THE AGENCY

BROOME COUNTY IDA / LDC

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

GOVERNANCE COMMITTEE MEETING

April 21, 2021 – 11:00 a.m.
The Agency Conference Room, 2nd Floor
FIVE South College Drive, Suite 201
Binghamton, NY 13901

AGENDA

1.	Call to Order	R. Bucci
2.	Accept the March 17, 2021 Governance Committee Meeting Transcript	R. Bucci
3.	Public Comment	R. Bucci
4.	Review/Discussion/Recommendation to Approve the Renewal of The Agency's Contract with the National Development Council, for an Additional Twelve (12) Month Period, a Copy of Which is Attached Hereto	S. Duncan
5.	Review/Discussion/Recommendation to Authorize an Extension of the May 20, 2020 Sales Tax Agreement with GJS Property Group. from May 20, 2021 Through and Including May 20, 2022, of Which the Total Shall not Exceed $60,000.00	S. Duncan
6.	Review/Discussion/Recommendation to Approve an Increase in the Amount of $25,312.84 to the Binghamton ASC, LLC (The "Company") $34,392.38 Portion of the $79,549.00 Sales and Use Tax Exemption Provided to the Company and Ophthalmic Associates of the Southern Tier, P.C. Under the Sales and Use Tax Exemption Agreement Dated September 23, 2020, Which Total Sales and Use Tax Benefit to the Company Shall not Exceed $59,705.22	S. Duncan
7.	Review/Discussion/Recommendation to Accept an Application from Kashou Enterprises. Inc., (The "Company") for a Lease/Leaseback Transaction to Facilitate the Financing of the Construction, Rehabilitation, Renovation and Equipping of the Greater Binghamton Sports Complex Located at 1500 County Airport Road, in the Town of Union, Broome County, New York, to Provide for a Sales and Use Tax Exemption Benefit in an Amount Not to Exceed $240,000.00, to Provide for a Mortgage Tax Exemption in an Amount not to Exceed $30,000.00, to Provide for a Real Property Tax Exemption in an Amount Not to Exceed $620,721.83 and Authorizing The Agency to Set and Conduct a Public Hearing with Respect Thereto	S. Duncan
8.	Review/Discussion/Recommendation to Accept an Application from American Horizons Group, LLC, (The "Company") for a Sale/Leaseback or a Lease/Leaseback Transaction to Facilitate the Construction and Equipping of the Altura at Skye View Heights Housing Project Located at 105-1/2 Skye Island Drive, in the Village of Endicott, Town of Union, Broome County, New York, to Provide for a Sales and Use Tax Exemption Benefit in an Amount Not to Exceed $800,000.00, to Provide for a Mortgage Tax Exemption in an Amount not to Exceed $160,000.00, to Provide for a Real Property Tax Exemption in an Amount Not to Exceed $8,811,446.24 and Authorizing The Agency to Set and Conduct a Public Hearing with Respect Thereto	S. Duncan

9.	Review/Discussion/Recommendation to Authorize Financial Assistance to the Broome County Planning Southern Tier ARC Power Grant (Broadband) in an Amount not to Exceed $15,000.00	S. Duncan
10.	Discussion on the Establishment of Exemption Criteria as it Relates to Solar and Other Energy Storage Projects	S. Duncan
11.	Adjournment	R. Bucci

AGREEMENT BY AND BETWEEN

AND

NATIONAL DEVELOPMENT COUNCIL

REGARDING

HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT ADVISEMENT

This Agreement is made and entered into this 1st day of April 2021, by and between the BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY**,** a public benefit corporation established by the State of New York whose address is FIVE South College Drive, Suite 201, Binghamton, New York 13905 (the "Client") and **NATIONAL DEVELOPMENT COUNCIL** ("NDC" or the "Contractor"), a New York non-profit corporation, which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, whose address is 1 Battery Park Plaza, 24 Whitehall Street, Suite 710, New York, NY, 10004

WITNESSETH THAT:

WHEREAS, the Client desires to receive professional services from NDC to develop and assist in the implementation of the Client's community and economic development programs;

WHEREAS, NDC is willing to provide, on such terms and conditions as are hereinafter provided, technical assistance to the Client utilizing its expertise in economic and community development activities and housing.

NOW THEREFORE, in consideration of the above-mentioned premises and of the mutual covenants contained herein, the parties hereto agree as follows:

I. SCOPE OF SERVICES

The Client acknowledges that NDC regularly performs services for various governmental agencies and public benefit corporations located across the United States. The purpose of this Agreement is to set forth the terms upon which NDC will provide the Client with assistance it has requested, which is generally described as Exhibit A attached hereto**.** NDC agrees to perform such services as are requested by the Client and to provide such services, as it deems necessary to accomplish the goals requested. Exhibit A attached hereto fully describes the services to be offered to the Client by NDC. In performing the requested services, NDC shall consult with officers and employees of the Client and shall meet, as appropriate, with such representatives or other entities when necessary, including, without limitation, State and Federal officials and other local organizations.

II. DURATION, TERMINATION

NDC agrees to commence work for the Client effective April 1, 2021 and shall continue providing technical assistance for twelve (12) months. Either party may, at any time, terminate this Agreement with or without cause by sending written notice to the other party, in which event this Agreement shall be terminated effective 30 days after receipt of such notice.

III. COMPENSATION

The Client shall compensate NDC for performance of services received hereunder in the total amount of Twenty-Four Thousand Dollars ($24,000), payable in monthly installments of Two Thousand Dollars ($2,000) for the first twelve months. The base fee amount includes all NDC's time, travel expenses, supplies, postage, telephone, and other similar expenses. As an independent contractor, NDC is responsible for all taxes and other benefits of the employees of NDC and nothing contained herein shall be interpreted as creating a relationship of servant, employee, partnership, or agency between the Client and the NDC. Payment by the Client for services rendered under this Agreement evidences the Client's acceptance of such services in accordance with the terms of this Agreement.

IV. MISCELLANEOUS PROVISIONS

4.1 **Confidentiality of Reports.** NDC shall keep confidential all reports, information and data given to, prepared or assembled by NDC pursuant to NDC's performance hereunder and Client designates in writing as confidential. Such information shall not be made available to any person, firm, corporation or entity without first obtaining the prior written consent of Client unless otherwise mandated by applicable law**.**

4.2 **Equal Opportunity.** NDC shall comply with all provisions of Title VI of the Civil Rights Act of 1964 and of the rules, regulations and relevant order of the Secretary of Labor regarding discrimination. In the event a party is determined by the final order of an appropriate agency or court to be in violation of any non-discrimination provision of federal, state, or local law, this Agreement may be cancelled, terminated or suspended in whole or in part by the Client, and that party may be declared ineligible for further Client contracts.

4.3 **Conflicts of Interest.** No board member, officer or employee of Client or its designees or agents, and no other public official who exercises any functions or responsibilities with respect to any requested technical assistance, shall be permitted to financially benefit from this Agreement or have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with this Agreement.

4.4 **Notices.** All notices shall be sent by certified mail, hand-delivery or over night mail and

in all events with a written acknowledgment of receipt to the address set forth at the beginning of this Agreement.

4.5 **Responsibility for Claims-Mutual Indemnification.** Client agrees to indemnify and save harmless NDC, their agents, officials, and employees from any liability, damage, expense, cause of action, suit, claim, judgment or expenses (including attorneys' fees) arising from injury to person, including death or personal property or otherwise, caused by or resulting from the activities in furtherance of the work described herein. NDC agrees that such indemnity shall not apply to any actions, claims or damages arising as a result of NDC's bad faith, willful misconduct or gross negligence**.** NDC agrees to indemnify and save harmless Client, their agents, officials, and employees from any liability, damage, expense, cause of action, suit, claim, judgment or expenses (including attorneys' fees) arising from injury to person, including death or personal property or otherwise, caused by or resulting from the activities in furtherance of the work described herein. Client agrees that such indemnity shall not apply to any actions, claims or damages arising as a result of Client's bad faith, willful misconduct or gross negligence.

4.6 **Release of News Information.** No news release, including photographs, public announcements or confirmation of same, or any part of the subject matter of this Agreement or any phase of any program hereunder shall be made without prior written approval of the Client.

4.7 **Compliance with Laws.** NDC agrees to comply with all applicable federal, state and local laws in the conduct of the work hereunder. This Agreement shall be construed, interpreted and the rights of the parties determined, in accordance with the laws of the State of New York.

4.8 **Assignment.** Neither this Agreement nor any rights, duties or obligations described herein may be assigned by either party without the prior expressed written consent of the other party.

4.9 **Severability.** A determination that any part of this Agreement is invalid shall not invalidate or impair the force of the remainder of this Agreement.

4.10 **Acknowledgement.** The Client expressly acknowledges that all opinions and advice (written or oral) given by NDC to the Client in connection with NDC's engagement are intended solely for the benefit and use of the Client considering the financing and the Client agrees that no such opinion or advice shall be used for any other purpose or reproduced, disseminated, quoted or referred to at any time without the prior consent of NDC.

4.11 **Disclaimer**. The Client is a sophisticated business enterprise and has retained NDC for the purposes set forth in this Agreement and the parties acknowledge and agree that their respective

rights and obligations are contractual in nature. Each party disclaims an intention to impose fiduciary agency rights or obligations on the other by virtue of the engagement hereunder.

Standard disclaimer regarding NDC's compliance with Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank") and amended Section 15B of the Securities and Exchange Act of 1934 ("Exchange Act")

The National Development Council is not a Registered Municipal Advisor as defined in Dodd-Frank and the Exchange Act and therefore cannot provide advice to a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities, including structure, timing, terms or other similar matters concerning such financial products or issues.

4.12 **Entire Agreement.** This Agreement contains the final agreement between the parties regarding the matters covered and supersedes any and all other agreement, either oral in writing, regarding the matters contained herein.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year first written above.

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY:	**NATIONAL DEVELOPMENT COUNCIL:**
By: _____	By: _____
Stacey Duncan	**Daniel Marsh III, President**
Executive Director	
Date:_____	**Date:**_____

NDC TECHNICAL ASSISTANCE AGREEMENT
SCOPE OF SERVICES
EXHIBIT A

The Scope of Services describes the assistance available under this Technical Assistance Agreement during the specified contract period. The Client and NDC, by mutual agreement, may revise this Scope of Services from time to time. The assistance within this Scope of Services includes:

A. Employ the Housing and Economic Development Corporation of the National Development Corporation or NDC-HEDC as a conduit for non-Client funds for use by the Client in its "BROOME County a good life." community marketing and workforce development campaign.

B. Assist the BCIDA and its various entities in the preparation of Request for Qualifications (RFQ), and Request for Proposals (RFP).

Assist the BCIDA and its various entities review and evaluate RFQ and RFP responses.

At the request of the BCIDA, review, analyze real estate developer, and operating company proposals.

At the request of the BCIDA, meet with developers and operating company's seeking BCIDA funding and cost avoidance assistance.

Work with the BCIDA in assembling applications for state and federal funding for use by the BCIDA and its various entities.

Work with the BCIDA on assembling applications for state and federal funding for use in projects and developments in Broome County.

C. At the Client's request, NDC will review and evaluate projects being considered by the Client for community and economic development assistance. This assistance provided by NDC may include, but not be limited to:

1. Evaluating developer experience and capacity.
2. Financial review or the sources and uses, operating proformas, and financial statements.
3. Structuring of deals with available public sector economic development programs.

4. Review of appraisals, cost assumptions, capital budgets, operating statements, marketing date and other funding commitments.
5. Advising on tax credit equity sources, requirements and structuring
6. Identifying other funding sources for the range of commercial, industrial, and residential real estate and business credit deals.
7. Assisting with development issues during pre-development and development.
8. Advising on program regulations issues.

C. NDC will provide technical support or financial analysis to the Client with respect to its economic and housing development program proposals.

D. At the Client's selection, provide two (2) scholarships to be used by the Client's staff for attendance at any of NDC "professional certification programs".

E. At the Client's election, conduct up to two (2) in-house training sessions in the areas of business credit, real estate finance, and federal tax credits for staff members and representatives of the Client and Broome County, New York.

F. NDC will provide technical assistance and advocacy in the Client's efforts to seek funding or leverage existing resources through governmental programs including, but not limited to:

Federal Resources

1. Community Development Block Grant (CDBG) program
2. HOME Investment Partnership program
3. HUD Section 108 Loan Program
4. U.S. Department of Commerce Economic Development Administration (EDA)
5. U.S. Environmental Protection Agency (EPA) Brownfields Program, including Targeted Assessments, Supplemental Pilot Program, and Brownfields Revolving Loan Fund
6. U.S. Small Business Administration 7(a), 504, and Microenterprise programs
7. New Markets Tax Credit Program
8. Federal Home Loan Bank Community Investment Program
9. Rehabilitation Tax Credits (Historic Tax Credits)
10. Low Income Housing Tax Credit (LIHTC)

State of New York Resources

1. Empire State Development Corporation (ESDC) programs
2. New York State Homes and Community Renewal (HCR) programs
3. The Dormitory Authority of the State of New York Funding
4. The New York Power Authority (NYPA) programs

GJS Property Group LLC

George Slavik
9 Carolyn Court
Endwell, NY 13760
(607)760-8441

April 8, 2021

The Agency
Broome County IDA
Attn. Ms. Stacey Duncan, Executive Director
FIVE South College Drive, Suite 201
Binghamton NY 13905

Re: Extension

Dear Ms. Duncan,

Please accept this letter as notice that we would like to request an extension our construction project's sales tax exemption. We would like to request the extension from May 20, 2021 to May 20, 2022. Due to COVID-19 many of our planned projects have been delayed. Many of the contractor's were dealing with personal and employee Covid health issues. We are just starting to be able to get them underway.

If you have any questions, please do not hesitate to contact me. I would be happy to answer any of your questions or concerns.

Sincerely,

George Slavik Jr.
Property Owner

GS/kmd

LEVENE GOULDIN & THOMPSON, LLP

ATTORNEYS AT LAW

E-mail: cwenban@lgtlegal.com
Direct Dial: (607) 584-5654
Respond to: Main Office

April 12, 2021

Via Email
The Agency
Attn: Stacey Duncan, Executive Director
FIVE South College Drive, Suite 201
Binghamton, New York 13905

RE: Binghamton ASC, LLC ("ASC")
Request for Sales Tax Exemption Increase

Dear Ms. Duncan:

This office represents ASC. Dr. Daniel Sambursky is the sole member of ASC. In 2020, ASC was granted a sales tax exemption in the amount of $34,392.38. Additional equipment and fixtures need to be purchased from Alcon for the ambulatory surgery center. The figures provided at the time of the initial application were based on information from the consultant and additional medical equipment and fixtures are needed at this time. The estimated value of the items is $342,720.37. The additional sales tax exemption being requested is $25,312.84. Note there is an existing sales tax exemption balance of $2,104.79 that will be applied to the order from Alcon.

In conjunction with the project, ASC is respectfully seeking an additional sales tax exemption of $25,312.84. This correspondence shall serve as our formal request. The application and check for the $1,000 administrative fee were delivered to your office this afternoon.

Respectfully,
LEVENE GOULDIN & THOMPSON, LLP

Carrie A. Wenban, Esq.

THE AGENCY

BROOME COUNTY IDA / LDC

SALES TAX INCREASE REQUEST

PROJECT Sambursky - Binghamton ASC, LLC

Address 530 Columbia Drive
City/State/Zip Johnson City, NY 13790
Contact Name Dr. Daniel Sambursky
Tax ID No. 83-3672662
Title President
Telephone 607-341-4141
E-Mail dansambursky@gmail.com

REASON FOR SALES TAX EXEMPTION INCREASE

Additional equipment and fixtures to be purchased for the ambulatory surgery center.

NEW PROJECT COSTS

A. Costs necessary for the new construction, acquisition, rehabilitation, improvement and/or equipping of the project

Building Construction or Renovation

a. MATERIALS — a. $_____

b. LABOR — b. $_____

Site Work

c. MATERIALS — c. $_____

d. LABOR — d. $_____

e. Non-Manufacturing Equipment — e. $_____

f. Furniture and Fixtures — f. $342,720.37

g. LAND and/or BUILDING Purchase — g. $_____

h. Soft Costs (Legal, Architect, Engineering) — h. $_____

Other (specify) i. _____ — i. $_____

j. _____ — j. $_____

k. _____ — k. $_____

TOTAL PROJECT COSTS

B. Sources of Funds for Project Costs:

a. Bank Financing — $_____

b. Public Sources — $_____

Identify each state and federal grant/credit

_____ — $_____

_____ — $_____

_____ — $_____

_____ — $_____

c. Equity — $342,720.37

TOTAL SOURCES — $342,720.37

ESTIMATED DURATION OF SALES TAX EXEMPTION

A. The sales tax letter shall be valid for a period of twelve (12) months as specified; unless otherwise noted.

VALUE OF INCENTIVE

A. Sales Tax Exemption Benefit

Estimated value of goods that will be exempt from New York State and local sales tax (materials, non-manufacturing equipment, furniture and fixtures - **line a,c,e,f from Project Costs**)	$ 342,720.37
New estimated value of New York State and local sales tax exemption (8% of value of eligible goods)	$ 25,312.84*
Approved amount of New York State and local sales tax exemption from previous application	$ 34,392.38
Total of Original and New Requested Sales Tax Exemption	**$** 59,705.22

* Total of sales tax on additional FF&E purchases is $27,417.63, however, there is a remaining Sales tax exemption of $2,104.79. The additional Sales tax exemption requested is $25,312.84.

ADMINISTRATIVE FEE

A. Sales Tax Increase Fee:

A non-refundable sales tax increase fee of ***$1,000*** is due at the time of request. However, if this request combined with the previous sales tax exemption approval is over **$100,000, a 1% project fee of the total project cost is due and payable to The Agency at time of Board approval.**

$ 1,000.00

LOCAL LABOR POLICY

A. Please note, The Agency's Local Labor Policy remains in effect for the Sales Tax Increase Request.

This request, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

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

(i) an applicant or its sub-agency (if any) authorized to make purchases for the benefit of the project is not entitled to the sales and use tax exemption benefits;

(ii) sales and use tax exemption benefits are in excess of the amounts authorized by the Agency to be taken by the applicant or its sub-agents;

(iii) sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the project;

(iv) the applicant has made material, false, or misleading statements in its application for financial assistance;

(v) the applicant has committed a material violation of the terms and conditions of a Project Agreement.

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

COMPANY REPRESENTIVE See attached signature page

Sworn to before me this

_____

_____

Signature Title Date

____ day of _____ , 20 ____.

_____

(Notary Public)

VALUE OF INCENTIVE

A. Sales Tax Exemption Benefit

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

New estimated value of New York State and local sales tax exemption (8% of value of eligible goods) $_____

Approved amount of New York State and local sales tax exemption from previous application $_____

Total of Original and New Requested Sales Tax Exemption $_____

ADMINISTRATIVE FEE

A. Sales Tax Increase Fee:

A non-refundable sales tax increase fee of ***$1,000*** is due at the time of request. However, if this request combined with the previous sales tax exemption approval is over **$100,000, a 1% project fee of the total project cost is due and payable to The Agency at time of Board approval.** $_____

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) an applicant or its sub-agency (if any) authorized to make purchases for the benefit of the project is not entitled to he sales and use tax exemption benefits;

i) sales and use tax exemption benefits are in excess of the amounts authorized by the Agency to be taken by the pplicant or its sub-agents;

ii) sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the roject;

v) the applicant has made material, false, or misleading statements in its application for financial assistance;

) the applicant has committed a material violation of the terms and conditions of a Project Agreement.

ri) As of the date of the Application this project is in substantial compliance with all provisions of GML Article 8-A, including but not limited to, the provisions of GML Section 859-a and GML Section 862(1) (the anti-raid provision) and if he project involves the removal or abandonment of a facility or plant within the state, notification by the IDA to the chief xecutive officer or officers of the municipality or municipalities in which the facility or plant was located.

