

# City of Albany Industrial Development Agency

21 Lodge Street  
Albany, New York 12207  
Telephone: (518) 434-2532  
Fax: (518) 434-9846

Tracy Metzger, *Chair*  
Susan Pado, *Vice Chair*  
Darius Shahinfar, *Treasurer*  
Lee Eck, *Secretary*  
Dominick Calsolaro  
Robert Schofield  
Jahkeen Hoke

Sarah Reginelli, *Chief Executive Officer*  
Mark Opalka, *Chief Financial Officer*  
William Kelly, *Agency Counsel*

To: Darius Shahinfar  
Lee Eck  
Susan Pado  
Tracy Metzger  
Dominick Calsolaro

Cc: Robert Schofield  
Jahkeen Hoke

Sarah Reginelli  
Mark Opalka  
William Kelly  
Joe Scott  
Joe Landy  
Andy Corcione  
Genevieve Zurowski

Date: September 6 , 2019

## IDA FINANCE COMMITTEE AGENDA

**A meeting of the Finance Committee of the City of Albany Industrial Development Agency will be held on Wednesday, September 11th at 12:15 PM at 21 Lodge Street, Albany, NY 12207 (Large Conference Room).**

### **Roll Call, Reading & Approval of the Finance Committee Meeting of September 11, 2019**

#### **Report of Chief Financial Officer**

- None

#### **Unfinished Business**

- None

#### **New Business**

- A. 39 Columbia Street Assoc. LLC
  - Possible positive/negative recommendation for Public Hearing Resolution
- B. 45 Columbia Street Assoc. LLC
  - Possible positive/negative recommendation for Public Hearing Resolution
- C. 76 North Pearl, LLC
  - Project Update – Possible positive/negative recommendation for Public Hearing Resolution
- D. Eleftheria, LLC
  - Application Introduction
- E. 427 Washington Ave, LLC
  - Project Introduction
- C. 563 New Scotland Ave, LLC
  - Project Introduction

#### **Other Business**

- A. Agency Update

#### **Adjournment**

The next regularly scheduled Finance Committee meeting will be held Wednesday, October 9, 2019 at 21 Lodge Street, Albany, NY. Please check the website [www.albanyida.com](http://www.albanyida.com) for updated meeting information.

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## IDA MINUTES OF FINANCE COMMITTEE MEETING

Wednesday, August 14, 2019 at 12:15 PM

Attending: Darius Shahinfar, Susan Pedo, Tracy Metzger, and Dominick Calsolaro

Absent: Lee Eck

Also Present: Sarah Reginelli, Mark Opalka, William Kelly, Nadene Zeigler, Joe Landy, Andy Corcione, Ashley Mohl and Genevieve Zurowski

Chair Darius Shahinfar called the Finance Committee meeting of the IDA to order at 12:17 p.m.

### Roll Call, Reading and Approval of Minutes of the July 10, 2019 Finance Committee Meeting

Chair Darius Shahinfar reported that all Committee members were present, with the exception of Lee Eck.

Since the minutes of the previous meeting had been distributed to Committee members in advance for review, Chair Darius Shahinfar made a proposal to dispense with the reading of the minutes.

Chair Darius Shahinfar proposed to approve the minutes of the Finance Committee meeting of July 10, 2019. Dominick Calsolaro moved and Susan Pedo seconded to accept the minutes as presented. A vote being taken, the motion passed unanimously.

### Report of Chief Financial Officer

None.

### Unfinished Business

#### Harmony Mills South LLC (90 State Street)

Staff provided an overview of the *Harmony Mills South LLC* project to the Committee and requested a positive recommendation for Approving Resolutions. The Applicant was present to answer any questions that the Committee members may have. The project involves the conversion of the upper 11 stories of this 15-story structure into approximately 154 residential dwelling units, creating approximately one permanent FTE job, and retaining approximately four FTE jobs. The property is presently used for office space, with commercial/retail space at the street level floors. The Committee discussed the merits of the project in addition to the operating performance, which was distributed to the Committee in advance of the meeting. The Committee also discussed comments made during the Public Hearing. A motion to advance the *Harmony Mills South LLC* project to the full board with a positive recommendation for Approving Resolutions was made by Tracy Metzger, and seconded by Susan Pedo. A vote being taken, the motion passed with all members voting aye.

## **New Business**

### Sixty State Place, LLC

Staff discussed with the Committee the recent request from Sixty State Place, LLC the Agency received prior to the meeting. The Committee was made aware of an administrative matter regarding the project financing. No formal action was taken by the Committee.

## **Other Business**

### Agency Update

Staff informed the Committee that the Agency had received a request from the NYS ABO regarding the posting of the Whistleblower Policy. Staff informed the Committee they will respond appropriately, indicating that the Policy and its posting are compliant with the current requirements.

Staff provided an update to the Committee regarding the Eleftheria project and a recent request by the Applicant. Staff and the Committee discussed procedures to consider the request. The Committee asked that the Applicant submit a formal application regarding any new assistance sought. Staff informed the Committee that the matter will be discussed at the next meeting.

A motion to go into Executive Session was made by Tracy Metzger and seconded by Dominick Calsolaro, the motion was approved unanimously. The basis for going into Executive Session was to discuss a legal matter with Counsel. The Board entered into Executive Session at 12:51 p.m., and Staff remained in the room. Counsel discussed the matter with the Board. A motion to exit Executive Session was made by Tracy Metzger and seconded by Dominick Calsolaro, the motion was approved unanimously. The Board left Executive Session at 1:04 p.m. and returned to its regular session. No action was taken during the Executive Session

Staff reminded the Committee that the IDA and CRC will provide their annual update to the City of Albany Common Council at an upcoming meeting of the Council's Planning, Economic Development, and Land Use Committee.

### Compliance Update

Staff provided an update for Nipper Apartments, LLC, 960 Broadway LLC, and 581 Livingston Avenue, LLC projects. Per Committee request, Staff will generate letters for the projects in regards to the compliance issues. Staff informed the Committee that will continue to be monitored closely.

## **Adjournment**

There being no further business, the meeting was adjourned at 1:06 p.m.

Respectfully submitted,

---

Lee Eck, Secretary



Redburn Development Partners  
204 Lafayette Street  
Schenectady, NY 12305  
518-631-3722

[www.redburndev.com](http://www.redburndev.com)

September 3, 2019

Tracy Metzger  
Chair  
City of Albany Industrial Development Agency  
21 Lodge Street  
Albany, New York 12207

RE: Request for IDA Assistance for 39 Columbia Street Project

Dear Ms. Metzger:

Attached is a completed application, as well as the appropriate supplementary material required by the City of Albany Industrial Development Agency for the consideration of financial assistance associated with the 39 Columbia Street project.

As you are aware, the reconstruction of 39 Columbia Street is the second phase of the much-discussed transformation of Downtown Albany associated with the former Kenmore Hotel portfolio. We thank you for all of your support to date. Currently our team is requesting a sales tax exemption for construction materials for the duration of the project and a mortgage recording tax exemption.

39 Columbia Street is a mixed-use rehab that will create 39 market rate apartments and re-enliven a commercial storefront. The total cost of the project is \$5.3 million. It is our goal to have the commercial portions of this project completed by this winter and the residential portion by the summer of next year.

As with our other properties, we strongly believe that completing the commercial portions of this project by this summer sets a great tone that the City of Albany is open for business and creates a vibrant, walkable, engaging downtown. The addition of 39 apartment units into the core of downtown the following summer will contribute to a residential mass that will help draw more business into the area and support existing businesses as well.

Please do not hesitate to contact me if you should have any questions or find additional information is needed. I look forward to working with the Agency on this project. Thank you.

Sincerely,

Jeffrey Buell  
Principal  
Redburn Development Partners



## City of Albany Industrial Development Agency

### Application for Assistance

Date: 09/03/19

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**IMPORTANT NOTICE:** The answers to the questions contained in this application are necessary to determine your firm's eligibility for financing and other assistance from the City of Albany Industrial Development Agency. These answers will also be used in the preparation of papers in this transaction. Accordingly, all questions should be answered accurately and completely by an officer or other employee of your firm who is thoroughly familiar with the business and affairs of your firm and who is also thoroughly familiar with the proposed project. This application is subject to acceptance by the Agency.  
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TO: CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY  
c/o Department of Economic Development  
21 Lodge Street  
Albany, New York 12207

This application respectfully states:

#### APPLICANT:

Name: 39 Columbia Street Assoc. LLC  
Address: 204 Lafayette St  
City: Schenectady State: NY Zip: 12305  
Federal ID/EIN: 83-2168562 Website: redburndev.com  
Primary Contact: Jeffrey Buell  
Title: Principle  
Phone: (518) 944-8674 Email: jbuell@redburndev.com

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

N/A

IF APPLICANT IS REPRESENTED BY AN ATTORNEY, COMPLETE THE FOLLOWING:

NAME OF ATTORNEY: Paul Sciocchetti  
ATTORNEY'S ADDRESS: 800 Troy Schenectady Rd Suite 102, Latham NY 12210  
PHONE: (518) 867-3001 E-MAIL: psciocchetti@pvslaw.com

**NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 3 HEREOF BEFORE FILLING OUT THIS FORM.**

## INSTRUCTIONS

1. The Agency will not approve any application unless, in the judgment of the Agency, said application and the summary contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application (the "Project").
3. If an estimate is given as the answer to a question, put "(est)" after the figure or answer which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return one (1) copy of this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project contemplated herein (to the extent such expenses are not paid out of the proceeds of the Agency's bonds issued to finance the Project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel/special counsel to the Agency. The costs incurred by the Agency, including the Agency's general counsel and bond counsel, may be considered as a part of the Project and included as a part of the resultant bond issue.
9. The Agency has established an application fee of One Thousand Five Hundred Dollars (\$1,500) to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.
10. The Agency has also established an administrative fee equal to (A) one percent (1%) of the cost of the Project in the case of an Agency Straight Lease Transaction, and (B) one percent (1%) of the aggregate principal amount of the bonds to be issued by the Agency in the case of an Agency Bond Transaction. The Agency has also established an administrative fee for the issuance of refunding bonds for Agency Bond Transactions. The formula for the calculation of the administrative fee for the issuance of refunding bonds is outlined in the Agency's Policy Manual. THESE FEES ARE PAYABLE ON THE CLOSING DATE.

DATED: JULY 8, 2019

Answer all questions. Use "None" or "Not Applicable" where necessary.

**SUMMARY OF PROJECT**

Applicant: 39 Columbia Street Assoc. LLC

Contact Person: Jeffrey Buell

Phone Number: (518) 944-8674

Occupant: 39 Columbia Street Assoc. LLC

Project Location (include Tax Map ID): 76.34-1-8

Approximate Size of Project Site: 0.9 acres

Description of Project:

The project is a rehab of a +/- 61,000 sqft commercial office building into 39 apartments and approximately 15,000 sqft of commercial space.

Type of Project:

☐

Manufacturing

☐

Warehouse/Distribution

☒

Commercial

☐

Not-For-Profit

☐

Other-Specify

Employment Impact: Existing FTE Jobs: Fifty (50)

Retained FTE Jobs: Fifty (50)

FTE Jobs Created: One and a half (1.5)

Construction Jobs Created: Thirty Nine (39)

Project Cost: \$5,322,264

Type of Financing: ☐ Tax-Exempt☐

Taxable

☒

Straight Lease

Amount of Bonds Requested: \$0

Estimated Value of Tax-Exemptions:

N.Y.S. Sales and Compensating Use Tax:

\$212,890

Mortgage Recording Taxes:

\$0

Real Property Tax Exemptions: (auto-calculated)

\$0

Other (please specify):

\$0

Provide estimates for the following:

Average Estimated Annual Salary of Jobs to be Created:

\$28,500

Annualized Salary Range of Jobs to be Created:

\$19,000-\$38,000

Estimated Average Annual Salary of Jobs to be Retained:

\$45,000

## I. APPLICANT INFORMATION

### A) Applicant:

Name: 39 Columbia Street Assoc. LLC  
Address: 204 Lafayette St  
City: Schenectady State: NY Zip: 12305  
Federal ID/EIN: 83-2168562 Website: redburndev.com  
Primary Contact: Jeffrey Buell  
Title: Principle  
Phone: (518) 944-8674 Email: jbuell@redburndev.com

### B) Real Estate Holding Company (if different from Applicant):

*Will a separate company hold title to/own the property related to this Project? If yes:*

Name: N/A  
Address: N/A  
City: N/A State: N/A Zip:   
Federal ID/EIN: N/A Website: N/A  
Primary Contact: N/A  
Title: N/A  
Phone: Email: N/A

Describe the terms and conditions of the lease between the Applicant and the Real Estate Holding Company. If there is an option to purchase the property, provide the date option was signed and the date the option expires:

N/A

**C) Current Project Site Owner (if different from Applicant or Real Estate Holding Company):**

Name: N/A  
Title: N/A  
Address: N/A  
City: N/A State: N/A Zip:   
Phone: Email: N/A

**D) Attorney:**

Name: Paul Sciocchetti  
Firm Name: Sciocchetti & Abbott, PLLC  
Address: 800 Troy Schenectady Rd Suite 102  
City: Latham State: NY Zip:   
Phone: (518) 867-3001 Email: psciocchetti@pvslaw.com

**E) General Contractor:**

Name: N/A  
Firm Name: N/A  
Address: N/A  
City: N/A State: N/A Zip:   
Phone: Email: N/A

## II. APPLICANT'S COMPANY OWNERSHIP & HISTORY

### A) Company Organization:

Year founded: 2018 Founded in which state: NY NAICS Code: 651300

Type of ownership (e.g., C-Corp, LLC): LLC

### B) Company Management

Name	Office Held	Other Principal Business
Redburn Development Partners LP	Limited partnership	N/A
Redburn Development Partners GP	General partners	Real Estate Development Firm
N/A	N/A	N/A
N/A	N/A	N/A

### Company Ownership:

List all stockholders, members, or partners with ownership of greater than 5% and attach an organizational ownership chart with complete name, TIN, DOB, home address, office held, and other principal businesses (if applicable).

Name	Office Held	% of Ownership	% of Voting Rights
Jeffrey Buell	General Partner	33.3	33.3
John Blackburn	General Partner	33.3	33.3
Tom Rossi	General Partner	33.3	33.3
N/A	N/A	N/A	N/A

Is the Applicant or management of the company now a plaintiff or a defendant in any civil or criminal litigation?

☐ Yes ☒ No

If yes, describe: N/A

Has any person listed above ever been a plaintiff or a defendant in any civil or criminal litigation?

☐ Yes ☒ No

If yes, describe: N/A

Has any person listed above ever been charged with a crime other than a minor traffic violation?

☐ Yes ☒ No

If yes, describe: N/A

Has any person listed above ever been convicted of a crime other than a minor traffic violation?

☐ Yes ☒ No

If yes, describe: N/A

Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt?

☐ Yes ☒ No

If yes, describe: N/A

C) **Company Description:**

Describe in detail the Company's background, products, customers, goods and services:

Redburn Development is a multi-faceted real estate development company based in Schenectady NY. We focus on historic, urban, mixed-use developments that promote walkability, accessibility, and connectivity in neighborhoods that have suffered from decades of disinvestment. While the primary end product is work force housing- every day apartments for everyday people- we believe strongly that for us to succeed, the region must succeed. And for that to happen we must create attractive communities that value our historic downtowns and waterfronts, creating 21st century playgrounds that promote a 24-hour experience.

Existing Banking Relationship(s): Pioneer Savings Bank, Capital Bank, Bank of Greene County, SEFCU

Has the Company ever received incentives tied to job creation? ☒ Yes ☐ No

If yes, describe:

Local IDA's on past jobs have sometimes required job measurement tools

Were the goals met?

☒ Yes ☐ No ☐ N/A

If no, why not?

To our knowledge, no benefits have ever been clawed back due to missed targets.

*Additional sheets may be attached, if necessary.*

### III. PROJECT DESCRIPTION AND DETAILS

**A) Assistance requested from the Agency:**

Select all that apply:

- ☒ Exemption from Sales Tax  
☐ Exemption from Mortgage Tax  
☐ Exemption from Real Property Tax  
☐ Taxable Bonds  
☐ Tax-exempt Bonds (typically for non-for-profits or qualified manufacturers)  
☐ Other, specify:

**B) Project Description:**

Attach a map, survey or sketch of the Project site, identifying all existing or new buildings/structures.

Summary: (Please provide a brief narrative description of the Project.):

This project is part of the Kenmore Transformation in downtown Albany. It will create 39 market rate apartments and approximately 15,000 sqft of commercial space. This project is expected to be complete by the end of 2020.

Location of Proposed Project:

Street Address - Tax Map ID(s):

Is the Applicant the present legal owner of the Project site? ☒ Yes ☐ No

If yes: Date of Purchase:  Purchase Price:

If no:

1. Present legal owner of the Project site:

2. Is there a relationship, legally or by common control, between the Applicant and the present owner of the Project site? ☐ Yes ☐ No

If yes:

3. Does the Applicant have a signed option to purchase the site? ☐ Yes ☐ No ☒ N/A

If yes: Date option signed:  Date option expires:

Is the Project site subject to any property tax certiorari? ☐ Yes ☒ No



DRAFT FOR DISCUSSION PURPOSES ONLY

DATED: JULY 8, 2019

Describe the Project including, scope, purpose (e.g., new build, renovations, and/or equipment purchases, equipment leases, etc.), timeline, and milestones. The Project scope must entail only future work, as the Agency's benefits are not retroactive:

How many units will the project encompass (include total of number of commercial and residential units)?

How many square feet of commercial space will the project entail?

Excluding the 15,000 sqft of commercial space, 46,000 sqft of 39 Columbia Street will be renovated to change the use from office building to mixed use with 39 apartment dwellings and two commercial spaces. Belvedere Healthcare will occupy the northernmost portion of the 2nd floor and all of the 3rd floor with a footprint of 13,000 sqft with their main entry off of Van Tromp Street. There is an additional storefront on Columbia Street which is approximately 2,000 sqft and will host a retail or office type tenant. Belvedere Healthcare is an active tenant, the rest of the building will be complete by end of year 2020.

Would this Project be undertaken **but for** the Agency's financial assistance? ☐ Yes ☒ No

If yes, describe why the Agency's financial assistance is necessary and the effect the Project will have on the Applicant's business or operations:

Our underwriting has consistently been tied to sales tax relief on the construction side of the project. We are not seeking mortgage recording tax exemptions or a PILOT.

**C) Project Site Occupancy**

Select Project type for all end-users at Project site (choose all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Industrial                       | <input checked="" type="checkbox"/> Service*             |
| <input type="checkbox"/> Acquisition of existing facility | <input type="checkbox"/> Back-office                     |
| <input checked="" type="checkbox"/> Housing               | <input checked="" type="checkbox"/> Mixed use            |
| <input checked="" type="checkbox"/> Multi-tenant          | <input type="checkbox"/> Facility for Aging              |
| <input checked="" type="checkbox"/> Commercial            | <input type="checkbox"/> Civic facility (not-for-profit) |
| <input checked="" type="checkbox"/> Retail*               | <input type="checkbox"/> Other                           |

\* The term "retail sales" means (1) sales by a registered vendor under Article 28 of the Tax Law of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property, as defined in Section 1101(b)(4)(i) of the Tax Law), or (2) sales of a service to customers who personally visit the Project location. If "retail" or "service" is checked, complete the Retail Questionnaire contained in Section IV.

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute.

List the name(s) of the expected tenant(s), nature of the business(es), and percentage of total square footage to be used by each tenant. Additional sheets may be attached, if necessary:

Company:	Nature of Business:	% of total square footage:
1. Belvedere Healthcare	Healthcare	21
2. N/A	N/A	N/A
3. N/A	N/A	N/A

Are there existing buildings on project site? ☒ Yes ☐ No

a. If yes, indicate number and approximate size (in square feet) of each existing building: 1 - 61,000 sqft

b. Are existing buildings in operation? ☒ Yes ☐ No ☐ N/A

If yes, describe present use of present buildings: Healthcare and vacant offices

c. Are existing buildings abandoned? ☐ Yes ☒ No ☐ N/A

About to be abandoned? ☐ Yes ☒ No ☐ N/A

If yes, describe:

d. Attach photograph of present buildings.

#### IV. RETAIL QUESTIONNAIRE

(Fill out if end users are "retail" or "service" as identified in Section III)

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or purchase services.

- A) Will any portion of the Project consist of facilities or property that will be primarily used in making sales of goods or services to customers who personally visit the Project site?<sup>1</sup> ☒ Yes ☐ No  
If yes, continue with the remainder of the Retail Questionnaire. If no, do not complete the remainder of the Retail Questionnaire.

- B) What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the Project?

100%

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute. Accordingly, please answer "yes" and insert "100%" if your project is a housing project. If the answer is less than 33.33% do not complete the remainder of the Retail Questionnaire. If the answer to Question A is Yes and the answer to Question B is greater than 33.33%, complete the remainder of the Retail Questionnaire:

1. Is the Project location or facility likely to attract a significant number of visitors from outside the Capital Region Economic Development Region (i.e., Albany, Schenectady, Rensselaer, Greene, Columbia, Saratoga, Warren, and Washington counties)? ☒ Yes ☐ No
2. Will the Project make available goods or services which are not currently reasonably accessible to the residents of the municipality within which the proposed Project would be located? ☒ Yes ☐ No
3. Will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? ☒ Yes ☐ No  
If yes, explain:
4. Will the Project be located in an area designated as an economic development zone pursuant to Article 18-B of the General Municipal Law (Source: <https://esd.ny.gov/empire-zones-program>)? ☐ Yes ☒ No  
If yes, explain: N/A
5. Will the Project be in a "highly distressed" census tract (as defined by the United States Census Bureau <https://factfinder.census.gov/>) ☒ Yes ☐ No

If yes, explain:

The project is located in Albany census tract 11 which in 2010 had a poverty rate of 39.3% and an unemployment rate of 28% compared to the state unemployment rate of 7.5%

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute. Accordingly, please answer "yes" and insert "100%" if your project is a housing project.<sup>1</sup>

## V. ENVIRONMENTAL REVIEW AND PERMITTING

*The Applicant must comply with the State Environmental Quality Review Act (SEQRA) before the Agency can vote on proposed financial incentives. It is the Applicant's responsibility to provide a copy of the final SEQRA determination to the Agency.*

Environmental Assessment Form: ☐ Short Form ☒ Long Form

Lead Agency: **City of Albany Planning Board**

Agency Contact: **Zach Powell**

Date of submission: **4/9/18**

Status of submission: **Approved**

Final SEQRA

determination: **Negative Declaration**

### A) Site Characteristics:

Describe the present zoning and land use regulation: **MU-DT**

Will the Project meet zoning and land use regulations for the proposed location? ☒ Yes ☐ No

Is a change in zoning and land use regulation is required? ☐ Yes ☒ No

If yes, specify the required change and status of the change request:

**N/A**

If the proposed Project is located on a site where the known or potential presence of contaminants is complicating the development/use of the property, describe the potential Project challenge:

**No**

Does part of the Project consist of a new building or buildings?

☐ Yes ☒ No

If yes, indicate number and size of new buildings:

**N/A**

Does part of the Project consist of additions and/or renovations to the existing buildings?

☒ Yes ☐ No

If yes, indicate the buildings to be expanded or renovated, the size of any expansions and the nature of expansion and/or renovation:

Excluding the 15,000 sqft of commercial space, 46,000 sqft of 39 Columbia Street will be renovated to change the use from office building to mixed use with 39 apartment dwellings and two commercial spaces.

## VI. INTER-MUNICIPAL MOVE DETERMINATION

*The Agency is required by State law to make a determination that, if completion of a Project benefiting from the Agency's financial assistance results in the removal of a 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, Agency financial assistance is required to prevent the Project occupant from relocating out of the State, or it is reasonably necessary to preserve the Project occupant's competitive position in its respective industry.*

Will the Project result in the removal of a plant of the Project occupant from one area of the State to another area of the State? ☐ Yes ☒ No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the State? ☐ Yes ☒ No

If yes to either question above, explain how notwithstanding the aforementioned closing or activity reduction, the Agency's financial assistance is required to prevent the Project from relocating out of the State or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

N/A

Does the Project involve relocation or consolidation of a Project occupant from another municipality?

Within New York State: ☐ Yes ☒ No

Within the City of Albany: ☐ Yes ☒ No

If yes, explain:

N/A

## VII. EMPLOYMENT INFORMATION

### A) Current and Projected Employee FTEs ("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):

	Current FTEs	Projected FTEs			
		New Year 1- 20 <sup>19</sup>	New Year 2 - 20 <sup>20</sup>	New Year 3 - 20 <sup>21</sup>	Total Year 4-20 <sup>22</sup>
Full-time	50	50	51	51	51
Part-time	0	0	0.5	0.5	0.5
Seasonal	0	0	0	0	0

### B) Employment Plan in FTE

Estimate the number of full-time equivalent (FTE) jobs that are expected to be retained and created as part of this Project. One FTE is equivalent to 35 hours of work per week or 1,820 hours per year. Convert part-time jobs into FTE by dividing the total number of hours for all part-time resources by 35 hours per week or 1,820 hours per year. ("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):

Attach a list that describes in detail the types of employment for this Project, including the types of activities or work performed and the projected timeframe for creating new jobs.

Occupation in Company	Current (Retained) Permanent FTE		Projected New Permanent FTE			
	Average Annual Salary or Hourly Wage <sup>2</sup>	Number of Current FTE	FTE in Year 1 20 <sup>19</sup>	FTE in Year 2 20 <sup>20</sup>	FTE in Year 3 20 <sup>21</sup>	Total New FTE by Year 4 20 <sup>22</sup>
Professional/ Management	\$67,000	13	13	14	0	0
Administrative	\$45,000	6	6	6	0	0
Sales	0	0	0	0	0	0
Services	36,000	31	31	31	0	0
Manufacturing	0	0	0	0	0	0
High-Skilled	0	0	0	0	0	0
Medium-Skilled	0	0	0	0	0	0
Basic-Skilled	0	0	0	0	0	0
Other (specify)	0	0	0	0	0	0
Maintenance	28,500	0	0	0.5	0	0
Total (auto-calculated)		50	50	51.5	0	0

<sup>2</sup> Wages are defined as all remuneration paid to an employee. Remuneration means every form of compensation for employment paid by an employer to an employee; whether paid directly or indirectly by the employer, including salaries, commissions, bonuses, and the reasonable money value of board, rent, housing, lodging, or similar advantage received. Where gratuities are received from a person other than the employer, the value of such gratuities shall be included as part of the remuneration paid by the employer. Source: <https://labor.ny.gov>.

## VIII. INDEPENDENT CONTRACTOR RESOURCES

*Estimate the number of full-time equivalent (FTE) jobs that are contracted to independent contractors (e.g., contractors or subcontractors) that would be retained and created as part of this Project.*

*Attach a list that describes in detail the types of contract resources for this Project, including the types of activities or work performed and the projected timeframe for creating new contractor positions. ("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):*

	Current FTEs	Projected			
		New Year 1-20 <sup>19</sup>	New Year 2-20 <sup>20</sup>	New Year 3-20 <sup>21</sup>	Total Year 4-20 <sup>22</sup>
Full-time	0	0	0	0	0
Part-time	0	0	0	0	0
Seasonal	0	0	0	0	0

## IX. CONSTRUCTION LABOR

*\*Construction Jobs are defined by the number of persons individually identified on the pay roll of the General Contractor/Subcontractor in relation to the project.*

Number of construction workers expected to be hired for this Project: 39

When does the applicant anticipate the start of construction? Fall 2019

When does the applicant anticipate the completion of construction? Fall 2020

What is the total value of construction contracts to be executed? \$5,322,264

Describe the general contractor's plans and selection process for using regional and/or City of Albany construction labor or regional and/or City of Albany sub-contractors:

We consistently work with local communities on all aspects of our developments, making sure the all targets are met, including inclusionary hiring through MWBE. We have not yet chosen the general contractor for this job.

## X. PROJECT COSTS AND FINANCING

Attach additional

### A) Project Costs

Description of Cost	Amount
Land	\$0
Buildings	\$5,322,264
Machinery and Equipment Cost	\$0
Utilities, roads and appurtenant costs	\$0
Architects and engineering fees	\$0
Cost of Bond Issue (legal, financial and printing)	\$0
Construction loan fees and interest (if applicable)	\$0
Other (specify)	\$0
N/A	\$0
N/A	\$0
TOTAL PROJECT COST (auto-calculated)	\$5,322,264

Have any of the above costs been paid or incurred as of the date of this application? ☐ Yes ☒ No

If yes, describe: N/A

### B) Sources of Funds for Project Costs

Equity:	\$2,256,297
Bank Financing:	\$7,000,000
Tax Exempt Bond Issuance:	\$0
Taxable Bond Issuance	\$0

Public Sources (Include total of all State and Federal grants and tax credits):

Identify each State and Federal program:

CFA grant	\$1,000,000

Public Funds Total (auto-calculated): \$1,000,000

Additional sheets may be attached, as necessary.

TOTAL: (auto-calculated) \$10,256,297

Amount of total financing requested from lending institutions:

\$7,000,000

Amount of total financing related to existing debt refinancing:

\$0

Has a commitment for financing been received?

☒ Yes ☐ No

If yes:

Lending Institution: SEFCU

Contact: Ed Jennings

Phone: (800) 727-3328



## XI. PROJECT EVALUATION AND ASSISTANCE FRAMEWORK

**Project Evaluation and Assistance Framework.** If applicable, complete the following Matrix that is part of the Agency's Project Evaluation and Assistance Framework.

### Baseline Requirements (Must Achieve All)

<input type="checkbox"/> Complete Application	<input type="checkbox"/> Albany 2030 Aligned	<input type="checkbox"/> Meet Project Use Definition
<input type="checkbox"/> Meets NYS/CAIDA Requirements	<input type="checkbox"/> Planning Approval (if applicant)	<input type="checkbox"/> "But For" Requirement
Approval Date: <input type="text"/>		

### Community Benefit Metrics (Must Achieve 10)

<b>Revitalization Target Geography</b> <input type="checkbox"/> Distressed Census Tract <input type="checkbox"/> High Vacancy Census Tract <input type="checkbox"/> Downtown <input type="checkbox"/> BID <input type="checkbox"/> Neighborhood Plan	<b>Investment Financial Commitment (cumulative)</b> <input type="checkbox"/> 2.5M - 10M <input type="checkbox"/> 10.1 - 17.5M <input type="checkbox"/> 17.6M - 25M	<b>Employment Permanent Jobs (cumulative)</b> <input type="checkbox"/> 3 - 40 <input type="checkbox"/> 41 - 80 <input type="checkbox"/> 81 - 120 <input type="checkbox"/> 121 - 180 <input type="checkbox"/> > 180
<b>Identified Priority</b> <input type="checkbox"/> Downtown Residential <input type="checkbox"/> Tax Exempt/Vacant <input type="checkbox"/> Identified Catalyst Site <input type="checkbox"/> Historic Preservation <input type="checkbox"/> Community Catalyst	<b>Community Commitment</b> <input type="checkbox"/> MWBE/DBE Participation <input type="checkbox"/> EEO Workforce Utilization <input type="checkbox"/> Inclusionary Housing <input type="checkbox"/> Regional Labor <input type="checkbox"/> City of Albany Labor <input type="checkbox"/> Apprenticeship Program	<b>Retained Jobs (cumulative)</b> <input type="checkbox"/> 3 - 40 <input type="checkbox"/> 41 - 80 <input type="checkbox"/> 81 - 120 <input type="checkbox"/> 121 - 180 <input type="checkbox"/> > 180
<b>Identified Growth Area</b> <input type="checkbox"/> Manufacturing/Distribution <input type="checkbox"/> Technology <input type="checkbox"/> Hospitality <input type="checkbox"/> Existing Cluster <input type="checkbox"/> Conversion to Residential		<b>Construction Jobs (cumulative)</b> <input type="checkbox"/> 6 - 80 <input type="checkbox"/> 81 - 160 <input type="checkbox"/> 161 - 240 <input type="checkbox"/> > 240

## XII. ESTIMATED VALUE OF INCENTIVES

### A) Property Tax Exemption:

Agency staff will complete this section with the Applicant based on information submitted by the Applicant and the City of Albany Assessor. If you are requesting an exception to the PILOT schedule that cannot be accommodated by the UTEP or the CAIDA Project Evaluation and Assistance Framework, please provide additional sheets indicating the proposed PILOT payments.

Does your project meet the definition of "large project" as defined in the Framework (\$25 Million, 15 Total Acres or Full Service Hotel)? ☐ Yes ☒ No

Current assessed full assessed value of the property **before** Project improvements:

Estimated new assessed full value of property **after** Project improvement based on letter from the City of Albany Assessor:

Estimated real property 2019 tax rate per dollar of full assessment (auto-calculated):

*\*assume 2% annual increase in tax rate*

Estimated Completed Assessed Value per Unit based on letter from the City of Albany Assessor:

PILOT Year	Existing Real Property Taxes	Estimated Real Property Taxes on Improved Value <b>Without</b> PILOT <sup>3</sup>	Estimated Total <b>Without</b> PILOT	PILOT Abatement % based on Framework schedule Abatement percentages must be entered in decimals	*Estimated PILOT Payments
1				0%	
2				0%	
3				0%	
4				0%	
5				0%	
6				0%	
7				0%	
8				0%	
9				0%	
10				0%	
11				0%	
12				0%	
13				0%	
14				0%	
15				0%	
16				0%	
17				0%	
18				0%	
19				0%	
20				0%	
				\$ 0	\$ 0

*\*PILOT payments may not fall short of \$675 per door or .97 per Square Foot as applicable from Framework*

Please note that after year twelve (12) of any Multi-Family Commercial PILOT, a bifurcated structure commences whereby projects shall pay the greater of: (a) scheduled pilot payments as stated by assistance schedule or (b) 11.5% of gross revenue.

Notwithstanding anything herein to the contrary, if the project consists of an **affordable housing project**, the applicant shall make annual payments in lieu of property taxes pursuant to the PILOT Agreement with respect to the project as follows: (i) An amount equal to ten percent (10%) of the shelter rents (rents, excluding the component thereof, if any, attributable to energy and utility costs paid by the applicant) payable by the tenants in connection with the housing project.

