ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
333 WEST WASHINGTON STREET, SUITE 130, SYRACUSE, NY 13202
PHONE: 315.435.3770 • FAX: 315.435.3669 • ONGOVED.COM

**Regular Meeting Agenda**
**February 8, 2022**

**8:00 AM Call to Order the Meeting of the Agency**

1. Approval of Minutes- January 18, 2022 Organizational Meeting & Regular Meeting
2. Treasurer's Report
3. Payment of Bills
4. Conflict of Interest

**Action Items**

1. **CVE US EI4 Manlius North, LLC (3101-21-16A) Second Meeting**
   **CVE US EI4 Manlius North, LLC is proposing to construct a 1.5 MW, 20-acre solar array on a 50-acre parcel of land in the Town of Manlius. The applicant is requesting exemptions from certain sales and use taxes and mortgage recording taxes**.

   **Agency Action Requested:**
   a. A resolution of the Board to authorize adoption of SEQRA determination.
   b. A resolution of the Board authorizing the financial assistance the agency will provide. Agency benefits requested include exemptions from certain sales and use taxes and mortgage recording taxes.

   **Representative**: Carson Weinand, Senior Business Developer, CVE Group

2. **CVE US EI5 Manlius East, LLC (3101-21-17B) Second Meeting**
   **CVE US EI5 Manlius East, LLC is proposing to construct a 5MW, 40-acre solar array on a 75-acre parcel of land in the Town of Manlius. The applicant is requesting exemptions from certain sales and use taxes and mortgage recording taxes**.

   **Agency Action Requested:**
   a. A resolution of the Board to authorize adoption of SEQRA determination.
   b. A resolution of the Board authorizing the financial assistance the agency will provide. Agency benefits requested include exemptions from certain sales and use taxes and mortgage recording taxes.

   **Representative**: Carson Weinand, Senior Business Developer, CVE Group

3. **CVE US EI6 Manlius West, LLC (3101-21-18C) Second Meeting**
   **CVE US EI6 Manlius West, LLC is proposing to construct a 5MW, 40-acre solar array on a 75-acre parcel of land in the Town of Manlius. The applicant is requesting exemptions from certain sales and use taxes and mortgage recording taxes.**

   **Agency Action Requested:**
   a. A resolution of the Board to authorize adoption of SEQRA determination.
   b. A resolution of the Board authorizing the financial assistance the agency will provide. Agency benefits requested include exemptions from certain sales and use taxes and mortgage recording taxes.

   **Representative**: Carson Weinand, Senior Business Developer, CVE Group

4. **Immediate Mailing Services, Inc. / 245 Commerce LLC (3101-21-15B) Second Meeting**
   **Immediate Mailing Services, Inc. / 245 Commerce LLC are proposing to renovate three buildings totaling approximately 15,900 square feet at 4575 Buckley Road to be used as warehouse and office space. The applicant is requesting exemptions from certain sales and use taxes, real property taxes and mortgage recording taxes.**

   **Agency Action Requested:**
   a. A resolution of the Board to authorize adoption of SEQRA determination.
   b. A resolution of the Board authorizing the financial assistance the agency will provide. Agency benefits requested include exemptions from certain sales and use taxes, real property taxes and mortgage recording taxes.

   **Representative**: Sam Wilks, Senior Accountant, IMS Inc.

5. **Ultra Dairy, LLC ((3101-18-07F/3101-20-14G/3101-21-11H) Meeting to Modify Request for execution and delivery of Mortgages and related documents with respect to a refinancing**

   **Agency Action Requested:**
   a. A resolution of the Board authorizing execution and delivery of documents.

   **Representative:** Jim Gosier, General Counsel, Byrne Dairy

6. **Fayette Manlius, LLC (3101-22-01A) Initial Meeting**
   **Fayette Manlius, LLC is proposing a mixed used development at 332 and 406 Fayette Street in the Village of Manlius. The applicant is requesting exemptions from certain sales and use taxes, real property taxes and mortgage recording taxes.**

   **Agency Action Requested:**
   a. A resolution of the Board authorizing a public hearing.

   **Representative:** Matthew Lester, Manager, Streamline Real Estate Partners, LLC & Christine Stevens, VIP Development Associates

7. **Hinsdale Road, LLC (3101-13-05B/3101-19-11C) Meeting to Modify**
   **Request for execution and delivery of one or more Mortgages, Assignment of Leases and Rents and related documents (the "Financing Documents") with respect to the refinancing of the Project by the Company.**

   **Agency Action Required:**
   a. A resolution of the Board authorizing execution and delivery of Financing Documents.

   **Representative**: Joe Goethe, Hinsdale Road, LLC

**Executive Session**

8. **Purchase Contract Execution**
   **Authorization to enter into a purchase contract for property.**

   **Agency Action Requested:**
   a. A resolution of the Board authorizing the adoption of SEQRA**.**
   b. A resolution of the Board authorizing the Executive Director to enter into a purchase contract and any related documents with respect to one parcel of property.

   **Representative:** Robert Petrovich, Executive Director, OCIDA

**Adjourn**

# SUBJECT TO BOARD APPROVAL

Onondaga County Industrial Development Agency
Organizational Meeting Minutes
January 18, 2022

An organizational meeting of the Onondaga County Industrial Development Agency was held on Tuesday, January 18, 2022 via Zoom Teleconference.

Patrick Hogan called the meeting to order at 8:11 am with the following:

PRESENT VIA TELECONFERENCE:
Patrick Hogan
Janice Herzog
Victor Ianno
Steve Morgan
Susan Stanczyk
Fanny Villarreal

ABSENT: Kevin Ryan

ALSO PRESENT:
Robert M. Petrovich, Executive Director
Nancy Lowery, Secretary
Nate Stevens, Treasurer
Karen Doster, Recording Secretary, Agency
Carolyn Evans-Dean, Onondaga County Economic Development
Jeff Davis, Barclay Damon Law Firm

SLATE OF OFFICERS AND CHAIRS FOR THE 2022 AGENCY FISCAL YEAR

Upon a motion by Susan Stanczyk, seconded by Fanny Villarreal, the OCIDA Board approved a resolution approving the slate of officers for the 2022 Agency Fiscal Year to include Chair-Patrick Hogan, Vice Chair-Janice Herzog, Executive Director - Robert M. Petrovich, Secretary - Nancy Lowery, Treasurer - Nate Stevens, Recording Secretary - Karen Doster, Assistant Treasurer - Christopher Cox, Freedom of Information Act Officer – Robert M. Petrovich, Freedom of Information Appeals Officer-Patrick Hogan, State Finance Law Contract (Procurement) Officer – Robert M. Petrovich. Motion was carried.

APPOINTMENT OF LEGAL CONTRACTORS

Upon a motion by Susan Stanczyk, seconded by Janice Herzog, the OCIDA Board approved a resolution reappointing Barclay Damon, LLP as its Agency Counsel and appointing Bond Schoeneck & King, PLLC; Hancock & Estabrook, Harris Beach, PLLC; Nixon Peabody, LLP;

Trespasz & Marquardt, LLP as conflict counsel for two years expiring December 31, 2023. Motion was carried.

APPOINTMENT OF AUDIT CONTRACTORS

Upon a motion by Janice Herzog, seconded by Susan Stanczyk, the OCIDA Board approved a resolution reappointing Grossman St. Amour as its Agency Auditor and appointing Bonadio & Co., LLP as special auditor for a two years expiring December 31, 2023. Motion was carried.

Upon a motion by Janice Herzog, seconded by Fanny Villarreal, the OCIDA Board adjourned the meeting at 8:13 am. Motion was carried.

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Nancy Lowery, Secretary

Onondaga County Industrial Development Agency
Regular Meeting Minutes
January 18, 2022

A regular meeting of the Onondaga County Industrial Development Agency was held on Tuesday, January 18, 2022 at 333 West Washington Street, Syracuse, New York in the large conference room on the first floor.

Patrick Hogan called the meeting to order at 8:14 am with the following:

PRESENT:
Patrick Hogan
Janice Herzog
Victor Ianno
Steve Morgan
Susan Stanczyk
Fanny Villarreal

ABSENT:
Kevin Ryan

ALSO PRESENT:
Robert M. Petrovich, Executive Director
Nate Stevens, Treasurer
Nancy Lowery, Secretary
Karen Doster, Recording Secretary
Jeff Davis, Barclay Damon Law Firm
Samantha Podlas, Barclay Damon Law Firm
Carolyn Evans-Dean, Office of Economic Development
Rebecca Shiroff, Office of Economic Development
Carson Weinand, CVE Group
Sam Wilks, IMS Inc.
Jackie Egle, IMS Inc.
Carmen Emmi, Prima Terra
David Aitken, Destiny USA
Lauryn Miller

APPROVAL OF REGULAR MEETING MINUTES – DECEMBER 14, 2021

Upon a motion by Janice Herzog, seconded by Susan Stanczyk, the OCIDA Board approved the regular meeting minutes of December 14, 2021 meeting. Fanny Villarreal abstained. Motion was carried.

TREASURER'S REPORT

Nate Stevens gave a brief review of the Treasurer's Report for the month of December 2021.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved the Treasurer's Report for the month of December 2021. Motion was carried.

PAYMENT OF BILLS

Nate Stevens gave a brief review of the Payment of Bills Schedule #465.

Upon a motion by Fanny Villarreal, seconded by Susan Stanczyk, the OCIDA Board approved the Payment of Bills Schedule #465 for $2,074,311.74 and PILOT payments to Onondaga County for $9,723.26, City of Syracuse for $8,493.64 and Syracuse City School District for $14,547.90. Motion was carried.

CONFLICT OF INTEREST DISCLOSURE

The Conflict of Interest was circulated and there were no conflicts reported.

CVE US EI4 MANLIUS NORTH, LLC (3101-21-16A) INITIAL MEETING

Carson Weinand stated he is the senior business developer with CVE. He stated CVE is a community solar developer out of New York City. He stated over the past couple of years they have been working on this project. He stated it is located off East Seneca Turnpike in the Town of Manlius. He stated they secured site control in 2020 and spent about six months preparing their documents to apply to the Town and spent about ten months getting their permits. He stated on October 25 they received their special use permit, their site plan approval and SEQR negative declaration so it is a mature project. He stated it is three co-located projects and plan to take one 225 acre parcel and subdivide it into separate lots to develop three separate solar community solar projects; a 1.5 megawatt project and two 5 megawatt projects. He stated they have been through the interconnection studies with National Grid and they have the green light to connect to the grid. He stated they also worked through PILOT agreements with the Town and School District. He stated they are signing a Host Community Benefit Agreement with the Town and signed an Educational Contribution agreement with the School District which includes

a $365,000 one-time donation to the School District. He stated the benefits of the project are millions of pounds of carbon will be displaced from the grid but also about 2,500 local residents will receive monthly discounts on their electricity bills for the next 25 years. He stated there will be millions of dollars of energy savings for the residents in the Town of Manlius. He stated they are seeking sales tax and mortgage recording tax exemptions.

Patrick Hogan asked how long the PILOT is with the Town. Carson Weinand stated he believes it is 25 years. Janice Herzog stated she thinks it is 15.

Nancy Lowery asked if it is under the 487 PILOT. Carson Weinand stated it is under the 487 PILOT with the Town and School District. He stated a notice letter was sent to the County with their intent to develop and construct this project and did not get a response so he does not think anything will be due to the County under the rules of 487.

Carson Weinand stated there is a separate Host Community Benefit Agreement just for the Town which gives them additional revenue because they have the lowest pro rata share of all the tax revenue and they bear most of the burden of this project so CVE is giving them additional income.

Patrick Hogan asked if the PILOT with the Town is similar to the PILOT agreement the Agency would have where CVE pays taxes on the property but not the improvements. Carson Weinand stated the PILOT is for the property taxes of the solar facility and will still be paying tax on the land. He stated they will pay special district taxes in full. Robert Petrovich stated CVE will be paying taxes on the land but not the improvements.

Jeff Davis stated it is a 487 PILOT which requires each taxing jurisdiction to enter into a PILOT. He stated CVE has a PILOT Agreement with the Town and the School District. He stated the County did not respond in the statutory time period which means the County will not receive tax on the improvements for 15 years. He stated it is a scaled down PILOT that generally starts out with full exemption and scales down by percentage over the time period down to zero exemption at 15 years.

Victor Ianno asked how many projects are in Onondaga County. Carson Weinand stated CVE has a couple of projects in the Town of Cicero but they are on hold because there is a solar

moratorium in Cicero. He stated the projects in New York are located in the Town of Wheatfield, Town of Brunswick and Town of Queensbury.

Janice Herzog asked if there is another project in the Town of Manlius or East Syracuse. Carson Weinand stated no.

Janice Herzog asked if the other projects mentioned are through CVE. Carson Weinand stated they are all through CVE. He stated they received permits on the facility in Wheatsfield in September and they are seeking the same for the facility with the Niagara County IDA. He stated they are still working on permitting on their projects in Queensbury and Brunswick

Janice Herzog asked what the total project acreage is in Onondaga County. Cason Weinand stated this project is a 225 acre parcel and the footprint and fenced in area is 80 total acres. He stated the projects before the Board are the only active projects in Onondaga County. He stated they have others in the pipeline but he does not consider them real yet and those are in Cicero.

Patrick Hogan asked if the reason CVE is breaking the project up into three separate entities is because of regulations regarding solar projects. Carson Weinand stated yes and they are limited to 5 megawatt per community solar project but they are allowed to co-locate and subdivide.

Patrick Hogan asked if CVE holds on to those projects or do you sell them. Carson Weinand stated they are an independent power producer so they own and operate the projects long term which is different than most other developers who get the permits, get them ready for construction then sell them off.

Susan Stanczyk asked for a map of the location. Carson Weinand stated he can forward a map to the Board members. He stated it is just west of the Fayetteville Manlius High School and completely hidden from view.

Upon a motion by Susan Stanczyk, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing a public hearing for the CVE US EI4 Manlius North, LLC Project. Motion was carried.

CVE US EI5 MANLIUS EAST, LLC (3101-21-17B) INITIAL MEETING

Upon a motion by Susan Stanczyk, seconded by Fanny Villarreal, the OCIDA Board approved a resolution authorizing a public hearing for the CVE US EI5 Manlius East, LLC Project. Motion was carried.

CVE US EI6 MANLIUS WEST, LLC (3101-21-18C) INITIAL MEETING

Upon a motion by Fanny Villarreal, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing a public hearing for the CVE US EI6 Manlius West, LLC Project. Motion was carried.

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT BYLAWS MODIFICATION

Robert Petrovich stated he believes all the Board members have been briefed on this matter and he thinks any questions that came up during the individual briefings have been addressed. He stated if there are any questions this morning they can be discussed.

Jeff Davis stated there are two separate resolutions as noted on the agenda. He stated the first is the supermajority vote for any future changes to the Bylaws and the second is how the executive director position is filled. He stated both resolutions went through the Governance Committee last week with recommendation from that Governance Committee.

Upon a motion by Janice Herzog, seconded by Susan Stanczyk, the OCIDA Board approved a resolution amending Article IV of the restated bylaws, to require all future amendments to the bylaws to require supermajority vote of the Board. Motion was carried.

Upon a motion by Fanny Villarreal, seconded by Victor Ianno, the OCIDA Board approved a resolution amending Article II of the restated bylaws establishing that it is the intent and desire of the Board to have the Executive Director of the Agency be the Onondaga County Director of Economic Development, a position that is appointed by the Onondaga County Executive and confirmed by affirmative vote of the Onondaga County Legislature. Motion was carried.

IMMEDIATE MAILING SERVICES, INC./245 COMMERCE LLC (3101-21-15B0 INITIAL MEETING.

Sam Wilks stated IMS started out as a small company in a garage with the owner driving around in a van collecting and mailing which turned into the company it is today. She stated they have a locations in Liverpool, Albany, Buffalo, Rochester and Virginia. She stated it started in 1987 and in New York alone they are up to 181 employees and continuing to grow very rapidly. She stated in 2019 they came before the Agency for aid for an expansion on the building at 245 Commerce which is the Liverpool main IMS location. She stated they have already maxed out that space and now need another space. She stated this Clay location is going to be used for warehousing and office space primarily for their IT department which is also growing. She stated they have a space in downtown Syracuse which is their AI Department so they are expanding into the AI technology world with their mailing and communication services. She stated IMS is before the Board today for aid with tax exemptions for certain sales and use tax, real property taxes and mortgage recording taxes specifically for the Buckley Road location.

Janice Herzog asked for a little more explanation about the AI mailing. Sam Wilks stated the AI Department is fairly new and it was just in research and development but now they are starting to get their first clients. She stated the AI department is working on something similar to the pop up you get on websites that says "Let's Chat" but their goal is to turn into a virtual assistant so the AI can schedule appointments so you don't necessarily have to talk to a person. She stated this is still in development and slowly working up to it. She stated they are developing some cool things and growing rapidly.

Susan Stanczyk asked if the Agency assistance is only for the project on Buckley Road. Sam Wilks stated the request is just for the Buckley Road which is primarily to warehouse their supplies and an office space for IT.

Susan Stanczyk asked if it is an existing building. Sam Wilks stated the IMS owner has a company called 245 Commerce and 245 Commerce bought the building and IMS is leasing.

Victor Ianno asked how many different buildings IMS has in Onondaga County. Sam Wilks stated they have one on 245 Commerce Boulevard, 220 Commerce Boulevard, 4575 Buckley Road and the downtown Syracuse location.

Janice Herzog asked about the 8 employees being added and the skill level. Sam Wilks stated at this location they are looking to expand and get additional warehouse, IT workers and some admin workers. She stated some of their employees from their current building are going to move over to this location but their goal is also to fill this location with new employees from the area. She stated it is a range of levels including higher paying salary jobs and also part time jobs. She stated the full time jobs they are looking is managers of the floor, warehouse workers, IT service people and IT professionals as well.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved a resolution declaring intent to be the lead agency for purposes of a coordinated review pursuant to SEQRA for the Immediate Mailing Services, Inc./245 Commerce LLC project. Motion was carried.

Upon a motion by Janice Herzog, seconded by Susan Stanczyk, the OCIDA Board approved a resolution authorizing a public hearing for the Immediate Mailing Services, Inc./245 Commerce LLC project. Motion was carried.

ACTIVE PROJECT REVIEW

Nancy Lowery stated she shared with the Board responses from the projects giving background information as to how they fell below the recapture number. She stated the projects provided information based on what the Board asked for at the last meeting regarding what happened and how it is then effected and what their plan going forward is.

Patrick Hogan stated he believes the Board is aware of what businesses have been facing especially in the hotel industry. He stated he is in favor this resolution. He stated he believes this is part of the aid that we have to give and be understanding.

Nancy Lowery stated none of these companies had fallen below their commitments until Covid. Jeff Davis stated the resolution before the Board in addition to referencing the factors that we identified by each one of the parties does take into account this Board is including the impact of the Covid pandemic on those projects.

Robert Petrovich stated this is a resolution waiving recapture at this time and is not in perpetuity. Jeff Davis agreed. He stated based upon what we know we are waiving any recapture at this time and then it goes through an annual review process. He stated this year we are waiving that as a potential option that this Board is required to look at.

Upon a motion by Fanny Villarreal, seconded by Susan Stanczyk, the OCIDA Board approved a resolution waiving recapture of financial assistance with regard to certain projects due to COVID related impacts. Motion was carried.

REVISED OCIDA PROJECT APPLICATION

(Fanny Villarreal left the meeting.)

Nancy Lowery stated the Governance Committee reviewed the changes. She stated one change is prevailing wage which is reflecting the change in NYS Law to our benefits when a project is looking at public funding. She stated there was a little bit of tweaking of language for the narrative and moved one line under the project narrative line for cleanup. She stated based on the Board's prior discussions on fees, particularly in regards to solar, there was some upgrading to the request for solar companies, giving the Board the option, that the company is to close prior to making any modifications.

Jeff Davis stated the question was raised as to concerns this Board has had with the repeated applications coming back before closing and changing name and ownership and trying to keep track. He stated it has happened a couple of times where we have gone through process then have the applicant come back and say they no longer want to close with the IDA. He stated it is a lot of work and then no fee is collected in the end. He stated the language put in is that the name change has to come with some type of extenuating circumstances by the applicant, mainly their bank is requiring this now to coincide with the closing that is going to happen and that we would not entertain those type of changes until a closing has a occurred. He stated there were questions on how to track this and this would allow that to happen. He stated it also allows for an additional fee to this Board for those types of changes as well as any other type of modification coming back by an applicant as well as an additional fee if necessary for legal review.

Victor Ianno asked how an additional fee is set. He asked if they should know there is a fee involved when initially applying to the Agency so there is no disagreements. Jeff Davis stated that is part of the change in the application language that is in front of the Board right now. He stated it adds in that language.

Nancy Lowery stated page 19 it shows the recommended change to increase application fee for solar for both the Agency and the attorney fees. She stated it then discusses the increase of the Agency fee up to 5% for modifications.

Susan Stanczyk stated it says up to 5% and asked how the 5% is determined. Robert Petrovich stated we have been going back and forth trying to find something that was enough to capture additional work that would be involved and at the same time not be punitive to the point of people having a problem with it. He stated 10% seemed to be too much when looking across several CBAs but 1% seemed to be too little. He stated potentially it could be zero depending on the circumstance but certainly up to 5% did not seem extraordinary given their request. He stated we are going to let them know this upfront if they are coming back.

Jeff Davis stated a lot of projects have been community solar, 5 megawatts, which are generally smaller and the fees are less. He stated we can have and have had much larger projects before the Board so the fees there are greater. He stated it allows the Board and staff to come up with what the percentage would be depending on the ask. He stated some of the asks have been a simple change and some of the asks have been much more involved. He stated the Board has spent a lot of time at one meeting trying to figure out what was happening so this gives the Board some leeway to try and determine what that is going to be.

Susan Stanczyk asked who makes the determination on the actual percentage. Robert Petrovich stated the executive director would make that determination and then present it to the Board for informational purposes.

Patrick Hogan stated he would like to commend the staff and the Board and being very involved in questioning more. He stated he is totally in favor of this.

Robert Petrovich stated if it is a light lift there could be a consideration to let it go but generally we have some applicants that seem to do this often enough that it causes extra work.

Janice Herzog stated we have legal expenses and we are paying that out of our pocket.

Patrick Hogan asked if the prevailing wage quantifies any kind of benefits we hand over is considered public revenue and therefore they have to do prevailing wage for the project. Jeff Davis stated yes. He stated the change, which is probably the most significant change for the application, is noted in two different sections. He stated we are advising the applicant that any funds they receive by this Board are considered public funds and now under the legislation for the State if they exceed a certain threshold of public funds, any other funds they receive from the State, requires the project to become a prevailing wage project. He stated we are advising them upfront in the application that these funds qualify for that. He stated when we grant, approve benefits and induce a project our subsequent documents that we develop that they enter into is going to contain all that same language as well so this Board is covered. He stated they are well aware that everything they are receiving falls under that. He stated it is on them to determine whether they exceed that threshold but we are letting them know that our benefits qualify.

Robert Petrovich stated to the extent they are 30% it will be subject to that. Jeff Davis stated yes. He stated this Board does not know the other benefits the project receives. He stated there are things they need to do and report back to us and those are in the project agreement etc. so that we are doing all the diligence. He stated it is on them to show that if it qualifies prevailing wage they have to do prevailing wage and if they don't then the State can come back and say this should have been a prevailing wage project and you owe this gap in wages that should have been paid to all the contractors. He stated we are making that aware twice in the application.

Nancy Lowery stated we didn't want someone to get to closing and then they recognize this is going to affect their bottom line and then pull the benefits. She stated this is so everyone knows up front.

Patrick Hogan stated we will let them know as well. Nancy Lowery stated it is in the application twice but staff can certainly draw attention to it again.

Jeff Davis stated he thinks this will be part of the discussion as a reminder and in the minutes that these funds qualify as public funds now as we move forward on inducing applications.

Upon a motion Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved a resolution adopting the revised OCIDA application. Motion was carried.

PROPERTY ACQUISITION POLICY

Nancy Lowery stated this was a document that needed to be placed on our website and when the ABO did a review of our website it was something that we need to provide. She stated counsel has developed this and once approved by the Board the Property Acquisition Policy will be put on the website.

Upon a motion by Janice Herzog, seconded by Susan Stanczyk, the OCIDA Board approved a resolution adopting the Property Acquisition Policy. Motion was carried.

Robert Petrovich stated we have effectively been following this policy up to this point and this is just codifying that policy and getting us in compliance with the ABO in terms of their requirements.

EXECUTIVE SESSION

Jeff Davis stated his recommendation is to vote to go into executive session Public 105 to discuss proposed acquisition of real property.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board went into Executive Session to discuss the potential acquisition of lands and contracts. Motion was carried.

Upon a motion by Janice Herzog, seconded by Susan Stanczyk, the OCIDA Board adjourned Executive Session. Motion was carried.

PURCHASE CONTRACT EXECUTION

Jeff Davis stated the resolutions before the Board are going to be done as omnibus resolutions. He stated there is a SEQR resolution dealing with the four parcels of property. He stated three are options to purchase that the Board is considering exercising and one is an outright purchase agreement. He stated the SEQR resolutions are virtually identical the environmental review based upon the prior review done on the project with the exception of identifying the parcels by their tax ID numbers. He read through the pertinent parts of the SEQR resolution.

Upon a motion by Susan Stanczyk, seconded by Janice Herzog, the OCIDA Board approved a resolution authorizing the adoption of SEQR determination. Motion was carried.

Upon a motion by Susan Stanczyk, seconded by Janice Herzog, the OCIDA Board approved a resolution authorizing the Executive Director to enter into purchase contracts and any related documents with respect to four parcels of property. Motion was carried.

Upon a motion by Susan Stanczyk, seconded by Janice Herzog, the OCIDA Board adjourned the meeting at 9:24 am. Motion was carried.

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Nancy Lowery, Secretary

**ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**
333 WASHINGTON STREET, SUITE 130, SYRACUSE, NY 13202
PHONE: 315.435.3770 • FAX: 315.435.3669

January 31, 2022

| Revenue / Expense / Income | Current Period | Current YTD | 2022 Budget Amount | Current YTD Change to Budget |
|---|---|---|---|---|
| Operating Revenue | 567,533 | 567,533 | 1,444,000 | (876,467) |
| Administrative Expense | 35,450 | 35,450 | 800,000 | (764,550) |
| Operating/Program Exp. | 144,682 | 144,682 | 644,000 | (499,318) |
| Net Ordinary Income | 387,401 | 387,401 | - | 387,401 |

| Current Assets | Current YTD | Prior YTD |
|---|---|---|
| Total Cash | 7,988,354 | 9,371,487 |
| Less Pass Through Received | 4,616,139 | 4,331,892 |
| Available Cash | 3,372,215 | 5,039,595 |
| Receivables (less pass through rec.) | 537,359 | 687,099 |
| Grant Reimbursements | - | - |
| Total | 3,909,574 | 5,726,694 |

| Reserve for Contracts | |
|---|---|
| County Operations 2022 | 764,550 |
| 333 W. Washington St 2022 Rent | 60,000 |
| OBG WPCP CO #4 Additional Studies | 193,233 |
| JMT 800 Hiawatha Engineering | 10,234 |
| Barclay Damon WPCP Options | - |
| Total | 1,028,017 |

| Receivables | |
|---|---|
| 0-120 days | 315,335 |
| | |
| > 120 days | 222,024 |
| | |
| Total | 537,359 |

# Onondaga County Industrial Development Agency

## Profit and Loss

January 2022

| | TOTAL |
|---|---|
| Income | |
| 500 Operating Revenue | |
| 2116 Fees | |
| 2116.1 Agency Fees | 567,500.00 |
| **Total 2116 Fees** | **567,500.00** |
| **Total 500 Operating Revenue** | **567,500.00** |
| 501 Non-Operating Revenue | |
| 2401 Interest Income | 33.45 |
| **Total 501 Non-Operating Revenue** | **33.45** |
| 534 Pilot & Pass Thru Revenue | |
| 529 PILOT Income | 5,909,515.74 |
| **Total 534 Pilot & Pass Thru Revenue** | **5,909,515.74** |
| **Total Income** | **$6,477,049.19** |
| GROSS PROFIT | **$6,477,049.19** |
| Expenses | |
| 6400 Operating Expense | |
| 6407 Administrative Expense | 35,450.07 |
| 6411 Memberships / Sponsorships | 2,000.00 |
| **Total 6400 Operating Expense** | **37,450.07** |
| 6440 Legal Fees | |
| 6450 Barclay Damon | |
| 6470 WPCP Development | |
| 6470.1 Options | 3,700.00 |
| 6470.2 Land Purchases | 17,800.00 |
| 6470.3 SEQR/Envir | 28,500.00 |
| 6470.5 JMT | 50,000.00 |
| **Total 6470 WPCP Development** | **100,000.00** |
| **Total 6450 Barclay Damon** | **100,000.00** |
| **Total 6440 Legal Fees** | **100,000.00** |
| 6500 Agency Program Expenses | |
| 6510 White Pine Commerce Park | |
| 6510.6 Taxes/SDC | 11,640.99 |
| 6511 WPCP Closing Costs | 9,604.34 |
| 6513 WPCP Option Agree Fees app 9-22-20 | 20,000.00 |
| **Total 6510 White Pine Commerce Park** | **41,245.33** |
| 6520 North Salina Property Acquisition | |
| 6520.1 435 N Salina Expenses | 1,187.28 |
| **Total 6520 North Salina Property Acquisition** | **1,187.28** |

# Onondaga County Industrial Development Agency

## Profit and Loss

January 2022

| | TOTAL |
|---|---|
| 6530 800 Hiawatha Blvd. West | |
| 6530.1 Taxes | 249.28 |
| **Total 6530 800 Hiawatha Blvd. West** | **249.28** |
| **Total 6500 Agency Program Expenses** | **42,681.89** |
| 6600 Non-Operating Expenses | |
| 6605 Pilot & Pass Thru Expenses | |
| 6605.2 PILOT Expense | 5,909,515.74 |
| **Total 6605 Pilot & Pass Thru Expenses** | **5,909,515.74** |
| **Total 6600 Non-Operating Expenses** | **5,909,515.74** |
| **Total Expenses** | **$6,089,647.70** |
| NET OPERATING INCOME | **$387,401.49** |
| NET INCOME | **$387,401.49** |

# Onondaga County Industrial Development Agency

## Balance Sheet

As of January 31, 2022

| | TOTAL |
|---|---|
| ASSETS | |
| Current Assets | |
| Bank Accounts | |
| 200 Cash | 0.00 |
| 200.1 Cash - M & T Checking | 7,106,844.34 |
| 200.2 Cash - M & T Money Maker Savings | 890,417.86 |
| 200.4 Destiny USA Restricted Cash | -8,957.82 |
| 210 Petty Cash | 50.00 |
| **Total 200 Cash** | **7,988,354.38** |
| **Total Bank Accounts** | **$7,988,354.38** |
| Accounts Receivable | |
| 380 Accounts Rec. | |
| 380.6 A/R Fees, Lease & PILOT | 1,593,751.37 |
| **Total 380 Accounts Rec.** | **1,593,751.37** |
| **Total Accounts Receivable** | **$1,593,751.37** |
| Other Current Assets | |
| 391 Long Tern Receivable | 222,024.00 |
| **Total Other Current Assets** | **$222,024.00** |
| **Total Current Assets** | **$9,804,129.75** |

# Onondaga County Industrial Development Agency

## Balance Sheet

As of January 31, 2022

| | TOTAL |
|---|---|
| Fixed Assets | |
| 100 Land | |
| 101 White Pines Commerce Park | 6,953,401.50 |
| 101.1 WPCP GEIS | |
| 101.101 CHA GEIS 1 | 267,452.05 |
| 101.102 CHA GEIS 2 | 219,439.36 |
| 101.104 GEIS Reg Plan Board Overview | 19,797.74 |
| **Total 101.1 WPCP GEIS** | **506,689.15** |
| 101.2 WPCP Legal | 69,774.25 |
| 101.3 Engineering Services | 52,675.00 |
| 101.301 Temporary Access | 4,055.44 |
| 101.4 Environmental/Demo Services | 10,318.98 |
| **Total 101.3 Engineering Services** | **67,049.42** |
| 101.5 Land Acquisition Costs | |
| 101.501 Land Purchases | 1,160,063.57 |
| 101.502 Closing Costs | 3,168.14 |
| **Total 101.5 Land Acquisition Costs** | **1,163,231.71** |
| **Total 101 White Pines Commerce Park** | **8,760,146.03** |
| 106 North Salina Properties | 0.00 |
| 106.1 435 North Salina | 17,083.55 |
| 106.3 435 North Salina Building | 634,421.53 |
| **Total 106 North Salina Properties** | **651,505.08** |
| 107 800 Hiawatha | 604,840.42 |
| **Total 100 Land** | **10,016,491.53** |
| 104 Machinery & Equipment | |
| 104.1 Office Furniture | 1,429.00 |
| 104.2 Equipment | 4,588.00 |
| **Total 104 Machinery & Equipment** | **6,017.00** |
| 211 A/D Office Furniture | -2,862.00 |
| 213 A/D Buildings | -81,335.00 |
| **Total Fixed Assets** | **$9,938,311.53** |
| Other Assets | |
| 240 Blue Sky Redevelopment | 1,641.76 |
| **Total Other Assets** | **$1,641.76** |
| **TOTAL ASSETS** | **$19,744,083.04** |