:OMPANY REPRESENTATIVE Daniel Saulsbury

member 04/06/2021

ignature Title Date

Sworn to before me this

6th day of April, 20 21.

(Notary Public)

Broome County Registration No.
Exp. 2/7/2025 01WE6122023

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PROJECT REVIEW FORM

Company: Kashou Ent. Inc.

IDA Meeting Date: 04/21/2021

Representative: Bahij Kashou

IDA Public Hearing Date: TBD

Type of Business: Sports Complex

Project Start Date: 2021

Project End Date: 2021

Company Address: 1500 Airport Rd
Binghamton, NY 13905

Employment:
Full-Time Equivalent

Existing	8
1st year	17
2nd year	8
3rd year	10 total: 35

Total Yearly Payroll

1st Year	$ 294,000.00
2nd Year	$ 162,000.00
3rd Year	$ 262,000.00
Total:	$ 718,000.00

Own / Lease: Own

SF / Acreage: 16 Acres
98,000 sqft

Construction Jobs: 64

Proposed Project Location: Town of Union

Company Contact For Bid Documents & Employment Opportunities:
Bahij Kashou (607) 343-4487
bkashou@binghamtonfc.com

Description:
Reconstruction of the Dome Facility with a 98,000 sqft steel metal building. Looking to expand into new sports program and event hosting. Something the community has wanted and needed for many years now.
The new Event Center on Airport Rd will house 5 indoor turf fields, a 2-story clubhouse, which would house a restaurant, retail space and several other entities that would relate to sports.
Family-Owned business that has been in the field sports for over 20 years developed and grew all field sports in the Broome County area, created some of the most successful programs in the Northeast and country. Soccer, Lacrosse, Field Hockey, softball, Flag Football, and Baseball.

PROJECT BUDGET		ASSESSMENT	
Land Related Costs		Current Assessment	$ 450,000.00
Building Related Costs	$ 4,000,000.00	Asmt. At Completion (Est.)	$ 3,500,000.00
M & E Costs	$ 150,000.00	**EXEMPTION** (Est.)	
F F & E Costs	$ 50,000.00	Sales Tax @ 8%	$ 240,000.00
Professional Services/Development Cost	$ 130,000.00	Mortgage Tax	$ 30,000.00
Total Other Costs	$ 50,000.00	Property Tax Exemption	620,721.83
Working Capital Costs	$ 300,000.00		
Closing Costs			
Agency Fee	$ 46,800.00	**TOTAL EXEMPTIONS:**	$ 890,721.83
TOTAL:	$ 4,726,800.00	**TOTAL PILOT PAYMENTS:**	$ 692,615.41

Project Type
(Check all that apply)

- ☐ Manufacturing, Warehousing, Distribution
- ☐ Agricultural, Food Processing
- ☉ Adaptive Reuse, Community Development
- ☐ Housing Development
- ☐ Retail*
- ☐ Back Office, Data, Call Centers
- ☐ Energy/Power

** Uniform Tax Policy does not typically provide tax exemptions for Retail Projects*

Project Criteria Met
(Check all that apply)

- ☉ Project will create and /or retain permanent jobs
- ☉ Project will be completed in a timely fashion
- ☉ Project will create new revenue to local taxing jurisdictions
- ☉ Project benefits outweigh costs
- ☉ Other public benefits

**New York State Required Criteria*

Pilot Type

- ☉ Standard 10 year ☐
- ☐ Deviated _____ year

Staff Comments:

Broome County Industrial Development Agency
Cost Benefit Incentive Analysis

Date:	3.18.21
Project Name/Address:	Kashou Ent. Inc.
Project Start Date:	2021
Project Description:	Reconstruction of the Dome Facility with a 98,000 sqft steel metal building. Looking to expand into new sports program and event hosting. Something the community has wanted and needed for many years now.The new Event Center on Airport Rd will house 5 indoor turf fields, a 2-story clubhouse, which would house a restaurant, retail space and several other entities that would relate to sports. Family-Owned business that has been in the field sports for over 20 years developed and grew all field sports in the Broome County area, created some of the most successful programs in the Northeast and

BENEFIT

Investment: Public/Private/Equity

Building Related Costs	$	4,000,000.00			
M&E Costs	$	150,000.00			
FF&E Costs	$	50,000.00			
Working Capital	$	300,000.00			
Professional Fees/ Development	$	130,000.00			
Other Costs	$	50,000.00			
TOTAL INVESTMENT		$4,680,000.00			$4,680,000.00
New Mortgages		$3,000,000.00			
Jobs					
New		35			
Retained		8			
TOTAL NEW JOBS		35			
Term # Years		10	years		
TOTAL NEW PAYROLL	$	718,000.00		$	718,000.00
PILOT PAYMENTS	$	692,615.41	(see Pilot Schedule)	$	692,615.41
TOTAL BENEFIT	**$**	**6,090,615.41**		**$**	**6,090,615.41**

COST

PROPERTY TAX ESTIMATES

Fair Market Value	$	3,500,000.00	Upon Completion	
Equalization Rate		4.02%		
Taxable Assessment	$	140,700.00	Upon completion	

TAX RATES

County	172.11	Annual tax	$	24,215.88
School	638.66	Annual tax	$	89,859.46
Town In & Out Tax Rate	25.79	Annual tax	$	3,628.65
Part Town Out	15.91	Annual tax	$	2,238.54
ANNUAL TAX	852.47		$	119,942.53

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

* Assume a 2% Tax Increase Per Year

PROPERTY TAX ABATEMENT $ 620,721.83

SALES TAX ABATEMENT	$	240,000.00		
MORTGAGE RECORDING TAX	$	30,000.00		
AGENCY FEE	**$**	**46,800.00**		
TOTAL COST	**$**	**937,521.83**	**$**	**937,521.83**
NET BENEFIT/COST			$	5,153,093.58
Benefit/Cost Ratio				6.50 to 1

Kashou Ent. Inc. - Standard 10 Year PILOT Schedule (Improve/Expand of Existing Facility- Commercial)

	FULL TAXES w/o			Town In & Out						Town In & Out		
YEAR	PILOT	JC School Tax	County Tax Rate	Tax Rate	Part Town Out	% Abatement	PILOT Payment	JC School Tax	County Tax Rate	Tax Rate	Part Town Out	Benefit
2022	$119,942.53	$89,859.46	$24,215.88	$3,628.65	$2,238.54	Frozen	$15,421.18	$11,553.36	$3,113.47	$466.54	$287.81	$104,521.35
2023	$122,341.38	$91,656.65	$24,700.20	$3,701.22	$2,283.31	Frozen	$15,729.60	$11,784.43	$3,175.74	$475.87	$293.57	$106,611.78
2024	$124,788.21	$93,489.78	$25,194.20	$3,775.25	$2,328.98	Frozen	$16,044.20	$12,020.12	$3,239.25	$485.39	$299.44	$108,744.01
2025	$127,283.97	$95,359.58	$25,698.09	$3,850.75	$2,375.56	50%	$63,641.99	$47,679.79	$12,849.04	$1,925.38	$1,187.78	$63,641.99
2026	$129,829.65	$97,266.77	$26,212.05	$3,927.77	$2,423.07	50%	$64,914.83	$48,633.38	$13,106.02	$1,963.88	$1,211.53	$64,914.83
2027	$132,426.24	$99,212.10	$26,736.29	$4,006.32	$2,471.53	25%	$99,319.68	$74,409.08	$20,052.22	$3,004.74	$1,853.65	$33,106.56
2028	$135,074.77	$101,196.35	$27,271.01	$4,086.45	$2,520.96	25%	$101,306.08	$75,897.26	$20,453.26	$3,064.84	$1,890.72	$33,768.69
2029	$137,776.27	$103,220.27	$27,816.43	$4,168.18	$2,571.38	25%	$103,332.20	$77,415.21	$20,862.33	$3,126.13	$1,928.53	$34,444.07
2030	$140,531.79	$105,284.68	$28,372.76	$4,251.54	$2,622.81	25%	$105,398.84	$78,963.51	$21,279.57	$3,188.66	$1,967.10	$35,132.95
2031	$143,342.43	$107,390.37	$28,940.22	$4,336.57	$2,675.26	25%	$107,506.82	$80,542.78	$21,705.16	$3,252.43	$2,006.45	$35,835.61
TOTALS	**$1,313,337.24**	**$983,936.02**	**$265,157.13**	**$39,732.71**	**$24,511.39**		**$692,615.41**	**$518,898.91**	**$139,836.07**	**$20,953.86**	**$12,926.58**	**$620,721.83**

Based on an assumed 2% property tax increase per year

JC School Tax Rate	638.66	$89,859.46
County Tax Rate	172.11	$24,215.88
Town In & Out Tax Rate	25.79	$3,628.65
Part Town Out	15.91	$2,238.54
	Annual Tax Payment w	**$119,942.53**

Fair Market Value Upon Completion - $3,500,000
ER 4.02%
Equalized Assessment - $140,700

*Years 1-3 are based on land only
Assessment $450,000
Full Tax $18,090

****Special Districts are not included in this PILOT, i.e.. Fire, Ambulance, Library, Highway and Parks. Please note you will still receive a bill for those taxes.**

APPLICATION FOR FINANCIAL ASSISTANCE

APPLICANT

NAME: Kashou Ent Inc

APPLICANT'S STREET ADDRESS: 1500 Airport Rd

CITY: Binghamton STATE: NY ZIP: 13905 PHONE: 607-729-5165

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

Bahij Kashou PHONE: 607-343-4487

TITLE: President EMAIL: bkashou@binghamtonfc.com

APPLICANT'S COUNSEL

NAME: Paul Hoffman

FIRM: Levene Gouldin EMAIL: phoffmann@lgtlegal.com

ADDRESS: 450 Plaza Dr

CITY: Vestal STATE: NY ZIP: 13850 PHONE: 607-584-5682

APPLICANT'S ACCOUNTANT

NAME: Dan Farrell

FIRM: EMAIL: dan@dsfcpapc.com

ADDRESS: 37 front st

CITY: Binghamton STATE: NY ZIP: 13905 PHONE: 607-785-2233

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

PROJECT SUMMARY

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

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

B: EMPLOYMENT IMPACT (BROOME COUNTY): EXISTING/RETAINED JOBS: 8 NEW JOBS WITHIN THREE YEARS: 35

C: PROJECT COST: $ 4680000 D: TYPE OF FINANCING: TAX-EXEMPT ■ TAXABLE STRAIGHT LEASE

E: AMOUNT OF BONDS REQUESTED: $

F: AMOUNT OF NEW MORTGAGE(S) REQUIRED FOR PROJECT: $ 3000000

G: PROJECT-RELATED COSTS SUBJECT TO SALES TAX: $ 3000000

H: ESTIMATED VALUE OF TAX EXEMPTIONS:

NYS SALES AND COMPENSATING USE TAX $ 240000 MORTGAGE RECORDING TAXES $ 30000

REAL PROPERTY TAX EXEMPTIONS $ 620,721.83 REQUESTED TERM OF PILOT: 10 yrs

OTHER (PLEASE SPECIFY) $

I: CURRENT PROPERTY TAX ASSESSMENT $ 4500000 CURRENT PROPERTY TAXES $ 18,090.00

APPLICANT INFORMATION

EMPLOYER'S FEDERAL ID NO. 16-1591399 NAICS CODE

1. INDICATE TYPE OF BUSINESS ORGANIZATION OF APPLICANT:

A. ■ CORPORATION INCORPORATED IN WHAT COUNTRY BROOME WHAT STATE NY

DATE INCORPORATED 1990 TYPE OF CORPORATION S-Corp

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:

N/A

MANAGEMENT OF APPLICANT

List all owners, directors and partners

NAME AND HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
Bahij Kashou 978 vestal Ave Binghamton	President	

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

visions FCU

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?

Yes

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

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

9. Zoning district in which Project is located

10. Are there any variances or special permits required? If yes, please explain: ☐ YES ■ NO

11. Will the completion of the Project result in the removal of a plant or facility of the Applicant or another proposed occupant of the project from one area of the State of New York to another area of the State? If yes, please explain: ☐ YES ■ NO

12. Will the completion of the Project result in the abandonment/disposal of one or more plants or facilities of the Applicant located in New York state? If yes, please explain: ☐ YES ■ NO

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

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

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

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

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

☐ YES ☐ NO

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

☐ YES ☐ NO

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

N/A

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

N/A

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:

N/A

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

Yes, we intend to use some solar and renewable energy methods inorder to improve on our utility bills. We will use all LED lighting will look into the useage of Geothermal methods.

PROJECT BENEFITS/COSTS

1. NAME OF PROJECT BENEFICIARY ("APPLICANT"): Kashou Ent Inc

2. ESTIMATED AMOUNT OF PROJECT BENEFITS SOUGHT:

A. Amount of Bonds Sought		$
B. Value of Sales Tax Exemption Sought		$ 240,000.00
C. Value of Real Property Tax Exemption Sought		$620,721.83
D. Value of Mortgage Recording Tax Exemption Sought	$	30,000.00
E. Interest Savings IRB Issue	$	

3. SOURCES AND USES OF FUNDS:

Financing Sources	
Equity	$2,400,000.00
Local Banks	$1,600,000.00
investors / owners	$480,000.00
ULDC	$200,000.00
	$
	$
TOTAL	$4,680,000.00

Application of Funds	
Land	$
Building Acquisition/Construction	$ 4,000,000.00
Expansion/Renovation	$
Machinery & Equipment	$ 200,000.00
Working Capital	$ 300,000.00
Other	$ 180,000.00
TOTAL	$ 4,680,000.00

Project Description: Reconstruction of the Dome Facility with a steel metal building. Looking to expand into new sports program and event hosting. Something the community has wanted and needed for many years now.

The new Event Center on Airport Rd will house 5 indoor turf fields, a 2 story clubhouse, which would house a restaurant, retail space and several other entities that would relate to sports.

Family Owned business that has been in the field sports for over 20 years developed and grew all field sports in the Broome County area, created some of the most successful programs in the Northeast and country. Soccer, Lacrosse, Field Hockey, softball, Flag Football, and Baseball.

4. PROJECTED PROJECT INVESTMENT:

A. Building and Land Related Costs		
	1. Land acquisition	$
	2. Acquisition of existing structures	$
	3. Renovation of existing structures	$
	4. New construction	$ 4,000,000.00
C. Machinery and Equipment Costs		$ 150,000.00
D. Furniture and Fixture Costs		$ 50,000.00
E. Working Capital Costs		$ 300,000.00
F. Professional Services/Development Costs		
	1. Architecture and Engineering	$ 75,000.00
	2. Accounting/legal	$ 25,000.00
	3. Development Fee	$ 30,000.00
	4. Other service-related costs (describe)	$
G. Other Costs		$ 50,000.00

H. Summary of Expenditures	**1.** Total Land-Related Costs	$
	2. Total Building-Related Costs	$ 4,000,000.00
	3. Total Machinery and Equipment Costs	$ 150,000.00
	4. Total Furniture and Fixture Costs	$ 50,000.00
	5. Total Working Capital Costs	$ 300,000.00
	6. Total Professional Services/Development Costs	$ 130,000.00
	7. Total Other Costs	$ 50,000.00

TOTAL PROJECT COST	$ 4,680,000.00
AGENCY FEE 1% (1% OF PROJECT COST)	$ 46,800.00
TOTAL PROJECT EXPENDITURES	$ 4,726,800.00

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

☐ YES ■ NO

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

This project provides a great deal of Quality of life to Broome and the surrounding areas. The Greater Binghamton Sports Complex has served the sports community for over 20 years. The leaders within the organization have become experts at providing top level youth sports to the Binghamton area resulting in the development of the areas top atheltes and athletic programs. Besides allowing children to flourish with their athletic abilities has allowed an outlet for the mental, physical and emotional development through physical activities and a safe, healthy community, family friendly environment.

PROJECTED CONSTRUCTION EMPLOYMENT IMPACT

Please provide estimates of total construction jobs at the Project:

YEAR	CONSTRUCTION JOBS (Annual wages and benefits $40,000 and **under**)	CONSTRUCTION JOBS (Annual wages and benefits **over** $40,000)
CURRENT		
YEAR 1	40	12
YEAR 2	8	4
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	$ 1800000
YEAR 2	$ 740000
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	4	2		
Number of Part-Time Employees earning	22			

Total Payroll For Full-Time Employees	$	100,000.00	70,000.00		
Total Payroll For Part-Time Employees	$	124,000.00			
Total Payroll For All Employees	$	224,000.00	70,000.00		

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	2			
Number of Part-Time Employees earning	12			

Total Payroll For Full-Time Employees	$	50,000.00			
Total Payroll For Part-Time Employees	$	112,000.00			
Total Payroll For All Employees	$	162,000.00			

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	2	2		
Number of Part-Time Employees earning	12			

Total Payroll For Full-Time Employees	$	64,000.00	80,000.00		
Total Payroll For Part-Time Employees	$	118,000.00			
Total Payroll For All Employees	$	182,000.00	80,000.00		

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, execpt 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: B. Kashou

Title: President

DOCUMENT LISTS

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

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

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

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

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

CERTIFICATION

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

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

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

Applicant 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

12th day of March, 2021.

_____

(Notary Public)

ANGELA T. MILLER
Lic. # 01MI5017751
Notary Public, State of New York
Qualified in Broome County
My Commission Expires 09/13/2021

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 worked 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** Kashou Enterprises Inc (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 ends on the project to the Agency.

The Applicant understands an Agency/**IDA** tax-exempt certificate is valid for one year from the effective date of the project inducement. If an Applicant wishes to request an extension, a letter must be sent 30 days prior to the end date to the Executive Director, on company letterhead, explaining the necessity for the extension.

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 3/10/2021 (Submission date).

APPLICANT: Kashou Enterprises Inc

REPRESENTATIVE FOR CONTRACT BIDS/AWARDS: Bahij Kashou

ADDRESS: 1500 Airport Rd

CITY: Binghamton STATE: NY ZIP: 13905 PHONE: 607-343-4487

EMAIL: bkashou@binghamtonfc.com

PROJECT ADDRESS: 1500 Airport Rd Binghamton NY 13905

AUTHORIZED REPRESENTATIVE: Bahij Kashou TITLE: President

SIGNATURE: _____

Sworn to before me this

12th day of March, 2021.

