

THE AGENCY

B R O O M E C O U N T Y I D A / L D C

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

November 13, 2019 • 12:00 p.m. • The Agency Conference Room
FIVE South College Drive, Suite 201, 2nd Floor
Binghamton, New York 13905

REVISED AGENDA

1. Call to Order J. Bernardo
2. Approve Minutes – October 16, 2019 Board Meeting J. Bernardo
3. Public Comment J. Bernardo
4. Executive Director's Report S. Duncan
 - Updates
 - Internal Financial Report – October 31, 2019
5. Loan Activity Reports as of October 31, 2019 T. Gray

New Business

6. Resolution Authorizing a \$360,000 Loan Request From Davidge Holdings, LLC From the Steed and BDF Loan Programs to Assist it in the Acquisition of the Property and Building Located at 31 Front Street in the City of Binghamton, County of Broome and State of New York T. Gray
7. Resolution Approving an Extension of the Sales and Use Tax Exemption Letter of SaveAround Parkway, LLC, Dated December 11, 2018 Through, and Including, November 20, 2020 S. Duncan
8. Resolution Accepting an Application from Canopy Growth USA, LLC, and/or Another Entity to be Determined, for a Sale/Leaseback or a Lease/Leaseback Transaction to Facilitate the Financing of the Acquisition, Redevelopment, Renovation, Expansion and Equipping of 47-51 Pine Camp Drive in the Town of Kirkwood, Broome County, New York and Authorizing The Agency to Set and Conduct a Public Hearing with Respect Thereto S. Duncan
9. Resolution Accepting an Application from Sam A. Lupo & Sons, Inc. and SSE3, LLC, for a Sale/Leaseback or a Lease/Leaseback Transaction to Facilitate the Financing of the Acquisition, Construction, Renovation and Equipping of 625 Dickson Street, Endicott, Town of Union, Broome County, New York and Authorizing The Agency to Set and Conduct a Public Hearing with Respect Thereto S. Duncan
10. Resolution Accepting Final Scoping Document for the Draft Generic Environmental Impact Statement S. Duncan

- | | |
|--|-------------|
| 11. Resolution approving Amendments to The Agency's Uniform Tax Exemption Policy, as Set Forth in Exhibit "A," Attached Hereto | S. Duncan |
| 12. Executive Session: To Discuss Real Property | S. Duncan |
| 13. Adjournment | J. Bernardo |

**BCIDA
BOARD OF DIRECTORS**

AGENDA ITEM #3: A \$360,000 loan request from Davidge Holdings, LLC from the Steed and BDF Loan Programs to assist it in the purchase of the property and building at 31 Front Street, Binghamton, New York 13905.

INTRODUCTION

Mr. Todd J. Anderson (45.0%) and Mr. Greg A. Chianis (45.0%), owners of Chianis & Anderson Architects, PLLC have applied for \$360,000 in financing to assist them in the acquisition of the property and building at 31 Front Street, Binghamton, NY. They intend to renovate and refurbish this historic building and relocate their currently leased offices to this location to serve their growing customer base. The project will result in the retention of 21 full time positions. Project uses and sources are as follows.

USE OF PROJECT FUNDS

| | | | |
|-----------------------------------|----|---------------|---------------|
| Property and Building Acquisition | \$ | 680,000 | (69.4%) |
| Renovations | \$ | 220,000 | (22.4%) |
| FF&E | \$ | <u>80,000</u> | <u>(8.2%)</u> |
| TOTAL PROJECT COST | \$ | 980,000 | (100.0%) |

SOURCES OF PROJECT FUNDS

| | | | |
|---------------------------|----|----------------|-----------------|
| BCIDA STEED/BDF | \$ | 360,000 | (36.7%) |
| City of Binghamton LDC | \$ | 360,000 | (36.7%) |
| Applicant Cash Equity | \$ | <u>260,000</u> | <u>(26.6%)</u> |
| TOTAL PROJECT COST | \$ | 980,000 | (100.0%) |

COMPANY PROFILE

Since its inception in 2001, Chianis & Anderson Architects, PLLC has experienced continual steady growth and success, developing a reputation as a leader within its geographical area for providing high quality architectural and interior design services to a variety of clients. Throughout this period of time the company has developed a reputation as an expert in the field of healthcare facility design both locally, and throughout the northeastern United States. To support growth, C&AA has expanded within its current location at the building located at 84 Court Street in the City of Binghamton to a point where the business currently occupies approximately 6,000 SF of space over three floors. The vision for the future of the firm includes the development of upcoming younger leadership from within the firm and strategic positioning to continue to provide professional design services for many generations to come. Over the past several years the company has been looking to purchase a building that is suitable for its needs and to that end, has investigated and seriously considered many different locations in and out of the City of Binghamton. Prior to considering the Front Street property, a building in Endicott, New York was purchased and the company was well

into the process of developing that property for its move to that location. That process has been put on hold since energies are now focused on this exciting new opportunity.

This new project includes the purchase and renovation of 31 Front Street Binghamton, NY, most recently known as the Decker Mansion, and formerly known as the Davidge Mansion. This structure was built in 1903 by Sherwood Davidge who was a local Broome County businessman and entrepreneur at the turn of the century. The mansion was designed by Stanford Lacey from the Lacey family of architects and one that has ties to Isaac Perry. The building in recent years has served as offices for non-profit organizations, and most recently as the home office of Save-a-Round. The building was a subject of great debate several months ago, when it was under contract to be converted to student housing by an out of town developer. Ultimately this change of occupancy use was denied by the City.

The company's intention is to relocate the offices of Chianis & Anderson Architects from current leased space at 84 Court Street in Binghamton to the Davidge Mansion as a new, permanent and long-term solution; one that complements the firm's success. This relocation provides several advantages for Chianis & Anderson as it provides the firm with much needed on-site parking, a suitable and expandable office space for a growing firm and a corporate office housed in an identifiable architectural icon of the community. The City of Binghamton also benefits by this project, since it retains a successful firm in a downtown location along with retention of twenty-one (21) employees, and assures the City of the preservation of one of its most notable landmarks.

In addition to occupying the structure, Chianis & Anderson Architects is proposing limited additional lease space for professional office type use. The company also intends to make portions of the facility open to the public for special events. As architects and designers who are committed to the historic preservation movement, and to our local history, Chianis & Anderson's focus is to celebrate this beautiful structure and maintain this treasure long into the future.

JOB CREATION

The total current employment for Chianis & Anderson, PLLC, LLC is 21 full time employees. The applicants conservatively estimate that all 21 full time jobs will be retained over a three year period if the project proceeds as planned.

ENVIRONMENTAL IMPACT

The applicants believe that the project will not have a negative impact on the environment. It is anticipated however that a Phase I Environmental Site Assessment Report will be provided.

