

# THE AGENCY

BROOME COUNTY IDA / LDC

## **BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

May 15, 2019 • 12:00 p.m. • The Agency Conference Room  
FIVE South College Drive, Suite 201, 2nd Floor  
Binghamton, New York 13905

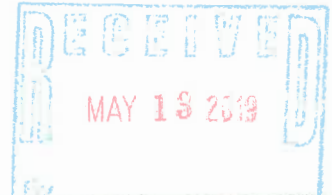
### **REVISED AGENDA**

1. Call to Order J. Bernardo
2. Approve Minutes – March 20, 2019 Board Meeting J. Bernardo  
Approve Minutes – April 1, 2019 Special Meeting
3. Public Comment J. Bernardo
4. Executive Director's Report S. Duncan
  - Updates
  - Internal Financial Report – March 31, 2019
  - Internal Financial Report – April 30, 2019
5. Loan Funds Availability as of April 30, 2019 T. Gray
- New Business**
6. Resolution Authorizing Stacey Duncan, Deputy Director for Community and Economic Development, to Execute Documents on Behalf of the Broome County Industrial Development Agency, in her Current Capacity K. McLaughlin
7. Resolution Authorizing The Agency to Enter into Three (3) Year Term Contract(s) for Architectural, Engineering, Civil and Environmental Services S. Duncan
8. Resolution Authorizing the Extension of the Lease Agreement By and Between The Agency, Boscov's Department Store, LLC, The Binghamton Local Development Corporation, and the City of Binghamton Dated as of May 1, 2013, for an Additional One (1) Year Term Commencing May 1, 2019 and Terminating April 30, 2020, on the Same Terms and Conditions as set Forth Therein, Including the Payment of Rent in the Amount of \$135,061.00 During the Extension Term S. Duncan
9. Resolution Accepting an Application from 1435-1439 Marchuska, LLC for a Sale/Leaseback or a Lease/Leaseback Transaction to Facilitate the Financing of the Construction and Equipping of 1405 East Main Street, Village of Endicott, Broome County, New York and Authorizing The Agency to Set and Conduct a Public Hearing with Respect Thereto S. Duncan

- |     |   |             |
|-----|---|-------------|
| 10. | Resolution Accepting an Application from National Pipe & Plastics, Inc. and Authorizing a Sales and Use Tax Exemption, Consistent with the Policies of The Agency, in Connection with the Construction and Equipping of the Property and Building Located at 1 N. Page Avenue, Endicott, Town of Union, Broome County, New York               | S. Duncan   |
| 11. | Resolution Consenting to the Transfer of Premises Located at 20 Hawley Street, City of Binghamton, County of Broome, New York by Hawley Street Members LLC to Vesper Hawley LLC, Together with all the Right, Title and Interest in and to a Certain Payment in Lieu of Tax Agreement By and Between Hawley Street Members LLC and The Agency | S. Duncan   |
| 12. | Executive Session to Discuss the Sale of Land   | S. Duncan   |
|     | <b>Old Business</b>   |             |
| 13. | Adjournment   | J. Bernardo |

# THE AGENCY

BROOME COUNTY IDA / LDC



## SMALL BUSINESS INCENTIVE PROGRAM APPLICATION

Eligible applicants will receive an eight percent (8%) sales tax and one percent (1%) mortgage recording tax exemption.

Each applicant seeking assistance must complete this application and provide additional documentation if required. A non-refundable application fee of \$150.00 must be included with this application. Make check payable to The Agency Broome County IDA/LDC.

The Applicant requesting a sales tax exemption from the Agency/IDA must include in the application a realistic estimate of the value of the savings anticipated to be received by the applicant. EACH APPLICANT IS HEREBY ADVISED TO PROVIDE REALISTIC SALES TAX ESTIMATES IN THE APPLICATION, as the 2013 Budget Law and the regulations expected to be enacted thereunder are expected to require that the Agency/IDA recapture any benefit that exceeds the amount listed in the application.

Please answer all questions. Use "None" or "Not Applicable" where necessary.