_____ (Notary Public)

ANGELA T. MILLER
Lic. # 01MI5017751
Notary Public, State of New York
Qualified in Broome County
Commission Expires 09/13/2021

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@bxstier.com
(607) 771-7000

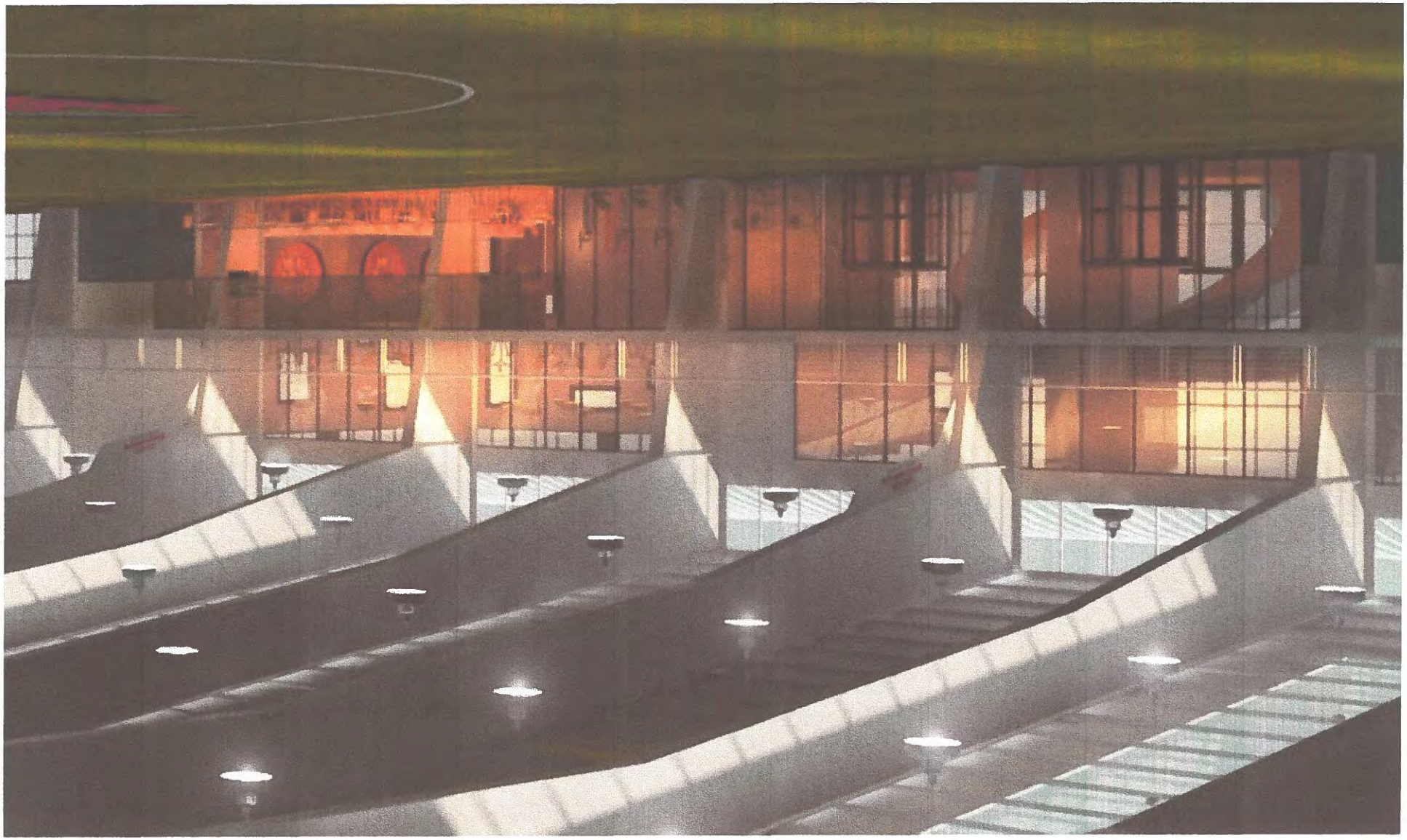
Binghamton/Oneonta Building Trades Council 11
Griswold Street
Binghamton, NY 13904
raikens@iuoe158.org
(607) 723-9593

Tompkins-Cortland Building Trades Council 622 West
State Street
Ithaca, NY 14850
tbrueribew241@gmail.com
(607) 272-3122

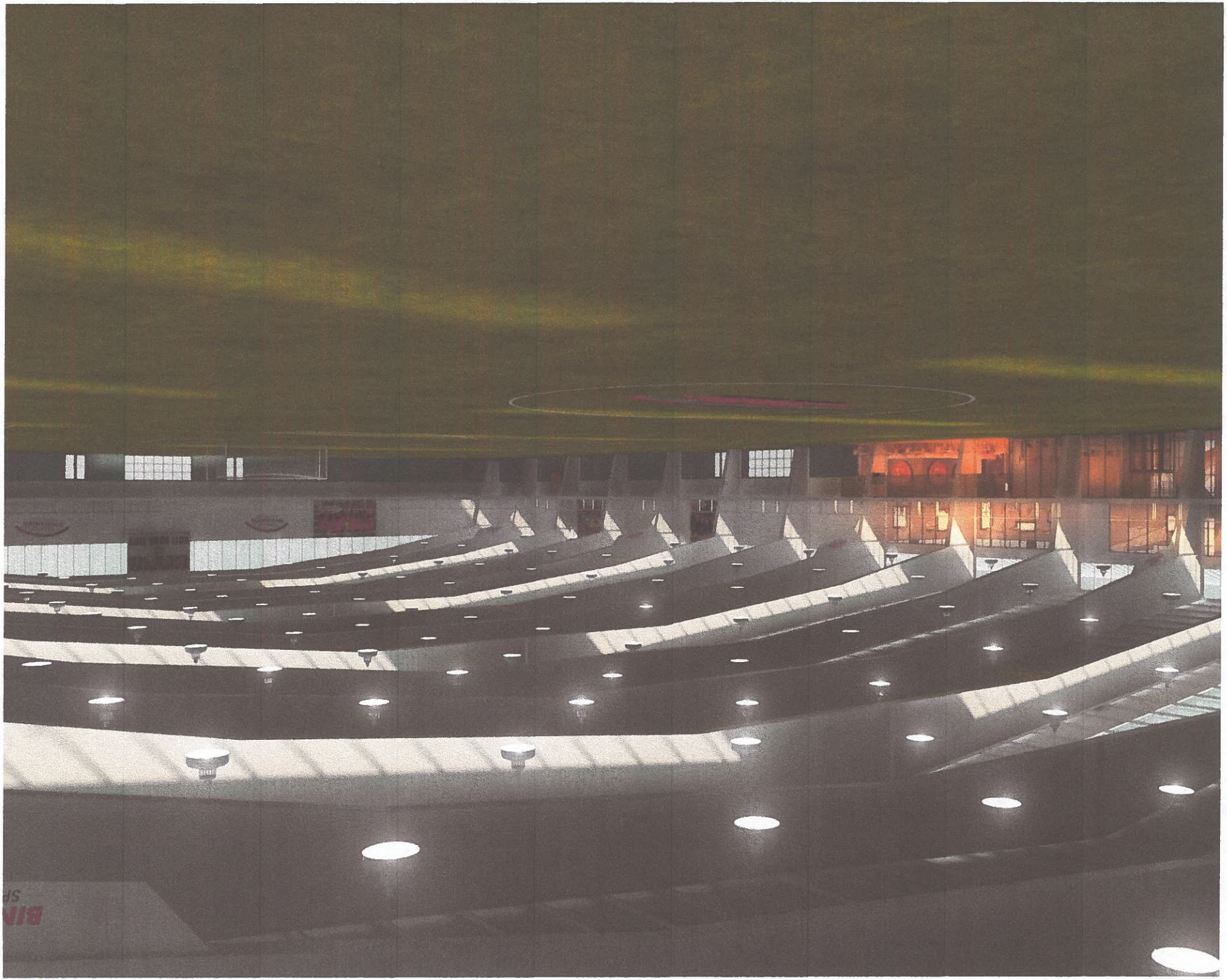
Southern Tier Building Trades Council
1200 Clemens Center Parkway
Elmira, NY 14901
ibew139ba@aol.com
(607) 732-1237

Dodge Reports
http://construction.com/dodge/submit-project.asp 830
Third Ave., 6th Floor
New York, NY 10022
support@construction.com
(877) 784-9556

Building Trades
Katie Fairbrother, Secretary
kfairbrother@ualocal112.org
607-723-9593



23
16
BSC



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

Greater Binghamton Sports Complex

Name of Action or Project:
Complex Construction

Project Location (describe, and attach a location map):
1500 Airport Rd Binghamton NY 13905

Brief Description of Proposed Action:

Name of Applicant or Sponsor:	Telephone: 607-729-5165
Kashou Enterprises Inc	E-Mail: bkashou@binghamtonfc.com

Address:
1500 Airport Rd

City/PO:	State:	Zip Code:
Binghamton	NY	13905

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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? If Yes, list agency(s) name and permit or approval: Town Of Union Permit	☐	☑

3. a. Total acreage of the site of the proposed action? 16 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? 0 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

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☑
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☑	☐

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☑

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____ _____	☐	☑

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____ Sewer system is not available at our location. _____	☑	☐

	NO	YES
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?	☑	☐
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?	☑	☐

	NO	YES
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?	☑	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
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?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☑	☐
If Yes,		
a. Will storm water discharges flow to adjacent properties?	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☑	☐
If Yes, briefly describe: The Storm water is currently being managed and the new project will not alter that.		
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:		
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:		
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:		

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Kashou Enterprises Inc Date: 3/10/2021

Signature: _____ Title: President

PRINT FORM

Kashou Ent. Inc. - Standard 10 Year PILOT Schedule (Improve/Expand of Existing Facility- Commercial)

	FULL TAXES w/o			Town In & Out						Town In & Out		
YEAR	PILOT	JC School Tax	County Tax Rate	Tax Rate	Part Town Out	% Abatement	PILOT Payment	JC School Tax	County Tax Rate	Tax Rate	Part Town Out	Benefit
2022	$119,942.53	$89,859.46	$24,215.88	$3,628.65	$2,238.54	Frozen	$15,421.18	$11,553.36	$3,113.47	$466.54	$287.81	$104,521.35
2023	$122,341.38	$91,656.65	$24,700.20	$3,701.22	$2,283.31	Frozen	$15,729.60	$11,784.43	$3,175.74	$475.87	$293.57	$106,611.78
2024	$124,788.21	$93,489.78	$25,194.20	$3,775.25	$2,328.98	Frozen	$16,044.20	$12,020.12	$3,239.25	$485.39	$299.44	$108,744.01
2025	$127,283.97	$95,359.58	$25,698.09	$3,850.75	$2,375.56	50%	$63,641.99	$47,679.79	$12,849.04	$1,925.38	$1,187.78	$63,641.99
2026	$129,829.65	$97,266.77	$26,212.05	$3,927.77	$2,423.07	50%	$64,914.83	$48,633.38	$13,106.02	$1,963.88	$1,211.53	$64,914.83
2027	$132,426.24	$99,212.10	$26,736.29	$4,006.32	$2,471.53	25%	$99,319.68	$74,409.08	$20,052.22	$3,004.74	$1,853.65	$33,106.56
2028	$135,074.77	$101,196.35	$27,271.01	$4,086.45	$2,520.96	25%	$101,306.08	$75,897.26	$20,453.26	$3,064.84	$1,890.72	$33,768.69
2029	$137,776.27	$103,220.27	$27,816.43	$4,168.18	$2,571.38	25%	$103,332.20	$77,415.21	$20,862.33	$3,126.13	$1,928.53	$34,444.07
2030	$140,531.79	$105,284.68	$28,372.76	$4,251.54	$2,622.81	25%	$105,398.84	$78,963.51	$21,279.57	$3,188.66	$1,967.10	$35,132.95
2031	$143,342.43	$107,390.37	$28,940.22	$4,336.57	$2,675.26	25%	$107,506.82	$80,542.78	$21,705.16	$3,252.43	$2,006.45	$35,835.61
TOTALS	**$1,313,337.24**	**$983,936.02**	**$265,157.13**	**$39,732.71**	**$24,511.39**		**$692,615.41**	**$518,898.91**	**$139,836.07**	**$20,953.86**	**$12,926.58**	**$620,721.83**

Based on an assumed 2% property tax increase per year

JC School Tax Rate	638.66	$89,859.46
County Tax Rate	172.11	$24,215.88
Town In & Out Tax Rate	25.79	$3,628.65
Part Town Out	15.91	$2,238.54
	Annual Tax Payment w	**$119,942.53**

Fair Market Value Upon Completion - $3,500,000
ER 4.02%
Equalized Assessment - $140,700

*Years 1-3 are based on land only
Assessment $450,000
Full Tax $18,090

****Special Districts are not included in this PILOT, i.e.. Fire, Ambulance, Library, Highway and Parks. Please note you will still receive a bill for those taxes.**

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PROJECT REVIEW FORM

Company: American Horizons Group, LLC	**IDA Meeting Date:** 04/21/2021
Representative: Monarco DiFrancesco	**IDA Public Hearing Date:** TBD
Type of Business: Housing **Project Start Date:** 2020 **Project End Date:** TBD	**Company Address:** 1550 Vestal Parkway E Vestal, NY 13850

Employment: (Full-Time Equivalent)		**Total Yearly Payroll**		**Own / Lease:**	**SF / Acreage:**
Existing	0	1st Year	$ 0.00	Own	21 acres
1st year	0	2nd Year	$ 360,000.00		
2nd year	8	3rd Year			
3rd year	0	**Total:**	$ 360,000.00		

Construction Jobs: 190	**Proposed Project Location:** Endicott
Company Contact For Bid Documents & Employment Opportunities: Monarco DiFrancesco, rocky@difrancescodevelopment.com, (607) 444-3193	**Description:** *See Attached

PROJECT BUDGET		**ASSESSMENT**	
Land Related Costs	$ 133,000.00	Current Assessment	$ 4,200.00
Building Related Costs	$ 18,000,000.00	Asmt. At Completion (Est.)	$ 18,500,000.00
M & E Costs		**EXEMPTION** (Est.)	
F F & E Costs	$ 645,000.00	Sales Tax @ 8%	$ 800,000.00
Professional Services/Development Cost	$ 1,000,000.00	Mortgage Tax	$ 160,000.00
Total Other Costs		Property Tax Exemption	8,811,446.24
Working Capital Costs	$ 222,000.00		
Closing Costs			
Agency Fee	$ 200,000.00	**TOTAL EXEMPTIONS:**	$ 9,771,446.24
TOTAL:	$ 20,200,000.00	**TOTAL PILOT PAYMENTS:**	$ 16,101,012.00

Project Type
(Check all that apply)

- ☐ Manufacturing, Warehousing, Distribution
- ☐ Agricultural, Food Processing
- ☐ Adaptive Reuse, Community Development
- ☉ Housing Development
- ☐ Retail*
- ☐ Back Office, Data, Call Centers
- ☐ Energy/Power

** Uniform Tax Policy does not typically provide tax exemptions for Retail Projects*

Project Criteria Met
(Check all that apply)

- ☉ Project will create and /or retain permanent jobs
- ☉ Project will be completed in a timely fashion
- ☉ Project will create new revenue to local taxing jurisdictions
- ☉ Project benefits outweigh costs
- ☉ Other public benefits

**New York State Required Criteria*

Pilot Type

- ☐ Standard _____ year
- ☉ Deviated 23 year

Staff Comments:

PROJECT DESCRIPTION

American Horizons Group, LLC is proposing developing a 21-acre site at 105 ½ Skye Island Drive in Endicott, New York. The site is contiguous with the existing Skye View Heights 55+ rental community also owned by American Horizons Group.

The new development will be called “Altura at Skye View Heights” and will also be a 55+ rental community. The drive into Altura will begin with an iron gated entrance on Skye Island Drive and lead to a beautifully landscaped 4 story building with a portico and fountain at the entrance. The building will contain 120 units consisting of 1-bedroom (800 sf) units with fireplace on 1st, 2nd& 3rd floors, 2-bedroom (1,200 sf) units with fireplace on 1st, 2nd& 3rd floors and 2-bedroom (1,500 sf) units with den and fireplace on the 4th floor (penthouse units). Altura will also include amenities such as an indoor pool with jacuzzi and a community room.

Parking shall be below the building complex if possible, with an additional covered portico for residents parking. All utilities on the site will be installed underground to avoid unsightly poles and wires and maintain a pleasant view for Altura residents and the neighboring community.

Broome County Industrial Development Agency
Cost Benefit Incentive Analysis

Date: 4.14.2021
Project Name/Address: American Horizons Group, LLC (Altura at Skye View)

Project Start Date: 2021

Project Description: American Horizons Group, LLC is proposing developing a 21 acre site at 105 ½ Skye Island Drive in Endicott, New York. The site is contiguous with the existing Skye View Heights 55+ rental community also owned by American Horizons Group. The new development will be called "Altura at Skye View Heights" and will also be a 55+ rental community. The drive into Altura will begin with an iron gated entrance on Skye Island Drive and lead to a beautifully landscaped 4 story building with a portico and fountain at the entrance. The building will contain 120 units consisting of 1-bedroom (800 sf) units with fireplace on 1st, 2nd& 3rd floors, 2-bedroom (1,200 sf) units with fireplace on 1st, 2nd& 3rd floors and 2-bedroom (1,500 sf) units with den and fireplace on the 4th floor (penthouse units). Altura will also include amenities such as an indoor pool with jacuzzi and a community room.Parking shall be below the building complex if possible with an additional covered portico for residents parking. All utilities on the site will be installed underground to avoid unsightly poles and wires and maintain a pleasant view for Altura residents and the neighboring community.

BENEFIT

Investment: Public/Private/Equity

Building Related Costs	$ 18,000,000.00			
Land Related Costs	$ 133,000.00			
FF&E Costs	$ 645,000.00			
Working Capital	$ 222,000.00			
Professional Fees/ Development	$ 1,000,000.00			
TOTAL INVESTMENT	$20,000,000.00			$20,000,000.00
New Mortgages	$16,000,000.00			
Jobs				
New	8			
Retained	0			
TOTAL NEW JOBS	8			
Term # Years	23	years		
TOTAL NEW PAYROLL	$ 360,000.00		$	360,000.00
PILOT PAYMENTS	$ 16,101,012.00	(see Pilot Schedule)	$	16,101,012.00
TOTAL BENEFIT	**$ 36,461,012.00**		**$**	**36,461,012.00**

COST

PROPERTY TAX ESTIMATES

Fair Market Value	$ 18,500,000.00	Upon Completion		
Equalization Rate	4.11%			
Taxable Assessment	$ 760,350.00	Upon completion		

TAX RATES

County	172.11	Annual tax	$	509,776.66
School	670.45	Annual tax	$	130,863.84
Town	25.79	Annual tax	$	19,609.43
Village	414.56	Annual tax	$	315,210.70
ANNUAL TAX	1282.91		$	975,460.63

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

* Assume a 2% Tax Increase Per Year

PROPERTY TAX ABATEMENT	$	8,811,446.24
SALES TAX ABATEMENT	$	800,000.00
MORTGAGE RECORDING TAX	$	160,000.00
AGENCY FEE	**$**	**200,000.00**
TOTAL COST	**$**	**9,971,446.24**

NET BENEFIT/COST $ 26,489,565.76

Benefit/Cost Ratio 3.66 to 1

PRELIMINARY DRAFT

PAYMENT IN LIEU OF TAX SCHEDULE (Partial AV Yrs. 4 & 5)

ALTURA at SKYE VIEW ~ 105 1/2 SKY VIEW DR REAR, ENDICOTT, NY

	YEAR	TOWN	VILLAGE	COUNTY	SCHOOL	TOTAL	DEV PILOT TAXABLE VALUE	PROJECT PROPOSED MARKET VALUE	PILOT PCT
1	2021	$108	$1,741	$723	$2,816	$5,388	$102,190		
2	2022	$110	$1,776	$737	$2,872	$5,496	$102,190		
3	2023	$113	$1,811	$752	$2,930	$5,606	$102,190		
4	2024	$2,250	$36,163	$15,013	$58,484	$111,909	$2,000,000	$8,000,000	75.00%
5	2025	$3,321	$53,387	$22,164	$86,341	$165,214	$2,894,737	$10,000,000	71.05%
6	2026	$7,121	$114,480	$47,528	$185,142	$354,271	$6,085,526	$18,500,000	67.11%
7	2027	$8,135	$130,782	$54,296	$211,506	$404,719	$6,815,789	$18,500,000	63.16%
8	2028	$9,187	$147,690	$61,315	$238,851	$457,043	$7,546,052	$18,500,000	59.21%
9	2029	$10,278	$165,222	$68,594	$267,205	$511,299	$8,276,315	$18,500,000	55.26%
10	2030	$11,408	$183,396	$76,139	$296,598	$567,541	$9,006,578	$18,500,000	51.32%
11	2031	$12,580	$202,232	$83,959	$327,059	$625,829	$9,736,842	$18,500,000	47.37%
12	2032	$13,794	$221,747	$92,061	$358,620	$686,222	$10,467,105	$18,500,000	43.42%
13	2033	$15,051	$241,962	$100,454	$391,313	$748,780	$11,197,368	$18,500,000	39.47%
14	2034	$16,354	$262,897	$109,145	$425,170	$813,566	$11,927,631	$18,500,000	35.53%
15	2035	$17,702	$284,573	$118,144	$460,225	$880,643	$12,657,894	$18,500,000	31.58%
16	2036	$19,098	$307,010	$127,459	$496,512	$950,079	$13,388,157	$18,500,000	27.63%
17	2037	$20,542	$330,231	$137,100	$534,066	$1,021,939	$14,118,420	$18,500,000	23.68%
18	2038	$22,037	$354,258	$147,075	$572,924	$1,096,294	$14,848,683	$18,500,000	19.74%
19	2039	$23,583	$379,115	$157,394	$613,123	$1,173,214	$15,578,946	$18,500,000	15.79%
20	2040	$25,182	$404,823	$168,067	$654,700	$1,252,773	$16,309,209	$18,500,000	11.84%
21	2041	$26,836	$431,409	$179,105	$697,695	$1,335,045	$17,039,472	$18,500,000	7.89%
22	2042	$28,546	$458,896	$190,516	$742,149	$1,420,106	$17,769,735	$18,500,000	3.95%
22.5	2042.5	$30,313	$487,309	$202,313	$788,101	$1,508,036	$18,499,999	$18,500,000	0.00%
	Cumulative	$323,649	$5,202,910	$2,160,052	$8,414,401	$16,101,012			

