

THE AGENCY

BROOME COUNTY IDA / LDC

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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 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 or 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 159 Washington Holding LLC

APPLICANT'S STREET ADDRESS: PO Box 1554

CITY: Binghamton STATE NY ZIP: 13902 PHONE: 725-9721

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

Josh Bishop PHONE: 725-9721

TITLE: Managing Member EMAIL: josh@jjbpm.com

APPLICANT'S COUNSEL

NAME: Lillian Levy

FIRM: HHK EMAIL: llevy@hhk.com

ADDRESS: 80 Exchange St

CITY: Binghamton STATE NY ZIP: 13901 PHONE: 607-231-6725

APPLICANT'S ACCOUNTANT

NAME: Pat Price

FIRM: Vieira & Associates EMAIL: pprice@vapc.us

ADDRESS: 111 Grant Ave Suite 106

CITY: Endicott STATE NY ZIP: 13760 PHONE: 607-723-1272 ext 104

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

PROJECT SUMMARY

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

<input type="checkbox"/> Industrial	<input type="checkbox"/> Housing	<input type="checkbox"/> Multi-Tenant	<input type="checkbox"/> Back Office	<input checked="" type="checkbox"/> Mixed Use	<input type="checkbox"/> Civic Facility (not for profit)
<input type="checkbox"/> Acquisition of Existing Facility	<input type="checkbox"/> Equipment Purchase	<input type="checkbox"/> Commercial	<input type="checkbox"/> Retail	<input type="checkbox"/> Facility for Aging	<input type="checkbox"/> Other _____

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 \$

REQUESTED TERM OF PILOT: 10 years

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
Josh Bishop 15 Conitt Ct, Binghamton, NY 13905		

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 <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| 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 <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| 3. any final governmental determination of a violation of any public works law or regulation, or labor law regulation? | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| 4. a consent order with the NYS Dept. of Environmental Conservation? | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| 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 <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| 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 <input type="checkbox"/> NO <input checked="" type="checkbox"/> |

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
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APPLICANT'S PRINCIPAL BANK(S) OF ACCOUNT Tloga State Bank

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.

4. 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?

Utilities on site, water, electric, sewer, gas.

5. Who presently is legal owner of building or site? 159 Washington Holding 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.

Luma Project is leasing an area of the 1st floor for a studio - ~ 1300 sf

8. Is owner or tenant(s) responsible for payment of real property taxes? OWNER ☒ yes

TEENANT ☐

9. Zoning district in which Project is located C-2 Downtown Business

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

YES ☐ NO ☒

Planning approvals complete

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

YES ☐ NO ☒

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

YES ☐ NO ☒

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

A. Is the Project reasonably necessary to preserve the competitive position of the Applicant or such Project Occupant? If yes, please explain:

YES NO

B. Is the Project reasonably necessary to discourage the Applicant or such Project Occupant from relocating outside of New York state? If yes, please explain:

YES NO

14. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities? If yes, please explain:

YES NO

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

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

C. Would the Project Occupant, but for the contemplated financial assistance from The Agency, locate the related jobs outside New York state? If yes, please explain:

YES NO

D. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services? If yes, please explain:

YES NO

E. Will the Project be located in one of the following: 1) an area designated 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

— Econ opportunity zone / development zone
— Also poverty rate is over 20% (33.33% for this location, Binghamton)

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

YES

NO

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

Municipal building permit in progress, SHPO and NPS review in progress, and CAUD review will be necessary. City of Binghamton Dept of Building and Code, SHPO, and CAUD.

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

SHPO review for historic tax credits, NPS review for the same HTC's. Local building dept will review and approve the building permit.

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:

\$160,000 for down payment on the purchase (\$800,000) - Architectural and engineering work to date - \$25,000

21. Does the project utilize resource conservation, energy efficiency, green technologies, and alternative and renewable energy measures? Please explain:

Water source heat pumps will be utilized for heating and cooling within each apartment, an energy efficient method of heating and cooling.