# Onondaga County Industrial Development Agency

## Balance Sheet

As of January 31, 2022

| | TOTAL |
|---|---|
| LIABILITIES AND EQUITY | |
| Liabilities | |
| Current Liabilities | |
| Other Current Liabilities | |
| 600 Accounts Payable | 0.00 |
| 600.1 Due to Related Party - OED | 643,498.63 |
| 600.205 Exp Pay Prev Period | 913.68 |
| 600.206 Mileage Reimbursement | 92.34 |
| 600.208 BlueRock Energy Agreement Deposit | 25,000.00 |
| 600.209 Syracuse Rail Overpayment | 500.00 |
| 600.3 Onondaga County Loan | 2,624,239.83 |
| **Total 600 Accounts Payable** | **3,294,244.48** |
| 601 PILOT and Pass Thru Payable | |
| 603 PILOT Pass Thru | 1,293,376.43 |
| 604 Other Pass Thrus | 74,063.70 |
| **Total 601 PILOT and Pass Thru Payable** | **1,367,440.13** |
| 631 Due to Other Governments | |
| 631.1 Towns | |
| 631.11 Cicero | 37,946.62 |
| 631.115 Clay | 12,381.00 |
| 631.12 Dewitt | 78,596.11 |
| 631.125 Elbridge | 88,241.00 |
| 631.13 Geddes | 467.94 |
| 631.135 Lysander | 90,770.00 |
| 631.15 Salina | 95,801.91 |
| 631.155 Skaneateles | 37,116.59 |
| 631.17 Van Buren | 120,877.00 |
| **Total 631.1 Towns** | **562,198.17** |
| 631.2 Villages | |
| 631.205 Baldwinsville | 75,037.00 |
| 631.26 Solvay | 3,722.99 |

# Onondaga County Industrial Development Agency

## Balance Sheet

As of January 31, 2022

| | TOTAL |
|---|---|
| **Total 631.2 Villages** | **78,759.99** |
| 631.3 Schools | |
| 631.305 Baldwinsville | 686,826.00 |
| 631.315 East Syracuse-Minoa | 345,316.87 |
| 631.325 Jamesville-Dewitt | 7,002.00 |
| 631.33 Jordan-Elbridge | 478,438.00 |
| 631.335 Liverpool | 127,341.00 |
| 631.337 Lyncourt | 503,865.05 |
| 631.345 North Syracuse | 255,516.85 |
| 631.35 Skaneateles | 211,639.53 |
| 631.355 Solvay | 7,826.91 |
| 631.356 Syracuse | 57,865.99 |
| 631.36 West Genesee | 238,672.00 |
| **Total 631.3 Schools** | **2,920,310.20** |
| 631.4 Onondaga County | 1,025,494.17 |
| 631.5 City of Syracuse | 29,376.79 |
| **Total 631 Due to Other Governments** | **4,616,139.32** |
| **Total Other Current Liabilities** | **$9,277,823.93** |
| **Total Current Liabilities** | **$9,277,823.93** |
| **Total Liabilities** | **$9,277,823.93** |
| Equity | |
| 3900 Equity Unreserved | 7,360,189.99 |
| 3901 Equity-Investment Fixed Assets | 2,345,838.63 |
| 463 Reserve For Contracts | 1,028,016.58 |
| 465 Equity - Unreserved | -655,187.58 |
| Net Income | 387,401.49 |
| **Total Equity** | **$10,466,259.11** |
| **TOTAL LIABILITIES AND EQUITY** | **$19,744,083.04** |

**ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**
**PAYMENT OF BILL - SCHEDULE #466**
**February 8, 2022**

## GENERAL EXPENSES

| | | | |
|---|---|---|---|
| 1. | BARCLAY DAMON LLP<br>Inv#5156643, December 2021 Legal | $ | 913.68 |
| 2. | PARK STRATEGIES, LLC<br>Inv#1658562 & 1658563, Jan & Feb 2022 Consulting | $ | 5,000.00 |
| 3. | WIZARD EQUIPMENT, INC. D/B/A Bob's Signs<br>Inv#853965, PVC Signs | $ | 340.00 |
| 4. | SYRACUSE DESIGN GROUP, LLC<br>Inv#5931, Web Site Hosting 2022 | $ | 360.00 |
| 5. | REBECCA SHIROFF<br>Reimbursement for Expenses | $ | 261.58 |
| 6. | NANCY LOWERY<br>Reimbursement for Parking | $ | 12.00 |
| 7. | BARCLAY DAMON LLP<br>Legal Fees WPCP Development | $ | 200,000.00 |
| 8. | ONODAGA COUNTY PLANNING FEDERATION<br>33rd Annual Planning Symposium | $ | 170.00 |
| 9. | SARAJIAN & BAUM, PLLC*<br>Contract Deposit Purchase of Lot 27 | $ | 12,250.00 |
| 10. | BARCLAY DAMON LLP*<br>Additional Option Fee Funds | $ | 25,000.00 |
| | **TOTAL** | **$** | **244,307.26** |

*Ratification of Checks dated February 3, 2022

**ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**
**PAYMENT OF BILL - SCHEDULE #466**
**February 8, 2022**

## PILOT Payments

| | | | |
|---|---|---|---|
| 1. | ONONDAGA COUNTY<br>2022 PILOT Payments | $ | 1,025,494.17 |
| 2. | CITY OF SYRACUSE<br>2022 PILOT Payments | $ | 29,376.79 |
| 3. | TOWN OF CICERO<br>2022 PILOT Payments | $ | 37,946.62 |
| 4. | TOWN OF CLAY<br>2022 PILOT Payments | $ | 12,381.00 |
| 5. | TOWN OF DEWITT<br>2022 PILOT Payments | $ | 78,596.11 |
| 6. | TOWN OF ELBRIDGE<br>2022 PILOT Payments | $ | 88,241.00 |
| 7. | TOWN OF GEDDES<br>2022 PILOT Payments | $ | 467.94 |
| 8. | TOWN OF LYSANDER<br>2022 PILOT Payments | $ | 90,770.00 |
| 9. | TOWN OF SALINA<br>2022 PILOT Payments | $ | 95,801.91 |
| 10. | TOWN OF SKANEATELES<br>2022 PILOT Payments | $ | 37,116.59 |
| 11. | TOWN OF VAN BUREN<br>2022 PILOT Payments | $ | 120,877.00 |
| 12. | VILLAGE OF BALDWINSVILLE<br>2022 PILOT Payments | $ | 75,037.00 |

| | | |
|---|---|---|
| 13. VILLAGE OF SOLVAY<br>2022 PILOT Payments | $ | 3,722.99 |
| 14. BALDWINSVILLE CSD<br>2022 PILOT Payments | $ | 686,826.00 |
| 15. EAST SYRACUSE MINOA CSD<br>2022 PILOT Payments | $ | 345,316.87 |
| 16. JAMESVILLE DEWITT CSD<br>2022 PILOT Payments | $ | 7,002.00 |
| 17. JORDAN ELBRIDGE CSD<br>2022 PILOT Payments | $ | 478,438.00 |
| 18. LIVERPOOL CSD<br>2022 PILOT Payments | $ | 127,341.00 |
| 19. LYNCOURT UNION FSD<br>2022 PILOT Payments | $ | 503,865.05 |
| 20. NORTH SYRACUSE CSD<br>2022 PILOT Payments | $ | 255,516.85 |
| 21. SKANEATELES CSD<br>2022 PILOT Payments | $ | 211,639.53 |
| 22. SOLVAY UNION FSD<br>2022 PILOT Payments | $ | 7,826.91 |
| 23. SYRACUSE CSD<br>2022 PILOT Payments | $ | 57,865.99 |
| 24. WEST GENESEE CSD<br>2022 PILOT Payments | $ | 238,672.00 |

| | | |
|---|---|---|
| **TOTAL** | **$** | **4,616,139.32** |

**ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**
**RESERVE FOR CONTRACTS**
**1/31/2022**

| DESCRIPTION | CONTRACT TERM | TOTAL CONTRACT | PORTION PAID | BALANCE OUTSTANDING |
|---|---|---|---|---|
| ONONDAGA COUNTY OED 2021 | 1-1-22-1-31-22 | $800,000.00 | $35,450.07 | $764,549.93 |
| 333 W. WASHINGTON ST 2022 RENT | 1-1-22-1-31-22 | $60,000.00 | $0.00 | $60,000.00 |
| OBG WPCP CO #4 ADDITIONAL STUDIES | 11-30-18-12-31-21 | $800,000.00 | $606,767.25 | $193,232.75 |
| JMT 800 HIAWATHA ENGINEERING | 2/13/19-12-31-21 | $25,000.00 | $14,766.10 | $10,233.90 |
| | | $1,685,000.00 | $656,983.42 | $1,028,016.58 |

**ACCOUNTS RECEIVABLE**
**1/31/2022**

| | | |
|---|---|---|
| AGENCY FEES RECEIVABLE | | $315,334.95 |
| ACCOUNTS RECEIVABLE GENERAL | | $0.00 |
| QUASI-EQUITY LOAN RECEIVABLE | | $0.00 |
| GRANTS RECEIVABLE | | $0.00 |
| LONG TERM RECEIVABLE | | $222,024.00 |
| | | |
| TOTAL | | $537,358.95 |

# Onondaga County Industrial Development Agency

**Project Summary Draft** 12/20/2021

| | | | |
|---|---|---|---|
| **1. Project** | **CVE US E14 North, LLC** | **2. Project Number** | **3101-21-16A** |
| **3. Location** | Manlius | **4. School District** | Fayetteville-Manlius School District |
| | | **6. Project Type** | Solar new contruction |
| **5. Tax Parcel(s)** | 099.-01-03.0 | | 0 |

| | | |
|---|---|---|
| **7.Total Project Cost** | **$** | **3,450,000** |
| Land | $ | 500,000 |
| Site Work | $ | 1,000,000 |
| Building | $ | |
| Furniture & Fixtures | $ | - |
| Equipment | $ | 1,500,000 |
| Equipment Subject to NYS Production Exemption | $ | - |
| Engineering/Architecture Fees | $ | 250,000 |
| Financial Charges | $ | 150,000 |
| Legal Fees | $ | 50,000 |
| Other- Solar Installation Labor | $ | - |

| | |
|---|---|
| **8. Total Jobs** | 0 |
| 8A. Job Retention | 0 |
| 8B: Job Creation (Next 5 Years) | 0 |

## Cost Benefit Analysis

**CVE US E14 North, LLC**

**Fiscal Impact ($)**

| | | |
|---|---|---|
| **Abatement Cost** | **$** | **158,700** |
| Sales Tax | $ | 138,000 |
| Mortgage Tax | $ | 20,700 |
| Property Tax Relief (PILOT) | $ | - |
| **New Investment** | **$** | **5,299,250** |
| PILOT Payments | $ | - |
| Project Wages (10 years) | $ | - |
| Construction Wages | $ | 1,813,750 |
| Employee Benefits (10 years) | $ | - |
| Project Capital Investment | $ | 3,450,000 |
| New Sales Tax Generated | | |
| Agency Fees | $ | 35,500 |
| **Benefit:Cost Ratio** | | **33 :1** |

## Project Description

CVE USI4 Manlius West, LLC are proposing to construct a 1.5MW solar array on 20 acres of land in the Town of Manlius.

**ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**
**APPLICATION FOR BENEFITS**

1. Fill in all blanks using "none", "not applicable" or "not available". If you have any questions about the way to respond, please call the Onondaga County Industrial Development Agency (the "Agency" or "OCIDA") at 315-435-3770.

2. If providing an estimate put "(est.)" after the figure or answer. If more space is needed to answer any specific question, attach a separate sheet.

3. If the OCIDA Board approves benefits, it is the company's responsibility to obtain and submit all necessary forms and documents.

4. When completed, return this Application by mail or fax to the Agency at the address indicated below. A signed application may also be submitted electronically in PDF format to Nancy Lowery at nancylowery@ongov.net. **An Application will not be considered by the Agency until the Application fee has been received.**

5. The Agency will not give final approval for this Application until the Agency receives a completed NYS Full Environmental Assessment Form concerning the project which is the subject of this Application. The form is available at http://www.dec.ny.gov/permits/6191.html.

6. Please note the Public Officers Law declares all records in the possession of the OCIDA (with certain limited exceptions) are open to public inspection and copying. If the Applicant is of the opinion that there are elements of the project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant's competitive position, this Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officer's Law, the OCIDA may also redact personal, private, and/or proprietary information from publicly disseminated documents.

7. The Applicant will be required to pay the Agency Application fee and, if accepted as a project of the Agency, all administrative and legal fees as stated in Section VI of the Application.

8. A complete Application consists of the following 9 items:
   - This Application
   - Local Access Agreement
   - Employment Plan
   - Conflict of Interest
   - A feasibility statement indicating the need for the requested benefits
   - Description of Project, Site Plans/Sketches, and Maps
   - NYS Full Environmental Assessment Form
   - A check payable to the Agency in the amount of $1,000
   - A check payable to Barclay Damon LLP in the amount of $2,500

9. This Application was adopted by the OCIDA Board on September 14, 2021.

**It is the policy of the Agency that any project receiving benefits from the Onondaga County Industrial Development Agency will utilize 100% local contractors and local labor for the construction period of the project unless a waiver is granted in writing by the Agency.**

**Return to:**

Onondaga County Industrial Development Agency
Attn: Nancy Lowery
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770 | Fax: 315-435-3669
nancylowery@ongov.net

## Section I: Applicant Information

Please answer all questions. Use "None", "Not Applicable" and "See Attached" where necessary.

Submittal Date: 01/03/22

**A) Applicant/Project Operator information (company receiving benefits):**

Applicant/Project Operator: CVE US EI4 Manlius North, LLC

Applicant/ Project Operator Address: 109 W 27th St, New York, NY 10001

Phone: 914-847-0043 Fax: _____

Website: cvenorthamerica.com E-mail: carson.weinand@cvegroup.com

Federal ID#: 87-2982190 NAICS: _____

State and Year of Incorporation/Organization: New York, 2021

Owner (if different from Applicant/Project Owner): CVE North America, Inc.

Owner Address: 109 W 27th St, New York, NY 10001

Federal ID#: _____

State and Year of Incorporation/Organization: _____

List of stockholders, members, or partners of Owner:

_____

**B) Individual Completing Application:**

Name: Carson Weinand

Title: Senior Business Developer

Address: 109 W 27th St, New York, NY 10001

Phone: 239-784-8080 Fax: _____

E-mail: carson.weinand@cvegroup.com

**C) Company Contact (if different from individual completing application):**

Name: Thibaut Delespaul

Title: General Manager, CVE North America, Inc.

Address: 109 W 27th St, New York, NY 10001

Phone: 914-847-0043 Cell Phone: 917-750-5110

E-mail: thibaut.delespaul@cvegroup.com

**D) Company Counsel:**

Name of Attorney: Barry Carrigan

Firm Name: Nixon Peabody

Address: 1300 Clinton Square, Rochester, NY 14604

Phone: 585-263-1591 Cell Phone: 585-729-7885

E-mail: bcarrigan@nixonpeabody.com

**E) Business Organization (check appropriate category):**

☐ Corporation ☐ Partnership

☐ Public Corporation ☐ Joint Venture

☐ Sole Proprietorship ☑ Limited Liability Company

☐ Other (please specify): _____

Year Established: 2021

State in which Organization is established: New York

**F) List all stockholders, members, or partners with % of ownership greater than 5%:**

| Name | % of ownership |
|---|---|
| CVE NA Devco, LLC | 100% |
| | |
| | |
| | |

**G) Applicant Business Description:**

Please attach a description of your Company's background, products, customers, goods and services.

Estimated % of sales within Onondaga County: 50%

Estimated % of sales outside Onondaga County but within New York State: 50%

Estimated % of sales outside New York State but within the U.S.: _____

Estimated % of sales outside the U.S.: _____

(*Percentage to equal 100%)

**H) Applicant History**: If the answer to any of the following is "Yes", please explain below. If necessary, attach additional information.

1. Is the company or management of the Company now a plaintiff or defendant in any civil or criminal litigation? ☐Yes ☑No
2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? ☐Yes ☑No
3. Has any person listed in Section I ever been in receivership or declared bankruptcy? Please attach any explanations. ☐Yes ☑No

**I)** Has the Project Beneficiary received assistance from OCIDA, Syracuse Industrial Development Agency (SIDA), New York State or the Onondaga Civic Development Corporation (OCDC) in the past? If yes please attach an explanation and please give year, project name, and description of benefits and address of project.

☐Yes ☑No

## Section II: Project and Site Information

A) Project Location: Location where the investment will take place. If Company is moving, the new location should be entered here and the current location should be in Section I.

Address: 8107 East Seneca Turnpike (assigned by SOCPA; subdivided from No Number Duguid Rd)

Legal Address (if different): _____

City: Manlius Village/Town: Manlius

Zip Code: 13104 School District: Fayetteville-Manlius

Tax Map Parcel ID(s): 099.-01-03.0 (to be updated once subdivision is filed)

Current Assessed Value: $251,000 (full parcel) Footage of Existing Building: 0

Census Tract: _____

B) Type (Check all that apply):

- [x] New construction
- [ ] Expansion/Addition to current facilities
- [ ] Renovation of existing facility
- [ ] Housing Project
- [x] Renewable Energy Project
- [ ] Retail
- [ ] Purchase of machinery and/or equipment
- [ ] Brownfield/Remediated Brownfield
- [ ] LEED Certification
- [ ] Demolition and Construction
- [ ] Acquisition of existing facility/property
- [ ] Other:

C) Project Narrative: A statement that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency or, if the project could be undertaken without financial assistance provided by the Agency, a statement indicating why the project should be undertaken by the agency.

* For a Retail Project (also see page 14)
* For a Renewable Energy Project (also see page 15)
* For a Housing Project (also see page 17)

D) Description of Project: Please provide a detailed narrative of the proposed Project. Please separately attach the description and any copies of site plans, sketches or maps. This narrative should include, but is not limited to:

- [x] (i) the size of the Project in square feet and a breakdown of square footage per each intended use;
- [x] (ii) the size of the lot upon which the Project sits or is to be constructed;
- [x] (iii) the current use of the site and the intended use of the site upon completion of the Project;

☑ (iv) the principal products to be produced and/or the principal activities that will occur on the Project site;

☑ (v) please describe your method for site control (Own, lease, other).

E) Select Project type for all end users at Project site (you may check more than one):
**Please check any and all end users as identified below

| | |
|---|---|
| ☐ Industrial | ☐ Bank Office |
| ☐ Acquisition of Existing Facility | ☐ Retail ( see page 14) |
| ☐ Housing Project ( see page 17 ) | ☐ Mixed Use |
| ☐ Equipment Purchase | ☐ Facility for Aging |
| ☐ Multi-Use Tenant | ☐ Civic Facility (not for profit) |
| ☑ Renewable Energy Project ( see page 15) | ☐ Other _____ |
| ☐ Commercial | |

F) If applicant will not occupy 100% of the building in a real estate transaction, provide information on tenant(s) that includes name, present address, and percentage of project to be leased, type of business organization, relationship to applicant, date and term of lease.

G) For the Agency to consider this Project, please provide the following information:

1. Does the Project consist of new construction or expansion or substantial renovation of an existing facility?
   ☑ Yes ☐ No
2. Will the Project create new employment opportunities or retain existing jobs that may otherwise be lost?
   ☐ Yes ☑ No
3. Does the Project beneficiary serve a customer base primarily outside of Onondaga County?
   ☐ Yes ☑ No

H) Will the completion of the Project result in the removal of an industrial or manufacturing plant of the company from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the company located within the state? Please explain if you answer "Yes" by attaching a response.

☐ Yes ☑ No

I) Please attach a description of any compelling circumstances the Agency should be aware of while reviewing this application.

J) Local Approvals (Site Plan and Environmental Review)

1. Have site plans been submitted to the appropriate town or local planning department?

   ☑ Yes. What is the status? ☐ No. When will the plans be submitted?

   SEQRA Neg Dec and Special Use Permit have been awarded.

2. Has the project received site plan approval from the town or local planning board?

   ☑ Yes ☐ No

3. If no, what is the anticipated approval date? _____

4. If yes, provide the Agency with a copy of the Planning Board's approval resolution along with the related SEQR determination. (NOTE: SEQR determination is required for final approval and sales tax agency appointment.)

5. Environmental Information

   a. Please attach the appropriate Environmental Impact Forms to your application. Here is a link to the SEQR forms: http://www.dec.ny.gov/permits/6191.html

   b. Have any environmental issues been identified on the property?

      ☐ Yes ☑ No

      If yes, please attach an explanation.

## Section III: Construction

A) Project Costs and Finances

| Description of Costs | Total Budget Amount | % of Total Budget to be Procured in Onondaga County | Total Private Expenditure (should be less than or equal to total budget amount) |
|---|---|---|---|
| Land Acquisition | $500,000 | | |
| Site Work/Demo | 1000000 | | |
| Building Construction & Renovation | | | |
| Furniture & Fixtures | | | |
| Equipment | 1500000 | | |
| Engineering/Architect | 250000 | | |
| Financial Charges | 150000 | | |
| Legal | 50000 | | |
| Other | | | |
| Management/Developer Fees | | | |
| **Total Project Cost** | 3450000 | | |

**Note: Do not include OCIDA fees, OCIDA application fees or OCIDA legal fees as part of the Total Project Cost. You may attach a separate chart if needed.**

B) TOTAL Capital Costs $ 3450000

Project refinancing: estimated amount
(for refinancing of existing debt only) $ _____

Sources of Funds for Project Costs:

1. Bank Financing $ 2,760,000
2. Equity (excluding equity that is attributed to grants/tax credits) $ 690,000
3. Tax Exempt Bond Issuance (if applicable) $ _____
4. Taxable Bond Issuance (if applicable) $ _____

5. Public Sources (Include sum total of all state and federal grants and tax credits) $ 1,377,000

-Identify each state and federal grant/credit:

Federal Investment Tax Credit $ 897,000

NYSERDA NY-Sun $ 480,000

_____ $ _____

6. Total Sources of Funds for Project Costs $ 4,827,000

C) Employment and Payroll Information

*Full Time Equivalent (FTE) is defined as one employee working no less than 40 hours per week or two or more employees together working a total of 40 hours per week.

1. Are there people currently employed at the project site?
☐Yes ☑No If yes, provide number of FTE jobs at the facility: _____

2. Complete the following:

| | |
|---|---|
| Estimate the number of FTE jobs to be retained as a result of this Project: | 0 |
| Estimate the number of construction jobs to be created by this Project: | 100 |
| Estimate the average length of construction jobs to be created (months): | 5 months |
| Current annual payroll at facility: | |
| Please list, if any, benefits that will be available to either full and/or part time employees: | |
| Average annual benefit paid by the company ($ or % salary) per FTE job: | |
| Amount or percent of wage employees pay for benefits: | |
| Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oneida, Oswego, and Cortland Counties) to fill new FTE jobs: | |

D) New Employment Benefits

i. Complete the following chart indicating the number of FTE jobs presently employed at the Project and the number of FTE jobs that will be created at the Project site at the end of the first, second, and third, years after the Project is completed. Jobs should be listed by title of category (see below), including FTE independent contractors or employees of independent contractors that work at the Project location. Do not include construction workers.

ii. Feel free to include additional information or a substitute chart if you think additional material would add clarity.

Please use this chart to illustrate the current employment:

| Job Title/Category | Current Annual Pay | Current Employment (FTE) |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

Please use this chart to illustrate the projected employment growth:

| Job Title/Category | Current Annual Pay | Jobs Created Year 1 | Jobs Created Year 2 | Jobs Created Year 3 |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

If you prefer, you may attach a job chart of your own that outlines the job growth projections regarding the Project.

E) Financial Assistance sought (estimated values):

☐ Real Property Tax Abatement (PILOT): _____

☑ Mortgage Recording Tax Exemption (.75% of amount mortgaged): 20,700

☑ Sales and Use Tax Exemption (4% Local, 4% State): 138,000 (only 4% local applies)

☐ Tax Exempt Bond Financing (Amount Requested): _____

☐ Taxable Bond Financing (Amount Requested): _____

F) Mortgage Recording Tax Exemption Benefit Calculator: Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/ bridge financing): $ 2,760,000

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above, multiplied by .0075): $ 20,700

G) Sales and Use Tax Benefit Calculator: Gross amount of costs for goods and services that are subject to State and local Sales and Use Tax – said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

$ 3450000

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure, above) (This should match the amount in section "E" on page 9, this calculation only exists to help you with your estimate):

$ 138000

## Section IV: Estimate of Real Property Tax Abatement Benefits

Section IV of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application prior to the completed application being provided to the OCIDA Board.

A) PILOTS Estimate Table Worksheet

| | |
|---|---|
| OCIDA estimate of current value | |
| New construction and renovation costs | |
| OCIDA estimate of increase in value | |
| OCIDA estimated value of completed project | |
| OCIDA estimate of taxes that would have been collected if the project did not occur | |
| Scheduled PILOT payments | |

| PILOT Year | Exemption % | County PILOT Amount | Local PILOT Amount | School PILOT Amount | Total PILOT | Full Tax Payment w/o PILOT | Net Exemption |
|---|---|---|---|---|---|---|---|
| 1 | 100 | | | | | | |
| 2 | 90 | | | | | | |
| 3 | 80 | | | | | | |
| 4 | 70 | | | | | | |
| 5 | 60 | | | | | | |
| 6 | 50 | | | | | | |
| 7 | 40 | | | | | | |
| 8 | 30 | | | | | | |
| 9 | 20 | | | | | | |
| 10 | 10 | | | | | | |
| TOTAL | | | | | | | |

Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff.

## SECTION: V For Retail Projects Only

1. Will the cost of the retail portion of the Project exceed one-third of the total project cost?

☐Yes ☐No

2. Is the Project located in a distressed area? A distressed area is a census tract that has a) a poverty rate of a least 20% or at least 20% of households receiving public assistance, and (b) an unemployment rate of least 1.25 times the statewide unemployment rate for the year to which the date relates.

☐Yes ☐No

3. Is the Project likely to attract a significant number of visitors from outside of the economic development region?

☐Yes ☐No

4. Is the predominate 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 Town, City, County or Village of where the Project will be located.

☐Yes ☐No

## SECTION VI: For Solar Projects Only

Please complete the following as an addendum:

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the Project would be affected if these benefits were not provided. [see Section II (C)]

2. Is the applicant leasing the property?
   - ☐ Yes, please provide a copy of the lease
   - ☑ No, purchased the property. Please provide documentation.

3. Has the applicant provided written communication to the affected taxing jurisdictions notifying them of its intent to construct a renewable energy project?
   - ☑ Yes
   - ☐ No

4. Has the applicant received a letter of support for the megawatt cost to be used as a basis for the PILOT from the town, city or village where the Project is located?
   - ☐ Yes. Please provide copy.
   - ☑ No

5. Has the applicant received a letter of support for the megawatt cost to be used as a basis for PILOT from the school district?
   - ☐ Yes. Please provide copy.
   - ☑ No

6. Is the entire parcel being used for the solar project?
   - ☐ Yes
   - ☑ No, if not, have you reached out to the town assessor to discuss a subdivision or slash parcel? Explain: A SUP of our proposed site plan and subdivision has been received from the Town of Manlius.

7. Will the applicant enter into a decommissioning plan with the host community, including financial assurance the plan can be executed?
   - ☑ Yes, explain.
   - ☐ No

**PLEASE SEE FOLLOWING PAGE FOR OCIDA SOLAR BEST PRACTICES*

# OCIDA SOLAR PILOTs GUIDANCE AND BEST PRACTICE

To be placed on the OCIDA meeting agenda, proposed solar projects must provide OCIDA with the following in advance of the Project's first OCIDA meeting:

1. Fully completed OCIDA application.
2. Copy of Environmental Assessment Form.
3. A SEQR resolution approved by a local municipality indicating municipality will be lead agency, the type of action (I, II, or unlisted) and, if completed, the SEQR determination made by the municipality.
4. Copies of your zoning applications submitted to the local municipality.
5. Verification of parcel subdivision process with the town (if the entire parcel will not be used for the solar project).
6. A statement clarifying whether the applicant will lease or purchase the real property on which the Project is situated. If leased, provide a copy of the proposed or executed lease. If lease parcel is less then entire parcel then see 5 above.
7. A supporting document from the School District and the Town Board outlining the agreed upon cost per megawatt to be used as a basis for the PILOT. OCIDA cannot create the PILOT schedule without this information.

You will receive a draft Cost Benefit Analysis and a Draft PILOT schedule from this office. You may use these documents as your Project progresses through the OCIDA approval process. OCIDA staff are available to update these two documents as needed.

## SECTION VII: For Housing Projects Only

Please complete the following as an addendum:

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the project would be impacted if these benefits were not provided. [see Section II (C)]

2. Is the Project being built in a blighted area? Please describe.

3. Is the Project fulfilling an unmet need in the area? Please explain.

4. Please provide a market study documenting a need for such housing.

5. Is there support from local government officials for the Project and for the financial assistance being requested from the Agency? Please provide written documentation.

6. Is the Project considered infill in a populated area? Please explain.

7. Does the Project provide walkability?

8. Is there additional county infrastructure necessary to service the Project? If, yes, please explain.

9. Is the Project part of a larger mixed-use development? Please describe.

## Section VIII: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, sub-contractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

**Noncompliance may result in the revocation and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne.** Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the Local Access Policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available upon request.

Prior to issuance of any NYS Tax & Finance ST-60 forms, the Applicant must submit a **Contractor Status Report to the Agency.**

In consideration of the extension of financial assistance by the Agency CVE US EI4 Manlius North LLC (the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency's application at the time of the application to the Agency and as part of a request to extend the valid date of the Agency's tax-exempt certificate for the Project. The Company understands that an Agency tax-exempt certificate is typically valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands that any request for a waiver to this policy must be submitted in writing and approved by the Agency.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of 01/03/22 (date).

Company: CVE US EI4 Manlius North LLC

Representative for Contract: David Froelich

Address: 109 W 27th St City: New York State: NY Zip: 10001

Phone: 914-847-0043 Email: david.froelich@cvegroup.com

Project Address: 8107 East Seneca Turnpike City: Manlius State: NY 13104 Zip: _____

General Contractor: TBD

Contact Person: TBD

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Authorized Representative: David Froelich Title: Director of Business Development

Signature: _____

# Section IX: Agency Fee Schedule

* Minimum Fee to be applied to all project receiving OCIDA benefits is 1% of the Total Project Cost (TPC)

| ACTIVITY | FEES | COMMENTS |
|---|---|---|
| Non- refundable Application Fee | $1,000 | Due at time of application |
| Legal Deposit | $2,500 | Due at time of application |
| Minimum Fee of 1% of TPC<br><br>1. Sales and Use Tax Exemption<br><br>2. Mortgage Recording Tax<br><br>3. PILOT **is an additional fee** | .01 X TPC<br><br>.0025 X TPC (total .0125) | Due at closing |
| Bonds<br>Bond refinancing and refunding | .0025 of TPC | Due at closing |
| Agency Legal Fees<br><br>Fee for first $20 million<br><br>Fee for expenses above $20 million | .0025 X of the project cost or bond amount<br><br>.00125 X of project cost or bond amount | Due at closing |

OCIDA reserves the right to modify this schedule at any time and assess fees and charges in connection with other transactions such as grants of easement or lease or sale of OCIDA-owned property.

## Section X: Recapture of Tax Abatement/Exemptions

**Information to be Provided by Companies:** Each Company agrees that to receive benefits from the Agency it must, whenever requested by the Agency or required under applicable statutes or project documents, provide and certify or cause to be provided and certified such information concerning the Company, its finances, its employees and other topics which shall, from time to time, be necessary or appropriate, including but not limited to, such information as to enable the Agency to make any reports required by law or governmental regulation.

Please refer to the OCIDA Uniform Tax Exemption Policy. (add hyperlink)

**I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.**

Name of Applicant Company CVE US EI4 Manlius North, LLC

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: 01/03/22

## Section XI: Conflict of Interest

Agency Board Members

1. Patrick Hogan, Chairperson
2. Janice Herzog, Vice Chairperson
3. Steve Morgan, Director
4. Victor Ianno, Director
5. Sue Stanczyk, Director
6. Kevin Ryan, Director
7. Fanny Villarreal, Director

Agency Officers/Staff

1. Robert M. Petrovich, Executive Director
2. Nathaniel Stevens, Treasurer
3. Nancy Lowery, Secretary
4. Karen Doster, Recording Secretary
5. Christopher Cox, Assistant Treasurer

Agency Legal Counsel & Auditor

1. Jeffrey Davis, Esq., Barclay Damon LLP
2. Amanda Fitzgerald, Esq., Barclay Damon LLP
3. Michael G. Lisson, CPA, Grossman St. Amour Certified Public Accountants PLLC

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

Name of Applicant Company CVE US EI4 Manlius North, LLC

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: 01/03/22

## Section XII: Representations, Certifications, and Indemnification

David Froelich (Name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Director of Business Development (title) of CVE US EI4 Manlius North, LLC (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

**A. First Consideration for Employment:** In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.

**B. Other NYS Facilities:** In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which will result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or is reasonably necessary.

**C. Annual Sales Tax Filings:** In accordance with §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, 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.

**D. Outstanding Bonds:** The Applicant understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.

**E. Employment Reports:** The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant agrees to file with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, with said report being an agenda item subject to the open meetings law.

**F. Absence of Conflicts of Interest:** The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Section X.

**G. Compliance:** The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

**H.** The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the Agency. (1) No funds of the Agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

**I.** The Applicant confirms and acknowledges that the owner, occupant or operator receiving financial assistance for the proposed Project is in substantial compliance with applicable local, state, and federal tax, worker protection and environmental laws, rules and regulations.

**J.** The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement in the Project.

**K.** The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

**L.** The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statement contained herein not misleading.

**M.** The OCIDA has the right to request and inspect supporting documentation regarding attestations made on this application.

**N. Hold Harmless Agreement:** Applicant hereby releases Onondaga County Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (A) the Agency'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 tax-exemptions and other assistance requested therein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action 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 or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the process of the Application, including attorney's fees, if any.

Name of Applicant Company: CVE US EI4 Manlius North, LLC

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: 01/03/22

STATE OF NEW YORK )

COUNTY OF ONONDAGA ) ss.;

_____, being first duly sworn, deposes and says:

1. That I am the_____(Corporate Officer) of_____ (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.

2. That I have read and attached Application, I Know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this_____day of__, 20_____.

_____

(Notary Public)

End of Application

Rev 8.5.21

January 4th, 2022

Onondaga County IDA
333 W. Washington St, Suite 130
Syracuse, NY 13202

**RE: OCIDA Benefits Application - Section VI: For Solar Projects Only**

Dear OCIDA,

Please see the response from CVE US EI4 Manlius North, LLC regarding Section VI: For Solar Projects Only of the OCIDA Application.

