



ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

333 WEST WASHINGTON STREET, SUITE 130, SYRACUSE, NY 13202

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Meeting Agenda

January 18, 2022

8:00 AM Call to Order the OCIDA Organizational Meeting

8:05 AM Call to Order the Meeting of the Agency

1. Approval of Minutes- December 14, 2021
2. Treasurer's Report
3. Payment of Bills
4. Conflict of Interest

Action Items

1. CVE US EI4 Manlius North, LLC (3101-21-16A) Initial Meeting

CVE US EI4 Manlius North, LLC is proposing to construct a 1.5 MW, 20-acre solar array on 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 authorizing a public hearing.

Representative: Carson Weinand, Senior Business Developer, CVE Group

2. CVE US EI5 Manlius East, LLC (3101-21-17B) Initial 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 authorizing a public hearing.

Representative: Carson Weinand, Senior Business Developer, CVE Group

3. CVE US EI6 Manlius West, LLC(3101-21-18C) Initial 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 authorizing a public hearing.

Representative: Carson Weinand, Senior Business Developer, CVE Group

4. Immediate Mailing Services, Inc. / 245 Commerce LLC (3101-21-15B) Initial 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 declaring intent to be the lead agency for purposes of a coordinated review pursuant to SEQRA.
- b. A resolution of the Board authorizing a public hearing.

Representative: Sam Wilks, Senior Accountant, IMS Inc.

5. Active Project Review

Annual assessments of projects as required by General Municipal Law Section 874(12)

Agency Action Requested:

- a. A resolution of the Board waiving recapture of financial assistance with regard to certain projects due to COVID related impacts.

Representative: Nancy Lowery, Secretary, OCIDA

6. Onondaga County Industrial Development Bylaws Modification

Agency Action Requested:

- a. A resolution of the Board amending Article IV of the restated bylaws, to require all future amendments to the bylaws to require a supermajority vote of the Board. A resolution of the Board 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.

Representative: Robert M. Petrovich, Executive Director, OCIDA

7. Revised OCIDA Project Application

Agency Action Requested:

- a. A resolution of the Board adopting the revised OCIDA Project Application.

Representative: Nancy Lowery, Secretary, OCIDA

8. Property Acquisition Policy

Agency Action Requested:

- a. A resolution of the Board adopting the Property Acquisition Policy.

Representative: Nancy Lowery, Secretary, OCIDA

Executive Session

9. 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 four parcels of property.

Representative: Robert Petrovich, Executive Director, OCIDA

Adjourn

Onondaga County Industrial Development Agency
Regular Meeting Minutes
December 14, 2021

A regular meeting of the Onondaga County Industrial Development Agency was held on Tuesday, December 14, 2021 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 8:00 am with the following:

PRESENT:

Patrick Hogan
Janice Herzog
Steve Morgan
Susan Stanczyk
Kevin Ryan
Fanny Villarreal

ABSENT:

Victor Ianno

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
Len Rauch, Office of Economic Development
Joseph Cattalani, Stewart Hancock Partner, LLC
Charlie Wallace, Quantum Cool, LLC
Paul Reichel, Bond Schoeneck & King

APPROVAL OF REGULAR MEETING MINUTES – NOVEMBER 9, 2021

Upon a motion by Kevin Ryan, seconded by Janice Herzog, the OCIDA Board approved the regular meeting minutes of November 9, 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 November 2021.

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

PAYMENT OF BILLS

Nate Stevens gave a brief review of the Payment of Bills Schedule #463.

Upon a motion by Janice Herzog, seconded by Susan Stanczyk, the OCIDA Board approved the Payment of Bills Schedule #463 for \$463,034.19 and PILOT payments to NYS & W Railway Corp. for \$2,910.00, Onondaga County for \$945.89, Town of DeWitt for \$14.50, Town of Onondaga for \$2.92, Jamesville Dewitt School District for \$94.89 and City of Syracuse for \$1,471.13. Motion was carried.

CONFLICT OF INTEREST DISCLOSURE

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

STEWART HANCOCK PARTNERS LLC/DUNN TIRE LLC (3101-21-12A) SECOND MEETING

Joseph Cattalani stated they are proposing to build a new warehouse at the airport for Dunn Tire because they have outgrown their current warehouse and their office is not really suitable to keep expanding business.

Kevin Ryan asked where the current facility is. Robert Petrovich stated they rent a facility in Clay.

Robert Petrovich stated the project is locating at the Hancock Airpark which is owned by the County and controlled by this organization in terms of marketing and sales of the property. He stated this is a nice development project. He stated there is a creation of 11 jobs and one of the things that should be noted is Len Rauch did a nice job in working with the applicant on this project because if they couldn't find a place here he believes they would have moved to Albany.

He stated this is a nice win. He stated the Town of Cicero was accommodating in terms of some of the modifications to the setback requirement. He stated at the end of the day we got there but it was a little bit of a struggle.

Patrick Hogan asked if there are any properties left at Hancock Airpark. Robert Petrovich stated there are a couple of parcels left and Len Rauch is working on getting the last couple taken care of and then we will be out of space. He stated the County Executive is looking to do another project like Hancock Airpark so we can accommodate businesses like this with shovel ready sites for them to develop on.

Jeff Davis stated the Cicero Planning Board was lead agency and they conducted an environmental review earlier this year and we were not identified at the time as an involved agency and had we been we would have consented. He stated all the information has been reviewed and the resolution before the Board is in recognition of the environmental review conducted by the Planning Board for the Town of Cicero. He stated the Board is reaffirming accepting and adopting that negative declaration and the review they conducted.

Nancy Lowery stated a public hearing was held and there were no comments on the project.

Upon a motion by Kevin Ryan, seconded by Janice Herzog, the OCIDA Board approved a resolution authorizing adoption of SEQRA negative declaration determination for the Stewart Hancock Partners LLC/Dunn Tire LLC project. Motion was carried.

Upon a motion by Susan Stanczyk, seconded by Fanny Villarreal, the OCIDA Board approved a resolution authorizing the financial assistance the Agency will provide to include exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes for the Stewart Hancock Partners LLC/Dunn Tire LLC project. Motion was carried.

