



## BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

### GOVERNANCE COMMITTEE MEETING

October 14, 2019 – 12:30 p.m.

The Agency Conference Room, 2<sup>nd</sup> Floor

FIVE South College Drive, Suite 201

Binghamton, NY 13901

### REVISED AGENDA

1. Call to Order R. Bucci
2. Accept the September 18, 2019 Governance Committee Meeting Minutes R. Bucci
3. Public Comment R. Bucci
4. Review/Discussion/Recommendation of a Resolution Authorizing a Lease/Leaseback Transaction to Facilitate the Redevelopment, Renovation, Subdivision, Repurposing and Equipping of the 150,000+/- Square Foot, Two Story Former Sears Building Located within the Oakdale Mall, Situate at 501 Reynolds Road, Village of Johnson City, Town of Union, Broome County, New York, and Appointing Spark Broome, LLC (The "Company"), as Agent of The Agency for the Purpose of the Redevelopment, Renovation, Subdivision, Repurposing and Equipping the Project and Authorizing the Execution and Delivery of Certain Documents with Respect Thereto, Including a Payment in Lieu of Tax Agreement Deviating from the Agency's Uniform Tax Exemption Policy and a Sales Tax Exemption in an Amount not to Exceed \$200,000.00 S. Duncan
5. Review/Discussion/Recommendation of a Resolution Approving the Extension of the Sales and Use Tax Exemption Agreement for the Broome Culinary Realty, LLC Lease/Leaseback Project from December 29, 2017 Through, and Including June 30, 2020, of which the Total Shall not Exceed \$754,000.00 S. Duncan
6. Review/Discussion/Recommendation of a Resolution Authorizing a Lease/Leaseback Transaction to Facilitate the Acquisition, Renovation and Equipping of a 70-Bed Adult Home, a 35-Bed Assisted Living Program, and a 150-Bed Residential Health Care Facility Located at 600 and 601 High Avenue, in the Village of Endicott, Town of Union, Broome County, New York and Appointing 600 High Avenue, LLC and/or a Related Entity to be later named, (The "Company"), as Agent of The Agency for the Purpose of Acquiring and Equipping the Project and Authorizing the Execution and Delivery of Certain Documents with Respect Thereto, Including a Payment in Lieu of Tax Agreement Deviating from The Agency's Uniform Tax Exemption Policy and a Sales Tax Exemption in an amount not to Exceed \$123,400.00 S. Duncan
7. Review/Discussion/Recommendation of a Resolution to Authorize and Direct the Preparation of a Document Entitled "Positive Declaration, Notice of Intent to Prepare a Draft Generic Environmental Impact Statement (DGEIS), Determination of Significance" S. Duncan

8. Review/Discussion/Recommendation of a Resolution approving The Agency's Sexual Harassment Procedure Policy Form, a copy of which is Attached Hereto as Exhibit "A"
9. Adjournment

S. Duncan

R. Bucci

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY**  
**PROJECT REVIEW FORM**

<b>Company:</b> Spark Broome, LLC		<b>IDA Meeting Date:</b> 9/18/19	
<b>Representative:</b> Dave Dimmick		<b>IDA Public Hearing Date:</b> TBD	
<b>Type of Business:</b> Commercial <b>Project Start Date:</b> TBD <b>Project End Date:</b> TBD		<b>Company Address:</b> 320 N. Jensen Rd. Vestal, NY 13850	
<b>Employment:</b> <u>Full-Time Equivalent</u> Existing     0 1st year     0 2nd year     0 3rd year     0	<b>Total Yearly Payroll</b> 1st Year \$ 0.00 2nd Year \$ 0.00 3rd Year \$ 0.00 <b>Total:</b> \$ 0.00	<b>Own / Lease:</b>  Own	<b>SF / Acreage:</b>  150,000 s/f
<b>Construction Jobs:</b>  38		<b>Proposed Project Location:</b> 601-635 Harry L Dr, JC, NY 13790	
<b>Company Contact For Bid Documents &amp; Employment Opportunities:</b>  Dave Dimmick, ddimmick@matcogroup.com 607-729-8973		<b>Description:</b> *See Attached	
<b>PROJECT BUDGET</b>		<b>ASSESSMENT</b>	
Land Related Costs	\$ 150,000.00	Current Assessment	\$ 3,000,000.00
Building Related Costs	\$ 10,850,000.00	Asmt. At Completion (Est.)	\$ 6,500,000.00
M & E Costs	\$ 0.00	<b>EXEMPTION (Est.)</b>	
F F & E Costs		Sales Tax @ 8%	\$ 200,000.00
Professional Services/Development Cost	\$ 915,000.00	Mortgage Tax	\$ 90,000.00
Total Other Costs		Property Tax Payments	5,220,754.17
Working Capital Costs			
Closing Costs			
Agency Fee	\$ 119,150.00	<b>TOTAL EXEMPTIONS:</b>	\$ 5,510,754.17
<b>TOTAL:</b>	\$ 12,034,150.00	<b>TOT. PROP. TAX.SVGS:</b>	\$ 1,946,857.22
<b>Project Type</b> <b>(Check all that apply)</b>  <input type="checkbox"/> Manufacturing, Warehousing, Distribution <input type="checkbox"/> Agricultural, Food Processing <input checked="" type="checkbox"/> Adaptive Reuse, Community Development <input type="checkbox"/> Housing Development <input checked="" type="checkbox"/> Retail* <input type="checkbox"/> Back Office, Data, Call Centers <input checked="" type="checkbox"/> Commercial/Office		<b>Project Criteria Met</b> <b>(Check all that apply)</b>  <input type="checkbox"/> Project will create and /or retain permanent jobs <input checked="" type="checkbox"/> Project will be completed in a timely fashion <input checked="" type="checkbox"/> Project will create new revenue to local taxing jurisdictions <input checked="" type="checkbox"/> Project benefits outweigh costs <input checked="" type="checkbox"/> Other public benefits	
<i>*Uniform Tax Policy does not typically provide tax exemptions for Retail Projects</i>		<i>*New York State Required Criteria</i>	
<b>Pilot Type</b> <input type="checkbox"/> Standard     year <input type="checkbox"/> <input checked="" type="checkbox"/> Deviated     22     year			
<b>Staff Comments:</b> This project could be the first step in reinventing the Oakdale Mall and returning tax revenue to Johnson City and Broome County.			

**Broome County Industrial Development Agency  
Cost Benefit Incentive Analysis**

Date: 9.5.19  
Project Name/Address: Spark Broome, LLC  
Project Start Date: 2019  
Project End Date: TBD

Project Description: See Attachment A

**BENEFIT**

Investment: Public/Private/Equity

Land Related Costs	\$	150,000.00	
Building Related Costs	\$	10,850,000.00	
Professional Fees/ Development	\$	915,000.00	
Other Costs			
<b>TOTAL INVESTMENT</b>		<b>\$11,915,000.00</b>	<b><u>\$11,915,000.00</u></b>

New Mortgages \$9,000,000.00

Jobs 0

New 0

Retained 0.0

**TOTAL JOBS 0**

Term # Years years

<b>TOTAL PAYROLL</b>	\$	-	\$	-
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<b>PILOT PAYMENTS</b>	\$	5,220,754.17	(see Pilot Schedule)	\$	5,220,754.17
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<b>TOTAL BENEFIT</b>		<b>\$17,135,754.17</b>	<b>\$17,135,754.17</b>
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**Cost**

Property Tax Estimate

Fair Market Value \$ 6,500,000.00 upon completion

Equalization Rate 4.32%

Taxable Assessment \$ 280,800.00

Tax Rates

Town/City/County	17.29	Annual tax	\$	26,343.14
Village	30.5	Annual tax	\$	46,457.71
School	52.19	Annual tax	\$	79,472.79

<b>ANNUAL TAX</b>	<b>100</b>	<b>\$</b>	<b>152,273.64</b>
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Pilot Schedule

Terms/Years	Tax	% Abatement	*Pilot Payment	Abatement
			\$ -	
<b>SEE PILOT SCHEDULE</b>				
Total				

\* Assume a 2% Tax Increase Per Year

PROPERTY TAX ABATEMENT	\$	1,946,857.22		
SALES TAX ABATEMENT	\$	200,000.00		
MORTGAGE RECORDING TAX	\$	90,000.00		
AGENCY FEE	\$	119,150.00		
<b>TOTAL COST</b>	<b>\$</b>	<b>2,356,007.22</b>		<b>\$ 2,356,007.22</b>

<b>NET BENEFIT/COST</b>		<b><u>\$ 14,779,746.95</u></b>
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<b>Benefit/Cost Ratio</b>	<b>7.27 to 1</b>
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Comments/Additional Revenue:

Any Additional Public Benefits:

Property Address: 501 Reynolds Rd, Johnson City NY  
Property Owner: Spark Broome, LLC

# PILOT Schedule

* WITH PILOT										* WITHOUT PILOT				
PILOT Year	501 Reynolds Rd, Johnson City PILOT Assessment	Percentage of PILOT Assessment to be Paid	Annual PILOT Payment TOTAL plus 1% annually	Annual PILOT PAID TO COUNTY	Annual PILOT PAID TO TOWN	Annual PILOT PAID TO JC VILLAGE	Annual PILOT PAID TO JC SCHOOL	Taxable Assessment	Payment at County Tax Rate 174.081966	Payment at Town Tax Rate 29.183059	Payment at JC Village Tax Rate 358.47	Payment at JC School Tax Rate 613.215939	Total Tax rate 1174.95096	Annual TOTAL Difference
1	\$3,000,000	100%	\$152,273.64	\$22,561.02	\$3,782.12	\$46,457.71	\$79,472.79	\$3,000,000.00	\$22,561.02	\$3,782.12	\$46,457.71	\$79,472.79	\$152,273.64	\$0.00
2	\$3,000,000	100%	\$153,796.38	\$22,786.63	\$3,819.95	\$46,922.29	\$80,267.51	\$3,000,000.00	\$22,786.63	\$3,819.95	\$46,922.29	\$80,267.51	\$153,796.38	\$0.00
3	\$3,000,000	100%	\$155,334.35	\$23,014.50	\$3,858.15	\$47,391.51	\$81,070.19	\$3,000,000.00	\$23,014.50	\$3,858.15	\$47,391.51	\$81,070.19	\$155,334.35	\$0.00
4	\$3,000,000	100%	\$156,887.69	\$23,244.64	\$3,896.73	\$47,865.43	\$81,880.89	\$3,000,000.00	\$23,244.64	\$3,896.73	\$47,865.43	\$81,880.89	\$156,887.69	\$0.00
5	\$3,000,000	100%	\$158,456.57	\$23,477.09	\$3,935.69	\$48,344.08	\$82,699.70	\$3,000,000.00	\$23,477.09	\$3,935.69	\$48,344.08	\$82,699.70	\$158,456.57	\$0.00
6	\$5,500,000	54%	\$188,048.33	\$27,861.44	\$4,670.68	\$57,372.34	\$98,143.87	\$6,500,000.00	\$51,375.70	\$6,612.61	\$105,792.96	\$180,974.51	\$346,755.78	\$158,707.46
7	\$6,500,000	54%	\$189,928.81	\$28,140.05	\$4,717.39	\$57,946.06	\$99,125.31	\$6,500,000.00	\$51,889.46	\$6,698.74	\$106,850.89	\$182,784.25	\$350,723.34	\$160,294.53
8	\$6,500,000	54%	\$191,828.10	\$28,421.45	\$4,764.57	\$58,525.52	\$100,116.56	\$6,500,000.00	\$52,408.35	\$6,785.72	\$107,919.40	\$184,612.10	\$353,725.58	\$161,897.47
9	\$6,500,000	60%	\$212,983.61	\$31,555.87	\$5,290.02	\$64,979.93	\$111,157.78	\$6,500,000.00	\$52,932.44	\$6,873.58	\$108,998.60	\$186,458.22	\$357,262.83	\$144,279.22
10	\$6,500,000	60%	\$215,113.45	\$31,871.43	\$5,342.92	\$65,629.73	\$112,269.36	\$6,500,000.00	\$53,461.76	\$6,962.32	\$110,088.58	\$188,322.80	\$360,835.46	\$145,722.01
11	\$6,500,000	60%	\$217,264.58	\$32,190.15	\$5,396.35	\$66,286.03	\$113,392.06	\$6,500,000.00	\$53,996.38	\$9,051.94	\$111,189.47	\$190,206.03	\$364,443.81	\$147,179.23
12	\$6,500,000	62%	\$229,347.30	\$33,980.34	\$5,696.46	\$69,972.39	\$119,698.12	\$6,500,000.00	\$54,536.34	\$9,142.46	\$112,301.36	\$192,108.09	\$368,088.25	\$138,740.96
13	\$6,500,000	62%	\$231,640.77	\$34,320.14	\$5,753.42	\$70,672.11	\$120,895.10	\$6,500,000.00	\$55,081.70	\$9,233.88	\$113,424.38	\$194,029.17	\$371,769.13	\$140,128.37
14	\$6,500,000	68%	\$254,175.70	\$37,658.94	\$6,313.14	\$77,547.37	\$132,656.25	\$6,500,000.00	\$55,632.52	\$9,326.22	\$114,558.62	\$195,969.46	\$375,486.83	\$121,311.13
15	\$6,500,000	68%	\$256,717.45	\$38,035.53	\$6,376.27	\$78,322.85	\$133,982.81	\$6,500,000.00	\$56,188.85	\$9,419.48	\$115,704.21	\$197,929.16	\$379,241.69	\$122,524.24
16	\$6,500,000	73%	\$279,909.54	\$41,471.69	\$6,952.30	\$85,398.61	\$146,086.94	\$6,500,000.00	\$56,750.74	\$9,513.68	\$116,861.25	\$199,908.45	\$383,034.11	\$103,124.57
17	\$6,500,000	73%	\$282,708.64	\$41,886.41	\$7,021.83	\$86,252.59	\$147,547.81	\$6,500,000.00	\$57,318.24	\$9,608.82	\$118,029.86	\$201,907.53	\$386,864.45	\$104,155.81
18	\$6,500,000	78%	\$306,575.20	\$45,422.50	\$7,614.62	\$93,534.13	\$160,003.95	\$6,500,000.00	\$57,891.43	\$9,704.90	\$119,210.16	\$203,926.61	\$390,733.10	\$84,157.90
19	\$6,500,000	78%	\$309,640.95	\$45,876.73	\$7,690.76	\$94,469.47	\$161,603.99	\$6,500,000.00	\$58,470.34	\$9,801.95	\$120,402.26	\$205,965.87	\$394,640.43	\$84,999.48
20	\$6,500,000	84%	\$334,199.73	\$49,515.38	\$8,300.75	\$101,962.19	\$174,421.41	\$6,500,000.00	\$59,055.04	\$9,899.97	\$121,606.28	\$208,025.53	\$398,586.83	\$64,387.10
21	\$6,500,000	89%	\$359,222.22	\$53,222.22	\$8,922.16	\$109,595.33	\$187,479.01	\$6,500,000.00	\$59,645.59	\$9,998.97	\$122,822.35	\$210,105.79	\$402,572.70	\$43,353.98
22	\$6,500,000	95%	\$384,704.67	\$56,998.25	\$9,555.17	\$117,370.93	\$200,780.32	\$6,500,000.00	\$60,242.05	\$10,098.96	\$124,050.57	\$212,206.84	\$406,598.43	\$21,893.76
TOTALS			\$5,220,754.17	\$773,512.41	\$129,671.43	\$1,592,819	\$2,724,751.73		\$1,061,960.81	\$178,026.86	\$2,186,792.24	\$3,740,831.48	\$7,167,611.39	\$1,946,857.22

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
PROJECT REVIEW FORM**

<b>Company:</b> Ideal Senior Living Center		<b>IDA Meeting Date:</b> 11/20/19	
<b>Representative:</b> Ken Kamlet		<b>IDA Public Hearing Date:</b> 01/10/2019	
<b>Type of Business:</b> Health Care Facility <b>Project Start Date:</b> 2019 <b>Project End Date:</b> TBD		<b>Company Address:</b> 600 and 601 High St Endicott, NY 13760	
<b>Employment:</b> <small>Full-Time Equivalent</small> Existing <u>222.5</u> 1st year <u>2</u> 2nd year <u>2</u> 3rd year <u>2</u>		<b>Total Yearly Payroll</b> 1st Year \$ 6,475,088.00 2nd Year \$ 6,543,880.00 3rd Year \$ 6,609,319.00 <b>Total:</b> \$ 19,628,287.00	
<b>Own / Lease:</b>  Purchase		<b>SF / Acreage:</b>	
<b>Construction Jobs:</b>  0		<b>Proposed Project Location:</b> 600 and 601 High St., Endicott, NY 13760	
<b>Company Contact For Bid Documents &amp; Employment Opportunities:</b> Walter Reidy, SVP, Century Health Capital, Inc. 18 Division Street, Saratoga Springs, NY 12886 (518) 583-1667		<b>Description:</b> *See Attached	
<b>PROJECT BUDGET</b>		<b>ASSESSMENT</b>	
Land Related Costs	\$ 250,000.00	Current Assessment	\$ 14,000,000.00
Building Related Costs	\$ 9,750,000.00	Asmt. At Completion (Est.)	
M & E Costs	\$ 300,000.00	<b>EXEMPTION (Est.)</b>	
F F & E Costs	\$ 450,000.00	Sales Tax @ 8%	\$ 123,400.00
Professional Services/Development Cost	\$ 552,878.00	Mortgage Tax	\$ 84,000.00
Total Other Costs		Property Tax Payments	1,715,550.00
Working Capital Costs	\$ 1,500,000.00		
Closing Costs			
Agency Fee	\$ 128,029.00	<b>TOT. PROP. TAX.SVGS:</b>	\$ 13,555,890.00
<b>TOTAL:</b>	\$ 12,930,907.00	<b>TOTAL EXEMPTIONS:</b>	\$ 13,763,290.00
<b>Project Type</b> (Check all that apply) <ul style="list-style-type: none"> <li><input type="checkbox"/> Manufacturing, Warehousing, Distribution</li> <li><input type="checkbox"/> Agricultural, Food Processing</li> <li><input type="checkbox"/> Adaptive Reuse, Community Development</li> <li><input checked="" type="checkbox"/> Housing Development</li> <li><input type="checkbox"/> Retail*</li> <li><input type="checkbox"/> Back Office, Data, Call Centers</li> </ul>		<b>Project Criteria Met</b> (Check all that apply) <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Project will create and /or retain permanent jobs</li> <li><input checked="" type="checkbox"/> Project will be completed in a timely fashion</li> <li><input checked="" type="checkbox"/> Project will create new revenue to local taxing jurisdictions</li> <li><input checked="" type="checkbox"/> Project benefits outweigh costs</li> <li><input checked="" type="checkbox"/> Other public benefits</li> </ul>	
<small>*Uniform Tax Policy does not typically provide tax exemptions for Retail Projects</small>		<small>*New York State Required Criteria</small>	
<b>Pilot Type</b> <input type="checkbox"/> Standard _____ year <input type="checkbox"/> <input checked="" type="checkbox"/> Deviated <u>20</u> year		The Town has reviewed and provided a pilot schedule according to these terms.	
<b>Staff Comments:</b> This project includes the purchase of the Ideal Senior Living Center from a non-profit to a for-profit entity. The Village will receive property tax revenue as a result of this purchase. In addition, 286 jobs will be retained and 6 new jobs will be created. This property will continue to provide quality and affordable care for those in need of assisted-living and will continue to provide jobs in the health care industry.			

### **Narrative Description of Project**

Pursuant to an Asset Purchase Agreement dated Sept. 5, 2017 (APA), **ISLACF, LLC**, doing business as The Pavilion at Ideal Commons, agreed to purchase the following Adult Home (AH), Assisted Living Program (ALP), and licensed home health care (LHCSA) assets, and to take over operations, from Ideal Senior Living Center and Ideal Senior Living Center Housing Corporation, located at 600 and 601 High Avenue, Endicott, New York:

- 70-bed AH
- 35-bed ALP
- 150-bed Residential Health Care Facility (RHCF)—d/b/a Ideal Senior Living Center, Inc.

**600 High Avenue, LLC** will lease the RHCF for 40 years to **ISLRNC** and the ACF and independent living apartments to **ISLACF, LLC**. **ISLRNC** and **ISLACF** are related entities having common ownership. The lease payment is \$48,324 per month (\$579,888 annually).

For purposes of this IDA PILOT application, **ISLACF, LLC** and **ISLRNC, LLC** will be the new Operators of The Pavilion and the Senior Living Center. **600 High Avenue, LLC** will be the new Owner of the real property. "The Applicant." Is **600 High Avenue, LLC** and any related entity to be named later.

**ISLACF, LLC** has submitted to DOH an ACF Common Application for approval to become the new operator of Ideal Senior Living Center, and an Application for Home Care Licensure for Public Health and Health Planning Council approval to become the new operator of Ideal Senior Living Center Housing Corporation. A Certificate of Need (C.O.N.) application has been separately submitted to DOH by **ISLRNC, LLC**, seeking approval to become the new operator of Ideal Senior Living Center.

The three owners (members) of **ISLACF, LLC** and **ISLRNC, LLC** are Uri Koenig (60%), Efraim Steif (39.9%), and David Camerota (0.1%), with Messrs. Koenig and Steif as the initial managing members of these entities as well as of the LHCSA.

No construction is proposed as part of this Application, and no renovations are required to change the operator.

The Pavilion at Ideal Commons will continue to serve elderly residents of Broome County (as well as Chenango and Tioga Counties) in need of assistance.

**Broome County Industrial Development Agency  
Cost Benefit Incentive Analysis**

Date: 10.8.19  
 Project Name/Address: Ideal Senior Living Center  
 Project Start Date: 2019  
 Project End Date: TBD

Project Description: This project includes the purchase of the Ideal Senior Living Center from a non-profit to a for-profit entity. The Village will receive property tax revenue as a result of this purchase. This property will continue to provide quality and affordable care for those in need of assisted-living and will continue to provide jobs in the health care industry.

