms. Liss,

The City of Rochester received a request from 120 Main Hotel LLC and 124 Main Parking LLC (the "Applicant" or "Owner") to support an application to COMIDA for a special PILOT for the Applicant's proposed project at 120 & 124 E. Main Street, Rochester (the "Project"). When completed, the Project will result in the adaptive reuse of the former Riverside Hotel into a mixed-use property accommodating commercial, hotel, residential, meeting, and banquet spaces. The first floor will be converted to banquet-, hotel-, and restaurant-related space. The second floor will contain banquet and meeting spaces. Floors three, four, five and a portion of six will house approximately 133 hotel guest rooms and 10 one- and two-bed hotel suites, and the remainder of floor six to floor 14 will be converted to approximately 161 residential units comprised of both one- and two-bedrooms. Further, the project will accommodate approximately 420 parking spaces for residents and patrons of the facility. The Applicant estimates a total development cost of \$61,073,397.

The City of Rochester's PILOT Review Committee met twice to consider the application for support, and first approved a 15-year PILOT for a project resulting in 123 hotel rooms and 171 apartments. At the time, the Applicant had requested a 19-year PILOT. The City conditionally approved the 19-year schedule of tax abatements if the Applicant would increase the number of hotel rooms.

A second consideration of the Project has resulted in the approval to support the requested 19-year PILOT based on the increase of hotel rooms/suites from 123 to 133 and a commitment by the Applicant to make best efforts to complete the project by December 31, 2027. The Applicant has indicated that if occupancy is inadequate for these additional 10 suites, it may seek to convert them to residential units. To that end, the City requires the following commitment from the Applicant:

- a) To notify the City of the desired occupancy threshold that is within reasonable industry standards, and below which it may seek conversion of these suites to residential units;
- b) Submit to the City, annual occupancy reports for all hotel rooms and suites;
- c) Commit to maintaining the ten additional units as hotel suites, unless a desire to do otherwise is expressed by providing written notice;
- d) That if written notice is provided, the City, County and owner shall meet to discuss the owner's concerns related to occupancy and, with advice of Visit Rochester, shall develop a plan to address those concerns in a manner that aims to increase occupancy and allows the units to remain as suites; and,



- e) That if occupancy does not improve beyond a mutually agreed upon occupancy threshold over the course of a period agreed upon by the City and Owner of not less than 6 months and not greater than 18, the City shall authorize the conversion to residences on a unit-by-unit basis.

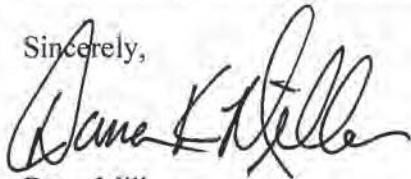
The City supports the following exemption on the increase of real estate taxes for an annual in-lieu of taxes payment, for the above two conditions related to the number of hotel rooms and suites, and a commitment to best efforts to complete the project by December 2027:

Year	% Exempt
1 - 15	100%
16	80%
17	60%
18	40%
19	20%
20	0%

The Applicant has also committed to twenty percent of the residential units being affordable to households earning no more than 60% of the area median income. Additional community benefits will include 30% MWBE goal, and workforce goals of 20% minority, 6.9% female and 25% city of Rochester residents.

On behalf the City, I am pleased to support your Application for Assistance to COMIDA. If you have any questions, please contact Anne DaSilva Tella by email at [Anne.DaSilvaTella@CityofRochester.Gov](mailto:Anne.DaSilvaTella@CityofRochester.Gov) or by phone at (585) 428-6124.

Sincerely,



Dana Miller  
Commissioner, Neighborhood & Business Development

cc: Angelo Ingrassia, Applicant,  
Via email to: [autoange@aol.com](mailto:autoange@aol.com)  
Robin Finnerty, Deputy Director, COMIDA  
Via email to: [RFinnerty@monroecounty.gov](mailto:RFinnerty@monroecounty.gov)  
City of Rochester PILOT Committee



October 2, 2024

Ana Liss, Executive Director  
County of Monroe Industrial Development Agency  
1150 City Place  
50 W. Main Street  
Rochester, NY 14614

Via Email to: AnaLiss@monroecounty.gov

**Re: 120 E. Main Street (Former Riverside Hotel) Special PILOT Support – Supplemental Letter**

Dear Ms. Liss,

Please allow for this correspondence to supplement the City of Rochester’s (the “City”) letter of support to you dated September 6, 2024 (the “Letter of Support”) with respect to a certain project proposed by 120 Main Hotel LLC and 124 Main Parking LLC (the “Applicant” or “Owner”) at 120 & 124 E Main Street, Rochester, New York (the “Project”).

Terms used but not defined in this supplementary letter shall have the definitions given to such terms in the Letter of Support.

At the request of the Applicant, the City desires to clarify the following four terms which are set forth in the Letter of Support:

- 1) **Number of Parking Spaces:** the Letter of Support references the Project having 420 parking spaces. There are currently 396 parking spaces in the parking garage, and the Owner intends to convert the rooftop level of the parking garage, which has 67 parking spaces, into common area / green space which will complement the “pool deck” level of the Project. As a result, the actual number of parking spaces for the Project is 329 (all of which is covered parking), and any reference to parking spaces in the Letter of Support are hereby revised to 329.
- 2) **Best Efforts Requirement:** the Letter of Support provides that the Owner shall use “best efforts to complete the project by December 31, 2027”. The Letter of Support is hereby revised to require that the Owner use commercially reasonable efforts to complete the Project by December 31, 2027, and any reference in the Letter of Support to “best efforts” are hereby revised to “commercially reasonable efforts”.
- 3) **Conversion of 10 Hotel Rooms/Suites to Apartments:** the Letter of Support sets forth five (5) requirements with respect to the Owner’s ability to convert ten (10) hotel rooms/suites located on the sixth floor of the building into apartments (“Conversion”). In lieu of those requirements, the City agrees that Conversion is permissible at the Owner’s discretion on the following terms and conditions: (A) if the hotel portion of the Project has not achieved a 60% average occupancy during the fourth full year of operations, then during the fifth year of operations Conversion shall be permissible and/or (B) if at any time after the fourth full year of operations the occupancy of the hotel portion of the Project falls below a 60% average during any 24-month period Conversion shall be permissible. Owner shall provide to COMIDA and to the taxing jurisdictions, including



the City, quarterly reports on hotel occupancy, beginning three months after the hotel portion begins taking reservations and continuing every three months thereafter during the term of the PILOT for the hotel portion of the Project.

- 4) **Number of PILOTS:** the Letter of Support suggests that there will be one (1) PILOT agreement for the entire Project. However, because the Owner intends to convert the Project building into four (4) condominium units the Owner has requested, and the City supports, that there be one (1) PILOT agreement per condominium unit. In connection therewith, the City Assessor has already established assessed values for each of the proposed condominium units which are set forth in a letter to the Owner dated May 20, 2024. Each PILOT agreement would be consistent with the exemption schedule set forth in the Letter of Support.

Except as clarified herein, all the terms and conditions of the Letter of Support remain unmodified.

If you have any questions, please contact Patrick Beath, Corporation Counsel, at [Patrick.Beath@CityofRochester.Gov](mailto:Patrick.Beath@CityofRochester.Gov).

Sincerely,



Dana K. Miller  
Commissioner, Neighborhood & Business Development

cc: Angelo Ingrassia  
City PILOT Committee Members

**From:** [Angelo Ingrassia](#)  
**To:** [Tom Fox](#)  
**Subject:** Fwd: Former Riverside  
**Date:** Tuesday, November 5, 2024 10:56:27 AM

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Begin forwarded message:

**From:** "Miller, Dana K." <[Dana.Miller@CityofRochester.Gov](mailto:Dana.Miller@CityofRochester.Gov)>  
**Subject:** RE: Former Riverside  
**Date:** November 1, 2024 at 3:00:14 PM EDT  
**To:** 'Angelo Ingrassia' <[autoange@aol.com](mailto:autoange@aol.com)>

Yes, This is correct, one (1)FTE.

Dana

**Dana K. Miller, Commissioner**  
Neighborhood & Business Development  
City of Rochester, NY  
30 Church St., Room 223B  
Rochester, NY 14614  
O: (585) 428-6159  
(he, him, his)

---

**From:** Angelo Ingrassia <[autoange@aol.com](mailto:autoange@aol.com)>  
**Sent:** Friday, November 1, 2024 2:59 PM  
**To:** Miller, Dana K. <[Dana.Miller@CityofRochester.Gov](mailto:Dana.Miller@CityofRochester.Gov)>  
**Subject:** Former Riverside

Warning: This email originated from an external source. Please do not open attachments, click on links, or provide your username or password if the source is suspicious.

**Dana,**

*I hope all is well. First, I want to thank you again for all of your help with this project and your continued support of our vision. We are making great strides with the redevelopment of the former Riverside Hotel and are currently in the process of working with COMIDA on finalizing the incentives package. In doing so, we need you to confirm one minor point relating to job creation. As previously negotiated (and set forth in our application to the City), all parties agreed to the creation of 1 job in connection with this project. We noticed this point did not make its way into the City's support letter and simply want you to confirm our understanding relating to same.*

*Thank you*

*Ange*



## **REQUEST FOR APPLICATION ACCEPTANCE**

**November 19, 2024**

**Applicant:** 2851 Clover LLC  
2851 Monroe Ave  
Rochester, NY 14618

**Location:** 2851 Clover Street  
Pittsford, NY 14534

### **PROJECT SUMMARY:**

2851 Clover LLC is proposing the construction of a new housing development in the Town of Pittsford. This development has been designed around the desires of the Town of Pittsford for affordable workforce housing. The property is currently run down, has been vacant for almost 10 years and needs significant asbestos removal.

This new development will consist of 175 units (122 one bedroom, 42 two-bedroom, and 12 3-bedroom) with rents ranging from \$1,599-\$3,199 per month. Per COMIDA's policy, 35 (20%) of the 175 units will be set aside as affordable for those earning 80% of the area median income at rents of \$1,350-\$2,096. These affordable units will be a representative cross section of all units.

This \$41 million project is projected to create 8 new FTEs over the next three years. 2851 Clover LLC is seeking approval of a real property tax abatement, sales tax exemption and mortgage recording tax exemption.

**No Benefits are Being Approved at this Time.**



## 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](http://www.monroecountybusiness.org/application).

Please send completed application via email to [EconomicDevelopment@monroecounty.gov](mailto: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: 2851 Clover LLC  
 Address: 2851 Monroe Ave  
 City/State/Zip: Rochester, NY 14618  
 Tax Id No.: [REDACTED]  
 Contact Name: Anthony Daniele  
 Title: member  
 Telephone: [REDACTED]  
 E-Mail: [REDACTED]

#### B. Applicant's Legal Counsel

Name: Jerry Goldman  
 Firm: Woods Oviatt Gilman LLP  
 Address: 1900 Bausch and Lomb Place  
 City/State/Zip: Rochester, NY 14618  
 Telephone: [REDACTED]  
 Email: [REDACTED]

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

Name	%	Corporate Title
<u>Anthony Daniele</u>	<u>50 %</u>	<u>member</u>
<u>Danny Daniele</u>	<u>50 %</u>	<u>member</u>
<u> </u>	<u> </u>	<u> </u>
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## II. PROJECT

### A. Address of proposed project facility

Address: 2851 Clover Street

Tax Map Parcel Number: 163.02-1-24.111

City/Town/Village: Town of Pittsford

School District: Pittsford

Zip: 14534

Current Legal Owner of Property:

2851 Clover 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) Tear down & redevelopment

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

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

Are the user and owner related entities?  Yes  No

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Tax ID No: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

% of facility to be occupied by user/tenant \_\_\_\_\_

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

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

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

### F. Project Timeline

Proposed Date of Acquisition: December 2023

Proposed Commencement Date of Construction: Dec 2024

Anticipated Completion Date: January 2027

### G. Contractor(s)

Christa Construction (Rochester NY)

**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.

Members of the town board of Pittsford approved this new development contain to accommodate local individuals and families with occupations including current and retired teachers, firefighters, public services, hospitality services, and other similar workforce careers. Without agency support this development can not financially exist.

Financial Assistance is necessary to cover the expanded costs and expenses now required to provide affordable/workforce housing to young professionals and families wishing to live in Pittsford.

The redevelopment of this dilapidated old development, which has remained a vacant eyesore for now almost 10 years, has recently been found to contain asbestos. The asbestos abatement contamination has significantly increased the project cost due to increased remediation and demolition required to redevelop into a safe NY code compliant housing community.

Construction and Labor Costs have risen approximately 25-35% in less than 3.5 years. A Sales Tax and Mortgage tax agreement is a requirement of financing in order to make this project cash flow positive and financing is not possible without Agency support.