FINANCIAL REVIEW

Federal tax returns prepared by Piaker & Lyons, P.C. Binghamton, NY 13760 and applicant prepared financial statements indicate that net sales decreased from \$3,011,000 in FY16 to \$2,463,000 in FY17, a decrease of 18%. Management indicated

that the reduction could be attributed to the timing involved with bidding a project and contract awards. Sales rebounded in FY18 to \$2,694,000, an increase of 9%. Net sales are currently \$4,362,000 through 9/30/19 and are expected to increase to \$4,800,000 by the end of the year, an increase of an additional 16%. The increase in sales can be attributed to contracts with Chenango Memorial Hospital and JFM Real Estate that were on hold but are now moving forward.

A review of cost of goods sold and gross profits for the period FY16-FY18 revealed COGS at 0% since all expenses are posted under operating expense and therefore gross profits correspondingly are noted at 100%. The company posted pretax profits of \$476,000 in FY16, \$30,000 in FY17, \$584,000 in FY18 and a profit of \$1,807,000 through September 30, 2019; a profit of approximately \$2,000,000 is expected by the end of FY19.

Company assets as of December 31, 2018 totaled \$172,000 of which \$27,000 (15.6%) was cash and \$142,000 (82.6%) was fixed assets.

An applicant prepared financial statement for FY20 anticipates that the company will finish the year with net sales of \$5,899,000, an increase of an additional 23% from projected 2019 year end figures. Management stated the projection was conservatively prepared since the increase in sales is expected from new contracts already in hand with UHS Hospitals and Lourdes Hospital. The cost of goods sold is expected to be 43% in FY20 with gross profits at 57%. Operating expenses are anticipated to be 28%. The company expects an operating profit of \$1,741,000 by the end of FY20.

Chianis & Anderson Architects, PLLC is owned by Greg A. Chianis and Todd J. Anderson. An inquiry with the applicants' primary creditor, NBT Bank, indicated a satisfactory relationship. A recent credit report on Todd J. Anderson indicated a satisfactory credit history; Fair Isaac Score of 811. A recent credit report on Greg Chianis indicated three public records, one with New York State and two with the federal government. All three liens resulted during divorce proceedings and all have been released. These issues however resulted in a Fair Isaac Score of 595; Mr. Chianis is working with his attorney to remove them from his credit report.

NBT Bank has a \$354,000 line of credit with Chianis and Anderson. The balance of the line is \$33,332 and the interest rate is 6.0%. The loan is secured by all business assets.

The company has three auto loans. The first has a balance of \$6,002.16, an interest rate of 3.89%, and it matures in March 2020. The second has a principal balance of \$37,887.50, an interest rate of 5.84%, and it matures in October 2025. The third has a principal balance of \$22,652.19 and it matures in March 2022. All loans are secured by the specific vehicles.

To bring the current project to completion the applicants have applied for financing from the City of Binghamton Local Development Corporation (LDC) and the BCIDA. The status of the participants is as follows:

The City of Binghamton Local Development Corporation is considering \$360,000 in financing to assist the applicants with the acquisition and renovation of the property and

building at 31 Front Street, Binghamton, NY. The loan would be amortized 15 years with a 10 year term at an interest rate of 75% of the prime rate. The loan would be secured by a shared co-equal first mortgage with the BCIDA on the property and building located at 31 Front Street, Binghamton, NY. The loan would also be secured by a shared co-equal first position on rents and leases. The loan would also be secured by the corporate guarantee of Chianis & Anderson Architects, PLLC and the personal guarantees of Greg A. Chianis and Todd J. Anderson.

BCIDA: The applicants have applied for \$360,000 for use in the acquisition and renovation of the property and building at 31 Front Street, Binghamton, New York. The proposed term is 10 years, amortized for 15 years, at a fixed interest rate of 75% of the prime rate at the time of closing. The loan would be secured by a shared co-equal first mortgage with the City of Binghamton LDC on the property and building at 31 Front Street, Binghamton, New York. The loan would also have a shared co-equal first assignment of rents and leases with the City of Binghamton LDC as well as the corporate guarantee of Chianis & Anderson Architects, PLLC and the personal guarantees of Greg A. Chianis and Todd J. Anderson. The BCIDA would also be named as an assignee on the life insurance policy of Greg A. Chianis and Todd J. Anderson, each in the amount of the loan.

APPLICANT CASH EQUITY of \$260,000 will be used for building renovations (\$180,000) and furniture, fixtures and equipment (\$80,000).

CASH AVAILABLE TO SUPPORT EXISTING AND NEW DEBT SERVICE

| | | |
|---|----|----------------|
| Fiscal Year 2018 Interest Expense | \$ | 8,000 |
| Fiscal Year 2018 Depreciation Expense | \$ | 14,000 |
| Fiscal Year 2018 Rent Expense | \$ | 90,000 |
| Fiscal Year 2018 Net Income | \$ | 584,000 |
| Total Cash Available to Support Debt Service | \$ | 696,000 |

DEBT SERVICE REQUIREMENTS OF THE PROPOSAL

| | | |
|---|----|----------------|
| Existing NBT Bank Auto Loan Annual Debt Service | \$ | 14,607 |
| Existing NBT Bank LOC Annual Debt Service | \$ | 21,240 |
| Existing Ally Auto Loan Annual Debt Service Payments | \$ | 9,373 |
| New STEED Annual Debt Service Payments | \$ | 25,740 |
| New BDF Annual Debt Service Payments | \$ | 5,148 |
| New City of Binghamton LDC Annual Debt Service Payments | \$ | 30,888 |
| TOTAL ANNUAL DEBT SERVICE PAYMENTS | \$ | 106,996 |

RECOMMENDATION

Chianis & Anderson Architects, PLLC has been in business for over 18 years. Chianis & Anderson is a full-service architectural and interior design firm comprised of an innovative team of architects and designers who are committed to providing the highest level of service to its customers. The company's past growth has required it to utilize over 6000 ft.² of leased space over three floors of a downtown office building. Subsequent and anticipated growth now require additional space. After searching for an appropriate site that has included the purchase of a building on Washington Avenue in Endicott, New York, the company has selected a facility at 31 Front Street in Binghamton, New York. The former Davidge Mansion property was selected because of its landmark status as well as its prominent location; the square footage will also offer space for current and future growth opportunities. More importantly, the applicants believe that if the project proceeds as planned all 21 current full time jobs will be retained over three years. Based on this and the information in the preceding sections, The ALC and I recommend a financing commitment under the following terms and conditions.

Borrower: Davidge Holdings, LLC

Loan Amount and Fund: \$360,000: The STEED Revolving Loan Program (\$300,000) and the BDF Revolving Loan Program (\$60,000)

Term of the Loan: 10 years amortized 15 years

Loan Interest Rate: 75% of the Prime Rate at the time of closing

Collateral and Security for the Loan: A shared co-equal first mortgage position with the City of Binghamton LDC on the property and building at 31 Front Street, Binghamton, New York. The loan would also be secured by a shared co-equal first assignment of rents and leases. The loan would also have the corporate guarantee of Chianis & Anderson Architects, PLLC as well as the personal guarantees of Greg A. Chianis and Todd J. Anderson. The BCIDA would also be named as an assignee on the life insurance policy of Greg A. Chianis and Todd J. Anderson, each in the amount of the loan.