**BENEFIT**

Investment: Public/Private/Equity

Land Related Costs	\$	250,000.00	
Building Related Costs	\$	9,750,000.00	
M&E Costs	\$	300,000.00	
FF&E Costs	\$	450,000.00	
Professional Fees/ Development	\$	552,878.00	
Working Capital Costs		\$1,500,000.00	
<b>TOTAL INVESTMENT</b>		<b>\$12,802,878.00</b>	<b><u>\$12,802,878.00</u></b>

New Mortgages \$8,400,000.00

Jobs 0  
     New 6  
     Retained 286

**TOTAL JOBS** 292.0

Term # Years 3 years

**TOTAL PAYROLL** \$ 19,628,287.00 \$ 19,628,287.00

**PILOT PAYMENTS** \$ 1,715,550.00 (see Pilot Schedule) \$ 1,715,550.00

**TOTAL BENEFIT** **\$34,146,715.00** **\$34,146,715.00**

**Cost**

Property Tax Estimate

Fair Market Value \$ 14,230,588.00 upon completion

Equalization Rate 4.25%

Taxable Assessment \$ 604,800.00

Tax Rates

Town/City/County	16.52	Annual tax	\$	10,738.00
Village	31.57	Annual tax	\$	20,520.50
School	51.91	Annual tax	\$	33,741.50

ANNUAL TAX 100 \$ 65,000.00 number based on 1st year

Pilot Schedule

Terms/Years	Tax	% Abatement	*Pilot Payment	Abatement
			\$ -	
SEE PILOT SCHEDULE				
Total				

\* Assume a 2% Tax Increase Per Year

PROPERTY TAX ABATEMENT \$ 13,555,890.00

SALES TAX ABATEMENT \$ 123,400.00

MORTGAGE RECORDING TAX \$ 84,000.00

AGENCY FEE \$ 128,029.00

**TOTAL COST \$ 13,891,319.00 \$ 13,891,319.00**

**NET BENEFIT/COST \$ 20,255,396.00**

**Benefit/Cost Ratio 2.46 to 1**

Comments/Additional Revenue:

Any Additional Public Benefits:

Ideal Senior Living Center  
PILOT Schedule

<u>Year</u>	<u>Tax Without PILOT</u>	<u>With 2% Annual</u>	<u>PILOT Payment</u>	<u>Village 31.57%</u>	<u>Town 2.34%</u>	<u>County 14.18%</u>	<u>School 51.91%</u>
1	\$ 763,572.00	\$ 763,572.00	\$ 65,000.00	\$ 20,520.50	\$ 1,521.00	\$ 9,217.00	\$ 33,741.50
2	\$ 763,572.00	\$ 778,843.44	\$ 65,000.00	\$ 20,520.50	\$ 1,521.00	\$ 9,217.00	\$ 33,741.50
3	\$ 763,572.00	\$ 794,420.31	\$ 65,000.00	\$ 20,520.50	\$ 1,521.00	\$ 9,217.00	\$ 33,741.50
4	\$ 763,572.00	\$ 810,308.71	\$ 65,000.00	\$ 20,520.50	\$ 1,521.00	\$ 9,217.00	\$ 33,741.50
5	\$ 763,572.00	\$ 826,514.89	\$ 65,000.00	\$ 20,520.50	\$ 1,521.00	\$ 9,217.00	\$ 33,741.50
6	\$ 763,572.00	\$ 843,045.19	\$ 65,000.00	\$ 20,520.50	\$ 1,521.00	\$ 9,217.00	\$ 33,741.50
7	\$ 763,572.00	\$ 859,906.09	\$ 78,000.00	\$ 24,624.60	\$ 1,825.20	\$ 11,060.40	\$ 40,489.80
8	\$ 763,572.00	\$ 877,104.21	\$ 78,000.00	\$ 24,624.60	\$ 1,825.20	\$ 11,060.40	\$ 40,489.80
9	\$ 763,572.00	\$ 894,646.30	\$ 78,000.00	\$ 24,624.60	\$1,825.20	\$ 11,060.40	\$ 40,489.80
10	\$ 763,572.00	\$ 912,539.22	\$ 78,000.00	\$ 24,624.60	\$ 1,825.20	\$ 11,060.40	\$ 40,489.80
11	\$ 763,572.00	\$ 930,790.01	\$ 78,000.00	\$ 24,624.60	\$ 1,825.20	\$ 11,060.40	\$ 40,489.80
12	\$ 763,572.00	\$ 949,405.81	\$ 93,600.00	\$ 29,549.52	\$ 2,190.24	\$ 13,272.48	\$ 48,587.76
13	\$ 763,572.00	\$ 968,393.92	\$ 93,600.00	\$ 29,549.52	\$ 2,190.24	\$ 13,272.48	\$ 48,587.76
14	\$ 763,572.00	\$ 987,761.80	\$ 93,600.00	\$ 29,549.52	\$ 2,190.24	\$ 13,272.48	\$ 48,587.76
15	\$ 763,572.00	\$ 1,007,517.04	\$ 93,600.00	\$ 29,549.52	\$ 2,190.24	\$ 13,272.48	\$ 48,587.76
16	\$ 763,572.00	\$ 1,027,667.38	\$ 112,230.00	\$ 35,431.01	\$ 2,626.18	\$ 15,914.21	\$ 58,258.59
17	\$ 763,572.00	\$ 1,048,220.73	\$ 112,230.00	\$ 35,431.01	\$ 2,626.18	\$ 15,914.21	\$ 58,258.59
18	\$ 763,572.00	\$ 1,069,185.14	\$ 112,230.00	\$ 35,431.01	\$ 2,626.18	\$ 15,914.21	\$ 58,258.59
19	\$ 763,572.00	\$ 1,090,568.84	\$ 112,230.00	\$ 35,431.01	\$ 2,626.18	\$ 15,914.21	\$ 58,258.59
20	\$ 763,572.00	\$ 1,112,380.22	\$ 112,230.00	\$ 35,431.01	\$ 2,626.18	\$ 15,914.21	\$ 58,258.59
	\$15,271,440.00	\$18,552,791.25	\$ 1,715,550.00	\$ 541,599.14	\$ 40,143.87	\$ 243,264.99	\$ 890,542.01

**SPECIAL MEETING MINUTES  
VILLAGE OF ENDICOTT  
BOARD OF TRUSTEES  
SEPTEMBER 26, 2019  
4:30pm**

**Mayor: John Bertoni**

**Attorney: Charles H. Collison**

**Village Manager: Anthony J. Bates**

**Trustees: Cheryl Chapman, Eileen Konecny, Larry Coppola, Linda Jackson**

**Absent: Mayor Bertoni**

**ORDER OF BUSINESS:**

**1. Pledge of Allegiance- Moment of Silence- Announcement of Fire and ADA Compliance**

**2. Trustee Comments**

**See all comments & questions throughout the discussion for all Trustees below**

Coppola-

Chapman-

Jackson-

Konecny-

**3. Presentation on proposed Ideal Nursing Home Facility Project**

Attorney Collison gave a background as to what this meeting is about. He stated that on October 25, 2018, (the board meeting was actually 10/30/18, he mentioned the date of the letter which was the 25th) the board approved by unanimous vote approved the deviated PILOT for this proposed project. There was an IDA meeting but went into limbo for a period of time with no action. Two meetings ago, there was a resolution put to the board to rescind the PILOT on 10/25/18. We adjourned this and held over to the October 8, 2019 board meeting. In the meantime, he felt it was best ask the representative of UHS (for the proposed buyers), school district, the Town and the IDA so they can all ask questions. This meeting is for legitimate questions and not up for a vote.

Harvey Mervis presented those individuals by name and who are involved and spoke of this proposed project as well as taking many questions.

He spoke of the complex agreement between UHS which was negotiated over a period of time so UHS wanted to be sure they had a steward operating the facility that was acceptable for them and handpicked Mr. Stein. Mr. Stein and his group bought Ideal about 10 years ago and have been operating it since then. He stated that all employees will continue with their jobs, wages will be the same. He stated there is a substantial difference between the reimbursement rate of Absolut and Ideal. Both are primarily based Medicare patients and this affects what type of burden you can carry forward. Absolut has been out of business but being operated by the Upstate group. Trustee Chapman asked if the bankruptcy is affecting Absolut. He stated that not right now and does not believe it will. He feels that it will take

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time to turn Absolut around but feels the Upstate group is committed to our community, it helps that they have other facilities, the employee base can be shifted from one place to another.

Mr. John Carrigg, President & CEO of UHS & UHS Hospitals- He gave a brief background of himself and proceeded to state UHS is a regional not for profit health care system consisting of health care providers and supporting organizations primarily serving the Southern Tier. They are geographically dispersed now serving 7 counties. UHS is the parent company. They were formed in 1981 with a consolidation with at the time, Ideal-Wilson Hospital. They are the largest employer in the Southern Tier. Ideal is their geriatric campus. He spoke of the sale of Ideal Living Center and why UHS is selling. Due to the economics of senior and geriatric care have tremendously eroded over the last several years. In the 8 year period, Ideal Living Center has lost about 15 million dollars. They have a negative working capital, current liabilities are 10 million more than its current assets. Each day is cash on hand and payroll is difficult to meet each period. Because of this, UHS has had to step in and support Ideal with financial, employees, management, system and programs but mostly financial. The Medicaid rates are not getting better and they have appealed to the State Health dept. to no avail and rising labor costs. The biggest threat is finding people and keeping people to work. So they have rising costs of labor as well as the administrative burden of a highly regulated situation that has really become a problem. UHS Ideal is not financially viable for them and has begun to drain other UHS systems. They are looking at a three million loss for this year. They selected Upstate Services without going out to bid, no RFP and just working with them in turnaround situations and got to know them and felt their commitment to NYS as well as UHS's. As they made the selection of finding a buyer the following were very important to them: they wanted a nursing home operator with a good track record, sense of quality and star rating across the State. Also one with financial where with all such as the investment in Vestal. Most importantly, they needed a partner who would work with them to make sure our acute care patients have access to long term care services. Over the last few years, their relationship with UHS has been very positive. He stated there are no other buyers. Discussions with Upstate Services began in 2015. He stated if this transaction falls through, they would have to start over looking for a buyer and this would not be very feasible. Under such a scenario, there is a potential they would have to close. He touch on the question of how Upstate Services operate Ideal better than UHS is operating and stated he would leave that up to his colleagues but said they operate 15 facilities across the State so there is spread fixed costs whereas UHS does not have that some opportunity. He commented on the purchase price. The original purchase price that was negotiated was \$13 million. About 3 months ago, they were approached by Upstate and said they could not get financing for this amount due to potential future losses so they re-negotiated at \$11 million. The key element of this is that Upstate would assume the HUD mortgage to the tune of \$7.5-8 million dollars. UHS would then provide a seller note to the tune of \$2.5 million dollars and will delay any type of payment for 4 years. No interest or principle will be paid. This shows how much UHS cares to get out of the long term care business. Any residual to come to UHS is very small under the new deal. Losses need to stop and there needs to be a closure plan. Upstate Services will honor all accrued vacation time, all retirement funds and all the benefits that employees are owed. He stated that they were not involved in the development of the PILOT. If a PILOT is necessary, they would like something to be worked out quickly due to moving forward on this transaction. The impact of failure to act or to put the deal in jeopardy concerns him mainly due to the patients and their employees and feels confident that the buyer is reputable. His request is to finalize a

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PILOT and for it to be handled quickly. Trustee Jackson had a statement prepared and just wanted clarification of a few things. She stated that the company considering buying Ideal has already received a price reduction as well as a lowered tax assessment. The original application they said they could only afford to pay \$225-250,000.00 taxes a year. The Village started them off by paying \$65,000.00 a year because it was better than the \$2,000.00 that they were donating a year. In the original application, the buyer stated they would have to eliminate 28 jobs. At the end of the application it said it would be determined after 20 years. She feels that after 20 years it should go to 100% assessment as it is on the Village's other PILOT's. The company's proposal just came late Friday afternoon and she feels they haven't had a chance to obtain a expert/specialist attorney to go over this. She stated that she is willing to renegotiate a PILOT but feels the Village undersold themselves when we took \$65,000.00 for the first year as opposed to the \$225,000.00-\$250,000.00 that they were offering. Mr. Carrigg stated that most was accurate what Trustee Jackson stated but with 1 exception- In the 1<sup>st</sup> application it did mention the \$225,000.00-\$250,000.00 as she had said, and actually handed her the summary sheet however if she read the whole narrative and read the attached chart of years she would have seen that years 1 through 5 was \$50,000.00 but due to Attorney Collison's negotiations it went up to the \$65,000.00 and at the end it got up to \$225,000.00 but that was in year 21. It would take that long for them and it was a very difficult document which was not interpreted correctly. Trustee Jackson stated that unfortunately she did have to leave due to a prior commitment with Trustee Chapman but said she would look over the summary given to her. She wasn't sure why this statement was never read by the board and will not speculate why but feels there was a communication gap. Trustee Chapman stated that in listening to the original tape she did ask if these numbers were final or can we go back and negotiate. The tape shows that they could go back and negotiate but they never did and then they get this new PILOT. She said this was not what they had originally approved and feels they need to renegotiate due to circumstances and prices have changed. He then explained the summary page to the rest of the board.

The facts are that the decision that needs to be made is where to go with these numbers. The problem is that they are pretty much at the end of what they can do and what they are willing to do.

Trustee Coppola asked if the condition of the present Ideal Campus is up to standards or are upgrades required prior to the new owners taking over and the approval they received from the State, is that open ended? He also asked as far as local businesses go, should the sale succeed, will all the local businesses that are presently owed money, be covered? Mr. Carrigg/Upstate Services stated they are committed to their communities and yes they would take care of that. Trustee Coppola asked if the high percentage of Medicaid patients they take in impact their star rating at all? They responded by saying it is not supposed to but in reality they are very sick patients and do not have the money to stay healthy.

Mr. Carrigg/Upstate Services commended UHS for the annual donation to the Village. Mr.

Carrigg/Upstate Services stated that the condition of Ideal is pretty good, capital expenditures have been deferred and the campus is safe. The infrastructure is pretty good but he feels over the next 5 years they would need to evaluate future issues. The state approval was actually granted to their service. Trustee Coppola asked if things were not to go their way, and UHS decides to shudder the building, his understanding is that it will remain open until the occupants are taken care of and which time the building will be closed and still be under UHS ownership. Mr. Carrigg/Upstate Services responded by saying that this would be last thing they want to do is close the building and accommodate every employee and resident that as much as they can. Trustee Coppola asked if they considered the change of price, does this void the PILOT? A female voice responded by no it would not. Trustee Coppola asked

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if they consider this legislation binding? Upstate Services responded by saying they do not want to be war with the Village.

Trustee Coppola understands that UHS is 80% Medicaid, do you have any prospect of changing that? Upstate Services stated no, they would like to continue being a safety net facility. He asked about the bankruptcy filing. Upstate responded that Ideal was not a part of the bankruptcy.

Attorney Collison then opened the floor for questions for the proposed buyer and seller only, not for their opinions whether they are for or against the proposed PILOT.

Rick Materese, TOU Supervisor-asked if the same system will be used for employees with benefits when the new owners take over. Upstate Services responded by saying the benefit packages are very similar so there will not be a substantial change to the workers.

Steve Schmitt-asked about the original application that had stated 28 jobs were being lost but today the opposite was said and no jobs were being lost. Upstate Services stated they will be under a different payroll entity.

No name-Comments about the \$3 million dollar loss at the Ideal Nursing Home and the upgrades/maintenance. He asked how many other companies showed interest. They responded by saying none.

Ted Warner-asked if there is an amendment to the board? They responded by saying no but due to the chart of payments being misinterpreted which they thought were clear, more questions had been asked by the board. Mr. Warner stated that they were proposing \$250,000.00/yrly up until the year 21 and the normal taxes today would be \$764,000.00...aren't you asking for a permanent forever payment? They responded by saying that after the PILOT then expires, they drop the PILOT term to 20 years then the assessor will assess it at \$775,000.00 they will then come to them and say that's too much. We think you be assessing us at \$500,000.00. They would have a discussion possibly with a judge to decide what that assessment should be. He stated that on the "amendment" that there are conflicting terms but Attorney Collison stated there was no amendment. The Village passed a resolution and handed out copies. Upstate responded by saying there was an original proposal that was modified pursuant to discussions with the Village and the amended proposal was adopted by the Village and then and passed on to the IDA. At that point they were invited back to the Village due to having more questions and there was discussion about rescinding what had been passed so not technically an amended but what was an amended proposed but it was the only framework for the PILOT that was adopted. Attorney Collison stated that the resolution from 10/25/18 prevails. At the 10/8/19 board meeting, if the PILOT is rescinded by a majority vote, then we are back to square one. If the motion is turned down then this PILOT stands. He stated that the IDA had a hearing after the resolution was passed and at that point in time, people came and spoke for or against the PILOT.

Jackie Sammon- asked how this will affect the residents and their taxes. Attorney Collison recommend she look at the chart as to what each municipality would get. At this point on the tape there are several people talking at once which I could not understand. Trustee Konecny asked all to be quiet at this point. Bottom line from Upstate Services, in 20 years, they would have a new discussion on what should be paid. Rick Materese stated that as of right now, UHS gives the Village 10k, this is not from the Ideal Living Center. The offer of \$65,000.00 per year is much higher than the annual \$10,000.00.

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No name given-Asked why they are paying more in taxes for the Vestal facility and not making the Village equal? They stated partly this is due to Medicaid fees and the State has not updated their rates in 30 years. The State reimburses facilities at a very low rate. She also asked if it would be more logical to build a new facility and they answered that no, it wouldn't be logical. She stated that Bridgewater and Ideal are lowest rated nursing homes in the area so why should we be happy. He stated that by looking at the overall stars rating you have to look at the quality measure, you can't just look at the overall. Cindy Totolis- she feels better with the comments and explanations but feels that PILOT's should be zeroed out and leave it up to somebody in 20 years. She personally worries about what we leave behind for the next generations.

**4. Adjournment**

No adjournment was made except that Trustee Coppola said that it was now 6:00pm and thank you to everyone who attended and they all appreciated the information.

**Janice Orlando**  
**Deputy Clerk/Treasurer**

**(tape is available in the Deputy/Clerks office)**

Good afternoon.

My name is John Carrigg. I am the President and CEO of the UHS Healthcare System. Thank you for the opportunity to speak with the Village Board on the topic at hand.

I assume most of you know what UHS is, but I will take a minute to describe our System and our involvement in the various communities we serve. I have been the CEO of the UHS System since January 1 of 2018. Altogether, I have 36 years of experience working at UHS in a variety of roles.

UHS is a regional not-for-profit healthcare delivery system consisting of healthcare providers and supporting organizations primarily serving New York's Southern Tier and surrounding areas. UHS providers are geographically dispersed throughout Broome, Tioga, Chenango, Delaware Otsego, Sullivan, and Tompkins counties. The System includes the following members and affiliated organizations:

- **UHS** is the not-for-profit parent corporation responsible for planning, coordinating, monitoring and supporting system development and integration of all the UHS entities that I will

briefly describe. UHS was formed in 1981 with the consolidation of the Ideal/Wilson Medical Center and the Binghamton City Hospital (which has subsequently become BGH). All affiliated entities within the UHS System operate as not-for-profit organizations as designated by the state and federal government. We employ nearly 6,500 employees and we support physician and advanced practice providers numbering more than 600 as active members of the UHS Medical Staff.

- **UHS Hospitals** is comprised of **UHS Binghamton General Hospital** and **UHS Wilson Medical Center**, acute care facilities located in the greater Binghamton area. With 500 inpatient beds and extensive outpatient services, UHS Hospitals offers tertiary, acute and rehabilitative services including cardiology, neurosurgery, pain management, oncology, orthopedics, neonatal intensive care, trauma, reconstructive surgery, physical rehabilitation, mental health, substance use disorder treatment and transitional care for acute patients needing long term care or home care services. UHS Hospitals is the only Southern Tier regional provider of many of these services. UHS Hospitals also provides primary care and specialty physician services in sites dispersed throughout Broome, Tioga, Otsego, and Delaware counties. Additionally, UHS

Hospitals is a teaching hospital for family medicine, internal medicine and podiatry medical residents. UHS Hospitals offers outstanding fellowship program training for physicians interested in developing advanced skills in cardiovascular disease, gastroenterology, geriatrics, sports medicine, neuro critical care, and endovascular surgical neuroradiology.

- **UHS Medical Group** is a multi-specialty group that predominately practices in UHS Hospitals licensed sites. The group consists of approximately 450 physicians and advanced practice providers representing twenty medical and surgical specialties with offices in Broome, Chenango, Delaware, Otsego, and Tioga counties.
- **UHS Chenango Memorial Hospital** located in Norwich is the only hospital in Chenango County and operates 41 acute and 80 skilled nursing beds, complemented by a network of primary care and specialty physician offices.
- **UHS Delaware Valley Hospital** located in Walton, Delaware County, is a Critical Access Hospital. UHS Delaware Valley Hospital operates three primary care centers, a 24-hour Emergency Department, a short stay inpatient care unit, a Community

Pharmacy, specialty clinics, and a full spectrum of diagnostic and treatment services, including an Addiction Treatment Program.