Without agency support to cover the increased costs, this project will not move forward.

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

Yes  No

Location:

Bellagio Apartments

1384 Empire Blvd, Rochester NY 14618

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

Pittsford Oaks is a new locally developed 175 unit apartment living community concept. Pittsford Oaks was designed around the desires of the town of Pittsford to allow for the first affordable workforce housing in Pittsford designed specifically to include housing options for local individuals and families with affordable local occupations including teachers, firefighters, hospitality services, etc.

This property was purchased by a senior living entity approximately five years ago with the intent of constructing senior living options. After two years of due diligence and significant capital expenditures including permit ready design and development construction documents (including final SEQR and town approvals to construct) the entity soon realized after receiving final construction bid quotes that the financial proformas would not allow for an un-subsidized new construction development of any kind given the significantly increased costs of labor, materials, and interest rates post COVID. The previous developer walked away from the project after spending hundreds of thousands of dollars in due diligence and pre-development soft costs. The project was abandoned for almost 3 years, and the new current developer (This Applicant) took over in hopes of finding a path to the finish line while incorporating the wishes of the town board of Pittsford to incorporate affordable housing.

This new development plan received Zoning and SEQR approvals in May of this year (2024). The current developer is a long time Pittsford community resident family who has developed multiple properties in the Rochester area including a recent 98 unit apartment development (The Bellagio, Penfield, NY)

The new development will consist of approximately 175 units broken out as approximately 122 one-bedroom units with average rental rates of \$1,599 per month, 42 two-bedroom units with average rental rates of \$2,369 per month, and 12 three-bedroom units with average rental rates of \$3,199 per month.

Per COMIDA's current housing policy, 20% (35) of the units will be set aside as affordable for those earning 80% of the area median income at rents of \$1,350-\$2,096. These units will be a representative cross section of all unity.

Twelve new permanent job positions will be created. Four full-time jobs will consist of one General Manager, one Leasing Manager, one Facilities Manager, and one Facilities Coordinator. Eight-part time jobs will consist of four house cleaning associates responsible for maintaining the interior building and units in a clean and sanitary environment including mopping, sweeping, vacuuming, general house cleaning, indoor plant maintenance, elevator cleaning, unit change-over cleaning/sanitizing, and unit pre-leasing inspections and cleaning. Four additional part-time jobs will include two facilities maintenance crews along with two outdoor facilities maintenance crews all focusing on snow removal, salt spreading, lawn care, lawn mowing, plant care, plant trimming, external paint and wall maintenance, general maintenance activities, minor plumbing repairs, inventory of general provisions, garage cleanliness and maintenance, dog clean up, and patio/public areas clean up and maintenance.

[SEE "Exhibit A" FOR CURRENT CONDITIONS AND DEVELOPMENT RENDERINGS.]

**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. \$ 12,610,000
- b. Labor b. \$ 10,750,000

**Site Work**

- c. Materials c. \$ 2,510,000
- d. Labor d. \$ 3,625,000
- e. Non-Manufacturing Equipment e. \$ \_\_\_\_\_
- f. Manufacturing Equipment f. \$ \_\_\_\_\_
- g. Equipment Furniture and Fixtures g. \$ 2,973,000
- h. Land and/or Building Purchase h. \$ 3,930,000
- i. Soft Costs (Legal, Architect, Engineering) i. \$ 4,900,000
- Other (specify) j. \_\_\_\_\_ j. \$ \_\_\_\_\_
- k. \_\_\_\_\_ k. \$ \_\_\_\_\_
- l. \_\_\_\_\_ l. \$ \_\_\_\_\_
- m. \_\_\_\_\_ m. \$ \_\_\_\_\_

**Total Project Costs (must equal Total Sources) \$ 41,298,000**

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ \_\_\_\_\_
- b. Taxable Industrial Revenue Bond b. \$ \_\_\_\_\_
- c. Bank Financing c. \$ 38,000,000
- d. Public Sources d. \$ \_\_\_\_\_

Identify each state and federal grant/credit

\_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

- e. Equity e. \$ 3,298,000

**TOTAL SOURCES (must equal Total Project Costs) \$ 41,298,000**

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

Yes  No

If yes, please specify bank, underwriter, etc.

Local community bank  
 -Canandaigua National 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. \_\_\_\_\_ f. \$ \_\_\_\_\_
- g. \_\_\_\_\_ g. \$ \_\_\_\_\_
- h. \_\_\_\_\_ h. \$ \_\_\_\_\_
- i. \_\_\_\_\_ i. \$ \_\_\_\_\_

**Total Project Costs \$ \_\_\_\_\_ 0**

**VI. Value of Incentives**

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

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

PILOT Estimate Table Worksheet

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

\*Apply equalization rate to value

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

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

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption: \$ \_\_\_\_\_

C. Mortgage Recording Tax Exemption Benefit:

Estimated value of Mortgage Recording Tax exemption: \$ \_\_\_\_\_

D. Industrial Revenue Bond Benefit:

IRB inducement amount, if requested: \$ \_\_\_\_\_

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

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

## VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: 2851 Clover, 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 <b>RETAINED</b>	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be <b>CREATED</b> 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	4	4
Part Time (PTE)	0	0	8	8
Total	0	0	8	8

\*\* 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 2851 CLOVER, 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.

### AD 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.**

### AD 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.

### AD 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.

### AD 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.

AD

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.

AD

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.

2851 CLOVER, LLC

\_\_\_\_\_  
 (APPLICANT COMPANY)  
 member  
 \_\_\_\_\_  
 Signature Title Date  
 Member 11/2025

\_\_\_\_\_  
 (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.

2851 CLOVER, LLC  
 \_\_\_\_\_  
 (APPLICANT COMPANY)  
 member  
 \_\_\_\_\_  
 Signature Title Date  
 Member 1/1/24

\_\_\_\_\_  
 (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**

2851 CLOVER, LLC

*[Handwritten Signature]*  
 \_\_\_\_\_  
 member  
 Signature, Title, Date  
*member 11/24*

**TENANT COMPANY**

\_\_\_\_\_  
 \_\_\_\_\_  
 Signature, Title, Date



## **REQUEST FOR APPLICATION ACCEPTANCE**

**November 19, 2024**

**Applicant:** Pittsford Canalside Properties LLC  
301 Exchange Boulevard  
Rochester, NY 14608

**Location:** 75 Monroe Avenue  
Pittsford, NY 14534

### **PROJECT SUMMARY:**

Pittsford Canalside Properties LLC is proposing to construct a mixed-use development on 7.5 acres in the Village of Pittsford.

The development will consist of 156 units (3% Studios, 36% 1 Bedrooms, 38% 2 Bedrooms and 21% 3 bedrooms) with rents ranging from \$1,800 to \$3,500. Per COMIDA's policy, 32 (20%) of the 156 units will be set aside as affordable for those earning 80% of the area median income. These affordable units will be a representative cross section of all units. In addition to the residential portion, the development will include a clubhouse and restaurant facility along the Erie Canal. This site will also feature public benefit and amenities including new public access points to the canal, sidewalks, gazebos, benches, landscaping and docks.

This \$73 million phased project is projected to create 24 new FTEs over the next three years. Pittsford Canalside Properties LLC is seeking approval of sales tax and mortgage recording tax exemptions.

**No Benefits are Being Approved at this Time.**



COUNTY OF MONROE  
**COMIDA**  
 INDUSTRIAL DEVELOPMENT AGENCY

**APPLICATION FOR ASSISTANCE**

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

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

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

**I. APPLICANT**

**A. Applicant Information**

Name: Pittsford Canalside Properties LLC  
 Address: 301 Exchange Blvd  
 City/State/Zip: Rochester, NY 14608  
 Tax Id No.: [REDACTED]  
 Contact Name: Tim Reidy  
 Title: CFO  
 Telephone: [REDACTED]  
 E-Mail: [REDACTED]

**B. Applicant's Legal Counsel**

Name: Christian Nadler, Esq.  
 Firm: General Counsel  
 Address: 301 Exchange Blvd  
 City/State/Zip: Rochester NY  
 Telephone: [REDACTED]  
 Email: [REDACTED]

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

Name	%	Corporate Title
<u>Christopher DiMarzo</u>	<u>50 %</u>	<u>Member</u>
<u>Steven DiMarzo</u>	<u>50 %</u>	<u>Member</u>
<u> </u>	<u> </u>	<u> </u>
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## II. PROJECT

### A. Address of proposed project facility

Address: 75 Monroe Avenue, Pittsford NY

Tax Map Parcel Number: 151.18-1-51.1

City/Town/Village: Pittsford

School District: Pittsford

Zip: 14534

Current Legal Owner of Property:

Pittsford Canalside Properties LLC

### B. Benefits Requested (Check all that apply)

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

### C. Description of project (check all that apply)

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

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

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

Are the user and owner related entities?  Yes  No

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Tax ID No: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

% of facility to be occupied by user/tenant \_\_\_\_\_

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

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

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

### F. Project Timeline

Proposed Date of Acquisition: Property Already Owned

Proposed Commencement Date of Construction: 1/20/2025

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

**FINAL PHASE: 6/20/30**

### G. Contractor(s)

Newmark Development

**II. PROJECT (cont'd)**

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

Please explain why financial assistance is necessary.

The Project requires construction of extensive public amenities and off-site infrastructure improvements totaling over \$8,100,000\*. These additional costs combined with high interest rates 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:

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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 \$1,800 to \$3,500. 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) The Project will be developed in 3 Phases. Phase I will consist of site work, off-site amenities, and construction of the first three apartment buildings. Subject to financial feasibility there will be a 20% affordable set aside for individuals making 80% of AMI. Projected rents will be determined based on the Rochester, New York Metropolitan Statistical area HUD Guidelines in place at the time of leasing.

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**

# PHASE I PROJECT COSTS

## IV. APPLICANT PROJECT COSTS

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

### Building Construction or Renovation

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

### Site Work

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

**Total Project Costs** \$ 25,231,500  
(must equal Total Sources)

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ \_\_\_\_\_
- b. Taxable Industrial Revenue Bond b. \$ \_\_\_\_\_
- c. Bank Financing c. \$ 21,500,000
- d. Public Sources d. \$ \_\_\_\_\_

Identify each state and federal grant/credit

\_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

- e. Equity \$ 3,731,250

**TOTAL SOURCES** \$ 25,231,250  
(must equal Total Project Costs)

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

Yes  No

If yes, please specify bank, underwriter, etc.

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

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

Use additional sheets as necessary

Company Name \_\_\_\_\_

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

Estimated Costs Eligible for Sales Tax Exemption Benefit

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

g. \_\_\_\_\_ g. \$ \_\_\_\_\_

h. \_\_\_\_\_ h. \$ \_\_\_\_\_

i. \_\_\_\_\_ i. \$ \_\_\_\_\_

**Total Project Costs** \$ \_\_\_\_\_

# TOTAL PROJECT COSTS

## IV. APPLICANT PROJECT COSTS

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

### Building Construction or Renovation

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

### Site Work

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

**Total Project Costs** \$ 73,388,750  
(must equal Total Sources)

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ \_\_\_\_\_
- b. Taxable Industrial Revenue Bond b. \$ \_\_\_\_\_
- c. Bank Financing c. \$ 65,000,000
- d. Public Sources d. \$ \_\_\_\_\_

Identify each state and federal grant/credit

\_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

- e. Equity \$ 8,388,750

**TOTAL SOURCES** \$ 73,388,750  
(must equal Total Project Costs)

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

Yes  No

If yes, please specify bank, underwriter, etc.

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

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

Use additional sheets as necessary

Company Name \_\_\_\_\_

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

Estimated Costs Eligible for Sales Tax Exemption Benefit

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

g. \_\_\_\_\_ g. \$ \_\_\_\_\_

h. \_\_\_\_\_ h. \$ \_\_\_\_\_

i. \_\_\_\_\_ i. \$ \_\_\_\_\_

**Total Project Costs** \$ \_\_\_\_\_

**VI. Value of Incentives**

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

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

PILOT Estimate Table Worksheet

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

\*Apply equalization rate to value

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

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

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption: \$ \_\_\_\_\_

C. Mortgage Recording Tax Exemption Benefit:

Estimated value of Mortgage Recording Tax exemption: \$ \_\_\_\_\_

D. Industrial Revenue Bond Benefit:

IRB inducement amount, if requested: \$ \_\_\_\_\_

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

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

**VII. PROJECTED EMPLOYMENT**

Complete for each Applicant or User/Tenant

Company Name: 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 <b>RETAINED</b>	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be <b>CREATED</b> 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 100% Local Labor

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

### CD Local Labor Market

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

### CD Bid Processing

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

### CD Monitoring

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

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

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

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

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

CD  
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.