### APPLICANT

Name National Pipe & Plastics, Inc.  
Address 3421 Old Vestal Rd  
City/State/Zip Vestal NY 13850  
Tax ID No. 13-3916482  
Contact Name Tad Cline/Shelley Suer  
Title Controller CFO  
Telephone (607) 729-9381  
E-Mail tccline@nationalpipe.com; ssuer@nationalpipe.com

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

Name	%	Corporate Title
<u>David J. Culbertson</u>	<u>100</u>	<u>President/CEO</u>

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

- ☒ Sales Tax Exemption  
☐ Mortgage Recording Tax Exemption

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

- ☒ New Construction  
☐ Existing Facility  
    ☐ Acquisition  
    ☐ Expansion  
    ☐ Renovation/Modernization  
☐ Acquisition of machinery/equipment  
☒ Other (specify) Construct and Furnish new Corporate Office space

## GENERAL DESCRIPTION OF THE PROJECT

(Attached additional sheets as necessary)

National Pipe and Plastics is moving it's corporate headquarters from Vestal NY to 1 N Page Ave Endicott NY. The location is adjacent to the company's new manufacturing and shipping facility. NPP will construct a brand new 23,000+/- sq ft office building, employee and visitor parking lots and park/green space. By locating it's administrative offices directly adjacent to the new manufacturing and shipping facility, the company will operate more efficiently and have space for future growth.

## PROJECT TIMELINE

05/08/2019

Start Date

05/08/2020

End Date

William H. Lane, Inc.

Contractor(s) \*please refer to required Local Labor Policy

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

The Agency, 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 or other documents related to this project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration, etc.

☐ NO

## LOCAL LABOR POLICY

It is the goal of the The Agency to maximize the use of local labor for each project that receives benefits from The Agency. This policy applies to general contractors, subcontractors, trade professionals, and their employees. The Agency's Local Labor Area consists of the following New York State counties: Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Tioga and Tompkins.

## 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. \$ 4,750,000.00  
b. LABOR b. \$ 300,000.00

### Site Work

- c. MATERIALS c. \$ 125,000.00  
d. LABOR d. \$ 200,000.00  
e. Non-Manufacturing Equipment e. \$ \_\_\_\_\_  
f. Furniture and Fixtures f. \$ 350,000.00  
g. LAND and/or BUILDING Purchase g. \$ \_\_\_\_\_  
h. Soft Costs (Legal, Architect, Engineering) h. \$ 250,000.00  
Other (specify) i. Legal i. \$ 25,000.00  
j. \_\_\_\_\_ j. \$ \_\_\_\_\_  
k. \_\_\_\_\_ k. \$ \_\_\_\_\_

**TOTAL PROJECT COSTS** \$ 6,000,000.00

- B. Sources of Funds for Project Costs:

- a. Bank Financing a. \$ \_\_\_\_\_  
b. Public Sources b. \$ 1,100,000.00

Identify each state and federal grant/credit

LDC Tow of Union s... + \$ 300,000  
Empire State + \$ 800,000  
Development  
\_\_\_\_\_  
\_\_\_\_\_

- c. Equity \$ 4,800,000

**TOTAL SOURCES** \$ 6,000,000

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

☒ Yes ☐ No

If so, please specify bank, underwriter, etc.

Equity

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



## VALUE OF INCENTIVES

### A. Sales Tax Exemption Benefit

Estimated value of goods that will be exempt from New York State and local sales tax (materials, non-manufacturing equipment, furniture and fixtures - line a,c,e,f from Project Costs) \$ 5,225,000.00

Estimated value of New York State and local sales tax exemption (8% of value of eligible goods) \$ 418,000.00

Estimated duration of sales tax exemption 12 Months  
(The sales tax letter shall be valid for a period of six (6) months. An extension may be granted upon review.)

### B. Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax Exemption (1% of value of mortgage) \$ 0.00

TOTAL SALES AND MORTGAGE RECORDING TAX EXEMPTION BENEFIT \$ 418,000.00

## PROJECTED EMPLOYMENT

Will this investment result in the creation of new jobs? If so, how many? 5.00

Full Time Employees before IDA status: 33.00

Full Time Employees to be retained: 33.00

Estimated annual salary range of jobs to be created:

Annual Salary range from: 30,000 to 50,000

Estimated annual salary range of jobs to be retained:

Annual Salary range from: 30,000 to 200,000

***\*Upon approval of this application, the business agrees to provide FTE and all construction job information, along with its NYS 45 in all years that a sales and/or mortgage recording tax benefit is claimed.***

## APPLICATION & ADMINISTRATIVE FEES

### A. Application Fee:

A non-refundable application fee of one hundred fifty dollars shall be charged to each applicant and accompany the completed application. \$ 150.00