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the Project would be affected if these benefits were not provided. [see Section II (C)]

Incentives from NYSERDA for renewable energy projects have drastically dropped over the past few years and more recently construction costs have increased ~10%. The project needs financial assistance from the Agency or the viability of the project is in jeopardy. The project will bring Tremendous environmental benefits, including removing millions of pounds of carbon from the electricity grid. The project will deliver millions of dollars of energy savings for ~1,000 local residents over a 25 year period. The project will contribute 1.5MWac towards the State's goal of 6 GW of distributed solar by 2025. A Host Community Benefit Agreement for the Town of Manlius has been negotiated and approved.

2. Is the applicant leasing the property?
☐ Yes, please provide a copy of the lease
☒ No, purchased the property. Please provide documentation.

3. Has the applicant provided written communication to the affected taxing jurisdictions notifying them of its intent to construct a renewable energy project?
☒ Yes
☐ No

4. Has the applicant received a letter of support for the megawatt cost to be used as a basis for the PILOT from the town, city or village where the Project is located?
☐ Yes. Please provide copy.
☒ No: a 487 PILOT agreement between the project and the Town has been approved and will be executed.

5. Has the applicant received a letter of support for the megawatt cost to be used as a basis for PILOT from the school district?

☐ Yes. Please provide copy.
☒ No: a 487 PILOT agreement between the project and the School District has been approved and will be executed.

6. Is the entire parcel being used for the solar project?
☐ Yes
☒ No, if not, have you reached out to the town assessor to discuss a subdivision or slash parcel? Explain:
A SUP of our proposed site plan and subdivision has been received from the Town of Manlius.

7. Will the applicant enter into a decommissioning plan with the host community, including financial assurance the plan can be executed?
☒ Yes, explain. Yes, a decommissioning plan has been filed and approved by the Town of Manlius.
☐ No

Sincerely,
Carson Weinand
Senior Business Developer
Carson.weinand@cvegroup.com
239-784-8080

December 15th, 2021

Onondaga County IDA
333 W. Washington St, Suite 130
Syracuse, NY 13202

**RE: OCIDA Benefits Application - Section VI: For Solar Projects Only**

Dear OCIDA,

Please see the response from CVE US EI4 Manlius North, LLC regarding Section VI: For Solar Projects Only of the OCIDA Application.

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the Project would be affected if these benefits were not provided. [see Section II (C)]

Incentives from NYSERDA for renewable energy projects have drastically dropped over the past few years. The project needs financial assistance from the Agency or the viability of the project is in jeopardy. The project will bring Tremendous environmental benefits, including removing millions of pounds of carbon from the electricity grid. The project will deliver millions of dollars of energy savings for ~1,000 local residents over a 25 year period. The project will contribute 5MWac towards the State's goal of 6 GW of distributed solar by 2025. A Host Community Benefit Agreement for the Town of Manlius has been negotiated and approved.

2. Is the applicant leasing the property?
☐ Yes, please provide a copy of the lease
☒ No, purchased the property. Please provide documentation.

3. Has the applicant provided written communication to the affected taxing jurisdictions notifying them of its intent to construct a renewable energy project?
☒ Yes
☐ No

4. Has the applicant received a letter of support for the megawatt cost to be used as a basis for the PILOT from the town, city or village where the Project is located?
☐ Yes. Please provide copy.
☒ No: a 487 PILOT agreement between the project and the Town has been approved and will be executed.

5. Has the applicant received a letter of support for the megawatt cost to be used as a basis for PILOT from the school district?
☐ Yes. Please provide copy.

X No: a 487 PILOT agreement between the project and the School District has been approved and will be executed.

6. Is the entire parcel being used for the solar project?

☐ Yes

X No, if not, have you reached out to the town assessor to discuss a subdivision or slash parcel? Explain:
A SUP of our proposed site plan and subdivision has been received from the Town of Manlius.

7. Will the applicant enter into a decommissioning plan with the host community, including financial assurance the plan can be executed?

X Yes, explain. Yes, a decommissioning plan has been filed and approved by the Town of Manlius.

☐ No

Sincerely,
Carson Weinand
Senior Business Developer
Carson.weinand@cvegroup.com
239-784-8080

December 15th, 2021

Onondaga County IDA
333 W. Washington St, Suite 130
Syracuse, NY 13202

**RE: OCIDA Benefits Application - Section II, D: Description of Project**

Dear OCIDA,

Please see the response from CVE US EI4 Manlius North, LLC regarding Section II, D: Description of Project of the OCIDA Application.

☒ (i) the size of the Project in square feet and a breakdown of square footage per each intended use;

- 20 acres, 1.5MWac

☒ (ii) the size of the lot upon which the Project sits or is to be constructed;

- 50 acres (to be subdivided from existing 225 acre parcel)

☒ (iii) the current use of the site and the intended use of the site upon completion of the Project;

- Current use of the site is an agricultural farm. The intended use of the site is solar renewable energy facility.

☒ (iv) the principal products to be produced and/or the principal activities that will occur on the Project site;

- The generation of solar electricity.

☐ (v) please describe your method for site control (Own, lease, other).

- Purchase and Sale Agreement.

Sincerely,
Carson Weinand
Senior Business Developer
Carson.weinand@cvegroup.com
239-784-8080

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

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

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

**Tips for completing Part 2:**

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

**1. Impact on Land**
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)
*If "Yes", answer questions a - j. If "No", move on to Section 2.*

☐ NO ☒ YES

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. The proposed action may involve construction on land where depth to water table is less than 3 feet. | E2d | ☒ | ☐ |
| b. The proposed action may involve construction on slopes of 15% or greater. | E2f | ☒ | ☐ |
| c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface. | E2a | ☒ | ☐ |
| d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. | D2a | ☒ | ☐ |
| e. The proposed action may involve construction that continues for more than one year or in multiple phases. | D1e | ☒ | ☐ |
| f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). | D2e, D2q | ☒ | ☐ |
| g. The proposed action is, or may be, located within a Coastal Erosion hazard area. | B1i | ☒ | ☐ |
| h. Other impacts: _____ _____ | | ☒ | ☐ |

**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☐ NO ☒ YES

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

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

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☒ YES

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

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

| | | | |
|---|---|---|---|
| l. Other impacts: _____ _____ | | ☐ | ☐ |

**4. Impact on groundwater**

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

☒ NO ☐ YES

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

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

**5. Impact on Flooding**

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)

☒ NO ☐ YES

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

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

| | | | |
|---|---|---|---|
| g. Other impacts: _____ _____ | | ☐ | ☐ |

**6. Impacts on Air**

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

☒ NO ☐ YES

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

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: | | | |
| i. More than 1000 tons/year of carbon dioxide ($CO_2$) | D2g | ☐ | ☐ |
| ii. More than 3.5 tons/year of nitrous oxide ($N_2O$) | D2g | ☐ | ☐ |
| iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) | D2g | ☐ | ☐ |
| iv. More than .045 tons/year of sulfur hexafluoride ($SF_6$) | D2g | ☐ | ☐ |
| v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions | D2g | ☐ | ☐ |
| vi. 43 tons/year or more of methane | D2h | ☐ | ☐ |
| b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants. | D2g | ☐ | ☐ |
| c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour. | D2f, D2g | ☐ | ☐ |
| d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above. | D2g | ☐ | ☐ |
| e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour. | D2s | ☐ | ☐ |
| f. Other impacts: _____ _____ | | ☐ | ☐ |

**7. Impact on Plants and Animals**

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

☒ NO ☐ YES

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

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

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

**8. Impact on Agricultural Resources**

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☒NO ☐YES

*If "Yes", answer questions a - h. If "No", move on to Section 9.*

| | **Relevant Part I Question(s)** | **No, or small impact may occur** | **Moderate to large impact may occur** |
|---|---|---|---|
| a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System. | E2c, E3b | ☐ | ☐ |
| b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc). | E1a, E1b | ☐ | ☐ |
| c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land. | E3b | ☐ | ☐ |
| d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District. | E1b, E3a | ☐ | ☐ |
| e. The proposed action may disrupt or prevent installation of an agricultural land management system. | E1 a, E1b | ☐ | ☐ |
| f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland. | C2c, C3, D2c, D2d | ☐ | ☐ |
| g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan. | C2c | ☐ | ☐ |
| h. Other impacts: _____ | | ☐ | ☐ |

**9. Impact on Aesthetic Resources**
The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)
*If "Yes", answer questions a - g. If "No", go to Section 10.*

☐ NO ☒ YES

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource. | E3h | ☒ | ☐ |
| b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views. | E3h, C2b | ☒ | ☐ |
| c. The proposed action may be visible from publicly accessible vantage points:<br>i. Seasonally (e.g., screened by summer foliage, but visible during other seasons)<br>ii. Year round | E3h | ☒<br>☒ | ☐<br>☐ |
| d. The situation or activity in which viewers are engaged while viewing the proposed action is:<br>i. Routine travel by residents, including travel to and from work<br>ii. Recreational or tourism based activities | E3h<br>E2q,<br>E1c | ☒<br>☒ | ☐<br>☐ |
| e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource. | E3h | ☒ | ☐ |
| f. There are similar projects visible within the following distance of the proposed project:<br>0-1/2 mile<br>½ -3 mile<br>3-5 mile<br>5+ mile | D1a, E1a, D1f, D1g | ☒ | ☐ |
| g. Other impacts: _____ | | ☒ | ☐ |

**10. Impact on Historic and Archeological Resources**
The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)
*If "Yes", answer questions a - e. If "No", go to Section 11.*

☒ NO ☐ YES

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places. | E3e | ☐ | ☐ |
| b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. | E3f | ☐ | ☐ |
| c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.<br>Source: _____ | E3g | ☐ | ☐ |

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

**11. Impact on Open Space and Recreation**

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
*If "Yes", answer questions a - e. If "No", go to Section 12.*

☒ NO ☐ YES

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat. | D2e, E1b E2h, E2m, E2o, E2n, E2p | ☐ | ☐ |
| b. The proposed action may result in the loss of a current or future recreational resource. | C2a, E1c, C2c, E2q | ☐ | ☐ |
| c. The proposed action may eliminate open space or recreational resource in an area with few such resources. | C2a, C2c E1c, E2q | ☐ | ☐ |
| d. The proposed action may result in loss of an area now used informally by the community as an open space resource. | C2c, E1c | ☐ | ☐ |
| e. Other impacts: _____ _____ | | ☐ | ☐ |

**12. Impact on Critical Environmental Areas**

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
*If "Yes", answer questions a - c. If "No", go to Section 13.*

☒ NO ☐ YES

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA. | E3d | ☐ | ☐ |
| b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA. | E3d | ☐ | ☐ |
| c. Other impacts: _____ _____ | | ☐ | ☐ |

**13. Impact on Transportation**
The proposed action may result in a change to existing transportation systems. (See Part 1. D.2.j) ☒ NO ☐ YES
*If "Yes", answer questions a - f. If "No", go to Section 14.*

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

**14. Impact on Energy**
The proposed action may cause an increase in the use of any form of energy. (See Part 1. D.2.k) ☒ NO ☐ YES
*If "Yes", answer questions a - e. If "No", go to Section 15.*

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

**15. Impact on Noise, Odor, and Light**
The proposed action may result in an increase in noise, odors, or outdoor lighting. (See Part 1. D.2.m., n., and o.) ☒ NO ☐ YES
*If "Yes", answer questions a - f. If "No", go to Section 16.*

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

| | | | |
|---|---|---|---|
| d. The proposed action may result in light shining onto adjoining properties. | D2n | ☐ | ☐ |
| e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. | D2n, E1a | ☐ | ☐ |
| f. Other impacts: _____ _____ | | ☐ | ☐ |

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☒ NO ☐ YES

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

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

**17. Consistency with Community Plans**

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

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

☒ NO ☐ YES

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

**18. Consistency with Community Character**

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

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

☐ NO ☒ YES

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

**PRINT FULL FORM**

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

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

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

**Reasons Supporting This Determination:**
To complete this section:

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

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

SEQR Status: ☐ Type 1 ☐ Unlisted

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

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

_____

_____

_____

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

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

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

_____

_____

_____

_____

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

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

| | |
|---|---|
| Name of Action: | |
| Name of Lead Agency: | Town of Manlius |
| Name of Responsible Officer in Lead Agency: | Joseph Lupia |
| Title of Responsible Officer: | Planning Board Chairman |
| Signature of Responsible Officer in Lead Agency: | Joseph A. Lupia Date: 10-25-21 |
| Signature of Preparer (if different from Responsible Officer) | Date: |

**For Further Information:**

Contact Person:

Address:

Telephone Number:

E-mail:

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

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

**PRINT FULL FORM**

**TOWN OF MANLIUS**
**PLANNING BOARD MINUTES**
**October 25, 2021**

**APPROVED**

The Town of Manlius Planning Board hybrid meeting in-person and virtual live streaming with Chairperson Joseph Lupia presiding and the following members present: Fred Gilbert, Ann Kelly, Mike LeRoy, Arnie Poltenson, Richard Rossetti and Valerie Beecher. Also, present were Attorney Jamie Sutphen and Planning Board Engineer Douglas Miller.

Also, Present: Carson Weinand, William T. Adams, E. Merriam, Jeff Miller and Craig Polhamus, Matt Napierala, Michael Pettinato, Ed Keplinger, Gerry Gould and Dave Stoner.

The Pledge of Allegiance was recited.

**Minutes**
Member LeRoy made a motion, seconded by Member Rossetti and carried unanimously to approve the minutes of September 27, 2021.

**Harrington Homes - 3848 Henneberry Road, Jamesville, NY 13078**
**2nd Presentation - 34 Lot Subdivision & Site Plan – Harrington Homes at Brandywine - Brandywine off of Henneberry Road**
**Tax Map # 109.-02-07.1**
Matt Napierala and Michael Pettinato were present, and Dave Stoner was virtual to discuss the application. Mr. Napierala explained to the Board that this is a 34-Lot Subdivision. Last time they were in front of the Planning Board the Board was concerned with the water supply and the well water service, there were several issues and concerns. Mr. Napierala showed a power point presentation. He stated that test wells were drilled and Mr. Stoner over saw the project.

Conversation ensued regarding wells, sewers, water supply and where the water is going to be discharged.

Mr. Stoner spoke in regards to the pumping tests; the water supply is adequate and should not be an issue. The wells will be more than appropriate for individual homes.

Mr. Gerry Gould, Hydrologist, spoke about the background of the bedrock in the area; he is concerned about the wells/depths. (*memo on file in the Planning and Development Office)*. Concerns about protection of the water.

Member Rossetti asked if this subdivision is approved and half-way through development, the lots are dry and when drilling the well, no water is there, what is done

then? Mr. Gould said you could possibly drill deeper, but if you dig deeper you could run into sulfur, you could treat that water.

Chairman Lupia stated that the Board is still missing a few items needed to keep the project moving. They are as follows: The final sewer approval from the County and the final SWPPP. Mr. Napierala said that they were hoping to get direction form the Board about the well source and water; the engineering plans need to be caught up, as far as stormwater; the plans need to be cleaned up a bit as far as, grading plan, the road profiles did not change.

Per the Applicant, the Board tabled the application until November 22, 2021, to give them more time to complete information regarding the project.

**Keplinger Freeman Associates - 6320 Fly Road, East Syracuse, NY 13057**
**2nd Presentation – Site Plan and Subdivision – New Dental Office – 8195 Cazenovia Road, Manlius, NY 13104 Tax Map # 114.00-01-15.10**
Ed Keplinger and Craig Polhamus were present to discuss the application. Mr. Keplinger explained to the Board that since the last meeting more parking has been added to the plan. Lot A will have 57 parking spaces and Lot B will have 20 parking spaces.

Jeff Miller, owner of the Millstone Building, spoke about the number of cars on a daily basis at the Millstone Building. He stated that there are about 18 cars per day on average. Conversation ensued regarding cars and parking.

Mr. Keplinger stated that he received a memo (*on file in the Planning and Development Office*) from Engineer Doug Miller regarding the new dental office earlier in the day and would like to go over it with the Board tonight.

Member Rossetti asked Engineer Miller if there was a need to do a SWPPP for each lot. Engineer Miller said that it was his recommendation to do a joint SWPPP for both lots.

The Board tabled the application until the November 8, 2021, meeting.

**William T. Adams – 7145 Ferstler Road, Kirkville, NY 13082**
**Initial Presentation – 2 Lot Subdivision – 7063 Ferstler Road, Kirkville, 13082**
**Tax Map # 042.-01-21.1**
William Adams was present to discuss his project. Mr. Adams told the Board that he would like to subdivide the 2 lots that he bought at auction.

Chairman Lupia stated that in order to meet the Town Code for Road Frontage. Mr. Adams said yes, he was already informed that he would have to go to the ZBA for variances.

Chairman Lupia stated that Lot 1 will need a Road Frontage Variance and a Lot Area variance. Lot 2 will need a Road Frontage variance.

The Board sent the Applicant to the Zoning Board of Appeals for 3 variances.

**CVE North America, Inc. 109 W. 27th Street, New York, NY 10001**
**Discussion - Subdivision/Site Plan/Special Use Permit**
**Solar Array - Duguid Road, Manlius, NY 13104**
**Tax Map # 099.-01-03**
Carson Weinand was present to discuss the project.

Chairman Lupia stated that in the Town of Manlius there is a statute relative to saturation, it's the 1-mile radius from any existing Solar Array.

Member Rossetti made a motion, seconded by Member Poltenson and carried. Member Rossetti said that these 3 solar arrays are so well hidden that the 1-mile radius should not be an issue and the solar arrays will not adversely affect the character of the community. Member Kelly recused herself.

Attorney Sutphen reviewed Part 2 of the EAF with the Board and the Board agreed that the action would have no, or a small impact on the environment. The EAF was filled out accordingly. Conversation ensued regarding the animals and wildlife in the area, like the brown bat. Member Kelly recused herself.

Member Poltenson made a motion, seconded by Member Beecher and carried unanimously to issue a Negative Declaration under SEQR and authorized the Chairman to sign the short form EAF. Member Kelly recused herself.

Member Rossetti is concerned about what the Town will get out of these solar projects, the PILOT Agreement (payment in lieu of taxes) and the Community Host Agreement are ways for the Town to get money. He asked why the Planning Board was approving these projects before the Board knew what the agreements dictated. The answer was it was none of his business, its between the Town Board and the Applicant. Member Poltenson stated that the Town Board has decided that the PILOT will be negotiated by OSIDA, and we have nothing to do with setting the rates or terms, it's out of the Planning Boards hands. Chairman Lupia said that he has been informed by the Town Board Attorney that there is an agreement in place, and they have come to terms, the agreement is extremely favorable to the Town of Manlius and although we don't know the details, it is none of the Boards business.

**Lot 1** – is not affected by this application.

**Lot 2** is as follows: Attorney Sutphen reviewed the Special Permit Criteria with the Board. Will the project have an adverse effect on adjacent lands, the immediate neighborhood or on the character of the community is the ultimate question and these are the questions the Board must answer:

1. Is the community protected from traffic congestion conflicts, flooding and

excessive soil erosion? The Board said yes.
2. Is the community protected from unnecessary noise, lighting and odors? The Board said yes.
3. Does this plan protect the community from inappropriate design and other matters of significance. The Board said yes.
4. Does the plan ensure the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed? The Board said yes.
5. Can any adverse impact be mitigated with compliance with reasonable conditions? The Board said yes.
6. Does the project conform with the Towns Planning objections, for example, do we need any kind of conditions with respect to operations and are there modifications to the development proposal or design guidelines that can attach reasonable conditions to minimize impacts? The Board said yes.

Member Beecher made a motion, seconded by Member Poltenson and carried to approve the Special Use Permit with the following conditions: The Special Use Permit is good for 15 years to expire October 25, 2036; The applicant has 1 year to pull a building permit; the project must be completed 2 years from the date of the issuance of the building permit. Member Kelly recused herself.

**Lot 3** is as follows: Attorney Sutphen reviewed the Special Permit Criteria with the Board. Will the project have an adverse effect on adjacent lands, the immediate neighborhood or on the character of the community is the ultimate question and these are the questions the Board must answer:

1. Is the community protected from traffic congestion conflicts, flooding and excessive soil erosion? The Board said yes.
2. Is the community protected from unnecessary noise, lighting and odors? The Board said yes.
3. Does this plan protect the community from inappropriate design and other matters of significance? The Board said yes.
4. Does the plan ensure the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed? The Board said yes.
5. Can any adverse impact be mitigated with compliance with reasonable conditions? The Board said yes.
6. Does the project conform with the Towns Planning objections, for example, do we need any kind of conditions with respect to operations and are there modifications to the development proposal or design guidelines that can attach reasonable conditions to minimize impacts? The Board said yes.

Member Rossetti made a motion, seconded by Member Beecher and carried to approve the Special Use Permit with the following conditions: The Special Use Permit is good for 15 years to expire October 25, 2036; The applicant has 1 year to pull a building permit; the project must be completed 2 years from the date of the issuance of the building

permit. Member Kelly recused herself.

**Lot 4** is as follows: Attorney Sutphen reviewed the Special Permit Criteria with the Board. Will the project have an adverse effect on adjacent lands, the immediate neighborhood or on the character of the community is the ultimate question and these are the questions the Board must answer:

1. Is the community protected from traffic congestion conflicts, flooding and excessive soil erosion? The Board said yes.
2. Is the community protected from unnecessary noise, lighting and odors? The Board said yes.
3. Does this plan protect the community from inappropriate design and other matters of significance? The Board said yes.
4. Does the plan ensure the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed? The Board said yes.
5. Can any adverse impact be mitigated with compliance with reasonable conditions? The Board said yes.
6. Does the project conform with the Towns Planning objections, for example, do we need any kind of conditions with respect to operations and are there modifications to the development proposal or design guidelines that can attach reasonable conditions to minimize impacts? The Board said yes.

Member LeRoy made a motion, seconded by Member Rossetti and carried to approve the Special Use Permit with the following conditions: The Special Use Permit is good for 15 years to expire October 25, 2036; The applicant has 1 year to pull a building permit; the project must be completed 2 years from the date of the issuance of the building permit. Member Kelly recused herself.

Member Poltenson made a motion, seconded by Member Rossetti and carried to approve the Subdivision Map date April 23, 2021 (*please see the resolution attached*) for Lots 2, 3 and 4. Member Kelly recused herself.

Member LeRoy made a motion, seconded by Member Gilbert and carried to approve the Site Plan (*please see the resolution attached*) for Lots 2, 3, and 4. Member Kelly recused herself.

**Other Business**

With there being no further business, Member Gilbert made a motion, seconded by Member Rossetti and carried unanimously to adjourn the Regular Meeting at 8:46 pm.

Respectfully submitted,
Lisa Beeman, Clerk

**IN THE MATTER application of CVE US E15 MANLIUS, LLC, CVE US E16 MANLIUS WEST, LLC, and CVE US E14 MANLIUS NORTH, LLC**

**For**

**Site Plan Approval and Special Permit Pursuant to Chapter 155, Section 155-12 and 155-27 of the Town of Manlius Code and Subdivision pursuant to Chapter 127 of the Town of Manlius Code**

**Resolution for recommendation on Special Permit, Site Plan Approval and Subdivision Approval**

The PLANNING BOARD OF THE T**OWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, on the 25th day of October at 6:30 p.m. and the following were present, namely:

Joseph Lupia, Chairperson

Fred Gilbert, Member

Ann Kelly, Member

Valerie Beecher, Member

Mike LeRoy, Member

Richard Rossetti, Member

Arnie Poltenson, Member

The following resolutions were moved, seconded and adopted with the following vote:

_yes_Joseph Lupia, Chairperson

_yes_Fred Gilbert, Member

_recusal _Ann Kelly, Member

_yes_Valerie Beecher, Member

_yes_Mike LeRoy, Member

_yes_Richard Rossetti, Member

_yes_Arnie Poltenson, Member

WHEREAS, CVE US E15 MANLIUS, LLC, CVE US E16 MANLIUS WEST, LLC, and CVE US E14 MANLIUS NORTH, LLC (collectively the "Applicants" or the "Companies"), have applied to the to construct a 15 MW (AC) ground-mounted solar energy system on 89.2 acres of a vacant 240.8-acre parcel in a Restricted Agriculture (RA) zoning district requiring Special Permit, Site Plan Approval and Subdivision Approval for division of the parcel into four new lots. There will be three proposed solar array areas, one each on proposed Lots 2, 3, and 4 and each enclosed by a chain with the entire solar energy system will have 35,256 panels and provide 15 MW of energy. The three separate Solar arrays on land intended to be subdivided into separate off of tax map number 99-1-3 being 240+/- total acres in the Town, and as more particularly described in the Application of the Applicant dated February 10, 2021, and as thereafter modified and supplemented (collectively all three solar farms hereinafter referred to as the "Project").

WHEREAS, the Planning Board has been reviewing the Project and has held public hearings on both the Site Plan Application, Special Permit Application and Subdivision Application, and said Public Hearings have been completed and Closed;

WHEREAS, there was a delay in processing the Applications while the Town Board considered a moratorium on the construction of solar farms in the Town;

WHEREAS, the Town Board ultimately determined not to impose a moratorium and indicated that the Planning Board was in the best position to determine the size, scope and

placement of solar farms in the Town under the existing Solar Photovoltaic Energy Systems Law (the "Solar Farm Law");

WHEREAS, this Board determined at its October11, 2021 Planning Board meeting that the Project does, in fact, consist of 3 separate Solar arrays, and

WHEREAS, this Board made a SEQRA determination with respect to this Project dated October 25, 2021, and determined that the Project had no significant negative environmental impacts, and therefore issued a negative declaration, and

WHEREAS, in order to make determinations on Site Plan, Special Use Permit and Subdivision, this Board, must as a threshold matter, make a determination as to whether the concerning the saturation of the solar arrays pursuant to Solar Farm Law, Section 155-27.2D.3.b.[19] which states:

> Saturation. In considering whether to issue a special use permit, the Planning Board shall consider the proximity of similar large solar energy systems to the one being proposed. In no event shall an LSES be placed within one mile of an existing LSES, without specific findings by the Planning Board that such placement does not adversely affect the community character of the surrounding properties.

NOW THEREFORE This Board make the following findings and determinations:

**SOLAR ARRAY SATURATION:**

**Findings:**

The Project consists of three nominally separate solar farms that are within one mile of each other;

1. This Board has carefully considered the "Saturation" issue and for the reasons and findings set forth below and in its SEQRA determination, is of the opinion that the close proximity of the three solar farms to each other does not adversely affect the community character of the surrounding properties, and, in fact, their placement together will have less of an environmental impact than if they were separate project being a mile separated from one another;

2. The development of solar/renewable energy in the Town is a high priority of the Town Board without data and should be encouraged by the Planning Board and is based on the Town Board's recent decision to forego a moratorium on solar farms, it being the strong policy of the Town to encourage the development of renewable energy in the Town, under the right circumstances and the proper environmental review;

3. The three separate solar arrays which are part of this Project are nominally three separate projects and therefore, per Town Code and are required to be one mile apart unless the Board determines with findings that such one-mile separate is not required. In this case, they are owned by common ownership, will be developed by the same contractor, will be operated as one 11.5-megawatt operation and from all appearances will look like one large solar farm;

4. The purpose of the Saturation provision in the Town Code is to ensure, as best as possible, that solar farms do not dominate one neighborhood by being placed at intervals that are too close together and are viewed on both sides of residential developments;

5. The Project site is largely rural or institutional (F-M School) with no residential properties that will be visually impacted by the Project;

6. The fact that the Project is consolidated into one area is actually a positive environmental consideration in this case since if all three solar farms were spread out it would have the potential of impacting more residential neighborhoods;

7. The natural woodland surrounding the Project site provides natural screening to the neighboring properties and the conditions set forth in the site plan will reduce any impacts on the neighborhood, and in fact, the arrays are for all intents and purposes invisible to nearby properties.

8. Based on these findings, the Planning Board has determined that the community character of the neighborhood will not change by the Project and the goals of the Town to encourage renewable energy development will be met by the Project.

9. Through a Payment in Lieu of Taxes and through a Host Community Agreement, the Companies will provide much needed revenue to the Town that would not be provided had the properties remained vacant and undeveloped.

10. NYSERDA has determined that it supports the three separate arrays as, for community solar, 5 megawatts is the largest an array can be, but where several are in close proximity the goal of the community solar is achieved.

**Determination:**

NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby determines that:

The close proximity of the three solar farms to each other does not adversely affect the community character of the surrounding properties, and, in fact, their placement together will have less of an environmental impact than if they were separate projects being a mile separated from one another. Further, for the same reasons as set forth above, the proximity of

the Townsend/North Eagle Village solar array project does not demonstrate that is project adversely affects the character of the Community.

**SPECIAL USE PERMIT:**

**Findings:**
Whereas, the solar arrays on each of lots 2, 3 and 4 require its own Special Permit, the Special use criterion as set forth in the Town Code is hereby reviewed and as to each of the Lots it is determined as follows, and

Whereas, this Board has reviewed the OCPB determination of May 12, 2021, with respect to the Project;

Whereas, this Board issued a negative SEQRA declaration for the Project;

Whereas each and every finding and determination heretofore set forth in this resolution is incorporated herein;

Whereas the Special use criterion as set forth in the Town Code is hereby reviewed and as to each of the Lots it is determined as follows:

**Lot 2:**

1. Is the community protected from traffic congestion conflicts, flooding and excessive soil erosion, unnecessary noise, lighting and odors, wasteful energy use and other forms of pollution? YES.
2. Does this plan protect the community from inappropriate design and other matters of scenic and aesthetic significance? YES
3. Does the plan ensure the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed? YES
4. Can any adverse impact be mitigated with compliance with reasonable conditions? YES, conditions are set forth in this approval.
5. Does the project conform with the Towns Planning Objective? Yes, This supports the Town Board objective of supporting renewable energy in a responsible way.

**Determination:**
Considering the within findings, this Board finds that Solar array as proposed on Lot 2 will not have an adverse effect on adjacent lands, the immediate neighborhood, or on the character of the community, and the Special Permit is therefore Granted, with the following conditions:

a. All conditions of the Subdivision Approval granted as part of this application are complied with;
b. The applicant shall fulfill all requirements of Site Plan approval as herein granted;
c. The Special Permit and use allowed pursuant thereto shall be for a term of fifteen (15) years from the date the Certificate of Completion is issued from the Town for the Project. Nothing herein shall in any manner limit the Town's right to enforce any condition at any time in the case of Non-compliance.
d. Applicant shall have one year from the date hereof to pull building/construction permit from the Town, and the applicant shall complete the project within two years after pulling the permit, at which time the Certificate of Completion is issued.
e. The applicant shall comply with all requirements of the Host Community Agreement as entered into between the Town Board and the Applicant.
f. This Board accepts the modification of the OCPB referral of May 12, 2021, as a condition of this approval as follows: the applicant must contact the New York State Department of Transportation to coordinate requirements for the existing driveway on East Seneca Turnpike, in order to satisfy commercial driveway standards, which will require paving the portion of the driveway in the state right-of-way. To further meet Department requirements, the applicant must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Department for review and any mitigation required shall be complied with.
g. The decommissioning plan for the array shall be approved by the Town Attorney and a cash deposit for the decommissioning shall be deposited by the Applicant with the Town.

**Lot 3**

1. Is the community protected from traffic congestion conflicts, flooding and excessive soil erosion, unnecessary noise, lighting and odors, wasteful energy use and other forms of pollution? YES.
2. Does this plan protect the community from inappropriate design and other matters of scenic and aesthetic significance? YES
3. Does the plan ensure the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed? YES

4. Can any adverse impact be mitigated with compliance with reasonable conditions? YES, conditions are set forth in this approval.

5. Does the project conform with the Towns Planning Objective? Yes, This supports the Town Board objective of supporting renewable energy in a responsible way.

**Determination:**

Considering the within findings, this Board finds that Solar array as proposed on Lot 3 will not have an adverse effect on adjacent lands, the immediate neighborhood, or on the character of the community, and the Special Permit is therefore Granted, with the following conditions:

a. All conditions of the Subdivision Approval granted as part of this application are complied with;
b. The applicant shall fulfill all requirements of Site Plan approval as herein granted;
c. The Special Permit and use allowed pursuant thereto shall be for a term of fifteen (15) years from the date the Certificate of Completion is issued from the Town for the Project. Nothing herein shall in any manner limit the Town's right to enforce any condition at any time in the case of Non-compliance.
d. Applicant shall have one year from the date hereof to pull building/construction permit from the Town, and the applicant shall complete the project within two years after pulling the permit, at which time the Certificate of Completion is issued.
e. The applicant shall comply with all requirements of the Host Community Agreement as entered into between the Town Board and the Applicant.

f. This Board accepts the modification of the OCPB referral of May 12, 2021, as a condition of this approval as follows: the applicant must contact the New York State Department of Transportation to coordinate requirements for the existing driveway on East Seneca Turnpike, in order to satisfy commercial driveway standards, which will require paving the portion of the driveway in the state right-of-way. To further meet Department requirements, the applicant must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Department for review and any mitigation required shall be complied with.

g. The decommissioning plan for the array shall be approved by the Town Attorney and a cash deposit for the decommissioning shall be deposited by the Applicant with the Town.

**Lot 4**

1. Is the community protected from traffic congestion conflicts, flooding and excessive soil erosion, unnecessary noise, lighting and odors, wasteful energy use and other forms of pollution? YES.
2. Does this plan protect the community from inappropriate design and other matters of scenic and aesthetic significance? YES
3. Does the plan ensure the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed? YES

4. Can any adverse impact be mitigated with compliance with reasonable conditions? YES, conditions are set forth in this approval.

5. Does the project conform with the Towns Planning Objective? Yes, This supports the Town Board objective of supporting renewable energy in a responsible way.