GSPP SENTINEL HEIGHTS ROAD, LLC (3101-20-10B) MEETING TO MODIFY

Jeff Davis stated this project was approved in September. He stated they came before the Board shortly after that approval and approved a change in ownership from the original member which

was GSPP Omni Hold Co LLC and then a few weeks later there was a change in ownership to GSPP Hold Co 2 LLC so a new LLC was created under the same provisions. He stated in gearing up to close we sent out our closing documents to them with the signature block for GSPP Hold Co LLC and we learned on December 3 the company entered into a membership interest purchase agreement between GSPP Hold Co LLC and the new owner GSPP Hold Co F and C Fund. He stated in essence what they did was they had somebody come in and provide an equity interest to help pay for the construction of the facility and they entered into that change of ownership. He stated the documents have been reviewed and the ownership transaction took place December 3. He stated they have also filed with the State with regard to certain benefits required for this type of facility. He stated they are before us to do an after the fact despite the fact that it should have been done before the fact. He stated the interesting thing is the facility is already built and is almost completed. He stated he also learned that when they went to close they no longer are going to be requiring the sales tax exemption because it is already built and therefore they can't use it. He stated it is a little bit less of a benefit that the Agency is going to provide and they will really only be receiving the PILOT from the Agency. He stated in order to move forward to close the Agency needs to approve.

Patrick Hogan asked what happens if we don't approve. Jeff Davis stated they don't receive the PILOT. He stated at this point he does not think they can undo this membership interest change especially now that they filed with the State.

Susan Stanczyk asked what the building is. Robert Petrovich stated it is a solar facility. Jeff Davis stated it is located in the Town of Lafayette and GSPP stands for Green Street Power Partners.

Kevin Ryan asked what precipitated the new ownership and who the new owners are. He stated in the past there has been concern. Jeff Davis stated the membership information they sent has been looked at and it is still Green Street Power Partners that is involved in the process; they brought in someone else that provided equity funding to complete the construction.

Jeff Davis asked if Samantha Podlas knew who the F and C stands for in the F and C Fund. Samantha Podlas stated they did not provide that information but there was concern last month with Cicero going out to Goldman Sachs and the transfers are all within the company.

Jeff Davis stated if he remembers correctly they create the entity and the members of that LLC can buy into certain ones of these solar facilities. He stated there was extensive discussion at a prior meeting and the owner was trying to explain it. He stated that they owned this one and they have other partners that buy into various solar facilities.

Kevin Ryan asked if we are satisfied that this doesn't change anything in terms of operation control or anything else in terms of the way this is going to function. Jeff Davis stated this doesn't change anything in terms of operational control and is still in the name of GSPP, it is just that GSPP at the back end decided who owns their company.

Patrick Hogan asked if they made the local municipality aware of the ownership. Jeff Davis stated the facility is already constructed and he doesn't think they have to.

Patrick Hogan asked why they don't have to. Jeff Davis stated it is under construction, they have a permit and what they needed to get the permit was to submit a removal bond so they have a bond in place with the Town that covers the facility. He stated under that bond if there is a change in ownership that town needs to be notified who the appropriate bond entity is. He stated whether that has been done he does not know.

Robert Petrovich stated generally speaking when we have projects we close then there is a change in ownership and we require folks to come back to the Board. He stated in this particular instance, we haven't closed and there have been two ownership changes thus far. He stated the first one was early on and we did it more or less as a courtesy. He stated this is another change yet again. He stated he thinks going forward, he would hope the Board would endorse that when the applicant closes the deal and if they want to do a change in ownership they have to come back before the Board after the closing and then the Board can consider it. He stated in this instance the horse has left the barn but it is frustrating because we are now chasing different entities and it is more work for counsel. He stated at the end of the day we understand extenuating unique circumstances but this seems to be a recurring pattern on these solar projects.

Jeff Davis stated he would recommend that as well. He stated the change in ownership beforehand, especially in this particular industry, are becoming difficult.

Kevin Ryan stated Patrick Hogan raised a good point questioning if the town is notified and the answer was they don't have to, but it was said they post a bond and in the terms of the bond the municipality is required to be notified of any ownership change. He stated if they have not notified the Town of Lafayette of the ownership change doesn't that violate the terms of the bond and if something happens we can make a claim that they didn't comply with the material terms. Jeff Davis stated he has not seen the bonds, he has not read the bonds and we are not required to see the bonds so he does not know what the terms are. He stated typically you would notify if there is a change in owner but if this qualifies, he does not know what entity posted the bonds because that is all within the Town of Lafayette.

Kevin Ryan asked if we are going to approve the ownership change can we do it such a fashion that we require they notify the Town of Lafayette so the terms of the bond are complied with so that they are not violated and voided. Jeff Davis stated he thinks we can make that request that they do that but we cannot condition an approval of change in ownership. He stated it has already happened. He stated we just don't close.

Janice Herzog stated Kevin Ryan raises a good point because what if for some odd reason the town has a problem with it and our Board already approved it then they can say well OCIDA approved it.

Robert Petrovich stated they want the PILOT so there is motivation to close.

Jeff Davis stated we can put in that on the condition of OCIDA closing on the PILOT they need to provide documentation that they have notified the Town of Lafayette of the change in ownership and the bond is in full force.

Kevin Ryan stated that there might be some other condition that we are unaware of. Jeff Davis stated he is assuming there is a removal bond because typically these types of facilities have one. He stated he thinks that is a fine condition to put in. He stated he is sure they would easily want to satisfy that so they can close and get their PILOT.

Janice Herzog stated we can hear from the town to see if everything is OK then we can approve our projects but it seems like we are putting the cart before the horse.

Steve Morgan asked if it is a burden for all parts of our agency to deal with something like this, can we invoke a change in ownership fee. He stated if that is done at least we will cover our time and efforts to accommodate something like this. Robert Petrovich stated that is a great idea and it was discussed amongst counsel and staff about doing something like that such that everyone recoups some of the cost and time. He stated he doesn't know if it can be done in this particular situation and he will defer to counsel given timing but on a going forward basis he thinks this is something we ought to consider as part of the transaction.

Jeff Davis stated typically if this is post-closing and they are coming back to us we do have a fee to cover the development of new documents. He stated sometimes OCIDA charges a fee to come back and appear before the Board and in this case obviously we have not closed yet. He stated the Agency fee structure as established is in the OCIDA application that they submitted.

Jeff Davis stated if the Board wanted to entertain the approval of the resolution for the change in ownership that would include language that would be added into that resolution that prior to closing on the PILOT they must show proof of notification of the change in ownership to the Town of Lafayette and prove that the bond, if any, is still in full force and effect. He stated he will modify that in the written resolution for purposes of any resolution going forward those will be the two conditions that we include.

Upon a motion by Janice Herzog, seconded by Kevin Ryan, the OCIDA Board approved a resolution consenting to the sale of membership interest of the GSPP Sentinel Heights Road, LLC project subject to proof of notification of the change in ownership to the Town of Lafayette and proof that the bond, if any, is in full force and effect. Motion was carried.