If the applicant is requesting assistance that is a deviation from the Agency's UTEP, please refer to the Agency's Project Evaluation and Assistance Framework to determine the appropriate, potential standard deviation abatement schedule: <http://albanyida.com/wp-content/uploads/2012/03/CAIDA-PILOT-Program-Board-Revised-1.pdf>

<sup>3</sup> The figures in this column assume that the Project is completed as described in the Application and without the involvement of the Agency and, therefore, subject to real property taxes. However, as provided in this Application, the Applicant has certified that it would not undertake the Project without the financial assistance granted by the Agency. Accordingly, this column is prepared solely for the purpose of determining the estimated amount of the real property tax abatement being granted by the Agency.

If the Applicant is requesting assistance that is greater than the Agency's standard UTEP deviations identified in the Project Evaluation and Assistance Framework, describe the incentives and provide a justification for this PILOT request:

**B) Sales and Use Tax Benefit:**

*Note: The figures below will be provided to the New York State Department of Taxation and Finance and represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to the application.*

Costs for goods and services that are subject to State and local sales and use tax <sup>4</sup> :	\$2,661,125
Estimated State and local sales and use tax benefit (sales tax amount multiplied by <span style="border: 1px solid black; padding: 0 5px;">8.0%</span> plus additional use tax amounts):	\$212,890

**C) Mortgage Recording Tax Benefit:**

Mortgage amount (include construction, permanent, bridge financing or refinancing):	\$0
Estimated mortgage recording tax exemption benefit (mortgage amount multiplied by 1% ) <sup>5</sup> :	\$0

**D) Percentage of Project Costs Financed from Public Sector:**

Percentage of Project costs financed from public sector: 23%  
(Total B + C + D + E below / A Total Project Cost)

A. Total Project Cost:	\$5,322,264
B. Estimated Value of PILOT (auto-filled):	\$0
C. Estimated Value of Sales Tax Incentive:	\$212,890
D. Estimated Value of Mortgage Tax Incentive:	\$0
E. Total Other Public Incentives (tax credits, grants, ESD incentives, etc.):	\$1,000,000

<sup>4</sup> Sales and use tax (sales tax) is applied to: tangible personal property (unless specifically exempt); gas, electricity, refrigeration and steam, and telephone service; selected services; food and beverages sold by restaurants, taverns, and caterers; hotel occupancy; and certain admission charges and dues. For a definition of products, services, and transactions subject to sales tax see the following links:  
<https://www.tax.ny.gov/bus/st/subject.htm> and  
[https://www.tax.ny.gov/pubs\\_and\\_bulls/tg\\_bulletins/st/quick\\_reference\\_guide\\_for\\_taxable\\_and\\_exempt\\_property\\_and\\_services.htm](https://www.tax.ny.gov/pubs_and_bulls/tg_bulletins/st/quick_reference_guide_for_taxable_and_exempt_property_and_services.htm).

<sup>5</sup> The Mortgage Recording Tax in Albany County is equal to 1.25%. However, the Agency is authorized under the IDA Statute to exempt only 1.00%.

### XIII. COST BENEFIT ANALYSIS

In order for the City of Albany Industrial Development Agency (the "Agency") to prepare a Cost/Benefit Analysis for a proposed project (the "Project"), the Applicant must answer the questions contained in this Project Questionnaire (the "Questionnaire"). Such information should consist of a list and detailed description of the benefits of the Agency undertaking the Project (e.g., number of jobs created, types of jobs created, economic development in the area, community benefits (including community commitment as described in the Agency's Project Evaluation and Assistance Framework), etc.). Such information should also consist of a list and detailed description of the costs of the Agency undertaking the Project (e.g., tax revenues lost, buildings abandoned, etc.).

This Questionnaire must be completed before we can finalize the Cost/Benefit Analysis, please complete this Questionnaire and forward it to us at your earliest convenience.

#### PROJECT QUESTIONNAIRE

1. Name of Project Beneficiary ("Company"):	39 Columbia Street Assoc. LLC	
2. Brief Identification of the Project:	Rehab of former office building into 39 market-rate apartments, and commercial space	
3. Estimated Amount of Project Benefits Sought:	\$ 212,890	
A. Amount of Bonds Sought:	\$0	
B. Value of Sales Tax Exemption Sought	\$212,890	
C. Value of Real Property Tax Exemption Sought	\$0	
D. Value of Mortgage Recording Tax Exemption Sought	\$0	
4. Likelihood of accomplishing the Project in a timely fashion (please explain):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Project is fully approved and is ready to bid construction</div>	

**PROJECTED PROJECT INVESTMENT**

**A. Land-Related Costs**

1. Land acquisition
2. Site preparation
3. Landscaping
4. Utilities and infrastructure development
5. Access roads and parking development
6. Other land-related costs (describe)

\$ 0
\$ 0
\$ 0
\$ 0
\$ 0
\$ 0

**B. Building-Related Costs**

1. Acquisition of existing structures
2. Renovation of existing structures
3. New construction costs
4. Electrical systems
5. Heating, ventilation and air conditioning
6. Plumbing
7. Other building-related costs (describe)

\$ 0
\$ 3,531,084
\$ 0
\$ 796,080
\$ 597,060
\$ 398,040
\$ 0

**C. Machinery and Equipment Costs**

1. Production and process equipment
2. Packaging equipment
3. Warehousing equipment
4. Installation costs for various equipment
5. Other equipment-related costs (describe)

\$ 0
\$ 0
\$ 0
\$ 0
\$ 0

**D. Furniture and Fixture Costs**

1. Office furniture
2. Office equipment
3. Computers
4. Other furniture-related costs (describe)

\$ 0
\$ 0
\$ 0
\$ 0

**E. Working Capital Costs**

1. Operation costs
2. Production costs
3. Raw materials
4. Debt service
5. Relocation costs
6. Skills training
7. Other working capital-related costs (describe)

\$ 0
\$ 0
\$ 0
\$ 0
\$ 0
\$ 0
\$ 0

**F. Professional Service Costs**

1. Architecture and engineering
2. Accounting/legal
3. Other service-related costs (describe)

\$ 0
\$ 0
\$ 0

**G. Other Costs**

1. \_\_\_\_\_
2. \_\_\_\_\_

\$ 0
\$ 0

**H. Summary of Expenditures**

1. Total Land-Related Costs
2. Total Building-Related Costs
3. Total Machinery and Equipment Costs
4. Total Furniture and Fixture Costs
5. Total Working Capital Costs
6. Total Professional Service Costs
7. Total Other Costs

\$ 0
\$ 5,322,264
\$ 0
\$ 0
\$ 0
\$ 0
\$ 0
\$ 5,322,264

**PROJECTED NET OPERATING INCOME**

- I. Please provide projected Net Operating Income:

YEAR	Without IDA benefits	With IDA benefits
1	\$ 115,410	\$ 126,010
2	\$ 137,684	\$ 148,284
3	\$ 160,688	\$ 171,288
4	\$ 184,447	\$ 195,047
5	\$ 208,983	\$ 219,583

**PROJECTED CONSTRUCTION EMPLOYMENT IMPACT**

- I. Please provide estimates of total construction jobs and the total annual wages and benefits of construction jobs at the Project:

Year	Number of Construction Jobs	Total Annual Wages and Benefits	Estimated Additional NYS Income Tax
Current Year	39 (3 months)	\$312,000	\$15,931
Year 1	39 (9 months)	\$936,000	\$47,171
Year 2	0	0	0
Year 3	0	0	0
Year 4	0	0	0
Year 5	0	0	0

**PROJECTED PERMANENT EMPLOYMENT IMPACT**

- I. Estimates of the total number of existing permanent FTE jobs to be preserved or retained as a result of the Project are described in the tables in Section VII of the Application.
- II. Estimates of the total new permanent FTE jobs to be created at the Project are described in the tables in Section VII of the Application.
- III. Please provide estimates for the following:
- A. Creation of New Job Skills relating to permanent jobs. Please complete Schedule A.

**PROJECTED OPERATING IMPACT**

I. Please provide estimates for the impact of Project operating purchases and sales:

Additional Purchases (1 <sup>st</sup> year following project completion)	\$ 0
Additional Sales Tax Paid on Additional Purchases	\$ 0
Estimated Additional Sales (1 <sup>st</sup> full year following project completion)	\$ 0
Estimated Additional Sales Tax to be collected on additional sales (1 <sup>st</sup> full year following project completion)	\$ 0

II. Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes ("Pilot Payments"): If you are requesting an exception that cannot be accommodated by the auto-calculated fields, please provide additional sheets indicating the proposed PILOT payments.

Year	Existing Real Property Taxes (Without Project)	New Pilot Payments (With IDA)	Total (Difference)
Current Year	\$0	\$0	\$0
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			
Year 6			
Year 7			
Year 8			
Year 9			
Year 10			
Year 11			
Year 12			
Year 13			
Year 14			
Year 15			
Year 16			
Year 17			
Year 18			
Year 19			
Year 20			
			\$ 0

**ADDITIONAL COMMUNITY BENEFITS**

The City of Albany Industrial Development Agency is supportive of inclusionary development practices. Please indicate which of the below described community benefits (as defined in the Agency's Project Evaluation and Assistance Framework) will be provided as a result of the Project, and please provide a detailed description of such benefits, together with any other economic benefits and community benefits expected to be produced as a result of the Project (attach additional pages as needed for a complete and detailed response). Examples of these benefits include:

- |                                |                                 |
|--------------------------------|---------------------------------|
| (A) MWBE/DBE Participation;    | (L) Downtown Residential;       |
| (B) EEO;                       | (M) Tax Exempt/Vacant Property; |
| (C) Workforce Utilization;     | (N) Identified Catalyst Site;   |
| (D) Inclusionary Housing;      | (O) Historic Preservation;      |
| (E) Regional Labor;            | (P) Community Catalyst;         |
| (F) City of Albany Labor;      | (Q) Manufacturing/Distribution; |
| (G) Apprenticeship Program;    | (R) Technology;                 |
| (H) Distressed Census Tract;   | (S) Hospitality;                |
| (I) High Vacancy Census Tract; | (T) Existing Cluster; and       |
| (J) Downtown BID;              | (U) Conversion to Residential.  |
| (K) Neighborhood Plan;         |                                 |

The entire Kenmore revitalization project is an \$82 million investment that hits on at least 12 of the above targets. Our project will create a walkable, accessible, connected neighborhood on three blocks of Downtown Albany that have long been a drag on any potential Renaissance. The reuse of 9 historic buildings will be a catalyst for additional growth, increase the amount of people spending time in Albany and encourage other people to dip a toe in the water of Downtown Albany.



**XIV. OTHER**

Is there anything else the Agency's board should know regarding this Project?

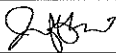
N/A

### CERTIFICATION

I certify that I have prepared the responses provided in this Questionnaire and that, to the best of my knowledge; such responses are true, correct, and complete.

I understand that the foregoing information and attached documentation will be relied upon, and constitute inducement for, the Agency in providing financial assistance to the Project. I certify that I am familiar with the Project and am authorized by the Company to provide the foregoing information, and such information is true and complete to the best of my knowledge. I further agree that I will advise the Agency of any changes in such information, and will answer any further questions regarding the Project prior to the closing.

I affirm under penalty of perjury that all statements made on this application are true, accurate and complete to the best of my knowledge.

<b>Date Signed:</b> 9/6/19	<b>Name of Person Completing Project</b>
	<b>Questionnaire on behalf of the Company.</b>
	<b>Name:</b> Jeffrey Buell
	<b>Title:</b> General Partner
	<b>Phone Number:</b> (518) 944-8674
	<b>Address:</b> 204 Lafayette St Schenectady, NY 12305
	<b>Signature:</b> 

## REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION

Jeffery Buell (name of CEO or another authorized representative of Applicant) confirms and says that he/she is the General Partner (title) of 39 Columbia Street Assoc (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. Job Listings. Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA"), as replaced by the Workforce Investment Act of 1998 (Public Law 105-220), in which the Project is located.

B. First Consideration for Employment. In accordance with Section 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 JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.

C. City Human Rights Law. The applicant has reviewed the provisions of Chapter 48, Article III of the City Code, entitled "The Omnibus Human Rights Law" and agrees to comply with such provisions to the extent that such provisions are applicable to the applicant and the Project.

D. Annual Sales Tax Filings. In accordance with Section 874(8) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant.

E. Annual Employment Reports. The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the Project site, including (1) the NYS-45 - Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return - for the quarter ending December 31 (the "NYS-45"), and (2) the US Dept. of Labor BLS 3020 Multiple Worksite report if applicable. The applicant also agrees, whenever requested by the Agency, to provide and certify or cause to be provided and certified such information concerning the participation of individuals from minority groups as employees or applicants for employment with regard to the project.

F. Local Labor Information. The applicant is aware of and understands the provisions of Part 24 of the Policy Manual of the Agency. Pursuant to Part 24 of the Policy Manual of the Agency, the applicant agrees to provide information, in form and substance satisfactory to the Agency, relating to construction activities for projects; specifically: (i) the Company's contact person responsible and accountable for providing information about the bidding for and awarding of construction contracts relative to this Application and the Project, (ii) the

nature of construction jobs created by the Project, including the number, type, and duration of construction positions; and (iii) submit to the Agency a "Construction Completion Report" listing the names and business locations of prime contractors, subcontractors, and vendors who were engaged in the construction phase of the Project.

G. Additional Fee for Low Income Housing/Tax Credit (9% only) Projects. An annual administrative fee equal to \$10,000 shall be payable annually by the applicant on each January 1 for a term equal to ten (10) years. This annual administrative fee is in addition to the standard administrative fee for Agency Straight Lease Transactions and Agency Bond Transactions and is applicable to Projects which provide for low income housing/tax credit (9% only) projects.

H. Uniform Agency Project Agreement. The applicant agrees to enter into a uniform agency project agreement with the Agency where the applicant agrees that (1) the amount of Financial Assistance to be received shall be contingent upon, and shall bear a direct relationship to the success or lack of success of such project in delivering certain described public benefits (the "Public Benefits") and (2) the Agency will be entitled to recapture some or all of the Financial Assistance granted to the applicant if (a) the project is unsuccessful in whole or in part in delivering the promised Public Benefits, (b) certain "recapture events" occur (e.g., failure to complete the Project, sale or transfer of the Project, failure to make the estimated investment, failure to maintain job employment levels and failure to make annual reporting filings with the Agency).

I. Assignment of Agency Abatements. In connection with any Agency Straight Lease Transaction or Agency Bond Transaction, the Agency may grant to the applicant certain exemptions from mortgage recording taxes, sales and use taxes and real property taxes. The applicant understands that the grant of such exemptions by the Agency is intended to benefit the applicant. Subsequently, if the applicant determines to convey the Project and, in connection with such conveyance to assign such exemptions to the purchaser, the applicant understand that any such assignment is subject to review and consent by the Agency, together with the satisfaction of any conditions that may be imposed by the Agency.

J. Post-Closing Cost Verification. The applicant agrees (1) the scope of the Project will not vary significantly from the description in the public hearing resolution for the project and (2) to deliver to the Agency within sixty (60) days following the completion date of a project an affidavit providing the total costs of the project. In the event that the amount of the total project costs described in the affidavit at the completion date exceeds the amount described in an affidavit provided by the applicant on the closing date of the project, the applicant agrees to adjust the amounts payable by the applicant to the Agency by such larger amount and to pay to the Agency such additional amounts. In the event that the amount described is less, there shall not be any adjustment to the Agency fees.

K. Representation of Financial Information. Neither this Application nor any other agreement, document, certificate, project financials, or written statement furnished to the Agency or by or on behalf of the applicant in connection with the project contemplated by this Application contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements contained herein or therein not misleading. There is no fact within the special knowledge of any of the officers of the applicant which has not been disclosed herein or in writing by them to the Agency and which materially adversely affects or in the future in their opinion may, insofar as they can now reasonably foresee, materially adversely affect the business, properties, assets or condition, financial or otherwise, of the applicant.

L. Agency Financial Assistance Required for Project. The Project would not be undertaken but for the Financial Assistance provided by the Agency or, if the Project could be undertaken without the Financial Assistance provided by the Agency, then the Project should be undertaken by the Agency for the following reasons:

N/A

M. Compliance with Article 18-A of the General Municipal Law: The Project, as of the date of this Application, is in substantial compliance with all provisions of Article 18-A of the General Municipal including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862; and the provisions of subdivision one of Section 862 of the General Municipal Law will not be violated if Financial Assistance is provided for the Project.

N. Compliance with Federal, State, and Local Laws. The applicant is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

O. False or Misleading Information. The applicant understands 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 exemptions claimed by reason of Agency involvement in the Project.

P. Absence of Conflicts of Interest. The applicant acknowledges that the members, officers and employees of the Agency are listed on the Agency's website. 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:

N/A

Q. Additional Information. Additional information regarding the requirements noted in this Application and other requirements of the Agency is included the Agency's Policy Manual which can be accessed at [www.albanyida.com](http://www.albanyida.com).

R. Onsite Visits. The applicant acknowledges that under the Agency's Policy Manual regarding monitoring and administration of projects, the Project is subject to periodic onsite visits by Agency staff.

STATE OF NEW YORK            )  
  ) SS.:  
COUNTY OF ALBANY         )

Jeffrey Bell, being first duly sworn, deposes and says:

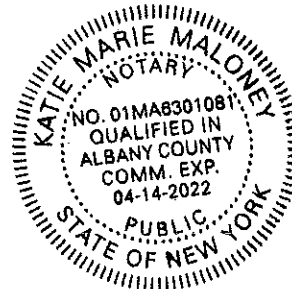
1. That I am the member (Corporate Office) of 45 Columbia Street Assoc LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate, and complete.

Jeffrey Bell  
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury.

This 6 day of September, 2019

Katie Marie Maloney  
(Notary Public)



HOLD HARMLESS AGREEMENT

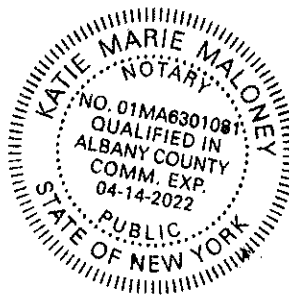
Applicant hereby releases City of Albany Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless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

(Applicant)

BY: Jeffrey Buel

Sworn to before me this  
6 day of Sept, 2019

Katie Marie Maloney  
(Notary Public)



## SCHEDULE A

## CREATION OF NEW JOB SKILLS

Please list the projected new job skills for the new permanent jobs to be created at the Project as a result of the undertaking of the Project by the Company.

[illegible]

Should you need additional space, please attach a separate sheet.



**NEW YORK STATE FINANCIAL REPORTING  
REQUIREMENTS FOR INDUSTRIAL DEVELOPMENT AGENCIES**

Be advised that the New York General Municipal Law imposes certain reporting requirements on IDAs and recipients of IDA financial assistance. Of importance to IDA Applicants is Section 859 (<https://www.nysenate.gov/legislation/laws/GMU/859>). This section requires IDAs to transmit financial statements within 90 days following the end of an Agency's fiscal year ending December 31, prepared by an independent, certified public accountant, to the New York State Comptroller, and the Commissioner of the New York State Department of Economic Development. These audited financial statements shall include supplemental schedules listing the following information:

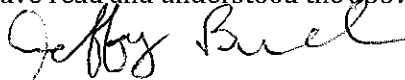
1. All straight-lease ("sale-leaseback") transactions and whether or not they are obligations of the Agency.
2. All bonds and notes issued, outstanding or retired during the period and whether or not they are obligations of the Agency.
3. All new bond issues shall be listed and for each new bond issue, the following information is required:
  - a. Name of the Project financed with the bond proceeds.
  - b. Whether the Project occupant is a not-for-profit corporation.
  - c. Name and address of each owner of the Project.
  - d. The estimated amount of tax exemptions authorized for each Project.
  - e. The purpose for which the bond was issued.
  - f. The bond interest rate at issuance and, if variable, the range of interest rates applicable.
  - g. Bond maturity date.
  - h. Federal tax status of the bond issue.
  - i. Estimate of the number of jobs created and retained for the Project.
4. All new straight lease transactions shall be listed and for each new straight lease transaction, the following information is required:
  - a. Name of the Project.

DATED: JULY 8, 2019

- b. Whether the Project occupant is a not-for-profit corporation.
- c. Name and address of each owner of the Project.
- d. The estimated amount of tax exemptions authorized for each Project.
- e. The purpose for which each transaction was made.
- f. Method of financial assistance utilized for each Project, other than the tax exemptions claimed by the Project.
- g. Estimate of the number of jobs created and retained for the Project.

Sign below to indicate that you have read and understood the above.

Signature:



Name:

Jeffrey Buell

Title:

General Partner

Company:

39 Columbia Street Assoc. LLC

Date:

9/6/19



**Redburn Development Partners**

204 Lafayette Street  
Schenectady, NY 12305  
518-631-3722

[www.redburndev.com](http://www.redburndev.com)

September 4, 2019

Tracy Metzger  
Chair  
City of Albany Industrial Development Agency  
21 Lodge Street  
Albany, New York 12207

RE: Request for IDA Assistance for 45 Columbia Street Project

Dear Ms. Metzger:

Attached is a completed application, as well as the appropriate supplementary material required by the City of Albany Industrial Development Agency for the consideration of financial assistance associated with the 45 Columbia Street project.

As you are aware, the reconstruction of 45 Columbia Street is the second phase of the much-discussed transformation of Downtown Albany associated with the former Kenmore Hotel portfolio. We thank you for all your support to date.

45 Columbia Street is a mixed-use rehab of a historic parking garage that will create 27 market rate apartments while retaining 125 parking spaces. The total cost of the project is \$2.7 million. The parking garage is currently in use and it is our goal for the residential portion of this project to be completed by fall of next year.

Right now, the only assistance our team is requesting is a sales tax exemption for construction materials during the project.

We strongly believe that the addition of 27 unique apartment units in the core of downtown will contribute to a residential mass that will help draw more business into the area and sets a great tone that the City of Albany is open for business. Residents will inject local dollars into the small business economy – quickening growth and helping to create a true 18-hour downtown.

Please do not hesitate to contact me if you should have any questions or find additional information is needed. I look forward to working with the Agency on this project. Thank you.

Sincerely,

Jeffrey Buell  
Principal  
Redburn Development Partners

## City of Albany Industrial Development Agency

### Application for Assistance

Date: 09/04/19

-----  
IMPORTANT NOTICE: The answers to the questions contained in this application are necessary to determine your firm's eligibility for financing and other assistance from the City of Albany Industrial Development Agency. These answers will also be used in the preparation of papers in this transaction. Accordingly, all questions should be answered accurately and completely by an officer or other employee of your firm who is thoroughly familiar with the business and affairs of your firm and who is also thoroughly familiar with the proposed project. This application is subject to acceptance by the Agency.  
-----

TO: CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY  
c/o Department of Economic Development  
21 Lodge Street  
Albany, New York 12207

This application respectfully states:

#### APPLICANT:

Name: 45 Columbia Street Assoc. LLC  
Address: 204 Lafayette St  
City: Schenectady State: NY Zip: 12305  
Federal ID/EIN: 83-1362378 Website: redburndev.com  
Primary Contact: Jeffrey Buell  
Title: Principal  
Phone: 5189448674 Email: jbuell@redburndev.com

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

N/A

IF APPLICANT IS REPRESENTED BY AN ATTORNEY, COMPLETE THE FOLLOWING:

NAME OF ATTORNEY: Paul Sciocchetti  
ATTORNEY'S ADDRESS: 800 Troy Schenectady Rd Suite 102, Latham NY 12210  
PHONE: (518) 867-3001 E-MAIL: psciocchetti@pvslaw.com

NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 3 HEREOF BEFORE FILLING OUT THIS FORM.

## INSTRUCTIONS

1. The Agency will not approve any application unless, in the judgment of the Agency, said application and the summary contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application (the "Project").
3. If an estimate is given as the answer to a question, put "(est)" after the figure or answer which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return one (1) copy of this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project contemplated herein (to the extent such expenses are not paid out of the proceeds of the Agency's bonds issued to finance the Project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel/special counsel to the Agency. The costs incurred by the Agency, including the Agency's general counsel and bond counsel, may be considered as a part of the Project and included as a part of the resultant bond issue.
9. The Agency has established an application fee of One Thousand Five Hundred Dollars (\$1,500) to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.
10. The Agency has also established an administrative fee equal to (A) one percent (1%) of the cost of the Project in the case of an Agency Straight Lease Transaction, and (B) one percent (1%) of the aggregate principal amount of the bonds to be issued by the Agency in the case of an Agency Bond Transaction. The Agency has also established an administrative fee for the issuance of refunding bonds for Agency Bond Transactions. The formula for the calculation of the administrative fee for the issuance of refunding bonds is outlined in the Agency's Policy Manual. THESE FEES ARE PAYABLE ON THE CLOSING DATE.

DATED: JULY 8, 2019

Answer all questions. Use "None" or "Not Applicable" where necessary.

**SUMMARY OF PROJECT**

Applicant: 45 Columbia Street Assoc. LLC

Contact Person: Jeffrey Buell

Phone Number: 5189448674

Occupant: 45 Columbia Street Assoc. LLC

Project Location (include Tax Map ID): 76.34-1-7

Approximate Size of Project Site: 0.37 Acres

Description of Project: The project is a rehab of an existing +/- 78,000 sqft parking garage to accommodate 27 apartments 125 parking spaces.

Type of Project: ☐ Manufacturing ☐ Warehouse/Distribution  
☒ Commercial ☐ Not-For-Profit  
☐ Other-Specify

Employment Impact: Existing FTE Jobs: 0  
 Retained FTE Jobs: 0  
 FTE Jobs Created: 0.5  
 Construction Jobs Created: 20

Project Cost: \$7,000,000

Type of Financing: ☐ Tax-Exempt ☐ Taxable ☒ Straight Lease

Amount of Bonds Requested: 0

Estimated Value of Tax-Exemptions:

N.Y.S. Sales and Compensating Use Tax:	\$160,000
Mortgage Recording Taxes:	\$70,000
Real Property Tax Exemptions: (auto-calculated)	0
Other (please specify):	0

Provide estimates for the following:

Average Estimated Annual Salary of Jobs to be Created:	\$28,500
Annualized Salary Range of Jobs to be Created:	\$19,000-
Estimated Average Annual Salary of Jobs to be Retained:	0

## I. APPLICANT INFORMATION

### A) Applicant:

Name: 45 Columbia Street Assoc. LLC  
Address: 204 Lafayette St  
City: Schenectady State: NY Zip: 12305  
Federal ID/EIN: 83-1362378 Website: redburndev.com  
Primary Contact: Jeffrey Buell  
Title: Principal  
Phone: 5189448674 Email: jbuell@redburndev.com

### B) Real Estate Holding Company (if different from Applicant):

*Will a separate company hold title to/own the property related to this Project? If yes:*

Name: N/A  
Address: N/A  
City: N/A State: N/A Zip:   
Federal ID/EIN: N/A Website: N/A  
Primary Contact: N/A  
Title: N/A  
Phone: Email: N/A

Describe the terms and conditions of the lease between the Applicant and the Real Estate Holding Company. If there is an option to purchase the property, provide the date option was signed and the date the option expires:

N/A

**C) Current Project Site Owner (if different from Applicant or Real Estate Holding Company):**

Name: N/A  
Title: N/A  
Address: N/A  
City: N/A State: N/A Zip:   
Phone: Email: N/A

**D) Attorney:**

Name: Paul Sciocchetti  
Firm Name: Sciocchetti & Abbott, PLLC  
Address: 800 Troy Schenectady Rd Suite 102  
City: Latham State: NY Zip:   
Phone: (518) 867-3001 Email: psciocchetti@pvslaw.com

**E) General Contractor:**

Name: N/A  
Firm Name: N/A  
Address: N/A  
City: N/A State: N/A Zip:   
Phone: Email: N/A



## II. APPLICANT'S COMPANY OWNERSHIP & HISTORY

### A) Company Organization:

Year founded:  Founded in which state:  NAICS Code:

Type of ownership (e.g., C-Corp, LLC):

### B) Company Management

Name	Office Held	Other Principal Business
Redburn Development Partners	Limited partnership	N/A
Redburn Development Partners	General partners	Real Estate Development Firm
N/A	N/A	N/A
N/A	N/A	N/A

### Company Ownership:

List all stockholders, members, or partners with ownership of greater than 5% and attach an organizational ownership chart with complete name, TIN, DOB, home address, office held, and other principal businesses (if applicable).

Name	Office Held	% of Ownership	% of Voting Rights
Jeffrey Buell	General Partner	33.3	33.3
John Blackburn	General Partner	33.3	33.3
Tom Rossi	General Partner	33.3	33.3
N/A	N/A	N/A	N/A

Is the Applicant or management of the company now a plaintiff or a defendant in any civil or criminal litigation?

☐ Yes ☒ No

If yes, describe:

Has any person listed above ever been a plaintiff or a defendant in any civil or criminal litigation?

☐ Yes ☒ No

If yes, describe:

Has any person listed above ever been charged with a crime other than a minor traffic violation?

☐ Yes ☒ No

If yes, describe:

Has any person listed above ever been convicted of a crime other than a minor traffic violation?

☐ Yes ☒ No

If yes, describe:

Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt?

☐ Yes ☒ No

If yes, describe:

**C) Company Description:**

Describe in detail the Company's background, products, customers, goods and services:

Redburn Development is a multi-faceted real estate development company based in Schenectady NY. We focus on historic, urban, mixed-use developments that promote walkability, accessibility, and connectivity in neighborhoods that have suffered from decades of disinvestment. While the primary end product is work force housing- every day apartments for everyday people- we believe strongly that for us to succeed, the region must succeed. And for that to happen we must create attractive communities that value our historic downtowns and waterfronts, creating 21st century playgrounds that promote a 24-hour experience.

Existing Banking Relationship(s):

Pioneer Savings Bank, Capital Bank, Bank of Greene County, SEFCU

Has the Company ever received incentives tied to job creation?



Yes



No

If yes, describe:

Local IDA's on past jobs have sometimes required job measurement tools. To our knowledge, t

Were the goals met?



Yes



No



N/A

If no, why not?

*Additional sheets may be attached, if necessary.*

### III. PROJECT DESCRIPTION AND DETAILS

#### A) Assistance requested from the Agency:

Select all that apply:

- ☒ Exemption from Sales Tax
- ☒ Exemption from Mortgage Tax
- ☐ Exemption from Real Property Tax
- ☐ Taxable Bonds
- ☐ Tax-exempt Bonds (typically for non-for-profits or qualified manufacturers)
- ☐ Other, specify:

#### B) Project Description:

Attach a map, survey or sketch of the Project site, identifying all existing or new buildings/structures.

Summary: (Please provide a brief narrative description of the Project.):

This project is part of the Kenmore Transformation in downtown Albany. It will create 27 market rate apartments and 125 parking spaces. This project is expected to be complete in the Fall of 2020.

Location of Proposed Project:

Street Address - Tax Map ID(s):

Is the Applicant the present legal owner of the Project site? ☒ Yes ☐ No

If yes:      Date of Purchase:       Purchase Price:

If no:

1. Present legal owner of the Project site:

2. Is there a relationship, legally or by common control, between the Applicant and the present owner of the Project site? ☐ Yes ☐ No

If yes:

3. Does the Applicant have a signed option to purchase the site? ☐ Yes ☐ No ☒ N/A

If yes:      Date option signed:       Date option expires:

Is the Project site subject to any property tax certiorari? ☐ Yes ☒ No

DRAFT FOR DISCUSSION PURPOSES ONLY

DATED: JULY 8, 2019

Describe the Project including, scope, purpose (e.g., new build, renovations, and/or equipment purchases, equipment leases, etc.), timeline, and milestones. The Project scope must entail only future work, as the Agency's benefits are not retroactive:

How many units will the project encompass (include total of number of commercial and residential units)?

How many square feet of commercial space will the project entail?

The basement and first through third floors of the existing parking garage will be retained as parking for a total of approximately 125 parking spaces. A new exit will be cut in the west wall of the basement to create an exit into the adjacent alley which has easy access to the 787 onramp. The existing fourth and partial fifth floors, as well as the offices off the north and south stairwells will be renovated to become 27 dwelling units. We expect the parking garage to be operational, and apartments available for lease, by the fall of 2020.

Would this Project be undertaken **but for** the Agency's financial assistance? ☐ Yes ☒ No

If yes, describe why the Agency's financial assistance is necessary and the effect the Project will have on the Applicant's business or operations:

Our underwriting has consistently been tied to sales tax relief on the construction side of the project and a mortgage recording tax exemption.

**C) Project Site Occupancy**

Select Project type for all end-users at Project site (choose all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Industrial                       | <input checked="" type="checkbox"/> Service*             |
| <input type="checkbox"/> Acquisition of existing facility | <input type="checkbox"/> Back-office                     |
| <input checked="" type="checkbox"/> Housing               | <input checked="" type="checkbox"/> Mixed use            |
| <input checked="" type="checkbox"/> Multi-tenant          | <input type="checkbox"/> Facility for Aging              |
| <input checked="" type="checkbox"/> Commercial            | <input type="checkbox"/> Civic facility (not-for-profit) |
| <input checked="" type="checkbox"/> Retail*               | <input type="checkbox"/> Other                           |

\* The term "retail sales" means (1) sales by a registered vendor under Article 28 of the Tax Law of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property, as defined in Section 1101(b)(4)(i) of the Tax Law, or (2) sales of a service to customers who personally visit the Project location. If "retail" or "service" is checked, complete the Retail Questionnaire contained in Section IV.

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute.

List the name(s) of the expected tenant(s), nature of the business(es), and percentage of total square footage to be used by each tenant. Additional sheets may be attached, if necessary:

Company:	Nature of Business:	% of total square footage:
1. N/A	N/A	N/A
2. N/A	N/A	N/A
3. N/A	N/A	N/A

Are there existing buildings on project site? ☒ Yes ☐ No

a. If yes, indicate number and approximate size (in square feet) of each existing building: 1 - 78,000 sqft

b. Are existing buildings in operation? ☐ Yes ☒ No ☐ N/A  
 If yes, describe present use of present buildings:

c. Are existing buildings abandoned? ☐ Yes ☒ No ☐ N/A

About to be abandoned? ☐ Yes ☒ No ☐ N/A

If yes, describe:

d. Attach photograph of present buildings.