Contingencies: Prior to the advance of any BCIDA funds proof must be received that a \$360,000 loan from the City of Binghamton Local Development Corporation has been approved. A satisfactory appraisal and Phase I on the property and building at 31 Front Street, Binghamton, NY must be received. Also, proof must be received that the applicants have made a \$260,000 cash investment in the project.

Addendum: This request is being presented on an exception basis since the amount of the loan exceeds the traditional cap of \$200,000. Mr. William Grant, ARC RLF Program Manager, has approved the increased loan amount.

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

Date: 11.5.19
Project Name/Address: Canopy Growth USA, LLC

Project Start Date: 2019

Project Description: This project will establish a large agri-pharma industrial facility to process, manufacture, package and distribute federally legal hemp derived CBD products. The facility will receive bulk hemp from local farm producers and manufacture hemp-derived products in a clean, industrial, licensed, food or pharmaceutical grade environment. Modeled on Canopy Growth's headquarters and Canadian central processing the upgrading and pharma manufacturing facility in Smiths Falls, Ontario is the single largest legal cannabis and hemp derived product manufacturing facility in the world. The Binghamton facility will see the Southern Tier become a leader in the growing, harvesting and manufacturing in the federally legal CBD derived product space. The project will employ 75 people within 3 years with the potential to employ 400 people total.

BENEFIT

Investment: Public/Private/Equity

| | | |
|--------------------------------|------------------------|-------------------------------|
| Building Related Costs | \$ 68,500,000.00 | |
| M&E Costs | \$ 18,360,000.00 | |
| FF&E Costs | \$ 737,000.00 | |
| Professional Fees/ Development | \$ 11,793,000.00 | |
| Other Costs | | |
| TOTAL INVESTMENT | \$99,390,000.00 | <u>\$99,390,000.00</u> |

New Mortgages

| | |
|-------------------|-------------|
| Jobs | 0 |
| New | 75 |
| Retained | <u>0.0</u> |
| TOTAL JOBS | 75.0 |

Term # Years 15 years

| | | |
|-----------------------|---|-------------------------|
| TOTAL PAYROLL | \$ 3,455,000.00 | \$ 3,455,000.00 |
| PILOT PAYMENTS | \$ 3,624,203.26 (see Pilot Schedule) | \$ 3,624,203.26 |
| TOTAL BENEFIT | \$106,469,203.26 | \$106,469,203.26 |

Cost

Property Tax Estimate

| | | |
|--------------------|------------------|-----------------|
| Fair Market Value | \$ 10,623,943.00 | upon completion |
| Equalization Rate | 71% | |
| Taxable Assessment | \$ 7,543,000.00 | |

Tax Rates

| | | | | |
|-------------------|-----------------|------------|-------------------|--------------------------|
| County | 10.460739 | Annual tax | \$ 78,905.35 | |
| Town | 1.420145 | Annual tax | \$ 10,712.15 | |
| School | 29.428876 | Annual tax | \$ 221,982.01 | |
| ANNUAL TAX | 41.30976 | \$ | 311,599.51 | 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 \$ 1,764,416.97

SALES TAX ABATEMENT \$ 3,200,000.00

MORTGAGE RECORDING TAX

AGENCY FEE \$ 993,900.00

TOTAL COST \$ 5,958,316.97 \$ 5,958,316.97

NET BENEFIT/COST \$ 100,510,886.29

Benefit/Cost Ratio 17.87 to 1

Comments/Additional Revenue:

Any Additional Public Benefits:

CANOPY GROWTH PILOT SCHEDULE

| <u>YEAR</u> | <u>FULL TAXES</u> | <u>% INCREASE</u> | <u>PILOT PAYMENT</u> | <u>BENEFIT</u> |
|-------------|-------------------|-------------------|----------------------|----------------|
| 2020 | \$311,599.51 | 0% | \$191,623.58 | \$119,975.93 |
| 2021 | \$317,831.50 | 0% | \$191,623.58 | \$126,207.92 |
| 2022 | \$324,188.13 | 0% | \$191,623.58 | \$132,564.55 |
| 2023 | \$330,671.89 | 0% | \$191,623.58 | \$139,048.31 |
| 2024 | \$337,285.33 | 0% | \$191,623.58 | \$145,661.75 |
| 2025 | \$344,031.04 | 50% | \$251,611.55 | \$92,419.49 |
| 2026 | \$350,911.66 | 50% | \$251,611.55 | \$99,300.11 |
| 2027 | \$357,929.89 | 50% | \$251,611.55 | \$106,318.35 |
| 2028 | \$365,088.49 | 50% | \$251,611.55 | \$113,476.94 |
| 2029 | \$372,390.26 | 50% | \$251,611.55 | \$120,778.71 |
| 2030 | \$379,838.06 | 25% | \$281,605.53 | \$98,232.54 |
| 2031 | \$387,434.83 | 25% | \$281,605.53 | \$105,829.30 |
| 2032 | \$395,183.52 | 25% | \$281,605.53 | \$113,577.99 |
| 2033 | \$403,087.19 | 25% | \$281,605.53 | \$121,481.66 |
| 2034 | \$411,148.94 | 25% | \$281,605.53 | \$129,543.41 |
| | \$5,388,620.24 | | \$3,624,203.26 | \$1,764,416.97 |

Based on an assumed 2% property tax increase per year
 Current Assessment \$4,638,700
 Final Assessment: \$7,543,000