QUANTUM COOL, LLC & CRYOMECH, INC. (3101-19-02A) MEETING TO MODIFY

Nancy Lowery stated this is a modification to the resolution and everyone should have copies.

Paul Reichel stated back in 2019 an affiliate of VIP Structures Quantum Cool built a facility and leases it to Cryomech in Dewitt. He stated at the time there was a possibility that they might sell the facility to Cryomech and two years later they want to sell it to Cryomech. He stated the documents allow the sale to Cryomech but Cryomech wants to set up a subsidiary to buy it. He

stated the sale will be to Kelvin Kool LLC and they are before the Board to ask for approval of the sale to Kelvin Kool, a subsidiary of Cryomech.

Jeff Davis stated when this was originally approved, the Board pre-approved a sale already to Quantum Cool. He stated this is just a change in name of the company that they are going to sell to and we had already contemplated this was going to happen. He stated this request is not only the approval of the name change for the change in ownership but also approval to authorize the executive director to execute mortgage documents as necessary like we typically do.

Charlie Wallace stated the entity is solely owned by Cryomech.

Robert Petrovich stated it is separating the real estate from the operating business and is standard practice.

Paul Reichel stated to be clear they are not asking for a mortgage tax exemption on the project. He stated they are also asking for release of Quantum Cool because it is no longer going to own the facility, it is selling it to Kelvin Kool. Robert Petrovich stated a release going forward but Cryomech is till responsible for future job targets and obligations.

Upon a motion by Kevin Ryan, seconded by Susan Stanczyk, the OCIDA Board approved a resolution approving the assignment of the right, title and interest in a Company Project Facility by Quantum Cool, LLC to Kelvin Kool, LLC and authorization for the executive director to execute and deliver documents in connection therewith including mortgage documents. Motion was carried.

ACTIVE PROJECT REVIEW

Nancy Lowery stated we are required by Municipal Law 874-12 to report to the Board assessment of the active projects and this year we have 64 active projects and 60 are in compliance. She stated 4 are out of compliance meaning they have fallen below the 75% of the employment they put in their application. She stated we have been in contact with the 4 projects and submitted written documentation as to why they fell below. She stated they are all Covid related. She stated 3 of them are in the hospitality industry that are hotels and due to the

executive order from the Governor they were severely impacted by restrictions. She stated the other was an apartment complex that was impacted by the restrictions and thier ability to hire contracting employees. She stated it is important to note that none of these companies had fallen below their targets prior to Covid and were within compliance. She stated they all hope to get back to their targets but the hotels might need another year to get back up to compliance. She stated staff is in contact with them.

Kevin Ryan asked what hotels and where are they located. Nancy Lowery stated Destiny USA, Etna and Prima Terra. She stated she is not sure the exact location but she can get that information to him. She stated they are all in Onondaga County.

Kevin Ryan asked if they are along the I-81 corridor making the complaints. Robert Petrovich stated he is not sure they are the same ones.

Robert Petrovich stated we are required to inform the Board of the circumstance at this meeting. He stated at the January meeting we will be looking for a vote from the Board with respect to recapture and whether or not we should institute recapture of benefits with respect to these companies. He stated staff's recommendation because of extenuating circumstances related to Covid that we would hope not to do that. He stated that staff can advise the Board and the Board can make a determination at that time.

Susan Stanczyk asked for information of how far they are behind, more information why they are lacking and the positions that are lacking. She stated she understands if it were sales and marketing but it depends on what the positions are. Robert Petrovich stated staff can provide that information.

Robert Petrovich stated this is not a forward look, it is a look back as to what was in the height of Covid and what the problem was. He stated he expects them to be rebounding assuming we keep this at bay. He stated staff will provide information as to where they are located, information as to by how much they missed the mark, the positions and potentially their plan to get back on track.

Susan Stanczyk stated she is not sure if the Agency should consider or not but if they received a PPP loan they shouldn't have lost those employees. She stated if there is no work to be done, she gets that but she would like to know what they have received as far as benefits.

Patrick Hogan stated he is surprised there hasn't been more because it has been devastating and he can totally understand.

Kevin Ryan asked what was the name of the project that wasn't a hotel and what types of jobs were lost. Nancy Lowery stated it was Morgan B'Ville Apartments. She stated they had contract employees like life guards, other ancillary and seasonal kinds of things.

Jeff Davis stated no action is required just a report to the Board. He stated a recommendation will be provided at the January meeting for a vote for the Board.

EXECUTIVE SESSION

Jeff Davis stated his recommendation is to vote to go into executive session to discuss the potential entrance into purchase and sale contracts.

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

PURCHASE CONTRACT EXECUTION

Jeff Davis stated the resolutions before the Board are for acquisition of additional lands. He stated there are two parcels of land. He stated this is relevant to White Pine and he will read the pertinent parts of the SEQR resolution.

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

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

Upon a motion by Kevin Ryan, seconded by Susan Stanczyk, the OCIDA Board adjourned the meeting at 8:56 am. Motion was carried.

Nancy Lowery, Secretary



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December 31, 2021

Revenue / Expense / Income	Current Period	Current YTD	2021 Budget Amount	Current YTD Change to Budget
Operating Revenue	683,036	2,480,738	1,646,000	834,738
Administrative Expense	93,443	608,049	1,008,000	(399,951)
Operating/Program Exp.	318,410	1,247,480	638,000	609,480
Net Ordinary Income	271,182	625,210	-	625,210

Current Assets	Current YTD	Prior YTD
Total Cash	2,973,587	5,068,330
Less Pass Through Received	32,765	34,776
Available Cash	2,940,822	5,033,554
Receivables (less pass through rec.)	537,359	687,099
Grant Reimbursements	-	-
Total	3,478,181	5,720,653

Reserve for Contracts	
County Operations 2021	399,951
333 W. Washington St 2021 Rent	8,920
OBG WPCP CO #4 Additional Studies	193,233
JMT 800 Hiawatha Engineering	10,234
Barclay Damon WPCP Options	-
Total	612,338