- **UHS Home Care** operates a licensed home health agency (Professional Home Care) which provides high-tech nursing care, respiratory services, home medical equipment/supplies, and personal care services. UHS Home Care also operates a Medicare certified agency (Twin Tier Home Health) which provides nursing, physical therapy, occupational therapy, social work, nutritional services, and home health aide care. UHS Home Care serves Broome, Chenango, Cortland, Delaware, Tioga, and Tompkins Counties.
- **UHS Senior Living at Ideal** is a geriatric campus, located in Endicott. We serve over 250 elderly persons and individuals with chronic illness through our Skilled Nursing Facility, Adult Care Program, Assisted Living Program, and Licensed Home Care Services Agency, as well as residential services in independent living. The nursing home piece of UHS Senior Living at Ideal is comprised of approximately 80% Medicaid patients.

- **UHS Foundation** is a not-for-profit 501(c) 3 organization that raises funds for innovative equipment, patient care facilities, and community outreach programs through a comprehensive fundraising program.

So, now for the matter of the UHS sale of the Ideal Senior Living Center. I will address several questions you all may have. I will start each section with a question.

### **1. Why is UHS Ideal Senior Living being sold?**

UHS formed Ideal Senior Living nearly 30 years ago to meet the health care and living needs of the senior population in the Greater Broome County area. The economics of senior care have eroded particularly over the last 8 years. In the 8-year period up until August 31, 2019, Ideal Senior Living has lost just shy of \$15 million. For its balance sheet, UHS Ideal has a negative working capital balance of \$10 million. Its days cash on hand is around 15. Medicare and Medicaid reimbursement has not kept pace with the rising cost of labor and the bureaucratic burden that exists in this highly regulated segment of the health care market place. Many independent free standing long-term

care facilities across New York State have faced similar financial difficulties with some closing and others being purchased by multi-site nursing home companies. Because UHS Ideal Senior Living is not economically viable in its current state, UHS has selected to sell it to a proven operator of senior care facilities, so as not to continue to have to divert financial resources from increasingly scarce and competitive resources needed to modernize our hospital facilities and recruit world class physician and professional talent to UHS.

## **2. How did Ideal select Upstate Service Group?**

The Boards of UHS and Ideal Senior Living agreed upon criteria in identifying a suitable future owner including but not limited to:

1. An operator of senior care facilities in good standing with the New York State Department of Health.
2. An operator with a long term track record in multiple geographical locations of providing quality care to patients and residents.

3. An operator with the financial wherewithal to pay a fair market value for Ideal Senior Living, which is a requirement of the U.S. Internal Revenue Service and the NYS Attorney General.
4. An operator with a proven track record of working collaboratively with the hospitals and physicians in the UHS System on safe, medically appropriate and timely patient care transitions along the health care continuum of care. Upstate Services Group has been a good partner in working with UHS Hospitals to ensure the safe and rapid placement of acute care patients into skilled nursing beds at its 3 other Broome County facilities.

**3. Are there other potential buyers of Ideal Senior Living if the transaction of Upstate Services Group purchasing Ideal Senior Living is not finalized?**

Realistically no there are no other suitable buyers that could complete a similar transaction in the required time frame. UHS and Ideal Senior Living began discussions in 2015 for this transaction, signed an Asset Purchase Agreement in September 2017 and obtained contingent regulatory approval from the NYS Department of Health in April

2019. The process to negotiate and receive regulatory approval literally has spanned 4 years. If this current transaction fails, UHS and Ideal would have to start all over which is not feasible. Under such a scenario there is the potential that Ideal Senior Living would have to close since it is not economically viable, and thus deprive the community of access to much needed care. Closing Ideal is the last thing that UHS wants to do – but we are running out of time and viable options as the drain on the UHS System is no longer sustainable.

**4. How is Upstate Services Group going to be able to operate Ideal Senior Living in a manner that is economically viable going forward?**

The representatives from USG are best to answer this question. The essence of the answers comes from their ability to spread fixed and administrative costs over many facilities (USG operates 16 other facilities in Upstate NY). Further they are able to share best practices observed in one location and replicate that success across all of their sites.

**5. What is UHS going to do with \$11.0 million purchase price, that sounds like a windfall profit?**

UHS is not going to receive \$11.0 million in cash or in any other form. Approximately \$7.5 million of the purchase price will take the form of debt assumption on the buildings that comprise Ideal Senior Living. Upstate Service Group is currently working to secure approval with the mortgage holder on a refinancing of the current debt on the property. Another part of the purchase price will go to pay creditors of Ideal Senior Living, including many small businesses in Broome County. Another part of the purchase price will be used to honor accrued but not yet used retirement, health and accrued vacation benefits of the 300 employees of Ideal Senior Living. All employees of Ideal Senior Living will receive 100% of their accrued benefits. The residual balance of the transaction proceeds will reimburse UHS for cash it has lent to Ideal Senior Living over the years, although UHS will not be paid in full as the transaction proceeds will be insufficient to do so.

And finally, another \$2.5 million of the purchase price has been structured as a UHS note/loan to Upstate Services Group to be paid back in future years – starting in Year 5 and beyond.

## **6. How was the PILOT developed?**

UHS and Ideal Senior Living had no part in formulating the proposed PILOT. Upstate Service Group as the proposed Buyer has that responsibility and has worked with the Village of Endicott on this matter.

## **7. If the PILOT in its current form is not approved, what is the expected impact of that?**

Upstate Services Group has deemed that any change in the proposed PILOT will make it very difficult for USG to secure financing for the transaction. Without financing the transaction will not occur. As stated earlier, if this transaction is not completed in the near term, UHS will have to give very serious consideration to closing Ideal Senior Living. This would negatively impact nearly 150 patients who are receiving skilled nursing care, and another 75-100 individuals currently in assisted living or independent living at Ideal. Local businesses would risk not getting paid for services they render to Ideal, and Broome County could lose close to 300 jobs and those affected employees could lose their livelihood.

In closing.....I earnestly request that the Village of Endicott and Upstate Services Group act to finalize a PILOT arrangement, and allow that transaction to go to The Agency for final approval so that UHS Ideal and Upstate Services Group can consummate the change of ownership transaction. Doing so will preserve jobs and patient access to much needed long term care in Broome County.

Thank you!

# THE AGENCY

BROOME COUNTY IDA / LDC

If you are using Google Chrome and would like to digitally fill out the form, please download and open in your desktop

## APPLICATION FOR BENEFITS / IDA

### INSTRUCTIONS

1. The Agency/IDA will not consider any application unless, in the judgment of the Agency/IDA, said application contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application (the Project).
3. If an estimate is given as the answer to a question, put "est." after the figure or answer, which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return one (1) hard copy of this application and one (1) electronic copy to the Agency/IDA at the address indicated on the application.
6. The Agency/IDA will not give final approval to the application until the it receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency/IDA (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are certain elements of the Project which are in the nature of trade secrets of information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The Agency/IDA has established a non-refundable application fee of One Thousand (\$1,000) Dollars to cover the anticipated costs of processing this application. A check or money order payable to the Agency/IDA must accompany each application. THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY/IDA UNLESS ACCOMPANIED BY THE APPLICATION FEE.
9. The Agency/IDA has established a project fee for each project in which the Agency/IDA participates. THIS PROJECT FEE of 1% of the total Project cost IS REQUIRED TO BE PAID BY THE APPLICANT AT OR PRIOR TO THE GRANTING OF ANY FINANCIAL ASSISTANCE BY THE AGENCY/IDA. The applicant will also be expected to pay to the Agency/IDA all actual costs incurred in connection with the application including all costs incurred by general counsel and bond counsel.
10. The Agency/IDA will charge annually an administrative fee of \$1,500 to cover ongoing compliance and oversight; the fee shall be payable January 1 of each year until all financing documents shall terminate and be discharged and satisfied.
11. Chapter 59 of the Laws of 2013 (Part J), effective March 28, 2013 (the "2013 Budget Law"), established new record keeping, reporting, and recapture requirements for industrial development agencies that receive sales tax exemptions. The new law requires the following: 1) to keep records of the amount of sales tax benefits provided to each Project and make those records available to the State upon request; 2) that within 30 days after providing financial assistance to a Project, the Agency/IDA must report the amount of sales tax benefits intended to be provided to a Project; and 3) a requirement that the Agency/IDA post on the internet and make available without charge copies of its resolutions and Project agreements.
12. The 2013 Budget Law also requires that the Agency/IDA recapture State sales tax benefits where: 1) the Project is not entitled to receive those benefits; 2) the exemptions exceed the amount authorized or claimed for unauthorized property or services; or 3) the Project operator failed to use property or services in a manner required by its agreement with the Agency/IDA.
13. 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.
14. Project Applicants as a condition to receiving Financial Assistance (including a sales tax exemption, mortgage tax exemption, real property tax abatement, and/or bond proceeds) from the Agency/IDA will be required to utilize qualified local labor and/or contractors as defined in the Appendix A of the application, for all projects involving the construction, expansion, equipping, demolition and or/ remediation of new, existing, expanded or renovated facilities (collectively, the "Project Site").

# APPLICATION FOR FINANCIAL ASSISTANCE

## APPLICANT

NAME: 600 High Avenue, LLC and any related entity to be named later

APPLICANT'S STREET ADDRESS: 600 High Avenue

CITY: Endicott

STATE: NY

ZIP: 13760

PHONE: 1-845-371-8100

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION:

(1) Efraim Steif, (2) Uri Koenig, (3) David Camerota, (4) Jack Augenstein

PHONE: 1-845-371-8100

TITLE: Members (1-3) and CFO (4)

EMAIL: jaugenstein@usgny.com

## APPLICANT'S COUNSEL

NAME: Kenneth S. Kamlet & Harvey Mervis

FIRM: Hinman, Howard & Kattell, LLP

EMAIL: kkamlet@hhk.com; hmervis@hhk.com

ADDRESS: 80 Exchange St., P.O. Box 5250

CITY: Binghamton

STATE: NY

ZIP: 13902

PHONE: 607-231-6914

## APPLICANT'S ACCOUNTANT

NAME: Rob Nasso (see Note #2 for additional professionals)

FIRM: Bonadio Group

EMAIL: www.bonadio.com (website)

ADDRESS: 171 Sully Trail

CITY: Pittsford

STATE: NY

ZIP: 14534

PHONE: 1-585-200-5151

PLEASE OUTLINE ON A SEPARATE SHEET OF PAPER ANY OTHER PROFESSIONALS INVOLVED IN THE PROJECT (I.E., DESIGN PROFESSIONAL, GENERAL CONTRACTOR).

## PROJECT SUMMARY

A: TYPE OF PROJECT: Select Project Type for all end users at project site (you may check more than one):

☐ Industrial ☐ Housing ☐ Multi-Tenant ☐ Back Office ☐ Mixed Use ☐ Civic Facility (not for profit)  
☐ Acquisition of Existing Facility ☐ Equipment Purchase ☐ Commercial ☐ Retail ☒ Facility for Aging ☐ Other \_\_\_\_\_

B: EMPLOYMENT IMPACT (BROOME COUNTY):

EXISTING JOBS: 286

NEW JOBS  
WITHIN THREE YEARS: 6

C: PROJECT COST: \$ 12,802,878

D: TYPE OF FINANCING:

☐

TAX-EXEMPT

☒

TAXABLE

☐

STRAIGHT LEASE

E: AMOUNT OF BONDS REQUESTED: \$

F: AMOUNT OF NEW MORTGAGE(S) REQUIRED FOR PROJECT: \$ 8,400,000

G: PROJECT-RELATED COSTS SUBJECT TO SALES TAX: \$ 1,530,000

H: ESTIMATED VALUE OF TAX EXEMPTIONS:

NYS SALES AND COMPENSATING USE TAX \$ 123,400

MORTGAGE RECORDING TAXES \$ 84,000

REAL PROPERTY TAX EXEMPTIONS \$ 13,555,890

REQUESTED TERM OF PILOT: 20 years

OTHER (PLEASE SPECIFY)

I: CURRENT PROPERTY TAX ASSESSMENT \$ 14,000,000

CURRENT PROPERTY TAXES \$ 0

## APPLICANT INFORMATION

EMPLOYER'S FEDERAL ID NO. 82-3659187 (and others

NAICS CODE 623110; 623312

1. INDICATE TYPE OF BUSINESS ORGANIZATION OF APPLICANT:

A. ☐ CORPORATION INCORPORATED IN WHAT COUNTRY

WHAT STATE

DATE INCORPORATED

TYPE OF CORPORATION

AUTHORIZED TO DO BUSINESS IN NEW YORK:

☐ YES

☐ NO

B. ☒ PARTNERSHIP TYPE OF PARTNERSHIP

LLC

# OF GENERAL PARTNERS

3

# OF LIMITED PARTNERS

0

C. ☐ SOLE PROPRIETORSHIP

D. ☒ LIMITED LIABILITY APPLICANT

DATE CREATED

10/20/2016

2. IS THE APPLICANT A SUBSIDIARY OR DIRECT OR INDIRECT AFFILIATE OF ANY OTHER ORGANIZATION(S)? IF SO, NAME OF RELATED ORGANIZATION(S) AND RELATIONSHIP:

ISLRNC is a n affiliated entity of ISLACF, LLC

IDEAL SENIOR LIVING CENTER PILOT APPLICATION

NOTES

Note #1 (Applicant Address Information): Following finalization of the transfer, mail should be sent to the facility at 600 High Avenue, Endicott, NY 13760.

Note #2 (Other Professionals Involved in the Project): **APPLICANT'S FINANCIAL ADVISOR--Walter Reidy,** Senior Vice President, Century Health Capital, Inc., 18 Division Street, Suite 309, Saratoga Springs, NY 12866. Telephone: 1-518-583-1667.

Note #3 (Employment Impact Broome County): Year 1 jobs (full + part time) are projected to be 286, with a total payroll of \$6,475,088; at the end of Year 3, the job count is projected to be 292 (i.e., new jobs within three years are estimated to be +6). At the end of Year 3, payroll is expected to have risen to \$6,609,319—an increase of \$134,231.

UHS reports that, in 2017, its payroll expenses for Ideal Senior Living Employees amounted to \$6.8 million.

Year 1 and Year 3 staffing levels are based on the Applicant's plan to reduce the excess staffing costs experienced by the current operator. The applicant plans to reduce 23 FTEs in in-house Food Service and 4.7 FTEs in in-house Physical Therapy, Occupational Therapy and Speech Therapy, using contract labor instead. However, in nearly all cases, the same local employees will be used by the staffing agency. The advantage of using contract employees is the greater efficiencies gained where large numbers of food workers and therapists are overseen by managers with specialized expertise. In the case of food workers, it also provides the ability to satisfy specialized dietary needs—including religious requirements (e.g., Kosher and Halal food). Using contract employees in this way, especially for these two specialties (food workers and therapists), is now a common practice in the nursing home/senior living community.

## MANAGEMENT OF APPLICANT

List all owners, directors and partners

NAME AND HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
Un Koenig 22 Parker Blvd Monsey, NY 10952	Managing Member (60%)	Senior care facilities
Efram Stad 32 Manner Way Monsey, NY 10952	Managing Member (39.9%)	ditto
David Camerota 35 Caperdo Dr. Whitesboro, NY 13482	Member (0.1%)	ditto

WITHIN THE PAST FIVE YEARS HAS THE APPLICANT, ANY AFFILIATE, ANY PREDECESSOR COMPANY OR ENTITY, OWNER, DIRECTOR, OFFICER, PARTNER OR ANY CONTRACTOR AFFILIATED WITH THE PROPOSED PROJECT BEEN THE SUBJECT OF:

1. an indictment, judgment, conviction, or a grant of immunity, including pending actions, for any business-related conduct constituting a crime? YES ☐ NO ☒
2. a government suspension or debarment, rejection of any bid or disapproval of any proposed contract, including pending actions, or for lack of responsibility? YES ☐ NO ☒
3. any final governmental determination of a violation of any public works law or regulation, or labor law regulation? YES ☐ NO ☒
4. a consent order with the NYS Dept. of Environmental Conservation? YES ☐ NO ☒
5. an unsatisfied judgment, injunction or lien for any business-related conduct obtained by any federal, state or local government agency including, but not limited to, judgments based on taxes owed and fines and penalties assessed? YES ☐ NO ☒
6. Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated in a bankruptcy? YES ☐ NO ☒

IF THE ANSWER TO ANY QUESTION 1 THROUGH 6 ABOVE IS YES, PLEASE FURNISH DETAILS ON A SEPARATE ATTACHMENT.

IS THE APPLICANT PUBLICLY HELD? YES ☐ NO ☒ LIST EXCHANGES WHERE STOCK IS TRADED AND LIST ALL STOCKHOLDERS HAVING A 5% OR MORE INTEREST IN THE APPLICANT

NAME	ADDRESS	PERCENTAGE OF HOLDING
N/A		

APPLICANT'S PRINCIPAL BANK(S) OF ACCOUNT M&T Bank

68 Exchange Street, Binghamton, NY 13901

### PROJECT DATA

1. Attach a complete narrative description of Project including location, proposed product lines and market projections, square feet by usage, type of construction, machinery for products, machinery for building, office and parking

2. Attach a photo of the site or existing facility to be improved.

3. Attach copies of preliminary plans or sketches of proposed construction or floor plan of existing facility.

4. Are utilities on site or must they be brought in? If so, which ones?

All necessary utilities are on site; there is no proposed construction, except for planned renovations and repairs

5. Who presently is legal owner of building or site? Most Senior Living Center, Inc. & Most Senior Living Center Housing Corporation (both currently owned and operated by UHS)

6. Is there a purchase option in force or other legal or common control in the project?  
If so, furnish details in a separate attachment.

☐ YES ☒ NO

Is there an existing or proposed lease for all or a portion of the project?

☐ YES ☒ NO

7. If applicant will not occupy 100% of the building in a real estate related transaction, provide information on tenant(s) on a separate sheet including: name, present address, employer fed. ID no., percentage of project to be leased, type of business organization, relationship to applicant, date and term of lease.

8. Is owner or tenant(s) responsible for payment of real property taxes? OWNER lease is triple-net TENANT X

9. Zoning district in which Project is located Urban Multi-Family

10. Are there any variances or special permits required? If yes, please explain:

YES ☐ NO ☒

11. Will the completion of the Project result in the removal of a plant or facility of the Applicant or another proposed occupant of the project from one area of the State of New York to another area of the State? If yes, please explain:

YES ☐ NO ☒

N/A

12. Will the completion of the Project result in the abandonment/disposal of one or more plants or facilities of the Applicant located in New York state? If yes, please explain:

YES ☐ NO ☒

N/A

\*The Agency is required to notify the Chief Executive Officer or Officers of the municipality or municipalities in which the facility or plant is located.

**Narrative Description of Project**

Pursuant to an Asset Purchase Agreement dated Sept. 5, 2017 and Amended on Jan. 25, 2018 [First Amendment] and July 17, 2019 [Second Amendment] (APA), **ISLACF, LLC**, doing business as The Pavilion at Ideal Commons, agreed to purchase the following Adult Home (AH), Assisted Living Program (ALP), and licensed home health care (LHCSA) assets, and to take over operations, from Ideal Senior Living Center and Ideal Senior Living Center Housing Corporation, located at 600 and 601 High Avenue, Endicott, New York:

- 70-bed AH
- 35-bed ALP
- 150-bed Residential Health Care Facility (RHCF)—d/b/a Ideal Senior Living Center, Inc.

**600 High Avenue, LLC** will lease the RHCF for 40 years to **ISLRNC, LLC** and the ACF and independent living apartments to **ISLACF, LLC**. **ISLRNC** and **ISLACF** are related entities having common ownership. The lease payment is \$67,489 per month (\$809,868 annually).

For purposes of this IDA PILOT application, **ISLACF, LLC** and **ISLRNC, LLC** will be the new Operators of The Pavilion and the Senior Living Center. And **600 High Avenue, LLC** will be the new Owner of the real property. “The Applicant” is **600 High Avenue, LLC** and any related entity to be named later.

**ISLACF, LLC** has submitted to DOH an ACF Common Application for approval to become the new operator of Ideal Senior Living Center, and an Application for Home Care Licensure for Public Health and Health Planning Council approval to become the new operator of Ideal Senior Living Center Housing Corporation. A Certificate of Need (CON) application has been separately submitted to DOH by **ISLRNC, LLC**, seeking approval to become the new operator of Ideal Senior Living Center. The CON application was approved by DOH on April 15, 2019.

The three owners (members) of **ISLACF, LLC** and **ISLRNC, LLC** are Uri Koenig (60%), Efraim Steif (39.9%), and David Camerota (0.1%), with Messrs. Koenig and Steif as the initial managing members of these entities as well as of the LHCSA.

The Pavilion at Ideal Commons will continue to serve elderly residents of Broome County (as well as Chenango and Tioga Counties) in need of assistance.

IDEAL SENIOR LIVING CENTER PILOT APPLICATION

PROPOSED DEVIATED PILOT AND JUSTIFICATION

1. The original assessment for the Ideal property was **\$48.7M**. This assessment bore no relation to the actual value of the property and was allowed to get to this level because it was never challenged. There was no motivation to challenge the assessment in the past because the property was paying no taxes while it was owned and operated by tax-exempt entities.
2. This assessed valuation was reduced by the Town of Union Assessor to **\$14M**, which translates into a projected real estate tax liability of approximately **\$723,000**.
3. Under the Asset Purchase Agreement, as twice Amended, by which the Applicant proposed to acquire the assets and take over the operations of the Ideal Senior Living Center and associated facilities, the total purchase price is **\$11M** (reduced from \$13M+ in the original Agreement)—which includes not only the real estate of the facility, but the operations of all of its components—i.e., the 150 beds of the Skilled Nursing Home (SNF), the 70 beds of the Adult Care Facility (ACF), their related operating certificates (including a Licensed Home Care Services Agency) and the 33 units of the Independent Living facility. In other words, the value of the real estate (based on the Arms-Length negotiations between a willing Buyer and Seller) is significantly less than the overall **\$11M** purchase price. This is underscored by the fact that Ideal's current owners incurred expenses in recent years that exceeded revenues by a substantial amount—losing over \$7M since 2016, including \$3.5M in 2018 alone). An operation that was incurring significant operating losses under no tax burden would be crushed by the imposition of a \$700+K annual tax load.
4. It is important to recognize the Ideal Senior Living Campus serves as both a significant employer in the community as well as a source of affordable housing and healthcare for the community's low-income, frail, elderly population. The long-term financial feasibility of this project is critically important to both job preservation at the Ideal campus as well as the preservation of affordable housing. For instance, if substantial further tax abatements cannot be obtained, it is unlikely that the Applicant would be able to continue the practice of the current non-profit owners (UHS) of operating 25% of the Independent Living units for low-income seniors. Alternatively, the Applicant could be forced to split off the Independent Living facility and sell it to a not-for-profit Housing Development Fund Company that could potentially be statutorily exempt from real estate taxes.
5. In addition to the \$11M purchase price, the Applicant now anticipates making a number of improvements to the Physical Plant of the Facility, totaling more than \$1.2M (estimated at **\$1.212M**). These will include a roof replacement and upgrades to mechanical systems, building interiors, and Information Technology. In addition to these capital improvements, funding will be earmarked for any capital improvements needed based upon damage, repairs, end of useful life of equipment, and upgrades required to maintain certifications. Although this funding commitment is not part of the consideration for the asset purchase and will not be effectuated until after ownership changes hands, these capital expenditures can be considered part of an overall Project capital commitment of **\$12.212M**.