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PROJECT REVIEW FORM

| | | | |
|---|--|---|---|
| <u>Company:</u> Canopy Growth USA, LLC | | <u>IDA Meeting Date:</u> 11/13/19 | |
| <u>Representative:</u> Reinhold Krahn & Adam Green | | <u>IDA Public Hearing Date:</u> TBD | |
| <u>Type of Business:</u> Manufacturing/Agri-pharma <u>Project Start Date:</u> TBD <u>Project End Date:</u> TBD | | <u>Company Address:</u> 1700 Lincoln St. 17th Floor Denver, CO 80203 | |
| <u>Employment:</u> <small>Full-Time Equivalent</small> Existing 0 1st year 31 2nd year 18 3rd year 26 Total = 75 | <u>Total Yearly Payroll</u> 1st Year \$ 1,575,000.00 2nd Year \$ 815,000.00 3rd Year \$ 1,065,000.00 Total: \$ 3,455,000.00 | <u>Own / Lease:</u> Own | <u>SF / Acreage:</u> 285,987 sf |
| <u>Construction Jobs:</u> 100 | | <u>Proposed Project Location:</u> 47-51 Pine Camp Drive, Kirkwood NY | |
| <u>Company Contact For Bid Documents & Employment Opportunities:</u> Adam Green, LeChase Construction, LLC 607.772.2500, adam.green@leCHASE.com | | <u>Description:</u> *See Attached | |
| PROJECT BUDGET | | ASSESSMENT | |
| Land Related Costs | | Current Assessment | \$ 4,638,700.00 |
| Building Related Costs | \$ 68,500,000.00 | Asmt. At Completion (Est.) | \$ 7,543,000.00 |
| M & E Costs | \$ 18,360,000.00 | EXEMPTION (Est.) | |
| F F & E Costs | \$ 737,000.00 | Sales Tax @ 8% | \$ 3,200,000.00 |
| Professional Services/Development Cost | \$ 11,793,000.00 | Mortgage Tax | |
| Total Other Costs | | Property Tax Exemption | \$ 1,764,416.97 |
| Working Capital Costs | | | |
| Closing Costs | | | |
| Agency Fee | \$ 993,900.00 | TOTAL EXEMPTIONS: | \$ 4,964,416.91 |
| TOTAL: | \$ 100,383,900.00 | TOTAL PILOT PAYMENTS: | \$ 3,624,023.26 |
| <u>Project Type</u> <u>(Check all that apply)</u> <input checked="" type="checkbox"/> Manufacturing, Warehousing, Distribution <input checked="" type="checkbox"/> Agricultural, Food Processing <input type="checkbox"/> Adaptive Reuse, Community Development <input type="checkbox"/> Housing Development <input type="checkbox"/> Retail* <input type="checkbox"/> Back Office, Data, Call Centers <input type="checkbox"/> Commercial/Office | | <u>Project Criteria Met</u> <u>(Check all that apply)</u> <input checked="" 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 | |
| *Uniform Tax Policy does not typically provide tax exemptions for Retail Projects | | *New York State Required Criteria | |
| <u>Pilot Type</u> <input checked="" type="checkbox"/> Standard 15 year <input type="checkbox"/> <input type="checkbox"/> Deviated _____ year | | | |
| <u>Staff Comments:</u> This project will significantly increase the number and quality of permanent, full time jobs within Broome County and develop a cutting-edge, new industry with the potential to attract other businesses. | | | |

Canopy Growth Project Description

This project will establish a large agri-pharma industrial facility to process, manufacture, package and distribute federally legal hemp derived CBD products.

The facility will receive bulk hemp from local farm producers and manufacture hemp-derived products in a clean, industrial, licensed, food or pharmaceutical grade environment.

Modeled on Canopy Growth's headquarters and Canadian central processing the upgrading and pharma manufacturing facility in Smiths Falls, Ontario is the single largest legal cannabis and hemp derived product manufacturing facility in the world. The Binghamton facility will see the Southern Tier become a leader in the growing, harvesting and manufacturing in the federally legal CBD derived product space.

The project will employ 75 people within 3 years with the potential to employ 400 people total.

rec 11.5.19

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: Canopy Growth USA, LLC (and/or another entity to be determined)

APPLICANT'S STREET ADDRESS: 1700 Lincoln Street, 17th Floor

CITY: Denver

STATE: CO

ZIP:

80203

PHONE:

707 338 8020

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

Reinhold Krahn

PHONE:

707 338 8020

TITLE: Managing Director, USA

EMAIL:

reinhold.krahn@canopygrowth.com

APPLICANT'S COUNSEL

NAME: Isaac Cheng, Esq.

FIRM: Canopy Growth USA, LLC

EMAIL:

isaac.cheng@canopygrowth.com

ADDRESS: 595 Pacific Ave. 4th Fl.

CITY:

San Francisco

STATE:

CA

ZIP:

94133

PHONE:

646 299 5199

APPLICANT'S ACCOUNTANT

NAME: Tina Webb

FIRM: Canopy Growth USA, LLC

EMAIL:

tina.webb@canopygrowth.com

ADDRESS: 35715 Hwy 40, Suite D102

CITY:

Evergreen

STATE:

CO

ZIP:

80439

PHONE:

303 828 7031

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: NEW JOBS WITHIN THREE YEARS:

C: PROJECT COST: \$ D: TYPE OF FINANCING: ☐ TAX-EXEMPT ☒ TAXABLE ☐ STRAIGHT LEASE

E: AMOUNT OF BONDS REQUESTED: \$

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

G: PROJECT-RELATED COSTS SUBJECT TO SALES TAX: \$

H: ESTIMATED VALUE OF TAX EXEMPTIONS:
NYS SALES AND COMPENSATING USE TAX \$ MORTGAGE RECORDING TAXES \$
REAL PROPERTY TAX EXEMPTIONS \$
OTHER (PLEASE SPECIFY) \$

I: CURRENT PROPERTY TAX ASSESSMENT \$ CURRENT PROPERTY TAXES \$

APPLICANT INFORMATION

EMPLOYER'S FEDERAL ID NO. NAICS CODE

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 # OF GENERAL PARTNERS # OF LIMITED PARTNERS

C. ☐ SOLE PROPRIETORSHIP

D. ☒ LIMITED LIABILITY APPLICANT DATE CREATED

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:

MANAGEMENT OF APPLICANT

List all owners, directors and partners

| NAME AND HOME ADDRESS | OFFICE HELD | OTHER PRINCIPAL BUSINESS |
|--|-----------------------|--------------------------|
| Phil Shaer, 1 Hershey Dr., Smiths Falls, Ontario, Canada K7A 0A8 | Director | |
| Reinhold Krahn, 1700 Lincoln Street, Denver, Colorado 80203 | Managing Director USA | |
| | | |
| | | |

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

M&T Bank Corporation

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?

Upgrades & expansion required to electricity and gas services - Requests & load forms already submitted to NYSEG

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

HIP NY Developments 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 Yes

TENANT N/A

9. Zoning district in which Project is located

Industrial Development (Parcels 162.01-1-19 and 162.01-1-20)

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

☐ YES ☒ NO

N/A

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

***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.**

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? %

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.

NYSEG, Municipal and State Approvals/Permits typical of large industrial development. No zoning changes anticipated.

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

The Agency & NYSEG have been supportive of our search for farming and manufacturing locations throughout NY State.

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:

Applicant has spent over \$9 million on (1) due diligence and acquiring the facility and (2) successfully applying for NY industrial hemp cultivation and processing permits.

