

APPLICATION FOR FINANCIAL ASSISTANCE

APPLICANT

NAME: Spark Broome, LLC

APPLICANT'S STREET ADDRESS: 320 N. Jensen Rd

CITY: Vestal

STATE: NY

ZIP: 13850

PHONE: 607-729-8973

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

Dave Dimmick

PHONE: 607-759-5946

TITLE: Vice President

EMAIL: ddimmick@matcogroup.com

APPLICANT'S COUNSEL

NAME: Howard M. Rittberg

FIRM: Levene Gouldin & Thompson, LLP EMAIL: hrittberg@lgtlegal.com

ADDRESS: 450 Plaza Drive

CITY: Vestal

STATE: NY

ZIP: 13850

PHONE: 607-584-5656

APPLICANT'S ACCOUNTANT

NAME: Janeen F. Schrann

FIRM: Piaker & Lyons, PC EMAIL: janeen@pnlcpa.com

ADDRESS: 92 Hawley Street

CITY: Binghamton

STATE: NY

ZIP: 13902

PHONE: 607-729-9373 ext 363

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:

☐

MANUFACTURING

☐

WAREHOUSE/DISTRIBUTION

☒

COMMERCIAL

☐

NOT-FOR-PROFIT

☐

OTHER-SPECIFY

B: EMPLOYMENT IMPACT (BROOME COUNTY):

EXISTING JOBS: 0

NEW JOBS
WITHIN THREE YEARS: N/A

C: PROJECT COST: \$ 11,915,000

D: TYPE OF FINANCING:

☐

TAX-EXEMPT

☒

TAXABLE

☐

STRAIGHT LEASE

E: AMOUNT OF BONDS REQUESTED: \$ N/A

F: AMOUNT OF NEW MORTGAGE(S) REQUIRED FOR PROJECT: \$ 9,000,000

G: PROJECT-RELATED COSTS SUBJECT TO SALES TAX: \$ 2,500,000

H: ESTIMATED VALUE OF TAX EXEMPTIONS:

NYS SALES AND COMPENSATING USE TAX \$ 200,000

MORTGAGE RECORDING TAXES \$ 90,000

REAL PROPERTY TAX EXEMPTIONS \$ 1,946,857.22

REQUESTED TERM OF PILOT: 22 yrs

OTHER (PLEASE SPECIFY)

\$

I: CURRENT PROPERTY TAX ASSESSMENT \$ 5,485,602

CURRENT PROPERTY TAXES \$ 279,823

APPLICANT INFORMATION

EMPLOYER'S FEDERAL ID NO. 83-4468026

NAICS CODE 531120

1. INDICATE TYPE OF BUSINESS ORGANIZATION OF APPLICANT:

A. ☐ CORPORATION INCORPORATED IN WHAT COUNTRY USA

WHAT STATE New York

DATE INCORPORATED

TYPE OF CORPORATION

AUTHORIZED TO DO BUSINESS IN NEW YORK:

☐

YES

☐

NO

B. ☐ PARTNERSHIP TYPE OF PARTNERSHIP

OF GENERAL PARTNERS

OF LIMITED PARTNERS

C. ☐ SOLE PROPRIETORSHIP

D. ☒ LIMITED LIABILITY APPLICANT

DATE CREATED

April 15, 2019

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:

NO

MANAGEMENT OF APPLICANT

List all owners, directors and partners

NAME AND HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
Douglas G. Matthews	Managing Member	JFM Real Estate
James T. Matthews	Member	i3 Electronics
Robert P. Matthews	Member	Matthews Auto Group
John W. Matthews	Member	Surescan Corporation

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

APPLICANT'S PRINCIPAL BANK(S) OF ACCOUNT NBT

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?

On -site

5. Who presently is legal owner of building or site? Spark Broome LLC

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

Spark

TENANT

9. Zoning district in which Project is located Village of Johnson City - General Commercial

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

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

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

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

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

Beer Tree and some services from Lourdes

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

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

Craft breweries generally attract visitors outside of our area - brewery statistics show 40% of micro brewery visitors come from outside of the area.

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

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

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

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

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.

Village of Johnson City, Broome County and New York State (URI)

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

Permitting and funding

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

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:

\$3,183,829

PROJECT BENEFITS/COSTS

1. NAME OF PROJECT BENEFICIARY ("APPLICANT"):

Spark Broome LLC

2. ESTIMATED AMOUNT OF PROJECT BENEFITS SOUGHT:

A. Amount of Bonds Sought	\$	
B. Value of Sales Tax Exemption Sought	\$	200,000.00
C. Value of Real Property Tax Exemption Sought	\$	
D. Value of Mortgage Recording Tax Exemption Sought	\$	90,000.00
E. Interest Savings IRB Issue	\$	