PROJECT BENEFITS/COSTS

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

159 Washington Holding, LLC

2. ESTIMATED AMOUNT OF PROJECT BENEFITS SOUGHT:

A. Amount of Bonds Sought	\$	
B. Value of Sales Tax Exemption Sought	\$	50,000.00
C. Value of Real Property Tax Exemption Sought	\$	268,807.82
D. Value of Mortgage Recording Tax Exemption Sought	\$	
E. Interest Savings IRB Issue	\$	

3. SOURCES AND USES OF FUNDS:

Financing Sources		Application of Funds	
Equity	\$ 378,200.00	Land	\$
Local Banks	\$ 1,200,000.00	Building Acquisition/Construction	\$ 800,000.00
	\$	Expansion/Renovation	\$ 700,000.00
	\$	Machinery & Equipment	\$
	\$	Working Capital	\$
	\$	Other	\$ 78,200.00
TOTAL	\$ 1,578,200.00	TOTAL	\$ 1,578,200.00

Project Description:

Former Ellis Brothers furniture business, 4 story mixed use building in downtown Binghamton. Approximately 20,000 sq ft to be renovated into 27 one- and two-bedroom apartments geared towards young professionals working in downtown Binghamton. Seeking 1st floor commercial tenants. This is a historic building and the front façade will be preserved in accordance with local CAUD and State Historic Preservation guidelines. We are seeking a PILO to assist in keeping the rents affordable to young professionals.

4. PROJECTED PROJECT INVESTMENT:

A. Building and Land Related Costs		
1. Land acquisition	\$	
2. Acquisition of existing structures	\$	800,000.00
3. Renovation of existing structures	\$	700,000.00
4. New construction	\$	
C. Machinery and Equipment Costs		\$
D. Furniture and Fixture Costs		\$
		43,200.00
E. Working Capital Costs		\$
F. Professional Services/Development Costs		
1. Architecture and Engineering	\$	35,000.00
2. Accounting/legal	\$	
3. Development Fee	\$	
4. Other service-related costs (describe)	\$	
G. Other Costs		\$
H. Summary of Expenditures		
1. Total Land-Related Costs	\$	
2. Total Building-Related Costs	\$	1,500,000.00
3. Total Machinery and Equipment Costs	\$	
4. Total Furniture and Fixture Costs	\$	43,200.00
5. Total Working Capital Costs	\$	
6. Total Professional Services/Development Costs	\$	35,000.00
7. Total Other Costs	\$	
TOTAL PROJECT COST		\$ 1,578,200.00
AGENCY FEE 1%		\$ 15,782.00
(1% OF PROJECT COST)		
TOTAL PROJECT EXPENDITURES		\$ 1,593,982.00

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

☒ YES ☐ NO

Building acquisition, \$800,000 total, \$160,000 paid by applicant, \$640,000 mortgage

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

- Retention and reuse of a landmark historic property

PROJECTED CONSTRUCTION EMPLOYMENT IMPACT

Please provide estimates of total construction jobs at the Project:

YEAR	CONSTRUCTION JOBS	
	(Annual wages and benefits \$40,000 and under)	(Annual wages and benefits over \$40,000)
CURRENT	0.00	
YEAR 1	9.00	1.00
YEAR 2		
YEAR 3		

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

YEAR	TOTAL ANNUAL WAGES AND BENEFITS
CURRENT	\$
YEAR 1	\$ 365,000.00
YEAR 2	\$
YEAR 3	\$

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

PROJECTED PERMANENT EMPLOYMENT IMPACT

PROJECTED EMPLOYMENT FIGURES - YEAR ONE	UNDER \$30,000	\$30,000 – \$50,000	\$50,000 – \$75,000	OVER \$75,000
Number of Full-Time Employees (FTE) earning		1		
Number of Part-Time Employees earning	3			

Total Payroll For Full-Time Employees	\$	45,000.00		
Total Payroll For Part-Time Employees	\$	75,000.00		
Total Payroll For All Employees	\$	120,000.00		

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		1		
Number of Part-Time Employees earning	1			

Total Payroll For Full-Time Employees	\$	45,000.00		
Total Payroll For Part-Time Employees	\$	25,000.00		
Total Payroll For All Employees	\$	70,000.00		

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		1		
Number of Part-Time Employees earning				

Total Payroll For Full-Time Employees	\$	45,000.00		
Total Payroll For Part-Time Employees	\$			
Total Payroll For All Employees	\$	45,000.00		

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:

None

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.