CD  
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.

PITTSFORD CANALSIDE PROPERTIES LLC

(APPLICANT COMPANY)

(TENANT COMPANY)

 MEMBER 10/22/24  
Signature, Title Date

\_\_\_\_\_  
Signature, Title Date

**IX. FEES**

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

\_\_\_\_\_  
(TENANT COMPANY)

*Christopher Desjardins* MEMBER 10/22/24  
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. Absence of Conflicts of Interest – The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officers or employees of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described: \_\_\_\_\_
- D. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:  
 § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- E. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- F. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- G. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- H. Pay Equity: The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- I. Applicant hereby releases the COMIDA ("Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

**APPLICANT COMPANY**

**TENANT COMPANY**

Pittsford Canal Side Properties LLC  
 \_\_\_\_\_  
 Signature, Title, Date

\_\_\_\_\_  
 \_\_\_\_\_  
 Signature, Title, Date



WESTPORT CROSSING  
COMIDA APPLICATION

I. INTRODUCTION

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

II. PROJECT BACKGROUND

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

### III. BROWNFIELD REMEDIATION.

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

**(See Appendix #2)**

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

### IV. PUBLIC AMENITIES AND OFF-SITE IMPROVEMENTS

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

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

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

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

#### V. NEED FOR COMIDA ASSISTANCE

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

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

Notwithstanding the basic fact of cleaning an environmentally contaminated site for residential reuse, the addition of hundreds of construction jobs, full time jobs, increased tax base, consistency with The 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





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





## APPLICATION SUMMARY

**DATE:** November 19, 2024

**APPLICANT:** Unither Manufacturing, LLC  
755 Jefferson Road  
Rochester, NY 14624

**PROJECT ADDRESS:** 755 Jefferson Road  
Rochester, NY 14623

**PROJECT SUMMARY:** Unither Manufacturing, LLC is a pharmaceutical contract and manufacturing organization focused on pre-measured single-use dosage forms, located in the Town of Henrietta. The Monroe County facility is the company's only U.S. manufacturing site. Unither was approved for a property tax abatement, sales tax and mortgage recording tax exemptions for Phase 1 of their 5 year expansion plan in 2019. For Phase 2, Unither is proposing a 65,000 sq. ft. expansion. The expansion will host new sterile manufacturing areas and will allow for an increase in current capacity and additional production lines. The new facility will also house a state of the art laboratory and warehouse. The \$14 million project is projected to create 50 FTEs in addition to the existing 303 FTEs. Unither Manufacturing LLC is seeking approval of a sales tax exemption only. The benefit to incentive ratio is 12:1.

**PROJECT AMOUNT:** \$14,160,000 - Sales Tax Exemption Only  
**EXEMPTIONS:** \$972,800

**JOBS: EXISTING:** 303 | FTEs  
**NEW:** 50 | FTEs

**PUBLIC HEARING DATE:** November 14, 2024

**BENEFIT TO INCENTIVE RATIO:** 12:1

**SEQR:** TYPE II ACTION UNDER SEQR SECTION 617.5

**ELIGIBILITY:** MANUFACTURER

**APPROVED PURPOSE:** JOB CREATION

# County of Monroe Industrial Development Agency

## MRB Cost Benefit Calculator



Date: November 17 2025  
 Project Title: Unither Manufacturing LLC  
 Project Location: 755 Jefferson Road, Rochester, NY 14624

### Economic Impacts

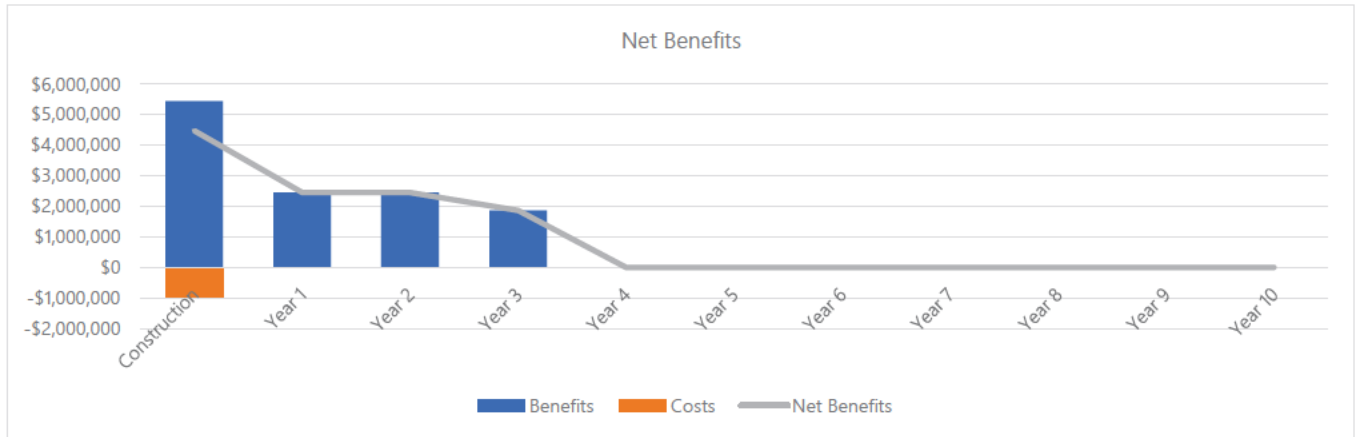
Summary of Economic Impacts over the Life of the PILOT  
 Project Total Investment  
 \$14,160,000

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		70	16	86
Earnings		\$4,326,431	\$814,662	\$5,141,093
Local Spend		\$11,328,000	\$2,794,015	\$14,122,015

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		0	0	0
Earnings		\$5,250,000	\$1,120,148	\$6,370,148

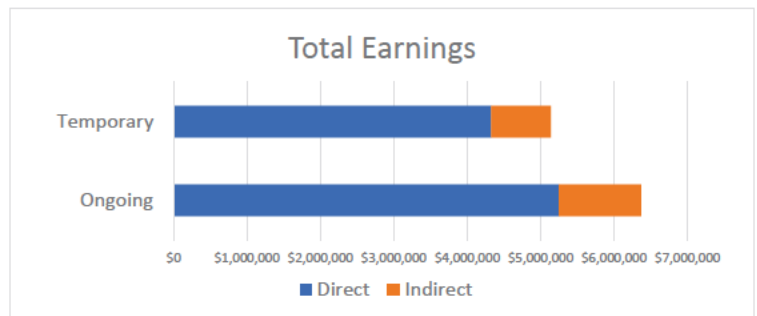
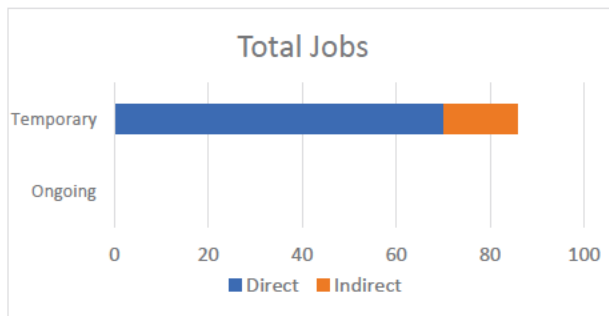
Figure 1



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

Figure 2

Figure 3



# Fiscal Impacts



## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$972,800	\$972,800
Local Sales Tax Exemption	\$486,400	\$486,400
State Sales Tax Exemption	\$486,400	\$486,400
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
<b>Total Costs</b>	<b>\$972,800</b>	<b>\$972,800</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$11,595,740</b>	<b>\$11,357,928</b>
<b>To Private Individuals</b>	<b>\$11,511,241</b>	<b>\$11,275,307</b>
Temporary Payroll	\$5,141,093	\$5,141,093
Ongoing Payroll	\$6,370,148	\$6,134,213
Other Payments to Private Individuals	\$0	\$0
<b>To the Public</b>	<b>\$84,499</b>	<b>\$82,622</b>
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$35,988	\$35,988
Ongoing Jobs - Sales Tax Revenue	\$48,512	\$46,634
Other Local Municipal Revenue	\$0	\$0
<b>State Benefits</b>	<b>\$602,505</b>	<b>\$590,010</b>
<b>To the Public</b>	<b>\$602,505</b>	<b>\$590,010</b>
Temporary Income Tax Revenue	\$231,349	\$231,349
Ongoing Income Tax Revenue	\$286,657	\$276,040
Temporary Jobs - Sales Tax Revenue	\$35,988	\$35,988
Ongoing Jobs - Sales Tax Revenue	\$48,512	\$46,634
<b>Total Benefits to State &amp; Region</b>	<b>\$12,198,245</b>	<b>\$11,947,939</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$11,357,928	\$486,400	23:1
State	\$590,010	\$486,400	1:1
<b>Grand Total</b>	<b>\$11,947,939</b>	<b>\$972,800</b>	<b>12:1</b>

\*Discounted at 2%

### Additional Comments from IDA

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

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

RESOLUTION  
(Unither Manufacturing LLC Project)  
OSC Code 2602-24-025A

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's offices located at 50 West Main Street, Rochester, New York 14614, on November 19, 2024 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 (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON NOVEMBER 14, 2024, WITH RESPECT TO THE UNITHER MANUFACTURING LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (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) PROVIDING 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; AND (v) AUTHORIZING THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND RELATED DOCUMENTS.

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

WHEREAS, **UNITHER MANUFACTURING LLC**, a Delaware limited liability company for itself or an entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of: (A) the acquisition or retention of a leasehold interest in a portion of land located at 755 Jefferson Road in the Town of Henrietta, New York 14623 and all other lands in the Town of Henrietta where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land") together with the existing approximately 570,320 square foot building thereon (the "Existing Improvements"); (B) the construction of an approximately 65,000 square-foot addition to and retrofit of the Existing Improvements to host a new sterile manufacturing area, multiple new production lines for compounding, filling and packaging, a state-of-the-art laboratory and warehouse (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 used by the Company in its business of manufacturing pre-measured dosage forms for medications; 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, November 14, 2024, at 11:30 a.m., local time, in the Main Meeting Room at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York 14623, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing"), whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; a copy of the Notice of Public Hearing published in *The Daily Record*; 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 construction and equipping of the Facility; and

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

WHEREAS, the Town of Henrietta Planning Board (the "Planning Board"), acting as "lead agency" (as such term is defined under SEQRA), undertook an "uncoordinated review" (as such term is defined under SEQRA) of the Project, determined that the Project was an "Unlisted Action" (as such term is defined under SEQRA) and on October 15, 2024 issued a "negative declaration" (as such term is defined under SEQRA) with respect to the Project (the "Negative Declaration").

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

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

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

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

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

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

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

(f) The Project involves an Unlisted Action; the review is uncoordinated. The Planning Board, acting as lead agency, issued the Negative Declaration. The Agency, acting as an "involved agency" (as such term is defined under SEQRA), having undertaken a thorough and comprehensive review of the materials presented by the Company, including but not limited to, the Application and related documents delivered by the Company to the Agency, the Short Environmental Assessment Form and the Planning Board's Negative Declaration, as well as other representations made by the Company to the Agency in connection with the Project, hereby determines that the Project does not pose a potential significant adverse impact on the environment and thus adopts the Planning Board's Negative Declaration. The Agency further determines that all of the provisions of SEQRA that are required to be complied with as a condition precedent to the approval of the Financial Assistance contemplated by the Agency with respect to the Project have been satisfied.

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

Section 3. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the equipping of the Facility and hereby appoints the Company as the true and lawful agent of the Agency to equip the Facility, and such appointment includes the following activities as they relate to the completion, use, repair and maintenance of the Facility and the purchase, use, lease, placement, installation, repair, maintenance and replacement of the Equipment, whether or not any materials or supplies described below are incorporated into or become an integral part of the Facility or the Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with 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 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 Facility or the Equipment, including all repairs, maintenance and replacement of all such property. Said agents are authorized to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agents for the Agency, and in general to do all things which may be requisite or proper for completing the Facility, all with the same powers and with the same validity as the Agency could do if acting on its own behalf. As agent of the Agency, the Company is authorized to delegate such agency, in whole or in part, to agents, subagents, contractors, subcontractors, contractors and subcontractors of such agents and subagents and to such other parties as the Company chooses; provided, however, the Project Agreement shall expire on **December 31, 2026** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency).

Section 4. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$12,160,000**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$972,800**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

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

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

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

Section 8. This resolution shall take effect immediately.

*[Remainder of Page Intentionally Left Blank]*

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

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Lisa Bolzner				
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 Deputy 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 November 19, 2024, 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 19<sup>th</sup> day of November, 2024.

---

Robin L. Finnerty, Deputy 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](http://www.monroecountybusiness.org/application).