PROJECT BENEFITS/COSTS

1. NAME OF PROJECT BENEFICIARY ("APPLICANT"): Canopy Growth USA, LLC (and/or another entity to be determined)

2. ESTIMATED AMOUNT OF PROJECT BENEFITS SOUGHT:

| | |
|---|-----------------|
| A. Amount of Bonds Sought | \$ 0.00 |
| B. Value of Sales Tax Exemption Sought | \$ 3,200,000.00 |
| C. Value of Real Property Tax Exemption Sought | \$ 1,764,416.97 |
| D. Value of Mortgage Recording Tax Exemption Sought | \$ 0.00 |
| E. Interest Savings IRB Issue | \$ 0.00 |

3. SOURCES AND USES OF FUNDS:

| Financing Sources | |
|-------------------|---------------|
| Equity | \$ 99,390,000 |
| Local Banks | \$ |
| | \$ |
| | \$ |
| | \$ |
| | \$ |
| TOTAL | \$ 99,390,000 |

| Application of Funds | |
|-----------------------------------|------------------|
| Other | \$ 0.00 |
| Building Acquisition/Construction | \$ |
| Expansion/Renovation | \$ 59,000,000.00 |
| Machinery & Equipment | \$ 18,360,000.00 |
| FFE | \$ 737,000.00 |
| Other Soft Costs | \$ 11,793,000.00 |
| TOTAL | \$ 99,390,000.00 |

Project Description: This project will establish a large agri-pharma industrial facility to process, manufacture, package and distribute federally legal hemp derived CBD products.

The facility will receive bulk hemp from local farm producers and manufacture hemp-derived products in a clean, industrial, licensed, food or pharmaceutical grade environment.

Modeled on Canopy Growth's headquarters and Canadian central processing the upgrading and pharma manufacturing facility in Smiths Falls, Ontario is the single largest legal cannabis and hemp derived product manufacturing facility in the world. The Binghamton facility will see the Southern Tier become a leader in the growing, harvesting and manufacturing in the federally legal CBD derived product space.

The project will employ 75 people within 3 years with the potential to employ 400 people total.

4. PROJECTED PROJECT INVESTMENT:

| | | |
|---|--|-------------------|
| A. Building and Land Related Costs | | \$ 0 |
| 1. Land acquisition | | \$ 9,500,000.00 |
| 2. Acquisition of existing structures | | \$ 59,000,000.00 |
| 3. Renovation of existing structures | | \$ 0.00 |
| 4. New construction | | |
| C. Machinery and Equipment Costs | | \$ 18,360,000.00 |
| D. Furniture and Fixture Costs | | \$ 737,000.00 |
| E. Working Capital Costs | | \$ 0.00 |
| F. Professional Services/Development Costs | | |
| 1. Architecture and Engineering | | \$ 5,630,000.00 |
| 2. Accounting/legal | | \$ 603,000.00 |
| 3. Development Fee | | \$ |
| 4. Other service-related costs (describe) Project Management Consultants, Commissioning Agents, Start Up, Testing, Insurances, Bonds | | \$ 5,560,000.00 |
| G. Other Costs | | \$ 0.00 |
| H. Summary of Expenditures | | |
| 1. Total Land-Related Costs | | \$ 0.00 |
| 2. Total Building-Related Costs | | \$ 68,500,000.00 |
| 3. Total Machinery and Equipment Costs | | \$ 18,360,000.00 |
| 4. Total Furniture and Fixture Costs | | \$ 737,000.00 |
| 5. Total Working Capital Costs | | \$ 0.00 |
| 6. Total Professional Services/Development Costs | | \$ 11,793,000.00 |
| 7. Total Other Costs | | \$ 0.00 |
| <hr/> | | |
| TOTAL PROJECT COST | | \$ 99,390,000.00 |
| AGENCY FEE 1% (1% OF PROJECT COST) | | \$ 993,900.00 |
| TOTAL PROJECT EXPENDITURES | | \$ 100,383,900.00 |

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

☒ YES ☐ NO

Canopy Growth USA has acquired the property and started design of the new facility.

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

Significant increase in the number and quality of permanent, full time jobs within Broome County, and development of a cutting-edge, new industry with the potential to attract other businesses.

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 | 0.00 | |
| YEAR 1 | 25.00 | 75.00 |
| YEAR 2 | 25.00 | 75.00 |
| YEAR 3 | 25.00 | 75.00 |

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 | \$ 20,000,000.00 |
| YEAR 2 | \$ 9,000,000.00 |
| YEAR 3 | \$ 5,000,000.00 |

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.

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 | | 20 | 5 | 6 |
| Number of Part-Time Employees earning | | | | |

| | | | | |
|---------------------------------------|----|------------|------------|------------|
| Total Payroll For Full-Time Employees | \$ | 800,000.00 | 325,000.00 | 450,000.00 |
| Total Payroll For Part-Time Employees | \$ | | | |
| Total Payroll For All Employees | \$ | 800,000.00 | 325,000.00 | 450,000.00 |

| 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 | | 15 | 1 | 2 |
| Number of Part-Time Employees earning | | | | |

| | | | | |
|---------------------------------------|----|---------|--------|---------|
| Total Payroll For Full-Time Employees | \$ | 600,000 | 65,000 | 150,000 |
| Total Payroll For Part-Time Employees | \$ | | | |
| Total Payroll For All Employees | \$ | 600,000 | 65,000 | 150,000 |

| 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 | | 25 | 1 | 0 |
| Number of Part-Time Employees earning | | | | |

| | | | | |
|---------------------------------------|----|-----------|--------|--|
| Total Payroll For Full-Time Employees | \$ | 1,000,000 | 65,000 | |
| Total Payroll For Part-Time Employees | \$ | | | |
| Total Payroll For All Employees | \$ | 1,000,000 | 65,000 | |

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:

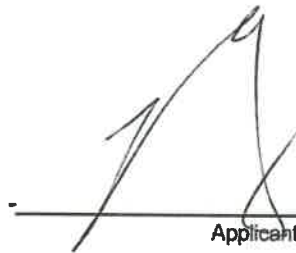
N/A

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: Phil Shaer

Title: Director

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.

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: Phil Shaer

(Applicant)

Sworn to before me this

5 day of November, 2019

S. _____

(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** Cannopy Growth USA, 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 Cannopy Growth Project (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 10/11/19 (date).

APPLICANT: Canopy Growth USA, LLC

REPRESENTATIVE FOR CONTRACT BIDS/AWARDS: Adam Green

ADDRESS: 31 Lewis Street Suite 303

CITY: Binghamton STATE: NY ZIP: 13903 PHONE: 607-772-2500

EMAIL: adam.green@lechase.com

PROJECT ADDRESS: 47-51 Pine Camp Dr.

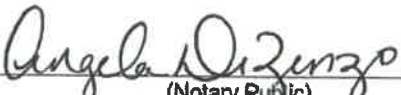
AUTHORIZED REPRESENTATIVE: Adam Green

TITLE: Regional Operations Manager

SIGNATURE: 

Sworn to before me this

5 day of Nov., 2019.


