

Motion By: Tony Naleo  
Seconded By: Jay Popli

**RESOLUTION**  
(200 Aviation Ave LLC)

A regular meeting of the County of Monroe Industrial Development Agency d/b/a Imagine Monroe Powered By COMIDA (the "Agency"), was held at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York 14543, on February 19, 2019.

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 D/B/A IMAGINE MONROE POWERED BY COMIDA (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON FEBRUARY 11, 2019, WITH RESPECT TO THE 200 AVIATION AVE 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) 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) IF NECESSARY, A 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 AN AGENT, FINANCIAL ASSISTANCE AND 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, 200 AVIATION AVE LLC, a New York limited liability company, for itself or an entity formed or to be formed (collectively, the "Company"), submitted an application, attached hereto as **Exhibit A**, to the County of Monroe Industrial Development Agency d/b/a Imagine Monroe Powered By COMIDA (the "Agency") requesting the Agency to assist with a certain project (the "Project") consisting of: (A) the acquisition of a leasehold interest in an approximately 5-acre portion of an aggregate approximately 30-acre parcel of land located at 200 Aviation Ave in the Town of Chili, New York 14624 (the "Land"); (B) the

construction thereon of an approximately 30,000 square-foot 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"), to be subleased to Curbell Plastics Inc. for use in its business of supplying plastic sheet, rod, tube, films, adhesives, sealants, tapes, prototyping materials and fabricated parts; and

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

WHEREAS, pursuant to Section 859-a of the Act, on Monday, February 11, 2019, at 11:00 a.m., local time, at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624, 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 *Democrat and Chronicle*, the affidavit of publication of such newspaper, and Minutes of the Public Hearing are attached hereto as **Exhibit C**; and

WHEREAS, it is contemplated that the Agency will (i) negotiate an agent agreement (the "Agent Agreement"), pursuant to which the Agency will appoint the Company as its agent for the purpose of acquiring, constructing and equipping 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, (iii) take title to or a leasehold interest in the Land, the Improvements and personal property constituting the Facility (once the Lease Agreement, Leaseback Agreement and PILOT Agreement have been negotiated), and (iv) provide financial assistance (the "Financial Assistance") to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Facility, (b) if necessary, a mortgage recording tax exemption for financing relating to the Project and (c) a partial real property tax abatement structured through the PILOT Agreement; and

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

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

WHEREAS, the Town of Chili 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 December 11, 2018 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 d/b/a Imagine Monroe Powered By COMIDA 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 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 acquiring, constructing and equipping the Project; and

(d) The action to be taken by the Agency will induce the Company to develop 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. A copy of the Short Environmental Assessment Form and Negative Declaration are attached hereto as **Exhibit B**.

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

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

**Section 4.** Subject to the Company executing the Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency to acquire, construct and equip the Facility, and such appointment includes the following activities as they relate to the construction, erection, completion, use, repair and maintenance of the Improvements and the purchase, use, lease, placement, installation, repair, maintenance and replacement of the Equipment, whether or not any materials or supplies described below are incorporated into or become an integral part of the Improvements or the Equipment: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with acquiring, constructing, equipping, repairing and maintaining the Facility, (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description in connection with acquiring, constructing, equipping, repairing and maintaining the Facility, and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under the Improvements, Land or the Equipment, including all repairs, maintenance and replacement of all such property. Said agents are authorized to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agents for the Agency, and in general to do all things which may be requisite or proper for completing the Facility, all with the same powers and with the same validity as the Agency could do if acting on its own behalf. As agent of the Agency, the Company is authorized to delegate such agency, in whole or in part, to agents, subagents, contractors, subcontractors, contractors and subcontractors of such agents and subagents and to such other parties as the Company chooses; provided, however, the Agent Agreement shall expire on **June 30, 2020** (unless extended for good cause by the Executive 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, 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 **\$1,350,000**, which result in New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$108,000**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; (ii) a mortgage tax exemption in connection with the financing of the Facility or portions thereof and including any refinancing thereof not to exceed **\$13,388**; and (iii) real property tax abatement pursuant to the Agency's uniform tax exemption policy for a ten (10) year term under its JobsPlus program.

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, 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, 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, Chairman or Vice Chairman of the Agency shall approve, the execution thereof by the Executive 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, 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, 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.

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

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Jay Popli	X			
Anthony Meleo	X			
Gary Collins	X			
Troy Milne			X	
Jared Lusk				X
Lisa Bolzner	X			
Ann L. Burr	X			

The Resolutions were thereupon duly adopted.