**Determination:**

Considering the within findings, this Board finds that Solar array as proposed on Lot 4 will not have an adverse effect on adjacent lands, the immediate neighborhood, or on the character of the community, and the Special Permit is therefore Granted, with the following conditions:

a. All conditions of the Subdivision Approval granted as part of this application are complied with;
b. The applicant shall fulfill all requirements of Site Plan approval as herein granted;
c. The Special Permit and use allowed pursuant thereto shall be for a term of fifteen (15) years from the date the Certificate of Completion is issued from the Town for the Project. Nothing herein shall in any manner limit the Town's right to enforce any condition at any time in the case of Non-compliance.
d. Applicant shall have one year from the date hereof to pull building/construction permit from the Town, and the applicant shall complete the project within two years after pulling the permit, at which time the Certificate of Completion is issued.
e. The applicant shall comply with all requirements of the Host Community Agreement as entered into between the Town Board and the Applicant.

f. This Board accepts the modification of the OCPB referral of May 12, 2021, as a condition of this approval as follows: the applicant must contact the New York State Department of Transportation to coordinate requirements for the existing driveway on East Seneca Turnpike, in order to satisfy commercial driveway standards, which will require paving the portion of the driveway in the state right-of-way. To further meet Department requirements, the applicant must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Department for review and any mitigation required shall be complied with.

g. The decommissioning plan for the array shall be approved by the Town Attorney and a cash deposit for the decommissioning shall be deposited by the Applicant with the Town

**SITE PLAN:**

Whereas each and every finding and determination heretofore set forth in this resolution is incorporated herein;
Now therefore,
As to each of Lots 2, 3 and 4, the Site Plans are approved with the condition that the Special Use Permit conditions are fulfilled and that all conditions of Subdivision approval are complied with.

**SUBDIVISION:**

Whereas each and every finding and determination heretofore set forth in this resolution is incorporated herein;

Whereas, this Board has reviewed OCPB referral of May 12, 2021, which found no significant adverse inter-community or county-wide implications;

The Subdivision Plan dated 4/23/2021, as presented, is approved with the following conditions:

The final cross access and easement agreements relating to each of the lots shall be approved by the Planning Board Attorney and shall be filed with Onondaga County Clerk simultaneously with the filing of the subdivision map;

Applicant must file the subdivision map in the Onondaga County Clerk's Office in accordance with the rules of Onondaga County and provide a copy of the stamped filed map with the Town of Manlius Department of Planning and Zoning

**I, LISA BEEMAN**, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Planning Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 25th day of October, 2021; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 25 th day of October, 2021.

DATED: October 25, 2021
Fayetteville, New York

**LISA BEEMAN**
**Planning Board Clerk of the Town of Manlius**

# Onondaga County Industrial Development Agency

**Project Summary DRAFT** 12/20/2021

| | | | |
|---|---|---|---|
| **1. Project** | **CVE USI5 Manlius East, LLC** | **2. Project Number** | **3101-21-17B** |
| **3. Location** | Manlius | **4. School District** | Fayetteville-Manlius School District |
| | | **6. Project Type** | Solar new contruction |
| **5. Tax Parcel(s)** | 099.-01-03.0 | | 0 |

| | | |
|---|---|---|
| **7.Total Project Cost** | **$** | **9,000,000** |
| Land | $ | 750,000 |
| Site Work | $ | 3,500,000 |
| Building | $ | |
| Furniture & Fixtures | $ | - |
| Equipment | $ | |
| Equipment Subject to NYS Production Exemption | $ | 4,000,000 |
| Engineering/Architecture Fees | $ | 450,000 |
| Financial Charges | $ | 250,000 |
| Legal Fees | $ | 50,000 |
| Other- Solar Installation Labor | $ | - |

| | |
|---|---|
| **8. Total Jobs** | 0 |
| 8A. Job Retention | 0 |
| 8B: Job Creation (Next 5 Years) | 0 |

## Cost Benefit Analysis

**CVE USI5 Manlius East, LLC**

| | | **Fiscal Impact ($)** |
|---|---|---|
| **Abatement Cost** | **$** | **414,000** |
| Sales Tax | $ | 360,000 |
| Mortgage Tax | $ | 54,000 |
| Property Tax Relief (PILOT) | $ | - |
| **New Investment** | **$** | **10,904,750** |
| PILOT Payments | $ | - |
| Project Wages (10 years) | $ | - |
| Construction Wages | $ | 1,813,750 |
| Employee Benefits (10 years) | $ | - |
| Project Capital Investment | $ | 9,000,000 |
| New Sales Tax Generated | 99.-010-3 | |
| Agency Fees | $ | 91,000 |
| **Benefit:Cost Ratio** | | **26 :1** |

## Project Description

CVE USI5 Manlius West, LLC are proposing to construct a 5MW solar array on 40 acres of land in the Town of Manlius.

**ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**
**APPLICATION FOR BENEFITS**

1. Fill in all blanks using "none", "not applicable" or "not available". If you have any questions about the way to respond, please call the Onondaga County Industrial Development Agency (the "Agency" or "OCIDA") at 315-435-3770.

2. If providing an estimate put "(est.)" after the figure or answer. If more space is needed to answer any specific question, attach a separate sheet.

3. If the OCIDA Board approves benefits, it is the company's responsibility to obtain and submit all necessary forms and documents.

4. When completed, return this Application by mail or fax to the Agency at the address indicated below. A signed application may also be submitted electronically in PDF format to Nancy Lowery at nancylowery@ongov.net. **An Application will not be considered by the Agency until the Application fee has been received.**

5. The Agency will not give final approval for this Application until the Agency receives a completed NYS Full Environmental Assessment Form concerning the project which is the subject of this Application. The form is available at http://www.dec.ny.gov/permits/6191.html.

6. Please note the Public Officers Law declares all records in the possession of the OCIDA (with certain limited exceptions) are open to public inspection and copying. If the Applicant is of the opinion that there are elements of the project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant's competitive position, this Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officer's Law, the OCIDA may also redact personal, private, and/or proprietary information from publicly disseminated documents.

7. The Applicant will be required to pay the Agency Application fee and, if accepted as a project of the Agency, all administrative and legal fees as stated in Section VI of the Application.

8. A complete Application consists of the following 9 items:
   - This Application
   - Local Access Agreement
   - Employment Plan
   - Conflict of Interest
   - A feasibility statement indicating the need for the requested benefits
   - Description of Project, Site Plans/Sketches, and Maps
   - NYS Full Environmental Assessment Form
   - A check payable to the Agency in the amount of $1,000
   - A check payable to Barclay Damon LLP in the amount of $2,500

9. This Application was adopted by the OCIDA Board on September 14, 2021.

**It is the policy of the Agency that any project receiving benefits from the Onondaga County Industrial Development Agency will utilize 100% local contractors and local labor for the construction period of the project unless a waiver is granted in writing by the Agency.**

**Return to:**

Onondaga County Industrial Development Agency
Attn: Nancy Lowery
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770 | Fax: 315-435-3669
nancylowery@ongov.net

## Section I: Applicant Information

Please answer all questions. Use "None", "Not Applicable" and "See Attached" where necessary.

Submittal Date: 01/03/22

**A) Applicant/Project Operator information (company receiving benefits):**

Applicant/Project Operator: CVE US EI5 Manlius East, LLC

Applicant/ Project Operator Address: 109 W 27th St, New York, NY 10001

Phone: 914-847-0043 Fax: _____

Website: cvenorthamerica.com E-mail: carson.weinand@cvegroup.com

Federal ID#: 87-3033538 NAICS: _____

State and Year of Incorporation/Organization: New York, 2021

Owner (if different from Applicant/Project Owner): _____

Owner Address: _____

Federal ID#: _____

State and Year of Incorporation/Organization: _____

List of stockholders, members, or partners of Owner:

_____

**B) Individual Completing Application:**

Name: Carson Weinand

Title: Senior Business Developer

Address: 109 W 27th St, New York, NY 10001

Phone: 239-784-8080 Fax: _____

E-mail: carson.weinand@cvegroup.com

**C) Company Contact (if different from individual completing application):**

Name: Thibaut Delespaul

Title: General Manager, CVE North America, Inc.

Address: 109 W 27th St, New York, NY 10001

Phone: 914-847-0043 Cell Phone: 917-750-5110

E-mail: thibaut.delespaul@cvegroup.com

**D) Company Counsel:**

Name of Attorney: Barry Carrigan

Firm Name: Nixon Peabody

Address: 1300 Clinton Square, Rochester, NY 14604

Phone: 585-263-1591 Cell Phone: 585-729-7885

E-mail: bcarrigan@nixonpeabody.com

**E) Business Organization (check appropriate category):**

☐ Corporation ☐ Partnership

☐ Public Corporation ☐ Joint Venture

☐ Sole Proprietorship ☑ Limited Liability Company

☐ Other (please specify): _____

Year Established: 2021

State in which Organization is established: New York

**F) List all stockholders, members, or partners with % of ownership greater than 5%:**

| Name | % of ownership |
|---|---|
| CVE NA Devco, LLC | 100% |
| | |
| | |
| | |

**G) Applicant Business Description:**

Please attach a description of your Company's background, products, customers, goods and services.

Estimated % of sales within Onondaga County: 50%

Estimated % of sales outside Onondaga County but within New York State: 50%

Estimated % of sales outside New York State but within the U.S.: _____

Estimated % of sales outside the U.S.: _____

(*Percentage to equal 100%)

**H) Applicant History**: If the answer to any of the following is "Yes", please explain below. If necessary, attach additional information.

1. Is the company or management of the Company now a plaintiff or defendant in any civil or criminal litigation? ☐Yes ☑No
2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? ☐Yes ☑No
3. Has any person listed in Section I ever been in receivership or declared bankruptcy? Please attach any explanations. ☐Yes ☑No

**I)** Has the Project Beneficiary received assistance from OCIDA, Syracuse Industrial Development Agency (SIDA), New York State or the Onondaga Civic Development Corporation (OCDC) in the past? If yes please attach an explanation and please give year, project name, and description of benefits and address of project.

☐Yes ☑No

## Section II: Project and Site Information

A) Project Location: Location where the investment will take place. If Company is moving, the new location should be entered here and the current location should be in Section I.

Address: 8109 East Seneca Turnpike (assigned by SOCPA; subdivided from No Number Duguid Rd)

Legal Address (if different): _____

City: Manlius Village/Town: Manlius

Zip Code: 13104 School District: Fayetteville-Manlius

Tax Map Parcel ID(s): 099.-01-03.0 (to be updated once subdivision is filed)

Current Assessed Value: $251,000 (full parcel) Footage of Existing Building: 0

Census Tract: _____

B) Type (Check all that apply):

- ☑ New construction
- ☐ Expansion/Addition to current facilities
- ☐ Renovation of existing facility
- ☐ Housing Project
- ☑ Renewable Energy Project
- ☐ Retail
- ☐ Purchase of machinery and/or equipment
- ☐ Brownfield/Remediated Brownfield
- ☐ LEED Certification
- ☐ Demolition and Construction
- ☐ Acquisition of existing facility/property
- ☐ Other:

C) Project Narrative: A statement that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency or, if the project could be undertaken without financial assistance provided by the Agency, a statement indicating why the project should be undertaken by the agency.

* For a Retail Project (also see page 14)
* For a Renewable Energy Project (also see page 15)
* For a Housing Project (also see page 17)

D) Description of Project: Please provide a detailed narrative of the proposed Project. Please separately attach the description and any copies of site plans, sketches or maps. This narrative should include, but is not limited to:

- ☑ (i) the size of the Project in square feet and a breakdown of square footage per each intended use;
- ☑ (ii) the size of the lot upon which the Project sits or is to be constructed;
- ☑ (iii) the current use of the site and the intended use of the site upon completion of the Project;

☑ (iv) the principal products to be produced and/or the principal activities that will occur on the Project site;

☑ (v) please describe your method for site control (Own, lease, other).

E) Select Project type for all end users at Project site (you may check more than one):
**Please check any and all end users as identified below

| | |
|---|---|
| ☐ Industrial | ☐ Bank Office |
| ☐ Acquisition of Existing Facility | ☐ Retail ( see page 14) |
| ☐ Housing Project ( see page 17 ) | ☐ Mixed Use |
| ☐ Equipment Purchase | ☐ Facility for Aging |
| ☐ Multi-Use Tenant | ☐ Civic Facility (not for profit) |
| ☑ Renewable Energy Project ( see page 15) | ☐ Other _____ |
| ☐ Commercial | |

F) If applicant will not occupy 100% of the building in a real estate transaction, provide information on tenant(s) that includes name, present address, and percentage of project to be leased, type of business organization, relationship to applicant, date and term of lease.

G) For the Agency to consider this Project, please provide the following information:

1. Does the Project consist of new construction or expansion or substantial renovation of an existing facility?
   ☑ Yes ☐ No
2. Will the Project create new employment opportunities or retain existing jobs that may otherwise be lost?
   ☐ Yes ☑ No
3. Does the Project beneficiary serve a customer base primarily outside of Onondaga County?
   ☐ Yes ☑ No

H) Will the completion of the Project result in the removal of an industrial or manufacturing plant of the company from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the company located within the state? Please explain if you answer "Yes" by attaching a response.

☐ Yes ☑ No

I) Please attach a description of any compelling circumstances the Agency should be aware of while reviewing this application.

J) Local Approvals (Site Plan and Environmental Review)

1. Have site plans been submitted to the appropriate town or local planning department?

   ☑ Yes. What is the status? ☐ No. When will the plans be submitted?

   SEQRA Neg Dec and Special Use Permit have been awarded.

2. Has the project received site plan approval from the town or local planning board?

   ☑ Yes ☐ No

3. If no, what is the anticipated approval date? _____

4. If yes, provide the Agency with a copy of the Planning Board's approval resolution along with the related SEQR determination. (NOTE: SEQR determination is required for final approval and sales tax agency appointment.)

5. Environmental Information

   a. Please attach the appropriate Environmental Impact Forms to your application. Here is a link to the SEQR forms: http://www.dec.ny.gov/permits/6191.html

   b. Have any environmental issues been identified on the property?

      ☐ Yes ☑ No

      If yes, please attach an explanation.

## Section III: Construction

A) Project Costs and Finances

| Description of Costs | Total Budget Amount | % of Total Budget to be Procured in Onondaga County | Total Private Expenditure (should be less than or equal to total budget amount) |
|---|---|---|---|
| Land Acquisition | 750000 | | |
| Site Work/Demo | 3500000 | | |
| Building Construction & Renovation | | | |
| Furniture & Fixtures | | | |
| Equipment | 4000000 | | |
| Engineering/Architect | 450000 | | |
| Financial Charges | 250000 | | |
| Legal | 50000 | | |
| Other | | | |
| Management/Developer Fees | | | |
| **Total Project Cost** | 9000000 | | |

**Note: Do not include OCIDA fees, OCIDA application fees or OCIDA legal fees as part of the Total Project Cost. You may attach a separate chart if needed.**

B) TOTAL Capital Costs $ 9,000,000

Project refinancing: estimated amount
(for refinancing of existing debt only) $ _____

Sources of Funds for Project Costs:

1. Bank Financing $ 7,200,000
2. Equity (excluding equity that is attributed to grants/tax credits) $ 1,800,000
3. Tax Exempt Bond Issuance (if applicable) $ _____
4. Taxable Bond Issuance (if applicable) $ _____

5. Public Sources (Include sum total of all state and federal grants and tax credits) $ 3,900,000

-Identify each state and federal grant/credit:

Federal Investment Tax Credit $ 2,340,000

NYSERDA NY-Sun $ 1,560,000

_____ $ _____

6. Total Sources of Funds for Project Costs $ 12,900,000

C) Employment and Payroll Information

*Full Time Equivalent (FTE) is defined as one employee working no less than 40 hours per week or two or more employees together working a total of 40 hours per week.

1. Are there people currently employed at the project site?
   ☐ Yes ☑ No If yes, provide number of FTE jobs at the facility: _____
2. Complete the following:

| | |
|---|---|
| Estimate the number of FTE jobs to be retained as a result of this Project: | 0 |
| Estimate the number of construction jobs to be created by this Project: | 100 |
| Estimate the average length of construction jobs to be created (months): | 5 months |
| Current annual payroll at facility: | |
| Please list, if any, benefits that will be available to either full and/or part time employees: | |
| Average annual benefit paid by the company ($ or % salary) per FTE job: | |
| Amount or percent of wage employees pay for benefits: | |
| Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oneida, Oswego, and Cortland Counties) to fill new FTE jobs: | |

D) New Employment Benefits

i. Complete the following chart indicating the number of FTE jobs presently employed at the Project and the number of FTE jobs that will be created at the Project site at the end of the first, second, and third, years after the Project is completed. Jobs should be listed by title of category (see below), including FTE independent contractors or employees of independent contractors that work at the Project location. Do not include construction workers.

ii. Feel free to include additional information or a substitute chart if you think additional material would add clarity.

Please use this chart to illustrate the current employment:

| Job Title/Category | Current Annual Pay | Current Employment (FTE) |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

Please use this chart to illustrate the projected employment growth:

| Job Title/Category | Current Annual Pay | Jobs Created Year 1 | Jobs Created Year 2 | Jobs Created Year 3 |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

If you prefer, you may attach a job chart of your own that outlines the job growth projections regarding the Project.

E) Financial Assistance sought (estimated values):

☐ Real Property Tax Abatement (PILOT): _____

☑ Mortgage Recording Tax Exemption (.75% of amount mortgaged): 54,000

☑ Sales and Use Tax Exemption (4% Local, 4% State): 360,000 (only 4% local applies)

☐ Tax Exempt Bond Financing (Amount Requested): _____

☐ Taxable Bond Financing (Amount Requested): _____

F) Mortgage Recording Tax Exemption Benefit Calculator: Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/ bridge financing): $ 7,200,000

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above, multiplied by .0075): $ 54,000

G) Sales and Use Tax Benefit Calculator: Gross amount of costs for goods and services that are subject to State and local Sales and Use Tax – said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

$ 9,000,000

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure, above) (This should match the amount in section "E" on page 9, this calculation only exists to help you with your estimate):

$ 360,000

## Section IV: Estimate of Real Property Tax Abatement Benefits

Section IV of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application prior to the completed application being provided to the OCIDA Board.

A) PILOTS Estimate Table Worksheet

| | |
|---|---|
| OCIDA estimate of current value | |
| New construction and renovation costs | |
| OCIDA estimate of increase in value | |
| OCIDA estimated value of completed project | |
| OCIDA estimate of taxes that would have been collected if the project did not occur | |
| Scheduled PILOT payments | |

| PILOT Year | Exemption % | County PILOT Amount | Local PILOT Amount | School PILOT Amount | Total PILOT | Full Tax Payment w/o PILOT | Net Exemption |
|---|---|---|---|---|---|---|---|
| 1 | 100 | | | | | | |
| 2 | 90 | | | | | | |
| 3 | 80 | | | | | | |
| 4 | 70 | | | | | | |
| 5 | 60 | | | | | | |
| 6 | 50 | | | | | | |
| 7 | 40 | | | | | | |
| 8 | 30 | | | | | | |
| 9 | 20 | | | | | | |
| 10 | 10 | | | | | | |
| TOTAL | | | | | | | |

Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff.

## SECTION: V For Retail Projects Only

1. Will the cost of the retail portion of the Project exceed one-third of the total project cost?

☐Yes ☐No

2. Is the Project located in a distressed area? A distressed area is a census tract that has a) a poverty rate of a least 20% or at least 20% of households receiving public assistance, and (b) an unemployment rate of least 1.25 times the statewide unemployment rate for the year to which the date relates.

☐Yes ☐No

3. Is the Project likely to attract a significant number of visitors from outside of the economic development region?

☐Yes ☐No

4. Is the predominate 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 Town, City, County or Village of where the Project will be located.

☐Yes ☐No

## SECTION VI: For Solar Projects Only

Please complete the following as an addendum:

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the Project would be affected if these benefits were not provided. [see Section II (C)]

2. Is the applicant leasing the property?
   - ☐ Yes, please provide a copy of the lease
   - ☑ No, purchased the property. Please provide documentation.

3. Has the applicant provided written communication to the affected taxing jurisdictions notifying them of its intent to construct a renewable energy project?
   - ☑ Yes
   - ☐ No

4. Has the applicant received a letter of support for the megawatt cost to be used as a basis for the PILOT from the town, city or village where the Project is located?
   - ☐ Yes. Please provide copy.
   - ☑ No

5. Has the applicant received a letter of support for the megawatt cost to be used as a basis for PILOT from the school district?
   - ☐ Yes. Please provide copy.
   - ☑ No

6. Is the entire parcel being used for the solar project?
   - ☐ Yes
   - ☑ No, if not, have you reached out to the town assessor to discuss a subdivision or slash parcel? Explain: A SUP of our proposed site plan and subdivision has been received from the Town of Manlius.

7. Will the applicant enter into a decommissioning plan with the host community, including financial assurance the plan can be executed?
   - ☑ Yes, explain.
   - ☐ No

**PLEASE SEE FOLLOWING PAGE FOR OCIDA SOLAR BEST PRACTICES*

# OCIDA SOLAR PILOTs GUIDANCE AND BEST PRACTICE

To be placed on the OCIDA meeting agenda, proposed solar projects must provide OCIDA with the following in advance of the Project's first OCIDA meeting:

1. Fully completed OCIDA application.
2. Copy of Environmental Assessment Form.
3. A SEQR resolution approved by a local municipality indicating municipality will be lead agency, the type of action (I, II, or unlisted) and, if completed, the SEQR determination made by the municipality.
4. Copies of your zoning applications submitted to the local municipality.
5. Verification of parcel subdivision process with the town (if the entire parcel will not be used for the solar project).
6. A statement clarifying whether the applicant will lease or purchase the real property on which the Project is situated. If leased, provide a copy of the proposed or executed lease. If lease parcel is less then entire parcel then see 5 above.
7. A supporting document from the School District and the Town Board outlining the agreed upon cost per megawatt to be used as a basis for the PILOT. OCIDA cannot create the PILOT schedule without this information.

You will receive a draft Cost Benefit Analysis and a Draft PILOT schedule from this office. You may use these documents as your Project progresses through the OCIDA approval process. OCIDA staff are available to update these two documents as needed.

## SECTION VII: For Housing Projects Only

Please complete the following as an addendum:

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the project would be impacted if these benefits were not provided. [see Section II (C)]

2. Is the Project being built in a blighted area? Please describe.

3. Is the Project fulfilling an unmet need in the area? Please explain.

4. Please provide a market study documenting a need for such housing.

5. Is there support from local government officials for the Project and for the financial assistance being requested from the Agency? Please provide written documentation.

6. Is the Project considered infill in a populated area? Please explain.

7. Does the Project provide walkability?

8. Is there additional county infrastructure necessary to service the Project? If, yes, please explain.

9. Is the Project part of a larger mixed-use development? Please describe.

## Section VIII: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, sub-contractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

**Noncompliance may result in the revocation and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne.** Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the Local Access Policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available upon request.

Prior to issuance of any NYS Tax & Finance ST-60 forms, the Applicant must submit a **Contractor Status Report to the Agency.**

In consideration of the extension of financial assistance by the Agency CVE US EI5 Manlius East LLC (the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency's application at the time of the application to the Agency and as part of a request to extend the valid date of the Agency's tax-exempt certificate for the Project. The Company understands that an Agency tax-exempt certificate is typically valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands that any request for a waiver to this policy must be submitted in writing and approved by the Agency.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of 01/03/22 (date).

Company: CVE US EI5 Manlius East LLC

Representative for Contract: David Froelich

Address: 109 W 27th St City: New York State: NY Zip: 10001

Phone: 914-847-0043 Email: david.froelich@cvegroup.com

Project Address: 8109 East Seneca Turnpike City: Manlius State: NY Zip: 13104

General Contractor: TBD

Contact Person: TBD

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Authorized Representative: David Froelich Title: Director of Business Development

Signature: _____

# Section IX: Agency Fee Schedule

* Minimum Fee to be applied to all project receiving OCIDA benefits is 1% of the Total Project Cost (TPC)

| ACTIVITY | FEES | COMMENTS |
|---|---|---|
| Non- refundable Application Fee | $1,000 | Due at time of application |
| Legal Deposit | $2,500 | Due at time of application |
| Minimum Fee of 1% of TPC<br><br>1. Sales and Use Tax Exemption<br><br>2. Mortgage Recording Tax<br><br>3. PILOT **is an additional fee** | .01 X TPC<br><br>.0025 X TPC (total .0125) | Due at closing |
| Bonds<br>Bond refinancing and refunding | .0025 of TPC | Due at closing |
| Agency Legal Fees<br><br>Fee for first $20 million<br><br>Fee for expenses above $20 million | .0025 X of the project cost or bond amount<br><br>.00125 X of project cost or bond amount | Due at closing |

OCIDA reserves the right to modify this schedule at any time and assess fees and charges in connection with other transactions such as grants of easement or lease or sale of OCIDA-owned property.

## Section X: Recapture of Tax Abatement/Exemptions

**Information to be Provided by Companies:** Each Company agrees that to receive benefits from the Agency it must, whenever requested by the Agency or required under applicable statutes or project documents, provide and certify or cause to be provided and certified such information concerning the Company, its finances, its employees and other topics which shall, from time to time, be necessary or appropriate, including but not limited to, such information as to enable the Agency to make any reports required by law or governmental regulation.

Please refer to the OCIDA Uniform Tax Exemption Policy. (add hyperlink)

**I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.**

Name of Applicant Company CVE US EI5 Manlius East, LLC

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: 01/03/22

## Section XI: Conflict of Interest

Agency Board Members

1. Patrick Hogan, Chairperson
2. Janice Herzog, Vice Chairperson
3. Steve Morgan, Director
4. Victor Ianno, Director
5. Sue Stanczyk, Director
6. Kevin Ryan, Director
7. Fanny Villarreal, Director

Agency Officers/Staff

1. Robert M. Petrovich, Executive Director
2. Nathaniel Stevens, Treasurer
3. Nancy Lowery, Secretary
4. Karen Doster, Recording Secretary
5. Christopher Cox, Assistant Treasurer

Agency Legal Counsel & Auditor

1. Jeffrey Davis, Esq., Barclay Damon LLP
2. Amanda Fitzgerald, Esq., Barclay Damon LLP
3. Michael G. Lisson, CPA, Grossman St. Amour Certified Public Accountants PLLC

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

Name of Applicant Company CVE US EI5 Manlius East, LLC

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: 01/03/22

## Section XII: Representations, Certifications, and Indemnification

David Froelich (Name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Director of Business Development (title) of CVE US EI5 Manlius East, LLC (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

**A. First Consideration for Employment:** In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.

**B. Other NYS Facilities:** In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which will result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or is reasonably necessary.

**C. Annual Sales Tax Filings:** In accordance with §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, 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.

**D. Outstanding Bonds:** The Applicant understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.

**E. Employment Reports:** The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant agrees to file with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, with said report being an agenda item subject to the open meetings law.

**F. Absence of Conflicts of Interest:** The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Section X.

**G. Compliance:** The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

**H.** The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the Agency. (1) No funds of the Agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

**I.** The Applicant confirms and acknowledges that the owner, occupant or operator receiving financial assistance for the proposed Project is in substantial compliance with applicable local, state, and federal tax, worker protection and environmental laws, rules and regulations.

**J.** The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement in the Project.

**K.** The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

**L.** The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statement contained herein not misleading.

**M.** The OCIDA has the right to request and inspect supporting documentation regarding attestations made on this application.

**N. Hold Harmless Agreement:** Applicant hereby releases Onondaga County Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (A) the Agency'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 tax-exemptions and other assistance requested therein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action 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 or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the process of the Application, including attorney's fees, if any.

Name of Applicant Company: CVE US EI5 Manlius East, LLC

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: 01/03/22

STATE OF NEW YORK )

COUNTY OF ONONDAGA ) ss.;

_____, being first duly sworn, deposes and says:

1. That I am the_____(Corporate Officer) of_____ (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.

2. That I have read and attached Application, I Know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this_____day of__, 20_____.

_____

(Notary Public)

End of Application

Rev 8.5.21

January 4th, 2022

Onondaga County IDA
333 W. Washington St, Suite 130
Syracuse, NY 13202

**RE: OCIDA Benefits Application - Section VI: For Solar Projects Only**

Dear OCIDA,

Please see the response from CVE US EI5 Manlius East, LLC regarding Section VI: For Solar Projects Only of the OCIDA Application.

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the Project would be affected if these benefits were not provided. [see Section II (C)]

Incentives from NYSERDA for renewable energy projects have drastically dropped over the past few years and more recently construction costs have increased ~10%. The project needs financial assistance from the Agency or the viability of the project is in jeopardy. The project will bring Tremendous environmental benefits, including removing millions of pounds of carbon from the electricity grid. The project will deliver millions of dollars of energy savings for ~1,000 local residents over a 25 year period. The project will contribute 5MWac towards the State's goal of 6 GW of distributed solar by 2025. A Host Community Benefit Agreement for the Town of Manlius has been negotiated and approved.

2. Is the applicant leasing the property?
☐ Yes, please provide a copy of the lease
☒ No, purchased the property. Please provide documentation.

3. Has the applicant provided written communication to the affected taxing jurisdictions notifying them of its intent to construct a renewable energy project?
☒ Yes
☐ No

4. Has the applicant received a letter of support for the megawatt cost to be used as a basis for the PILOT from the town, city or village where the Project is located?
☐ Yes. Please provide copy.
☒ No: a 487 PILOT agreement between the project and the Town has been approved and will be executed.

5. Has the applicant received a letter of support for the megawatt cost to be used as a basis for PILOT from the school district?

☐ Yes. Please provide copy.
☒ No: a 487 PILOT agreement between the project and the School District has been approved and will be executed.

6. Is the entire parcel being used for the solar project?
☐ Yes
☒ No, if not, have you reached out to the town assessor to discuss a subdivision or slash parcel? Explain:
A SUP of our proposed site plan and subdivision has been received from the Town of Manlius.

7. Will the applicant enter into a decommissioning plan with the host community, including financial assurance the plan can be executed?
☒ Yes, explain. Yes, a decommissioning plan has been filed and approved by the Town of Manlius.
☐ No

Sincerely,
Carson Weinand
Senior Business Developer
Carson.weinand@cvegroup.com
239-784-8080

December 15th, 2021

Onondaga County IDA
333 W. Washington St, Suite 130
Syracuse, NY 13202

**RE: OCIDA Benefits Application - Section II, D: Description of Project**

Dear OCIDA,

Please see the response from CVE US EI5 Manlius East, LLC regarding Section II, D: Description of Project of the OCIDA Application.

x (i) the size of the Project in square feet and a breakdown of square footage per each intended use;

- 40 acres, 5.0 MWac

x (ii) the size of the lot upon which the Project sits or is to be constructed;

- 75 acres (to be subdivided from existing 225 acre parcel)

x (iii) the current use of the site and the intended use of the site upon completion of the Project;

- Current use of the site is an agricultural farm. The intended use of the site is solar renewable energy facility.

x (iv) the principal products to be produced and/or the principal activities that will occur on the Project site;

- The generation of solar electricity.

☐ (v) please describe your method for site control (Own, lease, other).

- Purchase and Sale Agreement.

Sincerely,
Carson Weinand
Senior Business Developer
Carson.weinand@cvegroup.com
239-784-8080

# Onondaga County Industrial Development Agency

**Project Summary DRAFT** 12/20/2021

| | | | |
|---|---|---|---|
| **1. Project** | **CVE USI6 Manlius West, LLC** | **2. Project Number** | **3101-21-18C** |
| **3. Location** | Manlius | **4. School District** | Fayetteville-Manlius School District |
| | | **6. Project Type** | Solar new contruction |
| **5. Tax Parcel(s)** | 099.-01-03.0 | | 0 |

| | | |
|---|---|---|
| **7.Total Project Cost** | **$** | **9,000,000** |
| Land | $ | 750,000 |
| Site Work | $ | 3,500,000 |
| Building | $ | |
| Furniture & Fixtures | $ | - |
| Equipment | $ | |
| Equipment Subject to NYS Production Exemption | $ | 4,000,000 |
| Engineering/Architecture Fees | $ | 450,000 |
| Financial Charges | $ | 250,000 |
| Legal Fees | $ | 50,000 |
| Other- Solar Installation Labor | $ | - |

| | |
|---|---|
| **8. Total Jobs** | 0 |
| 8A. Job Retention | 0 |
| 8B: Job Creation (Next 5 Years) | 0 |

## Cost Benefit Analysis

**CVE USI6 Manlius West, LLC**

| | | **Fiscal Impact ($)** |
|---|---|---|
| **Abatement Cost** | **$** | **414,000** |
| Sales Tax | $ | 360,000 |
| Mortgage Tax | $ | 54,000 |
| Property Tax Relief (PILOT) | $ | - |
| **New Investment** | **$** | **10,904,750** |
| PILOT Payments | $ | - |
| Project Wages (10 years) | $ | - |
| Construction Wages | $ | 1,813,750 |
| Employee Benefits (10 years) | $ | - |
| Project Capital Investment | $ | 9,000,000 |
| New Sales Tax Generated | 99.-010-3 | |
| Agency Fees | $ | 91,000 |
| **Benefit:Cost Ratio** | | **26 :1** |

## Project Description

CVE USI6 Manlius West, LLC are proposing to construct a 5MW solar array on 40 acres of land in the Town of Manlius.

**ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**
**APPLICATION FOR BENEFITS**

1. Fill in all blanks using "none", "not applicable" or "not available". If you have any questions about the way to respond, please call the Onondaga County Industrial Development Agency (the "Agency" or "OCIDA") at 315-435-3770.

2. If providing an estimate put "(est.)" after the figure or answer. If more space is needed to answer any specific question, attach a separate sheet.

3. If the OCIDA Board approves benefits, it is the company's responsibility to obtain and submit all necessary forms and documents.

4. When completed, return this Application by mail or fax to the Agency at the address indicated below. A signed application may also be submitted electronically in PDF format to Nancy Lowery at nancylowery@ongov.net. **An Application will not be considered by the Agency until the Application fee has been received.**

5. The Agency will not give final approval for this Application until the Agency receives a completed NYS Full Environmental Assessment Form concerning the project which is the subject of this Application. The form is available at http://www.dec.ny.gov/permits/6191.html.