Please send completed application via email to [EconomicDevelopment@monroecounty.gov](mailto: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: Unither Manufacturing, LLC  
 Address: 755 Jefferson Road  
 City/State/Zip: Rochester, NY 14624  
 Tax Id No.: [REDACTED]  
 Contact Name: David Decarlo  
 Title: Director of Finance  
 Telephone: [REDACTED]  
 E-Mail: [REDACTED]

**B. Applicant's Legal Counsel**

Name: Matthew Wells  
 Firm: Bond, Shoeneck and King  
 Address: One Lincoln Center  
 City/State/Zip: Syracuse, NY 13202-1355  
 Telephone: [REDACTED]  
 Email: [REDACTED]

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

Name	%	Corporate Title
<u>Unither US Corp</u>	<u>100 %</u>	<u>Sole Member</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
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## II. PROJECT

### A. Address of proposed project facility

Address: 755 Jefferson Road

Tax Map Parcel Number: 162.09-1-2.001

City/Town/Village: Rochester

School District: Henrietta

Zip: 14623

Current Legal Owner of Property:

Unither Manufacturing, 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: \_\_\_\_\_

Proposed Commencement Date of Construction: Nov, 2024

Anticipated Completion Date: Dec 31, 2026

### G. Contractor(s)

Hamilton Stern

\_\_\_\_\_

## II. PROJECT (cont'd)

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

Please explain why financial assistance is necessary.

The 755 Jefferson Rd. site requires capacity expansion, production equipment investment, additional warehousing, office & lab space, and upgrades to some of the existing facility infrastructure. This includes a combination of renovation to existing space and build out of additional manufacturing lines adjacent to existing lines. It is important the flow of raw materials to final finished goods is improved in the facility. The existing facility also requires repair and upgrades to bring it back to a modern manufacturing facility including software, hardware and repairs throughout the existing facility. Financial assistance is necessary to help show Unither foreign investors that the state of New York supports business investment in this region.

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

Yes  No

Location: \_\_\_\_\_  
\_\_\_\_\_

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

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

Yes  No

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

NO

## II. PROJECT (cont'd)

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

NAICS Code: 325410

Unither Manufacturing, LLC is contract development and manufacturing organization (CDMO) focused on pre-measured dosage forms. The site in Rochester, NY was purchased in 2013 from UCB. The Company continues to contract manufacture pharmaceutical products for significant customers, some of which were previously manufactured by UCB but transferred in the sale.

Unither is committed to expanding capacity of its core product offering of single unit dosage forms in sterile blow fill seal (BFS) and Unistick liquid stick packs. Future growth in this product market is expected to exceed over 2 billion doses within the next 5 years. There are a limited number of US vendors with the capability to meet market demand and provide BFS unit dose, sterile medications.

This project will deliver over 65,000 sq ft of building expansion and retrofit existing structures to host a new sterile manufacturing area and increase our capacity with the addition of multiple production lines for compounding, filling and packaging. This will enable the site to add production of 150-450 million vials within the next 5 years. In addition this project will include a state of the art laboratory and warehouse. The existing facility also requires repair and upgrades to bring it back to a modern manufacturing facility including software, hardware and repairs throughout the existing facility. The project will utilize architects, engineers, surveyors and construction companies to ensure new structures meet all required local codes.

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

Check One:

**JOBSPLUS**

Requirements:

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

**LEASEPLUS**

Requirements:

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

**ENHANCED JOBSPLUS**

Requirements:

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

**GREEN JOBSPLUS**

Requirements:

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

**SHELTER RENT**

For student housing or affordable housing projects.

**Local Tax Jurisdiction Sponsored PILOT**

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

**IV. APPLICANT PROJECT COSTS**

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

**Building Construction or Renovation**

- a. Materials a. \$ 8,160,000
- b. Labor b. \$ 1,500,000

**Site Work**

- c. Materials c. \$ 2,000,000
- d. Labor d. \$ 500,000
- e. Non-Manufacturing Equipment e. \$ 200,000
- f. Manufacturing Equipment f. \$ \_\_\_\_\_
- g. Equipment Furniture and Fixtures g. \$ 1,800,000
- 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** \$ 14,160,000  
 (must equal Total Sources)

B. Sources of Funds for Project Costs:

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

Identify each state and federal grant/credit

\_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

e. Equity \$ 14,160,000  
**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.

100% of funding will come from parent (French) company.

**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 NOT APPLICABLE

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

Estimated Costs Eligible for Sales Tax Exemption Benefit

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

Other (specify): f. \_\_\_\_\_ f. \$ \_\_\_\_\_  
 g. \_\_\_\_\_ g. \$ \_\_\_\_\_  
 h. \_\_\_\_\_ h. \$ \_\_\_\_\_  
 i. \_\_\_\_\_ i. \$ \_\_\_\_\_

**Total Project Costs** \$ \_\_\_\_\_



**VII. PROJECTED EMPLOYMENT**

Complete for each Applicant or User/Tenant

**Company Name:** UNITHER MANUFACTURING,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 <b>RETAINED</b>	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be <b>CREATED</b> 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)	303	303	50	50
Part Time (PTE)				
Total	303	303	50	50

\*\* 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** UNITHER MANUFACTURING, 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.



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.



**IX. FEES**

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

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

<u>Weather Manufacturing, LLC</u>			_____		
(APPLICANT COMPANY)			(TENANT COMPANY)		
	<u>GENERAL MANAGER</u>	<u>9/23/2024</u>			
Signature	, Title	Date	Signature	, Title	Date

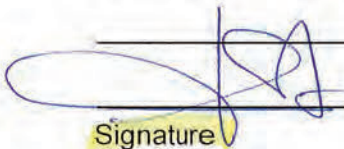
**X. CERTIFICATION**

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

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

**APPLICANT COMPANY**

**TENANT COMPANY**

  
 \_\_\_\_\_  
 Signature, Title, Date  
 GENERAL MANAGER, 9/23/2024

\_\_\_\_\_  
 \_\_\_\_\_  
 Signature, Title, Date

# Short Environmental Assessment Form

## Part 1 - Project Information

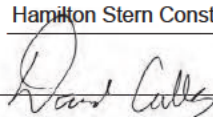
### Instructions for Completing

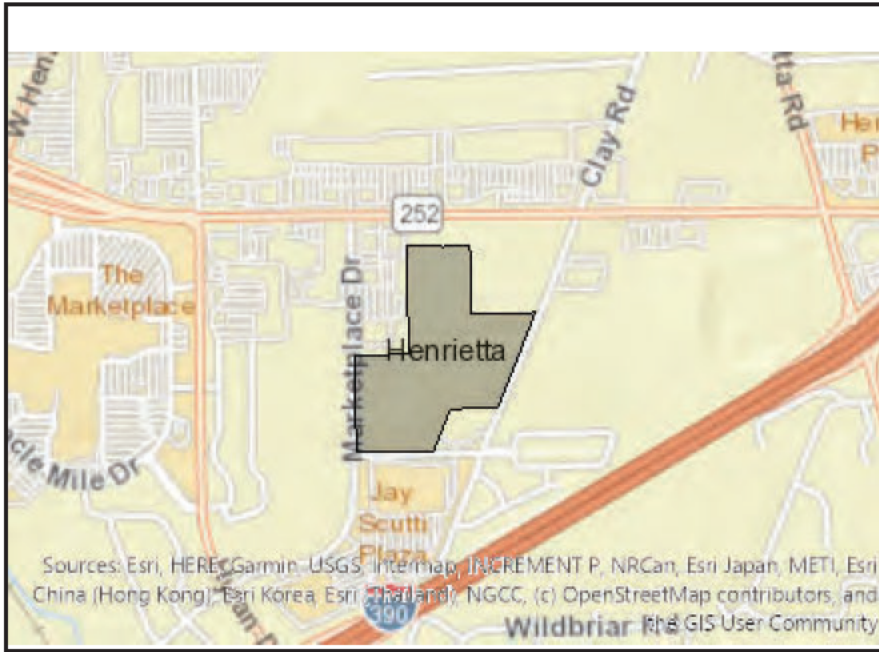
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

<b>Part 1 – Project and Sponsor Information</b>			
Unither Pharmaceuticals			
Name of Action or Project: Unither BFS Addition			
Project Location (describe, and attach a location map): The rear portion of the property located at 755 Jefferson Rd. Henrietta, NY 14623			
Brief Description of Proposed Action: A two-story addition to the southwest corner of the current set of buildings at the Unither Life Sciences Centre site located at 755 Jefferson Rd. Site improvements will include the demolition of an unused parking area, a rework of the truck traffic pathway through the site, a new fire truck lane next to the addition, and a new bio-retention basin all to be located within the property lines of the Unither Manufacturing site.			
Name of Applicant or Sponsor: Hamilton Stern Construction		Telephone: 585-586-8101 E-Mail: dcollins@hamiltonstern.com	
Address: 80 Office Park Way			
City/PO: Pittsford		State: NY	Zip Code: 14534
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Henrietta Building Department & Planning Board, New York State			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 36.77 acres	
b. Total acreage to be physically disturbed?		_____ 5.3 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 36.77 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" 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 type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<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 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 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: _____ _____	NO <input type="checkbox"/>	YES <input 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 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 type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input 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)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment: A bioretention basin will be utilized to help with the water quality _____ _____	<input type="checkbox"/>	<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?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<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?	NO	YES
If Yes, describe: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Hamilton Stern Construction</u> Date: <u>9/6/24</u>		
Signature: <u></u> Title: <u>Project Executive</u>		



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



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



STEPHEN L. SCHULTZ  
Supervisor

CRAIG C. ECKERT  
Deputy Town Supervisor

M. RICK PAGE  
JOSEPH D. BELLANCA, JR.  
ROBERT BARLEY, JR.  
MICHAEL J. STAFFORD  
Council Members

TOWN OF HENRIETTA  
County of Monroe • State of New York  
475 Calkins Road, P.O. Box 999, Henrietta, N.Y. 14467  
(585) 334-7700 • www.henrietta.org

Sent Via Email

October 18, 2024

David Collins  
Hamilton Stern Construction  
80 Office Park Way  
Pittsford, NY 14534

Re: **Application No. 24-012 Unither Manufacturing, LLC – Building Addition** – For final site plan approval of a two-story +/- 43,788 S.F. addition to the southwest corner of the existing building on +/- 36.78 acres located at 755 Jefferson Road in an Industrial Zoned District. Tax Account No. 162.09-1-2.001. (SEQR)

Dear Mr. Collins:

At a regular scheduled Planning Board Meeting held on October 15, 2024, the Henrietta Planning Board approved the final site plan for Unither Manufacturing Building Addition at 755 Jefferson Road. This approval shall be subject to compliance with the enclosed resolution and any comments received from the Town of Henrietta and other concerned agencies to the satisfaction of the Director of Engineering & Planning.

Should you have any questions, please contact me at (585) 359-7040 during normal business hours.

Respectfully,

A handwritten signature in black ink that reads "Heather Voss".

Heather Voss  
Deputy Town Clerk  
Town of Henrietta

xc: Planning Board / Town Board / Engineering Department / Building Department / File

**Resolution for Approval of Site Plan Application No. 24-012 by Hamilton Stern  
Construction / Unither Manufacturing, LLC for Development on Lands at or about 755  
Jefferson Road**

WHEREAS, Hamilton Stern Construction / Unither Manufacturing, LLC (the "Applicant") has submitted an application to the Town of Henrietta (the Town") requesting site plan approval (the "Application") from the Town's Planning Board (the "Board") for the construction of additional facilities and associated work (the "Development") on property located at or about 755 Jefferson Road (the "Property"), all as more fully detailed in application materials on file with the Town, inclusive of the proposed site plan map set drawn by Hixson Inc. entitled "BFS Addition - Unither," last dated on or about September 6, 2024 (the "Map").