6. It is important to recognize that the Ideal Senior Living Campus serves as both a significant employer in the community and a source of affordable housing and healthcare for the community's low-income, frail, elderly population. The long-term financial feasibility of this project is critically important to both job preservation at the Ideal Campus and the preservation of affordable housing. Without the approval of a deviated PILOT, as proposed, the overall Project would no longer be economically viable.
7. In marked contrast to a potential annual property tax of more than \$700,000 at the end of a 20-year PILOT term, the Applicant has estimated that viable, sustainable property tax levels for this facility would have to be no higher than \$225K to \$250K [i.e., ~\$150K for the nursing home and ~\$75K for the adult care and independent living facilities]—based on the high-proportion of Medicaid beds, the existing disparity between revenues and expenses, and the inability to pass higher taxes onto patients and tenants without pricing itself out of the market.
8. **\$150K** in annual property taxes for the 150-bed SNF amounts to \$1,000 per bed. This compares favorably to the average tax per bed of \$1,135 at three comparable nursing homes operated by Upstate Services Group Affiliates:
  - a. Cortland (\$845/bed; 120 beds)
  - b. Rome/Colonial (\$976/bed; 80 beds); and
  - c. Bridgewater (\$1,584/bed; 356 beds).

Ideal's Adult Care Facility/ACF can only affordably support \$75,000/year (an average of \$728/bed), based on lesser reimbursement rates. Total affordable property taxes = **\$225,000/year**—but not until the end of a 20-year PILOT term of reduced tax payments to erase multi-million-dollar losses in recent years by the current owners and to restore the Facility to profitability.

9. The Agency's "Uniform Tax Exemption Policy" offers little benefit to the Applicant. Since this Project is the "Purchase of Existing Facilities." With no new development and a modest amount of physical improvements to the premises, all that the Uniform Policy would offer is a 10-year PILOT, as follows: 3-year freeze of the level of taxes in place at the time of purchase (presumably, at the new, unaffordable \$700K+ level), followed by a 50% abatement of any tax *increases* in years 4 and 5, reducing to a 25% abatement in any tax *increases* in the final 5 years (years 6-10).
10. An affordable and sustainable deviated PILOT would have the following suggested components:
  - a) A term of at least 20 or 25 years to give the new operators sufficient time to introduce operational efficiencies and gradually improve the project's financial performance. Once again, the project is currently experiencing significant operating losses with no real estate tax expense.
  - b) Years 1-6: Taxes frozen at \$65,000/yr
  - c) Years 7-11: Taxes frozen at \$78,000/yr
  - d) Years 12-15: Taxes frozen at \$93,600/yr
  - e) Years 16-20: Taxes frozen at \$112,230/yr
  - f) Years 21 and beyond: Assessed Value as agreed or determined.

13. If the answer to question 11 or 12 is yes, indicate whether any of the following apply to the Project:

A. Is the Project reasonably necessary to preserve the competitive position of the Applicant or such Project Occupant? If yes, please explain: YES NO

N/A

B. Is the Project reasonably necessary to discourage the Applicant or such Project Occupant from relocating outside of New York state? If yes, please explain: YES NO

N/A

14. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities? If yes, please explain: YES NO

N/A

15. If the answer to question 14 is yes, what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project? N/A %

16. If the answer to question 14 is yes, and the answer to question 15 is more than 33.33%, indicate whether any of the following apply to the Project:

A. Will the Project be operated by a not-for-profit corporation? If yes, please explain YES NO

N/A

B. Will the Project likely attract a significant number of visitors from outside the economic development region in which the Project will be located? If yes, please explain: YES NO

N/A

C. Would the Project Occupant, but for the contemplated financial assistance from The Agency, locate the related jobs outside New York state? If yes, please explain YES NO

N/A

D. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services? If yes, please explain: YES NO

N/A

E. Will the Project be located in one of the following: 1) an area designed as an economic development zone pursuant to Article 18-B of the General Municipal Law; or 2) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most Recent census data, has a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance; and 3) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates? If yes, please explain:

YES

NO

N/A

F. If the answers to any of subdivisions c. through e. of question 16 is yes, will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?

YES

NO

N/A

17. Please indicate all other local agencies, boards, authorities, districts, commissions or governing bodies (including any federal, city, county and other political subdivision of the State of New York and all state departments, agencies, boards, public benefit corporations, public authorities or commissions) involved in approving or funding or directly undertaking action with respect to the Project. For example, do you need a municipal building permit to undertake the Project? State Historic Preservation? Do you need a zoning approval to undertake the Project? If so, you would list the appropriate municipal building department or planning or zoning commission which would give said approvals.

NYSDOH Certificate of Need (CON). Approved (for ISLRNC, LLC as the new operator of the ~~Ideal Senior Living Center~~) as of April 15, 2019.  
*150-bed skilled nursing facility*

18. Describe the nature of the involvement of the federal, state or local agencies described above:

Oversight of nursing homes and assisted living facilities.

19. Has construction work on this project begun? If yes, please discuss in detail the approximate extent of construction and the extent of completion. Indicate in your answer whether such specific steps have been completed as site clearance and preparation, completion of foundations, installation of footings, etc.

YES

☒

NO

The "Project" consists primarily of the purchase of the existing Nursing Home and Assisted Living Facility. It is anticipated that \$1.2M+/- in physical plant improvements will be made to the facility after change in ownership--mostly in the first year.

20. Please indicate amount of funds expended on this Project by the Applicant in the past three (3) years and the purposes of such expenditures:

Only soft costs associated with negotiation of an Asset Purchase Agreement and two Amendments and securing DOH approval of a CON. These were paid by Upstate Services Group, LLC (on behalf of the Applicant) prior to consummation of the asset transfer to the Applicant. As of November 2018, this amount totaled \$162,978.

## PROJECT BENEFITS/COSTS

1. NAME OF PROJECT BENEFICIARY ("APPLICANT"): 600 High Ave. Realty, LLC and/or any related entity to be named later

### 2. ESTIMATED AMOUNT OF PROJECT BENEFITS SOUGHT:

A. Amount of Bonds Sought	\$	
B. Value of Sales Tax Exemption Sought	\$	122,400.00
C. Value of Real Property Tax Exemption Sought	\$	13,555,890.00
D. Value of Mortgage Recording Tax Exemption Sought	\$	84,000.00
E. Interest Savings IRB Issue	\$	

### 3. SOURCES AND USES OF FUNDS:

Financing Sources	
Equity	\$
Local Banks	\$ 8,400,000.00
Seller Financing	\$ 2,500,000.00
Upfront Buyer Outlays	\$ 1,902,878.00
	\$
	\$
<b>TOTAL</b>	<b>\$ 12,802,878.00</b>

Application of Funds	
Land	\$ 250,000.00
Building Acquisition/Construction	\$ 8,500,000.00
Expansion/Renovation	\$ 1,250,000.00
Machinery & Equipment	\$ 750,000.00
Working Capital	\$ 1,500,000.00
Other	\$ 552,878.00
<b>TOTAL</b>	<b>\$ 12,802,878.00</b>

#### Project Description:

"Local Banks"= HUD Loan (est.)

"Upfront Buyer Outlays" = Professional, Consulting and other fees (no including IDA Fees) plus Cash/Letter of Credit (could be higher based on HUD requirements)

"Working Capital" = Goodwill

"Other" = Total Professional Service costs and other fees (not including IDA Fees)

"Machinery & Equipment" = includes Furniture & Fixture Costs

#### NEXT PAGE:

4.E. "Working Capital Costs" = Goodwill

4.F.4. "Other service-related costs" =includes Professional Fees of \$90,345 and Financing and other service-related fees of \$462,553.

4.H.5 "Total Working Capital Costs" = Total Goodwill Costs

#### 4. PROJECTED PROJECT INVESTMENT:

<b>A. Building and Land Related Costs</b>		\$ 250,000.00
1. Land acquisition		\$ 8,500,000.00
2. Acquisition of existing structures		\$ 1,250,000.00
3. Renovation of existing structures		\$
4. New construction		\$
<b>C. Machinery and Equipment Costs</b>		\$ 300,000.00
<b>D. Furniture and Fixture Costs</b>		\$ 450,000.00
<b>E. Working Capital Costs</b>		\$ 1,500,000.00
<b>F. Professional Services/Development Costs</b>		
1. Architecture and Engineering		\$
2. Accounting/legal		\$ 90,345.00
3. Development Fee		\$
4. Other service-related costs (describe)		\$ 462,533.00
<b>G. Other Costs</b>		\$
<b>H. Summary of Expenditures</b>		
1. Total Land-Related Costs		\$ 250,000.00
2. Total Building-Related Costs		\$ 9,750,000.00
3. Total Machinery and Equipment Costs		\$ 300,000.00
4. Total Furniture and Fixture Costs		\$ 450,000.00
5. Total Working Capital Costs		\$ 1,500,000.00
6. Total Professional Services/Development Costs		\$ 552,878.00
7. Total Other Costs		\$
<hr/>		
<b>TOTAL PROJECT COST</b>		\$ 12,802,878.00
<b>AGENCY FEE 1%</b> (1% OF PROJECT COST)		\$ 128,029.00
<b>TOTAL PROJECT EXPENDITURES</b>		\$ 12,903,907.00

Have any of the above expenditures already been made by the applicant?  
If yes, please provide details:

☒ YES ☐ NO

Please list any non-financial public benefits that the project will provide:

(1) It is the source of significant affordable housing in the community in the form of Medicaid and other low-income services (which it plans to expand); (2) it is a critical resource providing care to the community's frail, elderly population; (3) job preservation; (4) restoring a money-losing facility to fiscal solvency and sustainability; (5) 25% of the Independent Living units have historically been operated for low-income residents; (6) the Project will restore to the tax rolls a facility that is currently, and has long been tax-exempt, without increasing the burdens on any of the local taxing jurisdictions.

As a significant side benefit of the transfer of ownership from a UHS affiliate to 600 High Avenue, LLC, that it will stem multi-million-dollar annual losses to UHS because of deficits incurred by Ideal (amounting to more than \$15 million) over the last 8 years, with an additional loss of \$3 to \$4M this year, as attested to by John Carrigg, UHS President and CEO at the Village of Endicott special meeting convened on 9/26/2019. Consummation of the asset transfer to 600 High Avenue, LLC, will save UHS millions of dollars in annual losses that can be used to hire more medical staff and to augment its services to the communities UHS serves.

## PROJECTED CONSTRUCTION EMPLOYMENT IMPACT

Please provide estimates of total construction jobs at the Project:

YEAR	CONSTRUCTION JOBS (Annual wages and benefits \$40,000 and under)	CONSTRUCTION JOBS (Annual wages and benefits over \$40,000)
CURRENT		
YEAR 1		
YEAR 2		
YEAR 3		

Please provide estimates of total annual wages and benefits of total construction jobs at the project:

YEAR	TOTAL ANNUAL WAGES AND BENEFITS
CURRENT	\$
YEAR 1	\$
YEAR 2	\$
YEAR 3	\$

*It is the policy of The Agency/IDA to require the Applicant to use local labor, contractors and suppliers in projects that The Agency/IDA is providing financial assistance for. Please refer to the Appendix A (page 16). Local labor, contractors and suppliers shall be defined as employees and companies residing in the following Counties: Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Tioga, and Tompkins.*

# PROJECTED PERMANENT EMPLOYMENT IMPACT

PROJECTED EMPLOYMENT FIGURES - YEAR ONE	UNDER \$30,000	\$30,000 - \$50,000	\$50,000 - \$75,000	OVER \$75,000	TOTALS
Number of Full-Time Employees (FTE) earning	96	38	17	8	159
Number of Part-Time Employees earning	115	9	3	0	127
					286 Total
Total Payroll For Full-Time Employees	\$ 1,678,826.00	1,481,755.00	841,874.00	666,213.00	4,668,668
Total Payroll For Part-Time Employees	\$ 1,304,389.00	347,369.00	158,662.00	0.00	1,810,420
Total Payroll For All Employees	\$ 2,983,215.00	1,829,124.00	1,000,535.00	666,213.00	6,475,088
PROJECTED EMPLOYMENT FIGURES - YEAR TWO	UNDER \$30,000	\$30,000 - \$50,000	\$50,000 - \$75,000	OVER \$75,000	
Number of Full-Time Employees (FTE) earning	97	38	17	8	160
Number of Part-Time Employees earning	116	10	3	0	129
					289 Total
Total Payroll For Full-Time Employees	\$ 1,695,614.00	1,496,573.00	850,293.00	672,876.00	4,715,356
Total Payroll For Part-Time Employees	\$ 1,317,433.00	350,843.00	160,248.00	0.00	1,828,524
Total Payroll For All Employees	\$ 3,013,147.00	1,847,418.00	1,010,541.00	672,876.00	6,543,880
PROJECTED EMPLOYMENT FIGURES - YEAR THREE	UNDER \$30,000	\$30,000 - \$50,000	\$50,000 - \$75,000	OVER \$75,000	
Number of Full-Time Employees (FTE) earning	98	39	17	8	162
Number of Part-Time Employees earning	117	10	3	0	130
					292 Total
Total Payroll For Full-Time Employees	\$ 1,712,570.00	1,511,539.00	858,796.00	679,604.00	4,762,509
Total Payroll For Part-Time Employees	\$ 1,330,607.00	354,352.00	161,851.00	0.00	1,748,810
Total Payroll For All Employees	\$ 3,043,177.00	1,865,890.00	1,020,648.00	679,604.00	6,609,319
Year 1 - Year 3 Payroll approximately = \$134,231; Year 1 - Year 3 Jobs Delta = +6					

## REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency/**IDA** as follows:

1. **STATEMENT OF NEED:** Applicant affirms that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency, or if not, the applicant will provide a statement indicating the reasons the project should be undertaken by the Agency.
2. **JOB LISTINGS:** Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
3. **FIRST CONSIDERATION FOR EMPLOYMENT:** In accordance with Section 858-b(2) of the New York General Municipal Law, Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency/**IDA**, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
4. **ANNUAL SALES TAX FILINGS:** In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency/**IDA**, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
5. **REGULATORY COMPLIANCE:** Applicant is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws and all provisions of article 18-a of the General Municipal Law.
6. **EMPLOYMENT:** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency/**IDA**, the Applicant agrees to file, or cause to be filed, with the Agency/**IDA**, on an annual basis, reports regarding the number of people employed at the Project site. The Chief Executive Office shall submit to the Agency/**IDA** prior to February 1 of each year, a written certification setting forth
  - Number of full-time employees at the Project location in the preceding calendar year;
  - Number of part-time employees at the Project location in the preceding calendar year;
  - Gross payroll of all employees at the Project location in the preceding calendar year.
7. **RECAPTURE POLICY:** The Agency/**IDA** reserves the right to recapture all or part of any benefits provided to the applicant if any of the following occur:
  - a. The Project Facility as defined in the PILOT/Lease Agreement is sold or closed and the Applicant leaves or departs Broome County.
  - b. There is a significant change in the use of the Project Facility and/or business activities of the Applicant.
  - c. There is a significant reduction in the number of full/part-time jobs at the Project Facility in comparison to what was estimated in the Applicant's Project Application that are not reflective of the Applicant's normal business cycle or national economic conditions.
  - d. The Applicant fails to fully comply with all periodic and/or annual reporting requirements of the Agency/**IDA**, State or Federal government.
  - e. The Applicant failed to achieve any minimal new job creation figures specified by and within the time-frames specified by the Agency/**IDA**.
  - f. Failure of the applicant to make timely PILOT payments.
  - g. Failure to cooperate with Agency personnel in providing data of project progress.
  - h. The applicant has committed a material violation of the terms & conditions of a project agreement.
  - i. The applicant has committed a material violation of the terms & conditions of the sales and use tax exemption benefit.

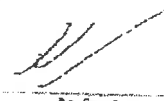
**II. ABSENCE OF CONFLICTS OF INTEREST:** The Applicant has reviewed from the Agency/ SDA a list of the members, officers and employees, which is publicly viewable at [www.theagency-ny.com](http://www.theagency-ny.com). No member, officer or employee of the Agency/SDA has an interest, whether direct or indirect, in a transaction contemplated by this Application, except as hereinafter described:

There are no conflicts.

**9. APPARENT CONFLICTS:** Has the Applicant provided any personal gifts, loans or campaign contributions to any local or State political party or elected individual in the preceding 12 months? YES ☐ NO ☒ IF YES, PLEASE DESCRIBE:

**10. FEES:** This Application must be submitted with a non-refundable \$1,000 application fee to the Agency/SDA.

The Agency/SDA has established a general Agency fee in the amount of 1% of the total cost of the project. The Agency/SDA will charge annually an administrative fee of \$1,500 to cover ongoing compliance and oversight; the fee shall be payable January 1 of each year until all financing documents shall terminate and be discharged and satisfied.

  
\_\_\_\_\_  
Applicant

By: Efraim Sklar

Title: member

## DOCUMENT LISTS

(A copy of this list should be provided to Applicant's legal counsel)

Please ensure that the following items are delivered with the application:

- |  |   |    |
|--|---|----|
| 1. A \$1,000 Application Fee. _____              | <input checked="" type="checkbox"/> YES | NO |
| 2. An EAF (Environmental Assessment Form). _____ | <input checked="" type="checkbox"/> YES | NO |
| 3. Have financing arrangements been made _____   | <input checked="" type="checkbox"/> YES | NO |

**Prior to the closing of this transaction, Applicant shall deliver the following documentation (where applicable to the project) to The Agency/IDA's legal counsel:**

- |     |   |     |    |
|-----|---|-----|----|
| 1.  | Insurance Certificate<br>Certificate of Worker's Compensation Insurance (The Agency/IDA named as additional insured). _____   | YES | NO |
|     | Certificate of General Liability Insurance (The Agency/IDA named as additional insured) Limits not less than \$1,000,000 per occurrence/accident and a blanket excess liability not less than \$3,000,000. _____  | YES | NO |
|     | Certificate of insurance against loss/damage by fire, lightning or other casualties with a uniform standard extended coverage endorsement in an amount not less than the full replacement value of the Facility (The Agency/IDA named as additional insured). _____ | YES | NO |
| 2.  | Certificate of Incorporation/Articles of Organization together with all amendments or restatements thereto. _____   | YES | NO |
| 3.  | By-Laws/Operating Agreement together with any amendments thereto. _____   | YES | NO |
| 4.  | Good Standing Certificate(s) issued by the State of Incorporation/Organization of the Applicant and NYS. _____  | YES | NO |
| 5.  | Resolutions of the Board of Directors/Members of the Applicant approving the Project. _____   | YES | NO |
| 6.  | List of all Material Pending Litigation of the Applicant. _____   | YES | NO |
| 7.  | List of all Underground Storage Tanks containing Hazardous Materials at the Project. _____  | YES | NO |
| 8.  | List of all Required Environmental Permits for the Project. _____   | YES | NO |
| 9.  | Legal Description of the Project Premises. _____  | YES | NO |
| 10. | Name and title of person signing on behalf of the Applicant. _____  | YES | NO |
| 11. | Copy of the proposed Mortgage (if any). _____   | YES | NO |
| 12. | Applicant's Federal Tax ID Number (EIN). _____  | YES | NO |
| 13. | Tax Map Number of Parcel(s) comprising the Project. _____   | YES | NO |
| 14. | Copy of the Certificate of Occupancy (as soon as available) _____   | YES | NO |

### CERTIFICATION

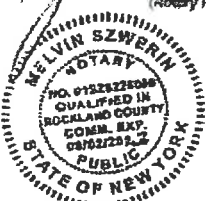
The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentations made in this Application constitute an act of fraud, resulting in revocation of benefits.

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 on any agreements made in connection with the Application.

Applicant hereby releases The Agency/IDA and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency/IDA") from, agrees that the Agency/IDA shall not be liable for and agrees to indemnify, defend and hold the Agency/IDA harmless from and against any and all liability arising from or expense incurred by: (i) the Agency/IDA's administration and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the issue of bonds requested therein are favorably acted upon by the Agency/IDA; and (ii) the Agency/IDA's financing of the Project described therein, 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. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency/IDA or the Applicant are unable to find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency/IDA, its agents or assigns, all actual costs incurred by the Agency/IDA in the processing of the Application, including attorneys' fees, if any.

By: [Signature]  
(Applicant)

Sworn to before me this

28th day of Aug, 2012.  
[Signature]  
(Notary Public)  


## APPENDIX A - ATTACHMENT TO APPLICATION FOR FINANCIAL ASSISTANCE

### Local General Contractor, Subcontractor, Trades and Labor Policy

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

Every applicant is obligated to provide written proof and data (see attached ... forms) to the Agency/IDA as to the physical location of all the contractors who will work on the project.