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

Onondaga County Industrial Development Agency

Profit and Loss

December 2021

	TOTAL
Income	
500 Operating Revenue	
2116 Fees	
2116.1 Agency Fees	530,134.95
Total 2116 Fees	530,134.95
2655 Other Operating Revenue	152,875.83
Total 500 Operating Revenue	683,010.78
501 Non-Operating Revenue	
2401 Interest Income	25.44
Total 501 Non-Operating Revenue	25.44
534 Pilot & Pass Thru Revenue	
529 PILOT Income	32,764.80
Total 534 Pilot & Pass Thru Revenue	32,764.80
Total Income	\$715,801.02
GROSS PROFIT	\$715,801.02
Expenses	
6400 Operating Expense	
6402 Rent	12,504.00
6406 Other Professional Services	
6406.50 Consulting Services	5,000.00
Total 6406 Other Professional Services	5,000.00
6407 Administrative Expense	93,443.49
6408 Meeting Expenses	443.47
6410 Office Expense	3,593.23
Total 6400 Operating Expense	114,984.19
6440 Legal Fees	
6445 Special Counsel	
6445.01 Blue Rock BS&K	690.00
Total 6445 Special Counsel	690.00
6450 Barclay Damon	
6460 IDA General Legal	5,790.00
6470 WPCP Development	
6470.1 Options	8,571.18
6470.2 Land Purchases	35,565.00
6470.3 SEQR/Envir	155,863.82
6470.5 JMT	50,000.00
Total 6470 WPCP Development	250,000.00
Total 6450 Barclay Damon	255,790.00
Total 6440 Legal Fees	256,480.00

Onondaga County Industrial Development Agency

Profit and Loss

December 2021

	TOTAL
6500 Agency Program Expenses	
6510 White Pine Commerce Park	
6510.6 Taxes/SDC	968.27
6510.7 WPCP Marketing	25,379.43
6511 WPCP Closing Costs	14,042.00
Total 6510 White Pine Commerce Park	40,389.70
Total 6500 Agency Program Expenses	40,389.70
6600 Non-Operating Expenses	
6605 Pilot & Pass Thru Expenses	
6605.2 PILOT Expense	32,764.80
Total 6605 Pilot & Pass Thru Expenses	32,764.80
Total 6600 Non-Operating Expenses	32,764.80
Total Expenses	\$444,618.69
NET OPERATING INCOME	\$271,182.33
NET INCOME	\$271,182.33

Onondaga County Industrial Development Agency

Balance Sheet

As of December 31, 2021

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
200 Cash	0.00
200.1 Cash - M & T Checking	2,092,084.51
200.2 Cash - M & T Money Maker Savings	890,410.30
200.4 Destiny USA Restricted Cash	-8,957.82
210 Petty Cash	50.00
Total 200 Cash	2,973,586.99
Total Bank Accounts	\$2,973,586.99
Accounts Receivable	
380 Accounts Rec.	
380.6 A/R Fees, Lease & PILOT	315,334.95
Total 380 Accounts Rec.	315,334.95
Total Accounts Receivable	\$315,334.95
Other Current Assets	
391 Long Tern Receivable	222,024.00
Total Other Current Assets	\$222,024.00
Total Current Assets	\$3,510,945.94

Onondaga County Industrial Development Agency

Balance Sheet As of December 31, 2021

	TOTAL
Fixed Assets	
100 Land	
101 White Pines Commerce Park	6,105,401.50
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	7,912,146.03
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	9,168,491.53
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	\$9,090,311.53
Other Assets	
240 Blue Sky Redevelopment	1,641.76
Total Other Assets	\$1,641.76
TOTAL ASSETS	\$12,602,899.23

Onondaga County Industrial Development Agency

Balance Sheet As of December 31, 2021

	TOTAL
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
600 Accounts Payable	0.00
600.1 Due to Related Party - OED	608,048.56
600.205 Exp Pay Prev Period	36,878.07
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	1,745,780.45
Total 600 Accounts Payable	2,416,299.42
601 PILOT and Pass Thru Payable	
603 PILOT Pass Thru	0.01
604 Other Pass Thrus	74,063.70
Total 601 PILOT and Pass Thru Payable	74,063.71
631 Due to Other Governments	
631.3 Schools	
631.356 Syracuse	14,547.90
Total 631.3 Schools	14,547.90
631.4 Onondaga County	9,723.26
631.5 City of Syracuse	8,493.64
Total 631 Due to Other Governments	32,764.80
Total Other Current Liabilities	\$2,523,127.93
Total Current Liabilities	\$2,523,127.93
Total Liabilities	\$2,523,127.93
Equity	
3900 Equity Unreserved	6,735,894.07
3901 Equity-Investment Fixed Assets	2,345,838.63
463 Reserve For Contracts	612,337.99
465 Equity - Unreserved	-239,508.99
Net Income	625,209.60
Total Equity	\$10,079,771.30
TOTAL LIABILITIES AND EQUITY	\$12,602,899.23

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PAYMENT OF BILL - SCHEDULE #465
January 18, 2022

GENERAL EXPENSES

1.	<u>BARCLAY DAMON LLP*</u>	\$ 207,535.75
	Land Purchase	
2.	<u>BARCLAY DAMON LLP**</u>	\$ 607,474.52
	Land Purchase	
3.	<u>BARCLAY DAMON LLP***</u>	\$ 250,000.00
	Legal Fees WPCP Development	
4.	<u>BARCLAY DAMON LLP</u>	\$ 2,452.50
	Inv#5153765, General Legal thru November 30, 2021	
5.	<u>BARCLAY DAMON LLP</u>	\$ 100,000.00
	Legal Fees WPCP Development	
6.	<u>BOND, SCHOENECK & KING, PLLC</u>	\$ 690.00
	Inv#19895966, BlueRock Legal thru November 30, 2021	
7.	<u>NEW YORK STATE EDC</u>	\$ 2,000.00
	Inv#12932, 2022 Membership	
8.	<u>ONONDAGA CIVIC DEVELOPMENT CORP.</u>	\$ 13,430.74
	Inv# 1120 & 1121, 4th Quarter 2021 Rent & Office Machine	
9.	<u>COMMISSIONER OF FINANCE</u>	\$ 1,436.56
	435 N. Salina & Roth 2022 Taxes	
10.	<u>BRIAN R. HALL RECEIVER OF TAXES</u>	\$ 10,785.95
	WPCP 2022 Taxes	
11.	<u>FEDEX</u>	\$ 46.34
	Inv#7-603-41744, Shipping	
12.	<u>JOHN E. DAVIS****</u>	\$ 20,000.00
	Land Options	

13. <u>BARCLAY DAMON LLP****</u>	\$ 91,697.25
Land Purchase	
14. <u>BARCLAY DAMON LLP****</u>	<u>\$ 766,762.13</u>
Land Purchase	
TOTAL	\$ 2,074,311.74