DATED: JULY 8, 2019

**IV. RETAIL QUESTIONNAIRE****(Fill out if end users are "retail" or "service" as identified in Section III)**

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or purchase services.

- A) Will any portion of the Project consist of facilities or property that will be primarily used in making sales of goods or services to customers who personally visit the Project site?<sup>1</sup> ☒ Yes ☐ No

If yes, continue with the remainder of the Retail Questionnaire. If no, do not complete the remainder of the Retail Questionnaire.

- B) What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the Project? 100%

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute. Accordingly, please answer "yes" and insert "100%" if your project is a housing project. If the answer is less than 33.33% do not complete the remainder of the Retail Questionnaire. If the answer to Question A is Yes and the answer to Question B is greater than 33.33%, complete the remainder of the Retail Questionnaire:

1. Is the Project location or facility likely to attract a significant number of visitors from outside the Capital Region Economic Development Region (i.e., Albany, Schenectady, Rensselaer, Greene, Columbia, Saratoga, Warren, and Washington counties)? ☒ Yes ☐ No
2. Will the Project make available goods or services which are not currently reasonably accessible to the residents of the municipality within which the proposed Project would be located? ☒ Yes ☐ No
3. Will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? ☒ Yes ☐ No  
If yes, explain:
4. Will the Project be located in an area designated as an economic development zone pursuant to Article 18-B of the General Municipal Law (Source: <https://esd.ny.gov/empire-zones-program>)? ☐ Yes ☒ No  
If yes, explain: N/A
5. Will the Project be in a "highly distressed" census tract (as defined by the United States Census Bureau <https://factfinder.census.gov/>) ☒ Yes ☐ No

If yes, explain:

The project is located in Albany census tract 11 which in 2010 had a poverty rate of 39.3% and an unemployment rate of 28% compared to the state unemployment rate of 7.5%

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute. Accordingly, please answer "yes" and insert "100%" if your project is a housing project.<sup>1</sup>

## V. ENVIRONMENTAL REVIEW AND PERMITTING

*The Applicant must comply with the State Environmental Quality Review Act (SEQRA) before the Agency can vote on proposed financial incentives. It is the Applicant's responsibility to provide a copy of the final SEQRA determination to the Agency.*

Environmental Assessment Form: ☐ Short Form ☒ Long Form

Lead Agency: City of Albany Planning Board

Agency Contact: Zach Powell

Date of submission: 01/22/2019

Status of submission: Approved

Final SEQRA

determination: Negative Declaration

### A) Site Characteristics:

Describe the present zoning and land use regulation: MU-DT

Will the Project meet zoning and land use regulations for the proposed location? ☒ Yes ☐ No

Is a change in zoning and land use regulation is required? ☐ Yes ☒ No

If yes, specify the required change and status of the change request:

N/A

If the proposed Project is located on a site where the known or potential presence of contaminants is complicating the development/use of the property, describe the potential Project challenge:

N/A

Does part of the Project consist of a new building or buildings?

☐ Yes ☒ No

If yes, indicate number and size of new buildings:

N/A

Does part of the Project consist of additions and/or renovations to the existing buildings?

☒ Yes ☐ No

If yes, indicate the buildings to be expanded or renovated, the size of any expansions and the nature of expansion and/or renovation:

The upper two floors (approximately 17,000 sqft) of the building will be renovated to become 27 market-rate apartments.

## VI. INTER-MUNICIPAL MOVE DETERMINATION

*The Agency is required by State law to make a determination that, if completion of a Project benefiting from the Agency's financial assistance results in the removal of a 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, Agency financial assistance is required to prevent the Project occupant from relocating out of the State, or it is reasonably necessary to preserve the Project occupant's competitive position in its respective industry.*

Will the Project result in the removal of a plant of the Project occupant from one area of the State to another area of the State? ☐ Yes ☒ No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the State? ☐ Yes ☒ No

If yes to either question above, explain how notwithstanding the aforementioned closing or activity reduction, the Agency's financial assistance is required to prevent the Project from relocating out of the State or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

N/A

Does the Project involve relocation or consolidation of a Project occupant from another municipality?

Within New York State: ☐ Yes ☒ No

Within the City of Albany: ☐ Yes ☒ No

If yes, explain:

N/A



## VII. EMPLOYMENT INFORMATION

### A) Current and Projected Employee FTEs ("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):

	Current FTEs	Projected FTEs			
		New Year 1 - 20 <sup>19</sup>	New Year 2 - 20 <sup>20</sup>	New Year 3 - 20 <sup>21</sup>	Total Year 4-20 <sup>22</sup>
Full-time	0	0	0	0	0
Part-time	0	0	1	1	1
Seasonal	0	0	0	0	0

### B) Employment Plan in FTE

Estimate the number of full-time equivalent (FTE) jobs that are expected to be retained and created as part of this Project. One FTE is equivalent to 35 hours of work per week or 1,820 hours per year. Convert part-time jobs into FTE by dividing the total number of hours for all part-time resources by 35 hours per week or 1,820 hours per year. ("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):

Attach a list that describes in detail the types of employment for this Project, including the types of activities or work performed and the projected timeframe for creating new jobs.

Occupation in Company	Current (Retained) Permanent FTE		Projected New Permanent FTE			
	Average Annual Salary or Hourly Wage <sup>2</sup>	Number of Current FTE	FTE in Year 1 20 <sup>19</sup>	FTE in Year 2 20 <sup>20</sup>	FTE in Year 3 20 <sup>21</sup>	Total New FTE by Year 4 20 <sup>22</sup>
Professional/ Management	0	0	0	0	0	0
Administrative	0	0	0	0	0	0
Sales	0	0	0	0	0	0
Services	0	0	0	0	0	0
Manufacturing	0	0	0	0	0	0
High-Skilled	0	0	0	0	0	0
Medium-Skilled	0	0	0	0	0	0
Basic-Skilled	0	0	0	0	0	0
Other (specify)	0	0	0	0	0	0
Maintenance	\$28,500	0	0	.5	.5	.5
Total (auto-calculated)		0	0	0.5	0.5	0.5

<sup>2</sup> Wages are defined as all remuneration paid to an employee. Remuneration means every form of compensation for employment paid by an employer to an employee; whether paid directly or indirectly by the employer, including salaries, commissions, bonuses, and the reasonable money value of board, rent, housing, lodging, or similar advantage received. Where gratuities are received from a person other than the employer, the value of such gratuities shall be included as part of the remuneration paid by the employer. Source: <https://labor.ny.gov>.

## VIII. INDEPENDENT CONTRACTOR RESOURCES

*Estimate the number of full-time equivalent (FTE) jobs that are contracted to independent contractors (e.g., contractors or subcontractors) that would be retained and created as part of this Project.*

*Attach a list that describes in detail the types of contract resources for this Project, including the types of activities or work performed and the projected timeframe for creating new contractor positions.*

**("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):**

	Current FTEs	Projected			
		New Year 1-20 <sup>19</sup>	New Year 2-20 <sup>20</sup>	New Year 3-20 <sup>21</sup>	Total Year 4-20 <sup>22</sup>
Full-time	0	0	0	0	0
Part-time	0	0	0	0	0
Seasonal	0	0	0	0	0

## IX. CONSTRUCTION LABOR

*\*Construction Jobs are defined by the number of persons individually identified on the pay roll of the General Contractor/Subcontractor in relation to the project.*

Number of construction workers expected to be hired for this Project: 20

When does the applicant anticipate the start of construction? Fall 2019

When does the applicant anticipate the completion of construction? Fall 2020

What is the total value of construction contracts to be executed? \$4,000,000

Describe the general contractor's plans and selection process for using regional and/or City of Albany construction labor or regional and/or City of Albany sub-contractors:

We consistently work with local communities on all aspects of our developments, making sure the all targets are met, including inclusionary hiring through MWBE. We have not yet chosen the general contractor for this job.

## X. PROJECT COSTS AND FINANCING

Attach additional

### A) Project Costs

Description of Cost	Amount
Land	\$1,000,000
Buildings	\$4,000,000
Machinery and Equipment Cost	\$0
Utilities, roads and appurtenant costs	\$75,000
Architects and engineering fees	\$450,000
Cost of Bond Issue (legal, financial and printing)	\$0
Construction loan fees and interest (if applicable)	\$1,100,000
Other (specify)	\$375,000
N/A	0
N/A	0
<b>TOTAL PROJECT COST (auto-calculated)</b>	<del>\$7,200,000</del> \$7,000,000

Have any of the above costs been paid or incurred as of the date of this application? ☒ Yes ☐ No

If yes, describe: The building has been purchased and design is complete.

### B) Sources of Funds for Project Costs

Equity:	\$0
Bank Financing:	\$7,000,000
Tax Exempt Bond Issuance:	\$0
Taxable Bond Issuance	\$0

Public Sources (Include total of all State and Federal grants and tax credits):

Identify each State and Federal program:

N/A	0
N/A	0
N/A	0

Public Funds Total (auto-calculated): 0

Additional sheets may be attached, as necessary.

TOTAL: (auto-calculated) ~~\$8,000,000~~

Amount of total financing requested from lending institutions:

\$7,000,000

Amount of total financing related to existing debt refinancing:

\$0

Has a commitment for financing been received?

☒ Yes ☐ No

If yes:

Lending Institution: KeyBank

Contact: Mark Flanders

Phone: (518) 257-8702

## XI. PROJECT EVALUATION AND ASSISTANCE FRAMEWORK

**Project Evaluation and Assistance Framework.** If applicable, complete the following Matrix that is part of the Agency's Project Evaluation and Assistance Framework.

### Baseline Requirements (Must Achieve All)

<input type="checkbox"/> Complete Application	<input type="checkbox"/> Albany 2030 Aligned	<input type="checkbox"/> Meet Project Use Definition
<input type="checkbox"/> Meets NYS/CAIDA Requirements	<input type="checkbox"/> Planning Approval (if applicant)	<input type="checkbox"/> "But For" Requirement
Approval Date: <input type="text"/>		

### Community Benefit Metrics (Must Achieve 10)

<b>Revitalization</b> <b>Target Geography</b> <input type="checkbox"/> Distressed Census Tract <input type="checkbox"/> High Vacancy Census Tract <input type="checkbox"/> Downtown <input type="checkbox"/> BID <input type="checkbox"/> Neighborhood Plan	<b>Investment</b> <b>Financial Commitment</b> (cumulative) <input type="checkbox"/> 2.5M - 10M <input type="checkbox"/> 10.1 - 17.5M <input type="checkbox"/> 17.6M - 25M	<b>Employment</b> <b>Permanent Jobs</b> (cumulative) <input type="checkbox"/> 3 - 40 <input type="checkbox"/> 41 - 80 <input type="checkbox"/> 81 - 120 <input type="checkbox"/> 121 - 180 <input type="checkbox"/> > 180
<b>Identified Priority</b> <input type="checkbox"/> Downtown Residential <input type="checkbox"/> Tax Exempt/Vacant <input type="checkbox"/> Identified Catalyst Site <input type="checkbox"/> Historic Preservation <input type="checkbox"/> Community Catalyst	<b>Community Commitment</b> <input type="checkbox"/> MWBE/DBE Participation <input type="checkbox"/> EEO Workforce Utilization <input type="checkbox"/> Inclusionary Housing <input type="checkbox"/> Regional Labor <input type="checkbox"/> City of Albany Labor <input type="checkbox"/> Apprenticeship Program	<b>Retained Jobs</b> (cumulative) <input type="checkbox"/> 3 - 40 <input type="checkbox"/> 41 - 80 <input type="checkbox"/> 81 - 120 <input type="checkbox"/> 121 - 180 <input type="checkbox"/> > 180
<b>Identified Growth Area</b> <input type="checkbox"/> Manufacturing/Distribution <input type="checkbox"/> Technology <input type="checkbox"/> Hospitality <input type="checkbox"/> Existing Cluster <input type="checkbox"/> Conversion to Residential		<b>Construction Jobs</b> (cumulative) <input type="checkbox"/> 6 - 80 <input type="checkbox"/> 81 - 160 <input type="checkbox"/> 161 - 240 <input type="checkbox"/> > 240

## XII. ESTIMATED VALUE OF INCENTIVES

### A) Property Tax Exemption:

Agency staff will complete this section with the Applicant based on information submitted by the Applicant and the City of Albany Assessor. If you are requesting an exception to the PILOT schedule that cannot be accommodated by the UTEP or the CAIDA Project Evaluation and Assistance Framework, please provide additional sheets indicating the proposed PILOT payments.

Does your project meet the definition of "large project" as defined in the Framework (\$25 Million, 15 Total Acres or Full Service Hotel)? ☐ Yes ☐ No

Current assessed full assessed value of the property **before** Project improvements:

Estimated new assessed full value of property **after** Project improvement based on letter from the City of Albany Assessor:

Estimated real property 2019 tax rate per dollar of full assessment (auto-calculated):

*\*assume 2% annual increase in tax rate*

Estimated Completed Assessed Value per Unit based on letter from the City of Albany Assessor:

PILOT Year	Existing Real Property Taxes	Estimated Real Property Taxes on Improved Value <b>Without</b> PILOT <sup>3</sup>	Estimated Total <b>Without</b> PILOT	PILOT Abatement % based on Framework schedule <b>Abatement percentages must be entered in decimals</b>	*Estimated PILOT Payments
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
				0	0

\*PILOT payments may not fall short of \$675 per door or .97 per Square Foot as applicable from Framework

Please note that after year twelve (12) of any Multi-Family Commercial PILOT, a bifurcated structure commences whereby projects shall pay the greater of: (a) scheduled pilot payments as stated by assistance schedule or (b) 11.5% of gross revenue.

Notwithstanding anything herein to the contrary, if the project consists of an **affordable housing project**, the applicant shall make annual payments in lieu of property taxes pursuant to the PILOT Agreement with respect to the project as follows: (i) An amount equal to ten percent (10%) of the shelter rents (rents, excluding the component thereof, if any, attributable to energy and utility costs paid by the applicant) payable by the tenants in connection with the housing project.

If the applicant is requesting assistance that is a deviation from the Agency's UTEP, please refer to the Agency's Project Evaluation and Assistance Framework to determine the appropriate, potential standard deviation abatement schedule: <http://albanyida.com/wp-content/uploads/2012/03/CAIDA-PILOT-Program-Board-Revised-1.pdf>

<sup>3</sup> The figures in this column assume that the Project is completed as described in the Application and without the involvement of the Agency and, therefore, subject to real property taxes. However, as provided in this Application, the Applicant has certified that it would not undertake the Project without the financial assistance granted by the Agency. Accordingly, this column is prepared solely for the purpose of determining the estimated amount of the real property tax abatement being granted by the Agency.

If the Applicant is requesting assistance that is greater than the Agency's standard UTEP deviations identified in the Project Evaluation and Assistance Framework, describe the incentives and provide a justification for this PILOT request:

**B) Sales and Use Tax Benefit:**

*Note: The figures below will be provided to the New York State Department of Taxation and Finance and represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to the application.*

Costs for goods and services that are subject to State and local sales and use tax <sup>4</sup> :	\$2,000,000
Estimated State and local sales and use tax benefit (sales tax amount multiplied by <span style="border: 1px solid black; padding: 0 5px;">08</span> plus additional use tax amounts):	<del>\$160,000</del> \$160,000

**C) Mortgage Recording Tax Benefit:**

Mortgage amount (include construction, permanent, bridge financing or refinancing):	\$7,000,000
Estimated mortgage recording tax exemption benefit (mortgage amount multiplied by .01 ) <sup>5</sup> :	\$70,000

**D) Percentage of Project Costs Financed from Public Sector:**

Percentage of Project costs financed from public sector: 3%  
(Total B + C + D + E below / A Total Project Cost)

A. Total Project Cost:	\$7,000,000
B. Estimated Value of PILOT (auto-filled):	0
C. Estimated Value of Sales Tax Incentive:	\$160,000
D. Estimated Value of Mortgage Tax Incentive:	\$70,000
E. Total Other Public Incentives (tax credits, grants, ESD incentives, etc.):	0

<sup>4</sup> Sales and use tax (sales tax) is applied to: tangible personal property (unless specifically exempt); gas, electricity, refrigeration and steam, and telephone service; selected services; food and beverages sold by restaurants, taverns, and caterers; hotel occupancy; and certain admission charges and dues. For a definition of products, services, and transactions subject to sales tax see the following links:

<https://www.tax.ny.gov/bus/st/subject.htm> and

[https://www.tax.ny.gov/pubs\\_and\\_bulls/tg\\_bulletins/st/quick\\_reference\\_guide\\_for\\_taxable\\_and\\_exempt\\_property\\_and\\_services.htm](https://www.tax.ny.gov/pubs_and_bulls/tg_bulletins/st/quick_reference_guide_for_taxable_and_exempt_property_and_services.htm).

<sup>5</sup> The Mortgage Recording Tax in Albany County is equal to 1.25%. However, the Agency is authorized under the IDA Statute to exempt only 1.00%.

### XIII. COST BENEFIT ANALYSIS

In order for the City of Albany Industrial Development Agency (the "Agency") to prepare a Cost/Benefit Analysis for a proposed project (the "Project"), the Applicant must answer the questions contained in this Project Questionnaire (the "Questionnaire"). Such information should consist of a list and detailed description of the benefits of the Agency undertaking the Project (e.g., number of jobs created, types of jobs created, economic development in the area, community benefits (including community commitment as described in the Agency's Project Evaluation and Assistance Framework), etc.). Such information should also consist of a list and detailed description of the costs of the Agency undertaking the Project (e.g., tax revenues lost, buildings abandoned, etc.).

This Questionnaire must be completed before we can finalize the Cost/Benefit Analysis, please complete this Questionnaire and forward it to us at your earliest convenience.

#### PROJECT QUESTIONNAIRE

1. Name of Project Beneficiary ("Company"):	45 Columbia St Assoc, LLC
2. Brief Identification of the Project:	Renovation of parking garage to accom
3. Estimated Amount of Project Benefits Sought:	<del>100150</del> \$230,000
A. Amount of Bonds Sought:	0
B. Value of Sales Tax Exemption Sought	\$160,000
C. Value of Real Property Tax Exemption Sought	0
D. Value of Mortgage Recording Tax Exemption Sought	\$70,000
4. Likelihood of accomplishing the Project in a timely fashion (please explain):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Project is fully approved and actively bidding construction.	

DATED: JULY 8, 2019

**PROJECTED PROJECT INVESTMENT****A. Land-Related Costs**

1. Land acquisition
2. Site preparation
3. Landscaping
4. Utilities and infrastructure development
5. Access roads and parking development
6. Other land-related costs (describe)

\$ 0
\$ 0
\$ 0
\$ 0
\$ 0
\$ 0

**B. Building-Related Costs**

1. Acquisition of existing structures
2. Renovation of existing structures
3. New construction costs
4. Electrical systems
5. Heating, ventilation and air conditioning
6. Plumbing
7. Other building-related costs (describe)

\$ 0
\$ 3,531,084
\$ 0
\$ 796,080
\$ 597,060
\$ 398,040
\$ 0

**C. Machinery and Equipment Costs**

1. Production and process equipment
2. Packaging equipment
3. Warehousing equipment
4. Installation costs for various equipment
5. Other equipment-related costs (describe)

\$ 0
\$ 0
\$ 0
\$ 0
\$ 0

**D. Furniture and Fixture Costs**

1. Office furniture
2. Office equipment
3. Computers
4. Other furniture-related costs (describe)

\$ 0
\$ 0
\$ 0
\$ 0

**E. Working Capital Costs**

1. Operation costs
2. Production costs
3. Raw materials
4. Debt service
5. Relocation costs
6. Skills training
7. Other working capital-related costs (describe)

\$ 0
\$ 0
\$ 0
\$ 0
\$ 0
\$ 0
\$ 0

**F. Professional Service Costs**

1. Architecture and engineering
2. Accounting/legal
3. Other service-related costs (describe)

\$ 0
\$ 0
\$ 0

**G. Other Costs**

1. \_\_\_\_\_
2. \_\_\_\_\_

\$ 0
\$ 0

**H. Summary of Expenditures**

1. Total Land-Related Costs
2. Total Building-Related Costs
3. Total Machinery and Equipment Costs
4. Total Furniture and Fixture Costs
5. Total Working Capital Costs
6. Total Professional Service Costs
7. Total Other Costs

\$ 0
\$ 5,322,264
\$ 0
\$ 0
\$ 0
\$ 0
\$ 0
\$ 5,322,264



**PROJECTED NET OPERATING INCOME**

I. Please provide projected Net Operating Income:

YEAR	Without IDA benefits	With IDA benefits
1	\$ 115,410	\$ 126,010
2	\$ 137,684	\$ 148,284
3	\$ 160,688	\$ 171,288
4	\$ 184,447	\$ 195,047
5	\$ 208,983	\$ 219,583

**PROJECTED CONSTRUCTION EMPLOYMENT IMPACT**

I. Please provide estimates of total construction jobs and the total annual wages and benefits of construction jobs at the Project:

Year	Number of Construction Jobs	Total Annual Wages and Benefits	Estimated Additional NYS Income Tax
Current Year	39 (3 months)	\$312,000	\$15,931
Year 1	39 (9 months)	\$936,000	\$47,171
Year 2	0	0	0
Year 3	0	0	0
Year 4	0	0	0
Year 5	0	0	0

**PROJECTED PERMANENT EMPLOYMENT IMPACT**

- I. Estimates of the total number of existing permanent FTE jobs to be preserved or retained as a result of the Project are described in the tables in Section VII of the Application.
- II. Estimates of the total new permanent FTE jobs to be created at the Project are described in the tables in Section VII of the Application.
- III. Please provide estimates for the following:
  - A. Creation of New Job Skills relating to permanent jobs. Please complete Schedule A.

**PROJECTED OPERATING IMPACT**

I. Please provide estimates for the impact of Project operating purchases and sales:

Additional Purchases (1 <sup>st</sup> year following project completion)	\$ 0
Additional Sales Tax Paid on Additional Purchases	\$ 0
Estimated Additional Sales (1 <sup>st</sup> full year following project completion)	\$ 0
Estimated Additional Sales Tax to be collected on additional sales (1 <sup>st</sup> full year following project completion)	\$ 0

II. Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes ("Pilot Payments"): If you are requesting an exception that cannot be accommodated by the auto-calculated fields, please provide additional sheets indicating the proposed PILIOT payments.

Year	Existing Real Property Taxes (Without Project)	New Pilot Payments (With IDA)	Total (Difference)
Current Year	\$0	\$0	\$0
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			
Year 6			
Year 7			
Year 8			
Year 9			
Year 10			
Year 11			
Year 12			
Year 13			
Year 14			
Year 15			
Year 16			
Year 17			
Year 18			
Year 19			
Year 20			
			\$ 0

**ADDITIONAL COMMUNITY BENEFITS**

The City of Albany Industrial Development Agency is supportive of inclusionary development practices. Please indicate which of the below described community benefits (as defined in the Agency's Project Evaluation and Assistance Framework) will be provided as a result of the Project, and please provide a detailed description of such benefits, together with any other economic benefits and community benefits expected to be produced as a result of the Project (attach additional pages as needed for a complete and detailed response). Examples of these benefits include:

- |                                |                                 |
|--------------------------------|---------------------------------|
| (A) MWBE/DBE Participation;    | (L) Downtown Residential;       |
| (B) EEO;                       | (M) Tax Exempt/Vacant Property; |
| (C) Workforce Utilization;     | (N) Identified Catalyst Site;   |
| (D) Inclusionary Housing;      | (O) Historic Preservation;      |
| (E) Regional Labor;            | (P) Community Catalyst;         |
| (F) City of Albany Labor;      | (Q) Manufacturing/Distribution; |
| (G) Apprenticeship Program;    | (R) Technology;                 |
| (H) Distressed Census Tract;   | (S) Hospitality;                |
| (I) High Vacancy Census Tract; | (T) Existing Cluster; and       |
| (J) Downtown BID;              | (U) Conversion to Residential.  |
| (K) Neighborhood Plan;         |                                 |

The entire Kenmore revitalization project is an \$82 million investment that hits on at least 12 of the above targets. Our project will create a walkable, accessible, connected neighborhood on three blocks of Downtown Albany that have long been a drag on any potential Renaissance. The reuse of 9 historic buildings will be a catalyst for additional growth, increase the amount of people spending time in Albany and encourage other people to dip a toe in the water of Downtown Albany.

**XIV. OTHER**

Is there anything else the Agency's board should know regarding this Project?

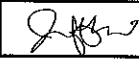
N/A

### CERTIFICATION

I certify that I have prepared the responses provided in this Questionnaire and that, to the best of my knowledge; such responses are true, correct, and complete.

I understand that the foregoing information and attached documentation will be relied upon, and constitute inducement for, the Agency in providing financial assistance to the Project. I certify that I am familiar with the Project and am authorized by the Company to provide the foregoing information, and such information is true and complete to the best of my knowledge. I further agree that I will advise the Agency of any changes in such information, and will answer any further questions regarding the Project prior to the closing.

I affirm under penalty of perjury that all statements made on this application are true, accurate and complete to the best of my knowledge.

<b>Date Signed:</b> 9/6/19	<b>Name of Person Completing Project</b>
	<b>Questionnaire on behalf of the Company.</b>
	<b>Name:</b> Jeffrey Buell
	<b>Title:</b> General Partner
	<b>Phone Number:</b> (518) 944-8674
	<b>Address:</b> 204 Lafayette St Schenectady, NY 12305
	<b>Signature:</b> 

## REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION

Jeffrey Buell (name of CEO or another authorized representative of Applicant) confirms and says that he/she is the General Partner (title) of 45 Columbia Street Assoc (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. Job Listings. Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA"), as replaced by the Workforce Investment Act of 1998 (Public Law 105-220), in which the Project is located.

B. First Consideration for Employment. In accordance with Section 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 JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.

C. City Human Rights Law. The applicant has reviewed the provisions of Chapter 48, Article III of the City Code, entitled "The Omnibus Human Rights Law" and agrees to comply with such provisions to the extent that such provisions are applicable to the applicant and the Project.

D. Annual Sales Tax Filings. In accordance with Section 874(8) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant.

E. Annual Employment Reports. The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the Project site, including (1) the NYS-45 – Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return – for the quarter ending December 31 (the "NYS-45"), and (2) the US Dept. of Labor BLS 3020 Multiple Worksite report if applicable. The applicant also agrees, whenever requested by the Agency, to provide and certify or cause to be provided and certified such information concerning the participation of individuals from minority groups as employees or applicants for employment with regard to the project.

F. Local Labor Information. The applicant is aware of and understands the provisions of Part 24 of the Policy Manual of the Agency. Pursuant to Part 24 of the Policy Manual of the Agency, the applicant agrees to provide information, in form and substance satisfactory to the Agency, relating to construction activities for projects; specifically: (i) the Company's contact person responsible and accountable for providing information about the bidding for and awarding of construction contracts relative to this Application and the Project, (ii) the

nature of construction jobs created by the Project, including the number, type, and duration of construction positions; and (iii) submit to the Agency a "Construction Completion Report" listing the names and business locations of prime contractors, subcontractors, and vendors who were engaged in the construction phase of the Project.

G. Additional Fee for Low Income Housing/Tax Credit (9% only) Projects. An annual administrative fee equal to \$10,000 shall be payable annually by the applicant on each January 1 for a term equal to ten (10) years. This annual administrative fee is in addition to the standard administrative fee for Agency Straight Lease Transactions and Agency Bond Transactions and is applicable to Projects which provide for low income housing/tax credit (9% only) projects.

H. Uniform Agency Project Agreement. The applicant agrees to enter into a uniform agency project agreement with the Agency where the applicant agrees that (1) the amount of Financial Assistance to be received shall be contingent upon, and shall bear a direct relationship to the success or lack of success of such project in delivering certain described public benefits (the "Public Benefits") and (2) the Agency will be entitled to recapture some or all of the Financial Assistance granted to the applicant if (a) the project is unsuccessful in whole or in part in delivering the promised Public Benefits, (b) certain "recapture events" occur (e.g., failure to complete the Project, sale or transfer of the Project, failure to make the estimated investment, failure to maintain job employment levels and failure to make annual reporting filings with the Agency).

I. Assignment of Agency Abatements. In connection with any Agency Straight Lease Transaction or Agency Bond Transaction, the Agency may grant to the applicant certain exemptions from mortgage recording taxes, sales and use taxes and real property taxes. The applicant understands that the grant of such exemptions by the Agency is intended to benefit the applicant. Subsequently, if the applicant determines to convey the Project and, in connection with such conveyance to assign such exemptions to the purchaser, the applicant understand that any such assignment is subject to review and consent by the Agency, together with the satisfaction of any conditions that may be imposed by the Agency.

J. Post-Closing Cost Verification. The applicant agrees (1) the scope of the Project will not vary significantly from the description in the public hearing resolution for the project and (2) to deliver to the Agency within sixty (60) days following the completion date of a project an affidavit providing the total costs of the project. In the event that the amount of the total project costs described in the affidavit at the completion date exceeds the amount described in an affidavit provided by the applicant on the closing date of the project, the applicant agrees to adjust the amounts payable by the applicant to the Agency by such larger amount and to pay to the Agency such additional amounts. In the event that the amount described is less, there shall not be any adjustment to the Agency fees.

K. Representation of Financial Information. Neither this Application nor any other agreement, document, certificate, project financials, or written statement furnished to the Agency or by or on behalf of the applicant in connection with the project contemplated by this Application contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements contained herein or therein not misleading. There is no fact within the special knowledge of any of the officers of the applicant which has not been disclosed herein or in writing by them to the Agency and which materially adversely affects or in the future in their opinion may, insofar as they can now reasonably foresee, materially adversely affect the business, properties, assets or condition, financial or otherwise, of the applicant.

L. Agency Financial Assistance Required for Project. The Project would not be undertaken but for the Financial Assistance provided by the Agency or, if the Project could be undertaken without the Financial Assistance provided by the Agency, then the Project should be undertaken by the Agency for the following reasons:

N/A

M. Compliance with Article 18-A of the General Municipal Law: The Project, as of the date of this Application, is in substantial compliance with all provisions of Article 18-A of the General Municipal including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862; and the provisions of subdivision one of Section 862 of the General Municipal Law will not be violated if Financial Assistance is provided for the Project.

N. Compliance with Federal, State, and Local Laws. The applicant is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

O. False or Misleading Information. The applicant understands 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 exemptions claimed by reason of Agency involvement in the Project.

P. Absence of Conflicts of Interest. The applicant acknowledges that the members, officers and employees of the Agency are listed on the Agency's website. 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:

N/A

Q. Additional Information. Additional information regarding the requirements noted in this Application and other requirements of the Agency is included the Agency's Policy Manual which can be accessed at [www.albanyida.com](http://www.albanyida.com).

R. Onsite Visits. The applicant acknowledges that under the Agency's Policy Manual regarding monitoring and administration of projects, the Project is subject to periodic onsite visits by Agency staff.



STATE OF NEW YORK       )  
                                      ) SS.:  
COUNTY OF ALBANY       )

Jeffrey Bell, being first duly sworn, deposes and says:

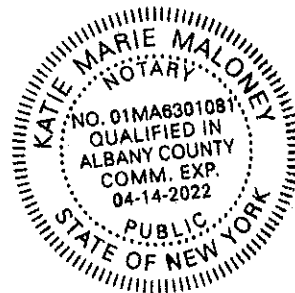
1. That I am the member (Corporate Office) of 45 Columbia Street Assoc LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate, and complete.

Jeffrey Bell  
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury.

This 6 day of September, 2019

Katie Marie Maloney  
(Notary Public)



### HOLD HARMLESS AGREEMENT

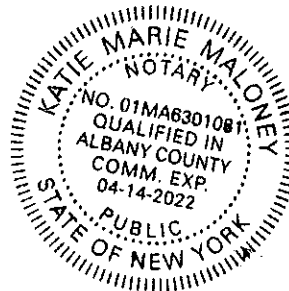
Applicant hereby releases City of Albany Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless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

(Applicant)

BY: Jeffrey Bul

Sworn to before me this  
6 day of Sept, 2019

Katie Marie Maloney  
(Notary Public)



## SCHEDULE A

## CREATION OF NEW JOB SKILLS

Please list the projected new job skills for the new permanent jobs to be created at the Project as a result of the undertaking of the Project by the Company.

[illegible]

Should you need additional space, please attach a separate sheet.

**NEW YORK STATE FINANCIAL REPORTING  
REQUIREMENTS FOR INDUSTRIAL DEVELOPMENT AGENCIES**

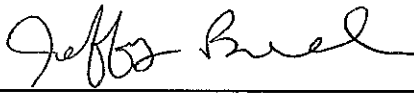
Be advised that the New York General Municipal Law imposes certain reporting requirements on IDAs and recipients of IDA financial assistance. Of importance to IDA Applicants is Section 859 (<https://www.nysenate.gov/legislation/laws/GMU/859>). This section requires IDAs to transmit financial statements within 90 days following the end of an Agency's fiscal year ending December 31, prepared by an independent, certified public accountant, to the New York State Comptroller, and the Commissioner of the New York State Department of Economic Development. These audited financial statements shall include supplemental schedules listing the following information:

1. All straight-lease ("sale-leaseback") transactions and whether or not they are obligations of the Agency.
2. All bonds and notes issued, outstanding or retired during the period and whether or not they are obligations of the Agency.
3. All new bond issues shall be listed and for each new bond issue, the following information is required:
  - a. Name of the Project financed with the bond proceeds.
  - b. Whether the Project occupant is a not-for-profit corporation.
  - c. Name and address of each owner of the Project.
  - d. The estimated amount of tax exemptions authorized for each Project.
  - e. The purpose for which the bond was issued.
  - f. The bond interest rate at issuance and, if variable, the range of interest rates applicable.
  - g. Bond maturity date.
  - h. Federal tax status of the bond issue.
  - i. Estimate of the number of jobs created and retained for the Project.
4. All new straight lease transactions shall be listed and for each new straight lease transaction, the following information is required:
  - a. Name of the Project.