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

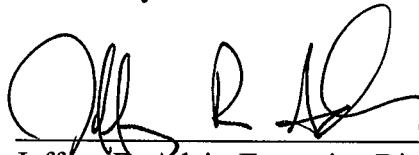
I, the undersigned Executive Director of the County of Monroe Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the County of Monroe Industrial Development Agency d/b/a Imagine Monroe Powered By COMIDA (the "Agency"), including the resolutions contained therein, held on February 19, 2019, 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.

That the Lease Agreement and the Leaseback Agreement contained in this transcript of proceedings are each in substantially the form presented to the Agency and approved by said meeting.

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 February, 2019.

A handwritten signature in black ink, appearing to read 'Jeffrey R. Adair', is written over a horizontal line.

Jeffrey R. Adair, Executive Director

**EXHIBIT A**

**APPLICATION**

**[See Attached]**



# IMAGINE MONROE

POWERED BY COMIDA

## APPLICATION SUMMARY

**DATE:** February 19, 2019

**APPLICANT:**

200 Aviation Ave LLC  
PO Box 230  
Henrietta, NY 14467

**TENANT & PROJECT LOCATION:**

Curbell Plastics, Inc.  
200 Aviation Ave.  
Rochester, NY 14624

**PROJECT SUMMARY:**

200 Aviation Ave LLC, a real estate holding company, proposes the construction of a 30,000 square foot facility for their tenant, Curbell Plastics, Inc. (Curbell) on 5 acres in the Town of Chili. Curbell produces plastic sheets, rods, tubes, films, adhesives, sealants, tapes prototyping materials and other fabricated parts. The company will move from their current 21,000 square foot facility to accommodate increasing demand for their projects. The project will impact 16 FTEs and is projected to create 2 jobs over the next 3 years. The applicant is seeking approval of sales tax and mortgage recording tax exemption as well as the JobsPlus property tax abatement. The Benefit to Incentive Ratio is 2.4:1.

**PROJECT AMOUNT:**

\$2,800,000 Lease/Leaseback with Abatement

**JOBS: EXISTING:**

16 FTEs

**NEW:**

2 FTEs

**REQUIREMENT:**

2 FTEs

**REAL PROPERTY TAXES:**

**EXISTING:**

\$ 94,582 (TAXED IN FULL)

**WITH IMPROVEMENTS:**

\$423,973 (ABATEMENT APPLIES TO INCREASE ONLY)

**PUBLIC HEARING DATE:**

February 11, 2019

**BENEFIT TO INCENTIVE RATIO:**

2.4 : 1

**SEQR:**

REVIEWED AND PROCESS IS COMPLETE.

**ELIGIBILITY:**

MANUFACTURER

**APPROVED PURPOSE:**

JOB CREATION



## Board Report

Table 1: Basic Information

Project Applicant	200 Aviation Ave LLC
Project Name	200 Aviation Ave, LLC
Project Industry	Plastics and Rubber Products Manufacturing
Municipality	Chili Town
School District	Gates-Chili
Type of Transaction	Lease
Project Cost	\$2,800,000
Mortgage Amount	\$1,785,000
Employment at Application (Annual FTEs)	16
Direct Employment Expected to Result from Project (Annual FTEs)	2
Direct Employment Required for PILOT (Annual FTEs)	2

Table 2: Estimated State & Regional Benefits / Estimated Project Incentives Analysis (Discounted Present Value\*)

<b>Total State and Regional Benefits</b>	<b>\$547,443</b>	
<b>Total Project Incentives</b>	<b>\$451,670</b>	
<b>State and Regional Benefits to Incentives Ratio</b>	<b>1.2:1</b>	
<b>Projected Employment</b>	<b>State</b>	<b>Region</b>
<b>Total Employment</b>	<b>37</b>	<b>37</b>
Direct**	2	2
Indirect***	1	1
Induced****	1	1
Temporary Construction (Direct and Indirect)	34	34

Table 3: Estimated State & Regional Benefits (Discounted Present Value\*)

<b>Total State and Regional Benefits</b>	<b>\$547,443</b>
Income Tax Revenue	\$119,741
Property Tax/PILOT Revenue	\$329,390
Sales Tax Revenue	\$76,961
IDA Fee	\$21,350

Table 4: Estimated Project Incentives (Discounted Present Value\*)

<b>Total Project Incentives</b>	<b>\$451,670</b>
Mortgage Tax	\$13,388
Property Tax Above 485-b	\$330,282
Sales Tax	\$108,000

\* Figures over 10 years and discounted by 2%

\*\* Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

\*\*\* Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

\*\*\*\* Induced - The recipient of IDA assistance by adding to and/or retaining payroll stimulates household spending that is new to the regional economy and/or saved from being lost to competitors outside the region.