ALTURA AT SKYE VIEW PROJECT: ANNUAL SPEC DIST TAX AT 2% ANNUAL TAX INCREASE

YEAR	EST SP DIST EFF RATE (2% INC ANNUALLY)	STATUS QUO TAXABLE VALUE	ESTIMATED ANNUAL SPEC DIST TAX STATUS QUO	PROJECT TAXABLE VALUE	ESTIMATED ANNUAL SPEC DIST TAX PROPOSED PROJECT	YEAR
2021	0.000733250	$102,190	$74.93	$102,190	$74.93	2021
2022	0.000747915	$102,190	$76.43	$102,190	$76.43	2022
2023	0.000762873	$102,190	$77.96	$102,190	$77.96	2023
2024	0.000778131	$102,190	$79.52	$18,500,000	$14,395.42	2024
2025	0.000793693	$102,190	$81.11	$18,500,000	$14,683.33	2025
2026	0.000809567	$102,190	$82.73	$18,500,000	$14,976.99	2026
2027	0.000825759	$102,190	$84.38	$18,500,000	$15,276.53	2027
2028	0.000842274	$102,190	$86.07	$18,500,000	$15,582.06	2028
2029	0.000859119	$102,190	$87.79	$18,500,000	$15,893.71	2029
2030	0.000876302	$102,190	$89.55	$18,500,000	$16,211.58	2030
2031	0.000893828	$102,190	$91.34	$18,500,000	$16,535.81	2031
2032	0.000911704	$102,190	$93.17	$18,500,000	$16,866.53	2032
2033	0.000929938	$102,190	$95.03	$18,500,000	$17,203.86	2033
2034	0.000948537	$102,190	$96.93	$18,500,000	$17,547.94	2034
2035	0.000967508	$102,190	$98.87	$18,500,000	$17,898.89	2035
2036	0.000986858	$102,190	$100.85	$18,500,000	$18,256.87	2036
2037	0.001006595	$102,190	$102.86	$18,500,000	$18,622.01	2037
2038	0.001026727	$102,190	$104.92	$18,500,000	$18,994.45	2038
2039	0.001047262	$102,190	$107.02	$18,500,000	$19,374.34	2039
2040	0.001068207	$102,190	$109.16	$18,500,000	$19,761.83	2040
2041	0.001089571	$102,190	$111.34	$18,500,000	$20,157.06	2041
2042	0.001111362	$102,190	$113.57	$18,500,000	$20,560.20	2042
2042.5	0.001133590	$102,190	$115.84	$18,500,000	$20,971.41	2042.5
		TOTALS:	**$2,161.38**		**$350,000.14**	

ALTURA AT SKYE VIEW HEIGHTS PROJECT: PROPOSED DEVIATED PILOT SCHEDULE (Partial AV Yrs 4 & 5)

2020 Eq Rate	4.11%	2020 Schl Rate	670.447013	2020 TOU Rate	$26	2020 Compos	1282.90
2020 AV	$4,200	2020 Co. Rate	172.109765	2020 Village Rate	$415		

Year	Est Equalized (@4.11%) Tax Rate (2.00% Annual Inc)	Est TV Status Quo (Equalized @4.11%)	Project TV	Project PILOT TV	Year	Est Annual Tax (Status Quo)	Est Annual Tax (Project Deviated PILOT)	PILOT Abatement %	Year
2021	0.05273	$102,190	$102,190	$102,190	2021	$5,388	$5,388	0.00%	2021
2022	0.05378	$102,190	$102,190	$102,190	2022	$5,496	$5,496	0.00%	2022
2023	0.05486	$102,190	$102,190	$102,190	2023	$5,606	$5,606	0.00%	2023
2024	0.05595	$102,190	$8,000,000	$2,000,000	2024	$5,718	$111,909	75.00%	2024
2025	0.05707	$102,190	$10,000,000	$2,894,737	2025	$5,832	$165,214	71.05%	2025
2026	0.05822	$102,190	$18,500,000	$6,085,526	2026	$5,949	$354,271	67.11%	2026
2027	0.05938	$102,190	$18,500,000	$6,815,789	2027	$6,068	$404,719	63.16%	2027
2028	0.06057	$102,190	$18,500,000	$7,546,052	2028	$6,189	$457,043	59.21%	2028
2029	0.06178	$102,190	$18,500,000	$8,276,315	2029	$6,313	$511,299	55.26%	2029
2030	0.06301	$102,190	$18,500,000	$9,006,578	2030	$6,439	$567,541	51.32%	2030
2031	0.06427	$102,190	$18,500,000	$9,736,842	2031	$6,568	$625,829	47.37%	2031
2032	0.06556	$102,190	$18,500,000	$10,467,105	2032	$6,700	$686,222	43.42%	2032
2033	0.06687	$102,190	$18,500,000	$11,197,368	2033	$6,834	$748,780	39.47%	2033
2034	0.06821	$102,190	$18,500,000	$11,927,631	2034	$6,970	$813,566	35.53%	2034
2035	0.06957	$102,190	$18,500,000	$12,657,894	2035	$7,110	$880,643	31.58%	2035
2036	0.07096	$102,190	$18,500,000	$13,388,157	2036	$7,252	$950,079	27.63%	2036
2037	0.07238	$102,190	$18,500,000	$14,118,420	2037	$7,397	$1,021,939	23.68%	2037
2038	0.07383	$102,190	$18,500,000	$14,848,683	2038	$7,545	$1,096,294	19.74%	2038
2039	0.07531	$102,190	$18,500,000	$15,578,946	2039	$7,696	$1,173,214	15.79%	2039
2040	0.07681	$102,190	$18,500,000	$16,309,209	2040	$7,850	$1,252,773	11.84%	2040
2041	0.07835	$102,190	$18,500,000	$17,039,472	2041	$8,007	$1,335,045	7.89%	2041
2042	0.07992	$102,190	$18,500,000	$17,769,735	2042	$8,167	$1,420,106	3.95%	2042
2042.5	0.08152	$102,190	$18,500,000	$18,499,999	2042.5	$8,330	$1,508,036	0.00%	2042.5
						$155,422	$16,101,012		

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 ac-cordance 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 is 1% of the total Project Cost. THE APPLICANT IS REQUIRED TO PAY THE AGENCY/**IDA** FIVE THOUSAND ($5,000) DOLLARS OF THE PROJECT FEE WITHIN 7 DAYS OF THE APPROVAL OF THE PROJECT. PLEASE NOTE THIS FEE IS NON-REFUNDABLE. THE REMAINING BALANCE OF THE PROJECT FEE IS DUE AT TIME OF CLOSING. Failure to close the Payment-in-Lieu of Taxes within six (6) months after approval will terminate the PILOT agreement . However, a six (6) month extension may be requested by the applicant , but must include an additional FIVE THOUSAND ($5,000) non-refundable fee. Approval of the extension is at the discretion of The Agency's Executive Director. The additional FIVE THOUSAND ($5,000) fee will be deducted from the Agency's Project Fee at the time of closing. 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. In addition, any cost associated with a requested change, modification or alteration to the PILOT agreement during the term of the PILOT including, but not limited to refinancing, renaming, reassignment and PILOT termination shall be the responsibility of the applicant.

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").

FIVE South College Drive, Suite 201, Binghamton, NY 13905 607.584.9000 THEAGENCY-NY.COM

APPLICATION FOR FINANCIAL ASSISTANCE

APPLICANT

NAME: American Horizons Group, LLC

APPLICANT'S STREET ADDRESS: 1550 Vestal Parkway E

CITY: Vestal STATE: NY ZIP: 13850 PHONE: 607-444-3393

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

Monarco J DiFrancesco PHONE: 607-725-7880

TITLE: Member EMAIL: rocky@difrancescodevelopment.com

APPLICANT'S COUNSEL

NAME: Carrie Wenban

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

ADDRESS: 450 Plaza Dr

CITY: Vestal STATE: NY ZIP: 13850 PHONE: 607-584-5654

APPLICANT'S ACCOUNTANT

NAME: Mark Wasser

FIRM: Davidson, Fox & Company, LLP EMAIL: mwasser@davidsonfox.com

ADDRESS: 53 Chenango St

CITY: Binghamton STATE: NY ZIP: 13901 PHONE: 607-722-5386

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

PROJECT SUMMARY

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

- [ ] Industrial
- [ ] Acquisition of Existing Facility
- [x] Housing
- [ ] Equipment Purchase
- [x] Multi-Tenant
- [x] Commercial
- [ ] Back Office
- [ ] Retail
- [ ] Mixed Use
- [ ] Facility for Aging
- [ ] Civic Facility (not for profit)
- [ ] Other _____

B: EMPLOYMENT IMPACT (BROOME COUNTY): EXISTING/RETAINED JOBS: 0 NEW JOBS WITHIN THREE YEARS: 8

C: PROJECT COST: $ 20,000,000.00 D: TYPE OF FINANCING: [ ] TAX-EXEMPT [ ] TAXABLE [x] STRAIGHT LEASE

E: AMOUNT OF BONDS REQUESTED: $ 0

F: AMOUNT OF NEW MORTGAGE(S) REQUIRED FOR PROJECT: $ 16,000,000.00

G: PROJECT-RELATED COSTS SUBJECT TO SALES TAX: $ 10,000,000.00

H: ESTIMATED VALUE OF TAX EXEMPTIONS:

NYS SALES AND COMPENSATING USE TAX $ 800,00.00 MORTGAGE RECORDING TAXES $ 160,000.00

REAL PROPERTY TAX EXEMPTIONS $ 8,811,446.24 REQUESTED TERM OF PILOT: 23 years

OTHER (PLEASE SPECIFY) $

I: CURRENT PROPERTY TAX ASSESSMENT $ 4,200.00 CURRENT PROPERTY TAXES $ 5,388.20

APPLICANT INFORMATION

EMPLOYER'S FEDERAL ID NO. 26-4317156 NAICS CODE 53110

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. [x] LIMITED LIABILITY APPLICANT DATE CREATED 02/03/2009

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
Monarco J DiFrancesco 3000 Carmalt Lake Rd Friendsville, PA 18818	Sole Member	DiFrancesco Development Group, LLC

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

Visions Federal Credit Union

PROJECT DATA

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

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

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

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

All utilities will need to be brought to the site

5. Who presently is legal owner of building or site? American Horizons Group, 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 X TENANT

9. Zoning district in which Project is located Suburban Single Family

10. Are there any variances or special permits required? If yes, please explain: ■ YES ☐ NO

Zoning to be changed to Planned Unit Development.
No variances or special permits will be required.

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

☐ YES ■ NO

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

☐ YES ☐ NO

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

Town of Union Board, Village of Endicott Board, Endicott Zoning Board, Union-Endicott Board of Education, NYS DEC, NYS DOH, NYS Historic Preservation Office

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

NYS DEC - Issuance of stormwater pollution prevention plan
NYS DOH - Broome County Dept. of Health water system plan approval
NYS HPO - Acknowledgment letter of no impact

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:

Approximately $155,000.00 for purchase of the property, consulting, engineering, legal and filing fees.

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

The existing wooded screening will be left in place around the project site.
The building will meet all current NYS energy codes and requirements for energy efficiency.
Green technologies will be utilized for stormwater rentention and infiltration practices

PROJECT BENEFITS/COSTS

1. NAME OF PROJECT BENEFICIARY ("APPLICANT"): American Horizons Group, LLC

2. ESTIMATED AMOUNT OF PROJECT BENEFITS SOUGHT:

A. Amount of Bonds Sought	$	
B. Value of Sales Tax Exemption Sought	$	800,000.00
C. Value of Real Property Tax Exemption Sought	$	8,811,446.24
D. Value of Mortgage Recording Tax Exemption Sought	$	160,000.00
E. Interest Savings IRB Issue	$	

3. SOURCES AND USES OF FUNDS:

Financing Sources	
Equity	$ 4,000,000.00
Local Banks	$ 16,000,000.00
	$
	$
	$
	$
TOTAL	$ 20,000,000.00

Application of Funds	
Land	$ 133,000.00
Building Acquisition/Construction	$ 18,000,000.00
Expansion/Renovation	$ 0.00
Machinery & Equipment	$ 645,000.00
Working Capital	$ 222,000.00
Other	$ 1,000,000.00
TOTAL	$ 20,000,000.00

Project Description:

American Horizons Group, LLC is proposing developing a 21 acre site at 105 ½ Skye Island Drive in Endicott, New York. The site is contiguous with the existing Skye View Heights 55+ rental community also owned by American Horizons Group.

The new development will be called "Altura at Skye View Heights" and will also be a 55+ rental community. The drive into Altura will begin with an iron gated entrance on Skye Island Drive and lead to a beautifully landscaped 4 story building with a portico and fountain at the entrance. The building will contain 120 units consisting of 1-bedroom (800 sf) units with fireplace on 1st, 2nd& 3rd floors, 2-bedroom (1,200 sf) units with fireplace on 1st, 2nd& 3rd floors and 2-bedroom (1,500 sf) units with den and fireplace on the 4th floor (penthouse units). Altura will also include amenities such as an indoor pool with jacuzzi and a community room.

Parking shall be below the building complex if possible with an additional covered portico for residents parking. All utilities on the site will be installed underground to avoid unsightly poles and wires and maintain a pleasant view for Altura residents and the neighboring community.

4. PROJECTED PROJECT INVESTMENT:

A. Building and Land Related Costs		
	1. Land acquisition	$ 133,000.00
	2. Acquisition of existing structures	$ 0.00
	3. Renovation of existing structures	$ 0.00
	4. New construction	$ 18,000,000.00
C. Machinery and Equipment Costs		$ 0.00
D. Furniture and Fixture Costs		$ 645,000.00
E. Working Capital Costs		$ 222,000.00
F. Professional Services/Development Costs		
	1. Architecture and Engineering	$ 500,000.00
	2. Accounting/legal	$ 200,000.00
	3. Development Fee	$ 300,000.00
	4. Other service-related costs (describe)	$
G. Other Costs		$

H. Summary of Expenditures	**1.** Total Land-Related Costs	$ 133,000.00
	2. Total Building-Related Costs	$ 18,000,000.00
	3. Total Machinery and Equipment Costs	$
	4. Total Furniture and Fixture Costs	$ 645,000.00
	5. Total Working Capital Costs	$ 222,000.00
	6. Total Professional Services/Development Costs	$ 1,000,000.00
	7. Total Other Costs	$

TOTAL PROJECT COST	$ 20,000,000.00
AGENCY FEE 1% (1% OF PROJECT COST)	$ 200,000.00
TOTAL PROJECT EXPENDITURES	$ 20,200,000.00

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

■ YES ☐ NO

$155,000.00 - Property, Legal, Engineering, Consulting

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

-1- The 55 and older community provides a sustainable ecomomic benefit to the villag because this demographic typically spends within their neighborhood, creates and maintains involvement with the local establishments (ie., churches, civic organization, restaurants, etc.) and are far less likely to pise a threat to the public peace.

-2- The addition of 55 and older residents does not add a significant number of school-aged children and thus, a greater portion of the school taxes generated from this property will not be consumed by a greater student population.

-3- The fact that the project is a rental community ensures that the area will be maintained in a clean, desirable condition by the developer who need to maintain appearances for marketability of the units.

-4- The project will also enhance the value of the neighboring properties and provide attendant enhanced tax revenues for the Village/Town/School.

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	0.00
YEAR 1	40.00	60.00
YEAR 2	40.00	50.00
YEAR 3	0.00	0.00

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

YEAR	TOTAL ANNUAL WAGES AND BENEFITS
CURRENT	$ 0.00
YEAR 1	$ 5,000,000.00
YEAR 2	$ 4,500,000.00
YEAR 3	$ 0.00

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

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	0	0	0	0
Number of Part-Time Employees earning	0	0	0	0

Total Payroll For Full-Time Employees	$	0.00	0.00	0.00	0.00
Total Payroll For Part-Time Employees	$	0.00	0.00	0.00	0.00
Total Payroll For All Employees	$	0.00	0.00	0.00	0.00

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	2	3	3	0
Number of Part-Time Employees earning	0	0	0	0

Total Payroll For Full-Time Employees	$	40,000.00	120,000.00	200,000.00	0.00
Total Payroll For Part-Time Employees	$	0.00	0.00	0.00	0.00
Total Payroll For All Employees	$	40,000.00	120,000.00	200,000.00	0.00

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				
Number of Part-Time Employees earning				

Total Payroll For Full-Time Employees	$				
Total Payroll For Part-Time Employees	$				
Total Payroll For All Employees	$				

REPRESENTATIONS BY THE APPLICANT

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

1. **STATEMENT OF NEED:** Applicant affirms that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency, or if not, the applicant will provide a statement indicating the reasons the project should be undertaken by the Agency.

2. **JOB LISTINGS:** Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.

3. **FIRST CONSIDERATION FOR EMPLOYMENT:** In accordance with Section 858-b(2) of the New York General Municipal Law, Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency/**IDA**, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.

4. **ANNUAL SALES TAX FILINGS:** In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency/**IDA**, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.

5. **REGULATORY COMPLIANCE:** Applicant is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws and all provisions of article 18-a of the General Municipal Law.

6. **EMPLOYMENT:** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency/**IDA**, the Applicant agrees to file, or cause to be filed, with the Agency/**IDA**, on an annual basis, reports regarding the number of people employed at the Project site. The Chief Executive Office shall submit to the Agency/**IDA** prior to February 1 of each year, a written certification setting forth

   - Number of full-time employees at the Project location in the preceding calendar year;
   - Number of part-time employees at the Project location in the preceding calendar year;
   - Gross payroll of all employees at the Project location in the preceding calendar year.

7. **RECAPTURE POLICY:** The Agency/**IDA** reserves the right to recapture all or part of any benefits provided to the applicant if any of the following occur:

   a. The Project Facility as defined in the PILOT/Lease Agreement is sold or closed and the Applicant leaves or departs Broome County.

   b. There is a significant change in the use of the Project Facility and/or business activities of the Applicant.

   c. There is a significant reduction in the number of full/part-time jobs at the Project Facility in comparison to what was estimated in the Applicant's Project Application that are not reflective of the Applicant's normal business cycle or national economic conditions.

   d. The Applicant fails to fully comply with all periodic and/or annual reporting requirements of the Agency/**IDA**, State or Federal government.

   e. The Applicant failed to achieve any minimal new job creation figures specified by and within the time-frames specified by the Agency/**IDA.**

   f. Failure of the applicant to make timely PILOT payments.

   g. Failure to cooperate with Agency personnel in providing data of project progress.

   h. The applicant has committed a material violation of the terms & conditions of a project agreement.

   i. The applicant has committed a material violation of the terms & conditions of the sales and use tax exemption benefit.