DATED: JULY 8, 2019

- b. Whether the Project occupant is a not-for-profit corporation.
- c. Name and address of each owner of the Project.
- d. The estimated amount of tax exemptions authorized for each Project.
- e. The purpose for which each transaction was made.
- f. Method of financial assistance utilized for each Project, other than the tax exemptions claimed by the Project.
- g. Estimate of the number of jobs created and retained for the Project.

Sign below to indicate that you have read and understood the above.

Signature: 

Name: 

Jeffrey Buell
---------------

Title: 

General Partner
-----------------

Company: 

45 Columbia Street Assoc. LLC
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Date: 

9/6/19
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## MEMO

**TO:** City of Albany Industrial Development Agency Finance Committee

**FROM:** City of Albany Industrial Development Agency Staff

**RE:** 76 North Pearl, LLC

**DATE:** September 6, 2019

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Please note that the project for 76 North Pearl, LLC (approved 05.16.19) has had a slight increase in project cost and a change to their capital stack that has warranted a request for additional benefits in Sales Tax abatement and Mortgage Recording Tax abatement. The amount of this increase, approximately \$206,000, would trigger the need for an additional Public Hearing. We will discuss the matter at the September 11th Finance Committee meeting and the Board will have every opportunity to vote on the request as they see fit at the September 19<sup>th</sup> Board meeting. Do not hesitate to contact me with any questions. Thanks for your time.

(A)



James Googas <jgoogas@gmail.com>

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## The Eleftheria- PILOT Modification

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James Googas <jgoogas@gmail.com>  
To: Joseph Landy <JLandy@capitalizealbany.com>  
Cc: sreginelli@capitalizealbany.com

Thu, Mar 7, 2019 at 11:05 AM

Joe,

It was nice meeting you yesterday.

Attached is the breakdown of the terms of The Eleftheria PILOT.

What I'm looking to hopefully do is "**hold**" the **60%** for City/County & School taxes for two to three years then **70%** for two to three years. In effect just prolonging the terms at those percentages to the extend the original agreement to ten years.


0% (2017), 50% (2018), 60% (2019), 60% (2020), 60% (2021), 70% (2022), 70%(2023) 70% (2024), 80% (2025), 90% (2026), 100% final year.

Whatever information you may need please do not hesitate to contact me.

Thank you again for your time and assistance.

All the best,  
Jim  
518-441-8115 (personal cell)  
[www.eleftheriaofalbany.com](http://www.eleftheriaofalbany.com)

---

 **PILOT Breakdown.pdf**  
472K



(A)

(4) In each tax year during the term of this Payment in Lieu of Tax Agreement, commencing on the first tax year following the date on which the Improvements shall be assessed as exempt on the assessment roll of any Taxing Entity, the amount payable by the Company to the Receivers of Taxes on behalf of each Taxing Entity as a payment in lieu of property tax pursuant to this Payment in Lieu of Tax Agreement with respect to the Improvements shall be an amount equal to the applicable percentage of the Normal Tax due each Taxing Entity with respect to the Improvements for such tax year, as shown in the following table:

<u>Tax Year Commencing in Calendar Year</u>	<u>Percentage of Normal Tax City/County</u>	<u>Percentage of Normal Tax School District</u>
2015	100%	100%
2016	100%	100%
2017	100%	50%
2018	50%	60%
2019	60%	70%
2020	70%	80%
2021	80%	90%
2022	90%	100%
2023 and thereafter	100%	100%

(5) In each tax year during the term of this Payment in Lieu of Tax Agreement, commencing on the first tax year following the date on which any portion of the Project Facility shall be assessed as exempt on the assessment roll of any Taxing Entity, the amount payable by the Company to the Receivers of Taxes on behalf of each Taxing Entity as a payment in lieu of property tax pursuant to this Payment in Lieu of Tax Agreement with respect to the Project Facility shall be the sum of (a) the amount due each Taxing Entity with respect to the Land for such tax year, as determined pursuant to Subsection (C)(2) hereof, **plus** (b) the amount due each Taxing Entity with respect to the Improvements for such tax year, as determined pursuant to Subsection (C)(4) hereof.

(D) Additional Amounts in Lieu of Taxes. Commencing on the first tax year following the date on which any structural addition shall be made to the Project Facility or any portion thereof or any additional building or other structure shall be constructed on the Land (such structural additions and additional buildings and other structures being hereinafter referred to as "Additional Facilities") the Company agrees to make additional annual payments in lieu of property taxes with respect to such Additional Facilities (such additional payments being hereinafter collectively referred to as "Additional Payments") to the Receivers of Taxes with respect to such Additional Facilities, such Additional Payments to be computed separately for each Taxing Entity as follows:



(B)



James Googas <jgoogas@gmail.com>

## The Eleftheria- PILOT Modification

James Googas <jgoogas@gmail.com>

Fri, Jul 12, 2019 at 9:47 AM

To: Joseph Landy <JLandy@capitalizealbany.com>

Cc: Sarah Reginelli <SReginelli@capitalizealbany.com>

Sarah/Joe,

I hope all is well.

It's hard to believe the completion of the Eleftheria took place three years ago next month. I can honestly say, even with the many ups and downs that had occurred during the approval/construction phases, the journey for my family and I has been a wonderful and rewarding experience. There have been many individuals, contractors, and government agencies that have contributed to its success with **Capitalize Albany** being one of the leads.

Since opening I have had the pleasure of meeting and renting to such a diverse cross section of individuals, not just from across the United States, but from all over the world. Germany, Korea, Taiwan, India, Canada to name a few. All chose Albany and the Eleftheria as their new home. Having grown up in the neighborhood (family still live in the house I grew up in on Winnie Street) and still own property right across the street, I am very proud to have been able to have a small part in helping maintain/stabilize the original neighborhood.

When we met on March 6 I asked for consideration to modify/extend my current PILOT received from your Agency and followed up our discussion with an e-mail March 7. **Joe** in your follow-up e-mail to me you requested *"current rent roll and current operating expenses"* which I have attached. Please note the current vacancies, which I hope to soon have occupied. Although I have been able to retain 32 of the original opening 48 occupants. I have not increased rents which have leveled off in the past two years, due to I feel, a softening rental market.

Since meeting in March I have also reached out to several State Agencies (ESD, Attorney General) to ask, in general, if modification of a PILOT or other tax credit incentives is something that can be done. The answer from both was Yes. *"It is up to each individual IDA to determine if and to what extent."*

**Sarah**, the IDA Board has provided and I'm sure will continue to provide PILOT's and tax relief for **many wonderful multi family projects** both downtown and uptown: 363 Ontario St. (Playdium), 99 Pine Street, 1475 Washington (Block 75/Aspen), 1385 Washington Ave (Aubin), 133/135 Dana Ave., 33 New Scotland Ave. (Park South) along with upcoming proposals/request for assistance 1211 Western Ave. (Sage Engineering and 563 New Scotland Ave, to name a few. Many of these approved projects have 15, 20, 25 year PILOT's (incentives). This is one of the main reasons I am requesting a modification (extension) of my five year PILOT. So I can continue to compete fairly with the other projects. As you may recall my request was made to "stabilize" my expenses for the near future and as mentioned looking for fairness to be able to compete with the current development boom.

To further stabilize/reduce my expenses I also reached out to **Kinderhook Bank** (mortgage holder) requesting a mortgage modification (attached). The original note stated effective 10/2021 my mortgage would change from a fixed rate (4 1/2%) to a variable rate for five years until 2026. Not knowing what future mortgage rates would be I requested a modification to have the five years remain at a fixed rate of 4 1/2% until 2026 which allows me fixed expenses for the additional five years. Kinderhook was very gracious in honoring my request.



(8)

The Eleftheria was built on a 2.3 acre site formerly owned by the City with **zero property/school taxes** ever being collected (the City had continually tried selling for development, with never any success), until I took a chance and developed the property. **The Eleftheria last year paid \$49,718.38 in School taxes and \$31,148.72 in Property taxes for a total of over \$80,000** and have paid over \$150,000 in just two years.

**Sarah/Joe**, I do not begrudge any of these projects or future projects receiving PILOT's/other tax incentives. **I wish them nothing but success.** As mentioned earlier I am extremely grateful for the support I have been given by Capitalize Albany/IDA. I'm simply requesting the modification/extension for fairness to continue to compete. Being a lifetime resident of Albany and not a developer, no one forced me to take on this project but I'm very proud and happy not only for my family but the neighborhood.

I would welcome the opportunity to further discuss this with you and/or the Board, if needed.

I apologize for the "War and Peace" explanation. I look forward to hearing from you.

Continued success.

Jim  
518-441-8115


**Joe**, I'm still available at anytime to provide a tour as requested.


[Quoted text hidden]

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### 3 attachments

 **2019 Rent Rolls IDA.docx**  
13K

 **Eleftheria - Modified Note -4-15-2019.pdf**  
970K

 **2019 Eleftheria Expenses IDA.docx**  
13K











**CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY**

APPLICATION For  
Customer # 16029 Modification of Existing PILOT 145

IMPORTANT NOTICE: The answers to the questions contained in this application are necessary to determine your firm's eligibility for financing and other assistance from the City of Albany Industrial Development Agency. These answers will also be used in the preparation of papers in this transaction. Accordingly, all questions should be answered accurately and completely by an officer or other employee of your firm who is thoroughly familiar with the business and affairs of your firm and who is also thoroughly familiar with the proposed project. This application is subject to acceptance by the Agency.

TO: CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY  
c/o Department of Economic Development  
21 Lodge Street  
Albany, New York 12207

This application by applicant respectfully states:

APPLICANT: Eleftheria Properties, LLC

APPLICANT'S ADDRESS: P.O. Box 8683

CITY: Albany STATE: N.Y. ZIP CODE: 12208

PHONE NO.: 518-441-8115 FAX NO.: \_\_\_\_\_ E-MAIL: JGoogas@GMail.com

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

James Googas Sole Member

IF APPLICANT IS REPRESENTED BY AN ATTORNEY, COMPLETE THE FOLLOWING:

NAME OF ATTORNEY: \_\_\_\_\_

ATTORNEY'S ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE NO.: \_\_\_\_\_ FAX NO.: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 2 HEREOF BEFORE FILLING OUT THIS FORM.



## INSTRUCTIONS

1. The Agency will not approve any application unless, in the judgment of the Agency, said application and the summary contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application (the "Project").
3. If an estimate is given as the answer to a question, put "(est)" after the figure or answer which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return one (1) copy of this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project contemplated herein (to the extent such expenses are not paid out of the proceeds of the Agency's bonds issued to finance the Project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel/special counsel to the Agency. The costs incurred by the Agency, including the Agency's general counsel and bond counsel, may be considered as a part of the Project and included as a part of the resultant bond issue.
9. The Agency has established an application fee of One Thousand Five Hundred Dollars (\$1,500) to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. **THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.**
10. The Agency has also established an administrative fee equal to (A) one percent (1%) of the cost of the Project in the case of an Agency Straight Lease



Transaction, and (B) one percent (1%) of the aggregate principal amount of the bonds to be issued by the Agency in the case of an Agency Bond Transaction. The Agency has also established an administrative fee for the issuance of refunding bonds for Agency Bond Transactions. The formula for the calculation of the administrative fee for the issuance of refunding bonds is outlined in the Agency's Policy Manual. THESE FEES ARE PAYABLE ON THE CLOSING DATE.

A detailed explanation can  
be found on Attachment B



# Modification of Existing PILOT #145

## Customer #16029

### SUMMARY OF PROJECT

Applicant: *Eleftheria Properties, LLC*  
Contact Person: *James J. Googas, Sole Member*  
Phone Number: *518-441-8115 518-650-7580 office*  
Occupant: *Eleftheria Properties, LLC*  
Project Location (include Tax Map ID): *241 S. Allen Street, Albany*  
Approximate Size of Project Site: *2.179 acres/94,920 sq ft.*  
Description of Project: *two (2) 43,417 sq. ft. apartment building  
48 units - completed*

Type of Project: ☐ Manufacturing ☐ Warehouse/Distribution  
☒ Commercial ☐ Not-For-Profit  
☐ Other-Specify

Employment Impact: Existing Jobs

New Jobs

Project Cost: \$ *6,700,000*

Type of Financing: ☐ Tax-Exempt ☐ Taxable ☐ Straight Lease

Amount of Bonds Requested: \$ \_\_\_\_\_

Estimated Value of Tax-Exemptions:

N.Y.S. Sales and Compensating Use Tax:  
Mortgage Recording Taxes:  
Real Property Tax Exemptions:  
Other (please specify):

\$ *N/A*  
\$ *N/A*  
\$ *See Attached*  
\$ *Modification of*  
*Existing PILOT*

Provide estimates for the following:

Number of Full Time Employees at the Project Site before IDA Status: \_\_\_\_\_

Estimate of Jobs to be Created: \_\_\_\_\_

Estimate of Jobs to be Retained: \_\_\_\_\_



I. INFORMATION CONCERNING THE PROPOSED OCCUPANT OF THE PROJECT (HEREINAFTER, THE "COMPANY").

A. Identity of Company:

1. Company Name: Eleftheria Properties, LLC  
Present Address: P.O. Box 8683, Albany, N.Y.  
Zip Code: 12208  
Employer's ID No.: 46-4793813

2. If the Company differs from the Applicant, give details of relationship:

3. Indicate type of business organization of Company:

- a.        Corporation (If so, incorporated in what country?  
What State?        Date Incorporated?        Type of  
Corporation?        Authorized to do business in New York?  
Yes       ; No       ).
- b.        Partnership (if so, indicate type of partnership       ,  
Number of general partners       , Number of limited partners       ).
- c. ☒ Limited liability company,  
Date created? 2/14/14.
- d.        Sole proprietorship

4. Is the Company a subsidiary or direct or indirect affiliate of any other organization(s)? If so, indicate name of related organization(s) and relationship:  
N/A

B. Management of Company:

1. List all owners, officers, members, directors and partners (complete all columns for each person):

<u>N/A</u>	<u>Sole Member</u>	<u>James T. Poole</u> <u>P.O. Box 8683</u> <u>Albany, N.Y.</u>
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NAME (First, Middle, Last) HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
James J. Googas P.O. Box 8683 Albany, N.Y. 12208	Sole Member	N/A

2. Is the Company or management of the Company now a plaintiff or a defendant in any civil or criminal litigation? Yes \_\_\_\_; No X.

3. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes \_\_\_\_; No X.

4. Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt? Yes \_\_\_\_; No X.  
(If yes to any of the foregoing, furnish details in a separate attachment).

5. If the answer to any of questions 2 through 4 is yes, please, furnish details in a separate attachment.

C. Principal Owners of Company:

1. Principal owners of Company: Is Company publicly held? Yes \_\_\_\_; No X.  
If yes, list exchanges where stock traded:

2. If no, list all stockholders having a 5% or more interest in the Company:

NAME	ADDRESS	PERCENTAGE OF HOLDING
James J. Googas P.O. Box 8683 Albany, N.Y. 12208	Sole Member	N/A



D. Company's Principal Bank(s) of account:

Community Bank (Formerly Kinderhook Bank) Attn: Monir Usman  
782 Troy Schenectady Road, Latham, N.Y. 12110 518-213-8036

II. DATA REGARDING PROPOSED PROJECT

A. Summary: (Please provide a brief narrative description of the Project.)

Modification of existing PILOT  
See Attached.

B. Location of Proposed Project:

1. Street Address 241 S. Allen St.
2. City of Albany
3. Town of
4. Village of
5. County of Albany
6. Tax Map ID(s): 64.74-4-21

C. Project Site:

1. Approximate size (in acres or square feet) of Project site:

Is a map, survey, or sketch of the project site attached? Yes ☐; No ☒.

2. Are there existing buildings on project site? Yes ☒; No ☐.

a. If yes, indicate number and approximate size (in square feet) of each existing building:

2 Buildings 43,417 sq. ft. each  
24 units per Building total 48

b. Are existing buildings in operation? Yes ☒; No ☐.

If yes, describe present use of present buildings:

Apartment

c. Are existing buildings abandoned? Yes ☐; No ☒. About to be abandoned? Yes ☐; No ☒. If yes, describe:

d. Attach photograph of present buildings.



3. Utilities serving project site: *City of Albany*  
Water-Municipal:  
Other (describe)  
Sewer-Municipal: *City of Albany*  
Other (describe)  
Electric-Utility: *National Grid*  
Other (describe)  
Heat-Utility: *National Grid*  
Other (describe)
4. Present legal owner of project site: *Eleftheria Properties LLC*
- a. If the Company owns project site, indicate date of purchase:  
*3/14*, 20 *14*; Purchase price: \$ *125,000*.
- b. If Company does not own the Project site, does Company have option signed with owner to purchase the Project site? Yes ☐; No ☐. If yes, indicate date option signed with owner: \_\_\_\_\_, 20 \_\_\_\_; and the date the option expires: \_\_\_\_\_, 20 \_\_\_\_.
- c. If the Company does not own the project site, is there a relationship legally or by common control between the Company and the present owners of the project site? Yes ☐; No ☐. If yes, describe:
5. a. Zoning District in which the project site is located:  
*R-3A Multi Family Low Density Res. Dist.*
- b. Are there any variances or special permits affecting the site? Yes ☐; No ☒. If yes, list below and attach copies of all such variances or special permits:

D. Buildings:

1. Does part of the Project consist of a new building or buildings? Yes ☒; No ☐. If yes, indicate number and size of new buildings:  
*2 Building 24 units each (3 years old)*
2. Does part of the Project consist of additions and/or renovations to the existing buildings? Yes ☐; No ☒. If yes, indicate the buildings to be expanded or renovated, the size of any expansions and the nature of expansion and/or renovation:
3. Describe the principal uses to be made by the Company of the building or buildings to be acquired, constructed, or expanded:  
*Two 24 Unit buildings consisting of six one BR and eighteen two bedrooms apartments*



E. Description of the Equipment:

1. Does a part of the Project consist of the acquisition or installation of machinery, equipment or other personal property (the "Equipment")? Yes \_\_\_\_; No X. If yes, describe the Equipment:

*Existing*

2. With respect to the Equipment to be acquired, will any of the Equipment be Equipment which has previously been used? Yes \_\_\_\_; No X. If yes, please provide detail:

*Existing*

3. Describe the principal uses to be made by the Company of the Equipment to be acquired or installed:

*Existing*

F. Project Use:

1. What are the principal products to be produced at the Project?

*Existing*

2. What are the principal activities to be conducted at the Project?

*Existing.*

3. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities? Yes no; No X. If yes, please provide detail:

*Existing*

4. If the answer to question 3 is yes, what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project? \_\_\_\_%

5. If the answer to question 3 is yes, and the answer to question 4 is more than 33.33%, indicate whether any of the following apply to the Project:

*Existing*



- a. Will the Project be operated by a not-for-profit corporation? Yes \_\_\_\_; No X. If yes, please explain:

Existing

- b. Is the Project likely to attract a significant number of visitors from outside the economic development region in which the Project will be located? Yes \_\_\_\_; No X. If yes, please explain:

Existing

- c. Would the Project occupant, but for the contemplated financial assistance from the Agency, locate the related jobs outside the State of New York? Yes \_\_\_\_; No X. If yes, please explain:

Existing

- d. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services? Yes \_\_\_\_; No X. If yes, please provide detail:

Existing

- e. Will the Project be located in one of the following: (i) an area designed as an economic development zone pursuant to Article 18-B of the General Municipal Law; or (ii) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (x) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance, and (y) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates? Yes \_\_\_\_; No X. If yes, please explain: \_\_\_\_\_

Existing

6. If the answers to any of subdivisions c. through e. of question 5 is yes, will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? Yes \_\_\_\_; No X. If yes, please explain:

Existing

7. Will the completion of the Project result in the removal of a plant or facility of the Company or another proposed occupant of the Project (a "Project Occupant") from one area of the State of New York to another area of the State of New York? Yes \_\_\_\_; No X. If yes, please explain:

Existing



8. Will the completion of the Project result in the abandonment of one or more plants or facilities of the Company located in the State of New York? Yes \_\_\_\_; No X. If yes, please provide detail:

*Existing*

9. If the answer to either question 7 or question 8 is yes, indicate whether any of the following apply to the Project:

a. Is the Project reasonably necessary to preserve the competitive position of the Company or such Project Occupant in its industry? Yes \_\_\_\_; No \_\_\_\_\_. If yes, please provide detail:

*Existing*

b. Is the Project reasonably necessary to discourage the Company or such Project Occupant from removing such other plant or facility to a location outside the State of New York? Yes \_\_\_\_; No \_\_\_\_\_. If yes, please provide detail:

*Existing*

G. Other Involved Agencies:

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

*Existing*

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

*N/A*

H. Construction Status:

1. Has construction work on this Project begun? Yes X; No \_\_\_\_\_. If yes, please discuss in detail the approximate extent of construction and the extent of completion. Indicate in your answer whether such specific steps have been completed as site clearance and preparation; completion of foundations; installation of footings; etc.:

*Completed in operation for almost 3 years*



2. Please indicate amount of funds expended on this Project by the Company in the past three (3) years and the purposes of such expenditures:

\$660,000 annually \$1,980,000 three years  
approximate. (Attached)

3. Please indicate the date the applicant estimates the Project will be completed:

Existing / Completed

I. Method of Construction After Agency Approval:

1. If the Agency approves the Project which is the subject of this application, there are two methods that may be used to construct the Project. The applicant can construct the Project privately and sell the Project to the Agency upon completion. Alternatively, the applicant can request to be appointed as "agent" of the Agency, in which case certain laws applicable to public construction may apply to the Project. Does the applicant wish to be designated as "agent" of the Agency for purposes of constructing the Project? Yes \_\_\_\_; No \_\_\_\_.

Existing / For Modification

2. If the answer to question 1 is yes, does the applicant desire such "agent" status prior to the closing date of the financing? Yes \_\_\_\_; No \_\_\_\_.

III. INFORMATION CONCERNING LEASES OR SUBLEASES OF THE PROJECT. (PLEASE COMPLETE THE FOLLOWING SECTION IF THE COMPANY INTENDS TO LEASE OR SUBLEASE ANY PORTION OF THE PROJECT).

A. Does the Company intend to lease or sublease more than 10% (by area or fair market value) of the Project? Yes ☒; No \_\_\_\_\_. If yes, please complete the following for each existing or proposed tenant or subtenant:

1. Sublessee name: N/A  
Present Address: N/A  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Employer's ID No.: N/A  
Sublessee is: \_\_\_\_\_ Corporation: \_\_\_\_\_ Partnership: \_\_\_\_\_ Sole Proprietorship  
Relationship to Company: N/A  
Percentage of Project to be leased or subleased: N/A  
Use of Project intended by Sublessee: N/A  
Date of lease or sublease to Sublessee: N/A  
Term of lease or sublease to Sublessee: N/A

Tenants for Apartments



Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes \_\_\_; No \_\_\_. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.

2. Sublessee name: N/A  
Present Address: N/A  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Employer's ID No.: N/A  
Sublessee is: \_\_\_\_\_ Corporation: \_\_\_\_\_ Partnership: \_\_\_\_\_ Sole Proprietorship  
Relationship to Company: \_\_\_\_\_  
Percentage of Project to be leased or subleased: N/A  
Use of Project intended by Sublessee: N/A  
Date of lease or sublease to Sublessee: N/A  
Term of lease or sublease to Sublessee: \_\_\_\_\_

Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes \_\_\_; No \_\_\_. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.

3. Sublessee name: N/A  
Present Address: N/A  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Employer's ID No.: N/A  
Sublessee is: \_\_\_\_\_ Corporation: \_\_\_\_\_ Partnership: \_\_\_\_\_ Sole Proprietorship  
Relationship to Company: N/A  
Percentage of Project to be leased or subleased: N/A  
Use of Project intended by Sublessee: N/A  
Date of lease or sublease to Sublessee: \_\_\_\_\_  
Term of lease or sublease to Sublessee: \_\_\_\_\_

Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes \_\_\_; No \_\_\_. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.

B. What percentage of the space intended to be leased or subleased is now subject to a binding written lease or sublease? N/A

IV. Employment Impact

100% Family operated - No Salaried

- A. Indicate the number of people presently employed at the Project site and the **additional** number that will be employed at the Project site at the end of the first and second years after the Project has been completed, using the tables below for (1) employees of the Applicant, (2) independent contractors, and (3) employees of independent contractors. (Do not include construction workers). Also indicate below the number of workers



employed at the Project site representing newly created positions as opposed to positions relocated from other project sites of the applicant. Such information regarding relocated positions should also indicate whether such positions are relocated from other project sites financed by obligations previously issued by the Agency.

<b>TYPE OF EMPLOYMENT</b> <b>Employees of Applicant</b>					
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time					
Present Part Time					
Present Seasonal					
First Year Full Time					
First Year Part Time					
First Year Seasonal					
Second Year Full Time					
Second Year Part Time					
Second Year Seasonal					

<b>TYPE OF EMPLOYMENT</b> <b>Independent Contractors</b>					
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time					



Present Part Time					
Present Seasonal					
First Year Full Time					
First Year Part Time					
First Year Seasonal					
Second Year Full Time					
Second Year Part Time					
Second Year Seasonal					

<b>TYPE OF EMPLOYMENT</b> <b>Employees of Independent Contractors</b>					
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time					
Present Part Time					
Present Seasonal					
First Year Full Time					
First Year Part Time					
First Year Seasonal					
Second Year Full Time					



Second Year Part Time					
Second Year Seasonal					

- B. Indicate below (1) the estimated salary and fringe benefit averages or ranges and (2) the estimated number of employees residing in the Capital Region Economic Development Region for all the jobs at the Project site, both retained and created, listed in the tables described in subsection A above for each of the categories of positions listed in the chart below.

RELATED EMPLOYMENT INFORMATION				
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled
Estimated Salary and Fringe Benefit Averages or Ranges				
Estimated Number of Employees Residing in the Capital Region Economic Development Region <sup>1</sup>				

- C. Please describe the projected timeframe for the creation of any new jobs with respect to the undertaking of the Project:

- D. Please prepare a separate attachment describing in detail the types of employment at the Project site. Such attachment should describe the activities or work performed for each type of employment.

<sup>1</sup> The Capital Region Economic Development Region consists of the following counties: Albany, Schenectady, Rensselaer, Greene, Columbia, Saratoga, Warren and Washington.



V. Project Cost and Financing Sources

- A. Anticipated Project Costs. State the costs reasonably necessary for the acquisition of the Project site, the construction of the proposed buildings and the acquisition and installation of any machinery and equipment necessary or convenient in connection therewith, and including any utilities, access roads or appurtenant facilities, using the following categories:

<u>Description of Cost</u>	<u>Amount</u>
Land	\$ _____
Buildings	\$ _____
Machinery and equipment costs	\$ _____
Utilities, roads and appurtenant costs	\$ _____
Architects and engineering fees	\$ _____
Costs of Bond Issue (legal, financial and printing)	\$ _____
Construction loan fees and interest (if applicable)	\$ _____
Other (specify)	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
<b>TOTAL PROJECT COSTS</b> <i>Existing</i>	\$ _____

- B. Anticipated Project Financing Sources. State the sources reasonably necessary for the financing of the Project site, the construction of the proposed buildings and the acquisition and installation of any machinery and equipment necessary or convenient in connection therewith, and including any utilities, access roads or appurtenant facilities, using the following categories:



Description of Sources	Amount
Private Sector Financing	\$ <u>6,500,000</u>
Public Sector	<i>original loan \$6,000,000 increased \$500,000</i>
Federal Programs	\$ _____
State Programs	\$ _____
Local Programs	\$ _____
Applicant Equity	\$ _____
Other (specify, e.g., tax credits)	
<i>Personal Investment</i>	\$ <u>1,000,000</u>
	\$ _____
	\$ _____
<b>TOTAL AMOUNT OF PROJECT FINANCING SOURCES</b>	\$ <u>7,500,000</u>

- C. Have any of the above expenditures already been made by the applicant?  
 Yes X; No \_\_\_\_\_. If yes, indicate particulars.

*Personal Investment \$1,000,000*

- D. Amount of loan requested: \$ \_\_\_\_\_;

Maturity requested: \_\_\_\_\_ years.

*Existing*

- E. Has a commitment for financing been received as of this application date, and if so, from whom?

Yes \_\_\_\_; No \_\_\_\_\_. Institution Name: \_\_\_\_\_

*Existing*

Provide name and telephone number of the person we may contact.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

- F. The percentage of Project costs to be financed from public sector sources is estimated to equal the following: \_\_\_\_\_%

*Existing*



G. The total amount estimated to be borrowed to finance the Project is equal to the following: \$ \_\_\_\_\_

VI. BENEFITS EXPECTED FROM THE AGENCY

A. Financing

1. Is the applicant requesting that the Agency issue bonds to assist in financing the Project? Yes \_\_\_\_; No X. If yes, indicate:

- a. Amount of loan requested: \_\_\_\_\_ Dollars;
- b. Maturity requested: \_\_\_\_\_ Years.

2. Is the interest on such bonds intended to be exempt from federal income taxation? Yes \_\_\_\_; No \_\_\_\_.

3. If the answer to question 2 is yes, will any portion of the Project be used for any of the following purposes:

- a. retail food and beverage services: Yes \_\_\_\_; No X
- b. automobile sales or service: Yes \_\_\_\_; No X
- c. recreation or entertainment: Yes \_\_\_\_; No X
- d. golf course: Yes \_\_\_\_; No X
- e. country club: Yes \_\_\_\_; No X
- f. massage parlor: Yes \_\_\_\_; No X
- g. tennis club: Yes \_\_\_\_; No X
- h. skating facility (including roller skating, skateboard and ice skating): Yes \_\_\_\_; No X
- i. racquet sports facility (including handball and racquetball court): Yes \_\_\_\_; No X
- j. hot tub facility: Yes \_\_\_\_; No X
- k. suntan facility: Yes \_\_\_\_; No X
- l. racetrack: Yes \_\_\_\_; No X

*Existing Apartments*

4. If the answer to any of the above questions contained in question 3 is yes, please furnish details on a separate attachment.

5. Is the Project located in the City's federally designated Enterprise Zone? Yes \_\_\_\_; No X.

6. Is the applicant requesting the Agency to issue federally tax-exempt Enterprise Zone bonds? Yes \_\_\_\_; No X.

B. Tax Benefits

1. Is the applicant requesting any real property tax exemption that would be available to a project that did not involve the Agency? Yes X; No \_\_\_\_.

*Customer #16029 Modification of Existing PILOT 145*



2. Is the applicant expecting that the financing of the Project will be secured by one or more mortgages? Yes X; No \_\_\_\_\_. If yes, what is the approximate amount of financing to be secured by mortgages? \$ 6,500,000.

3. Is the applicant expecting to be appointed agent of the Agency for purposes of avoiding payment of N.Y.S. Sales Tax or Compensating Use Tax? Yes \_\_\_\_; No X. If yes, what is the approximate amount of purchases which the applicant expects to be exempt from the N.Y.S. Sales and Compensating Use Taxes? \$ \_\_\_\_\_.

4. What is the estimated value of each type of tax-exemption being sought in connection with the Project? Please detail the type of tax-exemption and value of the exemption.

a.	N.Y.S. Sales and Compensating Use Taxes:	\$ _____
b.	Mortgage Recording Taxes:	\$ _____
c.	Real Property Tax Exemptions:	\$ <u>X</u>
d.	Other (please specify):	<u>See Attachment</u>
	_____	\$ _____
	_____	\$ _____

5. Are any of the tax-exemptions being sought in connection with the Project inconsistent with the Agency's Uniform Tax Exemption Policy? Yes \_\_\_\_; No X. If yes, please explain.

6. Does the Project involve a minimum investment of \$25 million dollars, a minimum of fifteen (15) acres, or a full service hotel? Yes \_\_\_\_; No X. If yes, please provide detail and whether the applicant is seeking a real property tax abatement outside of the Agency's Project Evaluation and Assistance Framework.

7. Is the Project located in the City's state designated Empire Zone? Yes \_\_\_\_; No X.

C. Project Cost/Benefit Information. Complete the attached Cost/Benefit Analysis so that the Agency can perform a cost/benefit analysis of undertaking the Project. Such information should consist of a list and detailed description of the benefits of the Agency undertaking the Project (e.g., number of jobs created, types of jobs created, economic development in the area, community benefits (including community commitment as described in the Agency's Project Evaluation and Assistance Framework), etc.). Such information should also consist of a list and detailed description of the costs of the Agency undertaking the Project (e.g., tax revenues lost, buildings abandoned, etc.).



VII. REPRESENTATIONS BY THE APPLICANT. The applicant understands and agrees with the Agency as follows:

A. Job Listings. Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA"), as replaced by the Workforce Investment Act of 1998 (Public Law 105-220), in which the Project is located.

B. First Consideration for Employment. In accordance with Section 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 JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.

C. City Human Rights Law. The applicant has reviewed the provisions of Chapter 48, Article III of the City Code, entitled "The Omnibus Human Rights Law" and agrees to comply with such provisions to the extent that such provisions are applicable to the applicant and the Project.

D. Annual Sales Tax Filings. In accordance with Section 874(8) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant.

E. Annual Employment Reports. The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the Project site, including (1) the NYS-45 – Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return – for the quarter ending December 31 (the "NYS-45"), and (2) the US Dept. of Labor BLS 3020 Multiple Worksite report if applicable. The applicant also agrees, whenever requested by the Agency, to provide and certify or cause to be provided and certified such information concerning the participation of individuals from minority groups as employees or applicants for employment with regard to the project.

F. Local Labor Information. The applicant is aware of and understands the provisions of Part 24 of the Policy Manual of the Agency. Pursuant to Part 24 of the Policy Manual of the Agency, the applicant agrees to provide information, in form and substance satisfactory to the Agency, relating to construction activities for projects; specifically: (i) the Company's contact person responsible and accountable for providing information about the bidding for and awarding of construction contracts relative to this Application and the Project, (ii) the nature of construction jobs created by the Project, including the number, type, and duration of construction positions; and (iii) submit to the Agency a "Construction Completion Report" listing the names and business locations of prime contractors, subcontractors, and vendors who were engaged in the construction phase of the Project.