### B. Administrative Fee:

A non-refundable fee of ½% of the total tax exemption benefit is due and payable prior to the issuance of a Sales Tax Letter or a Mortgage Tax Exemption Form \$ 2,090.00

TOTAL TAX EXEMPTION BENEFIT LESS FEES \$ 415,760.00

***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.***

***The Agency reserves the right to terminate, modify, or recapture Agency benefits if :***

- (i) an applicant or its sub-agency (if any) authorized to make purchases for the benefit of the project is not entitled to the sales and use tax exemption benefits;***
- (ii) sales and use tax exemption benefits are in excess of the amounts authorized by the Agency to be taken by the applicant or its sub-agents;***
- (iii) sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the project;***
- (iv) the applicant has made material, false, or misleading statements in its application for financial assistance;***
- (v) the applicant has committed a material violation of the terms and conditions of a Project Agreement.***
- (vi) As of the date of the Application this project is in substantial compliance with all provisions of GML Article 18-A, including but not limited to, the provisions of GML Section 859-a and GML Section 862(1) (the anti-raid provision) and if the project involves the removal or abandonment of a facility or plant within the state, notification by the IDA to the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located.***

### APPLICANT COMPANY

National Pipe & Plastics Inc  
Shelley Suss Treasurer / CFO 5/9/19  
Signature Title Date

### Sworn to before me this

9 day of May, 2019  
Isabel E. Stewart  
(Notary Public)

ISABEL E. STEWART  
Notary Public, State of New York  
No. 01ST6297983  
Qualified in Broome County  
Commission Expires March 3, 2021

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

**Instructions for Completing Part 1**

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

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

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

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Construction of National Pipe and Plastics, Inc. Headquarters		
Project Location (describe, and attach a general location map): Parcel is located in the southwest corner of the intersection of N. Page Ave. and Maple St., in the Town of Union.		
Brief Description of Proposed Action (include purpose or need): Construction of a new single story 22,690+/- s.f. commercial office building on a former Endicott-Johnson facility. The headquarters for National Pipe and Plastics, Inc. will be relocated from its current Vestal facility to this location. The proposed office building has been sized for a maximum capacity of 52 employees. A new parking lot consisting of 52 regular 10'x20' stalls and 4 van-accessible handicap stalls is proposed behind the new building. Visitor parking will be in front of the building and accessible by a one-way driveway from Maple St. Visitor parking consists of 7 regular stalls and 1 van-accessible handicap stall.		
Name of Applicant/Sponsor: DTRT Page LLC		Telephone: 607.729.9381
		E-Mail: dculbert@nationalpipe.com
Address: 3421 Old Vestal Road		
City/PO: Vestal	State: NY	Zip Code: 13850
Project Contact (if not same as sponsor; give name and title/role): Sarah Grace Campbell, Esq. (Attorney)		Telephone: 607.231.6730
		E-Mail: scampbell@hhk.com
Address: Hinman, Howard, & Kattell, LLP, 80 Exchange St.		
City/PO: Binghamton	State: NY	Zip Code: 13901-5250
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:



## B. Government Approvals

### B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	\$300,000 in funding for construction by the Town of Union.	Spring/Summer 2019 (projected)
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Site plan approval	March 2019 (projected)
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Union Code Enforcement - building permit	March 2019 (projected)
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Act 239 review	March 2019 (projected)
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$800,000 in funding for construction by NYS. NYSDEC will be involved for SWPPP and permit	March 2019 (projected)
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No  
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☒ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

NYS Major Basins: Upper Susquehanna, Remediation Sites: 704038

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

### C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
CO - Commercial Office

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

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

### C.4. Existing community services.

- a. In what school district is the project site located? Union-Endicott

- b. What police or other public protection forces serve the project site?  
Broome County Sheriff / New York State Police

- c. Which fire protection and emergency medical services serve the project site?  
The parcel is in the West Endicott Fire District. Ambulance Service is provided by the Union Volunteer Emergency Squad

- d. What parks serve the project site?  
West Endicott Park is directly across the street from the site.

### D. Project Details

#### D.1. Proposed and Potential Development

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Headquarters / office building for the manufacturing facility located on the abutting property.