159 Washington Holding LLC

Applicant

By:

[Signature]

Title:

Mng Member

DOCUMENT LISTS

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

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

1. A \$1,000 Application Fee. _____ ☐ YES ☐ NO
2. An EAF (Environmental Assessment Form). _____ ☐ YES ☐ NO
3. Have financing arrangements been made _____ ☐ YES ☐ NO

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

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

CERTIFICATION

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

The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which own a minimum of 20% of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term on any agreements made in connection with the Application.

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

Applicant has read and fully understands The Agency/IDA's Uniform Tax Exemption Policy.

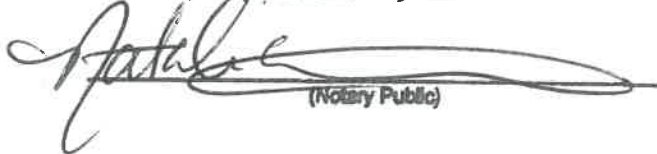
Applicant hereby releases The Agency/IDA and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency/IDA") from, agrees that the Agency/IDA shall not be liable for and agrees to indemnify, defend and hold the Agency/IDA harmless from and against any and all liability arising from or expense incurred by: (i) the Agency/IDA's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the issue of bonds requested therein are favorably acted upon by the Agency/IDA; and (ii) the Agency/IDA's financing of the Project described therein, including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency/IDA or the Applicant are unable to find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency/IDA, its agents or assigns, all actual costs incurred by the Agency/IDA in the processing of the Application, including attorneys' fees, if any.

By:


(Applicant)

Sworn to before me this

10th day of March, 2020.


(Notary Public)

NATALIE C. ABBADESSA
Notary Public, State of New York
Registration #01AB6221930
Qualified in Broome County
Commission Expires 5/10/22

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** 159 Washington Holding, 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 159 Washington St. (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 3/10/2020 (date).

APPLICANT: 159 Washington Holding LLC

REPRESENTATIVE FOR CONTRACT BIDDING: Josh Bishop

ADDRESS: PO Box 1554

CITY: Binghamton STATE NY ZIP 13902 PHONE 725-9721

EMAIL: josh@jibpm.com

PROJECT ADDRESS: 159 Washington St, Binghamton, NY 13901

AUTHORIZED REPRESENTATIVE: Josh Bishop

TITLE Mng Member

SIGNATURE



Sworn to before me this

10th day of March, 2020.


(Notary Public)

NATALIE C. ABBADESSA
Notary Public, State of New York
Registration #01AB6221930
Qualified In Broome County
Commission Expires 5/10/22

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

The Builders Exchange of the Southern Tier, Inc.
15 Belden Street
Binghamton, NY 13903
brad@bustier.com
(607) 771-7000

Southern Tier Building Trades Council
1200 Clemens Center Parkway
Elmira, NY 14901
lbew138ba@aol.com
(607) 732-1237

Binghamton/Ontonario Building Trades Council
11 Griewood Street
Binghamton, NY 13904
ratkone@lucos158.org
(607) 723-9593

Dodge Reports
<http://construction.com/dodge/submit-project.asp>
830 Third Ave., 8th Floor
New York, NY 10022
support@construction.com
(677) 764-9566