NOW, THEREFORE, BE IT, RESOLVED, that, based upon the Board's careful consideration and hard look at all potential environmental impacts of the Application, including all documentary, testimonial, and other evidence presented, inclusive of information presented and discussed during the Board's meeting, together with any input from Town staff, and any applicable advisory boards and agencies, the Board concludes none rise to the level of potentially significant adverse environmental impacts, all as may be additionally specified in the record and the SEQR EAF, and, thus, consistent therewith, the Board hereby approves the EAF and issues a Negative Declaration with regard to the Application; and, be it further

RESOLVED, that, upon consideration applicable requirements, including as per the Town's Code, etc., and in consideration of all criteria and information relevant to the Application, including but not limited to as discussed during the Board meeting(s), as addressed herein, as addressed pursuant to SEQR, based upon the Application materials, and as otherwise set forth in the record, and subject to any conditions set forth herein, the Board hereby finds that approval of the Application is warranted, and thus approves the Application, all subject to satisfaction of the following conditions:

1. Address all outstanding comments issued by the Town, including but not necessarily limited to:
  - a. Comments of the Town Dir. of Engineering & Planning to his satisfaction, including those dated last revised October 4, 2024; and
  - b. Comments of the Town Dir. of Building and Fire Prevention to his satisfaction, including those dated October 8, 2024;
  - c. Comments of the Town Landscape Architect (Stantec) to the satisfaction of the Town Dir. of Engineering & Planning, including those dated October 2, 2024; and
  - d. Comments of the Town Fire Marshal to his satisfaction, including those dated September 25, 2024.
2. Obtain any necessary permits and approvals required from other governmental agencies and address relevant outstanding comments of the same, in any event prior to issuance of a Certificate of Compliance/Occupancy relevant to the same, all to the satisfaction of the Town Dir. of Engineering & Planning.
3. Compliance with the Town Code at Section 295-60[C], including but not limited to the provision of improvements/security in compliance therewith as required by Town Law Section 274-a.
4. Unless otherwise required, comments or conditions required to be addressed herein shall be addressed as follows: those impacting mapping/drawing shall be addressed prior to signatures on the relevant plans, and any others shall be addressed no later than required by the reviewer, but in any event prior to issuance of the relevant Certificate of Occupancy/Compliance.



## APPLICATION SUMMARY

**DATE:** November 19, 2024

**APPLICANT:** HIS Land LLC  
1260 Lyell Avenue  
Rochester, NY 14606

**PROJECT ADDRESS:** 1260 Lyell Avenue  
Rochester, NY 14606

**PROJECT SUMMARY:** HIS Land LLC, a real estate holding company, is proposing the renovation of a vacant facility in the City of Rochester, to attract new international tenants specializing in frames for eyewear and lenses. Renovations for this facility require new roofing, HVAC and other electrical work. The \$520,845 project is projected to create 85 FTEs over the next three years. HIS Land LLC is seeking approval of a sales tax exemption only. The benefit to incentive ratio is 590:1.

**PROJECT AMOUNT:** \$520,845 - Sales Tax Exemption Only  
**EXEMPTIONS:** \$37,918

**JOBS: EXISTING:** 0 | FTEs  
**NEW:** 85 | FTEs

**PUBLIC HEARING DATE:** N/A

**BENEFIT TO INCENTIVE RATIO:** 590:1

**SEQR:** TYPE II ACTION UNDER SEQR SECTION 617.5

**ELIGIBILITY:** MANUFACTURER

**APPROVED PURPOSE:** JOB CREATION

# County of Monroe Industrial Development Agency

## MRB Cost Benefit Calculator



Date: November 19, 2024  
 Project Title: HIS Land LLC  
 Project Location: 1260 Lyell Avenue, Rochester, NY 14604

### Economic Impacts

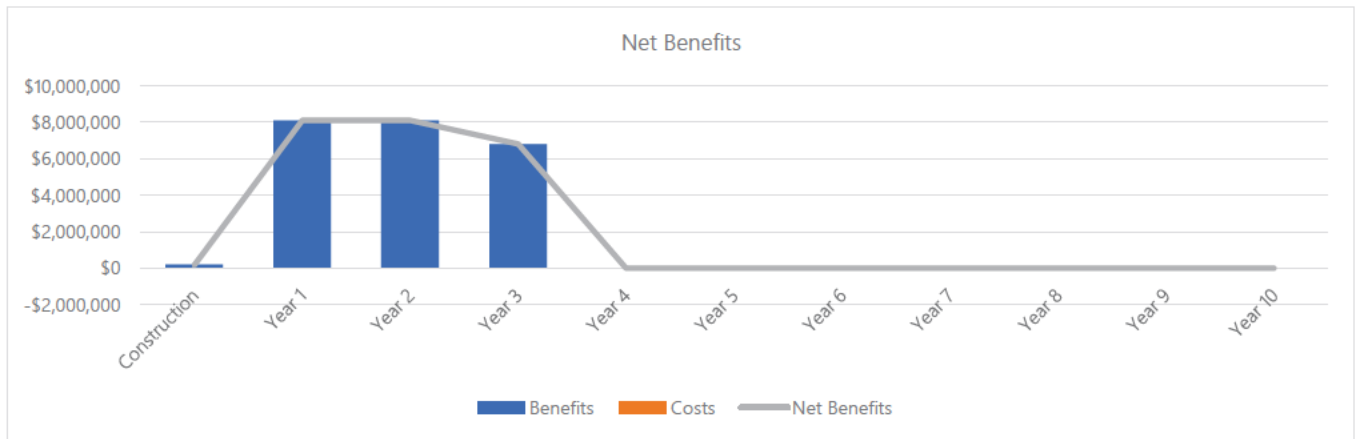
Summary of Economic Impacts over the Life of the PILOT  
 Project Total Investment: \$520,845

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		3	1	3
Earnings		\$159,138	\$29,966	\$189,104
Local Spend		\$416,676	\$102,772	\$519,448

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		0	0	0
Earnings		\$19,273,665	\$2,471,126	\$21,744,791

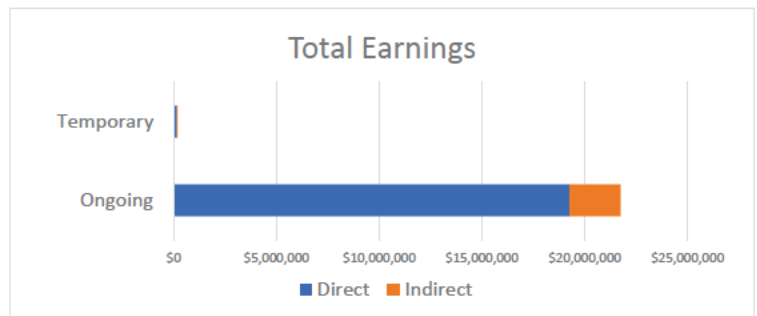
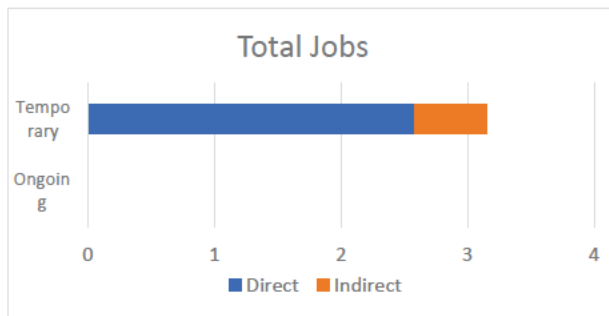
Figure 1



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

Figure 2

Figure 3



# Fiscal Impacts

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$37,918	\$37,918
Local Sales Tax Exemption	\$18,959	\$18,959
State Sales Tax Exemption	\$18,959	\$18,959
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
<b>Total Costs</b>	<b>\$37,918</b>	<b>\$37,918</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$22,096,082</b>	<b>\$21,271,652</b>
<b>To Private Individuals</b>	<b>\$21,933,895</b>	<b>\$21,115,692</b>
Temporary Payroll	\$189,104	\$189,104
Ongoing Payroll	\$21,744,791	\$20,926,588
Other Payments to Private Individuals	\$0	\$0
<b>To the Public</b>	<b>\$162,186</b>	<b>\$155,960</b>
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$1,324	\$1,324
Ongoing Jobs - Sales Tax Revenue	\$160,862	\$154,636
Other Local Municipal Revenue	\$0	\$0
<b>State Benefits</b>	<b>\$1,149,212</b>	<b>\$1,106,166</b>
<b>To the Public</b>	<b>\$1,149,212</b>	<b>\$1,106,166</b>
Temporary Income Tax Revenue	\$8,510	\$8,510
Ongoing Income Tax Revenue	\$978,516	\$941,696
Temporary Jobs - Sales Tax Revenue	\$1,324	\$1,324
Ongoing Jobs - Sales Tax Revenue	\$160,862	\$154,636
<b>Total Benefits to State &amp; Region</b>	<b>\$23,245,293</b>	<b>\$22,377,818</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$21,271,652	\$18,959	1122:1
State	\$1,106,166	\$18,959	58:1
<b>Grand Total</b>	<b>\$22,377,818</b>	<b>\$37,918</b>	<b>590:1</b>

\*Discounted at 2%

### Additional Comments from IDA

This is a good project.

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

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

RESOLUTION  
(HIS Land, LLC Project)  
OSC Code 2602-24-029A

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's offices located at 50 West Main Street, Rochester, New York 14614, on November 19, 2024 at 12:00 p.m.

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

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

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

WHEREAS, **HIS LAND, LLC**, a New York limited liability company for itself or a related entity formed or to be formed (collectively, the "Company") has requested that the Agency assist with a certain Project (the "Project"), consisting of the renovation, modernization and equipping of a portion of an existing approximately 75,000± square-foot building located at 1260 Lyell Avenue in the City of Rochester, New York 14606 (the "Existing Improvements") including, but not limited to, a new roof and upgrades to the HVAC and electrical systems (collectively, the "Improvements"); and the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Existing Improvements and the Improvements, the "Facility"); all for use by in the manufacture of specialty eye wear and lenses; and

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the equipping of the Facility and hereby appoints the Company as the true and lawful agent of the Agency to equip the Facility, and such appointment includes the following activities as they relate to the completion, use, repair and maintenance of the Facility and the purchase, use, lease, placement, installation, repair, maintenance and replacement of the Equipment, whether or not any materials or supplies described below are incorporated into or become an integral part of the Facility or the Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with renovation, 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 renovation, equipping, repairing and maintaining the Facility, and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under the Facility or the Equipment, including all repairs, maintenance and replacement of all such property. Said agents are authorized to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agents for the Agency, and in general to do all things which may be requisite or proper for completing the Facility, all with the same powers and with the same validity as the Agency could do if acting on its own behalf. As agent of the Agency, the Company is authorized to delegate such agency, in whole or in part, to agents, subagents, contractors, subcontractors, contractors and subcontractors of such agents and subagents and to such other parties as the Company chooses; provided, however, the Project Agreement shall expire on **December 31, 2025** (unless extended for good cause by the Executive Director, Deputy Director, Chairman or Vice Chairman of the Agency).

Section 4. Based upon the representation and warranties made by the Company in its application for financial assistance, the Agency hereby authorizes and approves (i) the Company as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$473,970**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$37,918**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

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

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

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

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

Section 8. This resolution shall take effect immediately.

*[Remainder of Page Intentionally Left Blank]*

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

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Lisa Bolzner				
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 Deputy 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 November 19, 2024, 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 19<sup>th</sup> day of November, 2024.

---

Robin L. Finnerty, Deputy 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](http://www.monroecountybusiness.org/application).

Please send completed application via email to [EconomicDevelopment@monroecounty.gov](mailto: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: HIS Land LLC  
 Address: 1260 Lyell Avenue  
 City/State/Zip: Rochester, NY 14606  
 Tax Id No.: [REDACTED]  
 Contact Name: Jennifer Ott  
 Title: Controller  
 Telephone: [REDACTED]  
 E-Mail: [REDACTED]

#### B. Applicant's Legal Counsel

Name: Anthony Cotorneo  
 Firm: Woods Oviatt  
 Address: 1900 Bausch & Lomb Plaza, Ste 1900  
 City/State/Zip: Rochester, NY14604  
 Telephone: [REDACTED]  
 Email: a [REDACTED]

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

Name	%	Corporate Title
<u>Patrick Ho</u>	<u>30 %</u>	<u>CEO/Chairman</u>
<u>Georgina Ho</u>	<u>30 %</u>	<u></u>
<u>Jeremy Ho</u>	<u>20 %</u>	<u></u>
<u>Patrick Ho</u>	<u>20 %</u>	<u></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: 1260 Lyell Avenue

Tax Map Parcel Number: 105.620-0001-004.003/0

City/Town/Village: Rochester

School District: Rochester

Zip: 14606

Current Legal Owner of Property:

HIS Land 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: Hong Kong Optical

Address: 1260 Lyell Avenue

City/State/Zip: Rochester, NY 1460

Tax ID No: \_\_\_\_\_

Contact Name: Patrick Ho

Title: CEO

Telephone: [REDACTED]

Email: [REDACTED]

% of facility to be occupied by user/tenant 100

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

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

Name	%	Corporate Title
<u>Patrick Ho</u>	<u>60 %</u>	_____
<u>Hong Kong Optical L</u>	<u>20 %</u>	_____
<u>ProHero Group Co.,</u>	<u>20 %</u>	_____
_____	<u>%</u>	_____

### F. Project Timeline

Proposed Date of Acquisition: Current

Proposed Commencement Date of Construction: 12/1/2024

Anticipated Completion Date: 4/30/25

### G. Contractor(s)

Suuett Roofing  
\_\_\_\_\_

## 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.

Applicant is the owner of the property since 1997 and is trying to attract two manufacturers to the facility to produce specialty eye wear and lenses. The roof on the building is in need of substantial repair and upgrade, as well as substantial upgrades to the HVAC and electrical systems. In order to make the building suitable for the stated purposes these repairs and upgrades are necessary. The property has been vacant for a number of years and the costs associated with the necessary roof repairs along with the sales tax associated with that work make the project difficult to justify. With the sales tax exemption, the applicant can justify the substantial costs to conduct the repairs.