POWERED BY COMIDA

## APPLICATION FOR ASSISTANCE

Each applicant seeking assistance must complete this application and provide required supplemental form/documentation. A non-refundable application fee of \$350.00 must be included with this application. Make check payable to COMIDA. Please see page 10 for additional information on costs and fees.

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 derivable by the Freedom of Information Law. This form is available at [www.dcfny.com/rock.org](http://www.dcfny.com/rock.org)

### I. APPLICANT

A. Name 200 Aviation Ave LLC  
Address PO Box 230  
City/State/Zip Hennetta, NY 14667  
Tax ID No. To be Determined  
Contact Name Eric Jones  
Title Property Manager  
Telephone (585) 334-1122  
E-Mail ejones@lefrois.com

#### B. Owners of 20% or more of Applicant Company

Name	%	Corporate Title
<u>LeFrois Associated LI</u>	<u>50%</u>	<u>Member</u>
<u>Buckingham Properties</u>	<u>25%</u>	<u>Member</u>
<u>Harold Samloff</u>	<u>25%</u>	<u>Member</u>

#### C. Applicant's Legal Counsel

Name Mitchell Nusbaum  
Firm Woods Oviatt Gilman LLP  
Address 2 State Street  
City/State/Zip Rochester, NY 14614  
Telephone (585) 987-2874  
Fax (585) 987-2974  
Email mnusbaum@woodsoviatt.com

### II. PROJECT

A. Address of proposed project facility  
200 Aviation Ave  
Rochester, NY 14624  
Tax Map Parcel Number Part of 146 04-1-28 1  
City/Town/Village Town of Chili  
School District Gates-Chili  
Current Legal Owner of Property  
Rochester Business Center LLC

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

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

Company Name Curbell Plastics, Inc  
Address 7 Cobham Drive  
City/State/Zip Orchard Park, NY 14127  
Tax ID No. 20-3391129  
Contact Name James Evans  
Title Operations Manager  
Telephone (716) 667-3377  
E-Mail jevans@curbellplastics.com

% of facility to be occupied by company 100%

#### C. Owners of 20% or more of User/Tenant Company

Name	%	Corporate Title
<u>Curbell, Inc</u>	<u>100</u>	<u>Parent Company</u>

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

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

**E. Description of project (check all that apply)**

☒ New Construction

☐ Existing Facility

☐ Acquisition

☐ Expansion

☐ Renovation/Modernization

☐ Acquisition of machinery/equipment

☐ Other (specify) \_\_\_\_\_

**GENERAL DESCRIPTION OF THE PROJECT AND BACKGROUND ON USER(S) OF THE FACILITY**  
(Attached additional sheets as necessary)

See attached Narrative

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

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

☒ Yes ☐ No

Location

7 Cobham Drive, Orchard Park

6805 Crossbow Drive E Syracuse

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 notwithstanding the aforementioned closing or activity reduction the Agency's Financial Assistance is required to prevent the Project from relocating out of the State or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry\*\*

Curbell will be moving from 100 Aviation Ave  
where they currently occupy 21,000 SF to this  
new 30,000 SF facility

G. Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?

☒ Yes ☐ No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken with the Financial Assistance to be provided by the Agency\*\*

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\*\*To be completed with Agency assistance.

**H. PROJECT TIMELINE**

Proposed Date of Acquisition

02/20/2019

Proposed Commencement Date of Construction

02/20/2019

Anticipated Completion Date

3<sup>rd</sup> Qtr 2019

I. Contractor(s)

Russell P. LeFrois Builder, Inc.

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). This is applicable to projects that require the state or local municipality to issue a discretionary permit, license or other type of Approval for that project.

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:

☒ **JOBSPPLUS**

Requirements:

- 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 2

☐ **LEASEPLUS**

Requirements:

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

☐ **ENHANCED JOBSPPLUS**

Requirements:

- A minimum \$15 million investment in new plant, machinery and equipment or renovation of existing building(s) AND
- A minimum of 100 new jobs from new companies locating in Monroe County or existing companies expanding operations here.