* Ratification of Check dated December 15, 2021

** Ratification of Check dated December 17, 2021

*** Ratification of Check dated December 21, 2021

**** Ratification of Checks dated January 13, 2022

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PAYMENT OF BILL - SCHEDULE #465
January 18, 2022

PILOT Payments

1.	<u>ONONDAGA COUNTY</u>	\$	9,723.26
	4th Quarter 2021 COR IH Master PILOT Payment		
2.	<u>CITY OF SYRACUSE</u>	\$	8,493.64
	4th Quarter 2021 COR IH Master PILOT Payment		
3.	<u>SYRACUSE CSD</u>	\$	<u>14,547.90</u>
	4th Quarter 2021 COR IH Master PILOT Payment		
	TOTAL	\$	32,764.80

**ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
RESERVE FOR CONTRACTS
12/31/2021**

	CONTRACT	TOTAL	PORTION	BALANCE
DESCRIPTION	TERM	CONTRACT	PAID	OUTSTANDING
ONONDAGA COUNTY OED 2021	1-1-21-12-31-21	\$1,008,000.00	\$608,048.56	\$399,951.44
333 W. WASHINGTON ST 2021 RENT	1-1-21-12-31-21	\$65,000.00	\$56,080.10	\$8,919.90
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
BARCLAY DAMON WPCP OPTIONS	11/30/20-12-31-21	\$200,000.00	\$200,000.00	\$0.00
		\$2,098,000.00	\$1,485,662.01	\$612,337.99

**ACCOUNTS RECEIVABLE
12/31/2021**

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
5. Tax Parcel(s)	099.-01-03.0	6. Project Type	Solar new construction

0

7.Total Project Cost	\$	3,450,000	8. Total Jobs	0
Land	\$	500,000	8A. Job Retention	0
Site Work	\$	1,000,000	8B: Job Creation	0
Building	\$		(Next 5 Years)	
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	\$	-		

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

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.

Benefit:Cost Ratio

33 :1



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 E14 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

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

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

☐ 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

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):

- | | |
|---|--|
| ☒ New construction | ☐ Purchase of machinery and/or equipment |
| ☐ Expansion/Addition to current facilities | ☐ Brownfield/Remediated Brownfield |
| ☐ Renovation of existing facility | ☐ LEED Certification |
| ☐ Housing Project | ☐ Demolition and Construction |
| ☒ Renewable Energy Project | ☐ Acquisition of existing facility/property |
| ☐ Retail | ☐ 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	\$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 | \$ <u>2,760,000</u> |
| 2. Equity (excluding equity that is attributed to grants/tax credits) | \$ <u>690,000</u> |
| 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 than 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		
1. Sales and Use Tax Exemption	.01 X TPC	Due at closing
2. Mortgage Recording Tax		
3. PILOT is an additional fee	.0025 X TPC (total .0125)	
Bonds		
Bond refinancing and refunding	.0025 of TPC	Due at closing
Agency Legal Fees		
Fee for first \$20 million	.0025 X of the project cost or bond amount	Due at closing
Fee for expenses above \$20 million	.00125 X of project cost or bond amount	

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 E14 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 E14 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 E14 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 NYSEERDA 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

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

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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

Agency Use Only [If applicable]

Project :

Date :

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) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>		☐ 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) <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
		☐ NO	☒ YES
	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) <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
		☐ NO	☒ YES
	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: _____ _____		☐	☐
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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) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		☒ NO	☐ YES
	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) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		☒ 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 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) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	☒ NO	☐ YES	
	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) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g 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.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	☒ NO	☐ YES	
	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.) <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
		☒ NO	☐ YES
	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.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☐ 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: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☒ ☒	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☒ ☒	☐ ☐
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: 0-1/2 mile 1/2 -3 mile 3-5 mile 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.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☒ 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. Source: _____	E3g	☐	☐

d. Other impacts: _____ _____		☐	☐
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.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
		☒ 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) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
		☒ 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 I.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 occur	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.)

☒ NO

☐ YES

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

	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)

☐ NO

☒ YES

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

	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

Project : Date :

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 Marlinton

Name of Responsible Officer in Lead Agency:

Joseph Lupia

Title of Responsible Officer:

Planning Board Chairman

Signature of Responsible Officer in Lead Agency:

Joseph 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 from 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 - Duquid 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 **TOWN 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 October 11, 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 25th 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 USIS Manlius East, LLC	2. Project Number	3101-21-17B
3. Location	Manlius	4. School District	Fayetteville-Manlius School District
5. Tax Parcel(s)	099.-01-03.0	6. Project Type	Solar new construction

0

7. Total Project Cost	\$	9,000,000	8. Total Jobs	0
Land	\$	750,000	8A. Job Retention	0
Site Work	\$	3,500,000	8B: Job Creation	0
Building	\$		(Next 5 Years)	
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	\$	-		

Cost Benefit Analysis

CVE USIS 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

Project Description

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

Benefit:Cost Ratio

26 :1



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 E15 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
<u>CVE NA Devco, LLC</u>	<u>100%</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

- Does the Project consist of new construction or expansion or substantial renovation of an existing facility?
☒ Yes ☐ No
- Will the Project create new employment opportunities or retain existing jobs that may otherwise be lost?
☐ Yes ☒ No
- 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 | \$ <u>7,200,000</u> |
| 2. Equity (excluding equity that is attributed to grants/tax credits) | \$ <u>1,800,000</u> |
| 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 than 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		
1. Sales and Use Tax Exemption	.01 X TPC	Due at closing
2. Mortgage Recording Tax		
3. PILOT is an additional fee	.0025 X TPC (total .0125)	
Bonds Bond refinancing and refunding	.0025 of TPC	Due at closing
Agency Legal Fees		
Fee for first \$20 million	.0025 X of the project cost or bond amount	Due at closing
Fee for expenses above \$20 million	.00125 X of project cost or bond amount	

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 E15 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 NYSEERDA 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.

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

- 40 acres, 5.0 MWac

☒ (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)

☒ (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

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
5. Tax Parcel(s)	099.-01-03.0	6. Project Type	Solar new construction

0

7.Total Project Cost	\$	9,000,000	8. Total Jobs	0
Land	\$	750,000	8A. Job Retention	0
Site Work	\$	3,500,000	8B: Job Creation	0
Building	\$		(Next 5 Years)	
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	\$	-		

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

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.