6. Please note the Public Officers Law declares all records in the possession of the OCIDA (with certain limited exceptions) are open to public inspection and copying. If the Applicant is of the opinion that there are elements of the project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant's competitive position, this Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officer's Law, the OCIDA may also redact personal, private, and/or proprietary information from publicly disseminated documents.

7. The Applicant will be required to pay the Agency Application fee and, if accepted as a project of the Agency, all administrative and legal fees as stated in Section VI of the Application.

8. A complete Application consists of the following 9 items:
   - This Application
   - Local Access Agreement
   - Employment Plan
   - Conflict of Interest
   - A feasibility statement indicating the need for the requested benefits
   - Description of Project, Site Plans/Sketches, and Maps
   - NYS Full Environmental Assessment Form
   - A check payable to the Agency in the amount of $1,000
   - A check payable to Barclay Damon LLP in the amount of $2,500

9. This Application was adopted by the OCIDA Board on September 14, 2021.

**It is the policy of the Agency that any project receiving benefits from the Onondaga County Industrial Development Agency will utilize 100% local contractors and local labor for the construction period of the project unless a waiver is granted in writing by the Agency.**

**Return to:**

Onondaga County Industrial Development Agency
Attn: Nancy Lowery
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770 | Fax: 315-435-3669
nancylowery@ongov.net

## Section I: Applicant Information

Please answer all questions. Use "None", "Not Applicable" and "See Attached" where necessary.

Submittal Date: 01/03/22

**A) Applicant/Project Operator information (company receiving benefits):**

Applicant/Project Operator: CVE US EI6 Manlius West, LLC

Applicant/ Project Operator Address: 109 W 27th St, New York, NY 10001

Phone: 914-847-0043 Fax: _____

Website: cvenorthamerica.com E-mail: carson.weinand@cvegroup.com

Federal ID#: 87-3187796 NAICS: _____

State and Year of Incorporation/Organization: New York, 2021

Owner (if different from Applicant/Project Owner): _____

Owner Address: _____

Federal ID#: _____

State and Year of Incorporation/Organization: _____

List of stockholders, members, or partners of Owner:

_____

**B) Individual Completing Application:**

Name: Carson Weinand

Title: Senior Business Developer

Address: 109 W 27th St, New York, NY 10001

Phone: 239-784-8080 Fax: _____

E-mail: carson.weinand@cvegroup.com

**C) Company Contact (if different from individual completing application):**

Name: Thibaut Delespaul

Title: General Manager, CVE North America, Inc.

Address: 109 W 27th St, New York, NY 10001

Phone: 914-847-0043 Cell Phone: 917-750-5110

E-mail: thibaut.delespaul@cvegroup.com

**D) Company Counsel:**

Name of Attorney: Barry Carrigan

Firm Name: Nixon Peabody

Address: 1300 Clinton Square, Rochester, NY 14604

Phone: 585-263-1591 Cell Phone: 585-729-7885

E-mail: bcarrigan@nixonpeabody.com

**E) Business Organization (check appropriate category):**

☐ Corporation ☐ Partnership

☐ Public Corporation ☐ Joint Venture

☐ Sole Proprietorship ☑ Limited Liability Company

☐ Other (please specify): _____

Year Established: 2021

State in which Organization is established: New York

**F) List all stockholders, members, or partners with % of ownership greater than 5%:**

| Name | % of ownership |
|---|---|
| CVE NA Devco, LLC | 100% |
| | |
| | |
| | |

**G) Applicant Business Description:**

Please attach a description of your Company's background, products, customers, goods and services.

Estimated % of sales within Onondaga County: 50%

Estimated % of sales outside Onondaga County but within New York State: 50%

Estimated % of sales outside New York State but within the U.S.: _____

Estimated % of sales outside the U.S.: _____

(*Percentage to equal 100%)

**H) Applicant History**: If the answer to any of the following is "Yes", please explain below. If necessary, attach additional information.

1. Is the company or management of the Company now a plaintiff or defendant in any civil or criminal litigation? ☐Yes ☑No
2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? ☐Yes ☑No
3. Has any person listed in Section I ever been in receivership or declared bankruptcy? Please attach any explanations. ☐Yes ☑No

**I)** Has the Project Beneficiary received assistance from OCIDA, Syracuse Industrial Development Agency (SIDA), New York State or the Onondaga Civic Development Corporation (OCDC) in the past? If yes please attach an explanation and please give year, project name, and description of benefits and address of project.

☐Yes ☑No

## Section II: Project and Site Information

A) Project Location: Location where the investment will take place. If Company is moving, the new location should be entered here and the current location should be in Section I.

Address: 8105 East Seneca Turnpike (assigned by SOCPA; subdivided from No Number Duguid Rd)

Legal Address (if different): _____

City: Manlius Village/Town: Manlius

Zip Code: 13104 School District: Fayetteville-Manlius

Tax Map Parcel ID(s): 099.-01-03.0 (to be updated once subdivision is filed)

Current Assessed Value: $251,000 (full parcel) Footage of Existing Building: 0

Census Tract: _____

B) Type (Check all that apply):

- [x] New construction
- [ ] Expansion/Addition to current facilities
- [ ] Renovation of existing facility
- [ ] Housing Project
- [x] Renewable Energy Project
- [ ] Retail
- [ ] Purchase of machinery and/or equipment
- [ ] Brownfield/Remediated Brownfield
- [ ] LEED Certification
- [ ] Demolition and Construction
- [ ] Acquisition of existing facility/property
- [ ] Other:

C) Project Narrative: A statement that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency or, if the project could be undertaken without financial assistance provided by the Agency, a statement indicating why the project should be undertaken by the agency.

* For a Retail Project (also see page 14)
* For a Renewable Energy Project (also see page 15)
* For a Housing Project (also see page 17)

D) Description of Project: Please provide a detailed narrative of the proposed Project. Please separately attach the description and any copies of site plans, sketches or maps. This narrative should include, but is not limited to:

- [x] (i) the size of the Project in square feet and a breakdown of square footage per each intended use;
- [x] (ii) the size of the lot upon which the Project sits or is to be constructed;
- [x] (iii) the current use of the site and the intended use of the site upon completion of the Project;

☑ (iv) the principal products to be produced and/or the principal activities that will occur on the Project site;

☑ (v) please describe your method for site control (Own, lease, other).

E) Select Project type for all end users at Project site (you may check more than one):
**Please check any and all end users as identified below

| | |
|---|---|
| ☐ Industrial | ☐ Bank Office |
| ☐ Acquisition of Existing Facility | ☐ Retail ( see page 14) |
| ☐ Housing Project ( see page 17 ) | ☐ Mixed Use |
| ☐ Equipment Purchase | ☐ Facility for Aging |
| ☐ Multi-Use Tenant | ☐ Civic Facility (not for profit) |
| ☑ Renewable Energy Project ( see page 15) | ☐ Other _____ |
| ☐ Commercial | |

F) If applicant will not occupy 100% of the building in a real estate transaction, provide information on tenant(s) that includes name, present address, and percentage of project to be leased, type of business organization, relationship to applicant, date and term of lease.

G) For the Agency to consider this Project, please provide the following information:

1. Does the Project consist of new construction or expansion or substantial renovation of an existing facility?
   ☑ Yes ☐ No
2. Will the Project create new employment opportunities or retain existing jobs that may otherwise be lost?
   ☐ Yes ☑ No
3. Does the Project beneficiary serve a customer base primarily outside of Onondaga County?
   ☐ Yes ☑ No

H) Will the completion of the Project result in the removal of an industrial or manufacturing plant of the company from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the company located within the state? Please explain if you answer "Yes" by attaching a response.

☐ Yes ☑ No

I) Please attach a description of any compelling circumstances the Agency should be aware of while reviewing this application.

J) Local Approvals (Site Plan and Environmental Review)

1. Have site plans been submitted to the appropriate town or local planning department?

   ☑ Yes. What is the status? ☐ No. When will the plans be submitted?

   SEQRA Neg Dec and Special Use Permit have been awarded.

2. Has the project received site plan approval from the town or local planning board?

   ☑ Yes ☐ No

3. If no, what is the anticipated approval date? _____

4. If yes, provide the Agency with a copy of the Planning Board's approval resolution along with the related SEQR determination. (NOTE: SEQR determination is required for final approval and sales tax agency appointment.)

5. Environmental Information

   a. Please attach the appropriate Environmental Impact Forms to your application. Here is a link to the SEQR forms: http://www.dec.ny.gov/permits/6191.html

   b. Have any environmental issues been identified on the property?

      ☐ Yes ☑ No

      If yes, please attach an explanation.

## Section III: Construction

A) Project Costs and Finances

| Description of Costs | Total Budget Amount | % of Total Budget to be Procured in Onondaga County | Total Private Expenditure (should be less than or equal to total budget amount) |
|---|---|---|---|
| Land Acquisition | 750000 | | |
| Site Work/Demo | 3500000 | | |
| Building Construction & Renovation | | | |
| Furniture & Fixtures | | | |
| Equipment | 4000000 | | |
| Engineering/Architect | 450000 | | |
| Financial Charges | 250000 | | |
| Legal | 50000 | | |
| Other | | | |
| Management/Developer Fees | | | |
| **Total Project Cost** | 9000000 | | |

**Note: Do not include OCIDA fees, OCIDA application fees or OCIDA legal fees as part of the Total Project Cost. You may attach a separate chart if needed.**

B) TOTAL Capital Costs $ 9,000,000

Project refinancing: estimated amount
(for refinancing of existing debt only) $ _____

Sources of Funds for Project Costs:

1. Bank Financing $ 7,200,000
2. Equity (excluding equity that is attributed to grants/tax credits) $ 1,800,000
3. Tax Exempt Bond Issuance (if applicable) $ _____
4. Taxable Bond Issuance (if applicable) $ _____

5. Public Sources (Include sum total of all state and federal grants and tax credits) $ 3,900,000

-Identify each state and federal grant/credit:

Federal Investment Tax Credit $ 2,340,000

NYSERDA NY-Sun $ 1,560,000

_____ $ _____

6. Total Sources of Funds for Project Costs $ 12,900,000

C) Employment and Payroll Information

*Full Time Equivalent (FTE) is defined as one employee working no less than 40 hours per week or two or more employees together working a total of 40 hours per week.

1. Are there people currently employed at the project site?
   ☐ Yes ☑ No If yes, provide number of FTE jobs at the facility: _____
2. Complete the following:

| | |
|---|---|
| Estimate the number of FTE jobs to be retained as a result of this Project: | 0 |
| Estimate the number of construction jobs to be created by this Project: | 100 |
| Estimate the average length of construction jobs to be created (months): | 5 months |
| Current annual payroll at facility: | |
| Please list, if any, benefits that will be available to either full and/or part time employees: | |
| Average annual benefit paid by the company ($ or % salary) per FTE job: | |
| Amount or percent of wage employees pay for benefits: | |
| Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oneida, Oswego, and Cortland Counties) to fill new FTE jobs: | |

D) New Employment Benefits

i. Complete the following chart indicating the number of FTE jobs presently employed at the Project and the number of FTE jobs that will be created at the Project site at the end of the first, second, and third, years after the Project is completed. Jobs should be listed by title of category (see below), including FTE independent contractors or employees of independent contractors that work at the Project location. Do not include construction workers.

ii. Feel free to include additional information or a substitute chart if you think additional material would add clarity.

Please use this chart to illustrate the current employment:

| Job Title/Category | Current Annual Pay | Current Employment (FTE) |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

Please use this chart to illustrate the projected employment growth:

| Job Title/Category | Current Annual Pay | Jobs Created Year 1 | Jobs Created Year 2 | Jobs Created Year 3 |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

If you prefer, you may attach a job chart of your own that outlines the job growth projections regarding the Project.

E) Financial Assistance sought (estimated values):

☐ Real Property Tax Abatement (PILOT): _____

☑ Mortgage Recording Tax Exemption (.75% of amount mortgaged): 54,000

☑ Sales and Use Tax Exemption (4% Local, 4% State): 360,000 (only 4% local applies)

☐ Tax Exempt Bond Financing (Amount Requested): _____

☐ Taxable Bond Financing (Amount Requested): _____

F) Mortgage Recording Tax Exemption Benefit Calculator: Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/ bridge financing): $ 7,200,000

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above, multiplied by .0075): $ 54,000

G) Sales and Use Tax Benefit Calculator: Gross amount of costs for goods and services that are subject to State and local Sales and Use Tax – said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

$ 9,000,000

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure, above) (This should match the amount in section "E" on page 9, this calculation only exists to help you with your estimate):

$ 360,000

## Section IV: Estimate of Real Property Tax Abatement Benefits

Section IV of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application prior to the completed application being provided to the OCIDA Board.

A) PILOTS Estimate Table Worksheet

| | |
|---|---|
| OCIDA estimate of current value | |
| New construction and renovation costs | |
| OCIDA estimate of increase in value | |
| OCIDA estimated value of completed project | |
| OCIDA estimate of taxes that would have been collected if the project did not occur | |
| Scheduled PILOT payments | |

| PILOT Year | Exemption % | County PILOT Amount | Local PILOT Amount | School PILOT Amount | Total PILOT | Full Tax Payment w/o PILOT | Net Exemption |
|---|---|---|---|---|---|---|---|
| 1 | 100 | | | | | | |
| 2 | 90 | | | | | | |
| 3 | 80 | | | | | | |
| 4 | 70 | | | | | | |
| 5 | 60 | | | | | | |
| 6 | 50 | | | | | | |
| 7 | 40 | | | | | | |
| 8 | 30 | | | | | | |
| 9 | 20 | | | | | | |
| 10 | 10 | | | | | | |
| TOTAL | | | | | | | |

Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff.

## SECTION: V For Retail Projects Only

1. Will the cost of the retail portion of the Project exceed one-third of the total project cost?

☐Yes ☐No

2. Is the Project located in a distressed area? A distressed area is a census tract that has a) a poverty rate of a least 20% or at least 20% of households receiving public assistance, and (b) an unemployment rate of least 1.25 times the statewide unemployment rate for the year to which the date relates.

☐Yes ☐No

3. Is the Project likely to attract a significant number of visitors from outside of the economic development region?

☐Yes ☐No

4. Is the predominate 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 Town, City, County or Village of where the Project will be located.

☐Yes ☐No

## SECTION VI: For Solar Projects Only

Please complete the following as an addendum:

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the Project would be affected if these benefits were not provided. [see Section II (C)]

2. Is the applicant leasing the property?
   - ☐ Yes, please provide a copy of the lease
   - ☑ No, purchased the property. Please provide documentation.

3. Has the applicant provided written communication to the affected taxing jurisdictions notifying them of its intent to construct a renewable energy project?
   - ☑ Yes
   - ☐ No

4. Has the applicant received a letter of support for the megawatt cost to be used as a basis for the PILOT from the town, city or village where the Project is located?
   - ☐ Yes. Please provide copy.
   - ☑ No

5. Has the applicant received a letter of support for the megawatt cost to be used as a basis for PILOT from the school district?
   - ☐ Yes. Please provide copy.
   - ☑ No

6. Is the entire parcel being used for the solar project?
   - ☐ Yes
   - ☑ No, if not, have you reached out to the town assessor to discuss a subdivision or slash parcel? Explain: A SUP of our proposed site plan and subdivision has been received from the Town of Manlius.

7. Will the applicant enter into a decommissioning plan with the host community, including financial assurance the plan can be executed?
   - ☑ Yes, explain.
   - ☐ No

**PLEASE SEE FOLLOWING PAGE FOR OCIDA SOLAR BEST PRACTICES*

# OCIDA SOLAR PILOTs GUIDANCE AND BEST PRACTICE

To be placed on the OCIDA meeting agenda, proposed solar projects must provide OCIDA with the following in advance of the Project's first OCIDA meeting:

1. Fully completed OCIDA application.
2. Copy of Environmental Assessment Form.
3. A SEQR resolution approved by a local municipality indicating municipality will be lead agency, the type of action (I, II, or unlisted) and, if completed, the SEQR determination made by the municipality.
4. Copies of your zoning applications submitted to the local municipality.
5. Verification of parcel subdivision process with the town (if the entire parcel will not be used for the solar project).
6. A statement clarifying whether the applicant will lease or purchase the real property on which the Project is situated. If leased, provide a copy of the proposed or executed lease. If lease parcel is less then entire parcel then see 5 above.
7. A supporting document from the School District and the Town Board outlining the agreed upon cost per megawatt to be used as a basis for the PILOT. OCIDA cannot create the PILOT schedule without this information.

You will receive a draft Cost Benefit Analysis and a Draft PILOT schedule from this office. You may use these documents as your Project progresses through the OCIDA approval process. OCIDA staff are available to update these two documents as needed.

## SECTION VII: For Housing Projects Only

Please complete the following as an addendum:

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the project would be impacted if these benefits were not provided. [see Section II (C)]

2. Is the Project being built in a blighted area? Please describe.

3. Is the Project fulfilling an unmet need in the area? Please explain.

4. Please provide a market study documenting a need for such housing.

5. Is there support from local government officials for the Project and for the financial assistance being requested from the Agency? Please provide written documentation.

6. Is the Project considered infill in a populated area? Please explain.

7. Does the Project provide walkability?

8. Is there additional county infrastructure necessary to service the Project? If, yes, please explain.

9. Is the Project part of a larger mixed-use development? Please describe.

## Section VIII: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, sub-contractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

**Noncompliance may result in the revocation and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne.** Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the Local Access Policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available upon request.

Prior to issuance of any NYS Tax & Finance ST-60 forms, the Applicant must submit a **Contractor Status Report to the Agency.**

In consideration of the extension of financial assistance by the Agency CVE US EI6 Manlius West LLC (the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency's application at the time of the application to the Agency and as part of a request to extend the valid date of the Agency's tax-exempt certificate for the Project. The Company understands that an Agency tax-exempt certificate is typically valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands that any request for a waiver to this policy must be submitted in writing and approved by the Agency.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of 01/03/22 (date).

Company: CVE US EI6 Manlius West LLC

Representative for Contract: David Froelich

Address: 109 W 27th St City: New York State: NY Zip: 10001

Phone: 914-847-0043 Email: david.froelich@cvegroup.com

Project Address: 8105 East Seneca Turnpike City: Manlius State: NY Zip: 13104

General Contractor: TBD

Contact Person: TBD

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Authorized Representative: David Froelich Title: Director of Business Development

Signature: _____

# Section IX: Agency Fee Schedule

* Minimum Fee to be applied to all project receiving OCIDA benefits is 1% of the Total Project Cost (TPC)

| ACTIVITY | FEES | COMMENTS |
|---|---|---|
| Non- refundable Application Fee | $1,000 | Due at time of application |
| Legal Deposit | $2,500 | Due at time of application |
| Minimum Fee of 1% of TPC<br><br>1. Sales and Use Tax Exemption<br><br>2. Mortgage Recording Tax<br><br>3. PILOT **is an additional fee** | .01 X TPC<br><br>.0025 X TPC (total .0125) | Due at closing |
| Bonds<br>Bond refinancing and refunding | .0025 of TPC | Due at closing |
| Agency Legal Fees<br><br>Fee for first $20 million<br><br>Fee for expenses above $20 million | .0025 X of the project cost or bond amount<br><br>.00125 X of project cost or bond amount | Due at closing |

OCIDA reserves the right to modify this schedule at any time and assess fees and charges in connection with other transactions such as grants of easement or lease or sale of OCIDA-owned property.

## Section X: Recapture of Tax Abatement/Exemptions

**Information to be Provided by Companies:** Each Company agrees that to receive benefits from the Agency it must, whenever requested by the Agency or required under applicable statutes or project documents, provide and certify or cause to be provided and certified such information concerning the Company, its finances, its employees and other topics which shall, from time to time, be necessary or appropriate, including but not limited to, such information as to enable the Agency to make any reports required by law or governmental regulation.

Please refer to the OCIDA Uniform Tax Exemption Policy. (add hyperlink)

**I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.**

Name of Applicant Company CVE US EI6 Manlius West, LLC

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: 01/03/22

## Section XI: Conflict of Interest

Agency Board Members

1. Patrick Hogan, Chairperson
2. Janice Herzog, Vice Chairperson
3. Steve Morgan, Director
4. Victor Ianno, Director
5. Sue Stanczyk, Director
6. Kevin Ryan, Director
7. Fanny Villarreal, Director

Agency Officers/Staff

1. Robert M. Petrovich, Executive Director
2. Nathaniel Stevens, Treasurer
3. Nancy Lowery, Secretary
4. Karen Doster, Recording Secretary
5. Christopher Cox, Assistant Treasurer

Agency Legal Counsel & Auditor

1. Jeffrey Davis, Esq., Barclay Damon LLP
2. Amanda Fitzgerald, Esq., Barclay Damon LLP
3. Michael G. Lisson, CPA, Grossman St. Amour Certified Public Accountants PLLC

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

Name of Applicant Company CVE US EI6 Manlius West, LLC

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: 01/03/22

## Section XII: Representations, Certifications, and Indemnification

David Froelich (Name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Director of Business Development (title) of CVE US EI6 Manlius West, LLC (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

**A. First Consideration for Employment:** In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.

**B. Other NYS Facilities:** In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which will result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or is reasonably necessary.

**C. Annual Sales Tax Filings:** In accordance with §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, 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.

**D. Outstanding Bonds:** The Applicant understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.

**E. Employment Reports:** The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant agrees to file with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, with said report being an agenda item subject to the open meetings law.

**F. Absence of Conflicts of Interest:** The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Section X.

**G. Compliance:** The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

**H.** The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the Agency. (1) No funds of the Agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

**I.** The Applicant confirms and acknowledges that the owner, occupant or operator receiving financial assistance for the proposed Project is in substantial compliance with applicable local, state, and federal tax, worker protection and environmental laws, rules and regulations.

**J.** The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement in the Project.

**K.** The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

**L.** The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statement contained herein not misleading.

**M.** The OCIDA has the right to request and inspect supporting documentation regarding attestations made on this application.

**N. Hold Harmless Agreement:** Applicant hereby releases Onondaga County Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (A) the Agency'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 tax-exemptions and other assistance requested therein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action 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 or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the process of the Application, including attorney's fees, if any.

Name of Applicant Company: CVE US EI6 Manlius West, LLC

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: 01/03/22

STATE OF NEW YORK )

COUNTY OF ONONDAGA ) ss.;

_____, being first duly sworn, deposes and says:

1. That I am the_____(Corporate Officer) of_____ (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.

2. That I have read and attached Application, I Know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this_____day of__, 20_____.

_____

(Notary Public)

End of Application

Rev 8.5.21

January 4th, 2022

Onondaga County IDA
333 W. Washington St, Suite 130
Syracuse, NY 13202

**RE: OCIDA Benefits Application - Section VI: For Solar Projects Only**

Dear OCIDA,

Please see the response from CVE US EI6 Manlius West, LLC regarding Section VI: For Solar Projects Only of the OCIDA Application.

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the Project would be affected if these benefits were not provided. [see Section II (C)]

Incentives from NYSERDA for renewable energy projects have drastically dropped over the past few years and more recently construction costs have increased ~10%. The project needs financial assistance from the Agency or the viability of the project is in jeopardy. The project will bring Tremendous environmental benefits, including removing millions of pounds of carbon from the electricity grid. The project will deliver millions of dollars of energy savings for ~1,000 local residents over a 25 year period. The project will contribute 5MWac towards the State's goal of 6 GW of distributed solar by 2025. A Host Community Benefit Agreement for the Town of Manlius has been negotiated and approved.

2. Is the applicant leasing the property?
☐ Yes, please provide a copy of the lease
☒ No, purchased the property. Please provide documentation.

3. Has the applicant provided written communication to the affected taxing jurisdictions notifying them of its intent to construct a renewable energy project?
☒ Yes
☐ No

4. Has the applicant received a letter of support for the megawatt cost to be used as a basis for the PILOT from the town, city or village where the Project is located?
☐ Yes. Please provide copy.
☒ No: a 487 PILOT agreement between the project and the Town has been approved and will be executed.

5. Has the applicant received a letter of support for the megawatt cost to be used as a basis for PILOT from the school district?

☐ Yes. Please provide copy.
☒ No: a 487 PILOT agreement between the project and the School District has been approved and will be executed.

6. Is the entire parcel being used for the solar project?
☐ Yes
☒ No, if not, have you reached out to the town assessor to discuss a subdivision or slash parcel? Explain:
A SUP of our proposed site plan and subdivision has been received from the Town of Manlius.

7. Will the applicant enter into a decommissioning plan with the host community, including financial assurance the plan can be executed?
☒ Yes, explain. Yes, a decommissioning plan has been filed and approved by the Town of Manlius.
☐ No

Sincerely,
Carson Weinand
Senior Business Developer
Carson.weinand@cvegroup.com
239-784-8080

December 15th, 2021

Onondaga County IDA
333 W. Washington St, Suite 130
Syracuse, NY 13202

**RE: OCIDA Benefits Application - Section II, D: Description of Project**

Dear OCIDA,

Please see the response from CVE US EI6 Manlius West, LLC regarding Section II, D: Description of Project of the OCIDA Application.

x (i) the size of the Project in square feet and a breakdown of square footage per each intended use;

- 40 acres, 5.0 MWac

x (ii) the size of the lot upon which the Project sits or is to be constructed;

- 75 acres (to be subdivided from existing 225 acre parcel)

x (iii) the current use of the site and the intended use of the site upon completion of the Project;

- Current use of the site is an agricultural farm. The intended use of the site is solar renewable energy facility.

x (iv) the principal products to be produced and/or the principal activities that will occur on the Project site;

- The generation of solar electricity.

☐ (v) please describe your method for site control (Own, lease, other).

- Purchase and Sale Agreement.

Sincerely,
Carson Weinand
Senior Business Developer
Carson.weinand@cvegroup.com
239-784-8080

# Onondaga County Industrial Development Agency

**Project Summary Draft** 1/14/2022

| | | | |
|---|---|---|---|
| **1. Project** | **Immediate Mailing Services, Inc** | **2. Project Number** | **3101-21-15B** |
| **3. Location** | Clay | **4. School District** | |
| | | **6. Project Type** | Expansion and renovation |
| **5. Tax Parcel(s)** | 095.-02-20.2 | **Village** | Liverpool |

| | | |
|---|---|---|
| **7.Total Project Cost** | **$** | **1,100,000.00** |
| Land | $ | 480,000 |
| Site Work | $ | - |
| Building | $ | 500,000 |
| Furniture & Fixtures | $ | - |
| Equipment | $ | 100,000 |
| Equipment Subject to NYS Production Exemption | $ | - |
| Engineering/Architecture Fees | $ | 10,000 |
| Financial Charges | $ | 5,000 |
| Legal Fees | $ | 5,000 |
| Other | $ | - |

| | |
|---|---|
| **8. Total Jobs** | 8 |
| 8A. Job Retention | 0 |
| 8B: Job Creation (Next 5 Years) | 8 |

## Cost Benefit Analysis

**Immediate Mailing Services, Inc**

| | **Fiscal Impact ($)** |
|---|---|
| **Estimated Abatement Cost** | **$123,261** |
| Sales Tax Abatement | $88,000 |
| Mortgage Recording Tax Abatement | $3,600 |
| Real Property Tax Relief | $31,661 |
| **New Investment** | **$6,003,674** |
| PILOT Payments | $192,449 |
| Project Wages (10 years) | $4,490,000 |
| Construction Wages | $326,475 |
| Employee Benefits (10 years) | $0 |
| Project Capital Investment | $980,000 |
| Agency Fees | $14,750 |
| **Benefit:Cost Ratio** | **48.71 :1** |

## Project Description

IMS, Inc is proposing to expand their operation by acquiring and renovatiing three buildings, approximately 15,892 sq.ft., to be used for warehousing and office space. This project is located in the Town of Clay.

# Immediate Mailing Services, Inc

**1/7/2022**

A) PILOTS Estimate Table Worksheet DRAFT

for **10** years

| | | | | |
|---|---|---|---|---|
| **OCIDA estimate of current market value** | | | | $ 441,417 |
| **Projected investment** | | | | $ 500,000 |
| **OCIDA estimate of increase in value** | | | | $ 158,920 |
| **OCIDA estimated value after project is completed** | | | | $ 600,337 |
| **Taxes that would have been collected if the project did not occur** | | | | $ 164,784 |
| **Scheduled PILOT payments** | | | | $ 192,449 |

| PILOT YEAR | Exemption % | Onondaga County | Clay | Liverpool School District | Total PILOT | Full Tax Payment w/o PILOT | Net Exemption |
|---|---|---|---|---|---|---|---|
| 1 | 100% | $ 2,161 | $ 1,119 | $ 11,769 | $ 15,049.11 | $ 20,467 | $ 5,418 |
| 2 | 90% | $ 2,284 | $ 1,183 | $ 12,436 | $ 15,902.73 | $ 20,876 | $ 4,974 |
| 3 | 80% | $ 2,410 | $ 1,248 | $ 13,126 | $ 16,784.47 | $ 21,294 | $ 4,510 |
| 4 | 70% | $ 2,541 | $ 1,316 | $ 13,838 | $ 17,695.13 | $ 21,720 | $ 4,025 |
| 5 | 60% | $ 2,676 | $ 1,386 | $ 14,573 | $ 18,635.49 | $ 22,154 | $ 3,519 |
| 6 | 50% | $ 2,815 | $ 1,458 | $ 15,333 | $ 19,606.39 | $ 22,597 | $ 2,991 |
| 7 | 40% | $ 2,959 | $ 1,533 | $ 16,116 | $ 20,608.68 | $ 23,049 | $ 2,441 |
| 8 | 30% | $ 3,108 | $ 1,610 | $ 16,925 | $ 21,643.21 | $ 23,510 | $ 1,867 |
| 9 | 20% | $ 3,261 | $ 1,689 | $ 17,760 | $ 22,710.88 | $ 23,980 | $ 1,270 |
| 10 | 10% | $ 3,419 | $ 1,771 | $ 18,622 | $ 23,812.60 | $ 24,460 | $ 648 |
| **TOTAL** | | **$ 27,636** | **$ 14,314** | **$ 150,499** | **$ 192,449** | **$ 224,109** | **$ 31,661** |

| | Year | | | | |
|---|---|---|---|---|---|
| | **0** | **1** | **2** | **3** | |
| **Jobs** | | | | | |
| **Current/Actuals** | 0 | | | | |
| **Creation Goals** | | 5 | 3 | | |
| **Total Employment Goals** | 0 | 5 | 8 | 8 | |

**ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**
**APPLICATION FOR BENEFITS**

1. Fill in all blanks using "none", "not applicable" or "not available". If you have any questions about the way to respond, please call the Onondaga County Industrial Development Agency (the "Agency" or "OCIDA") at 315-435-3770.

2. If providing an estimate put "(est.)" after the figure or answer. If more space is needed to answer any specific question, attach a separate sheet.

3. If the OCIDA Board approves benefits, it is the company's responsibility to obtain and submit all necessary forms and documents.

4. When completed, return this Application by mail or fax to the Agency at the address indicated below. A signed application may also be submitted electronically in PDF format to Nancy Lowery at nancylowery@ongov.net. **An Application will not be considered by the Agency until the Application fee has been received.**

5. The Agency will not give final approval for this Application until the Agency receives a completed NYS Full Environmental Assessment Form concerning the project which is the subject of this Application. The form is available at http://www.dec.ny.gov/permits/6191.html.

6. Please note the Public Officers Law declares all records in the possession of the OCIDA (with certain limited exceptions) are open to public inspection and copying. If the Applicant is of the opinion that there are elements of the project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant's competitive position, this Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officer's Law, the OCIDA may also redact personal, private, and/or proprietary information from publicly disseminated documents.

7. The Applicant will be required to pay the Agency Application fee and, if accepted as a project of the Agency, all administrative and legal fees as stated in Section VI of the Application.

8. A complete Application consists of the following 9 items:
   - This Application
   - Local Access Agreement
   - Employment Plan
   - Conflict of Interest
   - A feasibility statement indicating the need for the requested benefits
   - Description of Project, Site Plans/Sketches, and Maps
   - NYS Full Environmental Assessment Form
   - A check payable to the Agency in the amount of $1,000
   - A check payable to Barclay Damon LLP in the amount of $2,500

9. This Application was adopted by the OCIDA Board on September 14, 2021.

**It is the policy of the Agency that any project receiving benefits from the Onondaga County Industrial Development Agency will utilize 100% local contractors and local labor for the construction period of the project unless a waiver is granted in writing by the Agency.**

**Return to:**

Onondaga County Industrial Development Agency
Attn: Nancy Lowery
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770 | Fax: 315-435-3669
nancylowery@ongov.net

## Section I: Applicant Information

Please answer all questions. Use "None", "Not Applicable" and "See Attached" where necessary.

Submittal Date: _____

**A) Applicant/Project Operator information (company receiving benefits):**

Applicant/Project Operator: Immediate Mailing Services, Inc

Applicant/ Project Operator Address: 245 Commerce Blvd, Liverpool NY

Phone: 315-437-4189 Fax: _____

Website: IMSDIRECT.com E-mail: swilks@imsdirect.com

Federal ID#: 16-1313143 NAICS: _____

State and Year of Incorporation/Organization: NY and 1987

Owner (if different from Applicant/Project Owner): 245 Commerce LLC

Owner Address: _____

Federal ID#: 20-2279231

State and Year of Incorporation/Organization: 01/01/2005

List of stockholders, members, or partners of Owner:
Warren Lee Vanderpool and John Maisha

**B) Individual Completing Application:**

Name: Warren Lee Vanderpool

Title: Owner

Address: _____

Phone: _____ Fax: _____

E-mail: Leev@imsdirect.com

**C) Company Contact (if different from individual completing application):**

Name: Sam Wilks

Title: Senior Accountant

Address: 245 Commerce Blvd, Liverpool NY 13088

Phone: 315-437-4189 Cell Phone: _____

E-mail: swilks@imsdirect.com

**D) Company Counsel:**

Name of Attorney: Dominick Giacona

Firm Name: DVG Law

Address: 110 Genesee Street, Auburn NY 13021

Phone: 315-370-3642 Cell Phone: _____

E-mail: dgiacona@dvglaw.com

**E) Business Organization (check appropriate category):**

☑ Corporation ☐ Partnership

☐ Public Corporation ☐ Joint Venture

☐ Sole Proprietorship ☐ Limited Liability Company

☐ Other (please specify): _____

Year Established: 1987

State in which Organization is established: NY

**F) List all stockholders, members, or partners with % of ownership greater than 5%:**

| Name | % of ownership |
|---|---|
| Warren Lee Vanderpool | 93 |
| John Mashia | 7 |
| | |
| | |

**G) Applicant Business Description:**

Please attach a description of your Company's background, products, customers, goods and services.