The repairs will also enable the Applicant to seek tenants to occupy the building and substantially increase employment in the area. Without the necessary roof repairs, manufacturing clients will not move into the building. The repairs are integral to the overall redevelopment of the building

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

Yes  No

Location:

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---

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:

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- 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: 33390

Since the 1930's Rochester Optical's[1] reputation for innovation, service and quality has won ongoing contracts with the Department of Defense for rugged, combat-ready military eyeglasses. The military and government contract provides safety wear, eyeglass frames, lenses and more. Rochester Optical is passionate about giving back to our nation and we are one of the sole manufacturers in the U.S. that make frames and lenses in our facility, providing jobs that support our local economy and the nation.

In an effort to further the core mission of Rochester Optical's founder, Patrick Ho, is joining with two companies from Taiwan that specialize in frames for eyewear and lenses in an effort to continue to build its brand and create high paying, quality jobs in Monroe County by teaming with a internationally recognized manufacturer(s) specializing in frame production.

To achieve this goal, it is anticipated the two new joint ventures will move into to a newly renovated facility that is being retrofitted to the needs of this project. This project will bring over 85 new jobs between the two joint ventures with an average salary above \$65,000.00, substantial new manufacturing equipment, an upgrade to the require HVAC and electrical work and a new roof is required for the to be renovated facility.

[1] Rochester Optical is wholly owned by Patrick Ho, principle owner of the applicant.

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

Check One:

**JOBSPLUS**

Requirements:

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

**LEASEPLUS**

Requirements:

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

**ENHANCED JOBSPLUS**

Requirements:

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

**GREEN JOBSPLUS**

Requirements:

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

**SHELTER RENT**

For student housing or affordable housing projects.

**Local Tax Jurisdiction Sponsored PILOT**

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

**IV. APPLICANT PROJECT COSTS**

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

**Building Construction or Renovation**

- a. Materials a. \$ 473,970.00
- b. Labor b. \$ 46,875.00

**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** \$ 520845.00  
**(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. \$ \_\_\_\_\_
- d. Public Sources d. \$ \_\_\_\_\_

Identify each state and federal grant/credit

- \_\_\_\_\_ \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_

e. Equity \$ \_\_\_\_\_

**TOTAL SOURCES** \$ 520,845.00  
**(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  
HIS Land LLC

<b>A. IDA PILOT Benefits:</b>	
Current Assessment	
Value of New Construction & Renovation Costs	
Estimated New Assessed Value Subject to IDA	\$0
Current Taxes	\$0
Current Taxes Escalator	2%
PILOT Terms - Years	0
County Tax rate/\$1,000	
Local Tax Rate* Tax Rate/\$1,000	
School Tax Rate /\$1,000	
Total Tax Rate	0.00000
<b>B. Sales Tax Exemption Benefit:</b>	
Estimated value of Sales Tax exemption:	\$37,918
Estimated duration of ST exemption:	12/31/2025
<b>C. Mortgage Recording Tax Exemption (MRTE) Benefit:</b>	
Estimated Value of MRTE:	\$0
<b>D. Industrial Revenue Bond Benefit</b>	
IRB inducement amount:	\$0
<b>E. Percentage of Project Costs financed from Public Sector sources:</b>	
Total Value of Incentives:	\$37,918
Project Construction Costs:	\$520,845
	7.28%

**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**
	<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
-	90%	-	-	-	-	\$0	-
-	80%	-	-	-	-	-	-
-	70%	-	-	-	-	-	-
-	60%	-	-	-	-	-	-
-	50%	-	-	-	-	-	-
-	40%	-	-	-	-	-	-
-	30%	-	-	-	-	-	-
-	20%	-	-	-	-	-	-
-	10%	-	-	-	-	-	-
-	0%	-	-	-	-	-	-
-		-	-	-	-	-	-
-		-	-	-	-	-	-

**VII. PROJECTED EMPLOYMENT**

Complete for each Applicant or User/Tenant

**Company Name:** Patrick Ho/ProHero Group Co., LTD/Hong Kong

**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 <b>RETAINED</b>	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be <b>CREATED</b> 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	85	85
Part Time (PTE)	0	0	0	0
Total			85	85

\*\* 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 HIS Land 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.

  
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.

PAW  
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.

PAW  
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.

HIS Land LLC

Patrick Ho

(APPLICANT COMPANY)

(TENANT COMPANY)

*[Signature]*  
Signature

member  
, Title

10/29/2024  
Date

*[Signature]*  
Signature

President  
, Title

10/29/2024  
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.

HIS Land LLC

*Patrick Ho*

(APPLICANT COMPANY)

(TENANT COMPANY)

*[Signature]*

*manager*

*10/29/2024*

Signature

, Title

Date

*[Signature]*

*President*

*10/29/2024*

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**

HIS Land LLC

[Signature]      member      10/29/2024  
 Signature                      , Title                      Date

**TENANT COMPANY**

Patrick Ho  
[Signature]      President      10/29/2024  
 Signature                      , Title                      Date





## MODIFICATION SUMMARY

**DATE:** November 19, 2024

**APPLICANT:**

Apple Latta II LLC 550 Latona Rd., Bldg. E, Suite 501 Rochester, NY 14626
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**PROJECT LOCATION:**

2451-2455 Latta Rd. Rochester, NY 14612
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**MODIFICATION REQUEST:**

Apple Latta II LLC, a real estate holding company, is constructing a senior housing project in the Town of Greece. The \$58.6 million project was originally approved in May 2015. The project was approved for a custom real property tax abatement, mortgage recording tax and sales tax exemptions. The project received a renewal and extension in 2020, an increase in 2021 and an extension in 2024. The applicant is now seeking an extension of the sales tax exemption through December 31, 2026 due to construction delays and material shortages.
--

**PROJECT AMOUNT**

<u>ORIGINAL</u> \$58,600,000
---------------------------------

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

RESOLUTION  
(Apple Latta II LLC Project Modification)  
OSC Code 2602-15-025E

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's offices located at 50 West Main Street, Rochester, New York 14614, on November 19, 2024 at 12:00 p.m.

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

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES AND USE TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) GRANTED TO APPLE LATTA II LLC (THE "COMPANY") THROUGH DECEMBER 31, 2026, AND THE EXECUTION OF RELATED DOCUMENTS.

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

WHEREAS, by Resolutions duly adopted on May 19, 2015, July 21, 2020 and March 28, 2023 (collectively, the "Resolution"), the Agency appointed **Apple Latta II LLC**, a New York limited liability company, for itself or an entity formed or to be formed (collectively, the "Company"), the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of: (A) the acquisition of a leasehold interest in an approximately 35.83-acre parcel of land located at 2453 Latta Road in the Town of Greece, New York (the "Land"); (B) the construction thereon of: (i) in Phase 1, an aggregate approximately 199,720 square-foot senior apartment community, consisting of 10 buildings containing 130 senior apartments consisting of 86 one-bedroom units, 12 one-bedroom units with a den, 8 two-bedroom units and 24 two-bedroom townhome units, attached garages, storage units together with an approximately 5,617 square-foot clubhouse which will include a large community room, fitness center, theater room and swimming pool, and (ii) in Phase 1B, 8 buildings containing 122 senior apartments consisting of 86 one-bedroom units, 12 one-bedroom units with a den, 8 two-bedroom units and 16 two-bedroom townhome units, attached garages and storage units (collectively, the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, the Agency previously appointed the Company as its true and lawful agent to make purchases of goods and services relating to the Project that would otherwise be subject to

New York State and local sales and use tax (the "Sales and Use Tax Exemption Benefits") through December 31, 2022; and

WHEREAS, the Company, pursuant to a certain Project Modification Request dated February 21, 2023, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2024; and

WHEREAS, the Company has, pursuant to a certain Project Modification Request dated September 5, 2024, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2026; and

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

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

Section 1. Based upon the representation and warranties made by the Company in its request, the Agency hereby authorizes and approves the Company, as its agent, to continue to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax through **December 31, 2026**. The Agency agrees to consider any requests by the Company for another extension or an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

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

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

Section 4. This resolution shall take effect immediately.

*[Remainder of Page Intentionally Left Blank]*

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

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Lisa Bolzner				
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 Deputy 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 November 19, 2024, 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 19<sup>th</sup> day of November, 2024.

---

Robin L. Finnerty, Deputy Director



## PROJECT MODIFICATION REQUEST

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

Applicant: Apple Latta II LLC (IDA Project 2602-15-025B)

Project Address: 2451-2455 Latta Rd Rochester, NY 14612

Contact Name: Angelo Ingrassia

Contact Company: Apple Latta II LLC

Contact Address: 550 Latona Rd Bldg E Suite 501 Rochester, NY 14626

Contact Email: [REDACTED] Contact Phone: 585-225-2112

Employment in Monroe County: 6 0 12/31/23

Full Time                      Part Time                      As of Date

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

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

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

Property Tax Abatement       Mortgage Tax Exemption       Sales Tax Exemption

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

Original Project Cost                      Increase in Project Costs                      New Project Costs

---

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

12/31/24                      12/31/26                      \$ 1,182,300.28

Current Expiration Date                      Requested Expiration Date                      Amount of Exemptions Taken to Date

**Reason for Extension:**  
 Unexpected Material shortages and price increases, along with high interest rates caused delays in proceeding with construction.

---

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

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

Signed: [Signature] Date: 09/05/24

Print Name and Title: Angelo M. Ingrassia, Managing Member

Staff Use Only: 2/20

Date Received 9/6/24 Date of Original Approval: 5/19/15 New Code 2602 15 025 E



## MODIFICATION SUMMARY

**DATE:** November 19, 2024

**APPLICANT:**

1733 Ridge Road LLC 550 Latona Road, Bldg. E, Suite 501 Rochester, NY 14626
---

**PROJECT LOCATION:**

450 Skyview Centre Pkwy Rochester, NY 14622
--

**MODIFICATION REQUEST:**

1733 Ridge Rd. LLC is the owner of the former Irondequoit Mall, which is being redeveloped as SkyView on the Ridge. In March 2018, the applicant was approved for a property tax abatement and sales and mortgage recording tax exemptions. In October 2020 and December 2022, the applicant was approved for an extension of the sales tax exemption. The applicant is now seeking an extension of the sales tax exemption through December 31, 2026 due to construction delays, labor shortages and significant material delays.
--

**PROJECT AMOUNT**

<u>ORIGINAL</u> \$8,500,000
--------------------------------

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

## RESOLUTION

(1733 Ridge Rd LLC – Extension of Sales Tax Exemption)  
OSC Code 2602-18-009E

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's offices at 50 West Main Street, Rochester, New York 14614, on November 19, 2024 at 12:00 p.m.

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

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE EXTENSION OF THE SALES TAX EXEMPTION BENEFITS (AS HEREINAFTER DEFINED) GRANTED TO 1733 RIDGE RD LLC (THE "COMPANY") THROUGH DECEMBER 31, 2026, AND THE EXECUTION OF RELATED DOCUMENTS.

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

WHEREAS, by resolutions duly adopted on March 20, 2018 and February 20, 2024 (collectively, the "Resolution"), the Agency appointed **1733 Ridge Rd LLC**, a New York limited liability company, for itself or an entity formed or to be formed (collectively, the "Company"), the true and lawful agent of the Agency to undertake a certain project to be known as "Skyview on the Ridge" (the "Project") starting with Phase I which consists of: (A) the acquisition of a leasehold interest in a portion of an aggregate approximately 36.68-acre parcel of land located on Medley Center Parkway, East Ridge Road and Tiam Drive, all in the Town of Irondequoit, New York and any lands located in the County of Monroe and occupied by license or easement during renovation or improved by third parties for the benefit of the Project (collectively, the "Land") together with a portion of the existing vacant Irondequoit Mall located thereon (the "Existing Improvements"); (B) the renovation of approximately 100,000 square feet of interior space (formerly the food court) within the Existing Improvements to be used as model space to show potential tenants together with the installation of a new roof, exterior landscaping improvements and filling/re-striping the parking lot (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"); all for use as multi-tenant office, mixed-use and flex space; and

WHEREAS, the Agency previously appointed the Company as its true and lawful agent to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax (the "Sales and Use Tax Exemption Benefits") through December 31, 2020; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated September 29, 2020, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2022; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated November 8, 2022, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2023; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated January 26, 2024, requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2024; and

WHEREAS, the Company, pursuant to a certain Project Modification Request, dated September 5, 2024, has requested the Agency grant an extension to the Sales and Use Tax Exemption Benefits through December 31, 2026; and

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

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

Section 1. Based upon the representation and warranties made by the Company in its request, the Agency hereby authorizes and approves the Company, as its agent, to continue to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax through **December 31, 2026**. The Agency agrees to consider any requests by the Company for another extension or an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

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

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

Section 4. This resolution shall take effect immediately.