Tompkins-Cortland Building Trades Council
622 West State Street
Ithaca, NY 14850
tbrueribew241@gmail.com
(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					
FP & 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	CONTRACTOR/SUB	ADDRESS	EMAIL	PHONE	AMOUNT
Site/Demo					
Foundation/Footings					
Building					
Masonry					
Metals					
Wood/Ceaswork					
Thermal/Moisture					
Doors, Windows & Glazing					
Finishes					
Electrical					
HVAC					
Plumbing					
Specialise					
M&E					
FF & E					
Utilities					
Paving/Landscaping					

CHECK IF CONSTRUCTION IS COMPLETE

CHECK IF THIS IS YOUR FINAL REPORT

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

Company Representative

Date

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information

Name of Action or Project:

159 Washington St Mixed Use Renovation

Project Location (describe, and attach a location map):

159 Washington St, Binghamton, NY 13901

Brief Description of Proposed Action:

Renovation of 20,000 sq ft of mixed use space at 159 Washington St (Former Ellis Bros Furniture Building) in downtown Binghamton. Creating 27 one and two bedroom apartments.

Name of Applicant or Sponsor:

159 Washington Holding LLC

Telephone: 607-725-9721

E-Mail: josh@159wm.com

Address:

PO Box 1554

City/PO:

Binghamton

State:

NY

Zip Code:

13902

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?

NO

YES

If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.

☒

☐

2. Does the proposed action require a permit, approval or funding from any other government Agency?

NO

YES

If Yes, list agency(s) name and permit or approval: Building permit from the Binghamton Building and Code Dept

☐

☒

3. a. Total acreage of the site of the proposed action?

.18 acres

b. Total acreage to be physically disturbed?

0 acres

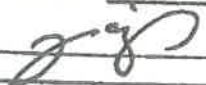
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?

.18 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
☐ Parkland

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
_____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>150 Washington Holding LLC</u> Date: <u>12/18/2019</u> Signature: <u></u> Title: <u>Mng Member</u>		

PRINT FORM

A photograph of the exterior of the Ellis Brothers & Son building, a multi-story structure with many windows and a sign that reads "ELLIS BROTHERS & SON". The building is dark-colored with numerous rectangular windows, some of which are grouped together. A prominent sign on the left side of the building reads "ELLIS BROTHERS & SON" in large, bold letters. Below this, smaller text reads "Wholesale and Retail Dealers in" and "All kinds of Hardware". The building appears to be located in an urban setting, with other structures visible in the background.

FRONT VIEW

NOTES

1. NEW STORE FRONT FRAMING, GLAZING AND APPOINTMENT ENTRANCE DOOR WILL BE PLACED ON THE RIGHT SIDE OF THE LEFT DISPLAY WINDOW TO ACCOMMODATE NEW APPOINTMENT ACCESS ENTRANCE.

2. ALL EXISTING WINDOW TYPES AND SIZES WILL BE MAINTAINED. THE GLAZING WILL BE REPLACED WITH NEW ENERGY EFFICIENT GLAZING.



METRO CENTER

158 WASHINGTON STREET

VIEW 1



MICHIGAN PIZZA

158 WASHINGTON STREET

VIEW 2



NEW ROOF ACCESS (HIDDEN BY BUILDING)

158 WASHINGTON STREET

VIEW 3



NEW ROOF ACCESS (HIDDEN BY BUILDING)

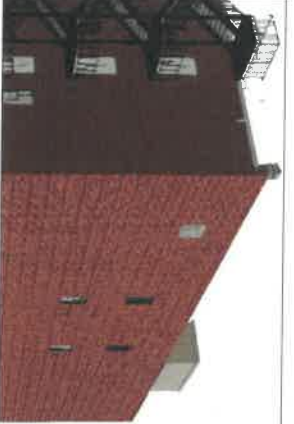
158 WASHINGTON STREET

VIEW 4



VIEW 1Aa

(EXISTING BUILDINGS NOT SHOWN)



VIEW 2Aa

(EXISTING BUILDINGS NOT SHOWN)



NEW ROOF ACCESS (HIDDEN BY BUILDING)

VIEW 3Aa

(EXISTING BUILDINGS NOT SHOWN)