Estimated % of sales within Onondaga County: 55.10%

Estimated % of sales outside Onondaga County but within New York State: 15.23%

Estimated % of sales outside New York State but within the U.S.: 29.67%

Estimated % of sales outside the U.S.: 0

(*Percentage to equal 100%)

**H) Applicant History**: If the answer to any of the following is "Yes", please explain below. If necessary, attach additional information.

1. Is the company or management of the Company now a plaintiff or defendant in any civil or criminal litigation? ☐Yes ☑No
2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? ☐Yes ☑No
3. Has any person listed in Section I ever been in receivership or declared bankruptcy? Please attach any explanations. ☐Yes ☑No

**I)** Has the Project Beneficiary received assistance from OCIDA, Syracuse Industrial Development Agency (SIDA), New York State or the Onondaga Civic Development Corporation (OCDC) in the past? If yes please attach an explanation and please give year, project name, and description of benefits and address of project.

☑Yes ☐No

## Section II: Project and Site Information

A) Project Location: Location where the investment will take place. If Company is moving, the new location should be entered here and the current location should be in Section I.

Address: 4575 Buckley Road

Legal Address (if different): _____

City: Clay Village/Town: Liverpool

Zip Code: 13088 School District: _____

Tax Map Parcel ID(s): 095.-02-20.2.

Current Assessed Value: $ 441,417 Footage of Existing Building: ~15,892

Census Tract: 45060.36.067.0111.02

B) Type (Check all that apply):

- ☐ New construction
- ☑ Expansion/Addition to current facilities
- ☑ Renovation of existing facility
- ☐ Housing Project
- ☐ Renewable Energy Project
- ☐ Retail
- ☐ Purchase of machinery and/or equipment
- ☐ Brownfield/Remediated Brownfield
- ☐ LEED Certification
- ☐ Demolition and Construction
- ☐ Acquisition of existing facility/property
- ☐ Other:

C) Project Narrative: A statement that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency or, if the project could be undertaken without financial assistance provided by the Agency, a statement indicating why the project should be undertaken by the agency.

* For a Retail Project (also see page 14)
* For a Renewable Energy Project (also see page 15)
* For a Housing Project (also see page 17)

D) Description of Project: Please provide a detailed narrative of the proposed Project. Please separately attach the description and any copies of site plans, sketches or maps. This narrative should include, but is not limited to:

☐ (i) the size of the Project in square feet and a breakdown of square footage per each intended use;

☐ (ii) the size of the lot upon which the Project sits or is to be constructed;

☐ (iii) the current use of the site and the intended use of the site upon completion of the Project;

☐ (iv) the principal products to be produced and/or the principal activities that will occur on the Project site;

☐ (v) please describe your method for site control (Own, lease, other).

E) Select Project type for all end users at Project site (you may check more than one):
**Please check any and all end users as identified below

| | |
|---|---|
| ☐ Industrial | ☐ Bank Office |
| ☐ Acquisition of Existing Facility | ☐ Retail ( see page 14) |
| ☐ Housing Project ( see page 17 ) | ☐ Mixed Use |
| ☐ Equipment Purchase | ☐ Facility for Aging |
| ☐ Multi-Use Tenant | ☐ Civic Facility (not for profit) |
| ☐ Renewable Energy Project ( see page 15) | ☐ Other _____ |
| ☑ Commercial | |

F) If applicant will not occupy 100% of the building in a real estate transaction, provide information on tenant(s) that includes name, present address, and percentage of project to be leased, type of business organization, relationship to applicant, date and term of lease.

G) For the Agency to consider this Project, please provide the following information:

1. Does the Project consist of new construction or expansion or substantial renovation of an existing facility?
   ☑ Yes ☐ No
2. Will the Project create new employment opportunities or retain existing jobs that may otherwise be lost?
   ☑ Yes ☐ No
3. Does the Project beneficiary serve a customer base primarily outside of Onondaga County?
   ☐ Yes ☑ No

H) Will the completion of the Project result in the removal of an industrial or manufacturing plant of the company from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the company located within the state? Please explain if you answer "Yes" by attaching a response.

☐ Yes ☑ No

I) Please attach a description of any compelling circumstances the Agency should be aware of while reviewing this application.

J) Local Approvals (Site Plan and Environmental Review)

1. Have site plans been submitted to the appropriate town or local planning department?

   ☑Yes. What is the status? ☐No. When will the plans be submitted?

   Was determined no SEQR was necessary, only building permit. No approval necessary

2. Has the project received site plan approval from the town or local planning board?

   ☐Yes ☑No

3. If no, what is the anticipated approval date? No approval necessary. Waiting on building permit
4. If yes, provide the Agency with a copy of the Planning Board's approval resolution along with the related SEQR determination. (NOTE: SEQR determination is required for final approval and sales tax agency appointment.)
5. Environmental Information
   a. Please attach the appropriate Environmental Impact Forms to your application. Here is a link to the SEQR forms: http://www.dec.ny.gov/permits/6191.html
   b. Have any environmental issues been identified on the property?

      ☐Yes ☑No

      If yes, please attach an explanation.

## Section III: Construction

A) Project Costs and Finances

| Description of Costs | Total Budget Amount | % of Total Budget to be Procured in Onondaga County | Total Private Expenditure (should be less than or equal to total budget amount) |
|---|---|---|---|
| Land Acquisition | 480,000 | 100% | |
| Site Work/Demo | | | |
| Building Construction & Renovation | 500,000 | 80% | 20% |
| Furniture & Fixtures | | | |
| Equipment | 100,000 | 80% | 20% |
| Engineering/Architect | 10,000 | 100% | |
| Financial Charges | 5,000 | 100% | |
| Legal | 5,000 | 100% | |
| Other | | | |
| Management/Developer Fees | | | |
| **Total Project Cost** | 1,100,000 | | |

**Note: Do not include OCIDA fees, OCIDA application fees or OCIDA legal fees as part of the Total Project Cost. You may attach a separate chart if needed.**

B) TOTAL Capital Costs $ 1,100,000

Project refinancing: estimated amount
(for refinancing of existing debt only) $ 0

Sources of Funds for Project Costs:

1. Bank Financing $ 800,000
2. Equity (excluding equity that is attributed to grants/tax credits) $ 300,000
3. Tax Exempt Bond Issuance (if applicable) $ _____
4. Taxable Bond Issuance (if applicable) $ _____

5. Public Sources (Include sum total of all state and federal grants and tax credits) $ _____

-Identify each state and federal grant/credit:

_____ $ _____

_____ $ _____

_____ $ _____

6. Total Sources of Funds for Project Costs $ 1,100,000

C) Employment and Payroll Information

*Full Time Equivalent (FTE) is defined as one employee working no less than 40 hours per week or two or more employees together working a total of 40 hours per week.

1. Are there people currently employed at the project site?
☐Yes ☑No If yes, provide number of FTE jobs at the facility: 0

2. Complete the following:

| | |
|---|---|
| Estimate the number of FTE jobs to be retained as a result of this Project: | 0 |
| Estimate the number of construction jobs to be created by this Project: | 20 |
| Estimate the average length of construction jobs to be created (months): | 6 months |
| Current annual payroll at facility: | $0 |
| Please list, if any, benefits that will be available to either full and/or part time employees: | 401k, health insurance, dental insurance, access to supplementary insruance, PTO |
| Average annual benefit paid by the company ($ or % salary) per FTE job: | $2,609.92 |
| Amount or percent of wage employees pay for benefits: | ~ 9% |
| Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oneida, Oswego, and Cortland Counties) to fill new FTE jobs: | 8 |

D) New Employment Benefits

i. Complete the following chart indicating the number of FTE jobs presently employed at the Project and the number of FTE jobs that will be created at the Project site at the end of the first, second, and third, years after the Project is completed. Jobs should be listed by title of category (see below), including FTE independent contractors or employees of independent contractors that work at the Project location. Do not include construction workers.

ii. Feel free to include additional information or a substitute chart if you think additional material would add clarity.

Please use this chart to illustrate the current employment:

| Job Title/Category | Current Annual Pay | Current Employment (FTE) |
|---|---|---|
| 0 | 0 | 0 |
| | | |
| | | |
| | | |
| | | |

Please use this chart to illustrate the projected employment growth:

| Job Title/Category | Current Annual Pay | Jobs Created Year 1 | Jobs Created Year 2 | Jobs Created Year 3 |
|---|---|---|---|---|
| First/Mid level manager | 60,000 | 2 | 1 | |
| Professional | 75,000 | 2 | | |
| Operator Technician | 35,000 | 1 | | |
| Admin | 50,000 | | 1 | |
| Sales | 50,000 | | 1 | |

If you prefer, you may attach a job chart of your own that outlines the job growth projections regarding the Project.

E) Financial Assistance sought (estimated values):

☑ Real Property Tax Abatement (PILOT): _____

☑ Mortgage Recording Tax Exemption (.75% of amount mortgaged): 3,600

☑ Sales and Use Tax Exemption (4% Local, 4% State): 88,000

☐ Tax Exempt Bond Financing (Amount Requested): _____

☐ Taxable Bond Financing (Amount Requested): _____

F) Mortgage Recording Tax Exemption Benefit Calculator: Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/ bridge financing): $ 480,000

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above, multiplied by .0075): $ 3,600

G) Sales and Use Tax Benefit Calculator: Gross amount of costs for goods and services that are subject to State and local Sales and Use Tax – said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

$ 1.1M

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure, above) (This should match the amount in section "E" on page 9, this calculation only exists to help you with your estimate):

$ 88,000

## Section IV: Estimate of Real Property Tax Abatement Benefits

Section IV of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application prior to the completed application being provided to the OCIDA Board.

A) PILOTS Estimate Table Worksheet

| | |
|---|---|
| OCIDA estimate of current value | |
| New construction and renovation costs | |
| OCIDA estimate of increase in value | |
| OCIDA estimated value of completed project | |
| OCIDA estimate of taxes that would have been collected if the project did not occur | |
| Scheduled PILOT payments | |

| PILOT Year | Exemption % | County PILOT Amount | Local PILOT Amount | School PILOT Amount | Total PILOT | Full Tax Payment w/o PILOT | Net Exemption |
|---|---|---|---|---|---|---|---|
| 1 | 100 | | | | | | |
| 2 | 90 | | | | | | |
| 3 | 80 | | | | | | |
| 4 | 70 | | | | | | |
| 5 | 60 | | | | | | |
| 6 | 50 | | | | | | |
| 7 | 40 | | | | | | |
| 8 | 30 | | | | | | |
| 9 | 20 | | | | | | |
| 10 | 10 | | | | | | |
| TOTAL | | | | | | | |

Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff.

## SECTION: V For Retail Projects Only

1. Will the cost of the retail portion of the Project exceed one-third of the total project cost?

☐Yes ☐No

2. Is the Project located in a distressed area? A distressed area is a census tract that has a) a poverty rate of a least 20% or at least 20% of households receiving public assistance, and (b) an unemployment rate of least 1.25 times the statewide unemployment rate for the year to which the date relates.

☐Yes ☐No

3. Is the Project likely to attract a significant number of visitors from outside of the economic development region?

☐Yes ☐No

4. Is the predominate 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 Town, City, County or Village of where the Project will be located.

☐Yes ☐No

## SECTION VI: For Solar Projects Only

Please complete the following as an addendum:

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the Project would be affected if these benefits were not provided. [see Section II (C)]

2. Is the applicant leasing the property?
   - ☐ Yes, please provide a copy of the lease
   - ☐ No, purchased the property. Please provide documentation.

3. Has the applicant provided written communication to the affected taxing jurisdictions notifying them of its intent to construct a renewable energy project?
   - ☐ Yes
   - ☐ No

4. Has the applicant received a letter of support for the megawatt cost to be used as a basis for the PILOT from the town, city or village where the Project is located?
   - ☐ Yes. Please provide copy.
   - ☐ No

5. Has the applicant received a letter of support for the megawatt cost to be used as a basis for PILOT from the school district?
   - ☐ Yes. Please provide copy.
   - ☐ No

6. Is the entire parcel being used for the solar project?
   - ☐ Yes
   - ☐ No, if not, have you reached out to the town assessor to discuss a subdivision or slash parcel? Explain: _____

7. Will the applicant enter into a decommissioning plan with the host community, including financial assurance the plan can be executed?
   - ☐ Yes, explain.
   - ☐ No

*PLEASE SEE FOLLOWING PAGE FOR OCIDA SOLAR BEST PRACTICES

# OCIDA SOLAR PILOTs GUIDANCE AND BEST PRACTICE

To be placed on the OCIDA meeting agenda, proposed solar projects must provide OCIDA with the following in advance of the Project's first OCIDA meeting:

1. Fully completed OCIDA application.
2. Copy of Environmental Assessment Form.
3. A SEQR resolution approved by a local municipality indicating municipality will be lead agency, the type of action (I, II, or unlisted) and, if completed, the SEQR determination made by the municipality.
4. Copies of your zoning applications submitted to the local municipality.
5. Verification of parcel subdivision process with the town (if the entire parcel will not be used for the solar project).
6. A statement clarifying whether the applicant will lease or purchase the real property on which the Project is situated. If leased, provide a copy of the proposed or executed lease. If lease parcel is less then entire parcel then see 5 above.
7. A supporting document from the School District and the Town Board outlining the agreed upon cost per megawatt to be used as a basis for the PILOT. OCIDA cannot create the PILOT schedule without this information.

You will receive a draft Cost Benefit Analysis and a Draft PILOT schedule from this office. You may use these documents as your Project progresses through the OCIDA approval process. OCIDA staff are available to update these two documents as needed.

## SECTION VII: For Housing Projects Only

Please complete the following as an addendum:

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the project would be impacted if these benefits were not provided. [see Section II (C)]

2. Is the Project being built in a blighted area? Please describe.

3. Is the Project fulfilling an unmet need in the area? Please explain.

4. Please provide a market study documenting a need for such housing.

5. Is there support from local government officials for the Project and for the financial assistance being requested from the Agency? Please provide written documentation.

6. Is the Project considered infill in a populated area? Please explain.

7. Does the Project provide walkability?

8. Is there additional county infrastructure necessary to service the Project? If, yes, please explain.

9. Is the Project part of a larger mixed-use development? Please describe.

## Section VIII: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, sub-contractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

**Noncompliance may result in the revocation and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne.** Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the Local Access Policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available upon request.

Prior to issuance of any NYS Tax & Finance ST-60 forms, the Applicant must submit a **Contractor Status Report to the Agency.**

In consideration of the extension of financial assistance by the Agency Immediate Mailing Services, Inc (the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency's application at the time of the application to the Agency and as part of a request to extend the valid date of the Agency's tax-exempt certificate for the Project. The Company understands that an Agency tax-exempt certificate is typically valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands that any request for a waiver to this policy must be submitted in writing and approved by the Agency.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of 1/11/2022 (date).

Company: Immediate Mailing Services, Inc
Representative for Contract: Samantha Wilks
Address: 245 Commerce Blvd City: Liverpool State: NY Zip: 13088
Phone: 315-437-4189 Email: swilks@IMSDIRECT.com
Project Address: 4575 Buckley Road City: Liverpool State: NY Zip: 13090

General Contractor: _____
Contact Person: _____
Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Email: _____
Authorized Representative: _____ Title: _____
Signature: _____

## Section IX: Agency Fee Schedule

* Minimum Fee to be applied to all project receiving OCIDA benefits is 1% of the Total Project Cost (TPC)

| ACTIVITY | FEES | COMMENTS |
|---|---|---|
| Non- refundable Application Fee | $1,000 | Due at time of application |
| Legal Deposit | $2,500 | Due at time of application |
| Minimum Fee of 1% of TPC<br><br>1. Sales and Use Tax Exemption<br><br>2. Mortgage Recording Tax<br><br>3. PILOT **is an additional fee** | .01 X TPC<br><br>.0025 X TPC (total .0125) | Due at closing |
| Bonds<br>Bond refinancing and refunding | .0025 of TPC | Due at closing |
| Agency Legal Fees<br><br>Fee for first $20 million<br><br>Fee for expenses above $20 million | .0025 X of the project cost or bond amount<br><br>.00125 X of project cost or bond amount | Due at closing |

OCIDA reserves the right to modify this schedule at any time and assess fees and charges in connection with other transactions such as grants of easement or lease or sale of OCIDA-owned property.

## Section X: Recapture of Tax Abatement/Exemptions

**Information to be Provided by Companies:** Each Company agrees that to receive benefits from the Agency it must, whenever requested by the Agency or required under applicable statutes or project documents, provide and certify or cause to be provided and certified such information concerning the Company, its finances, its employees and other topics which shall, from time to time, be necessary or appropriate, including but not limited to, such information as to enable the Agency to make any reports required by law or governmental regulation.

Please refer to the OCIDA Uniform Tax Exemption Policy. (add hyperlink)

**I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.**

Name of Applicant Company: Immediate Mailing Services, Inc

Signature of Officer or Authorized Representative:

Name & Title of Officer or Authorized Representative: Samantha Wilks Senior Accountant

Date: 1/11/2022

## Section XI: Conflict of Interest

Agency Board Members

1. Patrick Hogan, Chairperson
2. Janice Herzog, Vice Chairperson
3. Steve Morgan, Director
4. Victor Ianno, Director
5. Sue Stanczyk, Director
6. Kevin Ryan, Director
7. Fanny Villarreal, Director

Agency Officers/Staff

1. Robert M. Petrovich, Executive Director
2. Nathaniel Stevens, Treasurer
3. Nancy Lowery, Secretary
4. Karen Doster, Recording Secretary
5. Christopher Cox, Assistant Treasurer

Agency Legal Counsel & Auditor

1. Jeffrey Davis, Esq., Barclay Damon LLP
2. Amanda Fitzgerald, Esq., Barclay Damon LLP
3. Michael G. Lisson, CPA, Grossman St. Amour Certified Public Accountants PLLC

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

Name of Applicant Company: Immediate Mailing Services, Inc

Signature of Officer or Authorized Representative:

Name & Title of Officer or Authorized Representative: Samantha Wilks Senior Accountant

Date: 1/11/2022

## Section XII: Representations, Certifications, and Indemnification

Samantha Wilks (Name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Senior Accountant (title) of Immediate Mailing Services, Inc (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

A. **First Consideration for Employment:** In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.

B. **Other NYS Facilities:** In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which will result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or is reasonably necessary.

C. **Annual Sales Tax Filings:** In accordance with §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, 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.

D. **Outstanding Bonds:** The Applicant understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.

E. **Employment Reports:** The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant agrees to file with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, with said report being an agenda item subject to the open meetings law.

**F. Absence of Conflicts of Interest:** The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Section X.

**G. Compliance:** The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

**H.** The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the Agency. (1) No funds of the Agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

**I.** The Applicant confirms and acknowledges that the owner, occupant or operator receiving financial assistance for the proposed Project is in substantial compliance with applicable local, state, and federal tax, worker protection and environmental laws, rules and regulations.

**J.** The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement in the Project.

**K.** The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

**L.** The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statement contained herein not misleading.

**M.** The OCIDA has the right to request and inspect supporting documentation regarding attestations made on this application.

**N. Hold Harmless Agreement:** Applicant hereby releases Onondaga County Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (A) the Agency'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 tax-exemptions and other assistance requested therein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action 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 or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the process of the Application, including attorney's fees, if any.

Name of Applicant Company: Immediate Mailing Services, Inc

Signature of Officer or Authorized Representative:

Name & Title of Officer or Authorized Representative: Samantha Wilks Senior Accountant

Date: 1/11/2022

STATE OF NEW YORK )

COUNTY OF ONONDAGA ) ss.;

Samantha Wilks, being first duly sworn, deposes and says:

1. That I am the Senior Accountant (Corporate Officer) of Immediate mailing Services, INC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.

2. That I have read and attached Application, I Know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this 10th day of January, 2022.

(Notary Public)

TARA DEBOIS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01DE6318212
Qualified in Cayuga County
My Commission Expires 01-20-2023

End of Application

Rev 8.5.21

OCIDA Application Information:

Section I

I) Has the Project Beneficiary received assistance from OCIDA, SIDA, New York State or the Onondaga Civic Development Corporation in the past? If yes please attach an explanation and please give year, project name, description of benefits and address of project: In 2019 we did an expansion project that involved purchasing another building at 220 commerce blvd, Liverpool NY in order to warehouse more supplies and to expand the current building at 245 commerce blvd Liverpool NY 13090. For this project we also applied and received aid from OCIDA. The amount of savings via the PILOT was $43,395.

Section II

I) Please attach a description of any compelling circumstances the Agency should be aware of while reviewing this application: N/A

Section II

C) IMS Current annual payroll in Liverpool ~$7,135,107

IMS current Liverpool FTE ~123

IMS current annual payroll NYS ~$10,155,772.90

IMS current NYS FTE ~181.5

Anticipated growth at Buckley location:

8 FTE

Annual payroll ~$360,000- $600,000

F) 245 Commerce LLC purchased the building in cash for $600,000, the mortgage is going to be $480,000 once the appraisal by five star bank is done. $480,000 was used for the tax benefit calculation. $800,000 was used in the financing box because a line of credit will also be used to finance the renovations.

**4575 Buckley Road**

Project Narrative:

IMS, Inc. is an integrated service provider for Conversational AI and Omnichannel Communications. IMS has the following products: conversational AI, robotic process automation, direct link, alerts & preference management, billing & payments, and statements & document solutions. The industries that IMS's customers are mostly within are healthcare, financial services, and government. IMS started out primarily with printing and mailing documents for local companies and has expanded to what it is today and continues to grow and reach into new areas and industries.

IMS is currently growing with more and larger customers. This additional buildings will be used to warehouse material and office space. By moving some offices and material storage from the main IMS building (245 Commerce) to the new buildings, we will be able to bring new equipment into the main building and increase production. The increased storage at the new facility will allow IMS to buy material in bulk when prices are good. This will allow us to keep up with the increase in customers and take on larger customers. The use of the buildings will primarily be storing material and a small section will be for offices, specifically for the IT department.

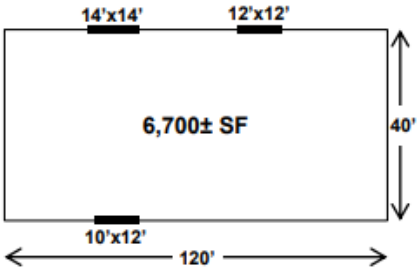
The assistance with this project would be a great investment into the growth of the company and the potential for job creation. Any financial assistance would aid this project. The growth of this company exceeds expectations year to year and our job growth increases with each passing year; this project would aid in the growth of the company even further. The project could be taken without the assistance, but it would prolong the project and make it more difficult. The project should be undertaken by the agency because it will bring more business and jobs to the area.

Building 1:

Current: Office space and warehouse space. The heat is gas and there is no AC in the warehouse. Currently empty.

Building 1






**Building Features**

- 19' ceiling height
- 16'6" clear height
- Boiler and heating systems are roughly 1.5 years old
- Restroom in warehouse and office space
- Gas fired heater in warehouse, no AC

IMS plan:

*Front space*

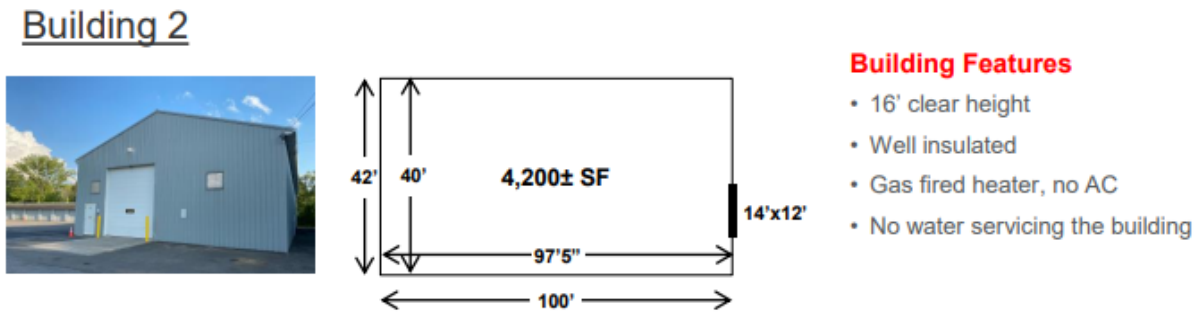
This is where the offices are going to be. The main office area will be completed gutted to start. The entire building is going to get insulated. There will be a total remodel of the interior including the addition of 2 bathrooms, 2 conference rooms, kitchen area, 6 offices, and expanded office area upstairs and downstairs.

*Back space*

This area will get turned into a warehouse space. The area will be insulated and there will be Heat/AC added. A new security system will be added, one with cameras. Wifi and electricity will be added. A new roof and sliding will be added on. There will also be new lighting and gutters, and any other outside items that need renovating.

Building 2:

Current: Warehouse building. Heat using gas, no AC, and no water servicing.

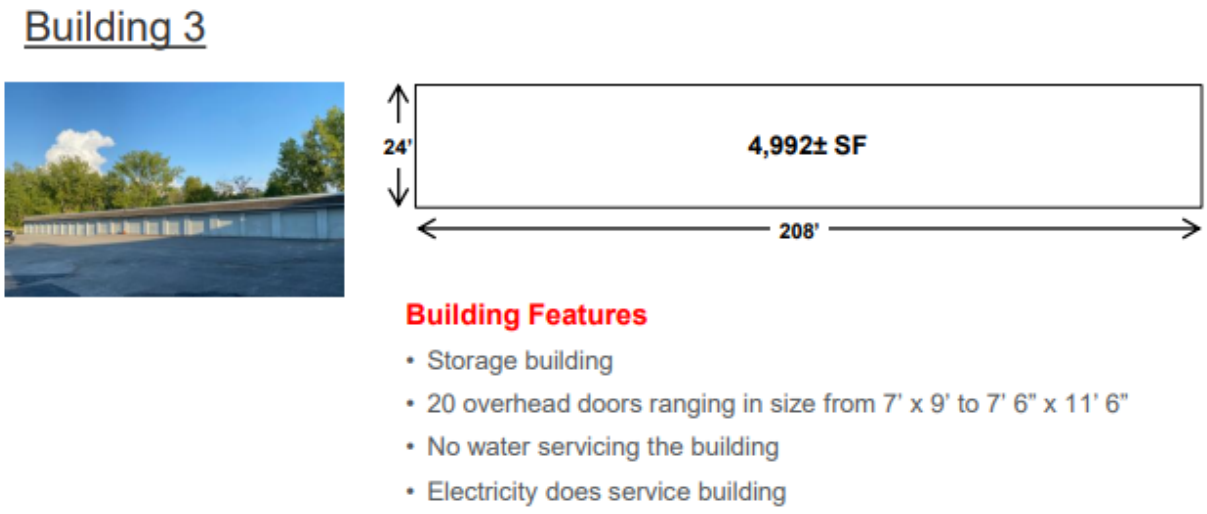



IMS Plan:

There will be A/C and humidifiers installed into the building. The building will have a loading dock added on to it. On the inside the warehouse will need new racking for pallet storage. Security system with cameras will be added to this building as well. The lighting needs an upgrade. A lift truck will be purchased for the inside for pallets.

Building 3:

Current: Storage building with 20 units, empty. No water or electricity at this building.



IMS Plan:

The doors on each unit will all be replaced. The building will need new paint and new siding. Cameras and new lighting will be added to this building. This building area is going to have fencing added around it.

<u>Exterior area:</u>

Current: Older pavement, surrounded by grass and trees.




2.22 acres

IMS Plan:

Landscape around entrance and buildings is going to get cleaned up and updated. There will be security, cameras, and updated lighting throughout the land. There will also be new fencing added to the area as well.

Town of Clay:

- We have reached out to Mark Territo and discussed the plans. Mark gave us the number for the individual we have to get the building permit through. A SEQR was determined not necessary as all renovations are interior or do not impact the surrounding land.

1.14.22

Site Control

- The land/ buildings were purchased by 245 Commerce LLC and a sublease will be set up between 245 Commerce LLC and IMS Inc. The closing on the buildings occurred the week of 12/27/2021.

*Estimated start date: Feb-March 2022

BYRNE
SINCE 1933

*James A. Gosier, General Counsel*
*Direct Dial: (315) 703-9093*
*Telefax: (315) 471-0930*
*Email: jgosier@byrne1933.com*

February 2, 2022

Robert Petrovich, Executive Director
Onondaga County Industrial Development Agency
333 W. Washington Street
Syracuse, NY 13202

Re: Ultra Dairy, LLC

Dear Bob:

As you know, Byrne is in the process of refinancing its credit facility with M & T Bank. The current credit facility includes a mortgage on the Ultra Dairy property at 6750 W. Benedict Road, East Syracuse, New York. The Ultra property is the subject of a leaseback arrangement between Ultra Dairy and OCIDA.

As part of the new financing package, the existing mortgage is likely to be modified and extended, meaning the amount of the lien may increase and the term of the mortgage extended.

Having been through this in 2018, we know that we will require from OCIDA the following:

- A Resolution of the Board of the Agency authorizing the transaction (see enclosed Resolution from 2018 as a model);
- Your signature on the actual mortgage documents (Note: your signature will not be required until approximately mid-March).

Please let us know if any additional information is needed. Thank you in advance for your assistance.

Very Truly Yours,

*James A. Gosier*

James A. Gosier, General Counsel

JAG/j
Enclosure
020222.2

# Onondaga County Industrial Development Agency

**Project Summary - DRAFT** 2/2/2022

| | | | |
|---|---|---|---|
| **1. Project** | **Fayette Manlius LLC** | **2. Project Number** | **3101-22-01A** |
| **3. Location** | Town of Manlius | **4. School District** | Fayetteville-Manlius School District |
| | | **6. Project Type** | Remediation, Demolition, and Construction |
| **5. Tax Parcel(s)** | 024.-01-05.0 and a portion of 024.-01-08.1 | **Village** | Village of Manlius |

| | | |
|---|---|---|
| **7.Total Project Cost** | **$** | **11,136,077** |
| Land | $ | 955,500 |
| Site Work | $ | 931,760 |
| Remediation | $ | 425,000 |
| Building | $ | 7,625,000 |
| Furniture & Fixtures | $ | - |
| Equipment | $ | - |
| Equipment Subject to NYS Production Exemption | $ | - |
| Engineering/Architecture Fees | $ | 196,875 |
| Financial Charges | $ | 90,075 |
| Legal Fees | $ | 100,200 |
| Other | $ | 811,667 |

| | |
|---|---|
| **8. Total Jobs** | 20 |
| 8A. Job Retention | 0 |
| 8B: Job Creation | 20 |
| (Next 5 Years) | |

## Cost Benefit Analysis

**Fayette Manlius LLC**

**Fiscal Impact ($)**

| | |
|---|---|
| **Estimated Abatement Cost** | **$2,136,903** |
| Sales Tax Abatement | $228,800 |
| Mortgage Recording Tax Abatement | $66,825 |
| Real Property Tax Relief | $1,841,278 |
| **New Investment** | **$31,144,277** |
| PILOT Payments | $1,960,116 |
| Project Wages (10 years) | $8,400,000 |
| Construction Wages | $8,270,700 |
| Employee Benefits (10 years) | $2,436,000 |
| Project Capital Investment | $9,937,260 |
| Agency Fees | $140,201 |
| **Benefit:Cost Ratio** | **15 :1** |

## Project Description

Fayetteville Manlius LLC is proposing to re-develop a site in the Town of Manlius for mixed use.

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DRAFT

# Fayette Manlius LLC 2/2/2022

A) PILOTS Estimate Table Worksheet

for 12 years

| | | | | | |
|---|---|---|---|---|---|
| **OCIDA estimate of current market value** | | | | | $ 1,278,700 |
| **Projected investment** | | | | | $ 7,625,000 |
| **OCIDA estimate of increase in value** | | | | | $ 5,181,300 |
| **OCIDA estimated value after project is completed** | | | | | $ 6,460,000 |
| **Taxes that would have been collected if the project did not occur** | | | | | $ 752,452 |
| **Scheduled PILOT payments** | | | | | $ 1,960,116 |

| PILOT YEAR | Exemption % | Onondaga County | Town of Manlius | Fayetteville-Manlius School District | Village of Manlius | Total PILOT | Full Tax Payment w/o PILOT | Net Exemption |
|---|---|---|---|---|---|---|---|---|
| 1 | 100% | $ 6,427 | $ 4,840 | $ 34,571 | $ 10,265 | $ 56,103 | $ 283,430 | $ 227,328 |
| 2 | 100% | $ 6,556 | $ 4,937 | $ 35,262 | $ 10,470 | $ 57,225 | $ 289,099 | $ 231,874 |
| 3 | 100% | $ 6,687 | $ 5,036 | $ 35,967 | $ 10,679 | $ 58,369 | $ 294,881 | $ 236,512 |
| 4 | 90% | $ 9,584 | $ 7,218 | $ 51,552 | $ 15,307 | $ 83,661 | $ 300,779 | $ 217,118 |
| 5 | 80% | $ 12,595 | $ 9,485 | $ 67,746 | $ 20,115 | $ 109,941 | $ 306,794 | $ 196,854 |
| 6 | 70% | $ 15,722 | $ 11,840 | $ 84,567 | $ 25,109 | $ 137,238 | $ 312,930 | $ 175,692 |
| 7 | 60% | $ 18,970 | $ 14,285 | $ 102,033 | $ 30,296 | $ 165,584 | $ 319,189 | $ 153,605 |
| 8 | 50% | $ 22,340 | $ 16,824 | $ 120,165 | $ 35,679 | $ 195,008 | $ 325,572 | $ 130,564 |
| 9 | 40% | $ 25,839 | $ 19,458 | $ 138,981 | $ 41,266 | $ 225,544 | $ 332,084 | $ 106,540 |
| 10 | 30% | $ 29,468 | $ 22,191 | $ 158,501 | $ 47,062 | $ 257,222 | $ 338,726 | $ 81,503 |
| 11 | 20% | $ 33,232 | $ 25,026 | $ 178,747 | $ 53,073 | $ 290,078 | $ 345,500 | $ 55,422 |
| 12 | 10% | $ 37,135 | $ 27,965 | $ 199,739 | $ 59,306 | $ 324,145 | $ 352,410 | $ 28,265 |
| **TOTAL** | | **$ 224,554** | **$ 169,106** | **$ 1,207,829** | **$ 358,627** | **$ 1,960,116** | **$ 3,801,394** | **$ 1,841,278** |

| | Year | | | | | |
|---|---|---|---|---|---|---|
| | **0** | **1** | **2** | **3** | **4** | **5** |
| **Jobs** | | | | | | |
| **Current/Actuals** | | | | | | |
| **Creation Goals** | | 20 | 0 | 0 | 0 | 0 |
| **Total Employment Goals** | 0 | 20 | 20 | 20 | 20 | 20 |

2/2/2022

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**Project Tax Billing and Payment Schedule**

1. The anticipated PILOT Filing Date is Q2 2022
2. Applicant will receive a 2022-23 Village Tax Bill in June 2022
3. Applicant will receive a 2022-23 School Tax Bill in September 2022
4. Applicant will receive a 2023 Town and County Tax Bill in January 2023
5. Applicant will not receive a 2023-2024 Village Tax Bill
6. Applicant will not receive a 2023-2024 School Tax Bill
7. Applicant will not receive a 2024 Town and County Tax Bill
8. Applicant will receive an OCIDA PILOT Bill for PILOT Year 1 in January 2024

Please contact OCIDA staff with any questions.