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

American Horizons Group, LLC
-_____
Applicant

By: _____

Title: Sole 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-raid provision) and if the project involves the removal or abandonment of a facility or plant within the state, notification by the IDA to the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located.

Applicant 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

_____ day of _____ , 20_____ .

_____
(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 worked 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** American Horizons Group, 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 ends on the project to the Agency.

The Applicant understands an Agency/**IDA** tax-exempt certificate is valid for one year from the effective date of the project inducement. If an Applicant wishes to request an extension, a letter must be sent 30 days prior to the end date to the Executive Director, on company letterhead, explaining the necessity for the extension.

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 04/01/2021 (Submission date).

APPLICANT: American Horizons Group, LLC

REPRESENTATIVE FOR CONTRACT BIDS/AWARDS: Monarco Di Francesco

ADDRESS: 1550 Vestal Parkway E

CITY: Vestal STATE: NY ZIP: 13850 PHONE: 607-444-3193

EMAIL: rocky@difrancescodevelopment.com

PROJECT ADDRESS: 105-1\2 Skye Island Dr, Endicott, NY

AUTHORIZED REPRESENTATIVE: Monarco DiFrancesco TITLE: Sole Member

SIGNATURE: _____

Sworn to before me this

_____ day of _____ , 20_____ .

_____
(Notary Public)

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

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

Binghamton/Oneonta Building Trades Council 11
Griswold Street
Binghamton, NY 13904
raikens@iuoe158.org
(607) 723-9593

Tompkins-Cortland Building Trades Council 622 West
State Street
Ithaca, NY 14850
tbrueribew241@gmail.com
(607) 272-3122

Southern Tier Building Trades Council
1200 Clemens Center Parkway
Elmira, NY 14901
ibew139ba@aol.com
(607) 732-1237

Dodge Reports
http://construction.com/dodge/submit-project.asp 830
Third Ave., 6th Floor
New York, NY 10022
support@construction.com
(877) 784-9556

Building Trades
Katie Fairbrother, Secretary
kfairbrother@ualocal112.org
607-723-9593

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	18,000,000.00				
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

SUBJECT PROPERTY: 105 ½ SKYE ISLAND DR REAR ~ ENDICOTT, NY

Use: Residential Vacant

Lot Size: 21ac (914,760sf)

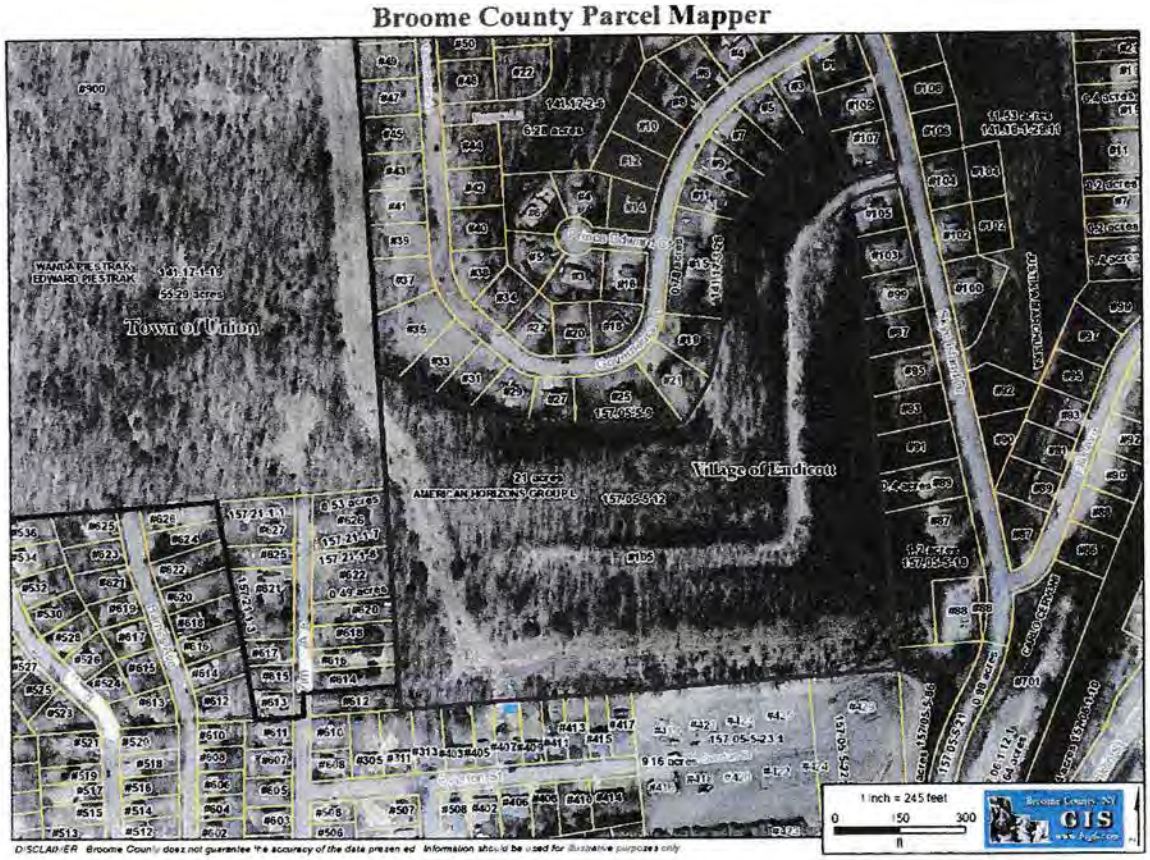
2020 AV: $4,200

2020 EQ RATE: 4.11%

2020 FMV: $102,190

FMV/AC: $4,866.19 ($.11/sf)

SUBJECT PROPERTY AERIAL MAP: 105 ½ SKYE ISLAND DR REAR ~ ENDICOTT, NY



SUBJECT PROPERTY TAX MAP: 105 ½ SKYE ISLAND DR REAR ~ ENDICOTT, NY

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 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Altura at Skye View Heights		
Project Location (describe, and attach a general location map): 105 1/2 Skye Island Drive		
Brief Description of Proposed Action (include purpose or need): Construction of a 4 story 159,600 square foot (39,900 square feet per floor) multi-family senior residential housing facility, along with a new entrance drive, parking lot and all stormwater management areas and utilities.		
Name of Applicant/Sponsor: Delta Engineers, Architects and Surveyors (Daniel L. Faldzinski, P.E.)	Telephone: 315-953-4200 E-Mail: dfaldzinski@delta-eas.com	
Address: 4873 NYS Rte 5		
City/PO: Vernon	State: New York	Zip Code: 13476
Project Contact (if not same as sponsor; give name and title/role): Monarco "Rocky" DiFrancesco	Telephone: 607-203-0320 ext.101 E-Mail: info@difrancescodevelopment.com	
Address: 1550 Vestal Parkway East		
City/PO: Vestal	State: New York	Zip Code: 13850
Property Owner (if not same as sponsor): Monarco "Rocky" DiFrancesco	Telephone: 607-203-0320 ext.101 E-Mail: info@difrancescodevelopment.com	
Address: 1550 Vestal Parkway East		
City/PO: Vestal	State: New York	Zip Code: 13850

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, or Village Board of Trustees ☑Yes☐No	Building, water, and sewer permits Zone change approval	
b. City, Town or Village Planning Board or Commission ☑Yes☐No	Site plan approval MS4 Approval	
c. City, Town or Village Zoning Board of Appeals ☐Yes☑No		
d. Other local agencies ☐Yes☑No		
e. County agencies ☑Yes☐No	County Planning - 239 Review	
f. Regional agencies ☐Yes☑No		
g. State agencies ☑Yes☐No	New York State DEC- SPDES Permit SHPO(CRIS)- No Impact	
h. Federal agencies ☐Yes☑No		

i. Coastal Resources.
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No
iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑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, Remediaton Sites:704038

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☑No
If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Suburban Single Family

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? Planned Unit Development

C.4. Existing community services.

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

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

c. Which fire protection and emergency medical services serve the project site?
Endicott Fire Department Union Ambulance District

d. What parks serve the project site?
George W. Johnson Park and Mercereau Park

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)?
Senior Residential Housing

b. a. Total acreage of the site of the proposed action? 21.03 acres
b. Total acreage to be physically disturbed? 5 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 34.99 acres

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

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: 12-18 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? ☑ Yes ☐ No

If Yes, show numbers of units proposed.

	One ~~Family~~	Two ~~Family~~	Three Family	Multiple Family (four or more)
Initial Phase	BEDROOM	BEDROOM		
At completion of all phases	64	56		

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☑ No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ 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? ☑ Yes ☐ No

If Yes,

i. Purpose of the impoundment: ~~Stormwater management~~

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☑ Other specify: Stormwater run-off

iii. If other than water, identify the type of impounded/contained liquids and their source.

iv. Approximate size of the proposed impoundment. Volume: 0.47 million gallons; surface area: 0.83 acres

v. Dimensions of the proposed dam or impounding structure: 5'-6' height; 144' length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): Earth fill

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☑ No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

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?

- 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? ☐ Yes ☐ 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? ☐ Yes ☐ 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? ☐ Yes ☑ 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: 21,000 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: Endicott Municipal Water Department
- 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: 19,360 gallons/day

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

Sanitary waste water

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

If Yes:

- Name of wastewater treatment plant to be used: Binghamton Johnson City Sewage Treatment Plant
- Name of district: Binghamton Johnson City Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? ☑Yes ☐No
- Is the project site in the existing district? ☑Yes ☐No
- Is expansion of the district needed? ☐Yes ☑No

- Do existing sewer lines serve the project site? ☑Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☑No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☑No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

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):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

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? ☑Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 4.17 acres (impervious surface)

_____ Square feet or 21.03 acres (parcel size)

ii. Describe types of new point sources. _____

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)?

Stormwater discharges from small storms will be directed to green infrastructure practices that distribute the flow and infiltrate it into the ground. Larger storms are directed to on-site detention ponds that control the rate of run-off to pre-developed quantities.

- If to surface waters, identify receiving water bodies or wetlands: _____

Runoff will be piped to an underground stormwater system

Unmanaged sheet flow will flow to adjacent properties.

- Will stormwater runoff flow to adjacent properties? ☑Yes ☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑Yes ☐No

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? ☑Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Heavy equipment, delivery vehicles, and workers vehicles

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

Temporary on-site generators

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

Large boilers and hot water heaters

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? ☐Yes ☑No

If Yes:

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) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

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

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

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

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing N/A Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

A new access entrance will be created on Skye Island drive.

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

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

i. During Construction:

- Monday - Friday: 7-5
- Saturday: As permitted
- Sunday: As permitted
- Holidays: _____

ii. During Operations:

- Monday - Friday: 12am-12am
- Saturday: 12am-12am
- Sunday: 12am-12am
- Holidays: 12am-12am

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐Yes ☑No

If yes:

i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐Yes ☐No

Describe:

n. Will the proposed action have outdoor lighting? ☑Yes ☐No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Site lighting will be down lit with the poles being 20'+/-

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐Yes ☑No

Describe: The site is currently tree covered and trees will be left around the perimeter to act as a natural buffer to neighboring properties

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐Yes ☑No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

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? ☐Yes ☑No

If Yes:

i. Product(s) to be stored

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities:

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:
- Operation:

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:
- Operation:

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☐ Industrial ☐ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☑ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

The proposed action will take place on a forested parcel that is surrounded by Residential (suburban) properties.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.05	4.17	+4.12
• Forested	19.94	14.56	-5.38
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	1.03	1.44	+0.41
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0.85	+0.85
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• 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): 704038

☐ 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): 704018, V00667, V00156, 704038, 704014

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐Yes ☑No

- 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? ☐Yes ☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? 3-6 feet

b. Are there bedrock outcroppings on the project site? ☐Yes ☑No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site:

Mardin Channery silt loam	41.8 %
Lordstown Channery silt loam	31.3 %
Bath Channery silt loam	18.9 %

d. What is the average depth to the water table on the project site? Average: 4.5 feet

e. Drainage status of project site soils:
☑ Well Drained: 58.2 % of site
☑ Moderately Well Drained: 41.8 % of site
☐ Poorly Drained ____% of site

f. Approximate proportion of proposed action site with slopes:
☐ 0-10%: ____% of site
☑ 10-15%: 41.8 % of site
☑ 15% or greater: 58.2 % of site

g. Are there any unique geologic features on the project site? ☐Yes ☑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)? ☐Yes ☑No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐Yes ☑No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐Yes ☑No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☑No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes ☑No

j. Is the project site in the 100-year Floodplain? ☐Yes ☑No

k. Is the project site in the 500-year Floodplain? ☐Yes ☑No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☑Yes ☐No
If Yes:

i. Name of aquifer: Principal Aquifer, Primary Aquifer, Sole Source Aquifer Names:Clinton Street Ballpark SSA

m. Identify the predominant wildlife species that occupy or use the project site:

Eastern chipmunk, Striped skunk, woodchuck, Raccoon, Gray squirrel, White-tailed deer

n. Does the project site contain a designated significant natural community? ☐Yes ☑No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

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? ☐Yes ☑No

If Yes:

i. Species and listing (endangered or threatened): _____

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? ☐Yes ☑No

If Yes:

i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☑No

If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

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? ☐Yes ☑No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☑No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

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

If Yes:

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

ii. Name: _____

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? ☑ Yes ☐ No

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

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

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

If Yes:

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? ☐ Yes ☑ No

If Yes:

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

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

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

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

G. Verification

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

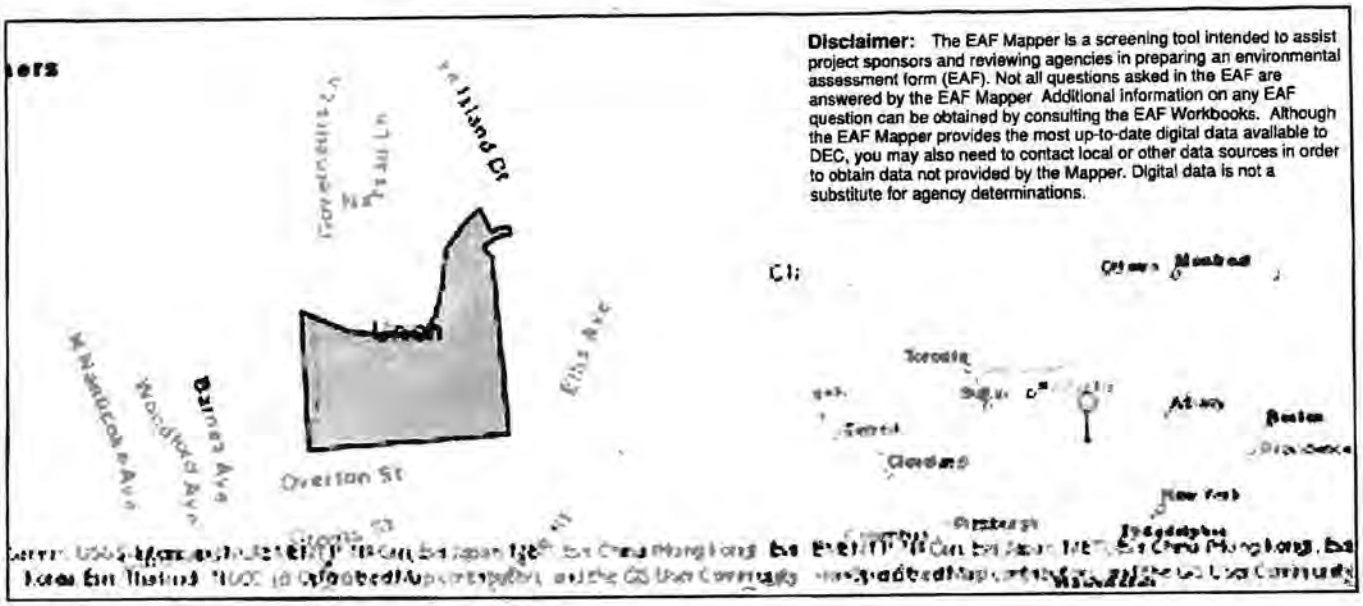
Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

PRINT FORM

EAF Mapper Summary Report

Tuesday, January 26, 2021 8:58 AM



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, Remediaton Sites:704038
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	704038
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	704018, V00667, V00156, 704038, 704014
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Primary Aquifer, Sole Source Aquifer Names:Clinton Street Ballpark SSA
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
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

Stabilized Income and Operating Expense Statement

Altura at Skyview Heights, 105 1/2 Skyview Dr. R. Endicott, NY

POTENTIAL GROSS INCOME

Units	120	X	$2,100.00	X 12.00	Mo	$3,024,000
			AVG MO RENTAL			0
Other						$0.00
Gross Potential Income						$3,024,000
	LESS					
	Vacancy and Collection Losses			10%		$302,400
	Effective Gross Income					$2,721,600
Estimated CAM				N/A		$0.00
Tax Pass Throughs				N/A		$0.00
Insurance				N/A		$0.00
Total Gross Potential Income						**$2,721,600.00**

Less Operating Expenses

P.I.L.O.T Payment				$258,790
Special Districts Fees, ambulance, library				$15,000
Insurance				$31,000
HVAC & Plumbing				$0
Electrical & Supplies				$0
Elevator Inspection and Repair				$8,200
Landscaping and Lawncare				$11,800
Snow Removal				$7,100
Security Services				$0
Utilities GAS	By Tenant			$0
Water & Sewer				$20,500
Trash Disposal				$12,600
Pest Control				$0
	Total Direct Costs			$364,990
INDIRECT				
Admin & O/H Charges			2%	$54,432
Office Supplies/Expense				2500
Telephone				500
Legal Fees				5500
Accounting Fees				3000
Management Fees	SALARIES	3%		$81,648
Reserves for Replacements		3%		$81,648
	Total Indirect Costs			$229,228

LESS	Total Operating Expenses	$1,188,436	$1,188,436
CALCULATED NET OPERATING INCOME			**$1,533,164**

CALCULATED EXPENSE RATIO

$1,188,436	/	$2,721,600.00	=	43.67%

Capitalization Rate Development

Equitable Financing Projection is estimated to be :

Loan to Value Ratio	70%
Mortgage Interest Rate	4.5
MortgageTerm (years)	20
Mortgage Constant	0.0792
EQUITY DIVIDEND RATE	10%

Mortgage	70%	X	0.0759	=	0.05313
Equity	30%	X	0.10	=	0.0300
	BASIC OVERALL RATE				8.3130%

BEFORE TAX LOAD CAPITALIZED VALUE ESTIMATE

NOI	/	BASIC CAP RATE =	VALUE ESTIMATE
$1,533,164	/	8.3130% =	$18,442,969
		SAY	$18,500,000

EIGHTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS

Calculated Effective Tax Rate

Composite Rate	/1000	X EQ RATE	'=	EFF TAX RATE	
1282.90	1.28	0.0411		0.0527	0.0527
8.3130% +		0.0527		0.1359	
					13.59%

WITHOUT P.I.L.O.T

TAX LOADED CAPITALIZED VALUE ESTIMATE

NOI	/	TX LOADED CAP	=	VALUE ESTIMATE
1810412	**/**	**13.59%**	**=**	**$13,325,846**
		SAY		***$13,300,000***

ESTIMATED SUBJECT VALUE BY INCOME (TAX LOADED)

THIRTEEN MILLION THREE HUNDRED THOUSAND DOLLARS

PRELIMINARY DRAFT

PAYMENT IN LIEU OF TAX SCHEDULE (Partial AV Yrs. 4 & 5)