G. Additional Fee for Low Income Housing/Tax Credit (9% only) Projects. An annual administrative fee equal to \$10,000 shall be payable annually by the applicant on each January 1 for a term equal to ten (10) years. This annual administrative fee is in addition to the standard administrative fee for Agency Straight Lease Transactions and Agency Bond Transactions and is applicable to Projects which provide for low income housing/tax credit (9% only) projects.

H. Project Benefits Agreement. The applicant agrees to enter into a project benefits agreement with the Agency where the applicant agrees that (1) the amount of Financial Assistance to be received shall be contingent upon, and shall bear a direct relationship to the success or lack of success of such project in delivering certain described public benefits (the "Public Benefits") and (2) the Agency will be entitled to recapture some or all of the Financial Assistance granted to the applicant if the project is unsuccessful in whole or in part in delivering the promised Public Benefits.

I. Assignment of Agency Abatements. In connection with any Agency Straight Lease Transaction or Agency Bond Transaction, the Agency may grant to the applicant certain exemptions from mortgage recording taxes, sales and use taxes and real property taxes. The applicant understands that the grant of such exemptions by the Agency is intended to benefit the applicant. Subsequently, if the applicant determines to convey the Project and, in connection with such conveyance to assign such exemptions to the purchaser, the applicant understand that any such assignment is subject to review and consent by the Agency, together with the satisfaction of any conditions that may be imposed by the Agency.

J. Post Closing Cost Verification. The applicant agrees (1) the scope of the Project will not vary significantly from the description in the public hearing resolution for the project and (2) to deliver to the Agency within sixty (60) days following the completion date of a project an affidavit providing the total costs of the project. In the event that the amount of the total project costs described in the affidavit at the completion date exceeds the amount described in an affidavit provided by the applicant on the closing date of the project, the applicant agrees to adjust the amounts payable by the applicant to the Agency by such larger amount and to pay to the Agency such additional amounts. In the event that the amount described is less, there shall not be any adjustment to the Agency fees.

K. Representation of Financial Information. Neither this Application nor any other agreement, document, certificate, project financials, or written statement furnished to the Agency or by or on behalf of the applicant in connection with the project contemplated by this Application contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements contained herein or therein not misleading. There is no fact within the special knowledge of any of the officers of the applicant which has not been disclosed herein or in writing by them to the Agency and which materially adversely affects or in the future in their opinion may, insofar as they can now reasonably foresee, materially adversely affect the business, properties, assets or condition, financial or otherwise, of the applicant.



L. Agency Financial Assistance Required for Project. The Project would not be undertaken but for the Financial Assistance provided by the Agency or, if the Project could be undertaken without the Financial Assistance provided by the Agency, then the Project should be undertaken by the Agency for the following reasons: \_\_\_\_\_.

M. Compliance with Article 18-A of the General Municipal Law: The Project, as of the date of this Application, is in substantial compliance with all provisions of article 18-A of the General Municipal including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862; and the provisions of subdivision one of Section 862 of the General Municipal Law will not be violated if Financial Assistance is provided for the Project.

N. Compliance with Federal, State, and Local Laws. The applicant is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

O. False or Misleading Information. The applicant understands 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 exemptions claimed by reason of Agency involvement in the Project.

P. Absence of Conflicts of Interest. The applicant acknowledges that the members, officers and employees of the Agency are listed on the Agency's website. 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: \_\_\_\_\_.

Q. Additional Information. Additional information regarding the requirements noted in this Application and other requirements of the Agency is included the Agency's Policy Manual which can be accessed at [www.albanyida.com](http://www.albanyida.com).



I affirm under penalty of perjury that all statements made on this application are true, accurate and complete to the best of my knowledge.

By: James J. Googals  
Applicant  
Title: Sole Member

NOTE: APPLICANT MUST ALSO COMPLETE THE APPROPRIATE VERIFICATION APPEARING ON PAGES 27 THROUGH 30 HEREOF BEFORE A NOTARY PUBLIC AND MUST SIGN AND ACKNOWLEDGE THE HOLD HARMLESS AGREEMENT APPEARING ON PAGE 31.



VERIFICATION

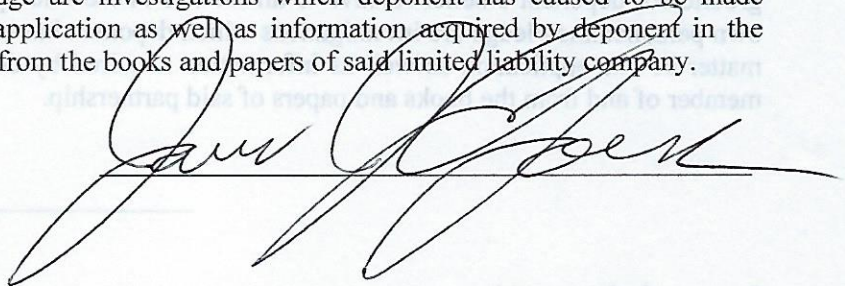
(If applicant is limited liability company)

STATE OF NY )  
COUNTY OF Albany ) SS.:

James J. Googas, deposes and says  
(Name of Individual)

that he is one of the members of the firm of El-Atheria Properties, LLC  
(Limited Liability Company)

the limited liability company named in the attached application; that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as a member of and from the books and papers of said limited liability company.



Sworn to before me this  
21 day of Aug, 2019

Carolyn M. DeGonzague  
(Notary Public)

CAROLYN M. DEGONZAGUE  
Notary Public - State of New York  
No. 01DE6322507  
Qualified in Albany County  
My Commission Exp. 04/06/2023





## HOLD HARMLESS AGREEMENT

Applicant hereby releases City of Albany Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as 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 (i) 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 issue of bonds requested therein are favorably acted upon by the Agency, and (ii) the Agency's financing of the Project described therein; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

(Applicant)

BY: *[Signature]* Sole Member

Sworn to before me this  
21 day of Aug, 2019

*Carolyn M. DeGonzague*  
(Notary Public)

CAROLYN M. DEGONZAGUE  
Notary Public - State of New York  
No. 01DE6322507  
Qualified in Albany County  
My Commission Exp. 04/06/2023



### PROJECTED OPERATING IMPACT

I. Please provide estimates for the impact of Project operating purchases and sales:

Additional Purchases (1 <sup>st</sup> year following project completion)	\$ _____
Additional Sales Tax Paid on Additional Purchases	\$ _____
Estimated Additional Sales (1 <sup>st</sup> full year following project completion)	\$ _____
Estimated Additional Sales Tax to be collected on additional sales (1 <sup>st</sup> full year following project completion)	\$ _____

II. Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes ("Pilot Payments"):

Year	Existing Real Property Taxes (Without IDA involvement)	New Pilot Payments (With IDA)	Total (Difference)
Current Year			
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			
Year 6			
Year 7			
Year 8			
Year 9			
Year 10			

Attachment  
(A)

Current PILOT Five Years  
'2018 - 50% '19 - 60% '20 - 70% '21 - 80%  
'22 - 90% '23 - 100%

Attachment  
(A)

Proposed Extension to Ten Years  
'20 - 60% '21 - 60% '22 - 70% '23 - 70%  
'24 - 70% '25 - 80% '26 - 90%



## CERTIFICATION

I certify that I have prepared the responses provided in this Questionnaire and that, to the best of my knowledge; such responses are true, correct, and complete.

I understand that the foregoing information and attached documentation will be relied upon, and constitute inducement for, the Agency in providing financial assistance to the Project. I certify that I am familiar with the Project and am authorized by the Company to provide the foregoing information, and such information is true and complete to the best of my knowledge. I further agree that I will advise the Agency of any changes in such information, and will answer any further questions regarding the Project prior to the closing.

I affirm under penalty of perjury that all statements made on this application are true, accurate and complete to the best of my knowledge.

Date Signed: 8/21, 2019

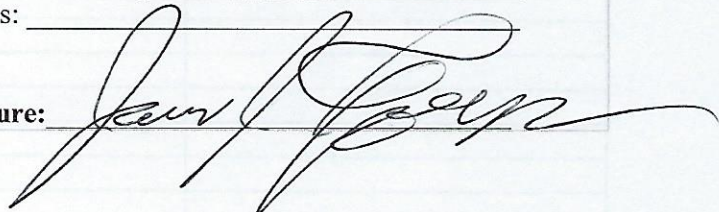
Name of Person Completing Project Questionnaire on behalf of the Company.

Name: James J. Googas

Title: Sole Member

Phone Number: 518-650-7580

Address: \_\_\_\_\_

Signature: 



Edward Maitino  
231 Hidley Road  
Wynantskill, New York 12198

August 26, 2019

Tracy Metzger  
Chair  
City of Albany Industrial Development Agency  
21 Lodge Street  
Albany, New York 12207

RE: Request for IDA Assistance for *427 Washington Avenue Apartments* Project

Dear Ms. Metzger:

Attached is a completed application, as well as the appropriate supplementary material required by the City of Albany Industrial Development Agency for the consideration of financial assistance associated with the *427 Washington Avenue Apartments* project.

The *427 Washington Avenue Apartments* project is a proposed sixteen (16) unit residential apartment building located across from downtown SUNY campus at 427 & 423 Washington Avenue. It is comprised of four (4) one-bedroom apartments and twelve (12) two-bedroom apartments at market rate. The project's budget is \$2,600,000. Harris A. Sanders, Architects, P.C. is the design and construction administration firm.

The owner of the *427 Washington Avenue Apartments* project is seeking support from the City of Albany Industrial Development Agency for exemption from sales tax on supplies and materials during construction of the project, exemption of mortgage recording taxes and real property tax abatements based on eligibility requirements.

After purchasing 427 & 423 Washington Avenue in May 2018, including an existing two-family structure that was in a state of disrepair and a blight to the community, the owner began working with the City's Department of Planning and Development to construct a multi-family apartment building to compliment SUNY's new School of Engineering located in the old Albany High School on the corner of Washington Avenue and North Lake Street. SUNY estimates the expansion will bring 1,300 students, faculty and staff to the neighborhood daily. After completing the design, getting Planning Board approval and bidding the project, the cost of construction due to increased labor and materials made the project financially infeasible. The project's budget was 55% higher than planned due to higher wages and material costs pushed up by a robust economy and tariffs. The owner has already invested over \$200,000 in purchasing the land and getting the project shovel ready. CAIDA assistance is absolutely necessary to make the

project affordable and cost effective. Without assistance, the project will not go forward. Further, with an estimated \$100,000 plus per unit tax assessment, combined with a higher than anticipated mortgage and regular maintenance and management costs, the near zero ROI would discourage any potential investors.

The *427 Washington Avenue Apartments* project will bring positive change to the neighborhood. It has enthusiastic support from neighborhood groups, elected officials and the Planning Board. The project will bring much needed quality apartments to a growing higher education corridor and be a catalyst for further development of the neighborhood, including retail development and local job creation. The project aligns with the City's Albany 2030 plan, is centered in a Distressed Census and High Vacancy Tract, and will not only remove a vacant property and lot, but will encourage further commercial investment in a neighborhood that has been underserving its community for a generation.

Please do not hesitate to contact me if you should have any questions or find additional information is needed. I look forward to working with the Agency on this project.

Thank you.

Sincerely,

Edward Maitino  
Owner

Enclosure

## ***City of Albany Industrial Development Agency***

### **Application for Assistance**

Date: 08/28/19

-----  
IMPORTANT NOTICE: The answers to the questions contained in this application are necessary to determine your firm's eligibility for financing and other assistance from the City of Albany Industrial Development Agency. These answers will also be used in the preparation of papers in this transaction. Accordingly, all questions should be answered accurately and completely by an officer or other employee of your firm who is thoroughly familiar with the business and affairs of your firm and who is also thoroughly familiar with the proposed project. This application is subject to acceptance by the Agency.  
-----

TO: CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY  
c/o Department of Economic Development  
21 Lodge Street  
Albany, New York 12207

This application respectfully states:

#### **APPLICANT:**

Name: 427 Washington Avenue, LLC

Address: 231 Hidley Road

City: Wynantskill

State: NY

Zip: 12198

Federal ID/EIN: 127563289

Website: n/a

Primary Contact: Edward Maitino

Title: Owner/Developer

Phone: (518) 892-1342

Email: emaitino@hotmail.com

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

Edward Maitino

IF APPLICANT IS REPRESENTED BY AN ATTORNEY, COMPLETE THE FOLLOWING:

NAME OF ATTORNEY: n/a

ATTORNEY'S ADDRESS:

PHONE:

E-MAIL:

**NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 3 HEREOF BEFORE FILLING OUT THIS FORM.**



## INSTRUCTIONS

1. The Agency will not approve any application unless, in the judgment of the Agency, said application and the summary contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using “none” or “not applicable” or “N/A” where the question is not appropriate to the project which is the subject of this application (the “Project”).
3. If an estimate is given as the answer to a question, put “(est)” after the figure or answer which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return one (1) copy of this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant’s competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project contemplated herein (to the extent such expenses are not paid out of the proceeds of the Agency’s bonds issued to finance the Project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel/special counsel to the Agency. The costs incurred by the Agency, including the Agency’s general counsel and bond counsel, may be considered as a part of the Project and included as a part of the resultant bond issue.
9. The Agency has established an application fee of One Thousand Five Hundred Dollars (\$1,500) to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.
10. The Agency has also established an administrative fee equal to (A) one percent (1%) of the cost of the Project in the case of an Agency Straight Lease Transaction, and (B) one percent (1%) of the aggregate principal amount of the bonds to be issued by the Agency in the case of an Agency Bond Transaction. The Agency has also established an administrative fee for the issuance of refunding bonds for Agency Bond Transactions. The formula for the calculation of the administrative fee for the issuance of refunding bonds is outlined in the Agency’s Policy Manual. THESE FEES ARE PAYABLE ON THE CLOSING DATE.

## SUMMARY OF PROJECT

Applicant: 427 Washington Avenue, LLC

Contact Person: Edward Maitino

Phone Number: (518) 892-1342

Occupant: Edward Maitino

Project Location (include Tax Map ID): 427 &amp; 423 Washington Avenue (65.62-1-72 &amp; 65.62-1-73)

Approximate Size of Project Site: 16,900 Square Feet, 3 1/2 stories

Description of Project: Sixteen (16) unit residential apartment building with four (4) one-bedroom and twelve (12) two-bedroom units and seven (7) off street parking spots. Apartment building to be built on two combined lots replacing a two family clapboard house and three garages.

Type of Project: ☐ Manufacturing ☐ Warehouse/Distribution  
☒ Commercial ☐ Not-For-Profit  
☐ Other-Specify

Employment Impact: Existing FTE Jobs: 0  
 Retained FTE Jobs: 0  
 FTE Jobs Created: 0  
 Construction Jobs Created: 85 est

Project Cost: \$2,600,000

Type of Financing: ☐ Tax-Exempt ☐ Taxable ☒ Straight Lease

Amount of Bonds Requested: \$0

Estimated Value of Tax-Exemptions:

N.Y.S. Sales and Compensating Use Tax:	\$100,000
Mortgage Recording Taxes:	\$24,000
Real Property Tax Exemptions: (auto-calculated)	\$999,437
Other (please specify):	

Provide estimates for the following:

Average Estimated Annual Salary of Jobs to be Created:	\$0
Annualized Salary Range of Jobs to be Created:	\$0
Estimated Average Annual Salary of Jobs to be Retained:	\$0

## I. APPLICANT INFORMATION

### A) Applicant:

Name: 427 Washington Avenue, LLC  
Address: 231 Hidley Road  
City: Wynantskill State: NY Zip: 12198  
Federal ID/EIN: 127563289 Website: n/a  
Primary Contact: Edward Maitino  
Title: Owner/Developer  
Phone: (518) 892-1342 Email: emaitino@hotmail.com

### B) Real Estate Holding Company (if different from Applicant):

*Will a separate company hold title to/own the property related to this Project? If yes:*

Name: 427 Washington Avenue LLC  
Address: 231 Hidley Road  
City: Wynantskill State: NY Zip: 12198  
Federal ID/EIN: 127563289 Website: n/a  
Primary Contact: Edward Maitino  
Title: Owner  
Phone: (518) 892-1342 Email: emaitino@hotmail.com

Describe the terms and conditions of the lease between the Applicant and the Real Estate Holding Company. If there is an option to purchase the property, provide the date option was signed and the date the option expires:

Owner/developer, Edward Maitino, is the sole representative/officer of 427 Washington Avenue, LLC



**C) Current Project Site Owner (if different from Applicant or Real Estate Holding Company):**

Name: n/a  
Title:  
Address:  
City: State: Zip:  
Phone: Email:

**D) Attorney:**

Name: n/a  
Firm Name:  
Address:  
City: State: Zip:  
Phone: Email:

**E) General Contractor:**

Name: TBD  
Firm Name:  
Address:  
City: State: Zip:  
Phone: Email:

## II. APPLICANT'S COMPANY OWNERSHIP & HISTORY

### A) Company Organization:

Year founded:  Founded in which state:  NAICS Code:

Type of ownership (e.g., C-Corp, LLC):

### B) Company Management

Name	Office Held	Other Principal Business
Edward Maitino	Owner	

#### **Company Ownership:**

List all stockholders, members, or partners with ownership of greater than 5% and attach an organizational ownership chart with complete name, TIN, DOB, home address, office held, and other principal businesses (if applicable).

Name	Office Held	% of Ownership	% of Voting Rights
Edward Maitino	Member	100%	

Is the Applicant or management of the company now a plaintiff or a defendant in any civil or criminal litigation?

☐ Yes ☒ No

If yes, describe:

Has any person listed above ever been a plaintiff or a defendant in any civil or criminal litigation?

☐ Yes ☒ No

If yes, describe:

Has any person listed above ever been charged with a crime other than a minor traffic violation?

☐ Yes ☒ No

If yes, describe:

Has any person listed above ever been convicted of a crime other than a minor traffic violation?

☐ Yes ☒ No

If yes, describe:

Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt?

☐ Yes ☒ No

If yes, describe:

**C) Company Description:**

Describe in detail the Company's background, products, customers, goods and services:

The owner of the 427 Washington Avenue Apartments project has been a real estate developer and property owner since 2013. Mr. Maitino owns and manages thirty-three (33) units in the City of Albany and North Greenbush. Owner plans on managing and operating the 16 units and property at 427 Washington Avenue.

Existing Banking Relationship(s): Community Bank (two commercial loans), SEFCU (one home mortgage and primary bank).

Has the Company ever received incentives tied to job creation? ☐ Yes ☒ No

If yes, describe:

Were the goals met?

☐ Yes ☐ No ☒ N/A

If no, why not?

*Additional sheets may be attached, if necessary.*



### III. PROJECT DESCRIPTION AND DETAILS

#### A) Assistance requested from the Agency:

Select all that apply:

- ☒ Exemption from Sales Tax
- ☒ Exemption from Mortgage Tax
- ☒ Exemption from Real Property Tax
- ☐ Taxable Bonds
- ☐ Tax-exempt Bonds (typically for non-for-profits or qualified manufacturers)
- ☐ Other, specify:

#### B) Project Description:

Attach a map, survey or sketch of the Project site, identifying all existing or new buildings/structures.

Summary: (Please provide a brief narrative description of the Project.):

Sixteen (16) unit residential apartment building with four (4) one-bedroom and twelve (12) two-bedroom units and seven (7) off street parking spots. Apartment building to be built on two combined lots replacing a two family clapboard house and three garages.

Location of Proposed Project:

Street Address - Tax Map ID(s):

Is the Applicant the present legal owner of the Project site? ☒ Yes ☐ No

If yes: Date of Purchase:  Purchase Price:

If no:

1. Present legal owner of the Project site:

2. Is there a relationship, legally or by common control, between the Applicant and the present owner of the Project site? ☐ Yes ☒ No

If yes:

3. Does the Applicant have a signed option to purchase the site? ☐ Yes ☐ No ☒ N/A

If yes: Date option signed:  Date option expires:

Is the Project site subject to any property tax certiorari? ☐ Yes ☒ No

DATED: JULY 8, 2019

Describe the Project including, scope, purpose (e.g., new build, renovations, and/or equipment purchases, equipment leases, etc.), timeline, and milestones. The Project scope must entail only future work, as the Agency's benefits are not retroactive:

How many units will the project encompass (include total of number of commercial and residential units)? 16

How many square feet of commercial space will the project entail? 16,900

Mr. Maitino purchased 427 & 423 Washington Avenue in May 2018. He owns and manages 429-431 Washington Avenue, an adjacent eight unit apartment building he bought in 2013. Mr. Maitino has invested hundreds of thousands of dollars to purchase and renovate 429-31 Washington Avenue. Mr. Maitino purchased 427 & 423 Washington Avenue for \$98,000. He hired Harris A. Sanders, Architects, P.C. to design the new apartment building. He worked with the City of Albany Department Planning and Development to get approval for the project in April 2019. He is currently reviewing three bids and negotiating with general contractors. Upon approval of CAIDA assistance, the project will commence in the fall of 2019. The current structures are vacant and have been approved for demolition. Excavation and foundation will begin in mid-November. Framing will be complete by late December. Electrical, plumbing and HVAC will continue through the winter. Sheetrocking, finish work and painting will be done in the spring. Construction will be complete in May 2020 with rentals beginning in June. There is a contingency plan for a spring start date. The 427 Washington Avenue Apartments project will bring positive change to the neighborhood. It has enthusiastic support from neighborhood groups, elected officials and the Planning Board. The project will bring much needed quality apartments to a growing higher education corridor and will be a catalyst for further development of the neighborhood, including retail development and local job creation. The project aligns with the City's Albany 2030 plan, is centered in a Distressed Census and High Vacancy Tract, and will not only remove a vacant property, but will encourage further commercial investment in a neighborhood that has been underserving its community for a generation.

After purchasing 427 & 423 Washington Avenue in May 2018, the owner began working with the City's Department of Planning and Development to construct a multi-family apartment building to compliment SUNY's new School of Engineering located on the corner of Washington Avenue and North Lake Street. SUNY estimates the expansion will bring 1,300 students, faculty and staff to the neighborhood daily. After bidding the project, the cost of construction due to increased labor and materials made the project financially infeasible. The project's budget was 55% higher than planned due to higher wages and material costs pushed up by a robust economy and tariffs. The owner has already invested over \$200,000 in purchasing the land and getting the project shovel ready. CAIDA assistance is absolutely necessary to make the project affordable and cost effective. Without assistance, the project will not go forward. Further, with an estimated \$100,000 plus per unit tax assessment, combined with a higher than anticipated mortgage, and regular maintenance costs, the low ROI would discourage any potential investors. The low ROI already factors in owner operating and managing property and not incurring any ongoing management fees in initial years.

Would this Project be undertaken **but for** the Agency's financial assistance? ☐ Yes ☒ No

If yes, describe why the Agency's financial assistance is necessary and the effect the Project will have on the Applicant's business or operations:

n/a

**C) Project Site Occupancy**

Select Project type for all end-users at Project site (choose all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Industrial                       | <input type="checkbox"/> Service*                        |
| <input type="checkbox"/> Acquisition of existing facility | <input type="checkbox"/> Back-office                     |
| <input checked="" type="checkbox"/> Housing               | <input type="checkbox"/> Mixed use                       |
| <input checked="" type="checkbox"/> Multi-tenant          | <input type="checkbox"/> Facility for Aging              |
| <input type="checkbox"/> Commercial                       | <input type="checkbox"/> Civic facility (not-for-profit) |
| <input checked="" type="checkbox"/> Retail*               | <input type="checkbox"/> Other                           |

\* The term "retail sales" means (1) sales by a registered vendor under Article 28 of the Tax Law of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property, as defined in Section 1101(b)(4)(i) of the Tax Law, or (2) sales of a service to customers who personally visit the Project location. If "retail" or "service" is checked, complete the Retail Questionnaire contained in Section IV.

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute.

List the name(s) of the expected tenant(s), nature of the business(es), and percentage of total square footage to be used by each tenant. Additional sheets may be attached, if necessary:

Company:	Nature of Business:	% of total square footage:
1. TBD	home/apartment	100%
2.		
3.		

Are there existing buildings on project site? ☒ Yes ☐ No

a. If yes, indicate number and approximate size (in square feet) of each existing building: House (2,000 sq ft) Garages (1,000 sq ft) est

b. Are existing buildings in operation? ☐ Yes ☒ No ☐ N/A  
If yes, describe present use of present buildings:

c. Are existing buildings abandoned? ☒ Yes ☐ No ☐ N/A

About to be abandoned? ☐ Yes ☐ No ☒ N/A  
If yes, describe:

d. Attach photograph of present buildings.



**IV. RETAIL QUESTIONNAIRE****(Fill out if end users are “retail” or “service” as identified in Section III)**

*To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or purchase services.*

- A) Will any portion of the Project consist of facilities or property that will be primarily used in making sales of goods or services to customers who personally visit the Project site?<sup>1</sup> ☐ Yes ☒ No
- If yes, continue with the remainder of the Retail Questionnaire. If no, do not complete the remainder of the Retail Questionnaire.*

- B) What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the Project?

100%

**Note that it is the position of the Agency that housing projects constitute “retail projects,” as such term is defined under the IDA Statute.** Accordingly, please answer “yes” and insert “100%” if your project is a housing project. *If the answer is less than 33.33% do not complete the remainder of the Retail Questionnaire. If the answer to Question A is Yes and the answer to Question B is greater than 33.33%, complete the remainder of the Retail Questionnaire:*

1. Is the Project location or facility likely to attract a significant number of visitors from outside the Capital Region Economic Development Region (i.e., Albany, Schenectady, Rensselaer, Greene, Columbia, Saratoga, Warren, and Washington counties)? ☐ Yes ☒ No
2. Will the Project make available goods or services which are not currently reasonably accessible to the residents of the municipality within which the proposed Project would be located? ☒ Yes ☐ No
3. Will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?  
If yes, explain: ☐ Yes ☒ No
4. Will the Project be located in an area designated as an economic development zone pursuant to Article 18-B of the General Municipal Law (Source: <https://esd.ny.gov/empire-zones-program>)?  
If yes, explain: ☐ Yes ☒ No
5. Will the Project be in a “highly distressed” census tract (as defined by the United States Census Bureau <https://factfinder.census.gov/>) ☒ Yes ☐ No

If yes, explain:

Census Tract 6 is a Highly Distressed Census Tract

Note that it is the position of the Agency that housing projects constitute “retail projects,” as such term is defined under the IDA Statute. Accordingly, please answer “yes” and insert “100%” if your project is a housing project.<sup>1</sup>

**V. ENVIRONMENTAL REVIEW AND PERMITTING**

*The Applicant must comply with the State Environmental Quality Review Act (SEQRA) before the Agency can vote on proposed financial incentives. It is the Applicant's responsibility to provide a copy of the final SEQRA determination to the Agency.*

Environmental Assessment Form: ☒ Short Form ☐ Long Form

Lead Agency: **City of Albany Planning Board**

Agency Contact: **Albert DeSalvio**

Date of submission: **03/26/2019**

Status of submission: **Complete**

Final SEQRA

determination: **Project will not result in adverse environmental impacts**

**A) Site Characteristics:**

Describe the present zoning and land use regulation: **MU-FM (Mixed-Use, Form-Based Midtown)**

Will the Project meet zoning and land use regulations for the proposed location? ☒ Yes ☐ No

Is a change in zoning and land use regulation is required? ☐ Yes ☒ No

If yes, specify the required change and status of the change request:

If the proposed Project is located on a site where the known or potential presence of contaminants is complicating the development/use of the property, describe the potential Project challenge:

Does part of the Project consist of a new building or buildings?

☒ Yes ☐ No

If yes, indicate number and size of new buildings:

**16,900 Square Feet, 3 1/2 stories**

Does part of the Project consist of additions and/or renovations to the existing buildings?

☐ Yes ☒ No

If yes, indicate the buildings to be expanded or renovated, the size of any expansions and the nature of expansion and/or renovation:

**VI. INTER-MUNICIPAL MOVE DETERMINATION**

*The Agency is required by State law to make a determination that, if completion of a Project benefiting from the Agency's financial assistance results in the removal of a 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, Agency financial assistance is required to prevent the Project occupant from relocating out of the State, or it is reasonably necessary to preserve the Project occupant's competitive position in its respective industry.*

Will the Project result in the removal of a plant of the Project occupant from one area of the State to another area of the State? ☐ Yes ☒ No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the State? ☐ Yes ☒ No

If yes to either question above, explain how notwithstanding the aforementioned closing or activity reduction, the Agency's financial assistance is required to prevent the Project from relocating out of the State or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

Does the Project involve relocation or consolidation of a Project occupant from another municipality?

Within New York State: ☐ Yes ☒ No

Within the City of Albany: ☐ Yes ☒ No

If yes, explain:



## VII. EMPLOYMENT INFORMATION

### A) Current and Projected Employee FTEs ("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):

	Current FTEs	Projected FTEs			
		New Year 1- 20 <sup>21</sup>	New Year 2 - 20 <sup>22</sup>	New Year 3 - 20 <sup>23</sup>	Total Year 4-20 <sup>24</sup>
Full-time	0	0	0	0	0
Part-time	0	0	0	0	0
Seasonal	0	0	0	0	0

### B) Employment Plan in FTE

Estimate the number of full-time equivalent (FTE) jobs that are expected to be retained and created as part of this Project. One FTE is equivalent to 35 hours of work per week or 1,820 hours per year. Convert part-time jobs into FTE by dividing the total number of hours for all part-time resources by 35 hours per week or 1,820 hours per year. ("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):

Attach a list that describes in detail the types of employment for this Project, including the types of activities or work performed and the projected timeframe for creating new jobs.

Occupation in Company	Current (Retained) Permanent FTE		Projected <u>New</u> Permanent FTE			
	Average Annual Salary or Hourly Wage <sup>2</sup>	Number of Current FTE	FTE in Year 1 20 <sup>21</sup>	FTE in Year 2 20 <sup>22</sup>	FTE in Year 3 20 <sup>23</sup>	Total New FTE by Year 4 20 <sup>24</sup>
Professional/Management	n/a	0	0	0	0	0
Administrative	n/a	0	0	0	0	0
Sales	n/a	0	0	0	0	0
Services	n/a	0	0	0	0	0
Manufacturing	n/a	0	0	0	0	0
High-Skilled	n/a	0	0	0	0	0
Medium-Skilled	n/a	0	0	0	0	0
Basic-Skilled	n/a	0	0	0	0	0
Other (specify)	n/a	0	0	0	0	0
<b>Total (auto-calculated)</b>		0	0	0	0	0

<sup>2</sup> Wages are defined as all remuneration paid to an employee. Remuneration means every form of compensation for employment paid by an employer to an employee; whether paid directly or indirectly by the employer, including salaries, commissions, bonuses, and the reasonable money value of board, rent, housing, lodging, or similar advantage received. Where gratuities are received from a person other than the employer, the value of such gratuities shall be included as part of the remuneration paid by the employer. Source: <https://labor.ny.gov>.

## VIII. INDEPENDENT CONTRACTOR RESOURCES

*Estimate the number of full-time equivalent (FTE) jobs that are contracted to independent contractors (e.g., contractors or subcontractors) that would be retained and created as part of this Project.*

*Attach a list that describes in detail the types of contract resources for this Project, including the types of activities or work performed and the projected timeframe for creating new contractor positions.*

**("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):**

	Current FTEs	Projected			
		New Year 1-20 <sup>21</sup>	New Year 2-20 <sup>22</sup>	New Year 3-20 <sup>23</sup>	Total Year 4-20 <sup>24</sup>
Full-time	0	0	0	0	0
Part-time	0	0	0	0	0
Seasonal	0	0	0	0	0

## IX. CONSTRUCTION LABOR

*\*Construction Jobs are defined by the number of persons individually identified on the pay roll of the General Contractor/Subcontractor in relation to the project.*

Number of construction workers expected to be hired for this Project: 85 est

When does the applicant anticipate the start of construction? November 2019

When does the applicant anticipate the completion of construction? June 2020

What is the total value of construction contracts to be executed? \$2,400,000

Describe the general contractor's plans and selection process for using regional and/or City of Albany construction labor or regional and/or City of Albany sub-contractors:

Owner/developer is currently in talks with general contractor to establish a plan to meet regional and City of Albany contractors and sub-contractors Community Commitment quotas.

## X. PROJECT COSTS AND FINANCING

Attach additional

### A) Project Costs

Description of Cost	Amount
Land	\$130,000
Buildings	\$2,308,000
Machinery and Equipment Cost	\$110,500
Utilities, roads and appurtenant costs	
Architects and engineering fees	\$51,500
Cost of Bond Issue (legal, financial and printing)	
Construction loan fees and interest (if applicable)	
Other (specify)	
TOTAL PROJECT COST (auto-calculated)	\$2,600,000

Have any of the above costs been paid or incurred as of the date of this application? ☒ Yes ☐ No

If yes, describe:

Partial fees for architectural design and site engineering to get Planning Board approval.  
Also asbestos remediation and demo costs. Purchased building.

### B) Sources of Funds for Project Costs

Equity:

\$200,000

Bank Financing:

\$2,400,000

Tax Exempt Bond Issuance:

\$0

Taxable Bond Issuance

\$0

Public Sources (Include total of all State and Federal grants and tax credits):

Identify each State and Federal program:

n/a  
n/a  
n/a

\$0  
\$0  
\$0

Public Funds Total (auto-calculated):

\$0

*Additional sheets may be attached, as necessary.*

TOTAL: (auto-calculated)

\$2,600,000

Amount of total financing requested from lending institutions:

\$2,400,000

Amount of total financing related to existing debt refinancing:

\$0

Has a commitment for financing been received?

☐ Yes ☒ No

If yes:

Lending Institution:

n/a

Contact:

Phone:



**XI. PROJECT EVALUATION AND ASSISTANCE FRAMEWORK**

**Project Evaluation and Assistance Framework.** If applicable, complete the following Matrix that is part of the Agency's Project Evaluation and Assistance Framework.