☐ **GREEN JOBSPPLUS**

Requirements:

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

☐ **SHELTER RENTS**

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 equipping of the project by the APPLICANT.

##### Building Construction or Renovation

- a. MATERIALS a. \$ 975,000  
b. LABOR b. \$ 975,000

##### Site Work

- c. MATERIALS c. \$ 375,000  
d. LABOR d. \$ 375,000  
e. Non-Manufacturing Equipment e. \$ \_\_\_\_\_  
f. Furniture and Fixtures f. \$ \_\_\_\_\_  
g. LAND and/or BUILDING Purchase g. \$ \_\_\_\_\_  
h. Manufacturing Equipment h. \$ \_\_\_\_\_  
i. Soft Costs (Legal, Architect, Engineering) i. \$ 100,000

- Other (specify) j. \$ \_\_\_\_\_  
k. \$ \_\_\_\_\_  
l. \$ \_\_\_\_\_  
m. \$ \_\_\_\_\_

Total Project Costs \$ 2,800,000

- B. Sources of Funds for Project Costs

- a. Tax-Exempt Industrial Revenue Bond a. \$ \_\_\_\_\_  
b. Taxable Industrial Revenue Bond b. \$ \_\_\_\_\_  
c. Tax-Exempt Civic Facility Bond c. \$ \_\_\_\_\_  
d. Bank Financing d. \$ 1,785,000  
e. Public Sources e. \$ \_\_\_\_\_

Identify each state and federal grant/credit

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

- f. Equity f. \$ 1,015,000

TOTAL SOURCES \$ 2,800,000

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

☒ Yes ☐ No

If so, please specify bank, underwriter, etc.

We are still determining who will be our lender for this project

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

Use additional sheets as necessary

Company Name Curbell Plastics, Inc.

- 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. Furniture and Fixtures d. \$ \_\_\_\_\_  
Other (specify) e. \$ \_\_\_\_\_  
f. \$ \_\_\_\_\_  
g. \$ \_\_\_\_\_  
h. \$ \_\_\_\_\_

Total \$ 0

A non-refundable fee of 1% on TOTAL(e) above is due and payable upon issuance of a Sales Tax Letter to User(s)/Tenant(s)

User/Tenant Company

Signature Title Date

For Office Use Only	
Total Assessment Value	
Land	Building
Applicant 2602- 19-011A	
User/Tenant 2602-	
RAI	

## VI. Value of Incentives

Project name: 200 Aviation

### A. IDA PILOT Benefits:

Current Land Assessment	46,250	Taxes on Land	1,426
Dollar Value of New Construction & Renovation Costs	2,800,000		
Estimated New Assessed Value of Project Subject to IDA	2,846,250		

County Tax rate/\$1,000	8.56
Local Tax Rate* Tax Rate/\$1,000	3.86
School Tax Rate /\$1,000	18.42
Total Tax Rate	30.84

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT	Net Exemption
1	90%	2,436	1,099	5,243	8,778	89,205	79,001
2	80%	4,873	2,197	10,486	17,556	89,205	70,223
3	70%	7,309	3,296	15,728	26,334	89,205	61,445
4	60%	9,746	4,395	20,971	35,111	89,205	52,667
5	50%	12,182	5,493	26,214	43,889	89,205	43,889
6	40%	14,618	6,592	31,457	52,667	89,205	35,111
7	30%	17,055	7,691	36,700	61,445	89,205	26,334
8	20%	19,491	8,789	41,942	70,223	89,205	17,556
9	10%	21,928	9,888	47,185	79,001	89,205	8,778
10	0%	24,364	10,987	52,428	87,778	89,205	0
Total		134,001	60,426	288,354	482,781	892,047	395,003

\* Local Tax Rate for Town/City/Village

### B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption for facility construction:	108,000
Estimated Sales Tax exemption for fixtures and equipment:	0
Estimated duration of Sales Tax exemption:	18 months

### C. Mortgage Recording Tax Exemption Benefit:

Estimated Value of Mortgage Recording Tax exemption:	\$13,388
--	----------

### D. Industrial Revenue Bond Benefit

IRB inducement amount, if required:	\$0
-------------------------------------	-----

### E. Percentage of Project Costs financed form Public Sector sources:

Total Value of Incentives:	\$516,390.58	18.44%
Sources of Funds (Section IV.B.)	\$2,800,000.00	

\*\* All estimates are based on current tax rates.



## VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: Curbell Plastics Inc.

Applicant: ☐ or User/Tenant: ☒

You must include a copy of the most recent NYS-456 Quarterly Combined Withholding Wage Reporting and Unemployment Insurance Return OR if you have multiple locations within New York State, the Bureau of Labor - BLS 3020 - Multiple Worksite Report

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED - project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED - project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	16 0	16 0	2 0	18 0
Part Time (PTE)				
Total	16 0	16 0	2 0	18 0

\*\* 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 Market Area. In the fourth column The Labor Market 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]

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

Category of Jobs to be Retained and Created	Average Annual Salary or Range of Salary	Average Annual Fringe Benefits or Range of Fringe Benefits (stated as a percentage)
Management	100,000	50%
Professional	85,000	50%
Administrative	35,000	50%
Production	30,000	50%
Independent Contractor		
Other		

Estimated Annual Salary of NEW jobs

AVERAGE	60,000
HIGH	100,000
LOW	30,000

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

(The Remainder of this Page Intentionally Left Blank)

**VIII. LOCAL LABOR**

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

Company Name 200 Aviation Ave LLC  
Applicant: ☒ or User/Tenant: ☐

All project employees of the general contractor, subcontractor, or sub to a subcontractor (contractors) working on the project must reside within the following counties in the State of New York: Monroe, Genesee, Livingston, Ontario, Orleans, Seneca, Wayne, Wyoming or Yates. The All-Local Labor criterion will be verified based on employment, payroll and related records.

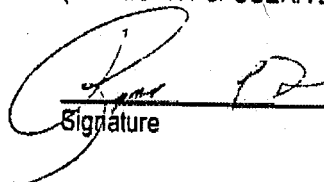
COMIDA understands that at certain times local labor may not be available within the local area. Under this condition, applicants are required to complete a waiver request of the All-Local Labor requirement prior to beginning construction. Contractors do not have to be local companies as defined herein, but must employ local people to qualify under the All-Local Labor criterion.

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.

200 Aviation Ave LLC

(APPLICANT or USER/TENANT COMPANY)

	Member	01/10/2019
Signature	Title	Date

**IX. FEES**

**1. Application Fee - Send with Completed Application**

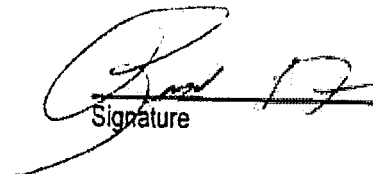
A non-refundable application fee of Three Hundred Fifty Dollars (\$350.00) shall be charged each applicant.

**2. Administrative Fee - Paid at Closing**

- (a) For tax-exempt IRB bond issues, the fee shall be one percent (1%) of the project amount. For projects that utilize a Payment In Lieu of Taxes (PILOT) agreement, an additional one-quarter percent (1/4%) will be added.
  - (b) For lease/leaseback transactions and taxable bond issues, the fee shall be one-half percent (1/2%) of the project amount. For projects that utilize a Payment In Lieu of Taxes (PILOT) agreement, an additional one-quarter percent (1/4%) will be added.
  - (c) For refunding outstanding COMIDA bond issues, the fee shall be one-quarter percent (1/4%) of the new issuance amount.
3. If a sales tax letter is required prior to closing, a non-refundable twenty-five percent (25%) of the Administrative Fee and Agency Counsel fee is payable at that time. This amount will be applied towards the Administrative fee and Agency Counsel Fee. The Sales Tax Letter shall only be for a three (3) month period. If the project does not have a formal closing within three (3) months of the sales tax letter being issued, and an extension is not granted, the balance of the Administrative fee and Agency Counsel fee become immediately due and payable.
4. Agency Counsel fee is one-third (1/3) of the Agency's Administrative fee, with a minimum fee for a lease/leaseback transaction of \$4,000.00.
5. Designated Bond Counsel fee is based on the complexity and amount of the transaction.

200 Aviation Ave LLC

(APPLICANT or USER/TENANT COMPANY)

 Member 01/10/2019  
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:

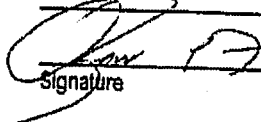
- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which own a minimum of 20% 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. Applicant hereby releases the County of Monroe Industrial Development Agency ("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.

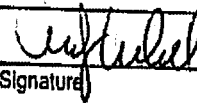
**APPLICANT COMPANY**

200 Aviation Ave LLC

	Member	01/10/20
Signature	Title	Date

**USER/TENANT COMPANY**

Curbell Plastics, Inc.