The Agency/IDA will review the data provided and determine, on a case-by-case basis and in a fully transparent manner, whether the Applicant has substantially conformed to the policy.

An Applicant will not be deficient if the proposed project requires specifically skilled labor that is unavailable in the Local Labor Area.

An Applicant will not be deficient if the proposed project utilizes parts and supplies assembled elsewhere because no such assembly is available in the Local Labor Area.

An Applicant will be held non-compliant with the Labor Policy if it imports labor from outside the Local Labor Area when equal labor that is ready, willing, cost competitive, etc. resides in the Local Labor Area.

*The Agency/IDA may determine on a case-by-case basis to waive any portion of this policy for a project or a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services, documented lack of workers meeting the Local Labor Requirement or if other compelling circumstances exist.*

In consideration of the extension of financial assistance by the Agency/IDA, JOHN RING L.L.C. ROSSACE L.L.C. (ROSS) and Ave Ready L.L.C. (the Applicant) understands the Local Labor Policy and agrees to submit either or both a Local Labor Utilization Report or a Non Local Labor Utilization Report at the time that construction begins on the project to the Agency and as part of a request to extend the valid date of the Agency/IDA's tax-exempt certificate for the Local Senior Living Center (the project).

The Applicant understands an Agency/IDA tax-exempt certificate is valid for 90 days effective the date of the project inducement and extended for 90 day periods thereafter upon request by the Applicant.

The Applicant further understands any request for a waiver to this policy must be submitted in writing and approved by the Agency/IDA before a tax-exempt certificate is issued or extended.

The Applicant further understands that if the required forms are not submitted to the Agency/IDA, the Agency/IDA shall have the authority to immediately terminate any and all Financial Assistance being provided to the Project.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the Project as of 11/20/18 (date).

APPLICANT: (a)ISLRNC,LLC; (b)ISLACF,LLC; and ( ) 600 High Avenue Realty,LLC  
REPRESENTATIVE FOR CONTRACT BIDS/AWARDS: Jack Augenstein  
ADDRESS: 1 Hillcrest Center Drive STE 325  
CITY: Spring Valley STATE: NY ZIP: 10977 PHONE: 845-371-8100  
EMAIL: jaugenstein@usgny.com  
PROJECT ADDRESS: 600 High Avenue, Endicott NY 13760

AUTHORIZED REPRESENTATIVE: Efraim Steif TITLE: Member  
SIGNATURE: 

Sworn to before me this

6 day of November, 2018

  
(Notary Public)



The following organizations must be solicited in writing for the purpose of meeting the requirements of this Agreement:  
\*\*Documentation of solicitation MUST be provided to the Agency

ASSOCIATED BUILDING CONTRACTORS OF THE TRIPLE CITIES  
15 Belden Street  
Binghamton, NY 13903  
607-771-7000  
Info@abcottthetriplicities.com

SOUTHERN TIER BUILDING TRADES COUNCIL  
1200 Clemens Center Parkway  
Elmira, NY 14901  
607-732-1237

BINGHAMTON/ONEONTA BUILDING TRADES COUNCIL  
11 Griswold Street  
Binghamton, NY 13904  
607-723-9593

DODGE REPORTS  
<http://construction.com/dodge/submit-project.asp>

TOMPKINS-CORTLAND BUILDING TRADES COUNCIL  
622 West State Street  
Ithaca, NY 14850  
607-272-3122

**LOCAL LABOR UTILIZATION REPORT**

To be completed for all contractors residing within the Broome County IDA Local Labor Area

APPLICANT:

PROJECT ADDRESS:

CITY:

STATE:

ZIP:

EMAIL:

PHONE:

GENERAL CONTRACTOR/CONSTRUCTION MANAGER:

CONTACT:

ADDRESS:

CITY:

STATE:

ZIP:

EMAIL:

PHONE:

ITEM	CONTRACT/SUB	ADDRESS	EMAIL	PHONE	AMOUNT
Site/Demo					
Foundation/Footings					
Building		NEED TO FILL IN THE TABLES	ON THESE TWO PAGES		
Masonry					
Metals					
Wood/Casework					
Thermal/Moisture					
Doors, Windows & Glazing					
Finishes					
Electrical					
HVAC					
Plumbing					
Specialties					
M&E					
FF & E					
Utilities					
Paving/Landscaping					

CHECK IF CONSTRUCTION IS COMPLETE

CHECK IF THIS IS YOUR FINAL REPORT

I CERTIFY THAT THIS IS AN ACCURATE ACCOUNTING OF THE CONTRACTORS THAT ARE WORKING AT THE PROJECT SITE.

\_\_\_\_\_  
Company Representative\_\_\_\_\_  
Date

**NON LOCAL LABOR UTILIZATION REPORT** To be completed for all contractors not residing within the Broome County IDA Local Labor Area

APPLICANT:

PROJECT ADDRESS:

CITY:

STATE:

ZIP:

EMAIL:

PHONE:

GENERAL CONTRACTOR/CONSTRUCTION MANAGER:

CONTACT:

ADDRESS:

CITY:

STATE:

ZIP:

EMAIL:

PHONE:

ITEM	CONTRACT/SUB	ADDRESS	EMAIL	PHONE	AMOUNT
Site/Demo	Gorrick Construction				
Foundation/Footings					
Building					
Masonry					
Metals					
Wood/Casework					
Thermal/Moisture					
Doors, Windows & Glazing					
Finishes					
Electrical					
HVAC					
Plumbing					
Specialties					
M&E					
FF & E					
Utilities					
Paving/Landscaping					

CHECK IF CONSTRUCTION IS COMPLETE

CHECK IF THIS IS YOUR FINAL REPORT

I CERTIFY THAT THIS IS AN ACCURATE ACCOUNTING OF THE CONTRACTORS THAT ARE WORKING AT THE PROJECT SITE.

\_\_\_\_\_  
Company Representative

\_\_\_\_\_  
Date

Have any of the above expenditures already been made by the applicant?  
If yes, please provide details:

☐ YES ☐ NO

Professional Services/Development expenditures by USG on behalf of the Applicant.

Please list any non-financial public benefits that the project will provide:

(1) It is the source of significant affordable housing in the community in the form of Medicaid and other low-income services (the Applicant plans to further increase the RHCF Medicaid census from 52% (in the 2016 payor mix) to 66%); (2) it is a critical resource providing care to the community's low-income, frail, elderly population (the nursing home's census consists of at least 75% Medicaid and the Adult Care Facility is at least 50% Medicaid); (3) job preservation; (4) restoring a money-losing facility to fiscal solvency and sustainability; (5) "Identified as a critical resource for the community's low-income, frail, elderly population."

### PROJECTED CONSTRUCTION EMPLOYMENT IMPACT

Please provide estimates of total construction jobs at the Project:

YEAR	CONSTRUCTION JOBS	
	(Annual wages and benefits \$40,000 and under)	(Annual wages and benefits over \$40,000)
CURRENT	0.00	0.00
YEAR 1	0.00	0.00
YEAR 2	0.00	0.00
YEAR 3	0.00	0.00

Please provide estimates of total annual wages and benefits of total construction jobs at the project.

YEAR	TOTAL ANNUAL WAGES AND BENEFITS
CURRENT	\$ 0.00
YEAR 1	\$ 0.00
YEAR 2	\$ 0.00
YEAR 3	\$ 0.00

*It is the policy of The Agency/IDA to require the Applicant to use local labor, contractors and suppliers in projects that The Agency/IDA is providing financial assistance for. Please refer to the Appendix A (page 16) Local labor, contractors and suppliers shall be defined as employees and companies residing in the following Counties: Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Tioga, and Tompkins.*

Please list any non-financial public benefits that the project will provide.

(1) It is the source of significant affordable housing in the community in the form of Medicaid and other low-income services [the Applicant plans to further increase the RHCF Medicaid census from 52% (in the 2016 payor mix) to 66%]; (2) it is a critical resource providing care to the community's low-income, frail, elderly population [the nursing home's census consists of at least 75% Medicaid and the Adult Care Facility is at least 50% Medicaid]; (3) job preservation; (4) restoring a money-losing facility to fiscal solvency and sustainability; (5) Ideal historically operated 25% of the Independent Living units for low-income residents [the Applicant may be willing to consider continuing to do so in return for significant real estate tax relief]; (6) the Project will restore to the tax rolls a facility that is currently tax-exempt, without increasing the burdens associated with the facility's operations on any of the local taxing jurisdictions.

# **PROJECTED PERMANENT EMPLOYMENT IMPACT**

PROJECTED EMPLOYMENT FIGURES - YEAR ONE	UNDER \$30,000	\$30,000 - \$50,000	\$50,000 - \$75,000	OVER \$75,000	TOTALS
Number of Full-Time Employees (FTE) earning	96	38	17	8	159
Number of Part-Time Employees earning	115	9	3	0	127
					286 Total
Total Payroll For Full-Time Employees	\$ 1,678,826.00	1,481,755.00	841,874.00	666,213.00	4,664,668
Total Payroll For Part-Time Employees	\$ 1,304,389.00	347,369.00	158,662.00	0.00	1,810,420
Total Payroll For All Employees	\$ 2,983,215.00	1,829,124.00	1,000,535.00	666,213.00	6,475,088

PROJECTED EMPLOYMENT FIGURES - YEAR TWO	UNDER \$30,000	\$30,000 - \$50,000	\$50,000 - \$75,000	OVER \$75,000	
Number of Full-Time Employees (FTE) earning	97	38	17	8	160
Number of Part-Time Employees earning	116	10	3	0	129
					289 Total
Total Payroll For Full-Time Employees	\$ 1,695,614.00	1,496,573.00	850,293.00	672,876.00	4,715,356
Total Payroll For Part-Time Employees	\$ 1,317,433.00	350,843.00	160,248.00	0.00	1,828,524
Total Payroll For All Employees	\$ 3,013,147.00	1,847,416.00	1,010,541.00	672,876.00	6,543,880

PROJECTED EMPLOYMENT FIGURES - YEAR THREE	UNDER \$30,000	\$30,000 - \$50,000	\$50,000 - \$75,000	OVER \$75,000	
Number of Full-Time Employees (FTE) earning	98	39	17	8	162
Number of Part-Time Employees earning	117	10	3	0	130
					292 Total
Total Payroll For Full-Time Employees	\$ 1,712,570.00	1,511,539.00	858,796.00	679,604.00	4,762,509
Total Payroll For Part-Time Employees	\$ 1,330,607.00	354,352.00	161,851.00	0.00	1,746,810
Total Payroll For All Employees	\$ 3,043,177.00	1,865,890.00	1,020,646.00	679,604.00	6,609,319

Year 1 - Year 3 Payroll approximately = \$134,231; Year 1 - Year 3 Jobs Delta = +6

## REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency/IDA as follows:

1. **STATEMENT OF NEED:** Applicant affirms that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency, or if not, the applicant will provide a statement indicating the reasons the project should be undertaken by the Agency.
2. **JOB LISTINGS:** Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
3. **FIRST CONSIDERATION FOR EMPLOYMENT:** In accordance with Section 858-b(2) of the New York General Municipal Law, Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency/IDA, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
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  - Number of full-time employees at the Project location in the preceding calendar year,
  - Number of part-time employees at the Project location in the preceding calendar year,
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  - b. There is a significant change in the use of the Project Facility and/or business activities of the Applicant.
  - c. There is a significant reduction in the number of full/part-time jobs at the Project Facility in comparison to what was estimated in the Applicant's Project Application that are not reflective of the Applicant's normal business cycle or national economic conditions.
  - d. The Applicant fails to fully comply with all periodic and/or annual reporting requirements of the Agency/IDA, State or Federal government.
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  - f. Failure of the applicant to make timely PILOT payments.
  - g. Failure to cooperate with Agency personnel in providing data of project progress.
  - h. The applicant has committed a material violation of the terms & conditions of a project agreement.
  - i. The applicant has committed a material violation of the terms & conditions of the sales and use tax exemption benefit.

**8. ABSENCE OF CONFLICTS OF INTEREST:** The Applicant has reviewed from the Agency/IDA a list of the members, officers and employees, which is publicly viewable at [www.theagency-ny.com](http://www.theagency-ny.com). No member, officer or employee of the Agency/IDA has an interest, whether direct or indirect, in a transaction contemplated by this Application, except as hereinafter described:

There are no conflicts.

**9. APPARENT CONFLICTS:** Has the Applicant provided any personal gifts, loans or campaign contributions to any local or State political party or elected individual in the preceding 12 months?

YES ☐ NO ☒ IF YES, PLEASE DESCRIBE:

**10. FEES:** This Application must be submitted with a non-refundable \$1,000 application fee to the Agency/IDA.

The Agency/IDA has established a general Agency fee in the amount of 1% of the total cost of the project. The Agency/IDA will charge annually an administrative fee of \$1,500 to cover ongoing compliance and oversight; the fee shall be payable January 1 of each year until all financing documents shall terminate and be discharged and satisfied.

  
Applicant

By:

Efron Skit

Title:

Member

## DOCUMENT LISTS

(A copy of this list should be provided to Applicant's legal counsel)

Please ensure that the following items are delivered with the application:

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| 1. A \$1,000 Application Fee. ....             | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 2. An EAF (Environmental Assessment Form).     | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 3. Have financing arrangements been made ..... | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

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- |     |   |                              |                             |
|-----|---|------------------------------|-----------------------------|
| 1.  | Insurance Certificate   |                              |                             |
|     | Certificate of Worker's Compensation Insurance (The Agency/IDA named as additional insured).  | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
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| 4.  | Good Standing Certificate(s) issued by the State of Incorporation/Organization of the Applicant and NYS.  | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
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| 6.  | List of all Material Pending Litigation of the Applicant.   | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
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| 8.  | List of all Required Environmental Permits for the Project.   | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 9.  | Legal Description of the Project Premises.  | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 10. | Name and title of person signing on behalf of the Applicant.  | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 11. | Copy of the proposed Mortgage (if any).   | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 12. | Applicant's Federal Tax ID Number (EIN).  | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 13. | Tax Map Number of Parcel(s) comprising the Project.   | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 14. | Copy of the Certificate of Occupancy (as soon as available)   | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

### CERTIFICATION

The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentations made in this Application constitute an act of fraud, resulting in revocation of benefits.

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 on any agreements made in connection with the Application.

Applicant hereby releases The Agency/IDA and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency/IDA") from, agrees that the Agency/IDA shall not be liable for and agrees to indemnify, defend and hold the Agency/IDA harmless from and against any and all liability arising from or expense incurred by: (i) the Agency/IDA's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the issue of bonds requested therein are favorably acted upon by the Agency/IDA; and (ii) the Agency/IDA's financing of the Project described therein, 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. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withholds, abandons, cancels or neglects the Application, or if the Agency/IDA or the Applicant are unable to find buyers willing to purchase the total bond later requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency/IDA, its agents or assigns, the actual costs incurred by the Agency/IDA in the processing of the Application, including attorneys' fees, if any.

By: \_\_\_\_\_  
(Applicant)

Sworn to before me this

28th day of Aug., 2012.

\_\_\_\_\_  
(Notary Public)



## **APPENDIX A - ATTACHMENT TO APPLICATION FOR FINANCIAL ASSISTANCE**

### **Local General Contractor, Subcontractor, Trades and Labor Policy**

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

Every applicant is obligated to provide written proof and data (see attached ... forms) to the Agency/IDA as to the physical location of all the contractors who will work on the project.

The Agency/IDA will review the data provided and determine, on a case-by-case basis and in a fully transparent manner, whether the Applicant has substantially conformed to the policy.

An Applicant will not be deficient if the proposed project requires specifically skilled labor that is unavailable in the Local Labor Area.

An Applicant will not be deficient if the proposed project utilizes parts and supplies assembled elsewhere because no such assembly is available in the Local Labor Area.

An Applicant will be held non-compliant with the Labor Policy if it imports labor from outside the Local Labor Area when equal labor that is ready, willing, cost competitive, etc. resides in the Local Labor Area.

*The Agency/IDA may determine on a case-by-case basis to waive any portion of this policy for a project or a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services, documented lack of workers meeting the Local Labor Requirement or if other compelling circumstances exist.*


In consideration of the extension of financial assistance by the Agency/IDA, 1015 EHC LLC and BLACE LLC (1002 High Ave. Bldg. LLC) (the Applicant) understands the Local Labor Policy and agrees to submit either or both a Local Labor Utilization Report or a Non Local Labor Utilization Report at the time that construction begins on the project to the Agency and as part of a request to extend the valid date of the Agency/IDA's tax-exempt certificate for the Idol Senior Living Center (the project).

The Applicant understands an Agency/IDA tax-exempt certificate is valid for 90 days effective the date of the project inducement and extended for 90 day periods thereafter upon request by the Applicant.

The Applicant further understands any request for a waiver to this policy must be submitted in writing and approved by the Agency/IDA before a tax-exempt certificate is issued or extended.

The Applicant further understands that if the required forms are not submitted to the Agency/IDA, the Agency/IDA shall have the authority to immediately terminate any and all Financial Assistance being provided to the Project.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the Project as of 11/08/18 (date).

APPLICANT: (a)ISLRNC,LLC; (b)ISLACF,LLC; and ( ) 600 High Avenue Realty,LLC  
 REPRESENTATIVE FOR CONTRACT BIDS/AWARDS: Jack Augenstein  
 ADDRESS: 1 Hillcrest Center Drive STE 325  
 CITY: Spring Valley STATE: NY ZIP: 10977 PHONE: 845-371-8100  
 EMAIL: jaugenstein@usgny.com  
 PROJECT ADDRESS: 600 High Avenue, Endicott NY 13760  
 AUTHORIZED REPRESENTATIVE: Efraim Steif TITLE: Member  
 SIGNATURE: 

Sworn to before me this

6 day of November, 2018

  
 (Notary Public)



The following organizations must be solicited in writing for the purpose of meeting the requirements of this Agreement:  
 \*\*Documentation of solicitation MUST be provided to the Agency

**ASSOCIATED BUILDING CONTRACTORS OF THE TRIPLE CITIES**  
 15 Belden Street  
 Binghamton, NY 13903  
 607-771-7000  
 info@abcofthetriplicities.com

**SOUTHERN TIER BUILDING TRADES COUNCIL**  
 1200 Clemens Center Parkway  
 Elmira, NY 14901  
 607-732-1237

**BINGHAMTON/ONEONTA BUILDING TRADES COUNCIL**  
 11 Griswold Street  
 Binghamton, NY 13904  
 607-723-9593

**DODGE REPORTS**  
<http://construction.com/dodge/submit-project.asp>

**TOMPKINS-CORTLAND BUILDING TRADES COUNCIL**  
 622 West State Street  
 Ithaca, NY 14850  
 607-272-3122

**LOCAL LABOR UTILIZATION REPORT**

To be completed for all contractors residing within the Broome County IDA Local Labor Area

APPLICANT: PROJECT ADDRESS: CITY: STATE: ZIP: EMAIL: PHONE: GENERAL CONTRACTOR/CONSTRUCTION MANAGER: CONTACT: ADDRESS: CITY: STATE: ZIP: EMAIL: PHONE: 

ITEM	CONTRACT/SUB	ADDRESS	EMAIL	PHONE	AMOUNT
Site/Demo					
Foundation/Footings					
Building					
Masonry					
Metals					
Wood/Casework					
Thermal/Moisture					
Doors, Windows & Glazing					
Finishes					
Electrical					
HVAC					
Plumbing					
Specialties					
M&E					
FF & E					
Utilities					
Paving/Landscaping					

CHECK IF CONSTRUCTION IS COMPLETE ☐CHECK IF THIS IS YOUR FINAL REPORT ☐

I CERTIFY THAT THIS IS AN ACCURATE ACCOUNTING OF THE CONTRACTORS THAT ARE WORKING AT THE PROJECT SITE.