ALTURA at SKYE VIEW ~ 105 1/2 SKY VIEW DR REAR, ENDICOTT, NY

	YEAR	TOWN	VILLAGE	COUNTY	SCHOOL	TOTAL	DEV PILOT TAXABLE VALUE	PROJECT PROPOSED MARKET VALUE	PILOT PCT
1	2021	$108	$1,741	$723	$2,816	$5,388	$102,190		
2	2022	$110	$1,776	$737	$2,872	$5,496	$102,190		
3	2023	$113	$1,811	$752	$2,930	$5,606	$102,190		
4	2024	$2,250	$36,163	$15,013	$58,484	$111,909	$2,000,000	$8,000,000	75.00%
5	2025	$3,321	$53,387	$22,164	$86,341	$165,214	$2,894,737	$10,000,000	71.05%
6	2026	$7,121	$114,480	$47,528	$185,142	$354,271	$6,085,526	$18,500,000	67.11%
7	2027	$8,135	$130,782	$54,296	$211,506	$404,719	$6,815,789	$18,500,000	63.16%
8	2028	$9,187	$147,690	$61,315	$238,851	$457,043	$7,546,052	$18,500,000	59.21%
9	2029	$10,278	$165,222	$68,594	$267,205	$511,299	$8,276,315	$18,500,000	55.26%
10	2030	$11,408	$183,396	$76,139	$296,598	$567,541	$9,006,578	$18,500,000	51.32%
11	2031	$12,580	$202,232	$83,959	$327,059	$625,829	$9,736,842	$18,500,000	47.37%
12	2032	$13,794	$221,747	$92,061	$358,620	$686,222	$10,467,105	$18,500,000	43.42%
13	2033	$15,051	$241,962	$100,454	$391,313	$748,780	$11,197,368	$18,500,000	39.47%
14	2034	$16,354	$262,897	$109,145	$425,170	$813,566	$11,927,631	$18,500,000	35.53%
15	2035	$17,702	$284,573	$118,144	$460,225	$880,643	$12,657,894	$18,500,000	31.58%
16	2036	$19,098	$307,010	$127,459	$496,512	$950,079	$13,388,157	$18,500,000	27.63%
17	2037	$20,542	$330,231	$137,100	$534,066	$1,021,939	$14,118,420	$18,500,000	23.68%
18	2038	$22,037	$354,258	$147,075	$572,924	$1,096,294	$14,848,683	$18,500,000	19.74%
19	2039	$23,583	$379,115	$157,394	$613,123	$1,173,214	$15,578,946	$18,500,000	15.79%
20	2040	$25,182	$404,823	$168,067	$654,700	$1,252,773	$16,309,209	$18,500,000	11.84%
21	2041	$26,836	$431,409	$179,105	$697,695	$1,335,045	$17,039,472	$18,500,000	7.89%
22	2042	$28,546	$458,896	$190,516	$742,149	$1,420,106	$17,769,735	$18,500,000	3.95%
22.5	2042.5	$30,313	$487,309	$202,313	$788,101	$1,508,036	$18,499,999	$18,500,000	0.00%
	Cumulative	$323,649	$5,202,910	$2,160,052	$8,414,401	$16,101,012			

ALTURA AT SKYE VIEW PROJECT: ANNUAL SPEC DIST TAX AT 2% ANNUAL TAX INCREASE

YEAR	EST SP DIST EFF RATE (2% INC ANNUALLY)	STATUS QUO TAXABLE VALUE	ESTIMATED ANNUAL SPEC DIST TAX STATUS QUO	PROJECT TAXABLE VALUE	ESTIMATED ANNUAL SPEC DIST TAX PROPOSED PROJECT	YEAR
2021	0.000733250	$102,190	$74.93	$102,190	$74.93	2021
2022	0.000747915	$102,190	$76.43	$102,190	$76.43	2022
2023	0.000762873	$102,190	$77.96	$102,190	$77.96	2023
2024	0.000778131	$102,190	$79.52	$18,500,000	$14,395.42	2024
2025	0.000793693	$102,190	$81.11	$18,500,000	$14,683.33	2025
2026	0.000809567	$102,190	$82.73	$18,500,000	$14,976.99	2026
2027	0.000825759	$102,190	$84.38	$18,500,000	$15,276.53	2027
2028	0.000842274	$102,190	$86.07	$18,500,000	$15,582.06	2028
2029	0.000859119	$102,190	$87.79	$18,500,000	$15,893.71	2029
2030	0.000876302	$102,190	$89.55	$18,500,000	$16,211.58	2030
2031	0.000893828	$102,190	$91.34	$18,500,000	$16,535.81	2031
2032	0.000911704	$102,190	$93.17	$18,500,000	$16,866.53	2032
2033	0.000929938	$102,190	$95.03	$18,500,000	$17,203.86	2033
2034	0.000948537	$102,190	$96.93	$18,500,000	$17,547.94	2034
2035	0.000967508	$102,190	$98.87	$18,500,000	$17,898.89	2035
2036	0.000986858	$102,190	$100.85	$18,500,000	$18,256.87	2036
2037	0.001006595	$102,190	$102.86	$18,500,000	$18,622.01	2037
2038	0.001026727	$102,190	$104.92	$18,500,000	$18,994.45	2038
2039	0.001047262	$102,190	$107.02	$18,500,000	$19,374.34	2039
2040	0.001068207	$102,190	$109.16	$18,500,000	$19,761.83	2040
2041	0.001089571	$102,190	$111.34	$18,500,000	$20,157.06	2041
2042	0.001111362	$102,190	$113.57	$18,500,000	$20,560.20	2042
2042.5	0.001133590	$102,190	$115.84	$18,500,000	$20,971.41	2042.5
		TOTALS:	**$2,161.38**		**$350,000.14**	

ALTURA AT SKYE VIEW HEIGHTS PROJECT: PROPOSED DEVIATED PILOT SCHEDULE (Partial AV Yrs 4 & 5)

2020 Eq Rate	4.11%	2020 Schl Rate	670.447013	2020 TOU Rate	$26	2020 Compos	1282.90
2020 AV	$4,200	2020 Co. Rate	172.109765	2020 Village Rate	$415		

Year	Est Equalized (@4.11%) Tax Rate (2.00% Annual Inc)	Est TV Status Quo (Equalized @4.11%)	Project TV	Project PILOT TV	Year	Est Annual Tax (Status Quo)	Est Annual Tax (Project Deviated PILOT)	PILOT Abatement %	Year
2021	0.05273	$102,190	$102,190	$102,190	2021	$5,388	$5,388	0.00%	2021
2022	0.05378	$102,190	$102,190	$102,190	2022	$5,496	$5,496	0.00%	2022
2023	0.05486	$102,190	$102,190	$102,190	2023	$5,606	$5,606	0.00%	2023
2024	0.05595	$102,190	$8,000,000	$2,000,000	2024	$5,718	$111,909	75.00%	2024
2025	0.05707	$102,190	$10,000,000	$2,894,737	2025	$5,832	$165,214	71.05%	2025
2026	0.05822	$102,190	$18,500,000	$6,085,526	2026	$5,949	$354,271	67.11%	2026
2027	0.05938	$102,190	$18,500,000	$6,815,789	2027	$6,068	$404,719	63.16%	2027
2028	0.06057	$102,190	$18,500,000	$7,546,052	2028	$6,189	$457,043	59.21%	2028
2029	0.06178	$102,190	$18,500,000	$8,276,315	2029	$6,313	$511,299	55.26%	2029
2030	0.06301	$102,190	$18,500,000	$9,006,578	2030	$6,439	$567,541	51.32%	2030
2031	0.06427	$102,190	$18,500,000	$9,736,842	2031	$6,568	$625,829	47.37%	2031
2032	0.06556	$102,190	$18,500,000	$10,467,105	2032	$6,700	$686,222	43.42%	2032
2033	0.06687	$102,190	$18,500,000	$11,197,368	2033	$6,834	$748,780	39.47%	2033
2034	0.06821	$102,190	$18,500,000	$11,927,631	2034	$6,970	$813,566	35.53%	2034
2035	0.06957	$102,190	$18,500,000	$12,657,894	2035	$7,110	$880,643	31.58%	2035
2036	0.07096	$102,190	$18,500,000	$13,388,157	2036	$7,252	$950,079	27.63%	2036
2037	0.07238	$102,190	$18,500,000	$14,118,420	2037	$7,397	$1,021,939	23.68%	2037
2038	0.07383	$102,190	$18,500,000	$14,848,683	2038	$7,545	$1,096,294	19.74%	2038
2039	0.07531	$102,190	$18,500,000	$15,578,946	2039	$7,696	$1,173,214	15.79%	2039
2040	0.07681	$102,190	$18,500,000	$16,309,209	2040	$7,850	$1,252,773	11.84%	2040
2041	0.07835	$102,190	$18,500,000	$17,039,472	2041	$8,007	$1,335,045	7.89%	2041
2042	0.07992	$102,190	$18,500,000	$17,769,735	2042	$8,167	$1,420,106	3.95%	2042
2042.5	0.08152	$102,190	$18,500,000	$18,499,999	2042.5	$8,330	$1,508,036	0.00%	2042.5
						$155,422	$16,101,012		

Letter of Intent (LOI) to Apply for POWER 2021 Funding

Applicants interested in applying for POWER 2021 funding (implementation or planning) must submit the LOI in PDF format to POWER@arc.gov by March 5, 2021 (5:00 PM ET). The LOI will then be forwarded to the States impacted by the proposal. Confirmation of receipt will be via an email sent to the Primary Contact as listed below, directing the applicant to formally submit their application at power.arc.gov.

Submitted applications for POWER 2021 funding that substantially differ from the information included on the received LOI will be subject to disqualification during the review process.

APPLICANT INFO

Lead Applicant Name	Broome County
Primary Contact for Lead Applicant	Beth Lucas
Primary Contact Job Title	Director of Planning
Primary Contact Email	beth.lucas@broomecounty.us
Primary Contact Phone	607-778-2375

PROPOSAL INFO

Tentative **Title of Proposal**	Broome County Innovation District Fiber Enhancement
Grant Type	○ Implementation ◉ Planning (TA)
Project Type	○ Construction ◉ Non-Construction ○ Both
If Construction or Both, note Basic Agency and status	
ARC funding request amount	$50,000
List Key Partners (in order of responsibility for administration and implementation of project)	Broome County Planning Dept, The Agency (BC IDA), Southern Tier Network, Local Development District Southern Tier 8 Regional Board, City of Binghamton, Town of Union, Villages of Johnson City and Endicott
Geographic Scope of Project (list impacted States and the respective Counties)	New York State - Broome County

Please provide a brief **Summary of Proposal** of no more than 1000 characters. Please do not include any attachments.

This project will assess expansion of the Southern Tier Network Open-Access Model Fiber Infrastructure service area to increase resiliency and redundancy in Johnson City, Endicott and Binghamton. 1. Expansion - Connect strategic development locations (including closed coal-fired plant and Opportunity Zones) 2. Redundancy - Establish a robust and resilient infrastructure network and reduce vulnerability for identified assets within and adjacent to the Innovation Districts and OZs including critical services, educational institutions, municipal services, nonprofits serving vulnerable populations, major employers (totaling over 8000 employees), and workforce housing.

The project will define the route and build-out design cost for fiber expansion and establish an Internet of Things network to enhance community services and local business efficiencies. This will build on efforts to establish centers of innovation with services for modern industry/investment.

Broome County Discussion

Innovation Board Ready Study

March 2021

FUJITSU

shaping tomorrow with you

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Broome County Agenda

- **Opening Remarks**
- **Team Roles and Introductions**
- **Working Session to Determine County Priorities**
- **IBRS Discussion**
- **Use Cases**
- **Q&A**
  - Status of Grant
  - When ready to start the IBRS study
  - BRS Study
- **Next Steps**

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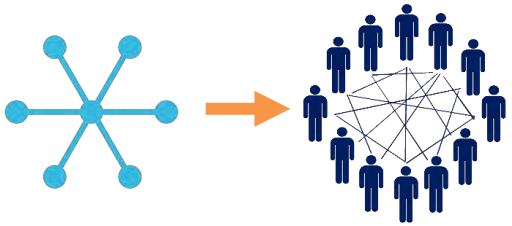
Smart Decisions of a Smart City



Move from the old-style centralized model of city governance to a more **Citizen-Centric**, service approach

Become more responsive and transparent by applying smart technology to **Solve** civic challenges

Adopt **Data-Driven** decision models to effectively justify the use of public funds for services

Invest in **Smart Broadband Networks and Cloud Infrastructure** to digitally transform themselves from a city into a Smart City

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Smart City : What Exactly Is It?

FUJITSU

"A smart city brings together technology, government and society …"

IEEE Smart Cities

"Smart cities' is probably a bundle of technology that can help us get more data and make decisions that also might help us respond more quickly to situations."

Jerry Tinianow
Chief Sustainability Officer
City of Denver

DENVER
THE MILE HIGH CITY

Smart Cities Council

"… a smart city as one that has digital technology embedded across all city functions"

"A smart city is an urban development vision to integrate information and communication technology (ICT) and Internet of things (IoT) technology in a secure fashion to manage a city's assets."

WIKIPEDIA
The Free Encyclopedia

NLC NATIONAL LEAGUE OF CITIES
CITIES STRONG TOGETHER

"… a smart city is a city that has developed some technological infrastructure that enables it to collect, aggregate, and analyze real-time data and has made a concerted effort to use that data to improve the lives of its residents."

FUJITSU

"A smart city is human centric"

''A smart city is the one which is able to provide all the services its citizens needs in the most efficient way, while creating jobs, fostering new ideas, being respectful with the environment and taking into account its citizens opinions.''

Victor Martinez del Rey
Director Urban Planning & Urban Quality
Sant Cugat del Valles Municipality Spain

Many Definitions, But No One Standard Definition

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Smart City Means Smart Applications

Just a Few, But the Possibilities Are Endless

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SMART MOBILITY

- Smart Traffic Control
- Personalized Transportation information
- Smart Parking
- Adaptive Connected Cars

SMART WATER

- Leakage Detection
- Pollution Detection
- Advanced Warning for Flooding
- Predictive Maintenance Planning

SMART SAFETY

- Smart Street Lighting
- Predictive Policing
- Data-based Crime Prevention Programs
- Identifying Gunshots
- Emergency Apps

SMART ENERGY

- Smart Grid
- Microgrids
- Smart Metering
- Lower Usage through Gamification
- Electric Vehicle Charging

SMART TOURISM & LEISURE

- Smartphone Museum Guide
- Crowd Management
- Outdoor Navigation to City Sites
- Indoor Navigation

SMART ENVIRONMENT

- Fuel Leak Detection
- Oil Leak Detection
- Just in Time Waste Collection
- Air Pollution Monitoring
- Urban Noise Levels Monitoring

SMART BUILDING

- Match Energy Use to Occupancy
- Smart Refilling
- Dynamic Power Consumption
- Usage Based Cleaning
- Automated Garage Entry

Applications Generate Data, Data Analysis Generates Smart Governance

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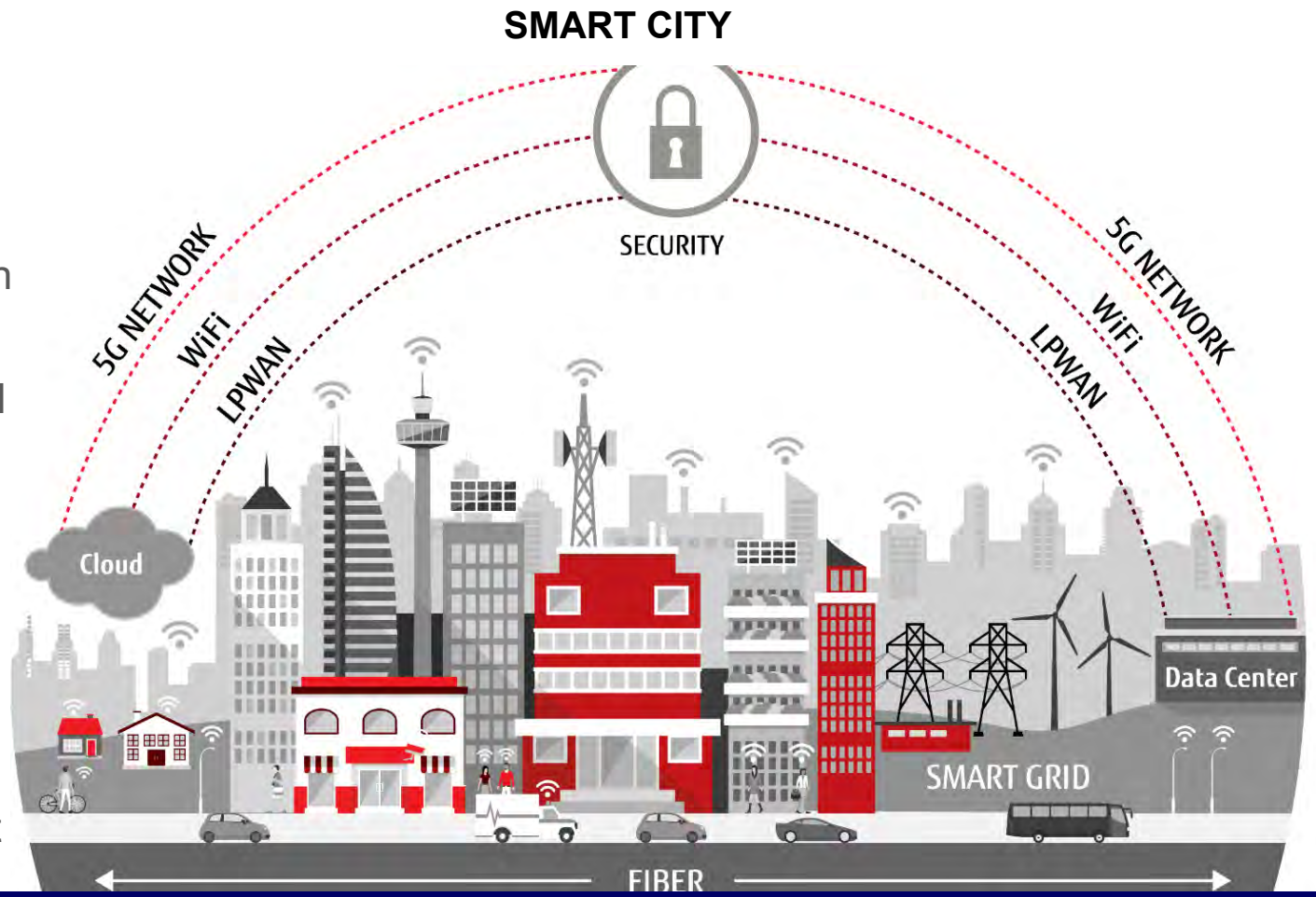
Why Smart City ?