Benefit:Cost Ratio

26 :1



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 E16 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):

- | | |
|---|--|
| ☒ New construction | ☐ Purchase of machinery and/or equipment |
| ☐ Expansion/Addition to current facilities | ☐ Brownfield/Remediated Brownfield |
| ☐ Renovation of existing facility | ☐ LEED Certification |
| ☐ Housing Project | ☐ Demolition and Construction |
| ☒ Renewable Energy Project | ☐ Acquisition of existing facility/property |
| ☐ Retail | ☐ 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 | \$ <u>7,200,000</u> |
| 2. Equity (excluding equity that is attributed to grants/tax credits) | \$ <u>1,800,000</u> |
| 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 than 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		
1. Sales and Use Tax Exemption	.01 X TPC	Due at closing
2. Mortgage Recording Tax		
3. PILOT is an additional fee	.0025 X TPC (total .0125)	
Bonds Bond refinancing and refunding	.0025 of TPC	Due at closing
Agency Legal Fees		
Fee for first \$20 million	.0025 X of the project cost or bond amount	Due at closing
Fee for expenses above \$20 million	.00125 X of project cost or bond amount	

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 E16 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 NYSEERDA 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.

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

- 40 acres, 5.0 MWac

☒ (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)

☒ (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

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	
5. Tax Parcel(s)	095.-02-20.2	6. Project Type	Expansion and renovation
		Village	Liverpool

7.Total Project Cost	\$	1,100,000.00	8. Total Jobs	8
Land	\$	480,000	8A. Job Retention	0
Site Work	\$	-	8B: Job Creation	8
Building	\$	500,000	(Next 5 Years)	
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	\$	-		

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 renovating 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
<u>Warren Lee Vanderpool</u>	<u>93</u>
<u>John Mashia</u>	<u>7</u>
_____	_____
_____	_____

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 insurance, 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 than 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		
1. Sales and Use Tax Exemption	.01 X TPC	Due at closing
2. Mortgage Recording Tax		
3. PILOT is an additional fee	.0025 X TPC (total .0125)	
Bonds		Due at closing
Bond refinancing and refunding	.0025 of TPC	
Agency Legal Fees		
Fee for first \$20 million	.0025 X of the project cost or bond amount	Due at closing
Fee for expenses above \$20 million	.00125 X of project cost or bond amount	

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.

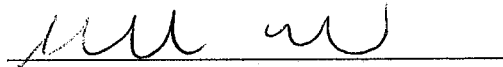
Please refer to the OCIDA Uniform Tax Exemption Policy. (add hyperlink)

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

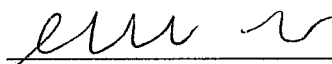
1. Jeffrey Davis, Esq., Barclay Damon LLP
2. Amanda Fitzgerald, Esq., Barclay Damon LLP
3. Michael G. Lisson, CPA, Grossman St. Amour Certified Public Accountants PLLC

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.

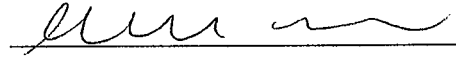
M. The OCIDA has the right to request and inspect supporting documentation regarding attestations made on this application.

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

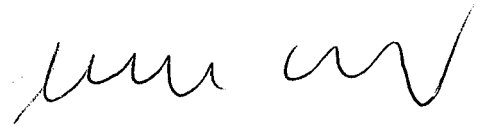
)

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.

Tara DeBois

(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.

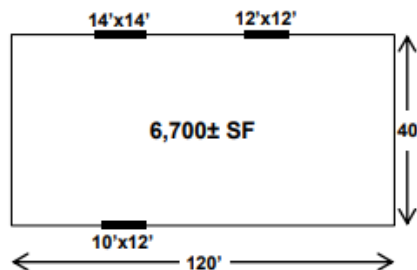
IMS is currently growing with more and larger customers. This additional buildings will be used to warehouse material and office space. By moving some offices and material storage from the main IMS building (245 Commerce) to the new buildings, we will be able to bring new equipment into the main building 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.

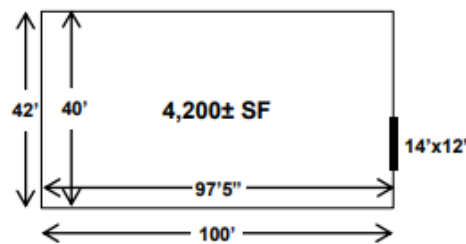
Back space

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.

Building 2



Building Features

- 16' clear height
- Well insulated
- Gas fired heater, no AC
- No water servicing the building

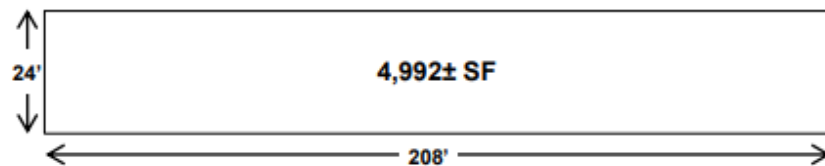
IMS Plan:

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.

Building 3



Building Features

- Storage building
- 20 overhead doors ranging in size from 7' x 9' to 7' 6" x 11' 6"
- No water servicing the building
- Electricity does service 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.

Exterior area:

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

**RESTATED BYLAWS
OF
ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**ARTICLE I
THE AGENCY**

Section 1. **Name.** The name of the Agency shall be "Onondaga County Industrial Development Agency."

Section 2. **Seal of Agency.** The seal of the Agency shall be in the form of a circle and shall bear the name of the Agency and the year of its organization.

Section 3. **Office of Agency.** The office of the Agency shall be at the Onondaga County 333 W. Washington Street, Suite 130, Syracuse, New York, or at such other address in the County of Onondaga as shall be determined by the Agency from time to time.

**ARTICLE II
OFFICERS**

Section 1. **Officers.** The officers of the Agency shall be a Chairman, a Vice Chairman, an Executive Director, a Secretary, and a Treasurer.

Section 2. **Chair.** The Chairman shall be a member of the Agency and preside at all meetings of the Agency. The Chairman shall submit recommendations and such information as deemed pertinent concerning the business, affairs and policies of the Agency at each meeting. The Chairman shall appoint committee members and assign a chair for each committee.

Section 3. **Vice Chairman.** The Vice Chairman shall be a member of the Agency and perform the duties of the Chairman in the absence or incapacity of the Chairman. In the event of the resignation, removal or death of the Chairman, the Vice Chairman shall automatically succeed to the office of the Chairman and serve for the unexpired term of such office. In the event that the office of Vice Chairman is vacant, the Board shall select the Chairman to fill out the unexpired term.