**Baseline Requirements** (Must Achieve All)

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Complete Application         | <input checked="" type="checkbox"/> Albany 2030 Aligned              | <input checked="" type="checkbox"/> Meet Project Use Definition |
| <input checked="" type="checkbox"/> Meets NYS/CAIDA Requirements | <input checked="" type="checkbox"/> Planning Approval (if applicant) | <input checked="" type="checkbox"/> "But For" Requirement       |
- Approval Date :

**Community Benefit Metrics** (Must Achieve 10)

- |   |  |   |
|---|--|---|
| <b>Revitalization</b><br><b>Target Geography</b><br><input checked="" type="checkbox"/> Distressed Census Tract<br><input checked="" type="checkbox"/> High Vacancy Census Tract<br><input checked="" type="checkbox"/> Downtown<br><input type="checkbox"/> BID<br><input checked="" type="checkbox"/> Neighborhood Plan | <b>Investment</b><br><b>Financial Commitment</b> (cumulative)<br><input checked="" type="checkbox"/> 2.5M - 10M<br><input type="checkbox"/> 10.1 - 17.5M<br><input type="checkbox"/> 17.6M - 25M   | <b>Employment</b><br><b>Permanent Jobs</b> (cumulative)<br><input type="checkbox"/> 3 - 40<br><input type="checkbox"/> 41 - 80<br><input type="checkbox"/> 81 - 120<br><input type="checkbox"/> 121 - 180<br><input type="checkbox"/> > 180 |
| <b>Identified Priority</b><br><input type="checkbox"/> Downtown Residential<br><input checked="" type="checkbox"/> Tax Exempt/Vacant<br><input type="checkbox"/> Identified Catalyst Site<br><input type="checkbox"/> Historic Preservation<br><input type="checkbox"/> Community Catalyst                                | <b>Community Commitment</b><br><input type="checkbox"/> MWBE/DBE Participation<br><input type="checkbox"/> EEO Workforce Utilization<br><input type="checkbox"/> Inclusionary Housing<br><input checked="" type="checkbox"/> Regional Labor<br><input checked="" type="checkbox"/> City of Albany Labor<br><input type="checkbox"/> Apprenticeship Program | <b>Retained Jobs</b> (cumulative)<br><input type="checkbox"/> 3 - 40<br><input type="checkbox"/> 41 - 80<br><input type="checkbox"/> 81 - 120<br><input type="checkbox"/> 121 - 180<br><input type="checkbox"/> > 180                       |
| <b>Identified Growth Area</b><br><input type="checkbox"/> Manufacturing/Distribution<br><input type="checkbox"/> Technology<br><input type="checkbox"/> Hospitality<br><input checked="" type="checkbox"/> Existing Cluster<br><input type="checkbox"/> Conversion to Residential   |  | <b>Construction Jobs</b> (cumulative)<br><input checked="" type="checkbox"/> 6 - 80<br><input checked="" type="checkbox"/> 81 - 160<br><input type="checkbox"/> 161 - 240<br><input type="checkbox"/> > 240                                 |

**XII. ESTIMATED VALUE OF INCENTIVES****A) Property Tax Exemption:**

Agency staff will complete this section with the Applicant based on information submitted by the Applicant and the City of Albany Assessor. If you are requesting an exception to the PILOT schedule that cannot be accommodated by the UTEP or the CAIDA Project Evaluation and Assistance Framework, please provide additional sheets indicating the proposed PILOT payments.

Does your project meet the definition of "large project" as defined in the Framework (\$25 Million, 15 Total Acres or Full Service Hotel)? ☐ Yes ☒ No

Current assessed full assessed value of the property **before** Project improvements:

Estimated new assessed full value of property **after** Project improvement based on letter from the City of Albany Assessor:

Estimated real property 2019 tax rate per dollar of full assessment (auto-calculated):

*\*assume 2% annual increase in tax rate*

Estimated Completed Assessed Value per Unit based on letter from the City of Albany Assessor:

PILOT Year	Existing Real Property Taxes	Estimated Real Property Taxes on Improved Value <b>Without</b> PILOT <sup>3</sup>	Estimated Total <b>Without</b> PILOT	PILOT Abatement % based on Framework schedule Abatement percentages must be entered in decimals	*Estimated PILOT Payments
1	\$ 6,518	\$62,894	\$69,412	90%	\$12,807
2	\$ 6,648	\$64,151	\$70,800	90%	\$ 13,064
3	\$ 6,781	\$65,434	\$72,216	90%	\$ 13,325
4	\$ 6,917	\$66,743	\$73,660	90%	\$ 13,591
5	\$ 7,055	\$68,078	\$75,133	90%	\$ 13,863
6	\$ 7,196	\$69,440	\$76,636	90%	\$ 14,140
7	\$ 7,340	\$70,828	\$78,169	90%	\$ 14,423
8	\$7,487	\$72,245	\$79,732	90%	\$ 14,712
9	\$7,637	\$73,690	\$81,327	90%	\$ 15,006
10	\$7,790	\$75,164	\$82,953	90%	\$ 15,306
11	\$7,945	\$76,667	\$84,612	85%	\$ 19,445
12	\$8,104	\$78,200	\$ 86,305	75%	\$ 27,654
13	\$8,266	\$79,764	\$ 88,031	65%	\$ 36,184
14	\$8,432	\$81,360	\$ 89,791	60%	\$ 40,976
15	\$8,600	\$82,987	\$ 91,587	50%	\$ 50,094
16	\$8,772	\$84,646	\$ 93,419	40%	\$ 59,560
17	\$8,948	\$86,339	\$ 95,287	30%	\$ 69,385
18	\$9,127	\$88,066	\$ 97,193	20%	\$ 79,580
19	\$9,309	\$89,828	\$ 99,137	20%	\$ 81,171
20	\$9,496	\$91,624	\$ 101,120	20%	\$ 82,795
			\$ 1,686,520		\$ 687,082

*\*PILOT payments may not to fall short of \$675 per door or .97 per Square Foot as applicable from Framework*

Please note that after year twelve (12) of any Multi-Family Commercial PILOT, a bifurcated structure commences whereby projects shall pay the greater of: (a) scheduled pilot payments as stated by assistance schedule or (b) 11.5% of gross revenue.

Notwithstanding anything herein to the contrary, if the project consists of an **affordable housing project**, the applicant shall make annual payments in lieu of property taxes pursuant to the PILOT Agreement with respect to the project as follows: (i) An amount equal to ten percent (10%) of the shelter rents (rents, excluding the component thereof, if any, attributable to energy and utility costs paid by the applicant) payable by the tenants in connection with the housing project.

If the applicant is requesting assistance that is a deviation from the Agency's UTEP, please refer to the Agency's Project Evaluation and Assistance Framework to determine the appropriate, potential standard deviation abatement schedule: <http://albanyida.com/wp-content/uploads/2012/03/CAIDA-PILOT-Program-Board-Revised-1.pdf>

<sup>3</sup> The figures in this column assume that the Project is completed as described in the Application and without the involvement of the Agency and, therefore, subject to real property taxes. However, as provided in this Application, the Applicant has certified that it would not undertake the Project without the financial assistance granted by the Agency. Accordingly, this column is prepared solely for the purpose of determining the estimated amount of the real property tax abatement being granted by the Agency.

If the Applicant is requesting assistance that is greater than the Agency's standard UTEP deviations identified in the Project Evaluation and Assistance Framework, describe the incentives and provide a justification for this PILOT request:

n/a

**B) Sales and Use Tax Benefit:**

*Note: The figures below will be provided to the New York State Department of Taxation and Finance and represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to the application.*

Costs for goods and services that are subject to State and local sales and use tax<sup>4</sup>:

\$1,250,000

Estimated State and local sales and use tax benefit (sales tax amount multiplied by 8.0% plus additional use tax amounts):

\$100,000

**C) Mortgage Recording Tax Benefit:**

Mortgage amount (include construction, permanent, bridge financing or refinancing):

\$2,400,000

Estimated mortgage recording tax exemption benefit (mortgage amount multiplied by 1% )<sup>5</sup>:

\$24,000

**D) Percentage of Project Costs Financed from Public Sector:**

Percentage of Project costs financed from public sector:

0

(Total B + C + D + E below / A Total Project Cost)

A. Total Project Cost:

\$2,600,000

B. Estimated Value of PILOT (auto-filled):

\$999,437

C. Estimated Value of Sales Tax Incentive:

\$100,000

D. Estimated Value of Mortgage Tax Incentive:

\$24,000

E. Total Other Public Incentives (tax credits, grants, ESD incentives, etc.):

\$0

<sup>4</sup> Sales and use tax (sales tax) is applied to: tangible personal property (unless specifically exempt); gas, electricity, refrigeration and steam, and telephone service; selected services; food and beverages sold by restaurants, taverns, and caterers; hotel occupancy; and certain admission charges and dues. For a definition of products, services, and transactions subject to sales tax see the following links:

<https://www.tax.ny.gov/bus/st/subject.htm> and

[https://www.tax.ny.gov/pubs\\_and\\_bulls/tg\\_bulletins/st/quick\\_reference\\_guide\\_for\\_taxable\\_and\\_exempt\\_property\\_and\\_services.htm](https://www.tax.ny.gov/pubs_and_bulls/tg_bulletins/st/quick_reference_guide_for_taxable_and_exempt_property_and_services.htm).

<sup>5</sup> The Mortgage Recording Tax in Albany County is equal to 1.25%. However, the Agency is authorized under the IDA Statute to exempt only 1.00%.

### XIII. COST BENEFIT ANALYSIS

In order for the City of Albany Industrial Development Agency (the “Agency”) to prepare a Cost/Benefit Analysis for a proposed project (the “Project”), the Applicant must answer the questions contained in this Project Questionnaire (the “Questionnaire”). Such information should consist of a list and detailed description of the benefits of the Agency undertaking the Project (e.g., number of jobs created, types of jobs created, economic development in the area, community benefits (including community commitment as described in the Agency’s Project Evaluation and Assistance Framework), etc.). Such information should also consist of a list and detailed description of the costs of the Agency undertaking the Project (e.g., tax revenues lost, buildings abandoned, etc.).

This Questionnaire must be completed before we can finalize the Cost/Benefit Analysis, please complete this Questionnaire and forward it to us at your earliest convenience.

#### PROJECT QUESTIONNAIRE

1. Name of Project Beneficiary (“Company”):	Edward Maitino	
2. Brief Identification of the Project:	16-unit residential apartment building	
3. Estimated Amount of Project Benefits Sought:	\$ 1,123,437	
A. Amount of Bonds Sought:		\$0
B. Value of Sales Tax Exemption Sought		\$100,000
C. Value of Real Property Tax Exemption Sought		\$999,437
D. Value of Mortgage Recording Tax Exemption Sought		\$24,000
4. Likelihood of accomplishing the Project in a timely fashion (please explain):	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
About to select GC; project shovel ready; waiting for CAIDA approval.		



DATED: JULY 8, 2019

**PROJECTED PROJECT INVESTMENT**

<b>A. Land-Related Costs</b>	
1. Land acquisition	\$ 98,000
2. Site preparation	\$ 32,000
3. Landscaping	
4. Utilities and infrastructure development	
5. Access roads and parking development	
6. Other land-related costs (describe)	
<b>B. Building-Related Costs</b>	
1. Acquisition of existing structures	
2. Renovation of existing structures	
3. New construction costs	\$ 1,763,000
4. Electrical systems	\$ 170,000
5. Heating, ventilation and air conditioning	\$ 225,000
6. Plumbing	\$ 150,000
7. Other building-related costs (describe)	
<b>C. Machinery and Equipment Costs</b>	
1. Production and process equipment	
2. Packaging equipment	
3. Warehousing equipment	
4. Installation costs for various equipment	\$ 110,500
5. Other equipment-related costs (describe)	
<b>D. Furniture and Fixture Costs</b>	
1. Office furniture	
2. Office equipment	
3. Computers	
4. Other furniture-related costs (describe)	
<b>E. Working Capital Costs</b>	
1. Operation costs	
2. Production costs	
3. Raw materials	
4. Debt service	
5. Relocation costs	
6. Skills training	
7. Other working capital-related costs (describe)	
<b>F. Professional Service Costs</b>	
1. Architecture and engineering	\$ 49,500
2. Accounting/legal	\$ 2,000
3. Other service-related costs (describe)	
<b>G. Other Costs</b>	
1. _____	
2. _____	
<b>H. Summary of Expenditures</b>	
1. Total Land-Related Costs	\$ 130,000
2. Total Building-Related Costs	\$ 2,308,000
3. Total Machinery and Equipment Costs	\$ 110,500
4. Total Furniture and Fixture Costs	\$ 0
5. Total Working Capital Costs	\$ 0
6. Total Professional Service Costs	\$ 51,500
7. Total Other Costs	\$ 0
	\$ 2,600,000

**PROJECTED NET OPERATING INCOME**

- I. Please provide projected Net Operating Income:

YEAR	Without IDA benefits	With IDA benefits
1	\$ 24,700	\$ 87,600
2	\$ 25,194	\$ 89,352
3	\$ 25,697	\$ 91,139
4	\$ 26,210	\$ 92,961
5	\$ 26,734	\$ 94,820

**PROJECTED CONSTRUCTION EMPLOYMENT IMPACT**

- I. Please provide estimates of total construction jobs and the total annual wages and benefits of construction jobs at the Project:

Year	Number of Construction Jobs	Total Annual Wages and Benefits	Estimated Additional NYS Income Tax
Current Year	85	TBD	TBD
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			

**PROJECTED PERMANENT EMPLOYMENT IMPACT**

- I. Estimates of the total number of existing permanent FTE jobs to be preserved or retained as a result of the Project are described in the tables in Section VII of the Application.
- II. Estimates of the total new permanent FTE jobs to be created at the Project are described in the tables in Section VII of the Application.
- III. Please provide estimates for the following:
- A. Creation of New Job Skills relating to permanent jobs. Please complete Schedule A.

**PROJECTED OPERATING IMPACT**

I. Please provide estimates for the impact of Project operating purchases and sales:

Additional Purchases (1 <sup>st</sup> year following project completion)	\$ 0
Additional Sales Tax Paid on Additional Purchases	\$ 0
Estimated Additional Sales (1 <sup>st</sup> full year following project completion)	\$ 0
Estimated Additional Sales Tax to be collected on additional sales (1 <sup>st</sup> full year following project completion)	\$ 0

II. Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes ("Pilot Payments"): If you are requesting an exception that cannot be accommodated by the auto-calculated fields, please provide additional sheets indicating the proposed PILIOT payments.

Year	Existing Real Property Taxes (Without Project)	New Pilot Payments (With IDA)	Total (Difference)
Current Year	\$6,390	\$6,390	\$0
Year 1	\$ 6,518	\$12,807	\$6,289
Year 2	\$ 6,648	\$ 13,064	\$6,415
Year 3	\$ 6,781	\$ 13,325	\$6,543
Year 4	\$ 6,917	\$ 13,591	\$6,674
Year 5	\$ 7,055	\$ 13,863	\$6,808
Year 6	\$ 7,196	\$ 14,140	\$6,944
Year 7	\$ 7,340	\$ 14,423	\$7,083
Year 8	\$7,487	\$ 14,712	\$7,224
Year 9	\$7,637	\$ 15,006	\$7,369
Year 10	\$7,790	\$ 15,306	\$7,516
Year 11	\$7,945	\$ 19,445	\$11,500
Year 12	\$8,104	\$ 27,654	\$19,550
Year 13	\$8,266	\$ 36,184	\$27,917
Year 14	\$8,432	\$ 40,976	\$32,544
Year 15	\$8,600	\$ 50,094	\$41,493
Year 16	\$8,772	\$ 59,560	\$50,788
Year 17	\$8,948	\$ 69,385	\$60,438
Year 18	\$9,127	\$ 79,580	\$70,453
Year 19	\$9,309	\$ 81,171	\$71,862
Year 20	\$9,496	\$ 82,795	\$73,299
			\$ 528,711

### **ADDITIONAL COMMUNITY BENEFITS**

The City of Albany Industrial Development Agency is supportive of inclusionary development practices. Please indicate which of the below described community benefits (as defined in the Agency's Project Evaluation and Assistance Framework) will be provided as a result of the Project, and please provide a detailed description of such benefits, together with any other economic benefits and community benefits expected to be produced as a result of the Project (attach additional pages as needed for a complete and detailed response). Examples of these benefits include:

- |                                |                                 |
|--------------------------------|---------------------------------|
| (A) MWBE/DBE Participation;    | (L) Downtown Residential;       |
| (B) EEO;                       | (M) Tax Exempt/Vacant Property; |
| (C) Workforce Utilization;     | (N) Identified Catalyst Site;   |
| (D) Inclusionary Housing;      | (O) Historic Preservation;      |
| (E) Regional Labor;            | (P) Community Catalyst;         |
| (F) City of Albany Labor;      | (Q) Manufacturing/Distribution; |
| (G) Apprenticeship Program;    | (R) Technology;                 |
| (H) Distressed Census Tract;   | (S) Hospitality;                |
| (I) High Vacancy Census Tract; | (T) Existing Cluster; and       |
| (J) Downtown BID;              | (U) Conversion to Residential.  |
| (K) Neighborhood Plan;         |                                 |

The 427 Washington Avenue Apartments project will bring positive change to the neighborhood and the City of Albany. It has enthusiastic support from neighborhood groups, elected officials and the Planning Board. The project will bring much needed quality apartments to a growing higher education corridor and will be a catalyst for further development of the neighborhood, including retail development and local job creation. The project aligns with the City's Albany 2030 plan, is centered in a Distressed Census and High Vacancy Tract, and will not only remove a vacant property, but will encourage further commercial investment in a neighborhood that has been underserving its community for a generation. Further, the construction will include City of Albany and Regional labor benefits and conversion of a vacant property/lot to residential use.



#### **XIV. OTHER**

Is there anything else the Agency's board should know regarding this Project?

As a small business owner and property owner and manager of 27 units in the City of Albany and 33 units in total, I very much appreciate the assistance of the CAIDA in working with businesses to grow the local economy and make a positive impact on the City. With the investment by SUNY in redeveloping the old Albany High School, there is an historic opportunity to change the neighborhood surrounding the campus. As the owner of 429-31 Washington Avenue for the past six years and an investor who has put hundreds of thousands of dollars into purchasing and renovating the property, I can tell you the neighborhood is in dire need of investment. I truly believe this project, coupled with the opening of SUNY's new graduate school of engineering, will be a catalyst for new retail businesses and local job growth. I am happy to be a part of this renewal and help improve the quality of life in Albany. As a graduate of UAlbany, including a graduate degree, and now owning an eight unit and soon-to-be sixteen unit apartment building across the street from where I took classes, I am proud of the small role I am playing in improving the community.

DATED: JULY 8, 2019

**CERTIFICATION**

I certify that I have prepared the responses provided in this Questionnaire and that, to the best of my knowledge; such responses are true, correct, and complete.

I understand that the foregoing information and attached documentation will be relied upon, and constitute inducement for, the Agency in providing financial assistance to the Project. I certify that I am familiar with the Project and am authorized by the Company to provide the foregoing information, and such information is true and complete to the best of my knowledge. I further agree that I will advise the Agency of any changes in such information, and will answer any further questions regarding the Project prior to the closing.

I affirm under penalty of perjury that all statements made on this application are true, accurate and complete to the best of my knowledge.

<b>Date Signed:</b> 08/28/2019	<b>Name of Person Completing Project Questionnaire on behalf of the Company.</b> Name: Edward Maitino Title: Owner/Developer Phone Number: 518-892-1342 Address: 231 Hidley Road Wynantskill, NY 12198  <b>Signature:</b>
--------------------------------	--

## REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION

[Edward Maitino] (name of CEO or another authorized representative of Applicant) confirms and says that he/she is the [owner] (title) of [427 Washington Avenue,] (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. Job Listings. Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA"), as replaced by the Workforce Investment Act of 1998 (Public Law 105-220), in which the Project is located.

B. First Consideration for Employment. In accordance with Section 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 JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.

C. City Human Rights Law. The applicant has reviewed the provisions of Chapter 48, Article III of the City Code, entitled "The Omnibus Human Rights Law" and agrees to comply with such provisions to the extent that such provisions are applicable to the applicant and the Project.

D. Annual Sales Tax Filings. In accordance with Section 874(8) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant.

E. Annual Employment Reports. The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the Project site, including (1) the NYS-45 – Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return – for the quarter ending December 31 (the "NYS-45"), and (2) the US Dept. of Labor BLS 3020 Multiple Worksite report if applicable. The applicant also agrees, whenever requested by the Agency, to provide and certify or cause to be provided and certified such information concerning the participation of individuals from minority groups as employees or applicants for employment with regard to the project.

F. Local Labor Information. The applicant is aware of and understands the provisions of Part 24 of the Policy Manual of the Agency. Pursuant to Part 24 of the Policy Manual of the Agency, the applicant agrees to provide information, in form and substance satisfactory to the Agency, relating to construction activities for projects; specifically: (i) the Company's contact person responsible and accountable for providing information about the bidding for and awarding of construction contracts relative to this Application and the Project, (ii) the

nature of construction jobs created by the Project, including the number, type, and duration of construction positions; and (iii) submit to the Agency a “Construction Completion Report” listing the names and business locations of prime contractors, subcontractors, and vendors who were engaged in the construction phase of the Project.

G. Additional Fee for Low Income Housing/Tax Credit (9% only) Projects. An annual administrative fee equal to \$10,000 shall be payable annually by the applicant on each January 1 for a term equal to ten (10) years. This annual administrative fee is in addition to the standard administrative fee for Agency Straight Lease Transactions and Agency Bond Transactions and is applicable to Projects which provide for low income housing/tax credit (9% only) projects.

H. Uniform Agency Project Agreement. The applicant agrees to enter into a uniform agency project agreement with the Agency where the applicant agrees that (1) the amount of Financial Assistance to be received shall be contingent upon, and shall bear a direct relationship to the success or lack of success of such project in delivering certain described public benefits (the “Public Benefits”) and (2) the Agency will be entitled to recapture some or all of the Financial Assistance granted to the applicant if (a) the project is unsuccessful in whole or in part in delivering the promised Public Benefits, (b) certain “recapture events” occur (e.g., failure to complete the Project, sale or transfer of the Project, failure to make the estimated investment, failure to maintain job employment levels and failure to make annual reporting filings with the Agency).

I. Assignment of Agency Abatements. In connection with any Agency Straight Lease Transaction or Agency Bond Transaction, the Agency may grant to the applicant certain exemptions from mortgage recording taxes, sales and use taxes and real property taxes. The applicant understands that the grant of such exemptions by the Agency is intended to benefit the applicant. Subsequently, if the applicant determines to convey the Project and, in connection with such conveyance to assign such exemptions to the purchaser, the applicant understand that any such assignment is subject to review and consent by the Agency, together with the satisfaction of any conditions that may be imposed by the Agency.

J. Post-Closing Cost Verification. The applicant agrees (1) the scope of the Project will not vary significantly from the description in the public hearing resolution for the project and (2) to deliver to the Agency within sixty (60) days following the completion date of a project an affidavit providing the total costs of the project. In the event that the amount of the total project costs described in the affidavit at the completion date exceeds the amount described in an affidavit provided by the applicant on the closing date of the project, the applicant agrees to adjust the amounts payable by the applicant to the Agency by such larger amount and to pay to the Agency such additional amounts. In the event that the amount described is less, there shall not be any adjustment to the Agency fees.

K. Representation of Financial Information. Neither this Application nor any other agreement, document, certificate, project financials, or written statement furnished to the Agency or by or on behalf of the applicant in connection with the project contemplated by this Application contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements contained herein or therein not misleading. There is no fact within the special knowledge of any of the officers of the applicant which has not been disclosed herein or in writing by them to the Agency and which materially adversely affects or in the future in their opinion may, insofar as they can now reasonably foresee, materially adversely affect the business, properties, assets or condition, financial or otherwise, of the applicant.



L. Agency Financial Assistance Required for Project. The Project would not be undertaken but for the Financial Assistance provided by the Agency or, if the Project could be undertaken without the Financial Assistance provided by the Agency, then the Project should be undertaken by the Agency for the following reasons:

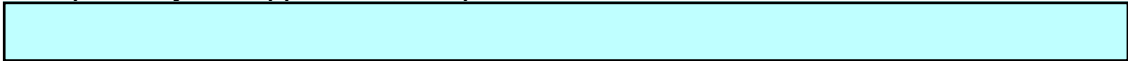


M. Compliance with Article 18-A of the General Municipal Law: The Project, as of the date of this Application, is in substantial compliance with all provisions of Article 18-A of the General Municipal including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862; and the provisions of subdivision one of Section 862 of the General Municipal Law will not be violated if Financial Assistance is provided for the Project.

N. Compliance with Federal, State, and Local Laws. The applicant is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

O. False or Misleading Information. The applicant understands 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 exemptions claimed by reason of Agency involvement in the Project.

P. Absence of Conflicts of Interest. The applicant acknowledges that the members, officers and employees of the Agency are listed on the Agency's website. 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:



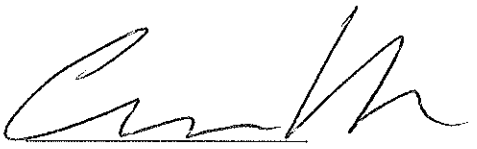
Q. Additional Information. Additional information regarding the requirements noted in this Application and other requirements of the Agency is included the Agency's Policy Manual which can be accessed at [www.albanyida.com](http://www.albanyida.com).

R. Onsite Visits. The applicant acknowledges that under the Agency's Policy Manual regarding monitoring and administration of projects, the Project is subject to periodic onsite visits by Agency staff.

STATE OF NEW YORK        )  
                                      ) SS.:  
COUNTY OF ALBANY        )

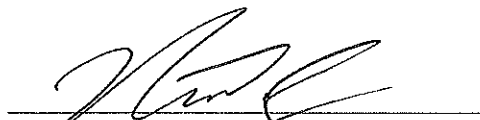
Edward Martin's, being first duly sworn, deposes and says:

1. That I am the owner/developer (Corporate Office) of 417 Wiskyle Ave Apts (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the 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 28 day of August, 2019


  
(Notary Public)

Michael Spaulding  
Notary Public, State of New York  
Qualified in Albany County  
No. 01SP6332424  
Commission Expires Nov. 02, 2019

HOLD HARMLESS AGREEMENT

Applicant hereby releases City of Albany Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as 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 (i) 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 issue of bonds requested therein are favorably acted upon by the Agency, and (ii) the Agency's financing of the Project described therein; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

(Applicant)

BY: 

Sworn to before me this  
28 day of Aug, 2019

  
(Notary Public)

Michael Spaulding  
Notary Public, State of New York  
Qualified in Albany County  
No. 01SP6332424  
Commission Expires Nov. 02, 2019

## SCHEDULE A

## CREATION OF NEW JOB SKILLS

Please list the projected new job skills for the new permanent jobs to be created at the Project as a result of the undertaking of the Project by the Company.

[illegible]

Should you need additional space, please attach a separate sheet.



**NEW YORK STATE FINANCIAL REPORTING  
REQUIREMENTS FOR INDUSTRIAL DEVELOPMENT AGENCIES**

Be advised that the New York General Municipal Law imposes certain reporting requirements on IDAs and recipients of IDA financial assistance. Of importance to IDA Applicants is Section 859 (<https://www.nysenate.gov/legislation/laws/GMU/859>). This section requires IDAs to transmit financial statements within 90 days following the end of an Agency's fiscal year ending December 31, prepared by an independent, certified public accountant, to the New York State Comptroller, and the Commissioner of the New York State Department of Economic Development. These audited financial statements shall include supplemental schedules listing the following information:

1. All straight-lease ("sale-leaseback") transactions and whether or not they are obligations of the Agency.
2. All bonds and notes issued, outstanding or retired during the period and whether or not they are obligations of the Agency.
3. All new bond issues shall be listed and for each new bond issue, the following information is required:
  - a. Name of the Project financed with the bond proceeds.
  - b. Whether the Project occupant is a not-for-profit corporation.
  - c. Name and address of each owner of the Project.
  - d. The estimated amount of tax exemptions authorized for each Project.
  - e. The purpose for which the bond was issued.
  - f. The bond interest rate at issuance and, if variable, the range of interest rates applicable.
  - g. Bond maturity date.
  - h. Federal tax status of the bond issue.
  - i. Estimate of the number of jobs created and retained for the Project.
4. All new straight lease transactions shall be listed and for each new straight lease transaction, the following information is required:
  - a. Name of the Project.

DATED: JULY 8, 2019

- b. Whether the Project occupant is a not-for-profit corporation.
- c. Name and address of each owner of the Project.
- d. The estimated amount of tax exemptions authorized for each Project.
- e. The purpose for which each transaction was made.
- f. Method of financial assistance utilized for each Project, other than the tax exemptions claimed by the Project.
- g. Estimate of the number of jobs created and retained for the Project.

Sign below to indicate that you have read and understood the above.

Signature:

Name:

Edward Maitino

Title:

Owner/Developer

Company:

LLC pending

Date:

08/26/2019



CITY OF ALBANY  
DEPARTMENT OF ASSESSMENT  
24 EAGLE STREET-ROOM 302  
ALBANY, NEW YORK 12207  
TELEPHONE (518) 434-5155

KATHY SHEEHAN  
MAYOR

TREY KINGSTON  
CITY ASSESSOR

September 4, 2019

Joseph Landy  
21 Lodge Street  
Albany, New York 12207

**Re: 427 Washington Ave**

Dear Mr. Landy:

At your request, we have reviewed the pro-forma and other spreadsheet data provided by the Applicant with respect to the above referenced project. The following are the salient features of the project:

- 16 unit apartment complex consisting of the following features:
  - Approximately 16,000 square feet of rentable space;

Based on the above and consistent with the income capitalization methodology utilized by this office for other apartment complex properties throughout the City, we are projecting the current total assessed value for the subject property, consistent with the assumption that the property was in an "as-stabilized" condition as of March 1, 2019 and its value estimate was as of July 1, 2018, to be:

**\$1,460,000**

For greater clarity, it must be noted that the above total assessed value estimate is provided under the extraordinary assumptions that the improvements are completed as of the pro-forma projected date of completion and are leased to a stabilized occupancy at projected rents at the above date of valuation corresponding to the end of the projected absorption period after the projected date of completion.

As such, all such financial information provided by the Applicant is assumed to be true, correct and reliable and the total assessed value set forth above was predicated, in large measure, based on such data. However, it should be noted that this value may not be valid in other time periods or as conditions change. If new information of significance is brought to this office, the above total assessed value would be subject to change, consistent with such new information.

The number stated above has absolutely no bearing on what the actual assessed value of the project will be. The projection above is a completely hypothetical assessment of a building based solely on factors described by the applicant. The assessment that appears on subsequent assessment rolls will be based on thorough inspections and review of permits as of taxable status dates.

We trust that the foregoing is sufficient for the IDA's needs. If you have any questions and/or require additional clarification, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'TB Koz' with a stylized flourish at the end.

Trey Kingston, Esq.  
Assessor



**563 NEW SCOTLAND LLC**  
**PO BOX 1366**  
**GUILDERLAND, NY 12084**

February 26, 2019

Tracy Metzger, Chair  
City of Albany Industrial Development Agency  
21 Lodge Street  
Albany, New York 12207

Re: Request for IDA Assistance for 563 New Scotland Ave LLC Project

Dear Ms. Metzger:

Attached is a completed application, as well as the appropriate supplementary material required by the City of Albany Industrial Development Agency for consideration of financial assistance associated with the 563 New Scotland Ave LLC Project.

The Project consists of the acquisition of a +/- 3.31 acre parcel of land, construction on the land of +/- 188 residential apartment units (with tenant amenities i.e clubhouse) +/- 255 surface parking spaces and 15,000 +/- square feet of retail space, and acquisition of various personal property and furniture, fixtures and equipment. The Project will be constructed in three (3) phases, over 3 – 4 years.

However, without the Agency's financial assistance, this Project is not viable. Therefore, as detailed in the Application, the Applicant is requesting exemptions from New York State sales and use taxes relating to the construction and fit up of the Project and mortgage recording taxes in connection with the financing of the Project and a payment in lieu of tax agreement. The Applicant requests the payment in lieu of tax agreement be implemented in three (3) phases to coincide with the three (3) phases of the Project.

We are in receipt of the City of Albany Industrial Development Agency Project Evaluation and Assistance Framework and have reviewed the Summary of Baseline Eligibility Requirements and Community Benefits Metrics. We believe the Project satisfies all the Baseline Requirements and ten (10) of the Community Benefit Metrics. The ten (10) Community Benefit Metrics are as follows: (i) Distressed Census Tract, (ii) Community Catalyst, (iii) Financial Commitment between 10.1 M – 17.5-25 M (satisfies three items), (iv) Community Commitment of Regional Labor, (v) Community Commitment City of Albany Labor, (vi) 3-40 permanent jobs, (vii) 81-160 construction jobs (satisfies two items).

The Project is located at on New Scotland Avenue which is the site of existing residential housing and commercial space. The buildings are run down and located within a residential/commercial area. The Applicant seeks to enhance the existing area by creating additional residential opportunities with new and improved retail facilities to serve the project residents as well as residents in the community. The Applicant has met with the existing

community and is working with them to ensure the project will enhance the neighborhood and provide the City with an additional source of apartments and investment into the neighborhood.

The Project will generate additional sales tax and property tax revenue for the City of Albany. The construction of additional residential housing in the City will have an indirect positive impact on jobs and businesses in the surrounding area. The Applicant is requesting assistance from the Agency in order to be able to provide housing in the City which is consistent with current trends to attract young professionals, graduate students, and empty-nesters to the City.

Please do not hesitate to contact me if you should have any questions or find additional information is needed. I look forward to working with the Agency on this Project.