	CFO	1/10/2019
Signature	Title	Date

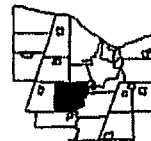
## **GENERAL DESCRIPTION OF THE PROJECT AND BACKGROUND ON USER(S) OF THE FACILITY**

Curbell Plastics Inc. is a wholly owned subsidiary of Curbell, Inc. Curbell, Inc. was established in New York State in 1942. Curbell Plastics, Inc. was incorporated in New York State in 2005. Curbell Plastics, Inc. supplies plastic sheet, rod, tube, films, adhesives, sealants, tapes, prototyping materials, and fabricated parts. Curbell Plastics has had a presence in Monroe County for many years and has been a major contributor in the development of our product to all of the major corporations in the area. In 2003 Curbell moved from a 12,000 SF facility on Lexington Ave into our current facility consisting of 21,120 SF at 100 Aviation Ave. Curbell's business continues to grow and will be moving into a new 30,000 SF warehouse and office facility. This new facility will be located on approximately 5 acres at 200 Aviation Ave in Chili. This new facility will allow Curbell to better serve and further expand our customer base while increasing employment.



# TOWN OF CHILI

BUILDING DEPARTMENT  
3333 CHILI AVENUE, ROCHESTER, NY 14624  
(585) 889-6143 FAX: (585) 889-8710



David J Dunning  
Supervisor

Virginia L. Ignatowski  
Town Clerk

Jordon I. Brown  
Mark L. DeCory  
Michael S. Slattery  
Mary C. Sperr  
Town Council Members

January 10, 2019

Paul Road Industrial Center LLC  
c/o 1020 Lehigh Station Road  
Henrietta, NY 14467

Re: Application for resubdivision approval of Lot R3B of the Paul Road Industrial Park Subdivision into two lots at property located at 200 Aviation Avenue in L.I. w/ADATOD and FPO zone.

To Whom It May Concern:

The Chili Planning Board, at their January 8, 2019 public hearing, unanimously approved by a vote of seven the above described application with no conditions.

The Chili Planning Board has declared itself lead agency under the State Environmental Quality Review Act (SEQRA). We find this application to be an Unlisted Action and have determined that there will be no significant environmental impact. This decision was based on information supplied by the applicant on the Environmental Assessment Form and/or evidence submitted at a public hearing.

Sincerely,

Michael P. Nyhan, Chairman  
Chili Planning Board

MPN/kr

xc: Eric Stowe, Assistant Town Counsel  
Planning Board Members  
Paul Wanzenried, Bldg. Dept. Manager  
David Dunning, Town Supervisor  
Kevin McIntee, MRB Group  
file



**EXHIBIT B**

**SEQR**

**[See Attached]**

## 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>			
Name of Action or Project: Lot R3B Paul Road Industrial Park			
Project Location (describe, and attach a location map): 200 Aviation Avenue			
Brief Description of Proposed Action: Paul Road Industrial Center, LLC would like to construct a 30,000 SF building on Lot R3B in the Paul Road Industrial Park on Aviation Ave. The facility is designed to accommodate office, manufacturing, and warehouse space for the tenant. To facilitate the use of the proposed building, additional parking and loading area is proposed, along with lighting and landscaping.			
Name of Applicant or Sponsor: Paul Road Industrial Center, LLC		Telephone:  E-Mail:	
Address: 1 South Washington St., Suite 200			
City/PO: Rochester		State: New York	Zip Code: 14614
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Chili Planning Board,		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		30.34 acres	
b. Total acreage to be physically disturbed?		4.82 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		30.34 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input 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			