\_\_\_\_\_  
Company Representative\_\_\_\_\_  
Date

**NON LOCAL LABOR UTILIZATION REPORT**

To be completed for all contractors not residing within the Broome County IDA Local Labor Area

APPLICANT: PROJECT ADDRESS: CITY: STATE: ZIP: EMAIL: PHONE: GENERAL CONTRACTOR/CONSTRUCTION MANAGER: CONTACT: ADDRESS: CITY: STATE: ZIP: EMAIL: PHONE: 

ITEM	CONTRACT/SUB	ADDRESS	EMAIL	PHONE	AMOUNT
Site/Demo					
Foundation/Footings					
Building					
Masonry					
Metals					
Wood/Casework					
Thermal/Moisture					
Doors, Windows & Glazing					
Finishes					
Electrical					
HVAC					
Plumbing					
Specialties					
M&E					
FF & E					
Utilities					
Paving/Landscaping					

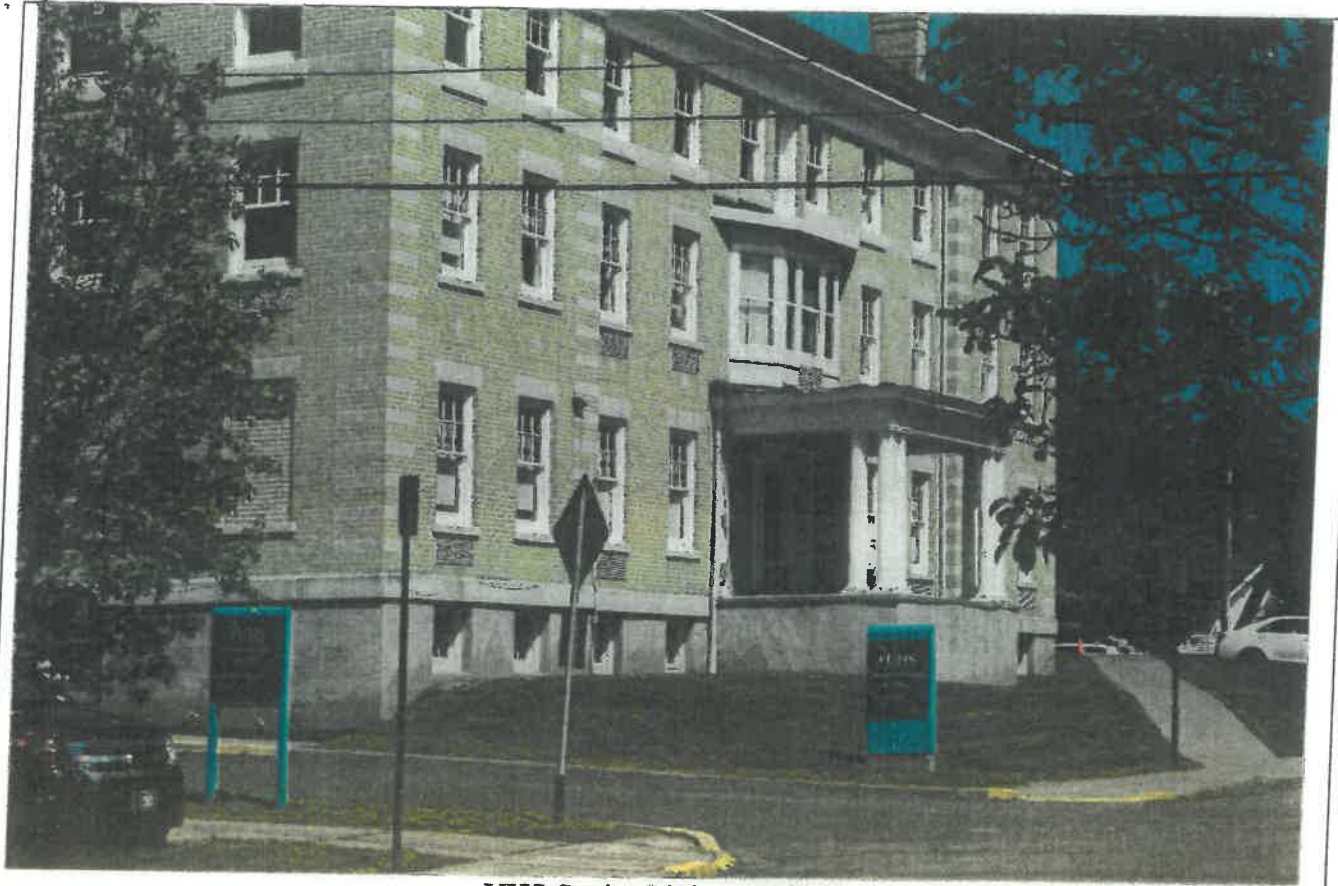
CHECK IF CONSTRUCTION IS COMPLETE ☐CHECK IF THIS IS YOUR FINAL REPORT ☐

I CERTIFY THAT THIS IS AN ACCURATE ACCOUNTING OF THE CONTRACTORS THAT ARE WORKING AT THE PROJECT SITE.

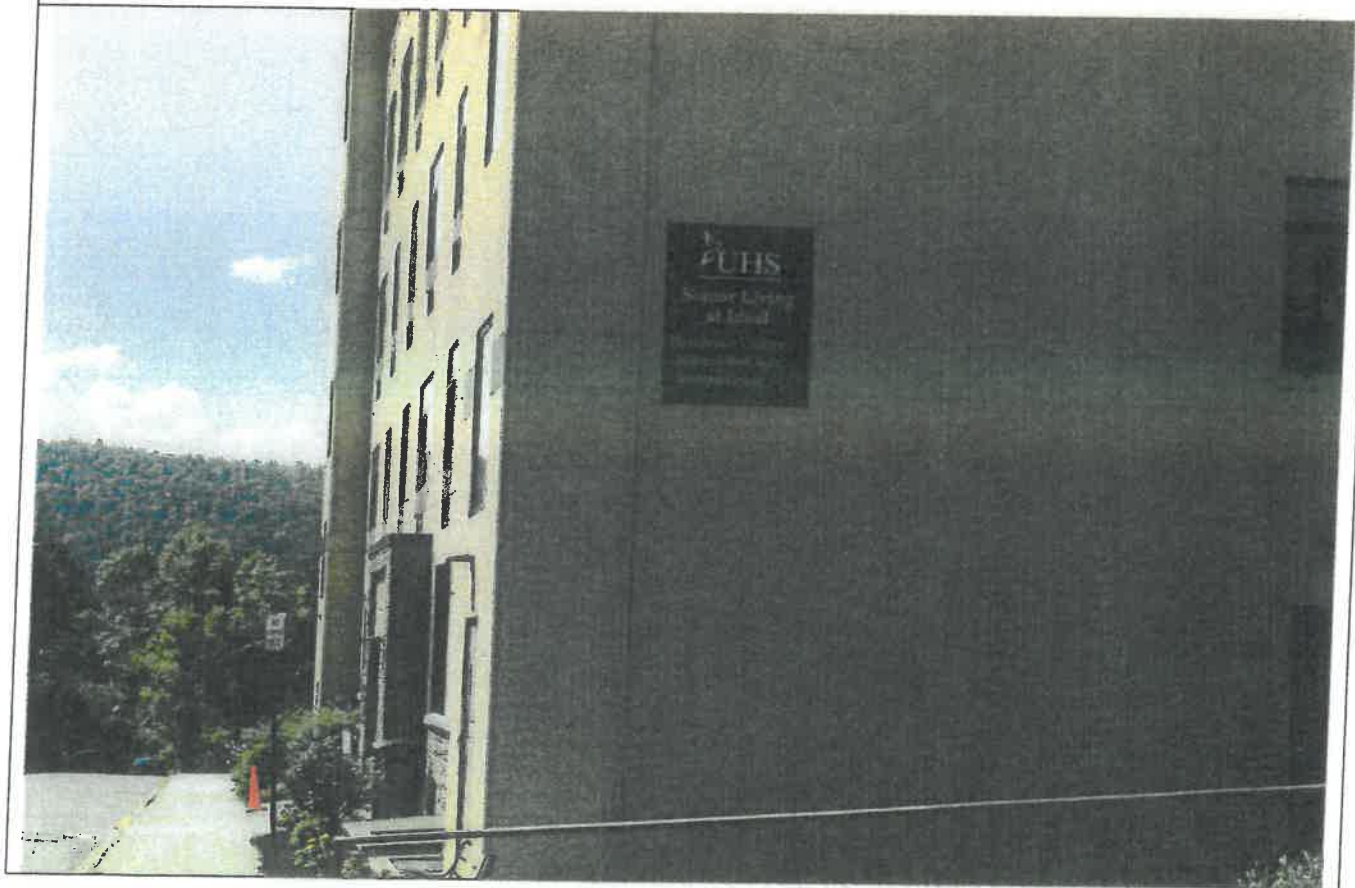
\_\_\_\_\_  
Company Representative\_\_\_\_\_  
Date

**Page 5 – 19**  
**Schedule A**

**ISLC CAMPUS PHOTOS AND MAPS**



UHS Senior Living at Ideal



UHS Senior Living at Ideal: Residence Center, Independent Apartments, Assisted Living



UHS Senior Living at Ideal: Residence Center



UHS Senior Living at Ideal: Residence Center



UHS Senior Living at Ideal: Skilled Nursing Center



UHS Senior Living at Ideal: Skilled Nursing Center



UHS Senior Living at Ideal: Skilled Nursing Center

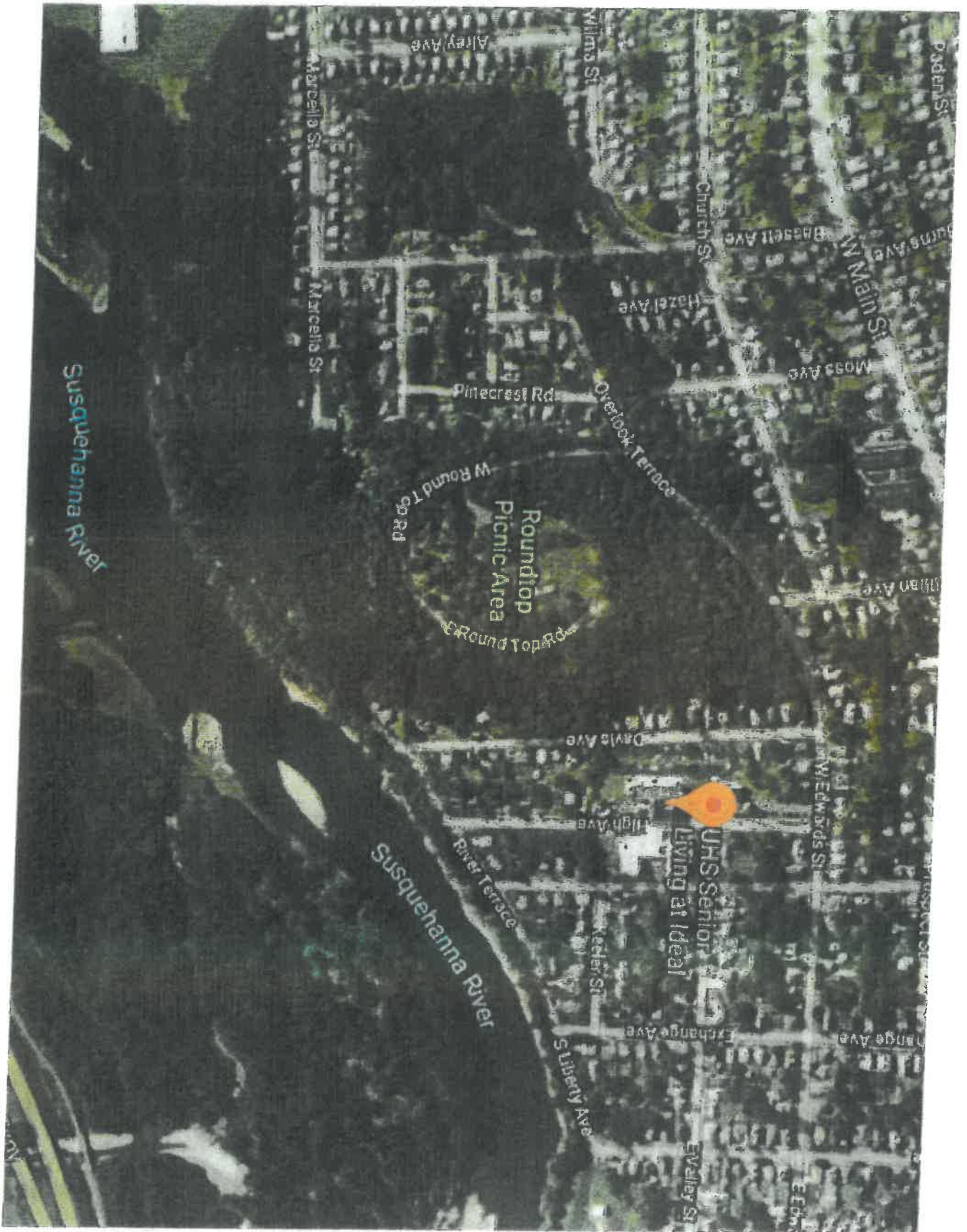


UHS Senior Living at Ideal: Residence Center

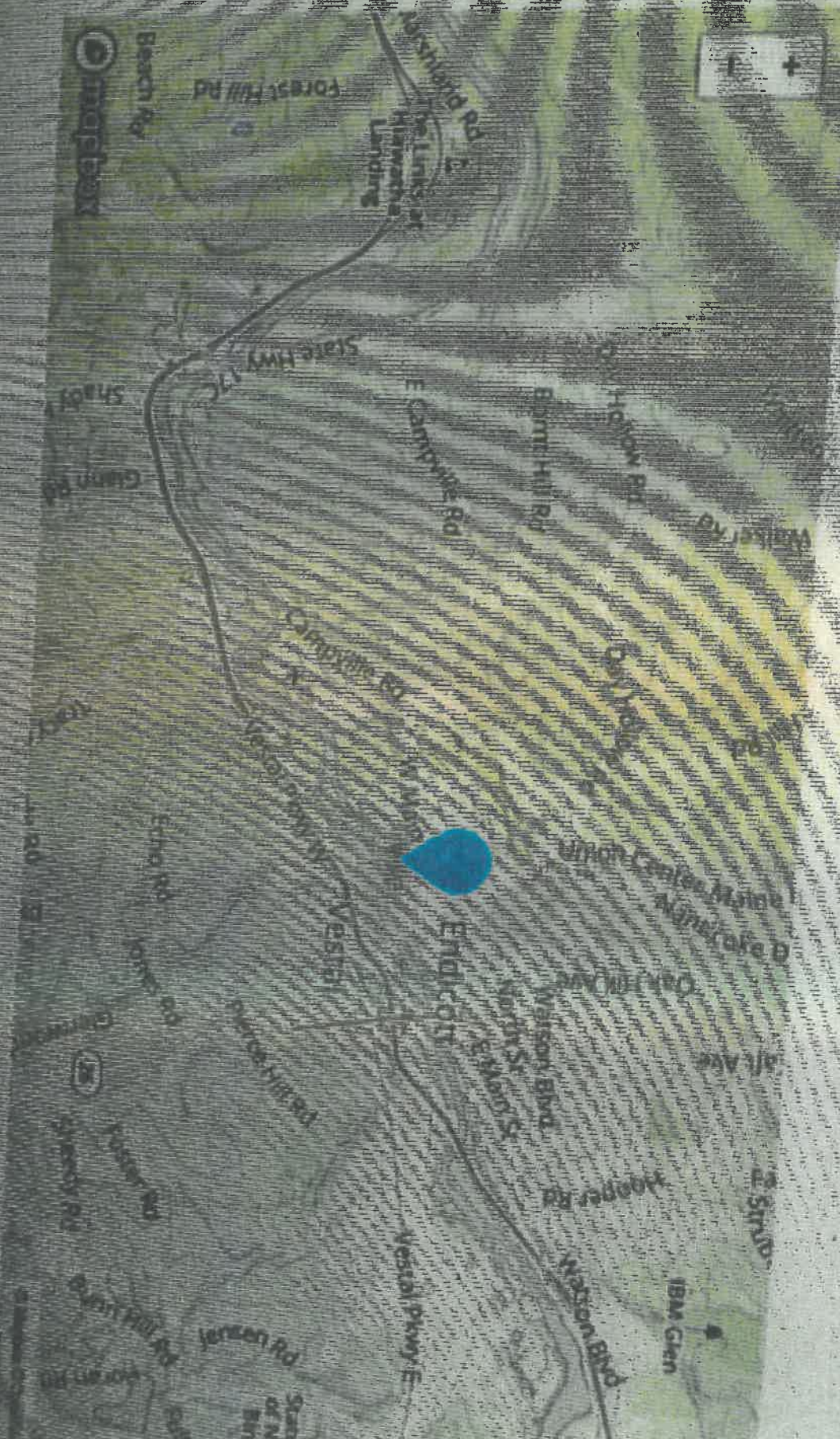
Senior Living Center, Endicott, NY







# Map of Ideal Senior Living Center



**Page 5 – 19**  
**Schedule B**

**ISLC CAMPUS MAP – FLOOR PLAN**



Page 1 – 19

## Short Environmental Assessment Form

## 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>							
Ideal Adult Care Facilities on High Avenue in Endicott, NY							
<b>Name of Action or Project:</b>							
Asset purchase and sale—including license, and permit renewals, where there will be no material changes in the scope of permitted activities							
<b>Project Location (describe, and attach a location map):</b>							
In and Around 600 High Avenue, Endicott, NY (Broome County) 13760							
<b>Brief Description of Proposed Action:</b>							
Purchase and sale of adult care facilities known as The Pavilion at Ideal Commons, including a 70-bed Adult Home and a 35-bed Assisted Living Facility, and also the transfer of the operations of the Ideal Senior Living Center—a related 150-bed Residential Health Care Facility; securing a Certificate of Need (C.O.N.) and other permits and licenses from the NYS Department of Health to allow existing operations to continue; and securing from The Agency (a.k.a., Broome County Industrial Development Agency) a "deviated" Payment in Lieu of Taxes (PILOT) tax abatement to allow sustainable continuation of operations and provision of critical services to senior citizens in Broome County. The project involves no changes to the project footprint and no new construction other than the possible replacement of the roof of the main structure.							
<b>Name of Applicant or Sponsor:</b>		<b>Telephone:</b> 1-845-371-8100					
ISLRNC, LLC; ISLACF, LLC; and 600 High Avenue Realty, LLC (together, Applicant)		<b>E-Mail:</b> jaugenstein@usgny.com					
<b>Address:</b>							
c/o Upstate Services Group, One Hillcrest Center Drive, Suite 325							
<b>City/PO:</b>		<b>State:</b>	<b>Zip Code:</b>				
Spring Valley		NY	10977				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
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.							
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
If Yes, list agency(s) name and permit or approval: NYS Dept. of Health: Certificate of Need, and renewals of other existing approvals							
3.a. Total acreage of the site of the proposed action?		_____ <6.0 acres					
b. Total acreage to be physically disturbed?		_____ 0 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ <6.0 acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): Recreational <input checked="" type="checkbox"/> Parkland							

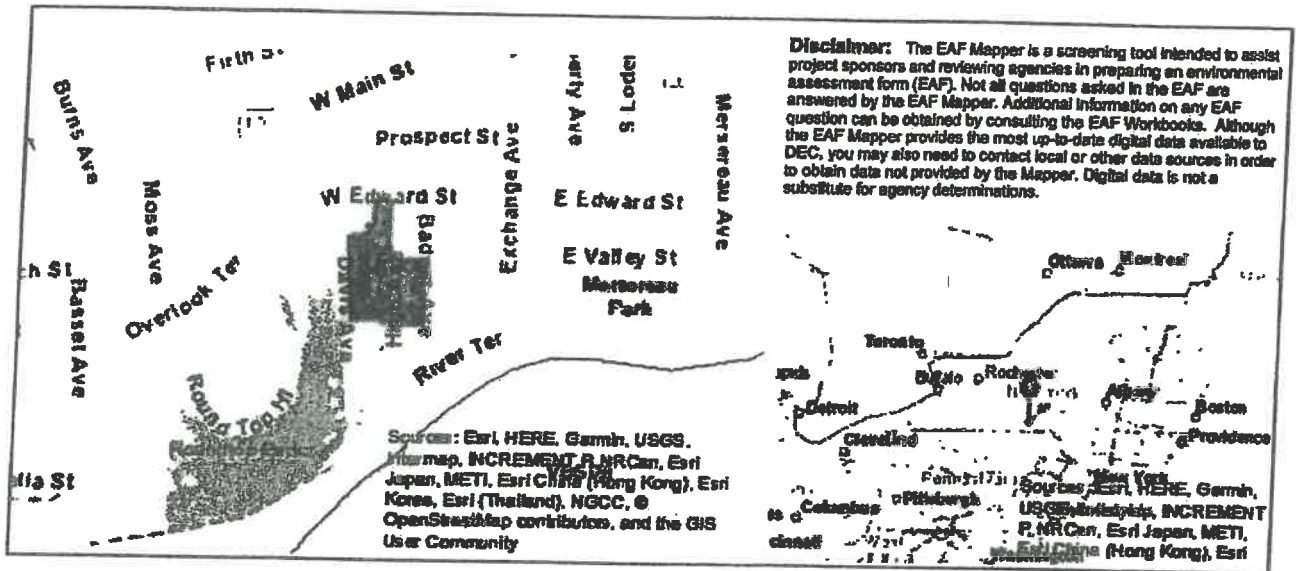
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed 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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" 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?    Bald Eagle	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <input type="checkbox"/> NO <input type="checkbox"/> YES			

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)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<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? If Yes, describe: _____	NO	YES
Project is within 2,000 feet of sites on the NYSDEC Environmental Site Remediation database—DEC I.D. numbers 800168, 704050, and 704038	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>ESAIM Skt. 5</u>	Date: <u>8/25/18</u>	
Signature: <u>[Signature]</u>		

PRINT FORM

# EAF Mapper Summary Report

Tuesday, July 17, 2018 2:52 PM



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]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Bald Eagle
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	Yes

**Declaration of Lead Agency and Determination of Significance  
For the Purposes of State's Environmental Quality Review Act (SEQRA)**

WHEREAS, the State Environmental Quality Review Act (SEQRA) and its implementing regulations, 6 NYCRR Part 617, require that a lead agency be established for conducting environmental review of Type I projects; and

WHEREAS, SEQRA implementing regulations specify that the lead agency is an involved agency principally responsible for undertaking, funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action, and for the preparation and filing of the statement if one is required; and

WHEREAS, The Agency – Broome County IDA/LDC (The Agency) received funding through Department of Defense to implement the redevelopment of the former BAE Systems facility; and

WHEREAS, The Agency is an involved agency pursuant to SEQRA, with jurisdiction by law to fund, approve or directly undertake the action; and

WHEREAS, the implementation of the redevelopment of the former BAE Systems facility is a Type I Action pursuant to SEQRA, which requires a coordinated SEQRA review among involved agencies; and

WHEREAS, The Agency did, on September 18, 2019, declare its intent to act Lead Agency for the purposes of initiating a coordinated SEQRA review of potential environmental and socio-economic impacts, which could occur from implementation of the site redevelopment; no objections were received from other involved agencies; and

WHEREAS, The Agency has reviewed the Full Environmental Assessment Form prepared for this Action.