(Notary Public)

ANGELA DIZENZO
NOTARY PUBLIC STATE OF NEW YORK
ID: 01016324322
Columbia and Hamilton County
My Commission expires May 04, 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

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

Felchar Warehouse

Building 3

47-51 Pine Camp Drive



Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

| | | |
|---|-----------|--|
| Name of Action or Project: New York Advanced Manufacturing Facility | | |
| Project Location (describe, and attach a general location map): 47-51 Pine Camp Drive, Town of Kirkwood, NY | | |
| Brief Description of Proposed Action (include purpose or need): Redevelopment of existing 285,987 SF manufacturing facility located at 47-51 Pine Camp Drive, Kirkwood, NY into cGMP facility producing dietary supplements from hemp. Footprint will remain generally the same with a small expansion on the east side to facilitate extraction units required to extract oils for the materials. Area variance will be required as the height of this expansion area will be approximately 60 feet. Project will upgrade and expand parking area to increase parking to 321 total spaces that includes 8 handicapped parking spaces. Existing parking spaces will be re-striped to be compliant with current parking code. Anticipated employees is approximately 180 per shift with a maximum total of 300. Existing truck circulation road will be upgraded and repaved. Additional site amenities include new lighting, landscaping, sidewalks, employee patio area and stormwater management features. | | |
| Name of Applicant/Sponsor: Canopy Growth USA, LLC | | Telephone: 343-961-2031 |
| | | E-Mail: david.lemieux@canopygrowth.com |
| Address: 35715 Hwy 40 | | |
| City/PO: Evergreen | State: CO | Zip Code: 80439 |
| Project Contact (if not same as sponsor; give name and title/role): Bergmann | | Telephone: 585-498-7801 |
| | | E-Mail: kcurran@bergmannpc.com |
| Address: 280 East Broad Street, Suite 200 | | |
| City/PO: Rochester | State: NY | Zip Code: 14604 |
| Property Owner (if not same as sponsor): Same as sponsor | | Telephone: |
| | | E-Mail: |
| Address: | | |
| City/PO: | State: | Zip Code: |

B. Government Approvals

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

| Government Entity | If Yes: Identify Agency and Approval(s) Required | Application Date (Actual or projected) |
|---|--|---|
| a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees | | |
| b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Town of Kirkwood Planning Board - Site Plan Approval & Lot Consolidation | 10/3/19 |
| c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Town of Kirkwood Zoning Board of Appeals - Area Variance | 10/3/19 |
| d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Broome County Planning Board - 239 referral | 10/3/19 |
| f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | New York State DEC - SWPPP/NOI & Potential Air Permit | TBD |
| h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| i. Coastal Resources. | | |
| i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| iii. Is the project site within a Coastal Erosion Hazard Area? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

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

If Yes, identify the plan(s):

NYS Major Basins: Upper Susquehanna

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

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.
If Yes, what is the zoning classification(s) including any applicable overlay district?

☒ Yes ☐ No

I-D Industrial Development

b. Is the use permitted or allowed by a special or conditional use permit?

☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action?

☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site?

C.4. Existing community services.

a. In what school district is the project site located? Windsor Central School District

b. What police or other public protection forces serve the project site?

New York State Police and Broome County Sheriff

c. Which fire protection and emergency medical services serve the project site?

Five Mile Point Fire District

d. What parks serve the project site?

None

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Manufacturing

b. a. Total acreage of the site of the proposed action? 20 acres

b. Total acreage to be physically disturbed? 11 acres

c. Total acreage (project site and any contiguous properties) owned
or controlled by the applicant or project sponsor? 48.1 acres

c. Is the proposed action an expansion of an existing project or use?

☒ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % Units:

d. Is the proposed action a subdivision, or does it include a subdivision?

☒ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

Lot consolidation

ii. Is a cluster/conservation layout proposed?

☐ Yes ☒ No

iii. Number of lots proposed?

iv. Minimum and maximum proposed lot sizes? Minimum Maximum

e. Will the proposed action be constructed in multiple phases?

☐ Yes ☒ No

i. If No, anticipated period of construction:

12 months

ii. If Yes:

- Total number of phases anticipated

- Anticipated commencement date of phase 1 (including demolition) month year

- Anticipated completion date of final phase month year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

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

| | |
|--|--|
| g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, | |
| i. Total number of structures _____ 1 | |
| ii. Dimensions (in feet) of largest proposed structure: _____ 60 height; _____ 49' width; and _____ 83' length | |
| iii. Approximate extent of building space to be heated or cooled: _____ 286,000 square feet | |

| | |
|--|--|
| h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, | |
| i. Purpose of the impoundment: Stormwater Management | |
| ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ | |
| Site Runoff | |
| iii. If other than water, identify the type of impounded/contained liquids and their source. _____ | |
| iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ Less than 1/2 acres | |
| v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length | |
| vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____ | |
| Earth basin | |

D.2. Project Operations

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

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

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

iii. Will the proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☒ No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☒ No

If Yes:

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

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water?

☒ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: 72,000 cooling tower, 6750 domestic gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☒ Yes ☐ No

If Yes:

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

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☒ No

If Yes:

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

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☒ No

If Yes:

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

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

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

d. Will the proposed action generate liquid wastes?

☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: 82,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

Domestic sanitary (5400 GPD), Cooling tower waste (36,000 GPD), Other manufacturing process (40,600 GPD)

iii. Will the proposed action use any existing public wastewater treatment facilities?

☒ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: Town of Kirkwood Treatment Plant
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

| | |
|--|--|
| <ul style="list-style-type: none"> • Do existing sewer lines serve the project site? • Will a line extension within an existing district be necessary to serve the project? <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> | |
| <p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> | |
| <p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Site runoff</u></p> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p><u>On-site stormwater management facilities and existing off-site surface water for areas with no change in impervious coverage</u></p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ <p>_____</p> <ul style="list-style-type: none"> • Will stormwater runoff flow to adjacent properties? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| <p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?</p> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p><u>Delivery vehicles</u></p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p><u>Waste incineration, process emissions</u></p> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) | |

| | | | |
|--|---|---|---|
| <p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p> | | | |
| <p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p> | | | |
| <p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input checked="" type="checkbox"/> Morning <input checked="" type="checkbox"/> Evening <input checked="" type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ <div style="text-align: center; font-size: small;">Final count TBD - includes semi trailers, box truck deliveries</div></p> <p>iii. Parking spaces: Existing <u>320</u> Proposed <u>321</u> Net increase/decrease <u>+1</u></p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: <u>Improvement of existing access road</u></p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | | | |
| <p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | | | |
| <p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7AM - 6PM</u> • Saturday: <u>TBD</u> • Sunday: <u>TBD</u> • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>8AM - 6PM with possibility of 24/7</u> • Saturday: <u>8AM - 6PM with possibility of 24/7</u> • Sunday: <u>8AM - 6PM with possibility of 24/7</u> • Holidays: _____ </td> </tr> </table> | | <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7AM - 6PM</u> • Saturday: <u>TBD</u> • Sunday: <u>TBD</u> • Holidays: _____ | <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>8AM - 6PM with possibility of 24/7</u> • Saturday: <u>8AM - 6PM with possibility of 24/7</u> • Sunday: <u>8AM - 6PM with possibility of 24/7</u> • Holidays: _____ |
| <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7AM - 6PM</u> • Saturday: <u>TBD</u> • Sunday: <u>TBD</u> • Holidays: _____ | <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>8AM - 6PM with possibility of 24/7</u> • Saturday: <u>8AM - 6PM with possibility of 24/7</u> • Sunday: <u>8AM - 6PM with possibility of 24/7</u> • Holidays: _____ | | |