FUJITSU

- Improved Infrastructure
- Efficient Public Utilities
- Improved Transportation
- Reduced Environmental Footprint
- Safer Communities
- Cost Savings
- Economic Development



- Increased Workforce Engagement
- More Effective, Data-Driven Decision-Making
- Enhanced Citizen and Government Engagement
- Increased Digital Equity
- Higher Quality of Life
- Revenue Generation

Improves Quality of Life, Cuts Costs and Spurs Economic Development

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Fujitsu Smart City Solution Building Blocks

A Complete Turnkey End-to-End Solution for Your Smart City Initiative

FUJITSU

Trusted Data

SENSING DEVICES	NETWORK	CLOUD	SERVICES	APPs
IoT Devices Sensors Actuators Cameras	Wi-Fi Fiber Microwave Small Cell 5G/P-LTE LoRA/BLE	Server CPU Storage Database	IOT Platform Cybersecurity AI Analytics APIs SD-WANaaS	User Interfaces Smartphone Laptop Tablet PC Wearable
Gather	**Transmit**	**Aggregate**	**Manage**	**Employ**

Professional Services

- Solution Design and Engineering
- Systems Integration
- Interoperability Testing
- Secure Supply Chain Services
- Solution Deployment
- Custom Cabinets
- Fault and Performance Monitoring
- Solution Maintenance
- Advanced Hardware Replacement
- Cybersecurity Assessment
- Penetration Testing
- Biometrics as a Service

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Our 4 Steps Innovation Process to Smart City

FUJITSU

	Identify Smart City Opportunities	Solution Requirements, Design & Financials	Proof of Concept (PoC)	Solution Deployment
DURATION	N/A	1 – 2 months	To be agreed upon	To be agreed upon

WHAT'S INVOLVED	■ We hold a **joint Innovation Workshop**
	■ Explore and identify your community's unique smart opportunities
		■ Evaluate your assets
		■ Provide technology options for your smart solutions
		■ We hold a joint workshop to finalize the scope of your solution
		■ Market & financial analysis
			■ Plan, deploy & test PoC at Fujitsu
			■ Plan, deploy & test PoC at customer site
			■ Present findings & Recommendations in PoC Report
				■ Deploy the solution
				  ■ Installation
				  ■ Turn-up & test
				  ■ Network integration
				  ■ Provisioning
				■ Ongoing operations, maintenance and technical support

DELIVERABLES	■ You decide whether to move forward or not to the next step	■ **Innovation Broad Ready Study** ■ Enables you to make an informed Go / No Go Decision for PoC	■ A full report from the PoC deployment ■ Enables you to make an informed Go/ No Go decision for a Full Deployment	■ A fully operational Smart City Solution

Makes Getting to Smart Cities Easy

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Our Innovation Board Ready Study

FUJITSU

	Asset Evaluation	Technology Assessment	Requirements Scoping Workshop	Smart City Solution Analysis
WHAT WE DO	We Evaluate Your City's Current assets for Your Smart Solution	We Find Technology Options for Your Smart Solution	We Finalize the Requirements with You	We Do the Analysis and Let You Know the Financials

WHAT'S INVOLVED	■ Network Infrastructure
	■ Data Collection
	■ Customer Responsibilities
	■ Current IoT hardware (If applicable)
	■ Data Storage capacity
	■ IT Operational Assets
	■ OPEX Expenses
		■ Identify and evaluate technology options based on your requirements and current assets
		■ Leverage FNC smart city technology solutions
		■ Look at upcoming technology and other product options
			■ Revisit initial requirements, refine & finalize
			■ Select technology option best suited to your requirements
			  ▪ Type of technology
			  ▪ Brand
			  ▪ Zone deployment
			  ▪ Etc.
			■ Get any additional information required
				■ Market Analysis
				■ Financials
				  ▪ Costs
				  ▪ Revenue
				  ▪ Savings
				  ▪ ROI
				■ Operate & Maintenance Financials
				■ PoC Architecture
				■ PoC / Full Deployment ROM

Gives You All the Information You Need to Make an Informed Decision

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FNC Living Lab Smart City Use-Cases

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Fleet Management

Real Time Vehicle Data

FUJITSU

CHALLENGES

- Managing multiple Vehicles
- Vehicle Health/Maintenance
- Employee Safety/Location

KEY OBJECTIVES

- Adding ODB II devices
- Gathering and managing all the Vehicle/ Driver Data
- Predictive Vehicle Maintenance
- Real Time Data
- Driver Logs
- Improving Public Safety

PROJECT DESCRIPTION

- Leveraging FNC Smart City Partners to provide full solution
- Built in stream line process
- Built in software management package

FUJITSU'S ROLE

- Leverage IoT partners and their Expertise
- Provide IoT Software management platform that can monitor the Smart Parking application on top of other applications

FUJITSU'S VALUE ADD

- Network/Connectivity Knowledge
- Provide full package as being the integrator
- Leveraging partner relationships
- Vetted Partners and Solutions
- IoT platform that provide scalability and single pane of glass

"Know where your Fleet is!"

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Smart Parking

Next Generation AI Smart Parking Solution

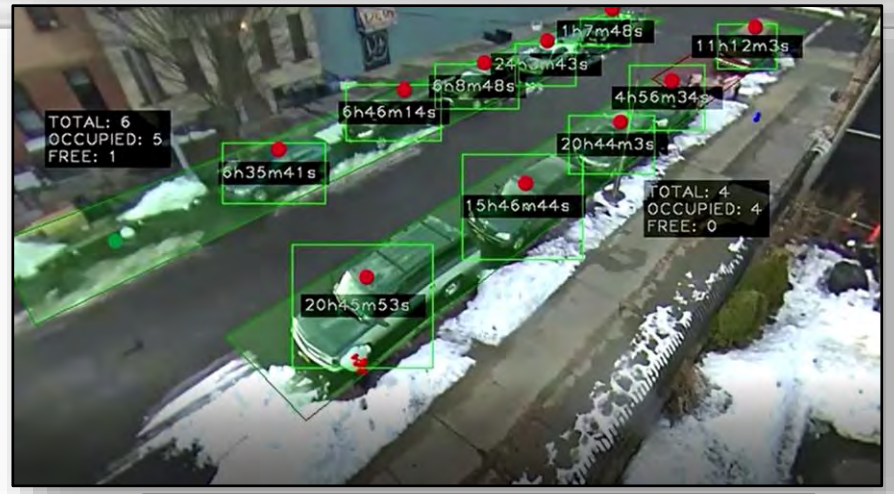
FUJITSU

CHALLENGES

- Managing multiple cameras and sensors
- Network Connectivity
- Ticketing Automation

KEY OBJECTIVES

- Replacing on the street parking meters
- Growing security/new revenue stream
- Offer Dynamic and variable pricing models
- Real Time Data



PROJECT DESCRIPTION

- Building the Network leveraging Fiber and Wireless Networks
- Leveraging FNC Smart City Partners to provide full solution
- Built in stream line process
- Built in software management package

FUJITSU'S ROLE

- Design/Build(TrueNET)/Maintain Network to support the Smart Parking application
- Leverage IoT partners and their Expertise
- Provide IoT Software management platform that can monitor the Smart Parking application on top of other applications

FUJITSU'S VALUE ADD

- Network/Connectivity Knowledge
- Provide full package as being the integrator
- Leveraging partner relationships
- Vetted Partners and Solutions
- IoT platform that provide scalability and single pane of glass

"Makes It Finding Parking Spots Easy !"

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Smart Interacting Multi-Use Kiosk

Informs the Public and Collects Analytics

FUJITSU

CUSTOMER CHALLENGES

- Public Engagement
- Network Connectivity
- Missing out on Innovating Revenue Models

KEY OBJECTIVES

- Replacing non-Smart Signage with Kiosk
- Provide Innovative Public Engagement opportunities
- Create New Revenue Streams
- Real Time Data
- Provide Public Wi-Fi

PROJECT DESCRIPTION

- Building a Network which leverages a Fiber and Wireless Network
- Leveraging FNC Smart City Partners to provide full solution
- Built in software management package
- Create New Revenue Stream

FUJITSU'S ROLE

- Design/Build(TrueNET)//Maintain Network that supports the Smart Kiosk application
- Leverage IoT partners and their Expertise
- Provide IoT Software management platform that can monitor the Kiosk application on top of other applications

FUJITSU'S VALUE ADD

- Network/Connectivity Knowledge
- Provide full package as being the IoT Integrator
- Leveraging partner relationships
- IoT platform that provide scalability and single pane of glass to customer
- Vetted Partners and Solutions

"Instant Customer Service and Immediate User Satisfaction"

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City-Wide Surveillance

Uses AI and Image Recognition to Enhance Your City's Security

CUSTOMER CHALLENGES

- Public Safety
- Network Connectivity
- High Crime Rate
- Security Labor Force

KEY OBJECTIVES

- Provide Camera's and Sensors integrated with AI capabilities
- Grow security in high risk areas
- Monitoring environmental risks
- Real Time Data
- Grow monitoring capabilities to the edge

PROJECT DESCRIPTION

- Building a Network which leverages a Fiber and Wireless Network
- Leveraging FNC Smart City Partners to provide full solution
- Built in software management package
- Provide seamless solution that connects to necessary safety agencies

FUJITSU'S ROLE

- Design/Build(TrueNET)//Maintain Network that supports the Smart City-Wide applications
- Leverage IoT partners and their Expertise
- Provide IoT Software management platform that can monitor the Security applications on top of other applications

FUJITSU'S VALUE ADD

- Network/Connectivity Knowledge
- Provide full package as being the IoT Integrator
- Leveraging partner relationships
- IoT platform that provide scalability and single pane of glass to customer
- Vetted Partners and Solutions

"Brings Visibility and Active Security to Urban Environments"

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LED Lighting Pluggable Technologies

Make Your Street Lights Smart

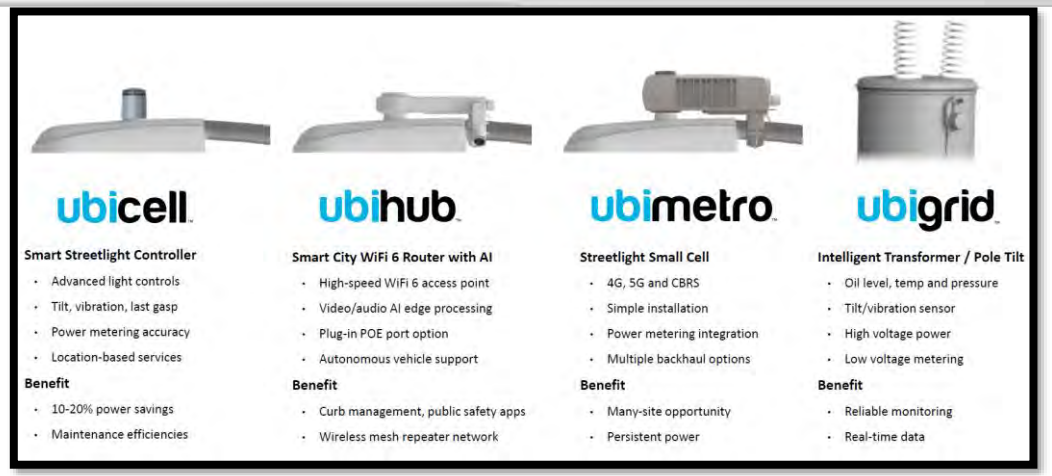
FUJITSU

CUSTOMER CHALLENGES

- Still using NON-LED Lights
- Not fully efficient LED lighting
- Network Connectivity
- Poles overloaded with technologies
- Eye sores

KEY OBJECTIVES

- Replace old lights with LED Lights
- Provide Smart Controllers to LED Lighting
- Provide Innovative Public services
- Improve Light Efficiencies
- Real Time Data
- Provide Public Wi-Fi



PROJECT DESCRIPTION

- Building a Network which leverages a Fiber and Wireless Network
- Leveraging FNC Smart City Partners to provide full solution
- Built in software management package
- Condense IoT solutions into one pluggable

FUJITSU'S ROLE

- Design/Build(TrueNET)//Maintain Network that supports the Smart Lighting application
- Leverage IoT partners and their Expertise
- Provide IoT Software management platform that can monitor the Lighting application on top of other applications

FUJITSU'S VALUE ADD

- Network/Connectivity Knowledge
- Provide full package as being the IoT Integrator
- Leveraging partner relationships
- IoT platform that provide scalability and single pane of glass to customer
- Vetted Partners and Solutions

"Instant Customer Service and Immediate User Satisfaction"

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Smart Lighting Solutions

Grow you smart lighting to the courtyard level

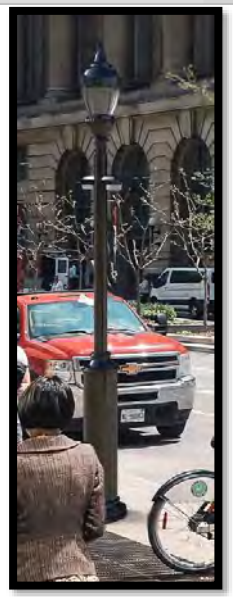
FUJITSU

CUSTOMER CHALLENGES

- Not fully efficient LED lighting
- Network Connectivity
- Poles overloaded with technologies
- Eye sores
- Meeting Green Initiatives
- Public Engagements

KEY OBJECTIVES

- Provide Integrated Historical Light poles
- Provide Solar lighting and powering other IoT devices
- Improve Light Efficiencies
- Real Time Data
- Provide Public Wi-Fi
- Revenue Generation



PROJECT DESCRIPTION

- Building a Network which leverages a Fiber and Wireless Network
- Leveraging FNC Smart City Partners to provide full solution
- Built in software management package

FUJITSU'S ROLE

- Design/Build(TrueNET)//Maintain Network that supports the Smart Kiosk application
- Leverage IoT partners and their Expertise
- Provide IoT Software management platform that can monitor the Lighting application on top of other applications

FUJITSU'S VALUE ADD

- Network/Connectivity Knowledge
- Provide full package as being the IoT Integrator
- Leveraging partner relationships
- IoT platform that provide scalability and single pane of glass to customer
- Vetted Partners and Solutions

"Instant Public Service and Immediate Public Satisfaction"

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IoT Software Management Platform

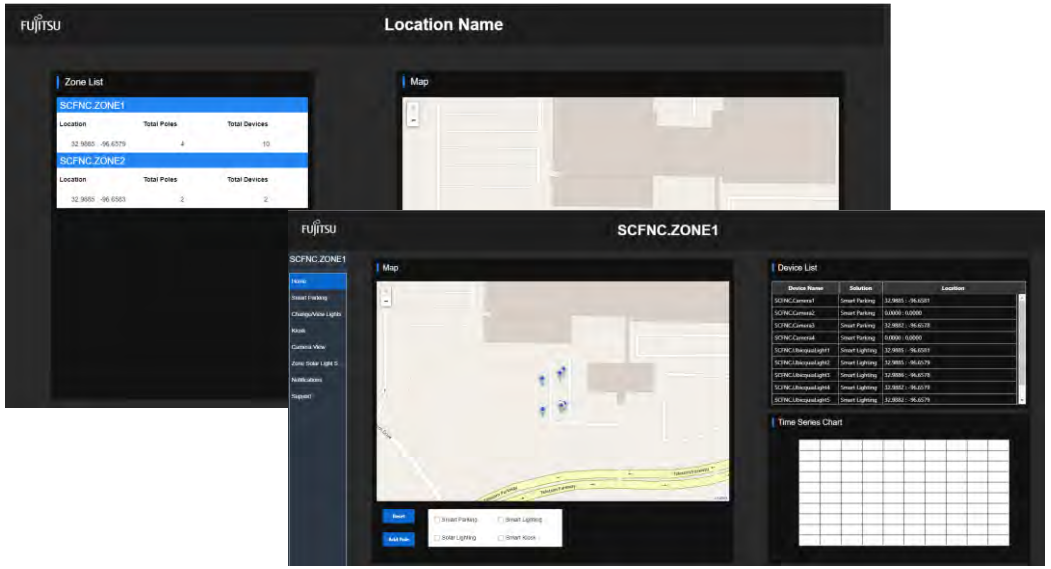
At the Center of All Your Smart City Initiatives

CUSTOMER CHALLENGES

- Managing too many IoT software platforms
- OPEX to high
- Scalability
- Software Efficiencies

KEY OBJECTIVES

- Provide Software platform that integrates IoT platforms
- Real Time Data
- Provide SNMP monitoring all the way down to a sensor
- IoT Scalability
- Provide a Single Pane of Glass



PROJECT DESCRIPTION

- Building a Network which leverages a Fiber and Wireless Network
- Leveraging FNC Smart City Partners to provide full solution
- Integrate all IoT technologies with the Open APIs
- Provide Cloud Solution

FUJITSU'S ROLE

- Design/Build/Maintain Software platform
- Leverage IoT partners and their expertise
- IoT platform will be integrated will all IoT applications, Open APIs required

FUJITSU'S VALUE ADD

- Software Integration
- Cloud Design
- Provide full package as being the IoT Integrator
- Leverage partner relationships
- Vetted Partners and Solutions

"Manage All Your IoT Applications from a Single Platform"

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What Fujitsu Brings to the Table

FUJITSU

- End-to-End Smart City Turnkey Solutions
- Unique Co-Creation Approach to Smart City Solutions
- Extensive Smart City Partner Ecosystem
- Systems Integration Experts
- Network Expertise & Experience
- Richardson, TX Living Lab

We Have What It Takes to Help You Implement Your Smart City Initiatives

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Next Steps to a Smart City

Smart City Consulting Services

Innovation Board Ready Study

Smart City Proof of Concept

Let's take that Next Step together

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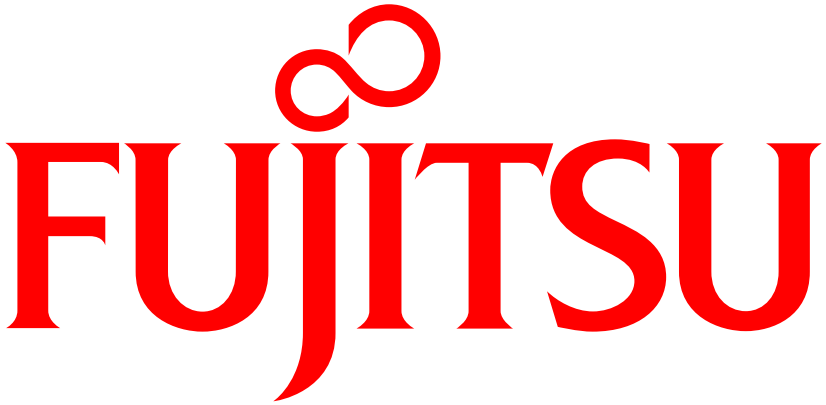

shaping tomorrow with you

Request for funding from The Agency	
Demolition of blighted properties that serve a larger development strategy of plan	N/A
Participation in a feasibility study to support or create a new economic development project(s)/activity	This project will assess expansion of the Southern Tier Network Open-Access Model Fiber Infrastructure service area to increase resiliency and redundancy in Johnson City, Endicott and Binghamton. The project will define the route and build-out design cost for fiber expansion and establish an Internet of Things network to enhance community services and local business efficiencies. This will bulid on efforts to establish centers of innovation with services for modern industy/investment
Acquisition of a property that could serve to stabilize or advance develoment in an area of high priority	N/A
Other requests that would have a positivie economic or community impact in Broome County municipalities:	1. Expansion - Connect strategic development locations (iDistricts & Opportunity Zones) to the Southern Tier Network and expand the current infrastructure capabilities for future development. 2. Redundancy - Establish a robust and reslient infrastructure network and reduce vulnerability for identified assets within and adjacent to the iDistricts and OZs including critical services, educational institutions, municipal services, nonprofits serving vulnerable populations, major employers (totaling over 8000 employees), and workforce housing.

Broome County Innovation District
Fiber Enhancement and Smart Cities Plan

Project Contact: Beth Lucas, Broome County Director of Planning
beth.lucas@broomecounty.us, (607)778-2375

Grant Overview

Broome County is submitting a grant through the federal ARC POWER program for development of the Broome County Innovation District Fiber Enhancement and Smart Cities Plan. The POWER (Partnerships for Opportunity and Workforce and Economic Revitalization) Initiative targets federal resources to support workforce and economic development activities in the communities and regions of Appalachia. The proposed project will include development of a study outlining expansion of the Southern Tier Network open access fiber broadband network and the potential for integration of smart cities components for the Broome County Innovation Districts and Opportunity Zones.

Project Cost

The ARC POWER program requires a 50% local match for overall project costs. There is a total cash cost of $80,000 for development of the plan. We are requesting a total of $50,000 from the ARC grant program. The remaining cash costs of $30,000 will be contributed by Broome County and the Agency ($15,000 each). An additional $20,000 match will be provided in in-kind services from Broome County.

Project Description

The Innovation Districts were developed as part of the Southern Tier Upstate Revitalization Plan. These are areas in the downtowns of Binghamton, Johnson City and Endicott, targeted for investments to make them a destination for talent, new business development and partnerships, and to overall support an innovation economy. In addition, there is significant overlap with these areas and the federally designated Opportunity Zones, a program that provides tax benefits for investments made within these communities.