NOW THEREFORE BE IT RESOLVED THAT The Agency declares itself Lead Agency for the purposes of initiating a coordinated SEQRA review of potential environmental and socio-economic impacts, which could occur from implementation of the redevelopment of the former BAE Systems facility; and

BE IT FURTHER RESOLVED THAT The Agency finds that the redevelopment of the Former BAE Systems facility may have a significant adverse impact on the environment and a Draft Generic Environmental Impact Statement will be prepared; and

BE IT FURTHER RESOLVED THAT The Agency is hereby authorized and directed to prepare a SEQRA document entitled "Positive Declaration, Notice of Intent to Prepare a Draft Generic Environmental Impact Statement (DGEIS), Determination of Significance".

# Memo

To: Stacey Duncan, Executive Director, The Agency

From: Rachel Bowers, Elan Planning, Design and Landscape Architecture, PLLC

cc: Lisa Nagle, Elan Planning, Design and Landscape Architecture, PLLC  
Natalie Abbadessa, Business and Workforce Development Director, The Agency

Date: REVISED – October 1, 2019

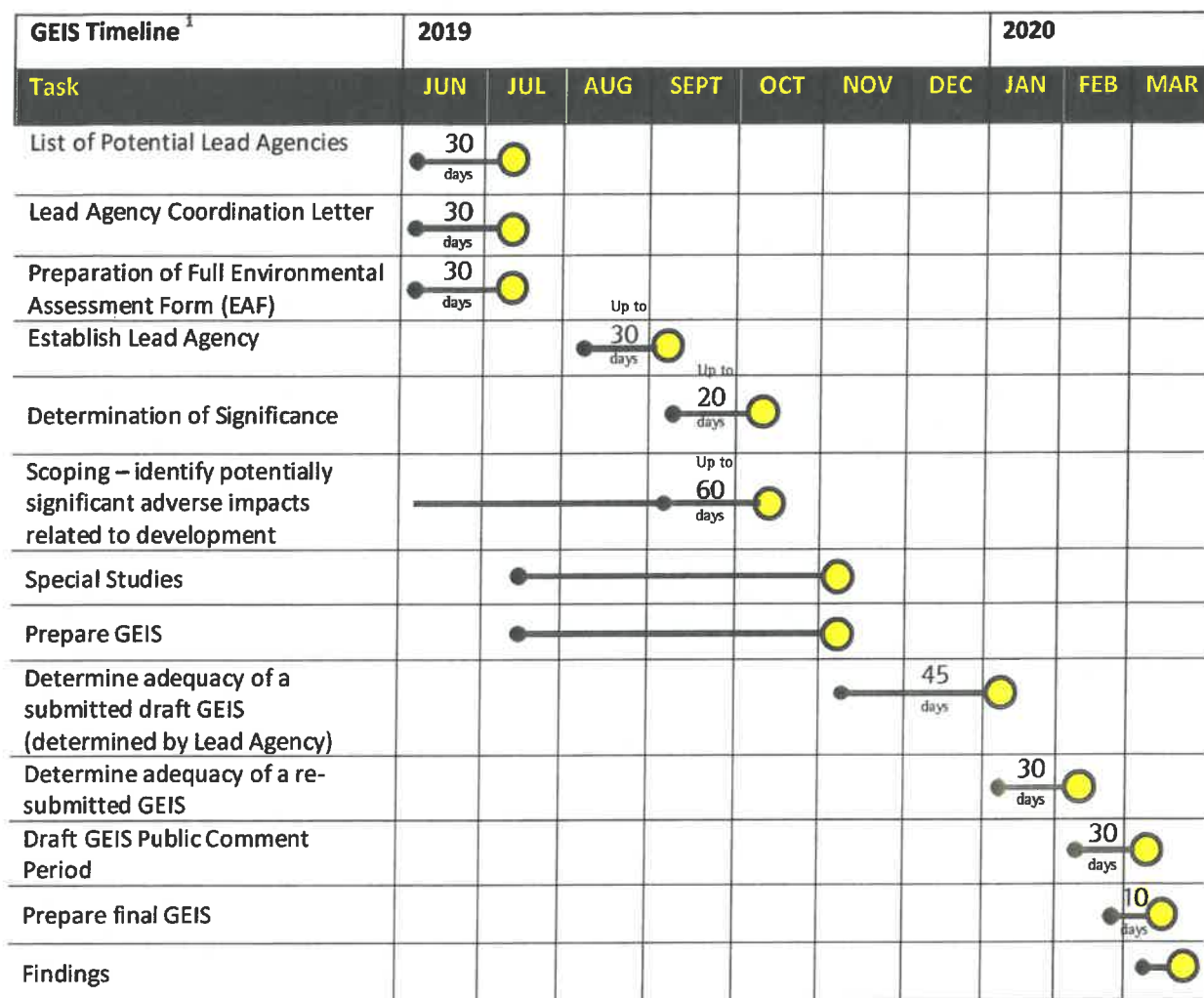
Re: BAE GEIS Schedule

STEP	REQUIRED CALANDER DAYS (as stated in 6 NYCRR Part 617.10 (a))	STARTING DATE	TARGET DATE	FINAL DATE
<b>SEQR Lead Agency Determination Prep</b>				
List of Potential Lead Agencies	30	Monday June 17, 2019	N/A	Tuesday July 16, 2019
Lead Agency Coordination Letter	30	Monday June 17, 2019	N/A	Tuesday July 16, 2019
Preparation of Full Environmental Assessment Form (EAF)	30	Monday June 17, 2019	N/A	Tuesday July 16, 2019
<b>SEQR Timeline</b>				
Establish Lead Agency	Up to 30	Friday August 9, 2019	Friday August 30, 2019	Sunday September 8, 2019
Determination of Significance	Up to 20 <sup>1</sup>	Thursday September 19, 2019	Monday September 30, 2019	Wednesday October 16, 2019
Proposed Action and GEIS (Publish on ENB)	N/A	Thursday October 17, 2019	N/A	Thursday October 17, 2019
Scoping – identify potentially significant adverse impacts related to development. Closely coordinate with Involve and Interested Parties to shorten window	Up to 60	Sunday September 8, 2019	Monday September 30, 2019	Thursday October 17, 2019
Draft Scoping Document Review Period (Publish on	N/A	Thursday October 17, 2019	N/A	Friday October 25, 2019

ENB) — by the Lead Agency and Public				
Additional Board Meeting – Lead Agency	N/A	Wednesday October 30, 2019	N/A	Wednesday October 30, 2019
Final Scoping Document (Publish on ENB) — by the Lead Agency	N/A	Thursday October 31, 2019	N/A	Thursday October 31, 2019
Special Studies	No Set Time Frame	Thursday July 18, 2019	N/A	Friday November 8, 2019
Prepare DGEIS	No Set Time Frame	Thursday July 18, 2019	N/A	Friday November 8, 2019
Meeting with Town of Union (Tentative)	N/A	Tuesday October 15, 2019	N/A	Tuesday October 15, 2019
	N/A	Tuesday October 29, 2019	N/A	Tuesday October 29, 2019
DGEIS Distribution to Lead Agency	N/A	Monday November 11, 2019	N/A	Monday November 11, 2019
Lead Agency DGEIS Acceptance (Publish on ENB)	N/A	Wednesday November 20, 2019	N/A	Wednesday November 20, 2019
Lead Agency Issue DGEIS to Involved Agencies	N/A	Thursday November 21, 2019	N/A	Thursday November 21, 2019
Meeting with Lead Agencies and Involved Agencies	N/A	Tuesday December 10, 2019	N/A	Tuesday December 10, 2019
Determine adequacy of a submitted draft GEIS (Determined by Lead Agency)	45	Friday November 22, 2019	N/A	Monday January 6, 2020
Determine adequacy of a re-submitted GEIS (not required if initial is adequate, most likely required)	30	Monday January 6, 2020	N/A	Wednesday February 5, 2020
GEIS Public Comment Period/Public Hearing	30 (minimum)	Wednesday February 5, 2020	N/A	Friday March 6, 2020
Meeting with Involved Agencies (Tentative)	N/A	Tuesday February 18, 2020	N/A	Tuesday February 18, 2020
Prepare Final GEIS	10 (minimum)	Friday March 6, 2020	N/A	Monday March 16, 2020

<b>Findings – each involved agency must prepare their own findings</b>	<b>Variable (2 weeks)</b>	<b>Monday March 16, 2020</b>	<b>N/A</b>	<b>Monday March 30, 2020</b>
--	---------------------------	------------------------------	------------	------------------------------

<sup>1</sup> For direct actions by an agency where there are no other parties involved, a determination of significance should be made as early as possible (see SEQR Handbook 2019, Chapter 4: Determining Significance, D. Negative Declarations, #10).



<sup>1</sup> Timeline reflects start date and final date

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]  
 Project :   
 Date :

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>		

**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☒ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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#### 4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

☐ NO

☒ YES

(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

#### 5. Impact on Flooding

The proposed action may result in development on lands subject to flooding.

☐ NO

☒ YES

(See Part 1. E.2)

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: Proposed action may result in increased flood depths on the protected side of the levee when the levee is over-topped but protected area not completely flooded



## 6. Impacts on Air

The proposed action may include a state regulated air emission source.  
(See Part 1. D.2.f., D.2.h, D.2.g)



If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

## 7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)



If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b> The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**9. Impact on Aesthetic Resources**

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☒ NO☐ YES

*If "Yes", answer questions a - g. If "No", go to Section 10.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**10. Impact on Historic and Archeological Resources**

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☒ NO☐ YES

*If "Yes", answer questions a - e. If "No", go to Section 11.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.

☐ NO☒ YES

(See Part 1. D.2.j)

*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.

☐ NO☒ YES

(See Part 1. D.2.k)

*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☒ NO☐ YES

(See Part 1. D.2.m., n., and o.)

*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

#### 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☒ YES

*If "Yes", answer questions a - m. If "No", go to Section 17.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)

☐ NO☒ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)

☒ NO☐ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

1. This is a phased, long term project which will result in new development and creating impervious surfaces, increasing the potential for run-off. The new development will also result in an increase demand in water and energy.
2. Work will be done within the floodplain.
3. Work will be done within areas that have undergone remediation activities and require monitoring, insitutional controls will be in place.
4. Work will require a zoning change.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
The Agency - Broome County IDA/LDC as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☒ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Fomer BAE Systems Site at 600 Main Street Redevelopment

Name of Lead Agency: The Agency - Broome County IDA/LDC

Name of Responsible Officer in Lead Agency: Stacy Duncan

Title of Responsible Officer: Executive Director

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Brendan O'Bryan, The Agency - Broome County IDA/LDC

Address: 5 S. College Drive, Binghamton, NY 13905

Telephone Number: (607) 584-9000

E-mail: bjo@theagency-ny.com

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**State Environmental Quality Review Act (SEQRA)**

**DRAFT DGEIS SCOPING DOCUMENT**

**FORMER BAE SYSTEMS SITE at 600 MAIN STREET  
REDEVELOPMENT  
Johnson City, New York**

**SEQRA Classification:** Type I Action

**Lead Agency:** The Agency – Broome County IDA/LDC

**Involved Agencies:** NYS DEC  
NYS DOT  
Town of Union Planning Department  
Town of Union  
Broome County Planning Department  
Village of Johnson City  
Department of Defense  
NYS SHPO  
ACOE

**OCTOBER 2019**

**FORMER BAE SYSTEMS SITE at 600 MAIN STREET REDEVELOPMENT**  
**DRAFT DGEIS SCOPING DOCUMENT**  
**October 2019**

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**FORMER BAE SYSTEMS SITE at 600 MAIN STREET REDEVELOPMENT**  
**DRAFT DGEIS SCOPING DOCUMENT**  
**October 2019**

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**I. EXECUTIVE SUMMARY**

The Agency (Broome County IDA/LDC), as Lead Agency, will prepare the Draft Generic Environmental Impact Statement (DGEIS) pursuant to the New York State Environmental Quality Review Act (SEQR) process outlined in Title 6 of the New York Code of Rules and Regulations (6NYCRR) Part 617, with statutory authority and enabling legislation under Article 8 of the NYS Environmental Conservation Law (ECL). It was determined that the Project would be appropriate for the preparation of a GEIS (Part 617.10 (a)). The DGEIS will assess the environmental, economic, and social impacts of undertaking the Former BAE Systems Site at 600 Main Street Redevelopment project, a proposed development located at 600 Main Street in the hamlet of Westover, town of Union, New York.

In 2017, the Agency hired a consultant to initiate the planning and design process for the redevelopment of the 27-acre project site. In collaboration with Town, Village, and County planning offices; State agencies; and local residents, three (3) redevelopment scenarios have been prepared. The Project design scenarios incorporate green and gray infrastructure, and technological solutions to increase resilience to flooding events, which have historically impacted the site due to its proximity to the Susquehanna River and the Little Choconut Creek. The redevelopment of the site aims to create a vibrant district within the Town and region.

## **II. INTRODUCTION**

### **A. PURPOSE AND SCOPE OF DOCUMENT**

The intent of the Former BAE Systems Site at 600 Main Street Redevelopment project (hereafter referred to as “the Project”) is to create a site with a mix of built, green, and open spaces that can accommodate recreational, commercial, and/or residential uses.

The GEIS will evaluate the potential environmental and socio-economic impacts of the Project and support informed decision making by prospective developers. The GEIS will include a summary of baseline environmental conditions; potential significant, adverse, environmental impacts; possible mitigation strategies; reasonable alternatives; stakeholder, decision maker and public interests; constructability considerations; regulatory issues; and future actions.

### **B. BACKGROUND**

#### **1. History of Uses**

The Project site is a 27-acre parcel at 600 Main Street in the hamlet of Westover, in the town of Union, New York. The site is strategically located near Binghamton University, the Johnson City Health and Cultural District, and the Johnson City iDistrict, with access to the interstate highway system. The property is one of the few remaining large-scale development sites within Broome County’s urban core. The site was severely damaged when the Susquehanna River flooded in September 2011, and flood risk remains the most significant challenge to site redevelopment.

From 1942 to 2011, the Project site housed US Air Force (AF) Plant 59, a government-owned, contractor-operated manufacturing facility. AF Plant 59 was historically manufactured defense-related equipment including aluminum aircraft propellers, flight and fire control components, mechanical systems, and electronic and computer systems. Between 1990 and 2011, the plant was operated first by Lockheed Martin and then by BAE Systems to manufacture avionics and electronic controls.

The Air Force initiated an Installation Restoration Program (IRP) in 1984 to investigate contamination onsite. The IRP report identified two areas of suspected hazardous waste contamination. A summary of site remediation, as found in the United States Department of the Air Force Proposed Plan for Air Force Plant 59 (February 2019), is outlined below:

1. AF Plant 59 added as a Class 2 Site on the NYS DEC Registry of Inactive Hazardous Waste Disposal sites (1987)
2. Groundwater investigations on-site showed concentrations of hazardous materials well above the NYS DEC Ambient Water Quality Standards (AWQS) (1990)
3. Remedial Investigation (RI) of the site found contaminants within the buildings and groundwater (1994)

4. Environmental Baseline Survey (EBS) created to inform a remediation plan for soil and groundwater contaminants within the buildings and surrounding asphalt parking lots (1995)
5. Proposed Plan and Record of Decision (ROD) identified the cleanup of contaminants in the groundwater via an upgrade to the existing treatment facility (1999)
6. Long-term monitoring (LTM) initiated on-site, via monitoring wells, for groundwater (2004)
7. Soil excavation performed in the east basement of the building; soil disposed of off-site and area capped (2005)
8. Vapor Intrusion (VI) RIs performed; findings showed indoor air quality met or exceeded above NYS Department of Health standards (2009-2010)

Damage from Tropical Storm Lee and the associated flooding of the Susquehanna River in 2011 led BAE Systems to vacate AF Plant 59. The plant was subsequently and permanently decommissioned by the US government. In 2014, another Environmental Baseline Survey (EBS) was undertaken to collect data on site contaminants by the US AF. Structures onsite were demolished in 2017 and contaminated soil underneath and adjacent to the buildings was removed. In 2018, property ownership was transferred from the US AF to The Agency – Broome County IDA/LDC who, through the assistance of a design consultant, began a redevelopment plan for the site.

## 2. Geology, Soils and Topography

The geology of the site consists of approximately 75 to 100 feet of stratified, unconsolidated, glacial deposits overlaying glacial till, shale, and siltstone bedrock. The primary land type is cut and fill; the soil is well drained and composed of 95% silty soil types and 5% loam soil types. The site has no bedrock outcroppings and is generally on slopes with a 3% grade or less.

## 3. Groundwater and Surface Water Resources

Two aquifers - one bedrock and one overburden - are in the Susquehanna River Basin near Johnson City. The flow of both aquifers below the Project site is westerly to southwesterly toward the Camden Street well field. The bedrock aquifer provides limited quantities of water, with typical supplies yielding 10 gallons per minute (gpm). The shallow Clinton Street-Ballpark Aquifer ranges in thickness from 80 to 180 feet and groundwater is approximately 14 to 18 feet below the surface. This aquifer is highly productive, yielding 400 to 2,290 gpm, and is used by the Village of Johnson City for municipal and industrial purposes. The Johnson City Water Department operates two production wells located two blocks southwest of the Project site at the Camden Street well field.

Two surface water bodies, the Little Choconut Creek and the Susquehanna River, are within 1,000 feet of the Project site. The Creek borders the site to the east and the south and flows west where it converges with the Susquehanna River. The River is a major regional waterway which supplies municipal water to the City of Binghamton, four miles away from the site.

## 4. Natural Resources

Due to its former industrial use and the remediation of contaminants, the Project site contains no significant terrestrial, riparian or aquatic communities.

## **C. PROJECT DESCRIPTION**

Three (3) redevelopment scenarios were created for the Project site. The scenarios reflect a comprehensive screening process which included stakeholder engagement, market analysis, physical site capacity analysis, a flood mitigation feasibility study, and a financial feasibility study. The three (3) development scenarios are as follows:

1. **Development Scenario A – Mixed-Use: Lodging, Commercial and Residential**

Development Scenario A proposes seven (7) total buildings: five (5) market-rate apartment buildings, one (1) mixed-use building with residential apartments on upper floors and ground floor retail, and one (1) four-story hotel. Additional on-site amenities include a park for passive recreation, a community green, a perimeter fitness trail, and a dog park. The development will be protected from future flood events by an elevated pad and green infrastructure (e.g green roofs) that will help to manage stormwater. Solar panels will generate clean power on-site.

2. **Development Scenario B – Lodging and Flexspace Units**

Development scenario B proposes five (5) total buildings: four (4) flexspace units and one (1) three-story hotel. Additional on-site amenities include a park for passive recreation, a community green, a perimeter fitness trail, and a dog park. The development will be protected from future flood events through an elevated pad and green infrastructure that will help to manage stormwater. Solar panels will generate clean power on-site.

3. **Development Scenario C – Recreational Center**

Development scenario C proposes a recreational center with an outdoor, multi-purpose field and a fitness trail. The development will be protected from future flood events through an elevated pad and green infrastructure that will help to absorb manage stormwater. Solar panels will generate clean power on-site.

## 400 MAIN STREET, UNION, NY

BROOKLYN COUNTY  
600 MAIN ST.BRIDGEMOUNT COUNTY  
600 MAIN ST.  
BRIDGEVILLE, PA 15005  
610-368-1100  
www.bridgemountcounty.org

JOHNSON CITY, NY 12790

Received March 11, 2013

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- 87.13 ACRES WTS
- 2.06 ACRES OF BNC SENSITIVITY
- E-37 ACRES OF PROPOSED ADDITIONAL GFC ESTIMATED
- 13.27 ACRES OF DEVELOPABLE AREA
- 41.29 ACRES OF OVERIMPROVED
- 15.23 ACRES AND OUTSIDE OF THE FLOOD PLAIN
- 893,796 SQ. FT. OF COMMERCIAL SPACE
- 234,639 SQ. FT. OF RESIDENTIAL SPACE

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-14,000 SQ. FT. 1000 1/1 42,000 SQ. FT.

- 7,200 sq. ft. floor / 10,000 sq. ft. 2 story attached w/ 4 car garage

- 1.2 STORY RESIDENTIAL W/ SOLAR ROOM  
+ 1,170 SF. ATTACHED // TOTAL 27,500 SF.**

- 8.1000 PM WITH A1000**

●

- Specialized training
- 1 Cat per 1,000 sq. ft. housing space provided
- 407th Platoon - 314 housing spaces provided
- Total housing space - 514

### PROJECT LOCATION SUMMARY



# BROOME BAE REDEVELOPMENT

THE AGENCY

AGENCY

600 MAIN ST.

ROCHESTER, NY 14609

TEL: 716.255.1234

WWW.THEAGENCY.NY

DEVELOPMENT SCENARIO B

100,000 SQ. FT. OFFICE SPACE

100,000 SQ. FT. RETAIL SPACE

100,000 SQ. FT. RESIDENTIAL SPACE

100,000 SQ. FT. COMMERCIAL SPACE

100,000 SQ. FT. INDUSTRIAL SPACE

100,000 SQ. FT. MIXED-USE SPACE

100,000 SQ. FT. PARKING SPACE

100,000 SQ. FT. LANDSCAPING SPACE

100,000 SQ. FT. UTILITIES SPACE

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## BROOME BAY REDEVELOPMENT

## THE AGENCY

**RECONSTRUCTION COUNTY**  
600 MAIN ST  
MONTICELLO CITY, MT 59701

DEVELOPMENT SCENARIO C  
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- \* 3.77 ACRES ON PROPOSED ADDITIONAL DEC SALICATY
- \* 57.56 AC ACRES OF DISTURBED AREA
- \* 47.871 ACRES OF DISTURBED
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**DISCOUNTS AVAILABLE**

- 450,000 SF, 71,000 SQ FT

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**Abstract**

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## **D. PERMITS**

It is anticipated that to implement the Project, the Applicant would be required to obtain permits and approvals from a variety of state and local agencies. A summary of currently anticipated actions is presented in Table 1: Potential Permits, Approvals, and Reviews.