- b. a. Total acreage of the site of the proposed action? 4.26 acres  
b. Total acreage to be physically disturbed? 4.26 acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 47.73 acres

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

- d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_

- ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

- iii. Number of lots proposed? \_\_\_\_\_  
iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

- e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No  
i. If No, anticipated period of construction: \_\_\_\_\_ months  
ii. If Yes:  
  - Total number of phases anticipated \_\_\_\_\_
  - Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
  - Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year
  - Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Total number of structures <u>1</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>21'±</u> height; <u>138'±</u> width; and <u>179'±</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>22,690</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): _____</li> <li>• Over what duration of time? _____</li> </ul>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

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

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 525 gallons/day

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

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

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

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

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

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

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

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

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

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 525 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_  
Sanitary wastewater will be the only liquid waste generated by this project.

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

- Name of wastewater treatment plant to be used: Town of Union Sewage Treatment Plant
- Name of district: West Endicott Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="margin-left: 40px;">_____ Square feet or <u>1.40</u> acres (impervious surface)</p> <p style="margin-left: 40px;">_____ Square feet or <u>4.26</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Employee parking lot, visitor parking lot, rooftop of building, and sidewalks</u></p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p style="margin-left: 40px;"><u>Stormwater will be directed to on-site stormwater treatment facilities. The facilities are anticipated to include bioretention areas which outlet to an existing closed drainage system that conveys stormwater to a treatment pond just west of the abutting National Pipe factory.</u></p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____</li> </ul> <ul style="list-style-type: none"> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No



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

If Yes:

- i. Estimate methane generation in tons/year (metric): \_\_\_\_\_
- ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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

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

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

If Yes:

- i. When is the peak traffic expected (Check all that apply): ☒ Morning ☒ Evening ☐ Weekend  
☐ Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_
- ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_  
The project is construction of an office building with 52 employees. The only commercial vehicles will be occasional UPS/FedEx deliveries.
- iii. Parking spaces: Existing \_\_\_\_\_ (vacant lot) Proposed 64 Net increase/decrease +64 (lot is currently vacant)
- iv. Does the proposed action include any shared use parking? ☐ Yes ☒ No
- v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:  
The project will involve the transfer of 10,570 s.f. of property to the Town. This space may be developed by the TOU for parking in the future.
- vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☒ Yes ☐ No
- vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☒ No
- viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☒ Yes ☐ No

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

If Yes:

- i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
120 MWH per year
- ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
Power will be supplied by NYSEG's local grid.
- iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☒ No

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

i. During Construction:

- Monday - Friday: 6 am to 6 pm
- Saturday: 6 am to 6 pm
- Sunday: n/a
- Holidays: n/a

ii. During Operations:

- Monday - Friday: 8 am - 5 pm (normal) & as needed
- Saturday: intermittent use as needed
- Sunday: intermittent use as needed
- Holidays: intermittent use as needed

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p style="margin-left: 20px;"><u>During construction, noise will be louder than ambient due to the use of heavy equipment used for site grading and material placement on the new structure. The equipment will be run only when needed during typical daytime construction hours.</u></p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p style="margin-left: 20px;"><u>Type 3 lights will be installed at the edges of the employee parking lot behind the building. Pole height is estimated to be 20'+/- and will be adjusted as needed based on the building height. A light will illuminate the flag in front of the building, along with a sign attached to the face of the building.</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: <u>10-15</u> tons per <u>month</u> (unit of time)</li> <li>• Operation : <u>1-2</u> tons per <u>week</u> (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: <u>Materials such as forms, etc. will be re-used whenever possible. Since the site is currently vacant, new materials will be used. The amount of items such as asphalt, concrete etc., brought on-site will be limited to what is needed for construction.</u></li> <li>• Operation: <u>Recycling of materials will be encouraged. Items such as a shredder may be implemented to reduce to amount of solid material.</u></li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: <u>Materials will be stored in appropriate containers and disposed of using accepted and approved practices (e.g., dumpster to landfill)</u></li> <li>• Operation: <u>Materials will be placed in a dumpster located on-site as appropriate and disposed of on a regularly scheduled basis using approved waste management methods.</u></li> </ul>	

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: \_\_\_\_\_ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: \_\_\_\_\_

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

#### E. Site and Setting of Proposed Action

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

##### a. Existing land uses.

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

- ☒ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)
- ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

##### ii. If mix of uses, generally describe:

A pipe manufacturing plant is located on the abutting parcel. A railroad runs immediately behind the property. A public park is located across the street. A pub is located kitty corner to the property on N. Page, and there are residences across the roadway on Maple St.