Sincerely,

563 New Scotland Ave LLC

Ryan Jankow  
Member

Enclosure

## City of Albany Industrial Development Agency

### Application for Assistance

Date: 08/29/19

-----  
IMPORTANT NOTICE: The answers to the questions contained in this application are necessary to determine your firm's eligibility for financing and other assistance from the City of Albany Industrial Development Agency. These answers will also be used in the preparation of papers in this transaction. Accordingly, all questions should be answered accurately and completely by an officer or other employee of your firm who is thoroughly familiar with the business and affairs of your firm and who is also thoroughly familiar with the proposed project. This application is subject to acceptance by the Agency.  
-----

TO: CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY  
c/o Department of Economic Development  
21 Lodge Street  
Albany, New York 12207

This application respectfully states:

#### APPLICANT:

Name: 563 New Scotland Ave LLC  
Address: PO Box 1366  
City: Guilderland State: NY Zip: 12084  
Federal ID/EIN: 83-3278510 Website:   
Primary Contact: Ryan Jankow  
Title: Owner  
Phone: (518) 708-6019 Email: ryan.jankow@gmail.com

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

Ryan Jankow and Debra J. Lambek, Esq.

IF APPLICANT IS REPRESENTED BY AN ATTORNEY, COMPLETE THE FOLLOWING:

NAME OF ATTORNEY: Debra J. Lambek, Esq.

ATTORNEY'S ADDRESS: 302 Washington Avenue Extension, Albany, NY 12203

PHONE: (518) 491-1628 E-MAIL: dlambek@lambeklaw.com

NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 3 HEREOF BEFORE FILLING OUT THIS FORM.

## INSTRUCTIONS

1. The Agency will not approve any application unless, in the judgment of the Agency, said application and the summary contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application (the "Project").
3. If an estimate is given as the answer to a question, put "(est)" after the figure or answer which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return one (1) copy of this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project contemplated herein (to the extent such expenses are not paid out of the proceeds of the Agency's bonds issued to finance the Project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel/special counsel to the Agency. The costs incurred by the Agency, including the Agency's general counsel and bond counsel, may be considered as a part of the Project and included as a part of the resultant bond issue.
9. The Agency has established an application fee of One Thousand Five Hundred Dollars (\$1,500) to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.
10. The Agency has also established an administrative fee equal to (A) one percent (1%) of the cost of the Project in the case of an Agency Straight Lease Transaction, and (B) one percent (1%) of the aggregate principal amount of the bonds to be issued by the Agency in the case of an Agency Bond Transaction. The Agency has also established an administrative fee for the issuance of refunding bonds for Agency Bond Transactions. The formula for the calculation of the administrative fee for the issuance of refunding bonds is outlined in the Agency's Policy Manual. THESE FEES ARE PAYABLE ON THE CLOSING DATE.



DATED: JULY 8, 2019

Answer all questions. Use "None" or "Not Applicable" where necessary.

**SUMMARY OF PROJECT**

Applicant: 563 New Scotland Ave LLC

Contact Person: Ryan Jankow

Phone Number: (518) 708-6019

Occupant: 563 New Scotland Ave, LLC

Project Location (include Tax Map ID): 563 New Scotland Avenue

Approximate Size of Project Site: 3.31 Acres

Description of Project: Acquisition of a +/- 3.31 acre parcel of land, construction of +/- 188 residential apartment units (with tenant amenities i.e. clubhouse) with +/- 255 parking spaces and +/- 15,000 sq. ft. of retail/commercial space.

Type of Project: ☐ Manufacturing ☐ Warehouse/Distribution  
☒ Commercial ☐ Not-For-Profit  
☒ Other-Specify Residential Apartments

Employment Impact: Existing FTE Jobs: 2  
 Retained FTE Jobs: 2  
 FTE Jobs Created: 8.7  
 Construction Jobs Created: 85

Project Cost: \$39,780,000

Type of Financing: ☐ Tax-Exempt ☐ Taxable ☒ Straight Lease

Amount of Bonds Requested: \$0

Estimated Value of Tax-Exemptions:

N.Y.S. Sales and Compensating Use Tax:	\$1,200,000
Mortgage Recording Taxes:	\$347,800
Real Property Tax Exemptions: (auto-calculated)	\$18,343,842
Other (please specify):	

Provide estimates for the following:

Average Estimated Annual Salary of Jobs to be Created:	\$35,000
Annualized Salary Range of Jobs to be Created:	\$15,000-\$50,000
Estimated Average Annual Salary of Jobs to be Retained:	\$50,500

## I. APPLICANT INFORMATION

### A) Applicant:

Name: 563 New Scotland Ave LLC  
Address: PO Box 1366  
City: Guilderland State: NY Zip: 12084  
Federal ID/EIN: 83-3278510 Website:   
Primary Contact: Ryan Jankow  
Title: Owner  
Phone: (518) 708-6019 Email: ryan.jankow@gmail.com

### B) Real Estate Holding Company (if different from Applicant):

*Will a separate company hold title to/own the property related to this Project? If yes:*

Name: N/A  
Address:   
City: State: Zip:   
Federal ID/EIN: Website:   
Primary Contact:   
Title:   
Phone: Email:

Describe the terms and conditions of the lease between the Applicant and the Real Estate Holding Company. If there is an option to purchase the property, provide the date option was signed and the date the option expires:

**C) Current Project Site Owner (if different from Applicant or Real Estate Holding Company):**

Name: FM Promontory Capital LLC  
Title:  
Address:  
City: State: Zip:  
Phone: Email:

**D) Attorney:**

Name: N/A  
Firm Name:  
Address:  
City: State: Zip:  
Phone: Email:

**E) General Contractor:**

Name: TBD  
Firm Name:  
Address:  
City: State: Zip:  
Phone: Email:



## II. APPLICANT'S COMPANY OWNERSHIP & HISTORY

### A) Company Organization:

Year founded:  Founded in which state:  NAICS Code:

Type of ownership (e.g., C-Corp, LLC):

### B) Company Management

Name	Office Held	Other Principal Business
Ryan Jankow	President/Member	Real Estate Development Projects

### Company Ownership:

List all stockholders, members, or partners with ownership of greater than 5% and attach an organizational ownership chart with complete name, TIN, DOB, home address, office held, and other principal businesses (if applicable).

Name	Office Held	% of Ownership	% of Voting Rights
Ryan Jankow	President/Member	100%	

Is the Applicant or management of the company now a plaintiff or a defendant in any civil or criminal litigation? ☐ Yes ☒ No

If yes, describe:

Has any person listed above ever been a plaintiff or a defendant in any civil or criminal litigation? ☐ Yes ☒ No

If yes, describe:

Has any person listed above ever been charged with a crime other than a minor traffic violation? ☐ Yes ☒ No

If yes, describe:

Has any person listed above ever been convicted of a crime other than a minor traffic violation? ☐ Yes ☒ No

If yes, describe:

Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt? ☐ Yes ☒ No

If yes, describe:



**C) Company Description:**

Describe in detail the Company's background, products, customers, goods and services:

The Company is a single purpose entity created for the construction and operation of the Project. The Company's managing member has other projects dealing mainly in residential, retail and commercial real estate development and operations.

Existing Banking Relationship(s): Pioneer Bank

Has the Company ever received incentives tied to job creation? ☐ Yes ☒ No

If yes, describe:

Were the goals met?

If no, why not?

☐ Yes ☐ No ☒ N/A

*Additional sheets may be attached, if necessary.*

### III. PROJECT DESCRIPTION AND DETAILS

**A) Assistance requested from the Agency:**

Select all that apply:

- ☒ Exemption from Sales Tax
- ☒ Exemption from Mortgage Tax
- ☒ Exemption from Real Property Tax
- ☐ Taxable Bonds
- ☐ Tax-exempt Bonds (typically for non-for-profits or qualified manufacturers)
- ☐ Other, specify:

**B) Project Description:**

Attach a map, survey or sketch of the Project site, identifying all existing or new buildings/structures.

Summary: (Please provide a brief narrative description of the Project.):

Acquisition of a +/- 3.31 acre parcel of land, construction of +/- 188 residential apartment units (with tenant amenities i.e. clubhouse) with +/- 255 parking spaces and +/- 15,000 sq. ft. of retail/commercial space.

Location of Proposed Project:

Street Address - Tax Map ID(s):

Is the Applicant the present legal owner of the Project site? ☐ Yes ☒ No

If yes: Date of Purchase:  Purchase Price:

If no:

1. Present legal owner of the Project site:

2. Is there a relationship, legally or by common control, between the Applicant and the present owner of the Project site? ☐ Yes ☒ No

If yes:

3. Does the Applicant have a signed option to purchase the site? ☒ Yes ☐ No ☐ N/A

If yes: Date option signed:  Date option expires:

Is the Project site subject to any property tax certiorari? ☐ Yes ☒ No

DRAFT FOR DISCUSSION PURPOSES ONLY

DATED: JULY 8, 2019

Describe the Project including, scope, purpose (e.g., new build, renovations, and/or equipment purchases, equipment leases, etc.), timeline, and milestones. The Project scope must entail only future work, as the Agency's benefits are not retroactive:

How many units will the project encompass (include total of number of commercial and residential units)?

How many square feet of commercial space will the project entail?

Acquisition of a +/- 3.31 acre parcel of land, construction of +/- 188 residential apartment units (with tenant amenities i.e. clubhouse) with +/- 255 parking spaces and +/- 15,000 sq. ft. of retail/commercial space.

Would this Project be undertaken **but for** the Agency's financial assistance? ☐ Yes ☒ No

If yes, describe why the Agency's financial assistance is necessary and the effect the Project will have on the Applicant's business or operations:

N/A

### C) Project Site Occupancy

Select Project type for all end-users at Project site (choose all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Industrial                       | <input type="checkbox"/> Service*                        |
| <input type="checkbox"/> Acquisition of existing facility | <input type="checkbox"/> Back-office                     |
| <input type="checkbox"/> Housing                          | <input type="checkbox"/> Mixed use                       |
| <input type="checkbox"/> Multi-tenant                     | <input type="checkbox"/> Facility for Aging              |
| <input checked="" type="checkbox"/> Commercial            | <input type="checkbox"/> Civic facility (not-for-profit) |
| <input checked="" type="checkbox"/> Retail*               | <input type="checkbox"/> Other                           |

\* The term "retail sales" means (1) sales by a registered vendor under Article 28 of the Tax Law of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property, as defined in Section 1101(b)(4)(i) of the Tax Law, or (2) sales of a service to customers who personally visit the Project location. If "retail" or "service" is checked, complete the Retail Questionnaire contained in Section IV.

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute.

List the name(s) of the expected tenant(s), nature of the business(es), and percentage of total square footage to be used by each tenant. Additional sheets may be attached, if necessary:

Company:	Nature of Business:	% of total square footage:
1. <input type="text"/>	<input type="text" value="residential and commercial"/>	<input type="text"/>
2. <input type="text"/>	<input type="text" value="tenants"/>	<input type="text"/>
3. <input type="text"/>	<input type="text"/>	<input type="text"/>

Are there existing buildings on project site? ☒ Yes ☐ No

a. If yes, indicate number and approximate size (in square feet) of each existing building:

b. Are existing buildings in operation? ☒ Yes ☐ No ☐ N/A

If yes, describe present use of present buildings:

c. Are existing buildings abandoned? ☐ Yes ☒ No ☐ N/A

About to be abandoned? ☒ Yes ☐ No ☐ N/A

If yes, describe:

d. Attach photograph of present buildings.



**IV. RETAIL QUESTIONNAIRE**  
**(Fill out if end users are "retail" or "service" as identified in Section III)**

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or purchase services.

- A) Will any portion of the Project consist of facilities or property that will be primarily used in making sales of goods or services to customers who personally visit the Project site?<sup>1</sup> ☒ Yes ☐ No  
If yes, continue with the remainder of the Retail Questionnaire. If no, do not complete the remainder of the Retail Questionnaire.

- B) What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the Project?

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute. Accordingly, please answer "yes" and insert "100%" if your project is a housing project. If the answer is less than 33.33% do not complete the remainder of the Retail Questionnaire. If the answer to Question A is Yes and the answer to Question B is greater than 33.33%, complete the remainder of the Retail Questionnaire:

1. Is the Project location or facility likely to attract a significant number of visitors from outside the Capital Region Economic Development Region (i.e., Albany, Schenectady, Rensselaer, Greene, Columbia, Saratoga, Warren, and Washington counties)? ☒ Yes ☐ No
2. Will the Project make available goods or services which are not currently reasonably accessible to the residents of the municipality within which the proposed Project would be located? ☒ Yes ☐ No
3. Will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? ☒ Yes ☐ No  
If yes, explain:
4. Will the Project be located in an area designated as an economic development zone pursuant to Article 18-B of the General Municipal Law (Source: <https://esd.ny.gov/empire-zones-program>)? ☐ Yes ☒ No  
If yes, explain:
5. Will the Project be in a "highly distressed" census tract (as defined by the United States Census Bureau <https://factfinder.census.gov/>) ☐ Yes ☒ No

If yes, explain:

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute. Accordingly, please answer "yes" and insert "100%" if your project is a housing project.<sup>1</sup>

## V. ENVIRONMENTAL REVIEW AND PERMITTING

*The Applicant must comply with the State Environmental Quality Review Act (SEQRA) before the Agency can vote on proposed financial incentives. It is the Applicant's responsibility to provide a copy of the final SEQRA determination to the Agency.*

Environmental Assessment Form: ☒ Short Form ☐ Long Form

Lead Agency: City of Albany Planning Department

Agency Contact:

Date of submission:

Status of submission:

Final SEQRA

determination:

### A) Site Characteristics:

Describe the present zoning and land use regulation: RM and MUNC

Will the Project meet zoning and land use regulations for the proposed location? ☒ Yes ☐ No

Is a change in zoning and land use regulation is required? ☒ Yes ☐ No

If yes, specify the required change and status of the change request:

1 height variance - Board of Zoning Appeals on 1/2 of building of Building 1

If the proposed Project is located on a site where the known or potential presence of contaminants is complicating the development/use of the property, describe the potential Project challenge:

n/a

Does part of the Project consist of a new building or buildings?

☒ Yes ☐ No

If yes, indicate number and size of new buildings:

300,000 sq. ft in 4 new buildings

Does part of the Project consist of additions and/or renovations to the existing buildings?

☐ Yes ☒ No

If yes, indicate the buildings to be expanded or renovated, the size of any expansions and the nature of expansion and/or renovation:



## VI. INTER-MUNICIPAL MOVE DETERMINATION

*The Agency is required by State law to make a determination that, if completion of a Project benefiting from the Agency's financial assistance results in the removal of a 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, Agency financial assistance is required to prevent the Project occupant from relocating out of the State, or it is reasonably necessary to preserve the Project occupant's competitive position in its respective industry.*

Will the Project result in the removal of a plant of the Project occupant from one area of the State to another area of the State? ☐ Yes ☒ No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the State? ☐ Yes ☒ No

If yes to either question above, explain how notwithstanding the aforementioned closing or activity reduction, the Agency's financial assistance is required to prevent the Project from relocating out of the State or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

Does the Project involve relocation or consolidation of a Project occupant from another municipality?

Within New York State: ☐ Yes ☒ No

Within the City of Albany: ☐ Yes ☒ No

If yes, explain:

## VII. EMPLOYMENT INFORMATION

### A) Current and Projected Employee FTEs ("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):

	Current FTEs	Projected FTEs			
		New Year 1- 20 <sup>21</sup>	New Year 2 - 20 <sup>22</sup>	New Year 3 - 20 <sup>23</sup>	Total Year 4-20 <sup>24</sup>
Full-time	2	2	5		
Part-time	1	0	5.7		
Seasonal					

### B) Employment Plan in FTE

Estimate the number of full-time equivalent (FTE) jobs that are expected to be retained and created as part of this Project. One FTE is equivalent to 35 hours of work per week or 1,820 hours per year. Convert part-time jobs into FTE by dividing the total number of hours for all part-time resources by 35 hours per week or 1,820 hours per year. ("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):

Attach a list that describes in detail the types of employment for this Project, including the types of activities or work performed and the projected timeframe for creating new jobs.

Occupation in Company	Current (Retained) Permanent FTE		Projected New Permanent FTE			
	Average Annual Salary or Hourly Wage <sup>2</sup>	Number of Current FTE	FTE in Year 1 20 <sup>21</sup>	FTE in Year 2 20 <sup>22</sup>	FTE in Year 3 20 <sup>23</sup>	Total New FTE by Year 4 20 <sup>24</sup>
Professional/Management	\$35,000-\$50,000	2		2		
Administrative						
Sales						
Services						
Manufacturing						
High-Skilled	\$41,000-\$60,000			1		
Medium-Skilled	\$15,000-\$25,000			5.7		
Basic-Skilled						
Other (specify)						
Total (auto-calculated)		2	0	8.7	0	0

<sup>2</sup> Wages are defined as all remuneration paid to an employee. Remuneration means every form of compensation for employment paid by an employer to an employee; whether paid directly or indirectly by the employer, including salaries, commissions, bonuses, and the reasonable money value of board, rent, housing, lodging, or similar advantage received. Where gratuities are received from a person other than the employer, the value of such gratuities shall be included as part of the remuneration paid by the employer. Source: <https://labor.ny.gov>.



## VIII. INDEPENDENT CONTRACTOR RESOURCES

Estimate the number of full-time equivalent (FTE) jobs that are contracted to independent contractors (e.g., contractors or subcontractors) that would be retained and created as part of this Project.

Attach a list that describes in detail the types of contract resources for this Project, including the types of activities or work performed and the projected timeframe for creating new contractor positions. ("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):

	Current FTEs	Projected			
		New Year 1-20	New Year 2-20	New Year 3-20	Total Year 4-20
Full-time					
Part-time					
Seasonal					

## IX. CONSTRUCTION LABOR

\*Construction Jobs are defined by the number of persons individually identified on the pay roll of the General Contractor/Subcontractor in relation to the project.

Number of construction workers expected to be hired for this Project: 85

When does the applicant anticipate the start of construction? 1Q 2020

When does the applicant anticipate the completion of construction? 4Q 2024

What is the total value of construction contracts to be executed?

Describe the general contractor's plans and selection process for using regional and/or City of Albany construction labor or regional and/or City of Albany sub-contractors:

none selected yet

## X. PROJECT COSTS AND FINANCING

Attach additional

### A) Project Costs

Description of Cost	Amount
Land	\$5,500,000
Buildings	\$30,850,000
Machinery and Equipment Cost	
Utilities, roads and appurtenant costs	\$837,000
Architects and engineering fees	\$435,000
Cost of Bond Issue (legal, financial and printing)	
Construction loan fees and interest (if applicable)	\$2,158,000
Other (specify)	
TOTAL PROJECT COST (auto-calculated)	\$39,780,000

Have any of the above costs been paid or incurred as of the date of this application? ☒ Yes ☐ No

If yes, describe: \$100,000.00 architecture, engineering, due diligence, permitting and approval fees

### B) Sources of Funds for Project Costs

Equity:

\$4,943,000

Bank Financing:

\$34,837,000

Tax Exempt Bond Issuance:

Taxable Bond Issuance

Public Sources (Include total of all State and Federal grants and tax credits):  
Identify each State and Federal program:


Public Funds Total (auto-calculated):

\$0

Additional sheets may be attached, as necessary.

TOTAL: (auto-calculated)

\$39,780,000

Amount of total financing requested from lending institutions:

\$34,837,000

Amount of total financing related to existing debt refinancing:

\$0

Has a commitment for financing been received?

☒ Yes ☐ No

If yes:

Lending Institution: Pioneer Savings Bank

Contact:

N/A

Phone:

## XI. PROJECT EVALUATION AND ASSISTANCE FRAMEWORK

**Project Evaluation and Assistance Framework.** If applicable, complete the following Matrix that is part of the Agency's Project Evaluation and Assistance Framework.

### Baseline Requirements (Must Achieve All)

<input checked="" type="checkbox"/> Complete Application	<input checked="" type="checkbox"/> Albany 2030 Aligned	<input checked="" type="checkbox"/> Meet Project Use Definition
<input checked="" type="checkbox"/> Meets NYS/CAIDA Requirements	<input checked="" type="checkbox"/> Planning Approval (if applicant)	<input checked="" type="checkbox"/> "But For" Requirement
Approval Date: <input type="text" value="08/28/2019"/>		

### Community Benefit Metrics (Must Achieve 10)

<b>Revitalization</b> <b>Target Geography</b> <input type="checkbox"/> Distressed Census Tract <input type="checkbox"/> High Vacancy Census Tract <input checked="" type="checkbox"/> Downtown <input type="checkbox"/> BID <input type="checkbox"/> Neighborhood Plan	<b>Investment</b> <b>Financial Commitment</b> (cumulative) <input checked="" type="checkbox"/> 2.5M - 10M <input checked="" type="checkbox"/> 10.1 - 17.5M <input checked="" type="checkbox"/> 17.6M - 25M	<b>Employment</b> <b>Permanent Jobs</b> (cumulative) <input checked="" type="checkbox"/> 3 - 40 <input type="checkbox"/> 41 - 80 <input type="checkbox"/> 81 - 120 <input type="checkbox"/> 121 - 180 <input type="checkbox"/> > 180
<b>Identified Priority</b> <input type="checkbox"/> Downtown Residential <input type="checkbox"/> Tax Exempt/Vacant <input type="checkbox"/> Identified Catalyst Site <input type="checkbox"/> Historic Preservation <input checked="" type="checkbox"/> Community Catalyst	<b>Community Commitment</b> <input type="checkbox"/> MWBE/DBE Participation <input type="checkbox"/> EEO Workforce Utilization <input type="checkbox"/> Inclusionary Housing <input checked="" type="checkbox"/> Regional Labor <input checked="" type="checkbox"/> City of Albany Labor <input type="checkbox"/> Apprenticeship Program	<b>Retained Jobs</b> (cumulative) <input type="checkbox"/> 3 - 40 <input type="checkbox"/> 41 - 80 <input type="checkbox"/> 81 - 120 <input type="checkbox"/> 121 - 180 <input type="checkbox"/> > 180
<b>Identified Growth Area</b> <input type="checkbox"/> Manufacturing/Distribution <input type="checkbox"/> Technology <input type="checkbox"/> Hospitality <input checked="" type="checkbox"/> Existing Cluster <input type="checkbox"/> Conversion to Residential		<b>Construction Jobs</b> (cumulative) <input checked="" type="checkbox"/> 6 - 80 <input checked="" type="checkbox"/> 81 - 160 <input type="checkbox"/> 161 - 240 <input type="checkbox"/> > 240

## XII. ESTIMATED VALUE OF INCENTIVES

### A) Property Tax Exemption:

Agency staff will complete this section with the Applicant based on information submitted by the Applicant and the City of Albany Assessor. If you are requesting an exception to the PILOT schedule that cannot be accommodated by the UTEP or the CAIDA Project Evaluation and Assistance Framework, please provide additional sheets indicating the proposed PILOT payments.

Does your project meet the definition of "large project" as defined in the Framework (\$25 Million, 15 Total Acres or Full Service Hotel)? ☒ Yes ☐ No

Current assessed full assessed value of the property **before** Project improvements:

Estimated new assessed full value of property **after** Project improvement based on letter from the City of Albany Assessor:

Estimated real property 2019 tax rate per dollar of full assessment (auto-calculated):

*\*assume 2% annual increase in tax rate*

Estimated Completed Assessed Value per Unit based on letter from the City of Albany Assessor:



PILOT Year	Existing Real Property Taxes	Estimated Real Property Taxes on Improved Value <b>Without</b> PILOT <sup>3</sup>	Estimated Total <b>Without</b> PILOT	PILOT Abatement % based on Framework schedule Abatement percentages must be entered in decimals	*Estimated PILOT Payments
1					
2					
3					
4					
5					
6					
7		SEE ATTACHED			
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
			\$ 28,845,282		\$ 10,501,440

*\*PILOT payments may not to fall short of \$675 per door or .97 per Square Foot as applicable from Framework*

Please note that after year twelve (12) of any Multi-Family Commercial PILOT, a bifurcated structure commences whereby projects shall pay the greater of: (a) scheduled pilot payments as stated by assistance schedule or (b) 11.5% of gross revenue.

Notwithstanding anything herein to the contrary, if the project consists of an **affordable housing project**, the applicant shall make annual payments in lieu of property taxes pursuant to the PILOT Agreement with respect to the project as follows: (i) An amount equal to ten percent (10%) of the shelter rents (rents, excluding the component thereof, if any, attributable to energy and utility costs paid by the applicant) payable by the tenants in connection with the housing project.

If the applicant is requesting assistance that is a deviation from the Agency's UTEP, please refer to the Agency's Project Evaluation and Assistance Framework to determine the appropriate, potential standard deviation abatement schedule: <http://albanyida.com/wp-content/uploads/2012/03/CAIDA-PILOT-Program-Board-Revised-1.pdf>

<sup>3</sup> The figures in this column assume that the Project is completed as described in the Application and without the involvement of the Agency and, therefore, subject to real property taxes. However, as provided in this Application, the Applicant has certified that it would not undertake the Project without the financial assistance granted by the Agency. Accordingly, this column is prepared solely for the purpose of determining the estimated amount of the real property tax abatement being granted by the Agency.



If the Applicant is requesting assistance that is greater than the Agency's standard UTEP deviations identified in the Project Evaluation and Assistance Framework, describe the incentives and provide a justification for this PILOT request:

**B) Sales and Use Tax Benefit:**

*Note: The figures below will be provided to the New York State Department of Taxation and Finance and represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to the application.*

Costs for goods and services that are subject to State and local sales and use tax <sup>4</sup> :	\$15,000,000
Estimated State and local sales and use tax benefit (sales tax amount multiplied by 8.0% plus additional use tax amounts):	\$1,200,000

**C) Mortgage Recording Tax Benefit:**

Mortgage amount (include construction, permanent, bridge financing or refinancing):	\$34,780,000
Estimated mortgage recording tax exemption benefit (mortgage amount multiplied by 1% ) <sup>5</sup> :	\$347,800

**D) Percentage of Project Costs Financed from Public Sector:**

Percentage of Project costs financed from public sector: 0%  
(Total B + C + D + E below / A Total Project Cost)

A. Total Project Cost:	\$39,780,000
B. Estimated Value of PILOT (auto-filled):	\$18,343,842
C. Estimated Value of Sales Tax Incentive:	\$1,200,000
D. Estimated Value of Mortgage Tax Incentive:	\$347,800
E. Total Other Public Incentives (tax credits, grants, ESD incentives, etc.):	\$0

<sup>4</sup> Sales and use tax (sales tax) is applied to: tangible personal property (unless specifically exempt); gas, electricity, refrigeration and steam, and telephone service; selected services; food and beverages sold by restaurants, taverns, and caterers; hotel occupancy; and certain admission charges and dues. For a definition of products, services, and transactions subject to sales tax see the following links:  
<https://www.tax.ny.gov/bus/st/subject.htm> and  
[https://www.tax.ny.gov/pubs\\_and\\_bulls/tg\\_bulletins/st/quick\\_reference\\_guide\\_for\\_taxable\\_and\\_exempt\\_property\\_and\\_services.htm](https://www.tax.ny.gov/pubs_and_bulls/tg_bulletins/st/quick_reference_guide_for_taxable_and_exempt_property_and_services.htm).

<sup>5</sup> The Mortgage Recording Tax in Albany County is equal to 1.25%. However, the Agency is authorized under the IDA Statute to exempt only 1.00%.

### XIII. COST BENEFIT ANALYSIS

In order for the City of Albany Industrial Development Agency (the "Agency") to prepare a Cost/Benefit Analysis for a proposed project (the "Project"), the Applicant must answer the questions contained in this Project Questionnaire (the "Questionnaire"). Such information should consist of a list and detailed description of the benefits of the Agency undertaking the Project (e.g., number of jobs created, types of jobs created, economic development in the area, community benefits (including community commitment as described in the Agency's Project Evaluation and Assistance Framework), etc.). Such information should also consist of a list and detailed description of the costs of the Agency undertaking the Project (e.g., tax revenues lost, buildings abandoned, etc.).

This Questionnaire must be completed before we can finalize the Cost/Benefit Analysis, please complete this Questionnaire and forward it to us at your earliest convenience.

#### PROJECT QUESTIONNAIRE

1. Name of Project Beneficiary ("Company"):	563 New Scotland Ave LLC	
2. Brief Identification of the Project:	188 units and +/- 15,000 sq. ft. of retail/commercial space.	
3. Estimated Amount of Project Benefits Sought:	\$ 19,891,642	
A. Amount of Bonds Sought:		\$0
B. Value of Sales Tax Exemption Sought		\$1,200,000
C. Value of Real Property Tax Exemption Sought		\$18,343,842
D. Value of Mortgage Recording Tax Exemption Sought		\$347,800
4. Likelihood of accomplishing the Project in a timely fashion (please explain):	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
We anticipate constructing the project over a 4-5 year period in three phases		

**PROJECTED PROJECT INVESTMENT**

<b>A. Land-Related Costs</b>	
1. Land acquisition	\$ 5,500,000
2. Site preparation	
3. Landscaping	
4. Utilities and infrastructure development	\$ 837,000
5. Access roads and parking development	
6. Other land-related costs (describe)	
<b>B. Building-Related Costs</b>	
1. Acquisition of existing structures	
2. Renovation of existing structures	
3. New construction costs	\$ 30,850,000
4. Electrical systems	
5. Heating, ventilation and air conditioning	
6. Plumbing	
7. Other building-related costs (describe)	
<b>C. Machinery and Equipment Costs</b>	
1. Production and process equipment	
2. Packaging equipment	
3. Warehousing equipment	
4. Installation costs for various equipment	
5. Other equipment-related costs (describe)	
<b>D. Furniture and Fixture Costs</b>	
1. Office furniture	
2. Office equipment	
3. Computers	
4. Other furniture-related costs (describe)	
<b>E. Working Capital Costs</b>	
1. Operation costs	
2. Production costs	
3. Raw materials	
4. Debt service	
5. Relocation costs	
6. Skills training	
7. Other working capital-related costs (describe)	
<b>F. Professional Service Costs</b>	
1. Architecture and engineering	\$ 435,000
2. Accounting/legal	\$ 658,000
3. Other service-related costs (describe)	
<b>G. Other Costs</b>	
1. _____	\$ 1,500,000
2. _____	
<b>H. Summary of Expenditures</b>	
1. Total Land-Related Costs	\$ 6,337,000
2. Total Building-Related Costs	\$ 30,850,000
3. Total Machinery and Equipment Costs	\$ 0
4. Total Furniture and Fixture Costs	\$ 0
5. Total Working Capital Costs	\$ 0
6. Total Professional Service Costs	\$ 1,093,000
7. Total Other Costs	\$ 1,500,000
	\$ 39,780,000



**PROJECTED NET OPERATING INCOME**

- I. Please provide projected Net Operating Income:

YEAR	Without IDA benefits	With IDA benefits
1	(\$ 37,406)	\$ 353,247
2	(\$ 28,605)	\$ 369,860
3	(\$ 19,978)	\$ 386,457
4	(\$ 11,546)	\$ 403,018
5	(\$ 3,329)	\$ 419,526

**PROJECTED CONSTRUCTION EMPLOYMENT IMPACT**

- I. Please provide estimates of total construction jobs and the total annual wages and benefits of construction jobs at the Project:

Year	Number of Construction Jobs	Total Annual Wages and Benefits	Estimated Additional NYS Income Tax
Current Year	0		
Year 1	85	\$2,125,000	\$318,750
Year 2	85	\$2,125,000	\$318,750
Year 3			
Year 4			
Year 5			

**PROJECTED PERMANENT EMPLOYMENT IMPACT**

- I. Estimates of the total number of existing permanent FTE jobs to be preserved or retained as a result of the Project are described in the tables in Section VII of the Application.
- II. Estimates of the total new permanent FTE jobs to be created at the Project are described in the tables in Section VII of the Application.
- III. Please provide estimates for the following:
- A. Creation of New Job Skills relating to permanent jobs. Please complete Schedule A.



**PROJECTED OPERATING IMPACT**

I. Please provide estimates for the impact of Project operating purchases and sales:

Additional Purchases (1 <sup>st</sup> year following project completion)	\$ 0
Additional Sales Tax Paid on Additional Purchases	\$ 0
Estimated Additional Sales (1 <sup>st</sup> full year following project completion)	\$ 100,000
Estimated Additional Sales Tax to be collected on additional sales (1 <sup>st</sup> full year following project completion)	\$ 0

II. Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes ("Pilot Payments"): If you are requesting an exception that cannot be accommodated by the auto-calculated fields, please provide additional sheets indicating the proposed PILIOT payments.

Year	Existing Real Property Taxes (Without Project)	New Pilot Payments (With IDA)	Total (Difference)
Current Year			
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			
Year 6	SEE ATTACHED		
Year 7			
Year 8			
Year 9			
Year 10			
Year 11			
Year 12			
Year 13			
Year 14			
Year 15			
Year 16			
Year 17			
Year 18			
Year 19			
Year 20			
			\$ 6,386,252

**ADDITIONAL COMMUNITY BENEFITS**

The City of Albany Industrial Development Agency is supportive of inclusionary development practices. Please indicate which of the below described community benefits (as defined in the Agency's Project Evaluation and Assistance Framework) will be provided as a result of the Project, and please provide a detailed description of such benefits, together with any other economic benefits and community benefits expected to be produced as a result of the Project (attach additional pages as needed for a complete and detailed response). Examples of these benefits include:

- |                                |                                 |
|--------------------------------|---------------------------------|
| (A) MWBE/DBE Participation;    | (L) Downtown Residential;       |
| (B) EEO;                       | (M) Tax Exempt/Vacant Property; |
| (C) Workforce Utilization;     | (N) Identified Catalyst Site;   |
| (D) Inclusionary Housing;      | (O) Historic Preservation;      |
| (E) Regional Labor;            | (P) Community Catalyst;         |
| (F) City of Albany Labor;      | (Q) Manufacturing/Distribution; |
| (G) Apprenticeship Program;    | (R) Technology;                 |
| (H) Distressed Census Tract;   | (S) Hospitality;                |
| (I) High Vacancy Census Tract; | (T) Existing Cluster; and       |
| (J) Downtown BID;              | (U) Conversion to Residential.  |
| (K) Neighborhood Plan;         |                                 |

(P) Community Catalyst  
(T) Existing Cluster  
(E) Regional Labor - Developer commits to Regional Labor for 90% of construction jobs  
(F) City of Albany Labor - Developer commits to City of Albany Labor for 15% of construction jobs  
Participation in the CDTA Universal Access Program including CTDA Bus service, CDPHP Cycle bike share service and Capital CarShare service.