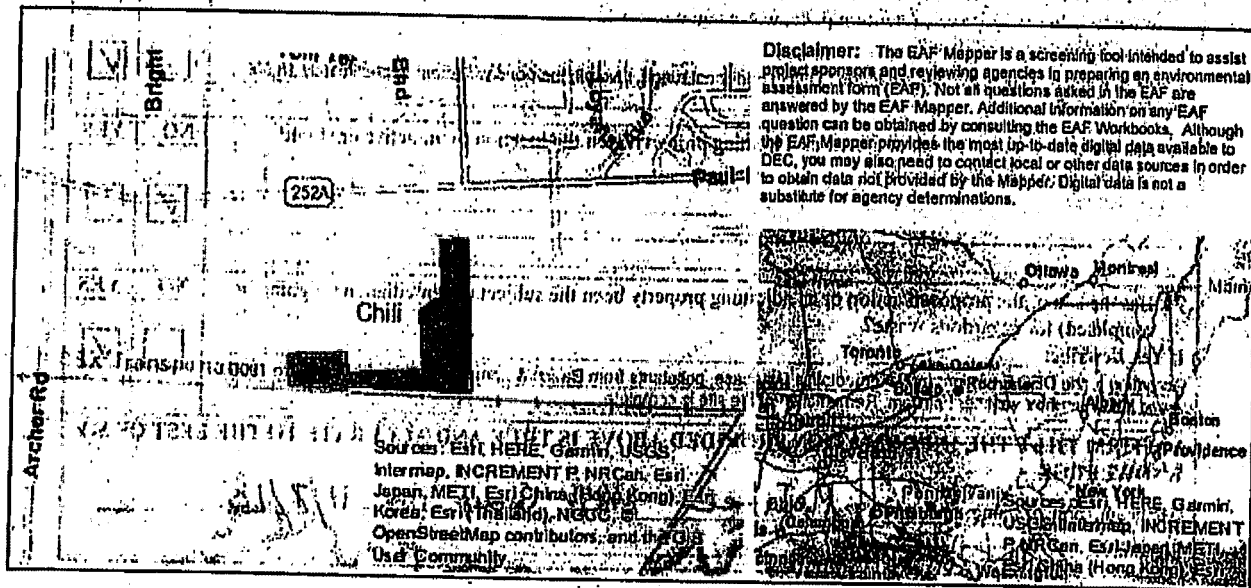
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify:	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water:	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment:	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? 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	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<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 checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES After being treated by the flow retention basin and retention pond, stormwater will outlet to a swale carrying runoff to the southeast. Runoff will eventually enter Little Black Creek, and the Genesee River.	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain purpose and size: The existing retention pond will be expanded to retain additional runoff. Overall, the pond will retain approximately 18,500 cubic feet of runoff.	<input type="checkbox"/>	<input checked="" 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: According to the DEC Environmental Remediation Database, pollutants from Bauch & Lomb operations from 1981 to 1999 caused pollution of the adjacent stream. Remediation of the site is complete.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Kevin McIntee - MRD Group</u> Date: <u>11/7/18</u>		
Signature: <u>[Signature]</u>		

PRINT FORM

# EAF Mapper Summary Report

Tuesday, October 23, 2018 10:07 AM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	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]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

**Agency Use Only [If applicable]**

Project: Lot R3B Paul Rd Industrial PK

Date: 12/11/18

## *Short Environmental Assessment Form Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

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

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

**PRINT FORM**

Project: Lot R3B Paul Rd.

Date: 12/11/18

### Short Environmental Assessment Form Part 3 Determination of Significance

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

This decision is based upon information supplied by the applicant on the SEAF review of plans and documents, provided information received from town engineer, Planning Board discussion and other published information.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town of Chill Planning Board	December 11, 2018
Name of Lead Agency	Date
Michael P. Nyhan	Planning Board Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<i>Michael P. Nyhan</i>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

**EXHIBIT C**

**PUBLIC NOTICE DOCUMENTS**

**[See Attached]**



## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law will be held by the County of Monroe Industrial Development Agency d/b/a Imagine Monroe Powered By COMIDA (the "Agency") on the 11<sup>th</sup> day of February, 2019 at 11:00 a.m., local time, at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624, in connection with the following matter:

200 AVIATION AVE LLC, a New York limited liability company, 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 of a leasehold interest in an approximately 5-acre portion of an aggregate approximately 30-acre parcel of land located at 200 Aviation Ave in the Town of Chili, New York 14624 (the "Land"); (B) the construction thereon of an approximately 30,000 square-foot 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"), to be subleased to Curbell Plastics Inc. for use in its business of supplying plastic sheet, rod, tube, films, adhesives, sealants, tapes, prototyping materials and fabricated parts.

The Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term the Agency's leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions and a mortgage recording tax exemption, consistent with the policies of the Agency, and a partial real property tax abatement.

The Agency will, at the above-stated time and place, present a copy of the Company's Application (including the Benefit/Incentive analysis) and hear all persons with views in favor of or opposed to either the location or nature of the Facility, or the proposed financial assistance being contemplated by the Agency. In addition, at, or prior to, such hearing, interested parties may submit to the Agency written materials pertaining to such matters.