##### b. Land uses and coverts on the project site.

Land use or Covert	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	3.81	1.40	-2.41 (decrease)
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Grassed lawn areas	0.45	2.86	+2.41 (increase)

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No  
If Yes,  
i. Identify Facilities:  
There are multiple churches within 1,500 of the site. There are no other known facilities serving children, the elderly or people with disabilities within a 1,500 foot radius of the project site.

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

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

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

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

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☒ Yes ☐ No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☒ Yes ☐ No  
☐ Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
☒ Yes – Environmental Site Remediation database Provide DEC ID number(s): 704038  
☐ Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
Please see the attached documentation.  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No  
If yes, provide DEC ID number(s): 704050, B00168, 704038  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
Please see the attached.  
\_\_\_\_\_



v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____</li> </ul>	
<b>E.2. Natural Resources On or Near Project Site</b>	
a. What is the average depth to bedrock on the project site? <span style="float: right;">Deeper than 62 feet</span>	
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: <span style="float: right;">Unadilla Silt Loam 100 %</span>	
_____ %	
_____ %	
d. What is the average depth to the water table on the project site? Average: <span style="float: right;">8' to 15' feet</span>	
e. Drainage status of project site soils: <input checked="" type="checkbox"/> Well Drained: <span style="float: right;">100 % of site</span>	
<input type="checkbox"/> Moderately Well Drained: <span style="float: right;">_____ % of site</span>	
<input type="checkbox"/> Poorly Drained <span style="float: right;">_____ % of site</span>	
f. Approximate proportion of proposed action site with slopes: <input checked="" type="checkbox"/> 0-10%: <span style="float: right;">100 % of site</span>	
<input type="checkbox"/> 10-15%: <span style="float: right;">_____ % of site</span>	
<input type="checkbox"/> 15% or greater: <span style="float: right;">_____ % of site</span>	
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____	Classification _____
• Lakes or Ponds: Name _____	Classification _____
• Wetlands: Name _____	Approximate Size _____
• Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes:	
i. Name of aquifer: <span style="float: right;">Principal Aquifer, Primary Aquifer, Sole Source Aquifer Names: Clinton Street Ballpark SSA</span>	



<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>This site was a former factory and is now _____ occasional bird. _____</p> <p>a vacant lot. No wildlife species have _____</p> <p>been observed on the site, excepting an _____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Species and listing (endangered or threatened): _____</p> <p>Bald Eagle</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Species and listing: _____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>i. If Yes: acreage(s) on project site: _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☒ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: Eligible property: Fair Play Factory, West Endicott Park Carousel, West Endicott Hose Company No. 1

iii. Brief description of attributes on which listing is based:

Please see attached.

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☒ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ No

If Yes:

i. Describe possible resource(s):

ii. Basis for identification:

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☒ Yes ☐ No

If Yes:

i. Identify resource: West Endicott Park

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Home to a carousel on the National Register

iii. Distance between project and resource: 0.1 (across the street) miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No

If Yes:

i. Identify the name of the river and its designation:

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?