3. SOURCES AND USES OF FUNDS:

Financing Sources	
Equity	\$ 2,915,000.00
Local Banks	\$ 9,000,000.00
	\$
	\$
	\$
	\$
TOTAL	\$ 11,915,000.00

Application of Funds	
Land	\$ 150,000.00
Building Acquisition/Construction	\$ 2,850,000.00
Expansion/Renovation	\$ 8,000,000.00
Machinery & Equipment	\$
Working Capital	\$
Other	\$ 915,000.00
TOTAL	\$ 11,915,000.00

Project Description:

Exhibit B

4. PROJECTED PROJECT INVESTMENT:

A. Building and Land Related Costs

1. Land acquisition	\$ 150000
2. Acquisition of existing structures	\$ 2,850,000.00
3. Renovation of existing structures	\$ 8,000,000.00
4. New construction	\$

C. Machinery and Equipment Costs

\$

D. Furniture and Fixture Costs

\$

E. Working Capital Costs

\$

F. Professional Services/Development Costs

1. Architecture and Engineering	\$ 750,000.00
2. Accounting/legal	\$ 45,000.00
3. Development Fee	\$
4. Other service-related costs (describe)	\$ 120,000.00

G. Other Costs

\$

H. Summary of Expenditures

1. Total Land-Related Costs	\$ 150,000.00
2. Total Building-Related Costs	\$ 10,850,000.00
3. Total Machinery and Equipment Costs	\$
4. Total Furniture and Fixture Costs	\$
5. Total Working Capital Costs	\$
6. Total Professional Services/Development Costs	\$ 915,000.00
7. Total Other Costs	\$

TOTAL PROJECT COST \$ 11,915,000.00

AGENCY FEE 1%
(1% OF PROJECT COST) \$ 119,150.00

TOTAL PROJECT EXPENDITURES \$ 12,034,150.00

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:

This project will be the first step in re-inventing the Oakdale Mall. This will bring back lost tax revenue to the Village of Johnson City.

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	12.00	38.00
YEAR 2	12.00	38.00
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	\$ 2,500,000.00
YEAR 2	\$ 2,500,000.00
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
Number of Full-Time Employees (FTE) earning					
Number of Part-Time Employees earning					
Total Payroll For Full-Time Employees	\$				
Total Payroll For Part-Time Employees	\$				
Total Payroll For All Employees	\$				

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					
Number of Part-Time Employees earning					
Total Payroll For Full-Time Employees	\$				
Total Payroll For Part-Time Employees	\$				
Total Payroll For All Employees	\$				

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					
Number of Part-Time Employees earning					
Total Payroll For Full-Time Employees	\$				
Total Payroll For Part-Time Employees	\$				
Total Payroll For All Employees	\$				

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.

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. 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:

NO

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.

Spark Broome, LLC

Applicant

By:



Title:

Vice President

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. ☒ YES ☐ NO
2. An EAF (Environmental Assessment Form). ☒ YES ☐ NO
3. Have financing arrangements been made ☒ 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
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.

As of the date of the Application this project is in substantial compliance with all provisions of GML Article 18-A, including but not limited to, the provisions of GML Section 859-a and GML Section 862(1) (the anti-raid provision) and if the project involves the removal or abandonment of a facility or plant within the state, notification by the IDA to the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located.

Applicant 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 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: _____

(Applicant)

Sworn to before me this

14 day of August, 2019.

Care Latchko

(Notary Public)

Notary Public - State of New York

Commission Expires April 30, 2023

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** Spark Broome (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 Spark Broome (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 August 14, 2019 (date).

APPLICANT: Spark Broome, LLC

REPRESENTATIVE FOR CONTRACT BIDS/AWARDS: Dave Dimmick

ADDRESS: 320 N. Jensen Rd

CITY: Vestal

STATE: NY

ZIP: 13850

PHONE: 607-729-8973

EMAIL: ddimmick@matcogroup.com

PROJECT ADDRESS: 501 Reynolds Road Johnson City NY 13790

AUTHORIZED REPRESENTATIVE: Dave Dimmick

TITLE: Vice President

SIGNATURE:



Sworn to before me this

14 day of August, 2019

Carol Lutchko
CAROL LUTCHKO
Notary Public - State of New York
(Notary Public)

My Commission Expires April 30, 2023

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

BINGHAMTON/ONEONTA BUILDING TRADES COUNCIL

11 Griswold Street
Binghamton, NY 13904
607-723-9593

TOMPKINS-CORTLAND BUILDING TRADES COUNCIL

622 West State Street
Ithaca, NY 14850
607-272-3122

SOUTHERN TIER BUILDING TRADES COUNCIL

1200 Clemens Center Parkway
Elmira, NY 14901
607-732-1237

DODGE REPORTS

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

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 REPORTTo 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



Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Spark Broome, LLC Development Project			
Name of Action or Project:			
Re-Development of the Former Sears Building			
Project Location (describe, and attach a location map):			
501 Reynolds Rd. Johnson City, NY 13790			
Brief Description of Proposed Action:			
Spark Broome, LLC plans to subdivide and repurpose the vacant former Sears building with a strategic mix of tenants.			
Name of Applicant or Sponsor:		Telephone: 607-729-8973	
Spark Broome, LLC		E-Mail: ddimmick@matcogroup.com	
Address:			
320 N. Jensen Rd			
City/PO:		State:	Zip Code:
Vestal		New York	13850
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
			<input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval: Village of JC, Town of Union, Broome County IDA			YES
			<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		11 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?		11 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Existing Storm Drainage System		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: Dave Dimmick / Spark-Broome, LLC Date: 8-14-19		
Signature:  Title: Vice President		

Re-Development of the Former Sears Building

Spark Broome, LLC plans to subdivide and repurpose the vacant former Sears building with a strategic mix of tenants.

The former Sears building is a 150,000 S/f two story building that has been vacant since September 2017. Retrofitting these vacant stores are a challenge as the stores are not only old and functionally obsolete but due to the size, there are very few concepts big enough to back fill without subdividing and repurposing for several unique tenants.

This project will take a substantial investment on behalf of Spark Broome LLC as many of the mechanicals such as the HVAC system need total replacement to bring it to today's standards. Common space and corridors will also need be planned and constructed allowing access for multiple tenants and the general public to the building and mall entrances.

Spark Broome, LLC has been aggressive with reimagining the vacant space and has several potential tenants either secured or currently in negotiations.

Broome County

County Office Building

Hawley Street, Binghamton, NY 13901

Plans are in place for Broome County's Office of Employment and Training to move into the vacant Sears store at the Oakdale Mall.

In a legislative resolution, the county laid out plans to lease a portion of the Sears space — about 35,050 square feet — from Spark Broome LLC and to have a list of improvements completed at the site in order to house the Office of Employment and Training, and a division of the Department of Social Services there.

Among the improvements needed are interior partitions, new bathrooms, new doors and flooring, woodwork, and cabinet construction for reception and break areas.

Most of the county's Department of Social Services operations will remain at its current location on Main Street in Binghamton, but a portion will be moved to the Johnson City space.

Lourdes Hospital

Lourdes vision is to build in partnership with others, a new breed of outpatient location that marries clinical care with membership-oriented fitness. This comprehensive health and wellness center would bring together a wide range of clinical outpatient services and physicians with a retail-oriented health and wellness fitness center, including preventative-based services. People from the community can join to stay healthy or manage a chronic condition so they mitigate the need for clinical care. Patients can transition to becoming members of the medical fitness center, so they can continue their path to recovery. We see this center as an integral part of our population health strategy.

The center would host medical office building, including community/medical education. Integrated into the wellness/fitness portion of the center would be high-end fitness and exercise components with lap, therapy and spa pools, group activity studios and nutritional and training classrooms, etc. The center will have a medical advisory board, made up of providers from Lourdes, who oversee the medical/educational programming. The center literally becomes the second front door of the hospital, gathering individuals/families through virtue of experiences of physical exercise or whole healthy education at the Center. The goal is see a significant rise in the level of general health due to the awareness of the advantages of keeping your body healthier by lifestyle changes in diet and exercise. This support building a healthier community and workforce for years to come.

Lourdes is also contemplating opening an additional day care center in partnership with other community sponsors that will have drop in capabilities. This day care would service the community at large and support workforce development and training opportunities.

Lastly, Lourdes is contemplating moving certain administrative offices to the Sears location given the proximity to the highways and access to retail food services.

Beer Tree Brew Works, Inc.

29 Arbutus Rd, Johnson City NY 13790

Fed id. 84-1740043

Beer Tree is rapidly growing and planning a major expansion to their craft beer production in the former Sears building. The new location will also feature a tap room, eatery, and large beer garden on site.

The Beer Tree will draw a good amount of much needed traffic back to the Oakdale Mall. They will also take advantage of the new flow of traffic created by Broome County and Lourdes employees and visitors. The positive impact created from filling the former Sears building runs deeper than just filling a vacant building and keeping it on the Town of Union tax books. Activity of this level in a mall that has seen an alarming decrease in tenants and visitors over the past 3 years could help keep tenants that may have been on the fence on leaving and also act as blueprint for what the future holds for the Oakdale Mall.

PILOT Schedule

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

* 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 VILLAGE	Annual PILOT PAID TO 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	\$6,500,000	54%	\$188,048.33	\$27,861.44	\$4,670.68	\$57,372.34	\$98,143.87	\$6,500,000.00	\$51,375.70	\$8,612.61	\$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	\$8,698.74	\$106,850.89	\$182,784.25	\$350,223.34	\$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	\$8,785.72	\$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	\$8,873.58	\$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	\$8,962.32	\$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%	\$359,218.72	\$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