| | |
|---|--|
| <p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> | |
| <p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p> | |
| <p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p><u>Full cut-off light site lighting, security lighting on building</u></p> | |
| <p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p> | |
| <p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p> | |
| <p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored <u>Ethanol</u></p> <p>ii. Volume(s) _____ tbd per unit time _____ yearly (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities:</p> <p><u>Storage of ethanol required for extraction process in tank farm located on east side of building.</u></p> | |
| <p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> | |
| <p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | |
| <p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ 50 tons per _____ week (unit of time) • Operation : _____ Less than 1 tons per _____ day (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: <u>All materials will be separated and recycled. Clean fill will be used on-site or locally at an approved site.</u> • Operation: <u>Compactors, separation of recyclable materials and use of 3rd party agreements</u> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: <u>Broome County Landfill</u> • Operation: <u>3rd Party recycling programs, Broome County Landfill</u> | |

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: Spent Hemp w/trace amounts of ethanol, isopropyl alcohol and bleach

ii. Generally describe processes or activities involving hazardous wastes or constituents: Extraction of hemp oil, cleaning process for facility and equipment

iii. Specify amount to be handled or generated 165 tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: Biomass boiler for spent hemp

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

If Yes: provide name and location of facility: Broome County Landfill

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☒ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

| Land use or Covertypes | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|--|-----------------|----------------------------------|--------------------|
| • Roads, buildings, and other paved or impervious surfaces | 12.77 | 13.12 | +0.35 |
| • Forested | 19.72 | 19.42 | -0.30 |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | 15.58 | 15.53 | -0.05 |
| • Agricultural (includes active orchards, field, greenhouse etc.) | | | |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | | | |
| • Wetlands (freshwater or tidal) | | | |
| • Non-vegetated (bare rock, earth or fill) | | | |
| • Other Describe: _____ | | | |

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

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

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

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

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

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No
If yes, provide DEC ID number(s): 704019, 704028, 704026
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
Off-site status unknown _____

| | | | | | | | | | | | | | |
|--|--|---|--|---|-------------------|--|----------------------|-------------|--|---|-------------------------------------|-------|--|
| v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Explain: _____ | | | | | | | | | | | | | |
| E.2. Natural Resources On or Near Project Site | | | | | | | | | | | | | |
| a. What is the average depth to bedrock on the project site? _____ 20 feet | | | | | | | | | | | | | |
| b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ % | | | | | | | | | | | | | |
| c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Cw - cut and fill lands, loamy materia</td> <td style="width: 40%; text-align: right;">95 %</td> </tr> <tr> <td>UnB - Unadilla silt loam</td> <td style="text-align: right;">5 %</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">_____ %</td> </tr> </table> | | Cw - cut and fill lands, loamy materia | 95 % | UnB - Unadilla silt loam | 5 % | _____ | _____ % | | | | | | |
| Cw - cut and fill lands, loamy materia | 95 % | | | | | | | | | | | | |
| UnB - Unadilla silt loam | 5 % | | | | | | | | | | | | |
| _____ | _____ % | | | | | | | | | | | | |
| d. What is the average depth to the water table on the project site? Average: _____ 20 feet | | | | | | | | | | | | | |
| e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> Well Drained:</td> <td style="width: 60%; text-align: right;">100 % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">_____ % of site</td> </tr> </table> | | <input checked="" type="checkbox"/> Well Drained: | 100 % of site | <input type="checkbox"/> Moderately Well Drained: | _____ % of site | <input type="checkbox"/> Poorly Drained | _____ % of site | | | | | | |
| <input checked="" type="checkbox"/> Well Drained: | 100 % of site | | | | | | | | | | | | |
| <input type="checkbox"/> Moderately Well Drained: | _____ % of site | | | | | | | | | | | | |
| <input type="checkbox"/> Poorly Drained | _____ % of site | | | | | | | | | | | | |
| f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> 0-10%:</td> <td style="width: 60%; text-align: right;">100 % of site</td> </tr> <tr> <td><input type="checkbox"/> 10-15%:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> </tr> </table> | | <input checked="" type="checkbox"/> 0-10%: | 100 % of site | <input type="checkbox"/> 10-15%: | _____ % of site | <input type="checkbox"/> 15% or greater: | _____ % of site | | | | | | |
| <input checked="" type="checkbox"/> 0-10%: | 100 % of site | | | | | | | | | | | | |
| <input type="checkbox"/> 10-15%: | _____ % of site | | | | | | | | | | | | |
| <input type="checkbox"/> 15% or greater: | _____ % of site | | | | | | | | | | | | |
| g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____ | | | | | | | | | | | | | |
| h. Surface water features. | | | | | | | | | | | | | |
| i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | | | | |
| ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | | | | |
| If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. | | | | | | | | | | | | | |
| iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | | | | |
| iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 50%;">Name <u>Susquehanna River (adjacent)</u></td> <td style="width: 40%;">Classification <u>Not in project area</u></td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name <u>Federal Waters, Federal Waters</u></td> <td>Approximate Size <u>Not in project area</u></td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table> | | • Streams: | Name <u>Susquehanna River (adjacent)</u> | Classification <u>Not in project area</u> | • Lakes or Ponds: | Name _____ | Classification _____ | • Wetlands: | Name <u>Federal Waters, Federal Waters</u> | Approximate Size <u>Not in project area</u> | • Wetland No. (if regulated by DEC) | _____ | |
| • Streams: | Name <u>Susquehanna River (adjacent)</u> | Classification <u>Not in project area</u> | | | | | | | | | | | |
| • Lakes or Ponds: | Name _____ | Classification _____ | | | | | | | | | | | |
| • Wetlands: | Name <u>Federal Waters, Federal Waters</u> | Approximate Size <u>Not in project area</u> | | | | | | | | | | | |
| • Wetland No. (if regulated by DEC) | _____ | | | | | | | | | | | | |
| v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ | | | | | | | | | | | | | |
| i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | | | | | | | | | |
| j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | | | | | | | | | |
| k. Is the project site in the 500-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | | | | |
| l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: | | | | | | | | | | | | | |
| i. Name of aquifer: <u>Principal Aquifer, Primary Aquifer, Sole Source Aquifer Names: Clinton Street Ballpark SSA</u> | | | | | | | | | | | | | |

| | |
|---|--|
| <p>m. Identify the predominant wildlife species that occupy or use the project site: _____ squirrel, rabbit _____ _____</p> | |
| <p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat: _____</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres | |
| <p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>Brook Floater</p> <p>_____</p> | |
| <p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> | |
| <p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>Susquehanna River is used for fishing</p> | |
| <p>E.3. Designated Public Resources On or Near Project Site</p> | |
| <p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p> | |
| <p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p> | |
| <p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p> | |
| <p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p> | |

| | |
|---|--|
| e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____ | |
| f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ | |
| h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If Yes: <ul style="list-style-type: none"> i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles. | |
| i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No | |