COURT STREET

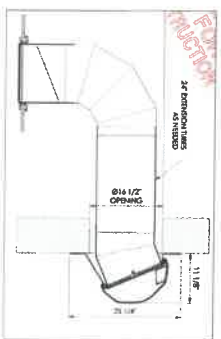
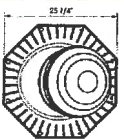
WATER STREET

158 WASHINGTON STREET

VIEW LOCATIONS



100% ALUMINUM
JACOBI BLACK PAINTED OILY WOOD
DOOR AND WINDOW
INTERIOR AND EXTERIOR



DOOR HANDLE



NUMBER	DATE	DESCRIPTION

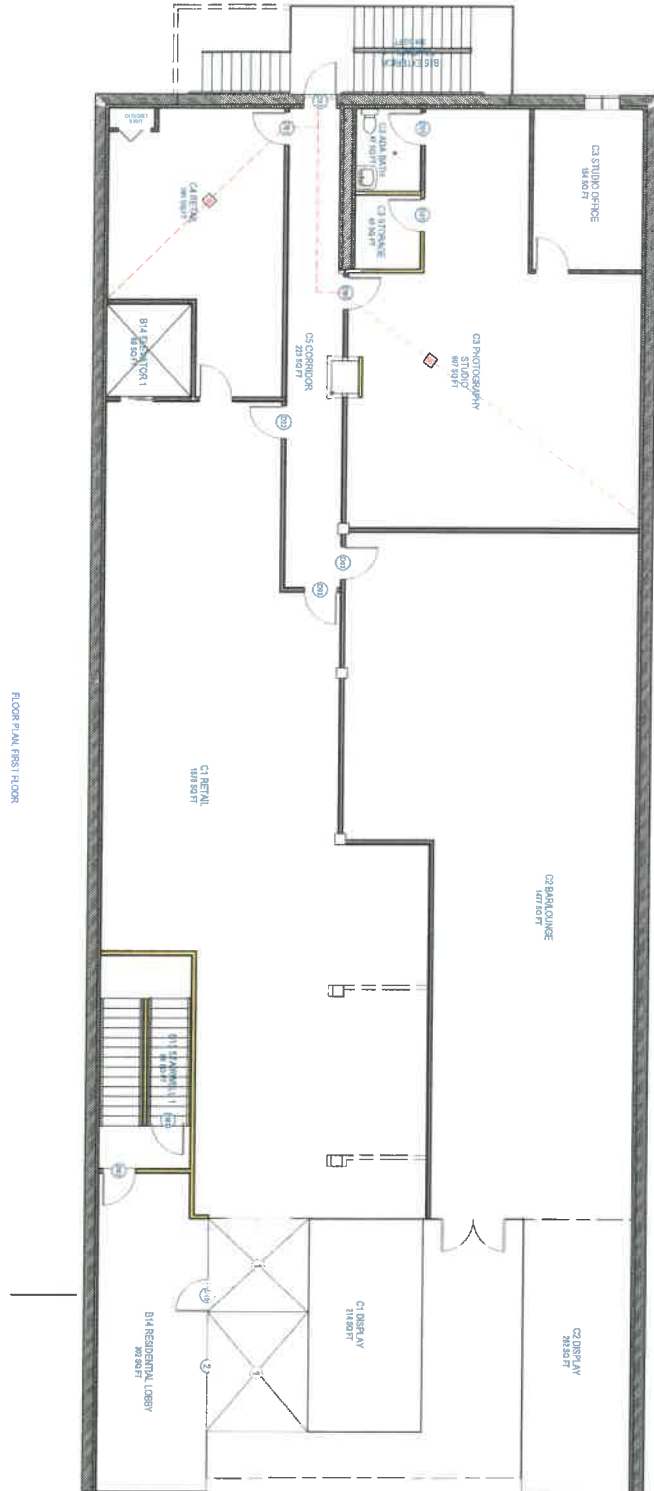
WASHINGTON STREET
APARTMENTS
158 WASHINGTON STREET
BRONX, NY 10451

ELEVATIONS, STREET VIEWS



DATE:	1/2/2020
SCALE:	NTS
DRAWING:	E4
SHEET:	10

NOTES:
1. THE NEW ROOM ENTRY LANDING SHALL BE AT THE
THRESHOLD SHALL BE 1/2" OR LESS THE NEW
2. GLASS DISPLAY PANEL SHALL BE DERIVED WITH STONEWORK
OTHERS, WALLS SHALL BE LOCATED IN THE AREA