Section 4. **Secretary.** The Secretary may, but need not be, a member of the Agency. The Secretary shall keep all records of the Agency, shall act as Secretary at the meetings of the Agency, shall keep a record of all votes, shall record the proceedings of the Agency in a journal of proceedings to be kept for such purpose, and shall perform all duties incident to this office. The Secretary shall have custody of the seal of the Agency and the power to affix such seal to all agreements, contracts, deeds, bonds or other evidences of indebtedness and all other instruments of the Agency authorized by the Agency to be executed and the power to attest (by manual or facsimile signature) such seal. The Secretary may, in her discretion, delegate some or all of the Secretary's duties to the Assistant Secretary.

Section 6. **Treasurer.** The Treasurer shall not be a member of the Agency. The Treasurer shall be the Chief Financial Officer of the Agency. He shall have the care and custody of all funds of the Agency and shall deposit all such funds in the name of the Agency as the Agency may designate. Except as otherwise authorized by resolution of the Agency, the Treasurer shall sign all checks for the payment of money by the Agency pursuant to the direction of the Agency. Except as otherwise authorized by

resolution of the Agency, all such checks shall be countersigned by the Chairman, the Vice-Chairman or the Executive Director. The Treasurer shall keep regular books of accounts showing receipts and expenditures. The Treasurer shall render to the Agency at each regular meeting an account of the financial transactions and the current financial condition of the Agency.

Section 7A. **Executive Director.** The Executive Director shall be the Chief Executive Officer of the Agency and shall not be a member of the Agency. The Executive Director shall be appointed by the Agency, and shall have general supervision over the administration of the business and affairs of the Agency, subject to the direction of the Agency. The Executive Director shall be charged with the management of all projects of the Agency. The Executive Director shall sign (manually or by facsimile signature) all agreements, contracts, deeds, bonds or other evidence of indebtedness and any other instruments of the Agency on behalf of the Agency, except as otherwise authorized or directed by resolution of the Agency.

Section 8. **Additional Duties.** In the absence or incapacity of the Treasurer, the other officers of the Agency shall have the care and custody of all funds of the Agency and the power to deposit the same in the name of the Agency in such bank or banks as the Agency may designate, and shall have the power to sign all checks of the Agency for the payment of money and the power to pay out and disburse such moneys under the direction of the Agency. In addition, all officers of the Agency shall perform such other duties and functions as may from time to time be required by the Agency, by its bylaws, or by its rules and regulations.

Section 9. **Appointment of Officers.** All officers of the Agency shall be appointed at the Annual Meeting of the Agency or at such other time as is necessary due to a vacancy. All officers shall hold offices for one year or until their successors are appointed. If the term of an Agency member should terminate, his term of office as an officer shall also terminate. The Chief Executive Officer and the Chief Financial Officer shall not be members of the Agency.

Section 10. **Members of Agency.** There shall be seven members of the Agency who shall receive no compensation for their services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of their duties. The term of the office of each member of the Agency shall be by appointment of the Onondaga County Legislature and each member shall continue to hold office until their successor is appointed and has qualified.

Section 11. Vacancies. Should any office except that of Chairman become vacant, the Agency shall appoint a successor at the next regular meeting, and such appointment shall be for the unexpired term of said office.

Section 12. Additional Personnel. The Agency may from time to time employ such personnel, as it deems necessary to exercise its powers, duties and functions as prescribed by the New York State Industrial Development Agency Act, as amended, and all other laws of the State of New York applicable thereto. The selection and compensation of all personnel shall be determined by the Agency subject to the laws of the State of New York.

ARTICLE III MEETINGS

Section 1. **Annual Meeting.** The Annual Meeting of the Agency shall be held in January or such time that the Board may determine at the regular meeting place of the Agency or such other time and place as the Agency shall determine.

Section 2. **Meetings.** Meetings of the Agency may be held at such times and places as from time to time may be determined by the Agency. The Chairman of the Agency may, when he deems it desirable, and shall, upon the written request of two members of the Agency, call a special meeting of the Agency. Notice of all meetings shall be sent by United States mail, electronic mail, or delivered to the residence or business address of each member, and to Agency Counsel, at least four days prior to the day the meeting is to occur. Whenever possible the notice shall set forth the matters to be considered at the meeting. Waivers of notice may be signed by any member or members who were not properly noticed.

Section 3. **Executive Sessions.** Upon motion identifying the general area(s) of the subject(s) to be considered and a majority vote of the membership, an executive session may be entered into and conducted by the Agency for the reasons enumerated Public Officers Law § 105. During an executive session the Agency may take action on the matters which are the subject of the executive session, however, no action by formal vote may be taken in an executive session to appropriate public moneys. Minutes must be taken of any action that is taken by formal vote, and must consist of a record or summary of a final determination and the vote thereon. The minutes do not need to include any matters not required to be made available to the public pursuant to FOIL.

Section 4. **Quorum.** At all meetings of the Agency, a majority of the Agency shall constitute a quorum for the purpose of transacting business; provided that a small number may meet and adjourn to some other time or until a quorum is obtained.

ARTICLE IV AMENDMENTS

Section 1. **Amendments to Bylaws.** The bylaws of the Agency may be amended with the approval of a majority of all the members of the Agency at a meeting, but no such amendment shall be adopted unless written notice thereof has been previously given to all members of the Agency.

ARTICLE V PROJECTS

Section 1. **Site of Agency Projects.** The Agency shall take local and state land use and environmental laws and regulations into consideration when reviewing and approving a project.

Section 2. **Compliance with Laws.** The Agency shall not approve the delivery of bonds for a project, which, at the time of such delivery is known by the Agency after reasonable inquiry to be in material violation of applicable zoning, environmental, labor or health laws or regulations, including applicable building and fire codes.