*[Remainder of Page Intentionally Left Blank]*

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

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Lisa Bolzner				
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 Deputy 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 November 19, 2024, 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 19<sup>th</sup> day of November, 2024.

---

Robin L. Finnerty, Deputy Director



## PROJECT MODIFICATION REQUEST

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

Applicant: 1733 Ridge Rd LLC (Project 2602 18 009 C)

Project Address: 450 Skyview Centre Pkwy Rochester, NY 14622

Contact Name: Angelo Ingrassia

Contact Company: 1733 Ridge Rd LLC

Contact Address: 550 Latona Rd Bldg E Suite 501 Rochester, NY 14626

Contact Email: [REDACTED] Contact Phone: [REDACTED]

**Employment in Monroe County:** 0 0 12/31/23

Full Time                      Part Time                      As of Date

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

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

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

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

Property Tax Abatement

Mortgage Tax Exemption

Sales Tax Exemption

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

Original Project Cost      Increase in Project Costs      New Project Costs

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

12/31/24

12/31/26

\$ 294,013.74

Current Expiration Date

Requested Expiration Date

Amount of Exemptions Taken to Date

**Reason for Extension:**

Unexpected Material shortages and price increases, along economic conditions delayed on-going construction.

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

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

Signed: [Signature] Date: 09/05/24

Print Name and Title: Angelo M. Ingrassia, Managing Member

Staff Use Only: 2/20

Date Received 9/6/24 Date of Original Approval: 3/20/18 New Code 2602 18 009 E



## MODIFICATION SUMMARY

**DATE:** November 19, 2024

**APPLICANT:**

Jay's Acquisitions II LLC 550 Latona Road, Building # Rochester, NY 14618
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**PROJECT LOCATION:**

20-30 East Avenue Rochester, NY 14604
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**MODIFICATION REQUEST:**

Jay's Acquisitions II LLC is redeveloping the Triangle Building located in the City of Rochester. Originally approved in July 2023, the project includes the reconstruction and renovation of the existing building into a multi-tenant mixed use facility, with the ground floor as commercial space and new residential space above. The ground floor will be occupied by Colgate Rochester Crozer Divinity School. The new residential space will contain approximately 36 residential apartments with a mixture of studio, one-bedroom and two-bedroom apartments and will be targeted to Eastman School of Music Students. The applicant is requesting an increase of \$22,501 in the mortgage recording tax exemption from \$32,445 to \$54,945 to account for the upfront funding relative to the \$3 million Restore NY grant awarded to the project. Total project costs will remain the same.
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**PROJECT AMOUNT**

<u>ORIGINAL</u> \$9,226,901
--------------------------------

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

**RESOLUTION**  
(Jay's Acquisitions II LLC Project Modification)  
OSC Code 2602-23-015B

A regular meeting of the County of Monroe Industrial Development Agency (the "Agency"), was held at the Agency's Offices located at 50 West Main Street, Rochester, New York 14614, on November 19, 2024, 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 AUTHORIZING ADDITIONAL FINANCIAL  
ASSISTANCE TO JAY'S ACQUISITIONS II LLC IN AMOUNTS  
EXCEEDING THE AMOUNTS PREVIOUSLY APPROVED BY THE  
AGENCY AND THE EXECUTION OF RELATED DOCUMENTS.

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

WHEREAS, by Resolution duly adopted on July 18, 2023, the Agency appointed **JAY'S ACQUISITIONS II LLC**, a New York limited liability company for itself, or a related entity formed or to be formed (collectively, the "Company") the true and lawful agent of the Agency to undertake a certain Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in a parcel of land located at 20-30 East Avenue in the City of Rochester, New York 14604 and all other lands in the City of Rochester where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (collectively, the "Land") together with the existing building thereon, commonly known as the Triangle Building (the "Existing Improvements"); (B) the renovation and modernization of the Existing Improvements into (i) below-market-rate rental commercial space on ground level and first floor and (ii) approximately 36 residential rental units for Eastman School of Music students (collectively, the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS the Agency initially approved a mortgage in relation to this Project in the principal amount of \$4,326,050 resulting in mortgage recording tax exemption through the Agency in the amount of \$32,445; and

WHEREAS, pursuant to a certain Project Modification Request, dated November 11, 2024, the Company has notified the Agency that project costs have increased and requested that the Agency authorize the increase in mortgage tax exemption to not more than \$7,326,050, which would result in a partial mortgage recording tax in the amount of \$54,945 (as increased, the "Mortgage Recording Tax Exemption Benefits"); and

WHEREAS, the Agency desires to adopt a resolution authorizing the increase in Mortgage Recording Tax Exemption Benefits.

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

Section 1. Based upon the representation and warranties made by the Company in its request, the Agency hereby authorizes and approves a mortgage in the amount of \$7,326,050, which results in mortgage recording tax savings through the Agency of \$54,945.

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

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

Section 4. This resolution shall take effect immediately.

*[Remainder of Page Intentionally Left Blank]*

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

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Lisa Bolzner				
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 Deputy 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 November 19, 2024, 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 19<sup>th</sup> day of November, 2024.

---

Robin L. Finnerty, Deputy Director



# PROJECT MODIFICATION REQUEST

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

Applicant: Jay's Acquisitions II LLC

Project Address: 20-30 East Avenue

Contact Name: Angelo Ingrassia

Contact Company: \_\_\_\_\_

Contact Address: 550 Latona Road, Suite 501

Contact Email: [REDACTED] Contact Phone: [REDACTED]

Employment in Monroe County: 0 0 11/11/24

Full Time                      Part Time                      As of Date

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

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

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

Property Tax Abatement       Mortgage Tax Exemption       Sales Tax Exemption

Project Cost Information: \$ 9,226,901      \$ 0      \$ \_\_\_\_\_

Original Project Cost                      Increase in Project Costs                      New Project Costs

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

\_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_

Current Expiration Date                      Requested Expiration Date                      Amount of Exemptions Taken to Date

**Reason for Extension:**

\_\_\_\_\_

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

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

Signed: [Signature] Date: 11/11/2024

Print Name and Title: Angelo Ingrassia, Manager

Staff Use Only: \_\_\_\_\_ 2/20

Date Received: 11/11/24 Date of Original Approval: 7/18/23 New Code 2602 23 015 B

Project Modification Request - Page 2

Required when requesting an Increase in Project Costs

A. Applicant Project Costs	Original/Current Approval	Requested Increase Modification	Revised Approval Requested
<b>Building Construction or Renovation</b>			
a. Materials	\$ 2885575	\$ _____	\$ 2885575
b. Labor	\$ 2885575	\$ _____	\$ 2885575
<b>Site Work</b>			
c. Materials	\$ _____	\$ _____	\$ 0
d. Labor	\$ _____	\$ _____	\$ 0
e. Non-Manufacturing Equipment	\$ _____	\$ _____	\$ 0
f. Furniture & Fixtures	\$ _____	\$ _____	\$ 0
g. Land and/or Building Purchase	\$ _____	\$ _____	\$ 0
h. Manufacturing Equipment	\$ _____	\$ _____	\$ 0
i. Soft Costs (Legal, Architect, Engineer)	\$ _____	\$ _____	\$ 0
<b>Other Costs (specify)</b>			
j. Arch./Eng.	\$ 450000	\$ _____	\$ 450000
k. Contingency	\$ 1154230	\$ _____	\$ 1154230
l. Other	\$ 1851521	\$ _____	\$ 1851521
m. _____	\$ _____	\$ _____	\$ 0
<b>Total Project Costs</b>	<b>\$ 9226901</b>	<b>\$ 0</b>	<b>\$ 9226901</b>
<b>Sources of Funds for Project Costs</b>			
a. Tax Exempt Industrial Revenue Bond	\$ _____	\$ _____	\$ 0
b. Taxable Industrial Revenue Bond	\$ _____	\$ _____	\$ 0
c. Tax Exempt Civic Facility Bond	\$ _____	\$ _____	\$ 0
d. Bank Financing (subject to recording tax)	\$ 4326050	\$ 3000000	\$ 7326050
e. Public Sources	\$ 3000000	\$ _____	\$ _____
f. Equity	\$ 1900851	\$ _____	\$ 1900851
<b>Total Sources</b>	<b>\$ 9226901</b>	<b>\$ 3000000</b>	<b>\$ 9,226,901</b>

B. Reason for Increase:  
See attached narrative.

C. Amount of Sale Tax Exemptions Taken to Date: \$ 3,458.06 as of 12/31/23

**SUPPLEMENT TO PROJECT MODIFICATION REQUEST OF JAY'S ACQUISITIONS  
II LLC DATED NOVEMBER 11, 2024**

Jay's Acquisitions II LLC (the "Applicant") respectfully requests an increase in the authorized principal amount COMIDA is authorized to execute and deliver to \$7,326,050.00, resulting in an increase in the authorized mortgage recording tax exemption from \$32,444.00 to \$54,945.00. Unexpectedly, and in addition to our traditional bank financing in connection with the project, our lender has too required the placement of a mortgage on the facility relating to the \$3,000,000.00 Restore NY grant awarded to Applicant. Unless otherwise exempted, this will result an additional \$22,501.00 in mortgage recording tax, the incurrence of which was not anticipated by Applicant.



## ASSIGNMENT/ASSUMPTION SUMMARY

**DATE:** November 19, 2024

**APPLICANT:**

Assignor:  
APM Holdings LLC  
500 Avis Street  
Rochester, NY 14615

Assignee:  
TFI Rochester NY LLC  
277 Park Ave., Floor 9  
New York, NY 10172

**PROJECT LOCATION:**

100 Gates Greece Townline Rd.  
Rochester, NY 14606

**ORIGINAL APPROVAL DATE:**

August 20, 2019

**MODIFICATION REQUEST:**

APM Holdings, LLC is a real estate holding company for Addison Precision Manufacturing Corporation. Addison was founded in 1951 and provides complex, close tolerance precision machined parts for the aircraft, aerospace, medical and defense industries throughout the world. TFI Rochester NY LLC is purchasing the building and will assume the PILOT Agreement.

**ORIGINAL PROJECT AMOUNT:**

\$6,606,560

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

## RESOLUTION

(Assignment of APM Holdings LLC Project to TFI Rochester NY LLC and  
Addison Precision Manufacturing LLC)  
OSC Code 2602-24-026A

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 November 19, 2024 at 12:00 p.m.

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

RESOLUTION OF THE COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE ASSIGNMENT BY APM HOLDINGS LLC OF CERTAIN FINANCIAL ASSISTANCE AND DOCUMENTS (EACH AS DEFINED BELOW) IN CONNECTION WITH A CERTAIN PROJECT LOCATED ON GATES GREECE TOWN LINE ROAD IN THE TOWN OF GREECE, NEW YORK, TO TFI ROCHESTER NY LLC AND TO ADDISON PRECISION MANUFACTURING LLC; AND THE EXECUTION OF RELATED DOCUMENTS.

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

WHEREAS, by resolution duly adopted on February 20, 2018, the Agency appointed APM Holdings LLC, a New York limited liability company ("APM"), the true and lawful agent of the Agency to undertake a certain project (the "Project") consisting of: (A) the acquisition of a leasehold interest in an approximately 30-acre parcel of land located at Gates Greece Town Line Road in the Town of Greece, New York [Tax Map No.: Part of 089.030-0005-004.112] (the "Land"); (B) the construction thereon of an approximately 84,000 square-foot manufacturing building (the "Improvements"); and (C) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land and the Improvements, the "Facility"); all for use by the Company in its business as a supplier of high precision parts for the aircraft, aerospace, medical and defense industries nationwide and internationally; and

WHEREAS, the Agency and APM executed and delivered (i) a certain Lease Agreement, dated as of May 1, 2018, by and between the Agency and APM, pursuant to which APM leased the Facility to the Agency (the "Lease Agreement"), a memorandum of which (the "Memorandum of Lease") was recorded in the Monroe County Clerk's Office on May 21, 2018 in Liber 12027 of Deeds, at Page 372; (ii) a certain Leaseback Agreement, dated as of May 1, 2018, by and between the Agency and APM, pursuant to which the Agency leased the Facility

back to APM (the "Leaseback Agreement"), a memorandum of which was recorded in the Monroe County Clerk's Office on May 21, 2018 in Liber 12027 of Deeds, at Page 376 (the "Memorandum of Leaseback"); and (iii) a certain Payment-In-Lieu-Of-Tax Agreement, dated as of August 1, 2018, by and between the Agency and 4000 LLC, as amended by that certain First Amendment to Payment-In-Lieu-Of-Tax Agreement, dated as of May 1, 2018 (the "PILOT Agreement"; and, together with Lease Agreement and the Leaseback Agreement, the "Documents"); and

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

WHEREAS, by Application for Assumption, dated August 27, 2024, APM (herein, the "Assignor") has requested the Agency's approval of the sale of the Facility and assignment of the Financial Assistance and the Documents to TFI Rochester NY LLC, a Delaware limited liability company (herein, the "Assignee"); and

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

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

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

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

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

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

Section 4. This resolution shall take effect immediately.