☐ Yes ☐ No

#### F. Additional Information

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

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

#### G. Verification

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

Applicant/Sponsor Name David Culbertson

Date 3/22/19

Signature

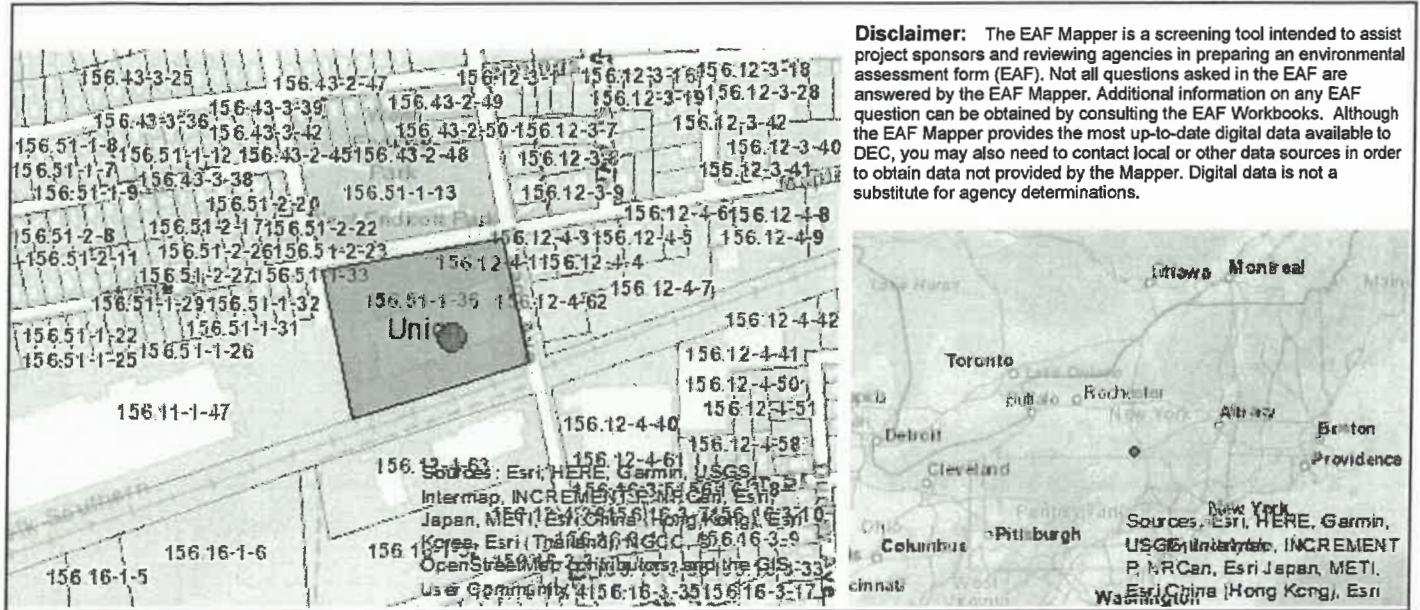


Title Owner/President

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## EAF Mapper Summary Report

Wednesday, February 06, 2019 3:23 PM



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Major Basins:Upper Susquehanna, Remediation Sites:704038
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	704038
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	704050, B00168, 704038
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Primary Aquifer, Sole Source Aquifer Names: Clinton Street Ballpark SSA
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Bald Eagle
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	Eligible property: Fair Play Factory, West Endicott Park Carousel, West Endicott Hose Company No. 1
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



**Vesper Hawley LLC**  
c/o Vesper Holdings LLC  
595 Madison Avenue, 37<sup>th</sup> floor  
New York, New York 10022  
(212) 406-4000

Via Email (smd@theagency-ny.com)

Broome County Industrial Development Agency

Five South College Drive, Suite 201

Binghamton, NY 13905

Attn.: Ms. Stacey Duncan, Dep. Director, Community & Economic Development

Re: 20 Hawley Street, City of Binghamton, Broome County, New York  
Sec. 160.49, Block 1, Lot 22 (the "**Property**")

Dear Ms. Duncan:

First, this letter is intended to constitute prior written notice to the Broome County Industrial Development Agency (the "IDA") of the transactions described in this letter and confirms for the IDA the following facts:

(a) Vesper Hawley LLC ("**Vesper Hawley**") is in contract to purchase the Property from Hawley Members LLC (the "**Current Owner**") pursuant to the Contract of Sale between Hawley Members LLC ("**Current Owner**") and Vesper Hawley LLC ("**Vesper Hawley**") dated April 2, 2019. Upon the transfer of title to the Property (the "**Closing**") fee title to the Property will be transferred by the Current Owner to Vesper Hawley.

(b) The use of the Property, currently operated as a student housing project, shall remain unchanged. The Property shall continue to be operated as a student housing project by Vesper Hawley LLC;

(c) No request is now being made by Vesper Hawley for an extension of the term of the PILOT Documents (defined below) or modification or amendment to any term, covenant or condition of the PILOT Documents;

(d) Upon Closing, the Current Owner will assign the PILOT Documents to Vesper Hawley, and Vesper Hawley will assume the PILOT Documents and agree to be bound by the PILOT Documents pursuant to Section 6.3(c) of the Leaseback; and

(e) Vesper Hawley shall, upon acquisition, assign the PILOT Documents to the Leasehold Mortgagee as collateral security for the Leasehold Financing to be put in place upon Closing.