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

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1. *In accordance with Section 224-a(8)(d) of Article 8 of the New York Labor Law, the Agency has identified that any "financial assistance" (within the meaning of Section 858 of the General Municipal Law) granted by the Agency to the Applicant consisting of sales and use tax exemption benefits, mortgage recording tax exemption benefits and real property tax exemption benefits, constitutes "public funds" within the meaning of Section 224-a(2)(b) of Article 8 of the New York Labor Law and such funds are not excluded under Section 224-a(3) of Article 8 of the New York Labor Law. The Agency hereby notifies the Applicant of the Applicant's obligations under Section 224-a(8)(a) of Article 8 of the New York Labor Law.*
2. 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.
3. 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.
4. If the OCIDA Board approves benefits, it is the company's responsibility to obtain and submit all necessary forms and documents.
5. 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.**
6. 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>.
7. 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.
8. 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.
9. 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

10. This Application was adopted by the OCIDA Board on January 18, 2022.

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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: [Click here to enter text.](#) _____

Applicant/ Project Operator Address: _____

Phone: _____ Fax: _____

Website: _____ E-mail: _____

Federal ID#: _____ NAICS: _____

State and Year of Incorporation/Organization: _____

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: _____

Title: _____

Address: _____

Phone: _____ Fax: _____

E-mail: _____

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

Name: _____
Title: _____
Address: _____
Phone: _____ Cell Phone: _____
E-mail: _____

D) Company Counsel:

Name of Attorney: _____
Firm Name: _____
Address: _____
Phone: _____ Cell Phone: _____
E-mail: _____

E) Business Organization (check appropriate category):

☐ Corporation ☐ Partnership
☐ Public Corporation ☐ Joint Venture
☐ Sole Proprietorship ☐ Limited Liability Company
☐ Other (please specify): _____
Year Established: _____
State in which Organization is established: _____

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

Name	% of ownership
_____	_____
_____	_____
_____	_____
_____	_____

G) Applicant Business Description:

Estimated % of sales within Onondaga County: _____

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

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: _____

Legal Address (if different): _____

City: _____ Village/Town: _____

Zip Code: _____ School District: _____

Tax Map Parcel ID(s): _____

Full Market Value: _____ Footage of Existing Building: _____

Census Tract: _____

B) Type (Check all that apply):

- | | |
|---|--|
| ☐ New construction | ☐ Purchase of machinery and/or equipment |
| ☐ Expansion/Addition to current facilities | ☐ Brownfield/Remediated Brownfield |
| ☐ Renovation of existing facility | ☐ LEED Certification |
| ☐ Housing Project | ☐ Demolition and Construction |
| ☐ Renewable Energy Project | ☐ Acquisition of existing facility/property |
| ☐ Retail | ☐ 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) a description of your Company's background, customers, goods and services and the principal products to be produced and/or the principal activities that will occur on the Project site;
- ☐ (ii) the size of the Project in square feet and a breakdown of square footage per each intended use;

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- ☐ (iii) the size of the lot upon which the Project sits or is to be constructed;
- ☐ (iv) the current use of the site and the intended use of the site upon completion of the Project;

☐ (vi) 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?

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			
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 \$ _____

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

Sources of Funds for Project Costs:

1. Bank Financing \$ _____
2. Equity (excluding equity that is attributed to grants/tax credits) \$ _____
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 \$ _____

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:	
Estimate the number of construction jobs to be created by this Project:	
Estimate the average length of construction jobs to be created (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): _____
- ☐ Sales and Use Tax Exemption (4% Local, 4% State): _____
- ☐ 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): \$ _____

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

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:

\$ _____

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):

\$ _____

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

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 than 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.

8. Absent a showing otherwise by the Company, deemed acceptable by the Agency in the sole and absolute discretion, the Company must will close with the Agency on a project prior to consideration of any requested organizational structure or project entity ownership changes any modification or amending of project (i.e. name change, organizational structure,

7.

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.

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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 _____ (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: _____

Representative for Contract: _____

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

Phone: _____ Email: _____

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

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 (All projects except Solar Projects)	\$1,000	Due at time of application
Non-refundable Application Fee (Solar Projects Only)	\$10,000	
Legal Deposit (All projects except Solar Projects)	\$2,500	Due at time of application
Legal Deposit (Solar Projects Only)	\$5,000	
Minimum Fee of 1% of TPC		
1. Sales and Use Tax Exemption	.01 X TPC	Due at closing
2. Mortgage Recording Tax		
3. PILOT is an additional fee		
	.0025 X TPC (total .0125)	
Bonds		Due at closing
Bond refinancing and refunding	.0025 of TPC	
Agency Legal Fees		
Fee for first \$20 million	.0025 X of the project cost or bond amount	Due at closing
Fee for expenses above \$20 million	.00125 X of project cost or bond amount	
Amendment or Modification of IDA documents, including but not limited to name or organization change, refinancing, etc. <u>Consent to the amendment or modification of IDA documents prior to closing on the project shall be given at OCIDA's sole and absolute discretion.</u>	Up to but not to exceed 5% of Agency Fee as noted on the Cost Benefit Analysis at time of project approval. Attorney fees determined by OCIDA Legal Representative.	Due at time of Request

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 _____

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: _____

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 _____

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: _____

Section XII: Representations, Certifications, and Indemnification

_____ (Name of CEO or other authorized representative of Applicant) confirms and says that he/she is the _____ (title) of _____ (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. Prevailing Wage: The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant shall determine whether the Project is a “covered project” pursuant to Section 224-a of Article 8 of the New York Labor Law and, if applicable, the Applicant shall comply with Section 224-a of Article 8 of the New York Labor Law; and the Applicant further covenants that the Applicant shall provide such evidence of the foregoing as requested by the Agency.

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G. 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.

H. 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.

I. 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.

J. 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.

K. 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.

L. 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.

M. 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.

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

O. **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: _____

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: _____

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 1.18.22~~8.5.21~~

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

REAL PROPERTY ACQUISITION POLICY

Section 2824(1)(e) of the Public Authorities Law requires local authorities to adopt a written policy governing the acquisition of real property. The following policy (“Policy”) is hereby adopted upon approval by the Members of the Onondaga County Industrial Development Agency (the “Agency”), and shall be applicable with respect to the acquisition of real property and any interests therein (“Real Property”) by the Agency.

A. Acquisition of Real Property

Real Property may be acquired by the Agency for use, development, resale, leasing or other uses designated by the Agency. The Agency may lease Real Property for use, subleasing or other uses designated by the Agency.

The purpose of each acquisition of Real Property by the Agency shall be to further one or more purposes of the Agency as authorized under the Agency’s enabling legislation, by-laws or a resolution adopted by the Members of the Agency, or for a purpose otherwise permitted under applicable state law.

Prior to each acquisition of Real Property, the Agency will conduct such due diligence as it deems appropriate in accordance with the particular circumstances of the proposed acquisition. Such due diligence may include, but is not limited to, Real Property appraisals and review and investigation of environmental, structural, title, pricing and other applicable matters.

B. Approval of Real Property Acquisitions

All acquisitions of Real Property shall be conducted in accordance with this Policy and applicable law. Proposed acquisitions of Real Property shall be presented to the Members of the Agency for approval or other appropriate action.

C. Exemption for Certain Agency Transactions

This Policy shall not be applicable to any agreements or arrangements involving the provision by the Agency of “financial assistance” as such term is defined in Section 854(14) of the New York General Municipal Law.

Adopted: January 18, 2022.