**It is the policy of the Agency that any project receiving benefits from the Onondaga County Industrial Development Agency will utilize 100% local contractors and local labor for the construction period of the project unless a waiver is granted in writing by the Agency.**

**Return to:**

Onondaga County Industrial Development Agency
Attn: Nancy Lowery
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770 | Fax: 315-435-3669
nancylowery@ongov.net

## Section I: Applicant Information

Please answer all questions. Use "None", "Not Applicable" and "See Attached" where necessary.

Submittal Date: February 2, 2022

**A) Applicant/Project Operator information (company receiving benefits):**

Applicant/Project Operator: Fayette Manlius, LLC

Applicant/ Project Operator Address: 1657 East Ave Rochester NY 14610

Phone: (585)797-8877 Fax: NA

Website: NA E-mail: mlester@caliberbrokerage.com

Federal ID#: 85-0723173 NAICS:

State and Year of Incorporation/Organization: New York / 2020

Owner (if different from Applicant/Project Owner):

Owner Address:

Federal ID#:

State and Year of Incorporation/Organization:

List of stockholders, members, or partners of Owner:

**B) Individual Completing Application:**

Name: Chuck Wallace and Christine Stevens

Title:

Address: VIP Development Associates, Inc., One Websters Landing, Syracuse, NY 13202

Phone: 315/744-0714 Fax: 315/471-5373

E-mail: chuck.wallace@vipstructures.com; cstevens@vipstructures.com

**C) Company Contact (if different from individual completing application):**

Name: Anthony Gizzie

Title: Chief Operating Officer

Address: Streamline Real Estate Partners 25 Parce Ave Suite 155 Fairport NY 14450

Phone: 585-888-3077 Cell Phone: 585-797-5324

E-mail: anthony@streamlinere.com

**D) Company Counsel:**

Name of Attorney: Patrick Quigley

Firm Name: Harter Secrest and Emery LLP

Address: 1600 Bausch and Lomb Place Rochester NY 14604

Phone: 585-231-1164 Cell Phone: NA

E-mail: pquigley@hselaw.com

**E) Business Organization (check appropriate category):**

☐ Corporation ☐ Partnership

☐ Public Corporation ☐ Joint Venture

☐ Sole Proprietorship ☑ Limited Liability Company

☐ Other (please specify): _____

Year Established: 2020

State in which Organization is established: NY

**F) List all stockholders, members, or partners with % of ownership greater than 5%:**

| Name | % of ownership |
|---|---|
| Streamline Real Estate Partners LLC | 100% |
| Streamline Members: | |
| Matt Lester 95% | |
| Anthony Gizzie, Timothy Meleca, < 5% | |

**G) Applicant Business Description:**

Please attach a description of your Company's background, products, customers, goods and services.

Estimated % of sales within Onondaga County: N/A

Estimated % of sales outside Onondaga County but within New York State: N/A

Estimated % of sales outside New York State but within the U.S.: N/A

Estimated % of sales outside the U.S.: N/A

(*Percentage to equal 100%)

**H) Applicant History**: If the answer to any of the following is "Yes", please explain below. If necessary, attach additional information.

1. Is the company or management of the Company now a plaintiff or defendant in any civil or criminal litigation? ☐Yes ☑No
2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? ☐Yes ☑No
3. Has any person listed in Section I ever been in receivership or declared bankruptcy? Please attach any explanations. ☐Yes ☑No

**I)** Has the Project Beneficiary received assistance from OCIDA, Syracuse Industrial Development Agency (SIDA), New York State or the Onondaga Civic Development Corporation (OCDC) in the past? If yes please attach an explanation and please give year, project name, and description of benefits and address of project.

☐Yes ☑No

## Section II: Project and Site Information

A) Project Location: Location where the investment will take place. If Company is moving, the new location should be entered here and the current location should be in Section I.

Address: 332 Fayette Street

Legal Address (if different): _____

City: _____ Village/Town: Manlius

Zip Code: 13104 School District: Fayetteville-Manlius CSD

Tax Map Parcel ID(s): 024.-01-05.0 and a portion of 024.-01-08.1

Current Assessed Value: _____ Footage of Existing Building: 17,053 sf

Census Tract: 151

B) Type (Check all that apply):

- ☑ New construction
- ☐ Expansion/Addition to current facilities
- ☐ Renovation of existing facility
- ☑ Housing Project
- ☐ Renewable Energy Project
- ☑ Retail
- ☐ Purchase of machinery and/or equipment
- ☑ Brownfield/Remediated Brownfield
- ☐ LEED Certification
- ☑ Demolition and Construction
- ☑ Acquisition of existing facility/property
- ☐ Other:

C) Project Narrative: A statement that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency or, if the project could be undertaken without financial assistance provided by the Agency, a statement indicating why the project should be undertaken by the agency.

* For a Retail Project (also see page 14)
* For a Renewable Energy Project (also see page 15)
* For a Housing Project (also see page 17)

D) Description of Project: Please provide a detailed narrative of the proposed Project. Please separately attach the description and any copies of site plans, sketches or maps. This narrative should include, but is not limited to:

- ☐ (i) the size of the Project in square feet and a breakdown of square footage per each intended use;
- ☐ (ii) the size of the lot upon which the Project sits or is to be constructed;
- ☐ (iii) the current use of the site and the intended use of the site upon completion of the Project;

☐ (iv) the principal products to be produced and/or the principal activities that will occur on the Project site;

☐ (v) please describe your method for site control (Own, lease, other).

E) Select Project type for all end users at Project site (you may check more than one):
**Please check any and all end users as identified below

| | |
|---|---|
| ☐ Industrial | ☐ Bank Office |
| ☐ Acquisition of Existing Facility | ☑ Retail ( see page 14) |
| ☑ Housing Project ( see page 17 ) | ☑ Mixed Use |
| ☐ Equipment Purchase | ☐ Facility for Aging |
| ☐ Multi-Use Tenant | ☐ Civic Facility (not for profit) |
| ☐ Renewable Energy Project ( see page 15) | ☐ Other _____ |
| ☐ Commercial | |

F) If applicant will not occupy 100% of the building in a real estate transaction, provide information on tenant(s) that includes name, present address, and percentage of project to be leased, type of business organization, relationship to applicant, date and term of lease.

G) For the Agency to consider this Project, please provide the following information:

1. Does the Project consist of new construction or expansion or substantial renovation of an existing facility?
   ☑ Yes ☐ No
2. Will the Project create new employment opportunities or retain existing jobs that may otherwise be lost?
   ☑ Yes ☐ No
3. Does the Project beneficiary serve a customer base primarily outside of Onondaga County?
   ☐ Yes ☑ No

H) Will the completion of the Project result in the removal of an industrial or manufacturing plant of the company from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the company located within the state? Please explain if you answer "Yes" by attaching a response.

☐ Yes ☑ No

I) Please attach a description of any compelling circumstances the Agency should be aware of while reviewing this application.

J) Local Approvals (Site Plan and Environmental Review)

1. Have site plans been submitted to the appropriate town or local planning department?

   ☑Yes. What is the status? ☐No. When will the plans be submitted?

   Site plan approval received

2. Has the project received site plan approval from the town or local planning board?

   ☑Yes ☐No

3. If no, what is the anticipated approval date? _____

4. If yes, provide the Agency with a copy of the Planning Board's approval resolution along with the related SEQR determination. (NOTE: SEQR determination is required for final approval and sales tax agency appointment.)

5. Environmental Information

   a. Please attach the appropriate Environmental Impact Forms to your application. Here is a link to the SEQR forms: http://www.dec.ny.gov/permits/6191.html

   b. Have any environmental issues been identified on the property?

      ☑Yes ☐No

      If yes, please attach an explanation.

Fayette Manlius, LLC
OCIDA Application

**SECTION II**
**C: Project Narrative and I: Compelling Circumstances**

**Project Overview.** As described and shown in Section II, D, this project consists of the acquisition, redevelopment, and revitalization of blighted land in the Village of Manlius, with frontage along its primary commercial corridor of Fayette Street/Route 92, at the junction of North Manlius Street/F-M Road. The applicant has the land under purchase contract but has not closed on it.[1] The land has been designated as a brownfield by the New York State Department of Environmental Conservation (DEC); the developer will remediate the site under a brownfield cleanup agreement. As approved by – and with tremendous support from – the Village of Manlius Board of Trustees and Planning Board, the site will be part of a Planned Unit Development District (PUD). One parcel of land will have an urgent care clinic. A second parcel will have a three-story mixed-use building containing retail spaces on the ground floor and apartments on the upper two floors. Parking will be provided. The applicant seeks OCIDA benefits for the project, and sees a PILOT only for the mixed-use building/parcel.

**Background and Compelling Circumstances.** A countless number of prior developers have tried unsuccessfully to develop this exact site (and adjacent lands) over the past few decades.[2] In 2007, the Village of Manlius developed its Comprehensive Plan, Vision Manlius, which outlines goals that this project will achieve, including economic development, enhanced attractiveness and accessibility of the "downtown" business core, improved visual character along commercial corridors and prominent gateways, and the development of quality housing. The Village created PUD zoning in 2010 to facilitate the achievement of these goals and enhance the general welfare of the community, but over the past 12 years, the Village has seen few PUD applications and almost no new development.[3] Challenges include the environmental contamination at this site; the high costs of new construction (currently greatly exacerbated by COVID); and the general difficulties of financing speculative urban infill, especially in suburban locations and in municipalities with high rates of real property taxation. Under the agreement reached for the PUD Zoning, the Village requires the mixed-use building. It will be located on the portion of the land with the worst environmental contaminants (and highest remediation costs). Financing of the project poses a great challenge; while its scale is appropriate for the size of the site and the village setting, the economies of scale that can be achieved with larger mixed-used buildings and projects are not possible. The brownfield tax credits are one crucial component to achieve a financially viable project. The only other way that the mixed-use project is financially viable is with a PILOT. Without the PILOT, the project does not work financially. The developer would need to abandon the entire redevelopment plan. This would be an extraordinary setback for public officials who have an extraordinary amount of work invested in getting this site developed, and for residents of the area who

[1] The applicant's ability to close on the land and move forward with the project is dependent upon the outcome of the application to OCIDA for benefits.

[2] A similar project at this site, proposed by a different developer (Willow Brook of Manlius, LLC), was approved for OCIDA benefits in May 2019. That developer abandoned its plans.

[3] The exception to this rule is Madison Row, across the street from this site. Madison Row is the Village's only completed PUD project. Madison Row is the Village's only new-construction, mixed-use building in decades. It was developed and is currently owned by Matt Lester, the current applicant.

are eager to see aesthetic improvement and community revitalization in the village, particularly at this site.

**Urgent Care Clinic.** It is worth noting that while the entire project is of benefit to the community in removing blight and creating jobs, increased tax revenues, and adding new housing to the village's dated housing stock, the urgent care is also a unique, noteworthy community benefit.[4] Urgent care clinics provide all types of medical services including physicals, x-rays and diagnostics, and treatment for illnesses and injuries. They have become a crucial part of the healthcare system in America, providing an alternative to expensive emergency room visits. Unlike traditional primary care doctors' offices, they are open on weekends and long hours during the week, accepting patients on a walk-in basis. Because they offer accessible, convenient, affordable, high-quality care, urgent care clinics' popularity has had huge gains in recent decades. The COVID pandemic, however, has created a meteoric rise in demand for urgent care services, especially for convenient COVID testing. A large national study showed that in 2020, urgent care clinics experienced a 58% increase in visit volumes, and more than half of total visits were COVID-related. It is anticipated that even after COVID subsides, urgent care clinics' popularity will not diminish. Millions of Americans have come to prefer the convenience of its care, particularly millennials and people with young children. This clinic will serve the community. It is expected to draw patients from a wide geographic area across the eastern portion of the county. It is also expected to draw patients from areas of Madison County such as Cazenovia and Chittenango.

**SECTION II, D. PROJECT DESCRIPTION**

The total project entails the purchase of land, (the applicant controls the site through a purchase contract but has not closed on it; closing is dependent upon the successful outcome of this application to OCIDA), the creation of two new tax parcels as shown on the enclosed site plan, the demolition of a vacant single-story concrete block building (approximately 17,053 SF), and the construction of two buildings:

- Urgent care clinic, 3,500 SF building on a .082-acre lot, with parking.
- Mixed-use building, three stories, 37,500 SF total. 12,500 SF of retail space on the first floor. Twenty (20) apartments total on the second and third floors. 1.42-acre lot, with parking.

The project has received site plan approval from the Village of Manlius.

As mentioned, the site is environmentally contaminated and is listed with the NYS Department of Environmental Conservation (DEC) as a brownfield. The site will be remediated in keeping with DEC guidelines. Upon closing on the land, remediation will begin. Site work and construction will begin only after the remediation is complete, estimated to be Q3 2022. Environmental reports indicate that the extent of environmental contamination on the urgent care lot is likely less than on the mixed-use lot, which would enable site work and urgent care construction to start ahead of the mixed-use building. It is anticipated that the mixed-use building would be completed by the end of Q3 2023.

[4] The applicant does not seek a PILOT for the urgent care clinic.

## SECTION VII: HOUSING PROJECTS

1. **Describe the reasons why the Agency's financial assistance is necessary. Describe how the project would be impacted if these benefits were not provided.**

   Simply put, the project is not financially viable without the OCIDA benefits, especially not without the PILOT for the mixed-use building. Without the PILOT, the mixed-use building is not able to be financed. The applicant/developer is obligated to build the mixed-use building as part of its approvals from the Village of Manlius. The developer cannot close on its purchase of the land and move forward with the project without the assurance of the PILOT.

2. **Is the project being built in a blighted area?**

   The Village of Manlius has areas of blight, including this environmentally contaminated site which is characterized by a single-story commercial building that has been vacant for many years, and its parking lot. While the Village of Manlius does have attractive buildings and features, it has been largely characterized by heavy vehicular traffic, being a primary commuter artery along NYS Route 92, which runs through the village center. As such, one of the key goals of the Village's Comprehensive Plan is to improve the community's visual character and aesthetics, particularly along commercial corridors and at prominent gateways such as this one. During the site plan approval process, the developer worked very closely with village officials and Planning Board members to ensure that the project would have architectural designs that are high-quality and in keeping with the historic feel of Village.

3. **Is the housing fulfilling an unmet need in the area?**

   Yes, the Village of Manlius has a very aged housing stock. Apartments are in high demand.

4. **Please provide a market study documenting the need for such housing.**

   The applicant commissioned a market study in 2021 showing a downward trend in vacancy rates. At the time of the study, vacancy rates were 2.8%.

5. **Is there support from local government officials for the Project and for the financial assistance being requested from the Agency?**

   Yes.

6. **Is the Project considered infill in a populated area?**

   Yes. The project takes an environmentally contaminated piece of land with a vacant building in the center of the village and converts it to an attractive, vibrant area, with a clinic to serve residents, new apartments, and three new businesses on the ground floor of the mixed-use building.

7. **Does the Project provide walkability?**

Yes. During the site plan approval process, the developer worked closely with the village and NYS Department of Transportation to ensure that the site design is optimally friendly and safe for pedestrians and encourages walkability to and from the project site. This is in keeping with the village setting and with the Village's goal of having a vibrant commercial district.

8. **Is there additional county infrastructure necessary to service the Project?**

   No.

9. **Is the project part of a larger-mixed use development?**

   As described in the application, the project is a mixed-use development.

**Planning Board of the Village of Manlius**

**Resolution: Fayette Manlius, LLC Site Plan**

Fayette Manlius, LLC has applied for site plan approval for a mixed use development in a PUD district at 332 & 402-06 Fayette Street in the Village. The application includes a proposed final subdivision plat dated April 10, 2020; and a set of plans labeled CO.1 through PXP2 with dates in August and September 2021.

The Village Board of Trustees held a public hearing on May 11, 2021 and approved the zone change to PUD on May 11, 2021.

The Onondaga County Planning Board issued a resolution dated August 25, 2021, finding that the project will have no significant adverse inter-community or county-wide impacts.

Regarding SEQRA, the Planning Board resolves to act as lead agency for a single agency, uncoordinated review of this unlisted action. Based on a review of the full environmental assessment form, the submitted plans, and all relevant information, the Planning Board determines that the project will have no significant adverse environmental impact. The Planning Board further determines that all questions on part 2 of the environmental assessment form may be answered, "No, or small impact may occur."

Pursuant to section 99-11.2(c)(8) of the Village Code, the Planning Board hereby grants final site plan approval for phases 1 and 2 of the project and finds that the requirements of section 99-37(D) of the Village Code have been satisfied. Pursuant to section 99-11.2(c)(9), the Subdivision is approved as part of the site plan. This final site plan approval is subject to the following conditions, which must be met before any building permit will be issued:

- Pursuant to Village Code sections 99-11.2(c)(7) and 99-37(2)(b), the applicant shall be required to post a security in an amount to be determined by the Village Board of Trustees and in a form to be approved by the Village Attorney, in order to ensure the completion of site improvements (excluding construction of the mixed use building) for phase 2 of the project, including demolition and removal of the existing building, environmental clean up, landscaping, and site restoration.
- The applicant shall be required to enter into an agreement with the Village Board providing for the applicant's operation and maintenance of the stormwater drainage system, including the posting of any security required by the Village Board. This agreement shall be subject to the review of the Village Engineer and Village Attorney before Village Board approval.
- The applicant shall be required to prepare and enter into easement agreements under which all the lots on the site have rights to shared parking and access to the site. These and any other required easement agreements shall be subject to the approval of the Village Attorney.
- The applicant shall obtain permits from the New York State Department of Transportation, New York State Department of Environmental Conservation, the Onondaga County Water Authority, and the Onondaga County Department of Water

Environment Protection to authorize the work on the site. These permits shall be subject to the review and approval of the Village Engineer and Village Code Enforcement Officer.

- The applicant shall not engage in outdoor storage of vehicles on the site, either during or after construction.
- The applicant will use lighting shields as necessary to prevent spillage of light onto the neighboring properties.
- The applicant shall obtain certificates of occupancy for phases 1 and 2 within 3 years of the approval of the PUD district by the Village Board of Trustees.
- Fencing as shown on sheet C2.4 shall be Nantucket Grey.
- With respect to siding on the phase 2 mixed use building, the Planning Board will determine at a later date the color of the siding and whether it will be Dutch lap or clapboard style, following additional submissions by the applicant at a Planning Board meeting.
- The applicant shall fulfill any other legal and engineering requirements as determined by the Village Engineer and Village Attorney.
- The applicant shall submit a set of final signed site plans for filing with the Village Clerk.

The applicant shall submit a separate application for signage approval.

The applicant shall be required to submit a separate application for site plan approval for phase 3 of the project.

**APPROVED.**
Dated: October 5, 2021

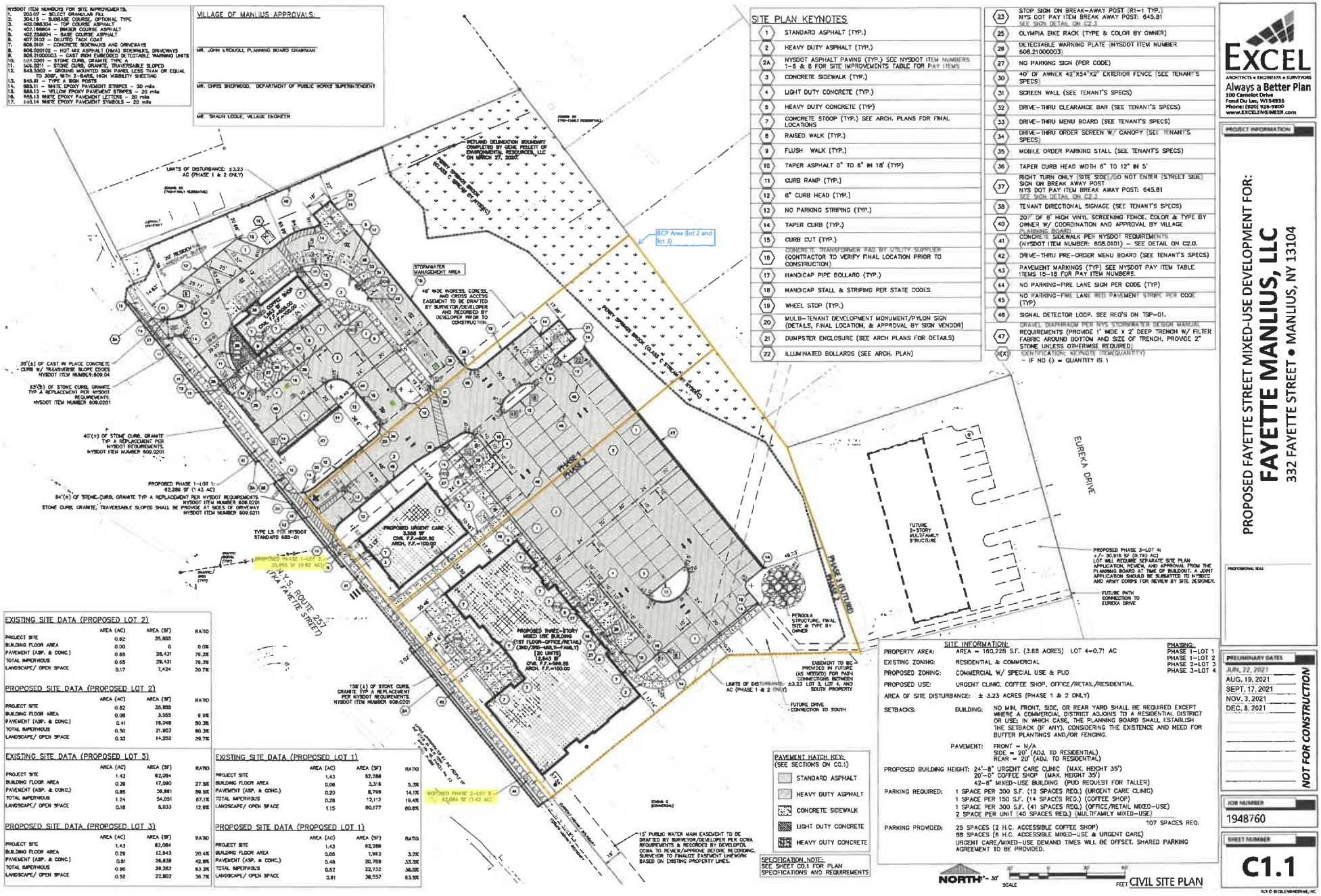
John A Urciuoli

John Urciuoli, Chairman
Village of Manlius Planning Board

Roll Call Vote:

| | Aye | Nay | Other |
|---|---|---|---|
| Mr. Urciuoli | X | ____ | ____ |
| Mr. Hehl | X | ____ | ____ |
| Ms. Hatch | ____ | ____ | Absent |
| Ms. Maloney | X | ____ | ____ |
| Mr. Bilharz | X | ____ | ____ |

{M0858678.1}


NYSDOT ITEM NUMBERS FOR SITE IMPROVEMENTS:
1. 203.07 – SELECT GRANULAR FILL
2. 304.15 – SUBBASE COURSE, OPTIONAL TYPE
3. 403.086304 – TOP COURSE ASPHALT
4. 403.186604 – BINDER COURSE ASPHALT
5. 402.256004 – BASE COURSE ASPHALT
6. 407.0102 – DILUTED TACK COAT
7. 608.0101 – CONCRETE SIDEWALKS AND DRIVEWAYS
8. 608.020102 – HOT MIX ASPHALT (HMA) SIDEWALKS, DRIVEWAYS
9. 608.21000003 – CAST IRON EMBEDDED DETECTABLE WARNING UNITS
10. 609.0201 – STONE CURB, GRANITE TYPE A
11. 609.0211 – STONE CURB, GRANITE, TRAVERSABLE SLOPED
12. 643.5200 – GROUND MOUNTED SIGN PANEL LESS THAN OR EQUAL TO 30SF, WITH 2-BARS, HIGH VISIBILITY SHEETING
13. 645.81 – TYPE A SIGN POSTS
14. 685.11 – WHITE EPOXY PAVEMENT STRIPES – 20 mils
15. 685.12 – YELLOW EPOXY PAVEMENT STRIPES – 20 mils
16. 685.13 WHITE EPOXY PAVEMENT LETTERS – 20 mils
17. 685.14 WHITE EPOXY PAVEMENT SYMBOLS – 20 mils
VILLAGE OF MANLIUS APPROVALS:
MR. JOHN URDIOLI, PLANNING BOARD CHAIRMAN
MR. CHRIS SHERWOOD, DEPARTMENT OF PUBLIC WORKS SUPERINTENDENT
MR. SHAUN LOGUE, VILLAGE ENGINEER
SITE PLAN KEYNOTES
1 STANDARD ASPHALT (TYP.)
2 HEAVY DUTY ASPHALT (TYP.)
2A NYSDOT ASPHALT PAVING (TYP.) SEE NYSDOT ITEM NUMBERS 1-8 & 8 FOR SITE IMPROVEMENTS TABLE FOR PAY ITEMS
3 CONCRETE SIDEWALK (TYP.)
4 LIGHT DUTY CONCRETE (TYP.)
5 HEAVY DUTY CONCRETE (TYP)
6 CONCRETE STOOP (TYP.) SEE ARCH. PLANS FOR FINAL LOCATIONS
7 RAISED WALK (TYP.)
8 FLUSH WALK (TYP.)
9 TAPER ASPHALT 0" TO 6" IN 18' (TYP)
10 CURB RAMP (TYP.)
11 6" CURB HEAD (TYP.)
12 NO PARKING STRIPING (TYP.)
13 TAPER CURB (TYP.)
14 CURB CUT (TYP.)
15 CONCRETE TRANSFORMER PAD BY UTILITY SUPPLIER (CONTRACTOR TO VERIFY FINAL LOCATION PRIOR TO CONSTRUCTION)
16 HANDICAP PIPE BOLLARD (TYP.)
17 HANDICAP STALL & STRIPING PER STATE CODES
18 WHEEL STOP (TYP.)
19 MULTI-TENANT DEVELOPMENT MONUMENT/PYLON SIGN (DETAILS, FINAL LOCATION, & APPROVAL BY SIGN VENDOR)
20 DUMPSTER ENCLOSURE (SEE ARCH PLANS FOR DETAILS)
21 ILLUMINATED BOLLARDS (SEE ARCH. PLAN)
22 STOP SIGN ON BREAK-AWAY POST (R1-1 TYP.) NYS DOT PAY ITEM BREAK AWAY POST: 645.81 SEE SIGN DETAIL ON C2.3
23 OLYMPIA BIKE RACK (TYPE & COLOR BY OWNER)
25 DETECTABLE WARNING PLATE (NYSDOT ITEM NUMBER 608.21000003)
26 NO PARKING SIGN (PER CODE)
27 40' OF AWNEX 42"X54"X2" EXTERIOR FENCE (SEE TENANT'S SPECS)
30 SCREEN WALL (SEE TENANT'S SPECS)
31 DRIVE-THRU CLEARANCE BAR (SEE TENANT'S SPECS)
32 DRIVE-THRU MENU BOARD (SEE TENANT'S SPECS)
33 DRIVE-THRU ORDER SCREEN W/ CANOPY (SEE TENANT'S SPECS)
34 MOBILE ORDER PARKING STALL (SEE TENANT'S SPECS)
35 TAPER CURB HEAD WIDTH 6" TO 12" IN 5'
36 207' OF 6' HIGH VINYL SCREENING FENCE. COLOR & TYPE BY OWNER W/ COORDINATION AND APPROVAL BY VILLAGE PLANNING BOARD
37 RIGHT TURN ONLY (SITE SIDE) / DO NOT ENTER (STREET SIDE) SIGN ON BREAK AWAY POST NYS DOT PAY ITEM BREAK AWAY POST: 645.81 SEE SIGN DETAIL ON C2.3
38 TENANT DIRECTIONAL SIGNAGE (SEE TENANT'S SPECS)
40 CONCRETE SIDEWALK PER NYSDOT REQUIREMENTS (NYSDOT ITEM NUMBER: 608.0101) – SEE DETAIL ON C2.0.
41 DRIVE-THRU PRE-ORDER MENU BOARD (SEE TENANT'S SPECS)
42 PAVEMENT MARKINGS (TYP) SEE NYSDOT PAY ITEM TABLE ITEMS 15-18 FOR PAY ITEM NUMBERS.
43 NO PARKING-FIRE LANE SIGN PER CODE (TYP)
44 NO PARKING-FIRE LANE AND PAVEMENT STRIPE PER CODE (TYP)
45 SIGNAL DETECTOR LOOP. SEE REQ'S ON TSP-01.
46 GRAVEL DIAPHRAGM PER NYS STORMWATER DESIGN MANUAL REQUIREMENTS (PROVIDE 1' WIDE X 2' DEEP TRENCH W/ FILTER FABRIC AROUND BOTTOM AND SIZE OF TRENCH. PROVIDE 2" STONE UNLESS OTHERWISE REQUIRED)
47 IDENTIFICATION KEYNOTE ITEM (QUANTITY) – IF NO () = QUANTITY IS 1
(X)
EXCEL
ARCHITECTS + ENGINEERS + SURVEYORS
Always a Better Plan
100 Camelot Drive
Fond Du Lac, WI 54935
Phone: (920) 926-9800
www.EXCELENGINEER.com
PROJECT INFORMATION
PROPOSED FAYETTE STREET MIXED-USE DEVELOPMENT FOR:
FAYETTE MANLIUS, LLC
332 FAYETTE STREET • MANLIUS, NY 13104
PROFESSIONAL SEAL
PRELIMINARY DATES
JUN. 22, 2021
AUG. 19, 2021
SEPT. 17, 2021
NOV. 3, 2021
DEC. 8, 2021
NOT FOR CONSTRUCTION
JOB NUMBER
1948760
SHEET NUMBER
C1.1
LIMITS OF DISTURBANCE: ±3.23 AC (PHASE 1 & 2 ONLY)
WETLAND DELINEATION BOUNDARY COMPLETED BY GENE POLLETT OF ENVIRONMENTAL REMEDIATION, LLC ON MARCH 27, 2020.
BCP Area (lot 2 and lot 3)
STORMWATER MANAGEMENT AREA
48' WIDE INGRESS, EGRESS, AND CROSS ACCESS EASEMENT TO BE DRAFTED BY SURVEYOR/DEVELOPER AND RECORDED BY DEVELOPER PRIOR TO CONSTRUCTION
STORM SEWER MAIN (CLASS C CONCRETE)
SANITARY SEWER MAIN (PVC SDR 35)
WATER MAIN
20' RESERV. EASEMENT
30'(±) OF CAST IN PLACE CONCRETE CURB W/ TRANSVERSE SLOPE EDGES NYSDOT ITEM NUMBER: 609.04
63'(±) OF STONE CURB, GRANITE TYP A REPLACEMENT PER NYSDOT REQUIREMENTS. NYSDOT ITEM NUMBER 609.0201
40'(±) OF STONE CURB, GRANITE TYP A REPLACEMENT PER NYSDOT REQUIREMENTS. NYSDOT ITEM NUMBER 609.0201
PROPOSED PHASE 1-LOT 1: 62,280 SF (1.43 AC)
84'(±) OF STONE CURB, GRANITE TYP A REPLACEMENT PER NYSDOT REQUIREMENTS. NYSDOT ITEM NUMBER 609.0201
STONE CURB, GRANITE, TRAVERSABLE SLOPED SHALL BE PROVIDE AT SIDES OF DRIVEWAY NYSDOT ITEM NUMBER 609.0211
TYPE LS PER NYSDOT STANDARD 685-01
PROPOSED URGENT CARE 3,568 SF CIVIL F.F.=601.50 ARCH. F.F.=100.0
PROPOSED PHASE 1-LOT 2: 35,855 SF (0.82 AC)
PROPOSED THREE-STORY MIXED USE BUILDING (1ST FLOOR-OFFICE/RETAIL) (2ND/3RD-MULTI-FAMILY) (30 UNITS) 2,643 SF CIVIL F.F.=599.55 ARCH. F.F.=100.00
PHASE 1 PHASE 2
PHASE 3 FUTURE PHASE 4
U.S. ROUTE 20/S (HAYFAYETTE STREET)
15'(±) OF STONE CURB, GRANITE TYP A REPLACEMENT PER NYSDOT REQUIREMENTS. NYSDOT ITEM NUMBER 609.0201
PROPOSED PHASE 2-LOT 3: 82,084 SF (1.42 AC)
EXISTING 8" W.M. (APPROX. 5' FROM EDGE OF ASPHALT)
15' PUBLIC WATER MAIN EASEMENT TO BE DRAFTED BY SURVEYOR/DEVELOPER PER OCWA REQUIREMENTS & RECORDED BY DEVELOPER. OCWA TO REVIEW/APPROVE BEFORE RECORDING. SURVEYOR TO FINALIZE EASEMENT LINEWORK BASED ON EXISTING PROPERTY LINES.
EASEMENT TO BE PROVIDED IN FUTURE (AS NEEDED) FOR PATH CONNECTIONS BETWEEN LOT 3, LOT 4, AND SOUTH PROPERTY
LIMITS OF DISTURBANCE: ±3.23 AC (PHASE 1 & 2 ONLY)
FUTURE DRIVE CONNECTION TO SOUTH
PETROLA STRUCTURE, FINAL SIZE & TYPE BY OWNER
EUREKA DRIVE
FUTURE 2-STORY MULTIFAMILY STRUCTURE
PROPOSED PHASE 3-LOT 4: +/- 30,916 SF (0.710 AC) LOT WILL REQUIRE SEPARATE SITE PLAN APPLICATION, REVIEW, AND APPROVAL FROM THE PLANNING BOARD AT TIME OF BUILDOUT. A JOINT APPLICATION SHOULD BE SUBMITTED TO NYSDEC AND ARMY CORPS FOR REVIEW BY SITE DESIGNER.
FUTURE PATH CONNECTION TO EUREKA DRIVE
EXISTING SITE DATA (PROPOSED LOT 2)
AREA (AC) AREA (SF) RATIO
PROJECT SITE 0.82 35,855
BUILDING FLOOR AREA 0.00 0 0.0%
PAVEMENT (ASP. & CONC.) 0.65 28,431 79.3%
TOTAL IMPERVIOUS 0.65 28,431 79.3%
LANDSCAPE/ OPEN SPACE 0.17 7,424 20.7%
PROPOSED SITE DATA (PROPOSED LOT 2)
AREA (AC) AREA (SF) RATIO
PROJECT SITE 0.82 35,855
BUILDING FLOOR AREA 0.08 3,568 9.9%
PAVEMENT (ASP. & CONC.) 0.41 18,048 50.3%
TOTAL IMPERVIOUS 0.50 21,803 60.3%
LANDSCAPE/ OPEN SPACE 0.33 14,252 39.7%
EXISTING SITE DATA (PROPOSED LOT 3)
AREA (AC) AREA (SF) RATIO
PROJECT SITE 1.43 62,084
BUILDING FLOOR AREA 0.39 17,080 27.5%
PAVEMENT (ASP. & CONC.) 0.85 36,981 59.5%
TOTAL IMPERVIOUS 1.24 54,061 87.1%
LANDSCAPE/ OPEN SPACE 0.18 8,033 12.9%
PROPOSED SITE DATA (PROPOSED LOT 3)
AREA (AC) AREA (SF) RATIO
PROJECT SITE 1.43 62,084
BUILDING FLOOR AREA 0.29 12,843 20.4%
PAVEMENT (ASP. & CONC.) 0.61 26,839 42.8%
TOTAL IMPERVIOUS 0.90 39,282 63.3%
LANDSCAPE/ OPEN SPACE 0.52 22,802 36.7%
EXISTING SITE DATA (PROPOSED LOT 1)
AREA (AC) AREA (SF) RATIO
PROJECT SITE 1.43 62,288
BUILDING FLOOR AREA 0.08 3,318 5.3%
PAVEMENT (ASP. & CONC.) 0.20 8,798 14.1%
TOTAL IMPERVIOUS 0.28 12,112 19.4%
LANDSCAPE/ OPEN SPACE 1.15 50,177 80.6%
PROPOSED SITE DATA (PROPOSED LOT 1)
AREA (AC) AREA (SF) RATIO
PROJECT SITE 1.43 62,288
BUILDING FLOOR AREA 0.05 1,983 3.2%
PAVEMENT (ASP. & CONC.) 0.48 20,769 33.3%
TOTAL IMPERVIOUS 0.52 22,752 36.5%
LANDSCAPE/ OPEN SPACE 0.91 39,557 63.5%
PAVEMENT HATCH KEY: (SEE SECTIONS ON C0.1)
STANDARD ASPHALT
HEAVY DUTY ASPHALT
CONCRETE SIDEWALK
LIGHT DUTY CONCRETE
HEAVY DUTY CONCRETE
SPECIFICATION NOTE: SEE SHEET C0.1 FOR PLAN SPECIFICATIONS AND REQUIREMENTS
SITE INFORMATION:
PROPERTY AREA: AREA = 160,228 S.F. (3.68 ACRES) LOT 4=0.71 AC
EXISTING ZONING: RESIDENTIAL & COMMERCIAL
PROPOSED ZONING: COMMERCIAL W/ SPECIAL USE & PUD
PROPOSED USE: URGENT CLINIC, COFFEE SHOP, OFFICE/RETAIL/RESIDENTIAL
AREA OF SITE DISTURBANCE: ± 3.23 ACRES (PHASE 1 & 2 ONLY)
SETBACKS: BUILDING: NO MIN. FRONT, SIDE, OR REAR YARD SHALL BE REQUIRED EXCEPT WHERE A COMMERCIAL DISTRICT ADJOINS TO A RESIDENTIAL DISTRICT OR USE; IN WHICH CASE, THE PLANNING BOARD SHALL ESTABLISH THE SETBACK (IF ANY), CONSIDERING THE EXISTENCE AND NEED FOR BUFFER PLANTINGS AND/OR FENCING.
PAVEMENT: FRONT = N/A SIDE = 20' (ADJ. TO RESIDENTIAL) REAR = 20' (ADJ. TO RESIDENTIAL)
PROPOSED BUILDING HEIGHT: 24'-8" URGENT CARE CLINIC (MAX. HEIGHT 35') 20'-0" COFFEE SHOP (MAX. HEIGHT 35') 42-6" MIXED-USE BUILDING (PUD REQUEST FOR TALLER)
PARKING REQUIRED: 1 SPACE PER 300 S.F. (12 SPACES REQ.) (URGENT CARE CLINIC) 1 SPACE PER 150 S.F. (14 SPACES REQ.) (COFFEE SHOP) 1 SPACE PER 300 S.F. (41 SPACES REQ.) (OFFICE/RETAIL MIXED-USE) 2 SPACE PER UNIT (40 SPACES REQ.) (MULTIFAMILY MIXED-USE) 107 SPACES REQ.
PARKING PROVIDED: 25 SPACES (2 H.C. ACCESSIBLE COFFEE SHOP) 88 SPACES (6 H.C. ACCESSIBLE MIXED-USE & URGENT CARE) URGENT CARE/MIXED-USE DEMAND TIMES WILL BE OFFSET. SHARED PARKING AGREEMENT TO BE PROVIDED.
PHASING: PHASE 1-LOT 1 PHASE 1-LOT 2 PHASE 2-LOT 3 PHASE 3-LOT 4
NORTH 1" = 30' SCALE FEET
CIVIL SITE PLAN