*[Remainder of Page Intentionally Left Blank]*

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

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Lisa Bolzner				
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 Deputy 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 November 19, 2024, 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 19<sup>th</sup> day of November, 2024.

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Robin L. Finnerty, Deputy Director



## APPLICATION FOR ASSUMPTION

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

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

### I. PROJECT

- a. Address 100 Gates Greece Townline Rd.  
 City/State/Zip Rochester, NY 14606  
 TAX Map No 089.03-5-4.4
- b. Current Project Owner  
APM Holdings LLC
- c. Does Applicant contemplate any changes in use or tenancy of the project? YES  NO

If YES, provide information on additional pages.

### II. APPLICANT

- a. Name TFI Rochester NY LLC  
 Address 277 Park Ave., Floor 9  
 City/State/Zip New York, NY 10172  
 TAX ID No 9 [REDACTED]  
 Contact Name Ryan Holgan  
 Title Executive Director  
 Telephone # [REDACTED]  
 Email [REDACTED]

- b. Owners of 20% or more Applicant Company  
Trio Net Lease I, L.P.

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

### III. APPLICANT Legal Counsel

- Name Gregory R. Nearpass  
 Firm Woods Oviatt Gilman LLP  
 Address 1900 Bausch & Lomb Place  
 City/State/Zip Rochester, NY 14604  
 Telephone # [REDACTED]  
 Email [REDACTED]

### IV. CERTIFICATION

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

Signed:

Current Project Owner:



CEO

10/4/2024

Name, Title

Date

Assignee:

Ryan Holgan, Executive Director

10/16/2024

Name, Title

Date



## Rochester Childfirst Network

SERVING CHILDREN SINCE 1857

941 South Avenue, Rochester, NY 14620  
(585) 473-2858 • [www.RCN4kids.org](http://www.RCN4kids.org)



October 31, 2024

Allison Clark, Director of Operations  
County of Monroe Industrial Development Agency  
50 West Main Street, Suite 1150  
Rochester, NY 14614

Dear Allison:

Thank you again for COMIDA's support of Workforce Development Services at Rochester Childfirst Network. I write today to request that our grant period be extended from December 31, 2024, to June 30, 2025. Awarding your funds as broadly and fairly as possible throughout the County has taken more time than anticipated; thus, the request for this extension.

During 2023-24, RCN created a system to manage, track, and disburse your funds in an equitable and efficient manner, by doing the following:

- Created a page on our site specific to the grant: <https://rcn4kids.org/COMIDA2324>
- Informed more than 150 Monroe County daycare providers of these grants
- Made application forms available in Spanish and English
- Met with SCORE to discuss providing mentorships for new daycare business owners
- Worked with the Family Child Care Satellites of Greater Rochester
- Informed the Finger Lakes Regional Economic Development Council of this project
- Convened an application review committee with representatives from local agencies, the CSEA Union and others

Within the first ten days of announcing this program, we received \$1.2 million in requests. To date, we have awarded more than \$81,000, mostly to existing providers (see attached). We will need to do more outreach in order to reach new/expanding providers.

We appreciate COMIDA's Board's consideration of this request. Please contact me directly should you have questions concerning the proposed extension.

Sincerely,

Jeffrey L. Hoffman  
Director of Foundation Development

Enc.

cc.: Ann Marie Stephan, Executive Director

# PROJECT BUDGET FORM

**Applicant:** Rochester Childfirst Network  
**Project:** COMIDA Childcare Workforce Development Services

## INCOME

Funding Sources	Total Project Budget	COMIDA Funds	Expenditures as of 10.31.2024
<b>COMIDA</b>	\$300,000	\$300,000	
<b>Rochester's Child Grant</b> Box 1	\$30,000		
RACF Early Childhood Equity Grant	\$30,000		
Child & Adult Care Food Program (CACFP) FEDERAL GRANT	\$900,000		
Other foundation or corporate grants	\$30,000		
Government grants or contracts	\$10,000		
Other Contributions			
Fees for service	\$2,000		
Sales revenue			
Membership dues	\$3,000		
In-kind (Approx \$25,000 food, materials, services)			
<b>Total Project Income</b> Box 2	<b>\$1,305,000</b>	<b>\$300,000</b>	

## EXPENSES

Expense Items	Amount	COMIDA Funds	
<b>Salaries</b>	<b>132,000</b>	<b>\$ 35,000</b>	<b>\$ 8,750</b>
Fringe Benefits	20,000		
CACFP Payments to Providers	845,000		
Professional fees (contracts, consultants)	5,000		
Evaluation	2,000		
Training	1,500		
Travel/meeting expenses	2,000		
Occupancy	7,000		
<b>Marketing &amp; Communications</b>	<b>13,500</b>	<b>\$ 10,000</b>	<b>\$ 2,500</b>
<b>Grants--New and Expanding Childcare Centers</b>	<b>175,000</b>	<b>\$ 175,000</b>	<b>\$ 12,000</b>
<b>Grants--Upgrades/Expenses at Existing Childcare Centers</b>	<b>80,000</b>	<b>\$ 80,000</b>	<b>\$ 58,520</b>
Supplies (FCCSGR Office at RCN)	3,000		
<b>Subtotal: Direct Expenses</b>	<b>\$1,286,000</b>	<b>\$300,000</b>	
General & Management Expenses (prorated)	19,000		
<b>Total Expenses</b>	<b>\$1,305,000</b>	<b>\$300,000</b>	<b>\$ 81,770</b>

should match Box 2

Row Labels	Sum of AMOUNT AWARDED	Sum of AMOUNT SPENT	Sum of REMAINING CREDIT
Alberto Perez	2000	1981.83	18.17
Amanda Volpe	2000	1831.77	168.23
Angela Gilroy	2000	1981.98	18.02
Angialene Thomas	1500	1470.85	29.15
Antonina Enright	2000	2000	0
Ashley Pagan	2000	1953.02	46.98
Cassandra Manley	2000	1972.28	27.72
Chelsea Goly	1500	1434.11	65.89
Chelsea O'Meally	1320	1302.63	17.37
Chisa Thomas	2000	1965.88	34.02
Cierra Bembry	2000	1374.58	625.42
Cynthia Ortiz	2000	1974.27	25.73
Emily Cepeda	1500	1445.46	54.54
Habiba Mohamed	2000	1957.95	42.05
Habibo Hassan	2000	1049.87	950.13
Ingrid Rivas	2000	1987.95	12.05
Ismael Sanabria	2000	2003.7	-3.7
Jacqueline Barnes	1500	1496.48	3.52
Jade Lewis (Staab)	2000	1998.51	1.49
Juanita Sanchez	1200	1136.79	63.21
Karneisha Roby	1500	296.91	1203.09
Keita Velazquez	2000	1994.49	5.51
Linda Goater	1000		
Melanie Rivera	2000	2000	0
Minnie Breedlove	2000	2000	0
Nadiatou Hamidou Karimou	2000		
Patricia Polanco	2000	1903.48	96.52
Ramin Shirzoy	1500		
Ranikka Hill	1500	1315.35	184.65
Reith Bassanty	2000		

Ronada Thompson	2000	1995.85	4.15
Roshandra Carter	2000	1904.07	95.93
Stephanie Carrasquillo	2000	1964.97	35.03
Suellen Witkop	2000	1583.88	416.12
Tamantha Bollar	1500	1468.36	31.64
Tina Herring	1500		
T'Keyah Auld-Szalay	2000		
Travon Cleveland	1500	1414.54	85.46
Trinity Rouse	2000	1974.39	25.61
<b>Grand Total</b>	<b>70520</b>	<b>56136.2</b>	<b>4383.7</b>



## Competitiveness Project

The objective is to provide policy recommendations to the legislature and Governor that address New York's competitiveness, with the goal of making New York more affordable, reversing outmigration, and supporting economic growth and opportunity.

We have hired an economist (Ted Abernathy of Economic Leadership) to put together the data and assemble recommendations, with significant input from stakeholders, partner organizations (chambers, IDAs, trade associations) and selected investors.

The content will focus on current and future competitiveness and will cover job creation, innovation, research and development, education, entrepreneurial activity, business climate, infrastructure, exports, regulatory environment, energy, and other areas we identify.

Economic Leadership will produce a competitive analysis of New York which will include a deep dive assessment of the workforce issues facing the state, a national scan of best practices that could be appropriate for use in the state, and a strategic action agenda to improve the state's competitiveness and diversify the economy.

The project will include a review of existing state plans, reports, and existing and newly developed statistical data. It will also include an electronic survey of members and the members of partner organizations, to determine priorities for actions and areas of concern, and in-person and/or virtual interviews with CEO level stakeholders, partner organizations, and selected investors and focus groups to discuss the State's competitiveness.

Output will include:

- An extensive slide deck of recent economic performance and state-to-state comparisons. The content will focus on current and future competitiveness and will cover job creation, innovation, research and development, education, entrepreneurial activity, business climate, infrastructure, exports, FDI and other areas of interest.
- A "trends" section of the final report to frame New York's competitiveness in the coming years, including an assessment of the impacts of industry trends in those industries most important to the state's economy.
- A detailed workforce and industry assessment.
- A best practice report to choices.
- Policy and Program recommendations to improve economic activity and the business climate in New York State.

Economic Leadership will compile all the information and work with staff and convert everything into a document that summarizes the current situation, and the actions needed for improved competitiveness. Economic Leadership will deliver a final presentation at an event of the Client's choosing, anticipated to be in late-January 2025.

The initial cost of the project is approximately \$100,000; additional costs for production and marketing of the final recommendations may be incurred as well. The Public Policy Institute (PPI), a 501(c)(3) entity affiliated with the Business Council of NYS, Inc. will manage the contract and payments. PPI is a research and educational organization whose purpose is to formulate and promote public policies that will restore New York's economic competitiveness. PPI is a non-partisan organization.

All donations to PPI are tax deductible to the extent permissible by law. If you are interested in supporting the Competitiveness Report, checks can be made payable to The Public Policy Institute of NYS, Inc. and mailed, c/o The Business Council, 12 Corporate Woods Blvd., Ste 17, Albany, NY 12211.



COUNTY OF MONROE  
**COMIDA**  
 INDUSTRIAL DEVELOPMENT AGENCY

**Dashboard**

November 2024

**Incentives Summary**

Sales Tax Exemptions		Mortgage Recording Tax Exemption		PILOTS		Total Company Investment	
Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End
22	29	13	11	12	12	\$287,018,520	\$1,138,208,960

**Jobs Summary**

Number of Total Projects		Existing Jobs Retained per Application		New Jobs Projected by Applicant		New Jobs Required*	
Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End	Year To Date	Prior Year End
23	26	1223	321	556	490	166	118

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

Total		Paid to Date		Outstanding	
2024 Projects YTD	2023 Projects YE	2024 Projects YTD	2023 Projects YE	2024 Projects YTD	2023 Projects YE
\$1,973,680	\$10,091,277	\$485,465	\$5,668,293	\$1,488,214	\$4,422,984

Workforce Development Fund					
Beginning Balance \$2,500,000					
Allocated Fee income		Committed Funds		Fund Balance	
2024 YTD	2023 YE	2024 YTD	2023 YE	2024 YTD	2023 YE
\$51,582	\$1,774,162	\$2,479,000	\$2,970,000	\$133,661	\$1,304,162

Solar WD Fund			
Fees Approved to Date	Fees Collected to Date	Allocated to Date	Balance
\$75,000	\$50,000	\$0	\$50,000

\*Required jobs are calculated as 10% of the existing jobs, with a minimum of 1 job. Enhanced JobsPlus is 100 jobs with a minimum of \$15,000,000 investment. There is no job creation requirement for projects that only receive sales tax exemptions.