Dated: February 1, 2019

COUNTY OF MONROE INDUSTRIAL  
DEVELOPMENT AGENCY D/B/A IMAGINE  
MONROE POWERED BY COMIDA

By: Jeffrey R. Adair, Executive Director

**HARRIS BEACH** PLC  
ATTORNEYS AT LAW

99 GARNSEY ROAD  
PITTSFORD, NY 14534  
(585) 419-8800

**RACHEL C. BARANELLO**

DIRECT: (585) 419-8769  
FAX: (585) 419-8816  
RBARANELLO@HARRISBEACH.COM

February 1, 2019

Hon. Cheryl Dinolfo, County Executive  
County Office Building  
39 West Main Street  
Rochester, New York 14614  
CERTIFIED MAIL RECEIPT#:  
91 7199 9991 7039 2312 7853

Mr. David Dunning, Supervisor  
Chili Town Hall  
3333 Chili Avenue  
Rochester, New York 14624  
CERTIFIED MAIL RECEIPT#:  
91 7199 9991 7039 2312 7860

Ms. Jennie L. Miller, Assessor  
Chili Town Hall  
3333 Chili Avenue  
Rochester, New York 14624  
CERTIFIED MAIL RECEIPT#:  
91 7199 9991 7039 2312 7877

Ms. Carol Stehm, Interim Superintendent  
Gates-Chili Central School District  
3 Spartan Way  
Rochester, New York 14624  
CERTIFIED MAIL RECEIPT#:  
91 7199 9991 7039 2312 7884

**Re: County of Monroe Industrial Development Agency d/b/a Imagine Monroe  
Powered By COMIDA – 200 Aviation Ave LLC Project  
200 Aviation Ave. in the Town of Chili, New York**

Ladies and Mr. Dunning:

On Monday, February 11, 2019 at 11:00 a.m. local time, at Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624, the County of Monroe Industrial Development Agency d/b/a Imagine Monroe Powered By COMIDA will conduct a public hearing concerning the above-captioned project. Attached is a copy of the Notice of Public Hearing describing the project and financial assistance contemplated by the Agency.

We are providing this notice to you pursuant to Section 859-a of the General Municipal Law of the State of New York. Should you desire to discuss this matter, or if you have any questions concerning this notice, please feel free to contact me.

Very truly yours,



Rachel C. Baranello

RCB/lap  
Enclosures

cc: Imagine Monroe Powered By COMIDA

# USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

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Remove X

**Expected Delivery by**

**MONDAY**

**4**

FEBRUARY  
2019 ⓘ

by

**8:00pm ⓘ**

 **Delivered**

February 4, 2019 at 2:22 pm  
Delivered, Front Desk/Reception/Mail Room  
ROCHESTER, NY 14614

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**Text & Email Updates**



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**Return Receipt Electronic**



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**Tracking History**



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**Product Information**



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Remove X

Expected Delivery by

**MONDAY**

**4**

FEBRUARY  
2019 ⓘ

by

**8:00pm** ⓘ

✓ **Delivered**

February 4, 2019 at 1:18 pm  
Delivered, Left with Individual  
ROCHESTER, NY 14624

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Text & Email Updates



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Tracking History



Product Information



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Tracking Number: 9171999991703923127877

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Expected Delivery by

**MONDAY**

**4** FEBRUARY  
2019 ⓘ by  
**8:00pm** ⓘ

✓ **Delivered**

February 4, 2019 at 1:18 pm  
Delivered, Left with Individual  
ROCHESTER, NY 14624

Get Updates ✓

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Expected Delivery on

SATURDAY

2

FEBRUARY  
2019 ⓘ

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✓

Delivered

February 2, 2019 at 7:14 am  
Delivered, Individual Picked Up at Postal Facility  
ROCHESTER, NY 14624

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Text & Email Updates	▾
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Tracking History	▾
Product Information	▾

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## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law will be held by the County of Monroe Industrial Development Agency d/b/a Imagine Monroe Powered By COMIDA (the "Agency") on the 11<sup>th</sup> day of February, 2019 at 11:00 a.m., local time, at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624, in connection with the following matter:

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Dated: February 1, 2019

COUNTY OF MONROE INDUSTRIAL  
DEVELOPMENT AGENCY D/B/A IMAGINE  
MONROE POWERED BY COMIDA

By: Jeffrey R. Adair, Executive Director