FLOOR PLAN, FIRST FLOOR

NOTES:
1. THE NEW ROOM ENTRY LANDING SHALL BE AT THE
THRESHOLD SHALL BE 1/2" OR LESS THE NEW
2. GLASS DISPLAY PANEL SHALL BE DERIVED WITH STONEWORK
OTHERS, WALLS SHALL BE LOCATED IN THE AREA

FLOOR PLAN, FIRST FLOOR

WASHINGTON STREET
APARTMENTS
150 WASHINGTON STREET
BINGHAMTON, NY 13901

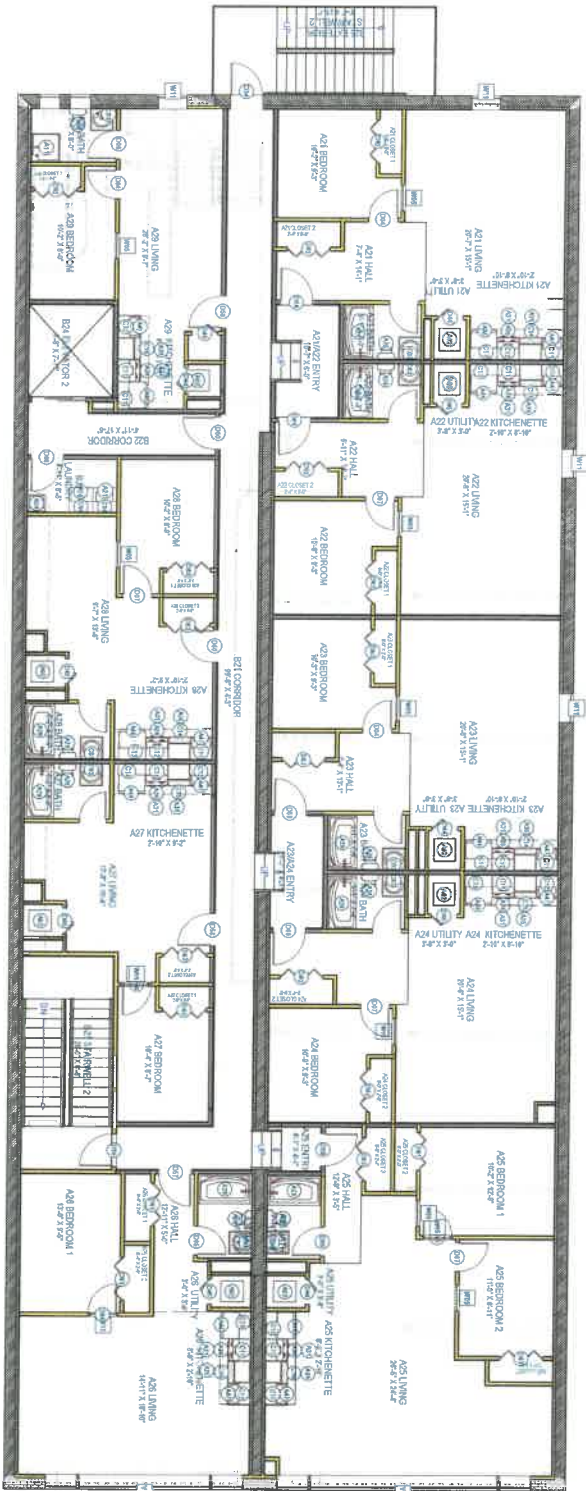
REVISION TABLE			
NUMBER	DATE	REVISOR	DESCRIPTION



DATE:	1/2/2020
SCALE:	3/16"=1'-0"
DRAWING:	P-2
SHEET:	12

DOAK ENGINEERING, INC. 150 WASHINGTON STREET, DUNGHAMTON, NY 13001
 518-352-5792 FAX 518-352-5793
 www.doak-engineering.com

FLOOR PLAN, SECOND FLOOR



NOTES:
 1. SEE SCHEDULE SHEET FOR CALLOUTS.