A significant priority of the Innovation Districts is investments in infrastructure that meet the needs of the modern economy and supports revitalization and private investment. Aging and dated infrastructure may make these areas less attractive and marketable, acting as a barrier to the types of investment we wish to see. Perhaps the most significant of those is reliable and resilient broadband infrastructure. A fiber network with adequate capacity and affordability can provide the backbone to economic development and improved quality of life. Reliable connectivity is also essential for limiting potentially costly operational interruptions.

Southern Tier Network is an open access, nonprofit broadband company with a limited local presence in these three downtowns, and other parts of the County. In an open-access model, a network is open to a range of service providers, including internet providers, enterprise-class services, cellular carriers and dedicated health care and education networks. This provides users with flexibility for their network, allows them to manage their network's security, design, and growth freely, and provides the ability to control and scale bandwidth needs, significant for keeping up with current and expected demand.

Through this planning process Broome County will work with the Agency and municipal partners to identify strategic facilities and development sites where access to this fiber network may enhance site marketability or provide opportunities for growth, expansion, or efficiency improvements of existing operations. For the fiber extensions identified, the plan will define the route and build-out design cost for implementing these system upgrades.

The study will also assess how expansion of the open-access fiber infrastructure can provide enhanced opportunities for integration of smart cities technologies within the Innovation Districts. The goal of smart cities is to use technology to improve the efficiency of services and meet the needs of residents and other stakeholders in a community. Using real-time control systems and sensors, data can be collected and utilized more efficiently, optimizing and, in some cases, automating community services. Smart cities investments play a large role in enhancing community competitiveness and attracting new residents and businesses. Smart cities integrate the technology needed to facilitate companies and industries to grow jobs, raise productivity, and drive prosperity. Some of the ways smart cities technologies may benefit local stakeholders are integration of smart building features for improved efficiency and productivity, opportunities for new tech and related businesses, more predictable, effective and user-friendly community services, and enhancing livability for the local workforce.

Broome County Industrial Development Agency

Solar and Energy Storage Projects PILOT Policy

DRAFT – Updated 4/14/21~~(DRAFT)~~

Purpose: The creation of an exemption policy for solar and energy storage projects located in Broome County, NY. The policy has been created to provide consistency in the approach to each of these projects in order to maximize the economic benefits for each taxing jurisdiction where such projects are located. The policy will be uniformly applicable to any solar or energy storage project located within the County of Broome.

Eligibility: Eligible projects must produce a minimum of ~~one (1)~~ megawatt of electricity. These include:

- Community distributed solar/shared solar
- Off-site generation projects that have a wholesale purchase power agreement with one (1) or more users
- Energy storage projects

Criteria: When a project owner seeks a payment in lieu of tax or PILOT Agreement from The Agency, the following requirements must be met for consideration:

1. Payment in lieu of taxes shall be established at $~~106~~,000 per Megawatt. This amount could/would include total MW cost taking into account other benefits received, e.g. a Host Community Agreement or Road Use Agreement.
2. The term of the payment shall be no more than fifteen (15) years in length
3. Each year of the payment schedule will include a two (2) percent (%) escalator.
~~3.~~4. A "Host Community Agreement" must be negotiated and approved by all relevant taxing jurisdictions, unless specifically waived by them. If an HCA is waived, a letter of endorsement from the host municipality is required.
~~4.~~5. The project owner must provide proof that it has entered into a decommissioning fund or bond with the local municipality sufficient to remove the solar arrays at the end of the project without cost to the municipality.
~~5.~~6. Compliance with the Agency's local labor policy is required. *Prevailing wage rates will apply to all projects at or above 5 MW of energy production.
~~6.~~7. It is ~~a requirement~~strongly encouraged that the energy generated must be pre-offered or be given a preference to Broome County residents. If such term is proved to be impossible, some local benefit must be provided to satisfy a commensurate benefit, through the development of an HCA.~~t.~~

Fee Schedule: The Agency will assess a project development fee of 1% of the Total Project Costs. The company will reimburse The Agency for any expenses incurred for the use of subject matter experts.

Deviations to the Policy: Pursuant to NYS Real Property Tax Law (RPTL) Section 412-a, a project owner can propose terms deviating from this policy, however, the Agency has determined that it is in the best

interest of the taxpayers of Broome County that the uniform exemption policy be utilized as outlined herein.

Pursuant to the Agency's Uniform Tax Exemption Policy (UTEP), project owners could be eligible for applicable sales and mortgage tax exemptions, as outlined in our UTEP.

Unless specifically outlined in this policy, the project owner is responsible for complying with all other rules and regulations as outlined in the IDA's policies.

Notes:

Eligibility – It was recommended that we only provide benefit for projects that are above 1 MW. There is a project being sited in Broome County seeking benefits that is approximately 4MW . My recommendation is that find a number that is in alignment with median project size.

Criteria:

#1 – In speaking with multiple IDAs since our last meeting, I believe the per MW value should be at $6,000, which is the high end of the range on these. This is the PILOT ONLY – HCAs would be negotiated outside of the development of the PILOT benefit. Projects throughout NYS are seeing increases in interconnection costs making the $10,000 a likely unreachable figure.

#6 – Per recent NYS laws on prevailing wage – any project at or above 5 MW would be required to use prevailing wage rates.

#7 – It is my understanding that the only way to require that energy produced goes to a local user is in a situation where there is a pre-meter agreement. Need to research further. Other than that, like most energy production, it will go into the grid.

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Prevailing Rate and Local Labor Policies

How will the two interact and what should IDAs start to consider.

LOEWKE BRILL
CONSULTING GROUP, INC

Presenters:

Jim Loewke – C.E.O. - Loewke Brill Consulting Group – Rochester, NY

LOEWKE BRILL
CONSULTING GROUP, INC

What is Prevailing Wage?

- In government contracting, a **prevailing wage** is defined as the hourly wage, usual benefits and overtime, paid to the majority of workers, laborers, and mechanics within a particular area. This is usually the union wage.
- Prevailing wages are established by regulatory agencies for each trade and occupation employed in the performance of public work, as well as by State Departments of Labor or their equivalents. (**Trade Specific**)

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Under Section 224 of the Labor Law - Covered projects include:

- "Construction work" paid for in whole or in part out of "public funds"
- Aggregated to 30% of total construction project costs and $5M.

- Examples:

$10M Construction Project
$3.0M in total benefits =
Covered Project

$10M Construction Project
$2.5M in total benefits =
Not Covered Project

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(Construction Work) Paid for means:

- Paid directly (not subject to re-payment)
- All savings – PILOTS, sales tax, Employment taxes, Mortgage tax (all benefits)
- Money loaned subject to re-payment
- Credits against re-payment

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The term “Public Funds” includes all “Public entities”:

- The state
- Local development corporation
- Municipal corporation
- Industrial Development Agency
- Any State, Local, Interstate or International Authority

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Covered project does not include:

- Owners primary residence (less than 4 dwellings)
- “Established” not-for-profits
- Projects with a PLA.
- Multi residence and ancillary amenities
- Renewable energy system below 5 MW
- Construction work performed under FRESH program (supermarket retail)
- School under 60,000 sq ft.
- Historic rehabilitation

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How is that different from Local Labor policies?

- Local Labor policies only guarantee workers from the area will be employed on the project.
- Labor rates to those workers are not regulated.
- Prevailing rate requirements, however, do not guarantee local labor will be employed.

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Local Labor Policy guidelines:

- Typically, local means “touching counties”
  - Example – Monroe county local labor includes Livingston, Orleans, Genesee, Steuben, Yates, Ontario, Seneca, Wayne, Wyoming. All other counties in New York are considered “out of area”
  - Policies differ in local labor requirements: for example, Monroe – 100%, Orange County – 85%, Ulster County – 80%, Erie County – 90%
  - 3 typical exemptions –
    - 1. Warranty,
    - 2. price point differential (also policy specific)
    - 3. specialized construction, no contractor in area can perform.

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How will Prevailing Rate interact with Local Labor:

- Workers can come from anywhere as long as they are paid “the Rate”
- Workers who would have previously been given a waiver (warranty workers or specialized construction) will still have to pay “The Rate”
- Price exemptions will not be allowed for significant lower estimates who do not bid using the required “Rate”
- The “Rate” is Trade Specific. The IDA will now have to determine the correct rate to apply to the above.

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What are some overlaps between labor policies and prevailing rate:

- Since prevailing rate only applies to projects that meet the criteria, will local labor policies apply to the other projects?
- Should IDA's continue to enforce local labor policies on prevailing rate jobs? Is it fair to push that burden to the developer? Is it fair to the local work force that people from out of town take their jobs?
- How will IDA's determine rates for workers that would have previously been considered "exemptions?"

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CONSULTING GROUP, INC

What is a Project Labor Agreement?

- The Prevailing Rate policy does not apply when a PLA is in effect.
- The PLA sets rates for all workers and designations. This puts the burden on the local unions to justify the correct rates.
- PLA's can be negotiated between public agencies and local building trades organizations. So local labor can be negotiated into the PLA.
- However, PLA's also guarantee labor will be union, so this will limit prospective bidders on the Project, even though the rates are the same.
- IDA's could look at a certain threshold to consider a PLA specific agreement. ($10M? $20M? Etc.)

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Questions?

NYSEDC - INDUSTRIAL DEVELOPMENT AGENCY (IDA) ACADEMY

Below is a summary of certain New York State legislation affecting industrial development agencies:

A944 - Magnarelli

Title – AN ACT to amend the real property tax law, in relation to changes in assessment for businesses that make payments in lieu of taxes.

Summary: Many businesses have been enticed to areas through a development program known as PILOT ("payment in lieu of taxes"). PILOT exempts certain businesses from property taxes in exchange for payments to the county, towns, and school districts where they are located. Some PILOT agreements have provisions that allow the business to challenge property tax assessments and win a credit against future payments if found to be a valid challenge. A successful challenge would create a substantial reduction in revenue to a locality and school district that relies on PILOT payments. Localities and school districts should be given the courtesy of previous notice that the business is filing an assessment challenge. Notification would allow for planning and budgeting decisions to be made that would reflect a possible reduction in PILOT payments.

Comments:

- The notification must be given at least 30 days prior to the filing for a change in assessment
- Does 30 days provide enough cover to those affected local governments and school districts to adequately plan and make up for the reduction in PILOT payments?

S1769 - Skoufis

Title – AN ACT to amend the general municipal law, in relation to preventing certain elected officials from being a member of an agency; and to repeal subdivision 4 of section 856 of such law relating thereto.

Summary: The bill would prohibit any elected official serving at the county, town, city, or village level, from serving as member of the board of any IDA located within the county.

Comments:

- IDAs grant millions of dollars in financial assistance which take the form of tax incentives, PILOT agreements, and others
- Allowing local elected officials to serve on IDAs could open up opportunities for corruption and conflicts of interest

S235A - Mayer

Title – AN ACT to amend the general municipal law, in relation to allowing for the examination of industrial development agencies and not-for-profit corporations by county comptrollers.

Summary: Allows for independent examination and audit of IDAs and not-for-profit corporations on the local county level. Many of the actions IDAs take, like granting PILOTs, tax abatements, and terms of the incentives have big impacts on community members, workers, and taxpayers, yet are sometimes veiled from those affected. This legislation seeks to grant an additional level of accountability for IDA projects and actions.

Comments:

- Two auditing/oversight entities are enough

S977 - Gaughran

Title – AN ACT to amend the public authorities law and the not-for-profit corporation law, in relation to reviews by the authority budget office and granting the authorities budget office the authority to commence an action or special proceeding to annul the corporate existence or dissolve a corporation that has acted beyond its capacity or power or to restrain it from carrying on unauthorized activities.

Summary: Requires that a public authority publish a response to recommendations made by the Authorities Budget Office ("ABO") in reports or letters within 30 days of receiving such recommendations. If the ABO makes recommendations for corrective action, the authority has 180 days to respond detailing the corrective actions taken, and if not, why the recommendations were not implemented. The legislation makes the knowing and willful submission of a false financial report to the ABO perjury in the third degree. Allows the ABO to remove authority board members that fail to complete state mandated training. Provides the ABO power to commence an action or proceeding to annul the corporate existence or dissolve a corporation that has acted beyond its capacity or power, or restrain it from carrying on unauthorized activities.

Comments:

- On the whole, this legislation increases the oversight powers of the ABO
- Seems a bit redundant, as the OSC already has authority to remove an entities tax exemption powers
- And the Attorney General has the authority to dissolve a corporation

S4471 - Mannion

Title – AN ACT to amend the general municipal law and the public authorities law, in relation to certain notifications regarding agreements requiring payments in lieu of taxes.

Summary: This legislation will require IDAs to notify a taxing jurisdiction within two years of the expiration of a payment in lieu of taxes agreement, or immediately upon the early termination of an agreement. Taxing jurisdictions often rely on PILOT agreements when calculating their budgets. A sudden termination or cessation of a PILOT agreement, without proper knowledge given to the taxing jurisdiction, can have negative effects on that taxing jurisdiction's budget. This legislation would ensure ample time is given to those taxing jurisdictions when a PILOT agreement is set to be terminated so as to plan accordingly.

Comments:

- What does "immediate" mean? How much time?
- Need a timeframe that is more specific

S1656 - Skoufis

Title – AN ACT to amend the general municipal law, in relation to prohibiting industrial development agencies from incentivizing movements within the state.

Summary: This legislation would tighten existing prohibitions on so-called "intra-state piracy" that restrict local IDAs from giving financial assistance to a company to lure it from one part of New York to another. The idea is that there is no net gain or benefit in moving jobs from one part of New York to another part of New York.

Comments:

- Would not allow for relocation projects to occur to allow a business to be more competitive
- There may very well be situations where a company would be more profitable and employ more New Yorkers if relocated to a different part of the state
- Does not address if a company is landlocked in their current footprint or a secondary location/expansion project

A473 - Magnarelli

Title – AN ACT to amend the general municipal law, in relation to requiring the return of all or a part of the financial assistance provided for a project where the project has material shortfalls or material violations and preventing the use of funds, financial incentives, subsidies or tax exemptions for projects already in development.

Summary: This legislation would require that IDAs implement policies for the return of financial assistance or tax incentives provided to a project that is determined to show material shortfalls in job creation and retention or material violations of the project agreement. It also prohibits IDAs from offering financial assistance to projects that are already in development at the time of an application. Additionally, this bill requires the standard financial assistance application used by IDAs to require the disclosure of offers of financial assistance from out of state economic development corporations.

Comments:

- Prohibits incentives for projects "already in development"
- Bill does not define what "in development" means

BOUSQUET HOLSTEIN PLLC

IDA ACADEMY – PENDING LEGISLATION UPDATE
April 13, 2021

Below is a summary of certain New York State legislation affecting industrial development agencies:

S1655 -
Skoufis

Title: AN ACT to amend the General Municipal Law ("GML"), in relation to preventing the use of funds, financial incentives, subsidies or tax exemptions for projects occupants which are not public.

Summary: Amends Sections 862 and 875 of the GML to provide that:

No funds, financial incentives or subsidies of the agency shall be used in respect to any project in which the project occupant as defined in section eighteen hundred one of the public authorities law is not publicly disclosed at the time of the public hearing for the project.

AND

No tax exemptions shall be granted to any project if the project occupant as defined in section eighteen hundred one of the public authorities law is not publicly disclosed at the time of the public hearing for the project.

"Project occupant" shall mean the business enterprise which proposes to use a project after construction, acquisition, rehabilitation or improvement.

Comments:

- Currently sufficient to identify the project owner, operator or manager.
- This would hinder ability to create mixed use or other commercial projects as many times the commercial space is not leased up at time of closing.

S4610 -
Comrie

Title: AN ACT to amend the Public Authorities Law ("PAL") in relation to disposals and contracts for disposal of property.

Summary: Adds (g) to 2897(6) of PAL to require any right of first refusal in a contract for the disposition of property require that the property be transferred at or above FMV at the time the right is exercised.

Amends (v) and (vi) of 2897(6) (c) and Subdivision (7) of 2897 of the PAL to restrict instances in which you can dispose of property by negotiation and for less than FMV by eliminating a transfer within the mission or purpose of an IDA.

Comments:

- As currently in effect, the PAL allows IDAs to dispose of property by negotiation (an exception to public advertising/bidding) if, among other reasons, it is in furtherance of the IDA's purpose or mission (as currently set forth 2897(7)) or if otherwise authorized by law.
- Proposed legislation amends 2897 (7) to remove a transfer within the mission or purpose of an IDA and replaces it with a transfer ***in the public interest.***
- Proposed legislation further amends 2897 (7) to require the IDA to seek approval of the Governor, the speaker of the assembly and the temporary president of the senate for a transfer determined by the IDA to be ***in the public interest.***

S4611 - Comrie

Title: AN ACT to amend the Public Authorities Law in relation to requirements for explanatory statements regarding disposals of property.

Summary: Adds (iii) to 2897(6)(d) to provide that each explanatory statement required in connection with a disposal of property by negotiation shall include the names of all beneficial owners of the entity to which the property is being transferred. Such information shall also be provided to all board members.

"beneficial owner" shall mean an individual who, directly or indirectly, through any contract, arrangement, understanding, relationship or otherwise, owns any equity interest of an entity, and/or has a level of control over the funds or assets of the entity that, as a practical matter, enables the individual, directly or indirectly, to control, manage or direct the entity and the use of its funds and assets or any part thereof.

Comments:

- Definition of "beneficial owner" is very broad.
- Determining whether a person is within the definition of "beneficial owner" is burdensome given the scope of the definition.
- What proof does the IDA need to obtain to determine who has a beneficial interest?

S6055 - Skoufis

Title: AN ACT to amend the General Municipal Law, in relation to allowing industrial development agencies to make grants to municipalities for open space preservation, parkland improvements and conservation easements.

Summary: Amends Section 858 of the GML to authorize IDAs to make grants to the municipality for whose benefit the agency was created for the purposes of space preservation, parkland improvements and conservations easements, provided the municipality determines such grant will encourage tourism or otherwise improves qualify of life.

Comments:

- Uncertain of the need for this legislation.
- It would make sense to expand the ability of IDAs to provide grants for additional economic development reasons/goals in general.

S5146 - Hinchey

Title: AN ACT to amend the General Municipal Law, in relation to prerequisites for financial assistance provided by industrial development agencies.

Summary: Amends Section 859-a (4) of the GML to require an IDA, prior to providing any financial assistance of more than one hundred thousand dollars, to estimate, to the extent practicable, the percentage of materials, products, goods and other items to be used on, by or for the proposed project which are *produced, manufactured or otherwise generated* in the state.

Amends Section 859-a (5)(b) of the GML to require that the cost benefit analysis identify the extent to which jobs created or retained shall be filled by residents of the economic development region as established pursuant to section 230 of the Economic Development Law or the labor market area as defined by the IDA, in which the project is located; and the extent to which a project will use materials, products, goods and other items which are produced, manufactured or otherwise generated in the state.

Amends Section 859-a (6)(b) to require, as part of the annual reporting, the project developer to provide the percentage of materials, products, goods and other items purchased as a result of the financial assistance which were produced, manufactured or otherwise generated in the state.

Comments:

- The # of FTE jobs to be created/retained from the designated labor market area is already required as part of the uniform application (Section 859-a (f)) – this proposed legislation would require the IDA to use that information as part of their cost/benefit analysis if they are not already doing so.
- How will the IDA estimate or determine (or cause the developer to estimate or determine) the goods/materials/products which are *produced, manufactured or otherwise generated* in the state.

- How would an IDA deal with change orders or unavailability of materials during construction.
- The requirement seems overly burdensome and difficult to determine and enforce.
- Seems beyond purview of an IDA performing economic development within its municipal jurisdiction.

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