**Structure of the Acquisition.**

A. **PILOT Documents.** The Property receives the benefit of tax abatement pursuant to a Payment in Lieu of Taxes Agreement (the "**PILOT**") between the IDA and Current Owner dated December 19, 2011. The Current Owner contemporaneously entered into a Lease Agreement ("**Lease**") and



Via Email (smd@theagency-ny.com)

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May 9, 2019

Leaseback Agreement ("**Leaseback**") with the IDA also on December 19, 2011. The PILOT, Lease and Leaseback are collectively referred to as the "**PILOT Documents**". The Project described in the PILOT Documents had been completed by the Current Owner in 2013. As part of the transfer of the Property from Current Owner to Vesper Hawley, the Current Owner will assign the PILOT Documents to Vesper Hawley, and Vesper Hawley will assume the PILOT Documents and agree to be bound by the PILOT Documents pursuant to Section 6.3(c) of the Leaseback. Vesper Hawley shall, upon acquisition, then assign the PILOT Documents to the Leasehold Mortgagee as collateral security for the Leasehold Mortgage.

B. The Ground Lease Transaction. As part of Vesper Hawley's financing structure, immediately after Vesper Hawley's acquisition of the Property, Vesper Hawley will deed just the land portion of the Property to 20 Hawley Street Ground Owner LLC, as ground lessor (the "Ground Lessor"). Ground Lessor is an affiliate of Safehold Inc., a company publicly traded on the New York Stock Exchange under the call letters "SAFE". Ground Lessor will then immediately ground lease the Property back to Vesper Hawley. Vesper Hawley, as ground lessee, will be in sole and absolute control of the Property and responsible for the use, design, construction, leasing, management, ownership, operation, maintenance, restoration, replacement and repair of all improvements and any other buildings or structures, located from time to time on the Land and any furniture, fixtures and equipment used in connection with the Property, and shall pay all real estate taxes, insurance and other costs of ownership and operation of the Property.

C. Leasehold Financing. Upon Closing, Vesper Hawley shall also be receiving leasehold financing from Berkadia Commercial Mortgage LLC, a Delaware limited liability company, and Freddie Mac (collectively, "Lender"). The Leasehold Financing Documents will require that Vesper Hawley maintain the current use of the Property and maintain and operate the Property including compliance with the PILOT Documents.

Experience of Vesper Holdings. Vesper Hawley LLC is a new entity formed solely for the purpose of owning the Property and is an affiliate of Vesper Holdings, a preeminent owner and operator of student housing throughout the United States. Vesper Holdings was founded in 2007 by its current principals Elliot J. Tamir and Isaac J. Sitt and has grown to be a top 10 student housing owner in the nation. Vesper Holdings current portfolio consists of over 33 student housing properties with roughly 17,000 beds and is valued well in excess of \$1 billion dollars. Vesper Holding's properties are managed by its wholly owned property management subsidiary, Campus Life & Style ("**CLS**"). CLS manages the Vesper portfolio exclusively and is run by one of the most experienced teams of purpose-built student operators with senior leadership hailing from top-ranking positions at American Campus Communities ("**ACC**"), the nation's largest student housing owner/operator.

It is Vesper Hawley's intention to acquire the Property and enter into the Ground Lease and Leasehold Financing Transactions after the IDA's next meeting on May 15, 2019 and before its next meeting on June 15, 2019. It is our understanding that both the Ground Lessor and Lender will be providing documents for signature by the IDA as a condition of Closing which will confirm the IDA's receipt of notice, approval of

Via Email (smd@theagency-ny.com)

Broome County Industrial Development Agency

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May 9, 2019

these transactions to the extent required, customary estoppels and confirmation of the subordination of the PILOT Documents to the Ground lease and Leasehold Financing Transactions. These documents are not yet in final form but will be provided to the IDA for its review and comments. As these documents will be conditions of Vesper Hawley's ability to close and acquire the Property prior to the June 15<sup>th</sup> IDA meeting, we submit this letter so that the IDA may approve this transaction at its May 15<sup>th</sup> meeting and permit the appropriate representatives the authority to sign and deliver IDA counsel approved documents required for Closing prior to the June 15<sup>th</sup> meeting.

We greatly appreciate the IDA's cooperation in this regard and would greatly appreciate confirmation that this letter is satisfactory for these purposes.

Respectfully,

VESPER HAWLEY LLC

By: \_\_\_\_\_

Name: Isaac J. Sitt

Title: President