F. Additional Information

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

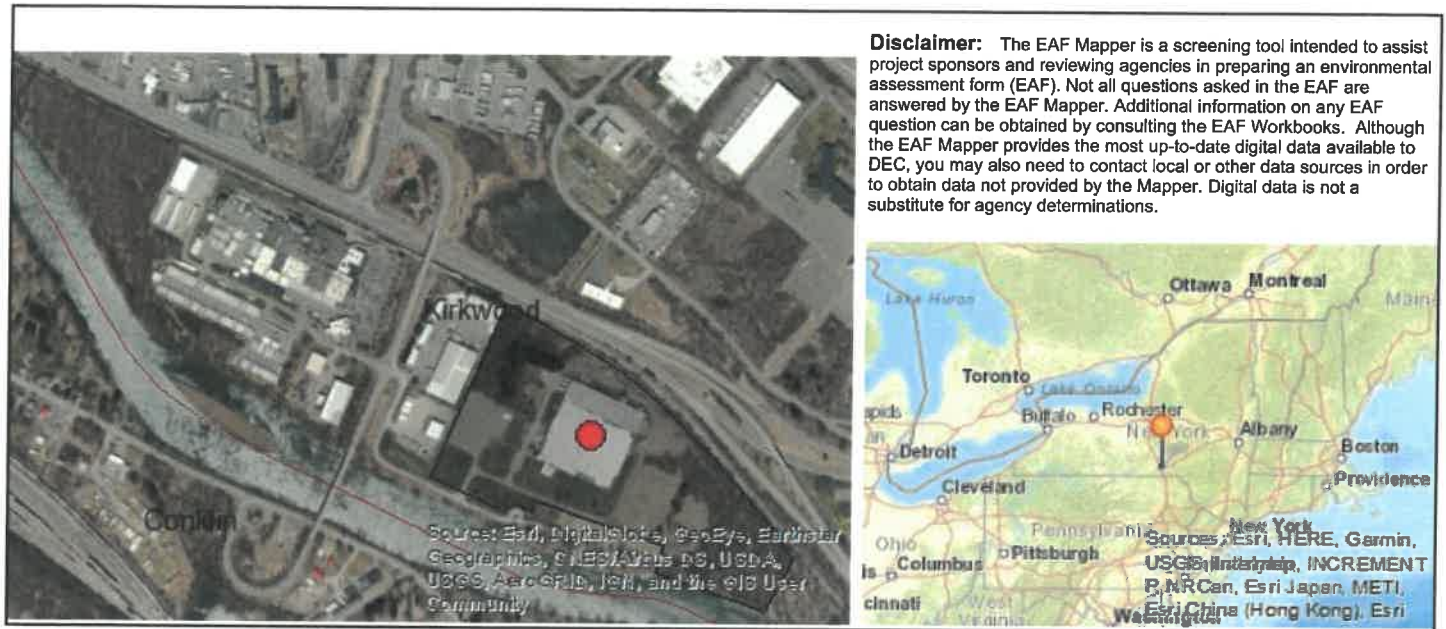
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Robert Switala, PE - Authorized Agent Date 10/3/19

Signature  Title Principal - Bergmann



| | |
|--|---|
| B.i.i [Coastal or Waterfront Area] | No |
| B.i.ii [Local Waterfront Revitalization Area] | No |
| C.2.b. [Special Planning District] | Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook. |
| C.2.b. [Special Planning District - Name] | NYS Major Basins: Upper Susquehanna |
| E.1.h [DEC Spills or Remediation Site - Potential Contamination History] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.i [DEC Spills or Remediation Site - Listed] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.iii [Within 2,000' of DEC Remediation Site] | Yes |
| E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID] | 704019, 704028, 704026 |
| E.2.g [Unique Geologic Features] | No |
| E.2.h.i [Surface Water Features] | Yes |
| E.2.h.ii [Surface Water Features] | Yes |
| E.2.h.iii [Surface Water Features] | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| E.2.h.iv [Surface Water Features - Wetlands Name] | Federal Waters |
| E.2.h.v [Impaired Water Bodies] | No |
| E.2.i. [Floodway] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.2.j. [100 Year Floodplain] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |

| | |
|--|--|
| E.2.k. [500 Year Floodplain] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.2.l. [Aquifers] | Yes |
| E.2.l. [Aquifer Names] | Principal Aquifer, Primary Aquifer, Sole Source Aquifer Names: Clinton Street Ballpark SSA |
| E.2.n. [Natural Communities] | No |
| E.2.o. [Endangered or Threatened Species] | Yes |
| E.2.o. [Endangered or Threatened Species - Name] | Brook Floater |
| E.2.p. [Rare Plants or Animals] | No |
| E.3.a. [Agricultural District] | No |
| E.3.c. [National Natural Landmark] | No |
| E.3.d [Critical Environmental Area] | No |
| E.3.e. [National or State Register of Historic Places or State Eligible Sites] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.3.f. [Archeological Sites] | Yes |
| E.3.i. [Designated River Corridor] | No |



1 Hershey Drive
Smiths Falls, ON K7A 0A8
(855) 558 9333
invest@canopygrowth.com
www.canopygrowth.com

Re: IDA Application and Request for Confidentiality

To the Agency/IDA:

Please find attached our application for benefits under the IDA for Applicant Canopy Growth USA, LLC ("Canopy"), and all necessary documentation for our request of sales tax exemptions for construction, real property tax abatements, and other incentives as allowed by the IDA.

Canopy requests that certain information in its application for IDA benefits be kept confidential pursuant to Article 6 of the Public Officers Law, particularly section 89(5)(a)(1). Certain information disclosed in the application are in the nature of trade secrets and confidential commercial information, particularly the site plan and any narrative descriptions of future plans and market projections. Disclosure of this information would cause substantial injury to Canopy.

The Project that is the subject of the application is a unique and customized facility for a new and innovative industry. To the extent that our submitted application reveals facility floor plans, construction plans, proposed product lines, and market projections, this information is highly sensitive, and Canopy's competitors would gain an unfair economic advantage by obtaining this information via a public records request. The Broome County Agency/IDA should therefore grant an exemption from disclosure pursuant to Public Officers Law § 87(2)(d) and 16 NYCRR § 6-1.3.

Pursuant to section 89(5)(a)(3), the Agency/IDA shall notify Canopy whether it will grant this request for confidentiality and exception from the public records law, and in the meantime, must maintain documents under the scope of this request apart from all of its other public records until fifteen (15) days after a final determination has been made whether the request/exception will be granted.

We look forward to working with you. Please do not hesitate to call or email us if you have any questions.

Thank you,

Isaac Cheng



TOKYO SMOKE