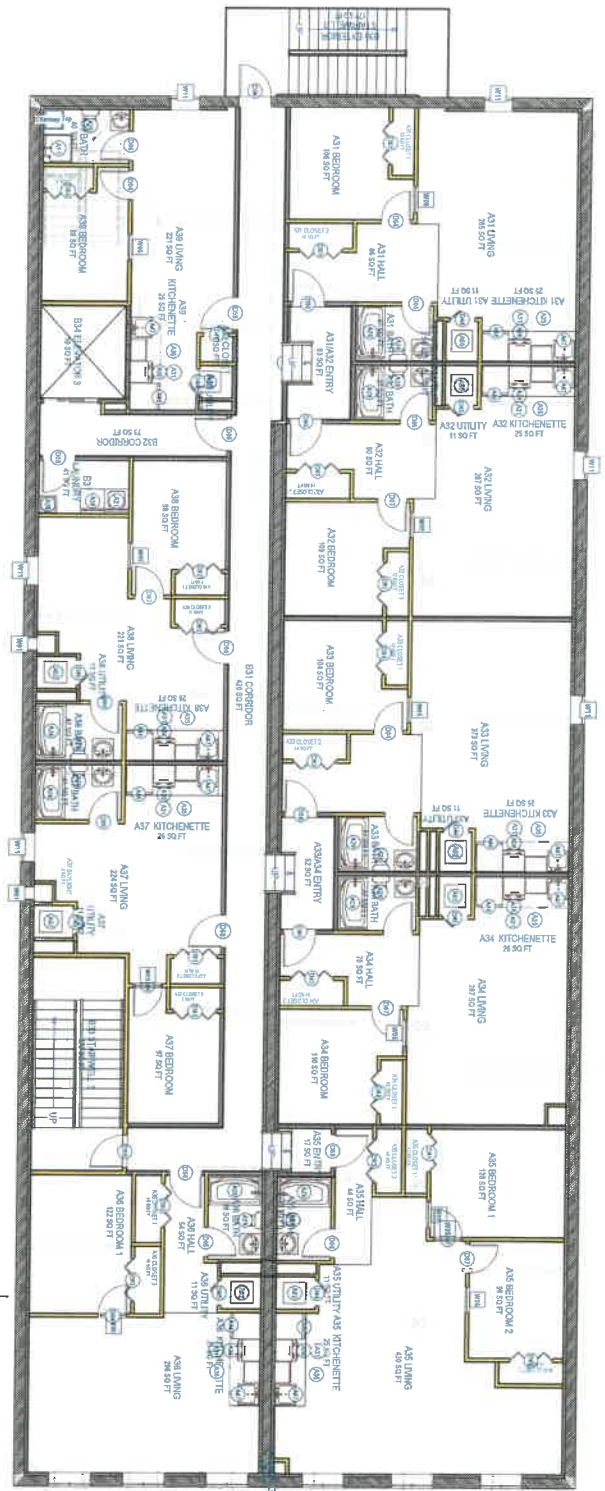
FLOOR PLAN, SECOND FLOOR

WASHINGTON STREET
 APARTMENTS
 150 WASHINGTON STREET
 DUNGHAMTON, NY 13001

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION



DATE: 1/2/2020
 SCALE: 3/16"=1'-0"
 DRAWING: P-3
 SHEET: 13



FLOOR PLAN, THIRD FLOOR

NOTES:
1. SEE SCHEDULE SHEET FOR CALLOUTS.