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

January 10, 2022

Fayette Manlius, LLC
Matthew Lester
1657 East Avenue
Rochester, NY 14610

RE: Site Name: 332 Fayette Manlius
Site No.: C734153
Location of Site: 332 Fayette Street, Onondaga County, Manlius, NY 13104

Dear Matthew Lester:

To complete your file, attached is a fully executed copy of the Brownfield Cleanup Agreement for the 332 Fayette Manlius site.

If you have any further questions relating to this matter, please contact the project attorney for this site, Margaret Sheen, Esq., NYS Department of Environmental Conservation, Office of General Counsel, 615 Erie Blvd., West Syracuse, NY 13204 or by email at margaret.sheen@dec.ny.gov.

Sincerely,

Susan Edwards

Susan Edwards, P.E.
Acting Director
Division of Environmental Remediation

Enclosure

ec: Christopher Mannes, Project Manager

cc: Margaret Sheen, Esq.
Jennifer Andaloro, Esq./Dale Thiel

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM
ECL §27-1401 *et seq.*

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In the Matter of a Remedial Program for

**BROWNFIELD SITE CLEANUP AGREEMENT**
**Index No. C734153-12-21**

**332 Fayette Manlius**
DEC Site No:C734153
Located at: 332 Fayette Street
Onondaga County
Manlius, NY 13104

Hereinafter referred to as "Site"

by:

Fayette Manlius, LLC
1657 East Avenue, Rochester, NY 14610

Hereinafter referred to as "Applicant"

---

**WHEREAS**, the Department of Environmental Conservation ("Department") is authorized to administer the Brownfield Cleanup Program ("BCP") set forth in Article 27, Title 14 of the Environmental Conservation Law ("ECL"); and

**WHEREAS**, the Applicant submitted an application received by the Department on August 4, 2021; and

**WHEREAS**, the Department has determined that the Site and Applicant are eligible to participate in the BCP.

**NOW, THEREFORE,** IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

I. Applicant Status

The Applicant, Fayette Manlius, LLC, is participating in the BCP as a Volunteer as defined in ECL 27-1405(1)(b).

II. Tangible Property Tax Credit Status

The Site is not located in a City having a population of one million or more. It is therefore presumed that the Site is eligible for tangible property tax credits.

III. Real Property

The Site subject to this Brownfield Cleanup Agreement (the "BCA" or "Agreement") consists of approximately 2.248 acres, a Map of which is attached as Exhibit "A", and is described as follows:

Tax Map/Parcel No.: Portion of 024-01-08.1
Street Number: 332 Fayette Street, Manlius
Owner: Constantine and Michael Assimon

IV. Communications

A. All written communications required by this Agreement shall be transmitted by United States Postal Service, by private courier service, by hand delivery, or by electronic mail.

1. Communication from Applicant shall be sent to:

Christopher Mannes, P.E.
New York State Department of Environmental Conservation
Division of Environmental Remediation
615 Erie Blvd W
Syracuse, NY 13204
christopher.mannes@dec.ny.gov

Note: one hard copy (unbound) of work plans and reports is required, as well as one electronic copy.

Christine Vooris (electronic copy only)
New York State Department of Health
Bureau of Environmental Exposure Investigation
Empire State Plaza
Corning Tower Room 1787
Albany, NY 12237
christine.vooris@health.ny.gov

Margaret Sheen, Esq. (correspondence only)
New York State Department of Environmental Conservation
Office of General Counsel
615 Erie Blvd West
Syracuse, NY 13204
margaret.sheen@dec.ny.gov

2. Communication from the Department to Applicant shall be sent to:

Fayette Manlius, LLC
Attn: Matthew Lester
1657 East Avenue
Rochester, NY 14610
mlester@caliberbrokerage.com

B. The Department and Applicant reserve the right to designate additional or different addressees for communication on written notice to the other. Additionally, the Department reserves the right to request that the Applicant provide more than one paper copy of any work plan or report.

C. Each party shall notify the other within ninety (90) days after any change in the addresses listed in this paragraph or in Paragraph III.

V. Miscellaneous

A. Applicant acknowledges that it has read, understands, and agrees to abide by all the terms set forth in Appendix A - "Standard Clauses for All New York State Brownfield Site Cleanup Agreements" which is attached to and hereby made a part of this Agreement as if set forth fully herein.

B. In the event of a conflict between the terms of this BCA (including any and all attachments thereto and amendments thereof) and the terms of Appendix A, the terms of this BCA shall control.

C. The effective date of this Agreement is the date it is signed by the Commissioner or the Commissioner's designee.

DATED: 1/10/2022

THIS BROWNFIELD CLEANUP AGREEMENT IS HEREBY APPROVED, Acting by and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: Susan Edwards

Susan Edwards, P.E., Acting Director
Division of Environmental Remediation

## CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement, and agrees to be bound by this Agreement.

Fayette Manlius, LLC

By: _____

Title: _____

Date: 12/16/21

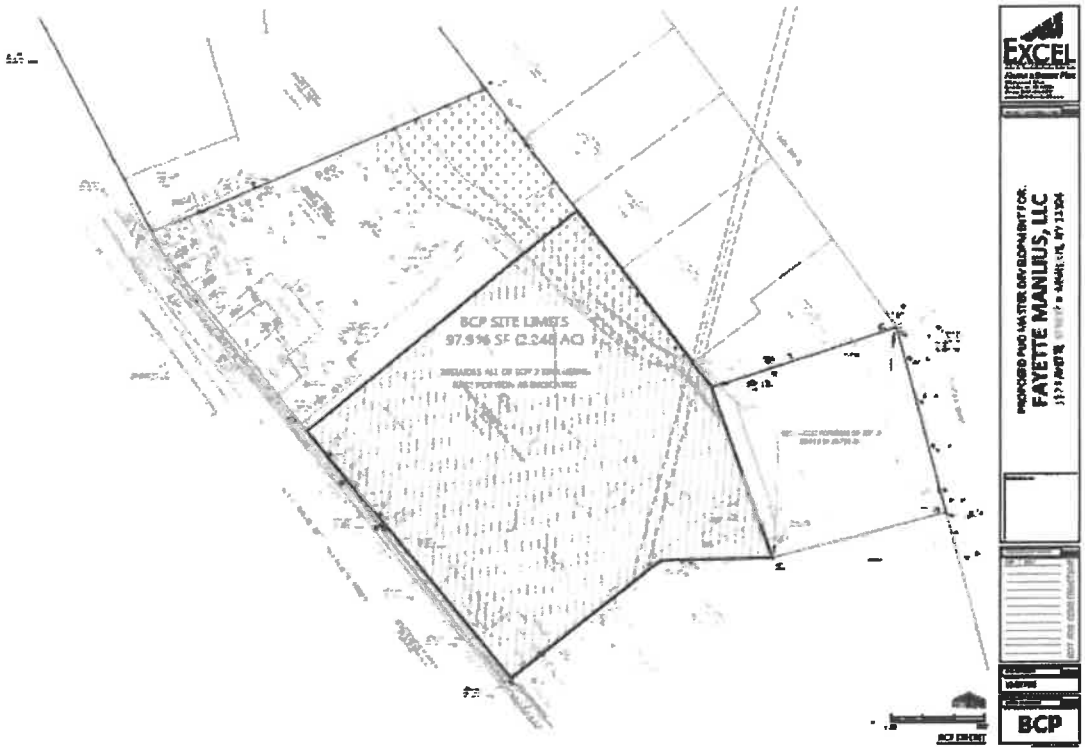
STATE OF NEW YORK )
) ss:
COUNTY OF )

On the 16th day of December in the year 2021, before me, the undersigned, personally appeared Matthew Cutler, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

BRANDON R. COTTRELL
Notary Public, State of New York
Qualified in Monroe County
No. 02C06336916
My Commission Expires February 16, 24

_____
Signature and Office of individual taking acknowledgment

**EXHIBIT A**
**SITE MAP**



## Section III: Construction

A) Project Costs and Finances

| Description of Costs | Total Budget Amount | % of Total Budget to be Procured in Onondaga County | Total Private Expenditure (should be less than or equal to total budget amount) |
|---|---|---|---|
| Land Acquisition | See attached chart | | |
| Site Work/Demo | | | |
| Building Construction & Renovation | | | |
| Furniture & Fixtures | | | |
| Equipment | | | |
| Engineering/Architect | | | |
| Financial Charges | | | |
| Legal | | | |
| Other | | | |
| Management/Developer Fees | | | |
| **Total Project Cost** | | | |

**Note: Do not include OCIDA fees, OCIDA application fees or OCIDA legal fees as part of the Total Project Cost. You may attach a separate chart if needed.**

B) TOTAL Capital Costs $ 11,136,078

Project refinancing: estimated amount
(for refinancing of existing debt only) $ N/A

Sources of Funds for Project Costs:

1. Bank Financing $ 8,910,000
2. Equity (excluding equity that is attributed to grants/tax credits) $ 1,126,078
3. Tax Exempt Bond Issuance (if applicable) $ N/A
4. Taxable Bond Issuance (if applicable) $ N/A

5. Public Sources (Include sum total of all state and federal grants and tax credits) $ 1,100,000

-Identify each state and federal grant/credit:

NYS Brownfield Tax Credit $ 1,100,000

_____ $ _____

_____ $ _____

6. Total Sources of Funds for Project Costs $ 11,136,078

C) Employment and Payroll Information

*Full Time Equivalent (FTE) is defined as one employee working no less than 40 hours per week or two or more employees together working a total of 40 hours per week.

1. Are there people currently employed at the project site?

☐ Yes ☑ No If yes, provide number of FTE jobs at the facility: _____

2. Complete the following:

| | |
|---|---|
| Estimate the number of FTE jobs to be retained as a result of this Project: | N/A |
| Estimate the number of construction jobs to be created by this Project: | 95 |
| Estimate the average length of construction jobs to be created (months): | 24 months |
| Current annual payroll at facility: | $0.00 |
| Please list, if any, benefits that will be available to either full and/or part time employees: | |
| Average annual benefit paid by the company ($ or % salary) per FTE job: | 29% |
| Amount or percent of wage employees pay for benefits: | |
| Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oneida, Oswego, and Cortland Counties) to fill new FTE jobs: | |

D) New Employment Benefits

i. Complete the following chart indicating the number of FTE jobs presently employed at the Project and the number of FTE jobs that will be created at the Project site at the end of the first, second, and third, years after the Project is completed. Jobs should be listed by title of category (see below), including FTE independent contractors or employees of independent contractors that work at the Project location. Do not include construction workers.

ii. Feel free to include additional information or a substitute chart if you think additional material would add clarity.

Please use this chart to illustrate the current employment:

| Job Title/Category | Current Annual Pay | Current Employment (FTE) |
|---|---|---|
| N/A | | |
| | | |
| | | |
| | | |
| | | |

Please use this chart to illustrate the projected employment growth:

| Job Title/Category | Current Annual Pay | Jobs Created Year 1 | Jobs Created Year 2 | Jobs Created Year 3 |
|---|---|---|---|---|
| Please see attachment | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

If you prefer, you may attach a job chart of your own that outlines the job growth projections regarding the Project.

E) Financial Assistance sought (estimated values):

☑ Real Property Tax Abatement (PILOT): _____

☑ Mortgage Recording Tax Exemption (.75% of amount mortgaged): $66,825

☑ Sales and Use Tax Exemption (4% Local, 4% State): $228,800

☐ Tax Exempt Bond Financing (Amount Requested): N/A

☐ Taxable Bond Financing (Amount Requested): N/A

Fayette Manlius, LLC
OCIDA Application

**SECTION III, C and D, Employment**

There are currently no jobs at the project location.

As a result of this project, new jobs will be created at the urgent care facility and at the retail tenant spaces on the first floor of the mixed-use building.

The urgent care clinic will employ approximately 15 people. These jobs are a mixture of doctors, nurses, and other medical personnel; managerial positions; and administrative and support staff. The average annual salary of these employees is approximately $58,000.

The retail tenants for the mixed-use building retail component will employ a minimum of 5 FTE's. (Tenants are not yet secured, though discussions are underway).

In total, it is safe to say that a minimum number of 20 jobs will be created between the urgent care and the retail tenant spaces of the mixed-use building, with an average annual salary of approximately $42,000.

F) Mortgage Recording Tax Exemption Benefit Calculator: Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/ bridge financing): $ 8,910,000

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above, multiplied by .0075): $ 66,825

G) Sales and Use Tax Benefit Calculator: Gross amount of costs for goods and services that are subject to State and local Sales and Use Tax – said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

$ 2,860,000

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure, above) (This should match the amount in section "E" on page 9, this calculation only exists to help you with your estimate):

$ 228,800

**Fayette Manlius, LLC**
**OCIDA Application**
**Section III, Question A: Project Costs**

| Description of Costs | Total Budget Amount | % of Total Budget to be Procured in Onondaga County | Total Private Expenditure (should be less than or equal to total budget amount) |
|---|---|---|---|
| Land Acquisition | $ 955,500.00 | 100 | $ 955,500.00 |
| Site Work/Demo | $ 931,760.00 | 100 | $ 931,760.00 |
| Remediation | $ 425,000.00 | 100 | $ 425,000.00 |
| Building Construction & Renovation | $ - | | |
| | $ - | 100 | $ - |
| Urgent Care Facility | $ 675,000.00 | 100 | $ 675,000.00 |
| Mixed Use Building | $ 6,950,000.00 | 100 | $ 6,950,000.00 |
| Furniture & Fixtures | Included In Blg Const. | | |
| Equipment | Included In Blg Const. | | |
| Engineering/Architect | $ 196,875.00 | 100 | $ 196,875.00 |
| Financial Charges | $ 90,075.63 | 100 | $ 90,075.63 |
| Legal | $ 100,200.00 | 100 | $ 100,200.00 |
| Other | $ 811,667.38 | 100 | $ 811,667.38 |
| **Total Project Cost** | $ 11,136,078.00 | | $ 11,136,078.00 |

* IDA Application Fee and Legal Fees not included

| **Sources of Funds** | |
|---|---|
| Bank Debt | 8,910,000 |
| Brownfield Tax Credits | 1,100,000 |
| Equity | 1,126,078 |
| **Total Sources** | 11,136,078 |

| **Property Information** | **Square Footage** |
|---|---|
| **Mixed Use Building (1.42 Acre Parcel)** | |
| Retail Units (3) | 12,500 |
| Residential Units (6 1br, 14 2br) | 22,000 |
| Circulation/Common | 3,000 |
| Total Mixed Use Building | 37,500 |
| **Urgent Care Facility (.82 Acre Parcel)** | 3,500 |
| **TOTAL PROJECT** | **41,000** |

## Section IV: Estimate of Real Property Tax Abatement Benefits

Section IV of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application prior to the completed application being provided to the OCIDA Board.

A) PILOTS Estimate Table Worksheet

| | |
|---|---|
| OCIDA estimate of current value | |
| New construction and renovation costs | |
| OCIDA estimate of increase in value | |
| OCIDA estimated value of completed project | |
| OCIDA estimate of taxes that would have been collected if the project did not occur | |
| Scheduled PILOT payments | |

| PILOT Year | Exemption % | County PILOT Amount | Local PILOT Amount | School PILOT Amount | Total PILOT | Full Tax Payment w/o PILOT | Net Exemption |
|---|---|---|---|---|---|---|---|
| 1 | 100 | | | | | | |
| 2 | 90 | | | | | | |
| 3 | 80 | | | | | | |
| 4 | 70 | | | | | | |
| 5 | 60 | | | | | | |
| 6 | 50 | | | | | | |
| 7 | 40 | | | | | | |
| 8 | 30 | | | | | | |
| 9 | 20 | | | | | | |
| 10 | 10 | | | | | | |
| TOTAL | | | | | | | |

Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff.

## SECTION: V For Retail Projects Only

1. Will the cost of the retail portion of the Project exceed one-third of the total project cost?

☐Yes ☑No

2. Is the Project located in a distressed area? A distressed area is a census tract that has a) a poverty rate of a least 20% or at least 20% of households receiving public assistance, and (b) an unemployment rate of least 1.25 times the statewide unemployment rate for the year to which the date relates.

☐Yes ☑No

3. Is the Project likely to attract a significant number of visitors from outside of the economic development region?

☐Yes ☑No

4. Is the predominate 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 Town, City, County or Village of where the Project will be located.

☑Yes ☐No

## SECTION VI: For Solar Projects Only

Please complete the following as an addendum:

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the Project would be affected if these benefits were not provided. [see Section II (C)]

2. Is the applicant leasing the property?
   - ☐ Yes, please provide a copy of the lease
   - ☐ No, purchased the property. Please provide documentation.

3. Has the applicant provided written communication to the affected taxing jurisdictions notifying them of its intent to construct a renewable energy project?
   - ☐ Yes
   - ☐ No

4. Has the applicant received a letter of support for the megawatt cost to be used as a basis for the PILOT from the town, city or village where the Project is located?
   - ☐ Yes. Please provide copy.
   - ☐ No

5. Has the applicant received a letter of support for the megawatt cost to be used as a basis for PILOT from the school district?
   - ☐ Yes. Please provide copy.
   - ☐ No

6. Is the entire parcel being used for the solar project?
   - ☐ Yes
   - ☐ No, if not, have you reached out to the town assessor to discuss a subdivision or slash parcel? Explain: _____

7. Will the applicant enter into a decommissioning plan with the host community, including financial assurance the plan can be executed?
   - ☐ Yes, explain.
   - ☐ No

*PLEASE SEE FOLLOWING PAGE FOR OCIDA SOLAR BEST PRACTICES

# OCIDA SOLAR PILOTs GUIDANCE AND BEST PRACTICE

To be placed on the OCIDA meeting agenda, proposed solar projects must provide OCIDA with the following in advance of the Project's first OCIDA meeting:

1. Fully completed OCIDA application.
2. Copy of Environmental Assessment Form.
3. A SEQR resolution approved by a local municipality indicating municipality will be lead agency, the type of action (I, II, or unlisted) and, if completed, the SEQR determination made by the municipality.
4. Copies of your zoning applications submitted to the local municipality.
5. Verification of parcel subdivision process with the town (if the entire parcel will not be used for the solar project).
6. A statement clarifying whether the applicant will lease or purchase the real property on which the Project is situated. If leased, provide a copy of the proposed or executed lease. If lease parcel is less then entire parcel then see 5 above.
7. A supporting document from the School District and the Town Board outlining the agreed upon cost per megawatt to be used as a basis for the PILOT. OCIDA cannot create the PILOT schedule without this information.

You will receive a draft Cost Benefit Analysis and a Draft PILOT schedule from this office. You may use these documents as your Project progresses through the OCIDA approval process. OCIDA staff are available to update these two documents as needed.

## SECTION VII: For Housing Projects Only

Please complete the following as an addendum:

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the project would be impacted if these benefits were not provided. [see Section II (C)]

2. Is the Project being built in a blighted area? Please describe.

3. Is the Project fulfilling an unmet need in the area? Please explain.

4. Please provide a market study documenting a need for such housing.

5. Is there support from local government officials for the Project and for the financial assistance being requested from the Agency? Please provide written documentation.

6. Is the Project considered infill in a populated area? Please explain.

7. Does the Project provide walkability?

8. Is there additional county infrastructure necessary to service the Project? If, yes, please explain.

9. Is the Project part of a larger mixed-use development? Please describe.

## Section VIII: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, sub-contractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

**Noncompliance may result in the revocation and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne.** Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the Local Access Policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available upon request.

Prior to issuance of any NYS Tax & Finance ST-60 forms, the Applicant must submit a **Contractor Status Report to the Agency.**

In consideration of the extension of financial assistance by the Agency Fayette Manlius, LLC (the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency's application at the time of the application to the Agency and as part of a request to extend the valid date of the Agency's tax-exempt certificate for the Project. The Company understands that an Agency tax-exempt certificate is typically valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands that any request for a waiver to this policy must be submitted in writing and approved by the Agency.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of_____(date).

Company: Fayette Manlius, LLC

Representative for Contract: Matthew J. Lester

Address: 1657 East Avenue City: Rochester State: NY Zip: 14610

Phone: (585)797-8877 Email: mlester@caliberbrokerage.com

Project Address: 332 Fayette Street City: Manlius State: NY Zip: 13104

General Contractor: _____

Contact Person: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Authorized Representative: _____ Title: _____

Signature: _____

# Section IX: Agency Fee Schedule

* Minimum Fee to be applied to all project receiving OCIDA benefits is 1% of the Total Project Cost (TPC)

| ACTIVITY | FEES | COMMENTS |
|---|---|---|
| Non- refundable Application Fee | $1,000 | Due at time of application |
| Legal Deposit | $2,500 | Due at time of application |
| Minimum Fee of 1% of TPC<br><br>1. Sales and Use Tax Exemption<br><br>2. Mortgage Recording Tax<br><br>3. PILOT **is an additional fee** | .01 X TPC<br><br>.0025 X TPC (total .0125) | Due at closing |
| Bonds<br>Bond refinancing and refunding | .0025 of TPC | Due at closing |
| Agency Legal Fees<br><br>Fee for first $20 million<br><br>Fee for expenses above $20 million | .0025 X of the project cost or bond amount<br><br>.00125 X of project cost or bond amount | Due at closing |

OCIDA reserves the right to modify this schedule at any time and assess fees and charges in connection with other transactions such as grants of easement or lease or sale of OCIDA-owned property.

## Section X: Recapture of Tax Abatement/Exemptions

**Information to be Provided by Companies:** Each Company agrees that to receive benefits from the Agency it must, whenever requested by the Agency or required under applicable statutes or project documents, provide and certify or cause to be provided and certified such information concerning the Company, its finances, its employees and other topics which shall, from time to time, be necessary or appropriate, including but not limited to, such information as to enable the Agency to make any reports required by law or governmental regulation.

Please refer to the OCIDA Uniform Tax Exemption Policy. (add hyperlink)

**I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.**

Name of Applicant Company: Fayette Manlius, LLC

Signature of Officer or Authorized Representative:

Name & Title of Officer or Authorized Representative: Matthew J. Lester, Member

Date: 2/1/22

## Section XI: Conflict of Interest

Agency Board Members

1. Patrick Hogan, Chairperson
2. Janice Herzog, Vice Chairperson
3. Steve Morgan, Director
4. Victor Ianno, Director
5. Sue Stanczyk, Director
6. Kevin Ryan, Director
7. Fanny Villarreal, Director

Agency Officers/Staff

1. Robert M. Petrovich, Executive Director
2. Nathaniel Stevens, Treasurer
3. Nancy Lowery, Secretary
4. Karen Doster, Recording Secretary
5. Christopher Cox, Assistant Treasurer

Agency Legal Counsel & Auditor

1. Jeffrey Davis, Esq., Barclay Damon LLP
2. Amanda Fitzgerald, Esq., Barclay Damon LLP
3. Michael G. Lisson, CPA, Grossman St. Amour Certified Public Accountants PLLC

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

Name of Applicant Company: Fayette Manlius,, LLC

Signature of Officer or Authorized Representative:

Name & Title of Officer or Authorized Representative: Matthew J. Lester, Member

Date: 2/1/22

## Section XII: Representations, Certifications, and Indemnification

Matthew J. Lester (Name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Member (title) of Fayette Manlius, LLC (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

A. **First Consideration for Employment:** In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.

B. **Other NYS Facilities:** In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which will result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or is reasonably necessary.

C. **Annual Sales Tax Filings:** In accordance with §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, 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.

D. **Outstanding Bonds:** The Applicant understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.

E. **Employment Reports:** The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant agrees to file with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, with said report being an agenda item subject to the open meetings law.

**F. Absence of Conflicts of Interest:** The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Section X.

**G. Compliance:** The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

**H.** The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the Agency. (1) No funds of the Agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

**I.** The Applicant confirms and acknowledges that the owner, occupant or operator receiving financial assistance for the proposed Project is in substantial compliance with applicable local, state, and federal tax, worker protection and environmental laws, rules and regulations.

**J.** The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement in the Project.

**K.** The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

**L.** The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statement contained herein not misleading.

**M.** The OCIDA has the right to request and inspect supporting documentation regarding attestations made on this application.

**N.** **Hold Harmless Agreement:** Applicant hereby releases Onondaga County Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (A) the Agency'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 tax-exemptions and other assistance requested therein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action 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 or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the process of the Application, including attorney's fees, if any.

Name of Applicant Company: Fayette Manlius, LLC

Signature of Officer or Authorized Representative:

Name & Title of Officer or Authorized Representative: Matthew J. Lester, Member

Date: 1-31-22

STATE OF NEW YORK )

COUNTY OF ONONDAGA ) ss.:

Matthew J. Lester, being first duly sworn, deposes and says:

1. That I am the Manager (Corporate Officer) of Stream Line Real Estate Partners LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.

2. That I have read and attached Application, I Know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true. accurate and complete

the Manager the Applicant

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this 31st day of January, 2022.

Patrick Quigley

(Notary Public)

PATRICK J. JR. QUIGLEY
Notary Public, State of New York
Qualified in Ontario County
No. 02QU6022663
Commission Expires April 5, 2023

End of Application

Rev 8.5.21

BARCLAY DAMON LLP

**Kevin R. McAuliffe**
*Partner*

January 27, 2022

**VIA ELECTRONIC MAIL**

Onondaga County Industrial Development Agency
333 Washington Street, Suite 130
Syracuse, New York 13202

Re: Onondaga County Industrial Development Agency - Hinsdale Road Group, LLC
Township 5 Project – January 29, 2014 Lease and Leaseback Agreement

Ladies and Gentlemen:

Barclay Damon LLP represents Hinsdale Road Group, LLC (the "Company") in certain matters, including the Company's relationship with the Agency and presents this correspondence on the Company's behalf. The Company is in the process of refinancing the debt on the Township 5 Project in the Town of Camillus, which debt was last modified in 2017. Berkshire Bank was the lead lender in the 2017 financing, joined by Five Star Bank and Tompkins Bank. Both Berkshire Bank and Five Star Bank are involved in the 2022 financing, with Solvay Bank replacing Tompkins Bank. Bond Schoeneck & King is representing the lenders. It is the parties' expectation that the loan documents for the 2022 financing will largely mirror those used in the 2017 financing and will include the Agency's required provisions.

The Company requests the Agency Board authorize the Executive Director to sign and deliver each of the 2022 financing facility documents that include the Agency as a party, anticipated to be one or more mortgage(s), an assignment of leases of rents, and related documents and agreements, including an estoppel certificate addressing the relationship between the Agency and the Company. Of course, the Company recognizes that Agency counsel will need to review and approve each document signed and delivered by the Agency.

Ideally, the Company would like to consummate the 2022 financing in mid-February and to accommodate that timing respectfully asks the Agency to consider this request at the Agency's Board meeting on February 8, 2022. If you have questions regarding this request or need additional information for consideration, please let me know.

Very truly yours,

/s/ Kevin R. McAuliffe

Kevin R. McAuliffe

KRM:ds

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