Table 1. Potential Permits, Approvals, and Reviews

Permit	Activity	Agency	Comments	Agency Contact
<b>State &amp; Local</b>				
1 SPDES General Permit for Storm Water Discharges from Construction Activity (GP-0-10-001)	Storm water discharges from construction phase activities disturbing one-acre or greater. Includes preparation and implementation of SWPPP.	NYSDEC  Town of Union	<ul style="list-style-type: none"> <li>NOI submitted at least 5-days before construction start-up. NOT submitted after site restoration completed.</li> <li>Up to 60-day review of SWPPP by NYSDEC if SWPPP not in conformance with General Permit.</li> <li>Review of SWPPP by City of Utica as a Municipal Separate Storm Sewer System (MS4).</li> <li>Coverage under the SPDES General Permit for projects located in areas deemed "archaeologically sensitive" for cultural resources (as mapped by the State Historic Preservation Office; SHPO) also "triggers" consultation with SHPO. The project site is located in such an area (see below).</li> </ul>	Lou Caforio Commissioner of Public Works 3111 E. Main St Endwell, NY 13760
2 Highway Work Permit	Work within highway rights-of-way (highway and utility improvements).	NYSDOT  Town of Union	<ul style="list-style-type: none"> <li>NYSDOT – Road improvements or utility extensions within right-of-way of Main Street (Rt 17C)</li> <li>Town of Union – Road Improvements or utility extensions within rights-of-way of Main Street (Rt 17C)</li> </ul>	Rick Sperski, P.E. Resident Engineer, Broome County 44 Hawley St Binghamton, NY 13902  Lou Caforio Commissioner of Public Works 3111 E. Main St Endwell, NY 13760
3 SEORA (Article 8 of the ECL; 6 NYCRR Part 617)	Environmental impact assessment of project components.	The Agency – Broome County IDA/LDC  Involved Agencies	<ul style="list-style-type: none"> <li>Preparation of Generic Environmental Impact Statement (GEIS).</li> <li>Environmental Justice Issues – <a href="http://www.dec.ny.gov/docs/permits_el_operation_s.pdf/oneidaej.pdf">http://www.dec.ny.gov/docs/permits_el_operation_s.pdf/oneidaej.pdf</a>.</li> </ul>	Anticipated Lead Agency c/o Stacy Duncan, Executive Director The Agency – Broome County IDA/LDC 5 South College Dr Binghamton, NY 13905

Federal & State					
4	Preservation Laws (36 CFR 800; 9 NYCRR Part 428; Sections 3.09 and 14.09 of the NYS Parks, Recreation and Historic Preservation Law)	Completion of Project Review Form (project description and location, photographs, and documentation of prior disturbance) and/or cultural resource investigation. Goal is to obtain "No Effect" letter from SHPO.	<ul style="list-style-type: none"> <li>• NYSOPRHP – Field Services Bureau (SHPO)</li> <li>• Potential impacts on areas deemed by SHPO as sensitive for the presence of archaeological resources.</li> </ul>	Daniel Macleay Deputy Commissioner New York State Division for Historic Preservation New York State Office of Park, Recreation and Historic Preservation Peebles Island State Park P.O. Box 189 Waterford, NY 12188	
5	Floodplain Development Permit	Work within 100-year floodplain.	<ul style="list-style-type: none"> <li>• Proposed activities within and potential impacts on the 100-year floodplain.</li> </ul>	Darla Golazecki Deputy Commissioner of Public Works Code and Ordinances 3111 E. Main St Endwell, NY 13760	
6	Rezoning	Potential rezone of parcels or creation of overlay districts to manage proposed land uses within inner harbor project area.	<ul style="list-style-type: none"> <li>• Town of Union</li> <li>• Potentially proposed by land owners &amp; developers.</li> </ul>	Sara Zubiaszy-Peer Planning Director 3111 E. Main St Endwell, NY 13760	
7	Site Plan Approval	Approval of future site modifications by land owners & developers.	<ul style="list-style-type: none"> <li>• Town of Union</li> <li>• May be triggered by future parcel-specific development.</li> </ul>	Lisa Miller Chairperson Town of Union Planning Board 3111 E. Main St Endwell, NY 13760	
8	General Municipal Law (GML) § 239-m	County Planning review of activities located within 500-feet of State or County highway, municipal boundary or park.	<ul style="list-style-type: none"> <li>• County Planning</li> <li>• May be triggered by future parcel-specific development.</li> </ul>	Frank Evangelisti Director Broome County Planning and Economic Development 60 Hawley St P.O. Box 1776 Binghamton, NY 13902	
9	Water and Wastewater System Improvements Approval of Plans	Approval of water and wastewater infrastructure improvements and connections.	<ul style="list-style-type: none"> <li>• Town of Union</li> <li>• Village of Johnson City/Town of Union – Sewer connections.</li> </ul>	Lou Caforio Commissioner of Public Works 3111 E. Main St Endwell, NY 13760	

### **III. REQUIRED ELEMENTS OF THE DGEIS**

#### **A. Chapter 1 – Project Description**

Information to be provided in this section of the DGEIS will include:

- A. Purpose and Scope of Document
- B. Background
  - 1. A description of prior site uses, contamination history, mitigation practices, and building demolition.
  - 2. A description of natural features and resources such as geology, soils, topography, groundwater, surface water, and plant and animal communities.
- C. Project Description - Text and graphics for the three (3) development scenarios of the redevelopment site. This section will include the number and types of uses, proposed phases of construction, landscape features, infrastructure, and a description of circulation and site access.
- D. Permits and Approvals

#### **B. Chapter 2 – Land Use, Zoning, Public Policy, and Community Character**

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions
  - 1. Industrial Land Use
- B. Consistency with Community and Regional Plans
  - 2. Zoning Districts
- C. Potential Impacts of the Proposed Project
  - 1. Land Use
  - 2. Community Character
  - 3. Zoning change(s) of the Project site
  - 4. Public Policy – description of the consistency of the proposed Project with existing planning documents and public policies.
- D. Mitigation – description of the measures (if any) that will be implemented to mitigate adverse impacts to Land Use, Zoning, Public Policy and Community Character from the Project.

#### **C. Chapter 3 – Community Services**

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions
  - 1. Description of educational, police, fire, emergency service, health care, recreational, and solid waste facilities and providers potentially affected by development of the Project.

2. Description of the current operations and capacity of the community services identified above based on consultations with the school district, Village of Johnson City Fire Department, Broome County Sheriff and State Police, and emergency medical service providers.
- B. Potential Impacts of the Proposed Project
1. Description of the anticipated public cost associated with the provision of services including educational, police, fire, emergency service, health care, recreational, and solid waste facilities.
  2. Description of the potential impacts to the response times of emergency vehicles to the Project site.
  3. Discussion of cumulative impacts that the proposed Project may have on the provision of educational, police, fire, emergency service, health care, recreational, and solid waste facilities.
- C. Mitigation
1. Description of mitigation actions that may be required as a result of the Project, including estimated costs associated with labor and equipment.
  2. Analysis of the potential costs of providing community services weighed against the economic benefits of the proposed Project.

## D. Chapter 4 – Flooding

Information to be provided in this section of the DGEIS will include:

### A. Existing/Baseline Conditions

#### 1. Flood Mitigation and Hydraulic Study

##### A. General

A need to demonstrate that, by altering the floodplain, the project will produce “no adverse effects” on neighboring properties is anticipated. Hydraulic modeling comparing base flood elevations before and after development will be used to complete this determination. A hydraulic study will identify possible adverse effects of development in terms of changes to the 100-year base flood elevation.

##### B. Obtain and Verify the Effective Model

The FEMA (1988) Flood Insurance Study (FIS) for the Town of Union positions the entire Project site within the Zone B Special Flood Hazard Area (SHFA) - which is protected by levees, but would otherwise be subject to flooding during a 100-year storm event. In 2009, FEMA updated hydraulic modeling for the Susquehanna River using USACE’s Hydrologic Engineering Center River Analysis Software (HEC-RAS), which calibrated to high water marks measured at stream gauges during the 2006 flood. The results of this study are integrated into the Preliminary FIS for Broome County (FEMA, 2010), which has not yet been adopted as effective in Broome County or the Town of Union. The Preliminary FIS is considered the best available information for flood risk at the Project site.

### C. Adapt Modeling and Verify for Pre-Development Conditions

A review of the Preliminary FIS model determined that the Project site was not adequately represented in the model to assess the impacts of development. An updated Existing Conditions model will be created to better represent the hydraulics of the Susquehanna River in the vicinity of the Project site. Cross sections will be added to the model representing pre-development conditions. This pre-development geometry will be obtained using LiDAR elevation data available from the New York GIS Clearinghouse and as-built survey of the Project site from 2016. In addition, Manning's n values will be adjusted to match values used for similar land uses in adjacent cross-sections. Ineffective flow areas will be revised to reflect areas that would not actively convey water due to the presence of an upstream railroad bridge and/or the USACE levee. Manning's n roughness values will be modified to reflect the current grassy condition of the Project site. The verified model will be used as the baseline for comparison with post-development models.

### D. Preliminary Post-Development Modeling and Evaluation

In this task, the hydraulic model will be modified by adding the representation of the proposed development to the model cross sections. The resulting post-development floodwater elevations at the various cross sections will be compared to the pre-development baseline. Any effects will be shown as differences in the floodwater elevations at comparable cross sections. If multiple development or fill scenarios are necessary, they will be completed during the Final GEIS phase.

### **B. Potential Impacts of the Proposed Project**

1. Qualitative discussion of the potential impact of development of the Project site on surface water resources.
2. Identification of the impacts on any aquifers located on site. Description of the impacts that the Project may have on the level of the local water table, or that the water table level may have on the Project.
3. Identification of the impacts of the Project on areas with increased flood risk.

### **C. Mitigation**

1. Description of proposed mitigation measures, if any, to address risk of adverse impacts due to flooding.
2. Description of proposed mitigation measures, if any, to address potentially adverse impacts to surface water resources.
3. Qualitative description of the process for identifying and mitigating impacts to surface water resources from future phases of the Project not addressed in the DGEIS.

## **E. Chapter 5 – Infrastructure**

### **WATER SUPPLY**

Information to be provided in this section of the DGEIS will include:

#### **A. Existing/Baseline Conditions**

1. Description of the existing water supply for the Project site.
  2. Description of current requirements for water supply systems within the Project area.
- B. Potential Impacts of the Proposed Project
1. Description of the proposed water conveyance system to serve the Project site.
  2. Description of the anticipated demand for potable water generated by development of the Project site, including usage and sources.
- C. Mitigation
1. Discussion of local, state, and regional regulations.
  2. Discussion of the potential build out of the water systems serving the Project site, including sources, treatment facilities, and transmission and distribution networks.
  3. Discussion of the potential impacts of the proposed water system and mitigation requirements for areas adjacent to the Project site.

## **SANITARY SEWER SERVICE**

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions
1. Description of the sewage collection and treatment systems that serve the Project site.
  2. Description of the infrastructure of the corresponding sewer district and treatment plant capacity.
- B. Potential Impacts of the Proposed Project
1. Description of the wastewater treatment demand generated by development of the Project site.
  2. Description of the proposed plan for providing sanitary sewer service for the Project.
  3. Description the impacts of the Project on the capacity requirements of the existing treatment plant.
- C. Mitigation
1. Regulatory Context – discussion of local, state, and regional regulations related to the provision of sanitary sewer service including those of NYS DEC.
  2. Discussion of the potential build out of the sewage collection and conveyance systems serving the Project site.
  3. Impacts to other sites in the Sewer District – discussion of the impacts of the Project on other sites within the sewer district with respect to the provision of infrastructure and capacity requirements of the treatment plant.

## **ENERGY AND TELECOMMUNICATIONS**

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions

1. Description of the current electrical and telecommunications services provided to the Project site, as well as the capacity of current service providers and infrastructure.
- B. Potential Impacts of the Proposed Project
  1. Description of the estimated additional electrical and telecommunication requirements generated by development of the Project site.
  2. Description of energy-saving elements of the redevelopment scenarios, if any, and consistency with existing local or state energy conservation policies.
- C. Mitigation
  1. Description of plans to provide electricity and other energy required for the Project site.
  2. Regulatory Context – description of local and state regulations related to the provision of energy and telecommunication services.
  3. Electricity – description of the capacity of local service providers to provide electricity to the Project site; discussion of the potential for alternative energy generation on the Project site, including from renewable energy sources.
  4. Heating Energy – description of plans for meeting the Project’s heating and non-electrical energy needs.
  5. Telecommunications – discussion of infrastructure improvements required to provide the Project site with telecommunications service.

## **F. Chapter 6 – Traffic and Transportation**

Information to be provided in this section of the DGEIS will include:

### **A. Existing / Baseline Conditions**

#### Data Collection

Traffic data will be collected for Route 17C (Main Street), the roadway that intersects with the entrance to the Project site. The data collection will include turning movement counts, accident reports for the past three years, vehicular speed data from the most recent NYS DOT traffic counts, and roadway inventory information (posted speed limits, roadway lane widths, traffic control measures, pedestrian facilities, and transit services).

#### Traffic Analysis

A traffic capacity analysis will be completed consisting of the following components:

1. Growth Rates: increase in traffic volumes at the Project site.
2. Existing Volumes: existing levels of traffic along Route 17C (Main Street) at various intersections within the Project area at morning and evening peak hours.
3. Trip Generation: future trips generated for morning and evening peak hours for each development scenario will be estimated.

4. Trip Distribution: the trips generated by the redevelopment scenarios to Route 17C (Main Street) will be distributed. Future traffic volumes at the Main Street intersection will be estimated.
5. Internal Circulation: evaluation of roadways proposed within the redevelopment scenarios.
6. Traffic Control Device Data: evaluation of existing signals along Route 17C and proposed signals for the redevelopment scenarios.

#### Traffic Impact Study

A draft report documenting the findings of the redevelopment scenarios will be prepared. Comments will be incorporated and a final Traffic Impact Assessment Report will be included as an appendix to the DGEIS report.

- B. Potential Impacts of the Proposed Project
  1. Description of potential impacts due to changes to pedestrian traffic, parking, onsite/off-site circulation, emergency services access, and public transit conditions resulting from the Project.
- C. Mitigation
  1. Description of the process for identifying and mitigating impacts to traffic and transportation from future phases of the Project.
  2. Discussion of mitigation measures that may be necessary as a result of cumulative impacts from the Project.

## **G. Chapter 7 – Air Quality**

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions
  1. Collection and summary of existing ambient air quality data for the study area: Ambient air quality monitoring data published by the New York State Department of Environmental Conservation (NYS DEC) will be compiled for the analysis of existing as well as future background conditions.
- B. Potential Impacts of the Proposed Project
  1. Description of mobile source impacts of the Project.
  2. Description of stationary source impacts of the Project.
- C. Mitigation
  1. Discussion of potential mitigation measures for mobile sources.
  2. Discussion of potential mitigation measures for stationary sources.

## **H. Chapter 8 – Noise, Odor, and Light**

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions

1. Description and quantification of existing noise levels of the Project site based on noise monitoring at specified receptor locations.
2. Description and quantification of existing light levels of the Project site based on lighting locations.
- B. Potential Impacts of the Proposed Project
  1. Qualitative and limited quantified analyses of potential noise and light impacts of the Project on the site and surrounding sensitive receptors.
- C. Mitigation
  1. Description of the process for mitigating noise and light impacts of the proposed Project.
  2. If applicable, identification and qualitative discussion of opportunities to limit and attenuate noise at sensitive receptors or indoor locations.
  3. Description of codes and ordinances applicable to construction-related noise.

## **I. Chapter 9 – Socioeconomic Conditions**

Information to be provided in this section of the DGEIS will include:

- A. Existing Conditions/Baseline Conditions
  1. Description of the existing demographic and economic conditions in the Town of Union and Hamlet of Westover using 2010 Census data and American Community Survey Data.
  2. Description of the existing inventory of commercial and other uses in the Village, Town, and County.
  3. Description of the existing tax revenues for the Village, Town, School District, special taxing districts, County, and State generated from the Project site.
  4. Description of New York State Department of Environmental Conservation designated Environmental Justice Areas applicable to the project site.
- B. Potential Impacts of the Proposed Project
  1. A qualitative description of the potential impacts of development of the Project site on socioeconomic conditions in the Town and Village.
  2. A quantitative analysis of the potential economic impacts of the proposed Project on socioeconomic conditions in the Town and Village.
- C. Mitigation
  1. An analysis of the estimated economic benefits of the proposed Project weighed against the potential costs associated with providing additional municipal services at the local, county and State level.

## **J. Chapter 10 – Cultural Resources**

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions
  1. No existing cultural or historic resources on the Project site.
- B. Potential Impacts of the Proposed Project

1. Description of the potential for adverse impacts to cultural resources from the proposed Project in accordance with SEQRA and SHPO.
- C. Mitigation
1. Description of measures to avoid, minimize, or mitigate any potentially adverse impacts of the Project on cultural resources.

## **K. Chapter 11 – Visual Resources**

The Project includes the potential introduction of new structural and landscape features. Therefore, a visual resources analysis will be conducted to determine potential impacts on the visual character and aesthetic conditions of the Project site and its immediate vicinity. The assessment will be written in accordance with the New York State Department of Environmental Conservation (NYSDEC) Visual Impact Assessment Methodology, “Assessing and Mitigating Visual Impacts,” (DEP-00-2) (October 2018).

- A. Existing/Baseline Conditions – Viewshed Analysis
1. Overview of regulations related to the visual resources analysis, including a summary of the NYS DEC guidelines referenced above.
  2. Visual resources analysis of the project site. The study area for the analysis will be delineated to include areas from which new project elements would be visible. Existing visual resources will be identified and described. Visual resources may include landscape elements such as water bodies; designated historic structures and other cultural resources; parks; unique topographic or geologic features; and critical environmental areas. Photographs will be used to document important visual resources. A descriptive narrative accompanied by photos will illustrate existing and future visual conditions of the study area, including the visibility of project components from vantage points within the study area during leaf-off condition.
- B. Potential Impacts of the Proposed Project
1. Description of the proposed project in the context of proximity to identified visual resources, orientation, design context, bulk, and height. Potential aesthetic impacts of the project, if any, will be qualitatively described. The impacts analysis will consider such factors as substantial changes to views, the number and type of viewers that would be affected, the duration of views, and whether or not the feature has been designated as a special resource or viewshed.
- C. Mitigation
1. Description of measures to mitigate any aesthetic impacts. Mitigation measures may include reducing or eliminating the project’s effect on visual resources through screening, downsizing, relocation, or use of alternate materials.

## **L. Chapter 12 – Hazardous Materials**

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions
  - 1. A description of previous uses of the Project site and Recognized Environmental Conditions based on a Phase I Environmental Site Assessment, which will include site inspections as well as a review of available records, historical maps, and/or aerial photography.
  - 2. A description of the potential for hazardous materials to be present within the Project site based on the above and an evaluation of regulatory database listings.
  - 3. Identification of areas of hazardous materials within the Project site.
- B. Potential Impacts of the Proposed Project
  - 1. A qualitative description of the potential impacts of hazardous materials on the Project site.
- C. Mitigation
  - 1. A description of the documentation and mitigation requirements related to hazardous materials for the Project site.

## **M. Chapter 13 – Solid Waste Management**

Information to be provided in this section of the DGEIS will include:

- A. Introduction
  - 1. A discussion of solid waste management issues associated with the Project site.
- B. Potential Impacts of the Proposed Project
  - 1. A qualitative description of the impacts of the Project on solid waste generation.
- C. Mitigation
  - 1. A description of the range of mitigation measures that will be implemented to manage solid waste.

## **N. Chapter 14 – Liquid Waste Management**

Information to be provided in this section of the DGEIS will include:

- A. Introduction
  - 1. A discussion of liquid waste management issues associated with the Project site.
- B. Potential Impacts of the Proposed Project
  - 1. A qualitative description of the impacts of the Project on liquid waste generation.
- C. Mitigation
  - 1. A description of the range of mitigation measures that will be implemented to manage liquid waste.

## **O. Chapter 15 - Construction**

Information to be provided in this section of the DGEIS will include:

- A. Introduction

1. **Phasing** – a discussion of the anticipated phasing of construction for the proposed Project, including a description of the areas included in each phase, the general types of construction anticipated, and the anticipated development timeline.
  2. A qualitative description of required site preparation and grading.
  3. Discussion of local, regional, and state requirements related to construction noise, air quality, traffic, stormwater, and erosion control.
- B. Potential Impacts of Construction**
1. A qualitative description of the impacts of Project construction on traffic generation, air quality, and noise.
- C. Mitigation**
1. A description of the range of general measures that will be implemented to mitigate the impacts of construction on the proposed site and adjacent land uses.
  2. Description of the erosion and sediment control plan.

## **P. Chapter 16 – Alternatives**

Information to be provided in this section of the DGEIS will include:

- A. Identification of alternatives to the proposed redevelopment plan, including the No Build Alternative and a reasonable range of design and use alternatives that provide an opportunity to minimize or avoid significant adverse impacts of the proposed project.
- B. Identification of the likely impacts associated with an alternative compared to the proposed project based on qualitative assessment.

## **Q. Chapter 17 – Cumulative Impacts**

- A. Discussion of the cumulative impacts identified in the previous chapters.

## **R. Chapter 18 – Unavoidable Adverse Impacts**

- A. Summary of the significant, unavoidable impacts identified in the previous chapters.

## **S. Chapter 19 – Growth-Inducing Effects**

- A. Discussion of the potential growth-inducing impacts resulting from development of the Project site.

## **T. Chapter 20 – Public Outreach**

- A. Comprehensive summary of all outreach efforts will be included.

## **U. References**

- A. References cited in document will be identified by title, source and date.

## **IV. Appendices**

- A. Attachments of the reports and important data used in the creation of the document.