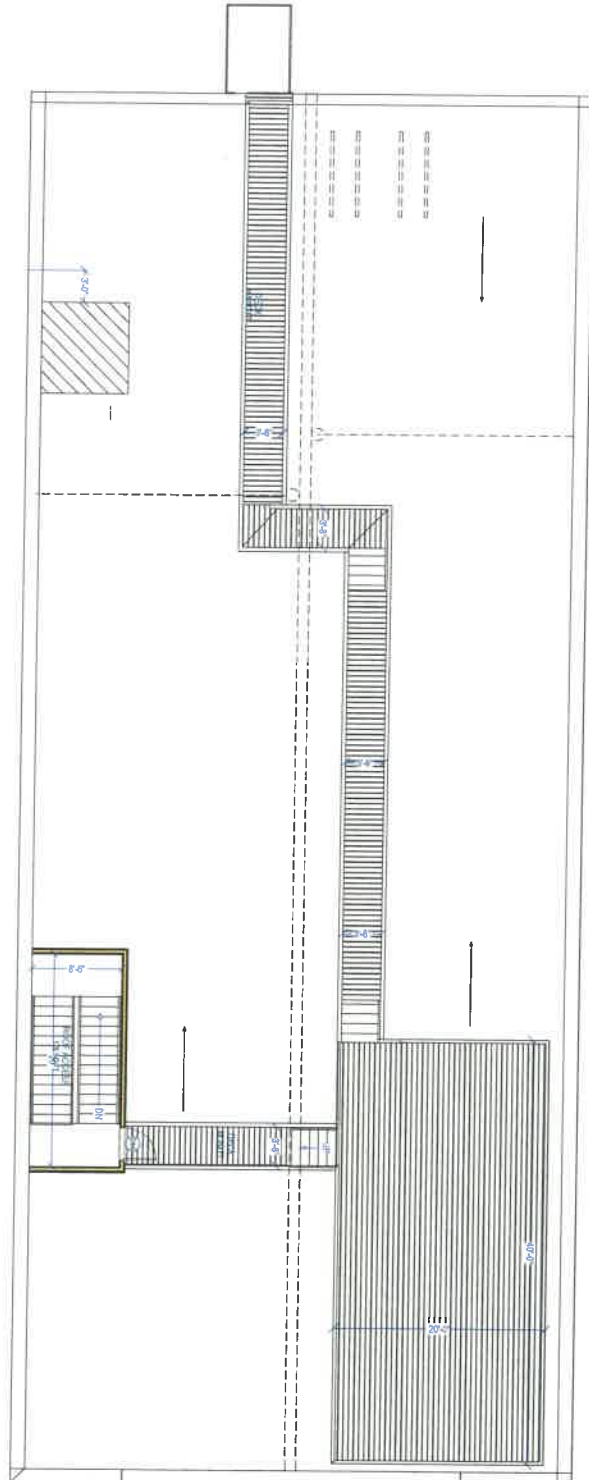
REVISION TABLE			
NUMBER	DATE	REVISION BY	DESCRIPTION

**WASHINGTON STREET
APARTMENTS**
130 WASHINGTON STREET
BINGHAMTON, NY 13901

FLOOR PLAN, THIRD FLOOR



DATE:	1/2/2020
SCALE:	3/16"=1'-0"
DRAWING:	P-4
SHEET:	14



5TH FLOOR

NOTES:
 1. DECK SHALL BE PLACED LEVEL. ELEVATION SHALL BE ADJUSTED TO FOLLOW THE ROOF SLOPE WITH 1" STOPS MEETING THE 4" MIN. DIAL 5/8" GANES 4" MIN. 2. ALL WALLS SHALL BE 3" MIN.

FLOOR PLAN, ROOFTOP

WASHINGTON STREET
 APARTMENTS
 155 WASHINGTON STREET
 BINGHAMTON, NY 13901

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION



DATE: 1/22/2020
 SCALE: 3/16"=1'-0"
 DRAWING: P-6
 SHEET: 16