**XIV. OTHER**

Is there anything else the Agency's board should know regarding this Project?

n/a


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DATED: JULY 8, 2019

### CERTIFICATION

I certify that I have prepared the responses provided in this Questionnaire and that, to the best of my knowledge; such responses are true, correct, and complete.

I understand that the foregoing information and attached documentation will be relied upon, and constitute inducement for, the Agency in providing financial assistance to the Project. I certify that I am familiar with the Project and am authorized by the Company to provide the foregoing information, and such information is true and complete to the best of my knowledge. I further agree that I will advise the Agency of any changes in such information, and will answer any further questions regarding the Project prior to the closing.

I affirm under penalty of perjury that all statements made on this application are true, accurate and complete to the best of my knowledge.

Date Signed: 9-9-19	<b>Name of Person Completing Project Questionnaire on behalf of the Company.</b>
	Name: Ryan Jankow
	Title: President/Member
	Phone Number: 518 708-6019
	Address: PO Box 1366 Guilderland, NY 12084
	Signature: 



## REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION

[redacted] (name of CEO or another authorized representative of Applicant) confirms and says that he/she is the [redacted] (title) of [563 New Scotland Ave 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. Job Listings. Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA"), as replaced by the Workforce Investment Act of 1998 (Public Law 105-220), in which the Project is located.

B. First Consideration for Employment. In accordance with Section 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 JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.

C. City Human Rights Law. The applicant has reviewed the provisions of Chapter 48, Article III of the City Code, entitled "The Omnibus Human Rights Law" and agrees to comply with such provisions to the extent that such provisions are applicable to the applicant and the Project.

D. Annual Sales Tax Filings. In accordance with Section 874(8) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant.

E. Annual Employment Reports. The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the Project site, including (1) the NYS-45 – Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return – for the quarter ending December 31 (the "NYS-45"), and (2) the US Dept. of Labor BLS 3020 Multiple Worksite report if applicable. The applicant also agrees, whenever requested by the Agency, to provide and certify or cause to be provided and certified such information concerning the participation of individuals from minority groups as employees or applicants for employment with regard to the project.

F. Local Labor Information. The applicant is aware of and understands the provisions of Part 24 of the Policy Manual of the Agency. Pursuant to Part 24 of the Policy Manual of the Agency, the applicant agrees to provide information, in form and substance satisfactory to the Agency, relating to construction activities for projects; specifically: (i) the Company's contact person responsible and accountable for providing information about the bidding for and awarding of construction contracts relative to this Application and the Project, (ii) the

nature of construction jobs created by the Project, including the number, type, and duration of construction positions; and (iii) submit to the Agency a "Construction Completion Report" listing the names and business locations of prime contractors, subcontractors, and vendors who were engaged in the construction phase of the Project.

G. Additional Fee for Low Income Housing/Tax Credit (9% only) Projects. An annual administrative fee equal to \$10,000 shall be payable annually by the applicant on each January 1 for a term equal to ten (10) years. This annual administrative fee is in addition to the standard administrative fee for Agency Straight Lease Transactions and Agency Bond Transactions and is applicable to Projects which provide for low income housing/tax credit (9% only) projects.

H. Uniform Agency Project Agreement. The applicant agrees to enter into a uniform agency project agreement with the Agency where the applicant agrees that (1) the amount of Financial Assistance to be received shall be contingent upon, and shall bear a direct relationship to the success or lack of success of such project in delivering certain described public benefits (the "Public Benefits") and (2) the Agency will be entitled to recapture some or all of the Financial Assistance granted to the applicant if (a) the project is unsuccessful in whole or in part in delivering the promised Public Benefits, (b) certain "recapture events" occur (e.g., failure to complete the Project, sale or transfer of the Project, failure to make the estimated investment, failure to maintain job employment levels and failure to make annual reporting filings with the Agency).

I. Assignment of Agency Abatements. In connection with any Agency Straight Lease Transaction or Agency Bond Transaction, the Agency may grant to the applicant certain exemptions from mortgage recording taxes, sales and use taxes and real property taxes. The applicant understands that the grant of such exemptions by the Agency is intended to benefit the applicant. Subsequently, if the applicant determines to convey the Project and, in connection with such conveyance to assign such exemptions to the purchaser, the applicant understand that any such assignment is subject to review and consent by the Agency, together with the satisfaction of any conditions that may be imposed by the Agency.

J. Post-Closing Cost Verification. The applicant agrees (1) the scope of the Project will not vary significantly from the description in the public hearing resolution for the project and (2) to deliver to the Agency within sixty (60) days following the completion date of a project an affidavit providing the total costs of the project. In the event that the amount of the total project costs described in the affidavit at the completion date exceeds the amount described in an affidavit provided by the applicant on the closing date of the project, the applicant agrees to adjust the amounts payable by the applicant to the Agency by such larger amount and to pay to the Agency such additional amounts. In the event that the amount described is less, there shall not be any adjustment to the Agency fees.

K. Representation of Financial Information. Neither this Application nor any other agreement, document, certificate, project financials, or written statement furnished to the Agency or by or on behalf of the applicant in connection with the project contemplated by this Application contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements contained herein or therein not misleading. There is no fact within the special knowledge of any of the officers of the applicant which has not been disclosed herein or in writing by them to the Agency and which materially adversely affects or in the future in their opinion may, insofar as they can now reasonably foresee, materially adversely affect the business, properties, assets or condition, financial or otherwise, of the applicant.

L. Agency Financial Assistance Required for Project. The Project would not be undertaken but for the Financial Assistance provided by the Agency or, if the Project could be undertaken without the Financial Assistance provided by the Agency, then the Project should be undertaken by the Agency for the following reasons:

The Project would not be undertaken but for the final assistance provided by the Agency.

M. Compliance with Article 18-A of the General Municipal Law: The Project, as of the date of this Application, is in substantial compliance with all provisions of Article 18-A of the General Municipal including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862; and the provisions of subdivision one of Section 862 of the General Municipal Law will not be violated if Financial Assistance is provided for the Project.

N. Compliance with Federal, State, and Local Laws. The applicant is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

O. False or Misleading Information. The applicant understands 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 exemptions claimed by reason of Agency involvement in the Project.

P. Absence of Conflicts of Interest. The applicant acknowledges that the members, officers and employees of the Agency are listed on the Agency's website. 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:

none

Q. Additional Information. Additional information regarding the requirements noted in this Application and other requirements of the Agency is included the Agency's Policy Manual which can be accessed at [www.albanyida.com](http://www.albanyida.com).

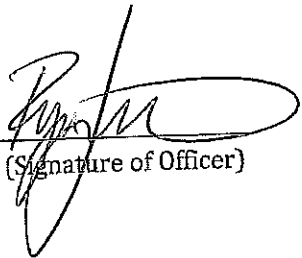
R. Onsite Visits. The applicant acknowledges that under the Agency's Policy Manual regarding monitoring and administration of projects, the Project is subject to periodic onsite visits by Agency staff.

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DATED: JULY 8, 2019

STATE OF NEW YORK        )  
                                  ) SS.:  
COUNTY OF ALBANY        )

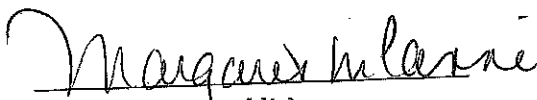
Ryan Jankow, being first duly sworn, deposes and says:

1. That I am the President/member [Corporate Office] of 563 New Scotland Ave LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the 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 9<sup>th</sup> day of Sept., 2019

  
(Notary Public)

**MARGARET M LANNI**  
Notary Public, State of New York  
No. 01LA4920641  
Qualified in Schenectady County  
Commission Expires Feb. 16, 2022



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DATED: JULY 8, 2019

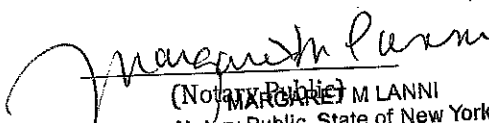
### HOLD HARMLESS AGREEMENT

Applicant hereby releases City of Albany Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as 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 (i) 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 issue of bonds requested therein are favorably acted upon by the Agency, and (ii) the Agency's financing of the Project described therein; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

(Applicant)

BY: 

Sworn to before me this  
9 day of Sept, 2019

  
(Notary Public) M LANNI  
Notary Public, State of New York  
No. 01LA4920641  
Qualified in Schenectady County  
Commission Expires Feb. 16, 2020

SCHEDULE A

## CREATION OF NEW JOB SKILLS

Please list the projected new job skills for the new permanent jobs to be created at the Project as a result of the undertaking of the Project by the Company.

[illegible]

Should you need additional space, please attach a separate sheet.

**NEW YORK STATE FINANCIAL REPORTING  
REQUIREMENTS FOR INDUSTRIAL DEVELOPMENT AGENCIES**

Be advised that the New York General Municipal Law imposes certain reporting requirements on IDAs and recipients of IDA financial assistance. Of importance to IDA Applicants is Section 859 (<https://www.nysenate.gov/legislation/laws/GMU/859>). This section requires IDAs to transmit financial statements within 90 days following the end of an Agency's fiscal year ending December 31, prepared by an independent, certified public accountant, to the New York State Comptroller, and the Commissioner of the New York State Department of Economic Development. These audited financial statements shall include supplemental schedules listing the following information:

1. All straight-lease ("sale-leaseback") transactions and whether or not they are obligations of the Agency.
2. All bonds and notes issued, outstanding or retired during the period and whether or not they are obligations of the Agency.
3. All new bond issues shall be listed and for each new bond issue, the following information is required:
  - a. Name of the Project financed with the bond proceeds.
  - b. Whether the Project occupant is a not-for-profit corporation.
  - c. Name and address of each owner of the Project.
  - d. The estimated amount of tax exemptions authorized for each Project.
  - e. The purpose for which the bond was issued.
  - f. The bond interest rate at issuance and, if variable, the range of interest rates applicable.
  - g. Bond maturity date.
  - h. Federal tax status of the bond issue.
  - i. Estimate of the number of jobs created and retained for the Project.
4. All new straight lease transactions shall be listed and for each new straight lease transaction, the following information is required:
  - a. Name of the Project.

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DATED: JULY 8, 2019

- b. Whether the Project occupant is a not-for-profit corporation.
- c. Name and address of each owner of the Project.
- d. The estimated amount of tax exemptions authorized for each Project.
- e. The purpose for which each transaction was made.
- f. Method of financial assistance utilized for each Project, other than the tax exemptions claimed by the Project.
- g. Estimate of the number of jobs created and retained for the Project.

Sign below to indicate that you have read and understood the above.

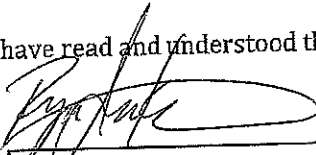
Signature:

Name:

Title:

Company:

Date:


Ryan Jankow
President / member
563 New Scotland Ave LLC
9-8-19



NSV - PHASE I																
PILOT Year	City & County Tax Year	School Tax Year	Tax Rate <sup>(4)</sup>	Status Quo		Proposed Project										
							Normal Tax			PILOT Payments to be the Greater of <sup>(11)</sup>						
				Estimated Total 2019 Assessment <sup>(5)</sup>	Estimated Total Taxes <sup>(6)</sup>	Base Assessment <sup>(7)</sup>	Estimated Total Improved Assessment <sup>(8)</sup>	Estimated Total Taxes w/o PILOT <sup>(9)</sup>	Estimated Total Taxes w/o PILOT Per Unit <sup>(10)</sup>	Estimated PILOT Payments <sup>(12)</sup>	Estimated PILOT Payments <sup>(12)</sup>	Estimated Abatement <sup>(13)</sup>	Estimated Payments Per Unit <sup>(14)</sup>	Estimated Abatement Per Unit <sup>(15)</sup>	% Abatement on Total Assessment <sup>(16)</sup>	% Abatement on Improved Assessment <sup>(17)</sup>
Construction <sup>(1)</sup>	2021	2021/2022	\$50.45	\$1,254,556	\$63,292		-	-	-	-		-	-	-	-	-
1 <sup>(2)</sup>	2022	2022/2023	\$51.46	\$1,254,556	\$64,558	\$1,254,556	\$9,636,000	\$495,859	\$9,182.57	\$107,688	Not Applicable	\$388,171	\$1,313	\$4,734	78.28%	90%
2	2023	2023/2024	\$52.49	\$1,254,556	\$65,849	\$1,254,556	\$9,636,000	\$505,776	\$9,366.22	\$109,842	Not Applicable	\$395,934	\$1,340	\$4,828	78.28%	90%
3	2024	2024/2025	\$53.54	\$1,254,556	\$67,166	\$1,254,556	\$9,636,000	\$515,892	\$9,553.55	\$112,039	Not Applicable	\$403,853	\$1,366	\$4,925	78.28%	90%
4	2025	2025/2026	\$54.61	\$1,254,556	\$68,510	\$1,254,556	\$9,636,000	\$526,209	\$9,744.62	\$114,280	Not Applicable	\$411,930	\$1,394	\$5,024	78.28%	90%
5	2026	2026/2027	\$55.70	\$1,254,556	\$69,880	\$1,254,556	\$9,636,000	\$536,734	\$9,939.51	\$116,565	Not Applicable	\$420,168	\$1,422	\$5,124	78.28%	90%
6	2027	2027/2028	\$56.81	\$1,254,556	\$71,277	\$1,254,556	\$9,636,000	\$547,468	\$10,138.30	\$118,897	Not Applicable	\$428,572	\$1,450	\$5,226	78.28%	90%
7	2028	2028/2029	\$57.95	\$1,254,556	\$72,703	\$1,254,556	\$9,636,000	\$558,418	\$10,341.07	\$121,274	Not Applicable	\$437,143	\$1,479	\$5,331	78.28%	90%
8	2029	2029/2030	\$59.11	\$1,254,556	\$74,157	\$1,254,556	\$9,636,000	\$569,586	\$10,547.89	\$123,700	Not Applicable	\$445,886	\$1,509	\$5,438	78.28%	90%
9	2030	2030/2031	\$60.29	\$1,254,556	\$75,640	\$1,254,556	\$9,636,000	\$580,978	\$10,758.85	\$126,174	Not Applicable	\$454,804	\$1,539	\$5,546	78.28%	90%
10	2031	2031/2032	\$61.50	\$1,254,556	\$77,153	\$1,254,556	\$9,636,000	\$592,597	\$10,974.02	\$128,697	Not Applicable	\$463,900	\$1,569	\$5,657	78.28%	90%
11	2032	2032/2033	\$62.73	\$1,254,556	\$78,696	\$1,254,556	\$9,636,000	\$604,449	\$11,193.50	\$157,559	Not Applicable	\$446,890	\$1,921	\$5,450	73.93%	85%
12	2033	2033/2034	\$63.98	\$1,254,556	\$80,270	\$1,254,556	\$9,636,000	\$616,538	\$11,417.37	\$187,524	Not Applicable	\$429,015	\$2,287	\$5,232	69.58%	80%
13	2034	2034/2035	\$65.26	\$1,254,556	\$81,875	\$1,254,556	\$9,636,000	\$628,869	\$11,645.72	\$245,973	11.5% of Project Gross Sales/Revenue	\$382,896	\$3,000	\$4,669	60.89%	70%
14	2035	2035/2036	\$66.57	\$1,254,556	\$83,513	\$1,254,556	\$9,636,000	\$641,446	\$11,878.64	\$278,790	11.5% of Project Gross Sales/Revenue	\$362,657	\$3,400	\$4,423	56.54%	65%
15	2036	2036/2037	\$67.90	\$1,254,556	\$85,183	\$1,254,556	\$9,636,000	\$654,275	\$12,116.21	\$284,365	11.5% of Project Gross Sales/Revenue	\$369,910	\$3,468	\$4,511	56.54%	65%
16	2037	2037/2038	\$69.26	\$1,254,556	\$86,887	\$1,254,556	\$9,636,000	\$667,361	\$12,358.53	\$319,076	11.5% of Project Gross Sales/Revenue	\$348,284	\$3,891	\$4,247	52.19%	60%
17	2038	2038/2039	\$70.64	\$1,254,556	\$88,625	\$1,254,556	\$9,636,000	\$680,708	\$12,605.70	\$355,062	11.5% of Project Gross Sales/Revenue	\$325,646	\$4,330	\$3,971	47.84%	55%
18	2039	2039/2040	\$72.06	\$1,254,556	\$90,397	\$1,254,556	\$9,636,000	\$694,322	\$12,857.82	\$392,360	11.5% of Project Gross Sales/Revenue	\$301,963	\$4,785	\$3,682	43.49%	50%
19	2040	2040/2041	\$73.50	\$1,254,556	\$92,205	\$1,254,556	\$9,636,000	\$708,209	\$13,114.97	\$431,007	11.5% of Project Gross Sales/Revenue	\$277,202	\$5,256	\$3,381	39.14%	45%
20	2041	2041/2042	\$74.97	\$1,254,556	\$94,049	\$1,254,556	\$9,636,000	\$722,373	\$13,377.27	\$471,043	11.5% of Project Gross Sales/Revenue	\$251,329	\$5,744	\$3,065	34.79%	40%
Permanent <sup>(3)</sup>	2042	2042/043	\$76.47	\$1,254,556	\$95,930	\$1,254,556	\$9,636,000	\$736,820	\$13,644.82	\$736,820		\$0			0.00%	0%
Estimated Total <sup>(18)</sup>					\$1,631,887			\$12,048,068		\$4,301,916		\$7,746,151				

NSV - PHASE II																
PILOT Year	City & County Tax Year	School Tax Year	Tax Rate <sup>(4)</sup>	Status Quo		Proposed Project										
						Base Assessment <sup>(7)</sup>	Normal Tax		PILOT Payments to be the Greater of <sup>(11)</sup>							
				Estimated Total 2019 Assessment <sup>(5)</sup>	Estimated Total Taxes <sup>(6)</sup>		Estimated Total Improved Assessment <sup>(8)</sup>	Estimated Total Taxes w/o PILOT <sup>(9)</sup>	Estimated Total Taxes w/o PILOT Per Unit <sup>(10)</sup>	Estimated PILOT Payments <sup>(12)</sup>	Estimated PILOT Payments <sup>(12)</sup>	Estimated Abatement <sup>(13)</sup>	Estimated PILOT Payments Per Unit <sup>(14)</sup>	Estimated Abatement Per Unit <sup>(15)</sup>	% Abatement on Total Assessment <sup>(16)</sup>	% Abatement on Improved Assessment <sup>(17)</sup>
Construction <sup>(1)</sup>	2023	2023/2024	\$52.49	\$285,126	\$14,966	-	-	-	-	-	-	-	-	-	-	-
1 <sup>(2)</sup>	2024	2024/2025	\$53.54	\$285,126	\$15,266	\$285,126	\$2,190,000	\$117,252	\$6,514.01	\$25,464	Not Applicable	\$91,788	\$1,415	\$5,099	78.28%	90%
2	2025	2025/2026	\$54.61	\$285,126	\$15,571	\$285,126	\$2,190,000	\$119,597	\$6,644.29	\$25,974	Not Applicable	\$93,624	\$1,443	\$5,201	78.28%	90%
3	2026	2026/2027	\$55.70	\$285,126	\$15,882	\$285,126	\$2,190,000	\$121,989	\$6,777.17	\$26,493	Not Applicable	\$95,496	\$1,472	\$5,305	78.28%	90%
4	2027	2027/2028	\$56.82	\$285,126	\$16,200	\$285,126	\$2,190,000	\$124,429	\$6,912.72	\$27,023	Not Applicable	\$97,406	\$1,501	\$5,411	78.28%	90%
5	2028	2028/2029	\$57.95	\$285,126	\$16,524	\$285,126	\$2,190,000	\$126,918	\$7,050.97	\$27,563	Not Applicable	\$99,354	\$1,531	\$5,520	78.28%	90%
6	2029	2029/2030	\$59.11	\$285,126	\$16,854	\$285,126	\$2,190,000	\$129,456	\$7,191.99	\$28,115	Not Applicable	\$101,341	\$1,562	\$5,630	78.28%	90%
7	2030	2030/2031	\$60.29	\$285,126	\$17,192	\$285,126	\$2,190,000	\$132,045	\$7,335.83	\$28,677	Not Applicable	\$103,368	\$1,593	\$5,743	78.28%	90%
8	2031	2031/2032	\$61.50	\$285,126	\$17,535	\$285,126	\$2,190,000	\$134,686	\$7,482.55	\$29,250	Not Applicable	\$105,435	\$1,625	\$5,858	78.28%	90%
9	2032	2032/2033	\$62.73	\$285,126	\$17,886	\$285,126	\$2,190,000	\$137,380	\$7,632.20	\$29,835	Not Applicable	\$107,544	\$1,658	\$5,975	78.28%	90%
10	2033	2033/2034	\$63.99	\$285,126	\$18,244	\$285,126	\$2,190,000	\$140,127	\$7,784.84	\$30,432	Not Applicable	\$109,695	\$1,691	\$6,094	78.28%	90%
11	2034	2034/2035	\$65.26	\$285,126	\$18,609	\$285,126	\$2,190,000	\$142,930	\$7,940.54	\$37,257	Not Applicable	\$105,673	\$2,070	\$5,871	73.93%	85%
12	2035	2035/2036	\$66.57	\$285,126	\$18,981	\$285,126	\$2,190,000	\$145,788	\$8,099.35	\$44,342	Not Applicable	\$101,446	\$2,463	\$5,636	69.58%	80%
13	2036	2036/2037	\$67.90	\$285,126	\$19,360	\$285,126	\$2,190,000	\$148,704	\$8,261.34	\$58,164	11.5% of Project Gross Sales/Revenue	\$90,541	\$3,231	\$5,030	60.89%	70%
14	2037	2037/2038	\$69.26	\$285,126	\$19,748	\$285,126	\$2,190,000	\$151,678	\$8,426.57	\$65,923	11.5% of Project Gross Sales/Revenue	\$85,755	\$3,662	\$4,764	56.54%	65%
15	2038	2038/2039	\$70.64	\$285,126	\$20,143	\$285,126	\$2,190,000	\$154,712	\$8,595.10	\$67,242	11.5% of Project Gross Sales/Revenue	\$87,470	\$3,736	\$4,859	56.54%	65%
16	2039	2039/2040	\$72.06	\$285,126	\$20,545	\$285,126	\$2,190,000	\$157,806	\$8,767.00	\$75,450	11.5% of Project Gross Sales/Revenue	\$82,356	\$4,192	\$4,575	52.19%	60%
17	2040	2040/2041	\$73.50	\$285,126	\$20,956	\$285,126	\$2,190,000	\$160,962	\$8,942.34	\$83,959	11.5% of Project Gross Sales/Revenue	\$77,003	\$4,664	\$4,278	47.84%	55%
18	2041	2041/2042	\$74.97	\$285,126	\$21,376	\$285,126	\$2,190,000	\$164,181	\$9,121.19	\$92,778	11.5% of Project Gross Sales/Revenue	\$71,403	\$5,154	\$3,967	43.49%	50%
19	2042	2042/2043	\$76.47	\$285,126	\$21,803	\$285,126	\$2,190,000	\$167,465	\$9,303.61	\$101,917	11.5% of Project Gross Sales/Revenue	\$65,548	\$5,662	\$3,642	39.14%	45%
20	2043	2043/2044	\$78.00	\$285,126	\$22,239	\$285,126	\$2,190,000	\$170,814	\$9,489.68	\$111,384	11.5% of Project Gross Sales/Revenue	\$59,430	\$6,188	\$3,302	34.79%	40%
Permanent <sup>(3)</sup>	2044	2044/2045	\$79.56	\$285,126	\$22,684	\$285,126	\$2,190,000	\$174,231	\$9,679.47	\$174,231		\$0			0.00%	0%
Estimated Total <sup>(18)</sup>					\$385,880			\$2,848,919		\$1,017,243		\$1,831,677				

NSV - PHASE III																
PILOT Year	City & County Tax Year	School Tax Year	Tax Rate <sup>(4)</sup>	Status Quo		Proposed Project										
						Base Assessment <sup>(7)</sup>	Normal Tax			PILOT Payments to be the Greater of <sup>(11)</sup>						
				Estimated Total 2019 Assessment <sup>(5)</sup>	Estimated Total Taxes <sup>(6)</sup>		Estimated Total Improved Assessment <sup>(8)</sup>	Estimated Total Taxes w/o PILOT <sup>(9)</sup>	Estimated Total Taxes w/o PILOT Per Unit <sup>(10)</sup>	Estimated PILOT Payments <sup>(12)</sup>	Estimated PILOT Payments <sup>(12)</sup>	Estimated Abatement <sup>(13)</sup>	Estimated PILOT Payments Per Unit <sup>(14)</sup>	Estimated Abatement Per Unit <sup>(15)</sup>	% Abatement on Total Assessment <sup>(16)</sup>	% Abatement on Improved Assessment <sup>(17)</sup>
Construction <sup>(1)</sup>	2025	2025/2026	\$54.61	\$1,311,581	\$71,625		-	-	-	-		-	-	-	-	-
1 <sup>(2)</sup>	2026	2026/2027	\$55.70	\$1,311,581	\$73,058	\$1,311,581	\$10,074,000	\$561,144	\$6,376.64	\$121,867	Not Applicable	\$439,277	\$1,385	\$4,992	78.28%	90%
2	2027	2027/2028	\$56.82	\$1,311,581	\$74,519	\$1,311,581	\$10,074,000	\$572,367	\$6,504.17	\$124,304	Not Applicable	\$448,063	\$1,413	\$5,092	78.28%	90%
3	2028	2028/2029	\$57.95	\$1,311,581	\$76,009	\$1,311,581	\$10,074,000	\$583,814	\$6,634.25	\$126,790	Not Applicable	\$457,024	\$1,441	\$5,193	78.28%	90%
4	2029	2029/2030	\$59.11	\$1,311,581	\$77,530	\$1,311,581	\$10,074,000	\$595,490	\$6,766.94	\$129,326	Not Applicable	\$466,165	\$1,470	\$5,297	78.28%	90%
5	2030	2030/2031	\$60.29	\$1,311,581	\$79,080	\$1,311,581	\$10,074,000	\$607,400	\$6,902.28	\$131,912	Not Applicable	\$475,488	\$1,499	\$5,403	78.28%	90%
6	2031	2031/2032	\$61.50	\$1,311,581	\$80,662	\$1,311,581	\$10,074,000	\$619,548	\$7,040.32	\$134,551	Not Applicable	\$484,998	\$1,529	\$5,511	78.28%	90%
7	2032	2032/2033	\$62.73	\$1,311,581	\$82,275	\$1,311,581	\$10,074,000	\$631,939	\$7,181.13	\$137,242	Not Applicable	\$494,698	\$1,560	\$5,622	78.28%	90%
8	2033	2033/2034	\$63.98	\$1,311,581	\$83,921	\$1,311,581	\$10,074,000	\$644,578	\$7,324.75	\$139,986	Not Applicable	\$504,592	\$1,591	\$5,734	78.28%	90%
9	2034	2034/2035	\$65.26	\$1,311,581	\$85,599	\$1,311,581	\$10,074,000	\$657,470	\$7,471.25	\$142,786	Not Applicable	\$514,684	\$1,623	\$5,849	78.28%	90%
10	2035	2035/2036	\$66.57	\$1,311,581	\$87,311	\$1,311,581	\$10,074,000	\$670,619	\$7,620.67	\$145,642	Not Applicable	\$524,977	\$1,655	\$5,966	78.28%	90%
11	2036	2036/2037	\$67.90	\$1,311,581	\$89,057	\$1,311,581	\$10,074,000	\$684,031	\$7,773.08	\$178,303	Not Applicable	\$505,728	\$2,026	\$5,747	73.93%	85%
12	2037	2037/2038	\$69.26	\$1,311,581	\$90,838	\$1,311,581	\$10,074,000	\$697,712	\$7,928.55	\$212,213	Not Applicable	\$485,499	\$2,412	\$5,517	69.58%	80%
13	2038	2038/2039	\$70.64	\$1,311,581	\$92,655	\$1,311,581	\$10,074,000	\$711,666	\$8,087.12	\$278,358	11.5% of Project Gross Sales/Revenue	\$433,308	\$3,163	\$4,924	60.89%	70%
14	2039	2039/2040	\$72.06	\$1,311,581	\$94,508	\$1,311,581	\$10,074,000	\$725,900	\$8,248.86	\$315,495	11.5% of Project Gross Sales/Revenue	\$410,404	\$3,585	\$4,664	56.54%	65%
15	2040	2040/2041	\$73.50	\$1,311,581	\$96,398	\$1,311,581	\$10,074,000	\$740,418	\$8,413.84	\$321,805	11.5% of Project Gross Sales/Revenue	\$418,612	\$3,657	\$4,757	56.54%	65%
16	2041	2041/2042	\$74.97	\$1,311,581	\$98,326	\$1,311,581	\$10,074,000	\$755,226	\$8,582.11	\$361,086	11.5% of Project Gross Sales/Revenue	\$394,140	\$4,103	\$4,479	52.19%	60%
17	2042	2042/2043	\$76.47	\$1,311,581	\$100,293	\$1,311,581	\$10,074,000	\$770,330	\$8,753.75	\$401,810	11.5% of Project Gross Sales/Revenue	\$368,521	\$4,566	\$4,188	47.84%	55%
18	2043	2043/2044	\$78.00	\$1,311,581	\$102,299	\$1,311,581	\$10,074,000	\$785,737	\$8,928.83	\$444,018	11.5% of Project Gross Sales/Revenue	\$341,719	\$5,046	\$3,883	43.49%	50%
19	2044	2044/2045	\$79.56	\$1,311,581	\$104,345	\$1,311,581	\$10,074,000	\$801,452	\$9,107.41	\$487,754	11.5% of Project Gross Sales/Revenue	\$313,698	\$5,543	\$3,565	39.14%	45%
20	2045	2045/2046	\$81.15	\$1,311,581	\$106,432	\$1,311,581	\$10,074,000	\$817,481	\$9,289.55	\$533,061	11.5% of Project Gross Sales/Revenue	\$284,420	\$6,058	\$3,232	34.79%	40%
Permanent <sup>(3)</sup>	2046	2046/2047	\$82.77	\$1,311,581	\$108,560	\$1,311,581	\$10,074,000	\$833,830	\$9,475.35	\$833,830		\$0			0.00%	0%
Estimated Total <sup>(18)</sup>					\$1,846,741			\$13,634,322		\$4,868,309		\$8,766,014				

**NET BENEFIT TO THE TAXING JURISDICTIONS**

	STATUS QUO			PILOT	PILOT	PILOT
	Phase I	Phase II	Phase III	Phase I	Phase II	Phase III
Year 1	\$64,558			\$107,688		
Year 2	\$65,849	\$14,966		\$109,842		
Year 3	\$67,166	\$15,266		\$112,039	\$25,464	
Year 4	\$68,510	\$15,571	\$71,625	\$114,280	\$25,974	
Year 5	\$69,880	\$15,882	\$73,058	\$116,565	\$26,493	\$121,867
Year 6	\$71,277	\$16,200	\$74,519	\$118,897	\$27,023	\$124,304
Year 7	\$72,703	\$16,524	\$76,009	\$121,274	\$27,563	\$126,790
Year 8	\$74,157	\$16,854	\$77,530	\$123,700	\$28,115	\$129,326
Year 9	\$75,640	\$17,192	\$79,080	\$126,174	\$28,677	\$131,912
Year 10	\$77,153	\$17,535	\$80,662	\$128,697	\$29,250	\$134,551
Year 11	\$78,696	\$17,886	\$82,275	\$157,559	\$29,835	\$137,242
Year 12	\$80,270	\$18,244	\$83,921	\$187,524	\$30,432	\$139,986
Year 13	\$81,875	\$18,609	\$85,599	\$245,973	\$37,257	\$142,786
Year 14	\$83,513	\$18,981	\$87,311	\$278,790	\$44,342	\$145,642
Year 15	\$85,183	\$19,360	\$89,057	\$284,365	\$58,164	\$178,303
Year 16	\$86,887	\$19,748	\$90,838	\$319,076	\$65,923	\$212,213
Year 17	\$88,625	\$20,143	\$92,655	\$355,062	\$67,242	\$278,358
Year 18	\$90,397	\$20,545	\$94,508	\$392,360	\$75,450	\$315,495
Year 19	\$92,205	\$20,956	\$96,398	\$431,007	\$83,959	\$321,805
Year 20	\$94,049	\$21,376	\$98,326	\$471,043	\$92,778	\$361,086
Year 21		\$21,803	\$100,293		\$101,917	\$401,810
Year 22		\$22,239	\$102,299		\$111,384	\$444,018
Year 23			\$104,345			\$487,754
Year 24			\$106,432			\$533,061
	TOTAL				TOTAL	
			\$3,801,216			\$10,187,467

TOTAL BENEFIT:        \$6,386,252



PROPERTY ADDRESS	SBL NO.
563 New Scotland Ave	64.81-1-56
583 New Scotland Ave	64.81-1-67
313 South Allen St	64.81-1-64
311 South Allen St	64.81-1-65
319 South Allen St	64.81-1-66
90 Onderdonk Ave	64.81-1-47
92 Onderdonk Ave	64.81-1-48
94 Onderdonk Ave	64.81-1-49
95 Onderdonk Ave	64.81-1-70
96 Onderdonk Ave	64.81-1-50
97 Onderdonk Ave	64.81-1-37
98 Onderdonk Ave	64.81-1-51
99 Onderdonk Ave	64.81-1-38
100 Onderdonk Ave	64.81-1-52
101 Onderdonk Ave	64.81-1-39
102 Onderdonk Ave	64.81-1-53
104 Onderdonk Ave	64.81-1-54
111 Onderdonk Ave	64.81-1-40
116 Onderdonk Ave	64.81-1-55
Onderdonk Ave	64.81-1-72

**New Scotland Avenue Project Employment Information - Section IV. B3, page 11:**

3 new full time permanent jobs for manager, leasing agent and property maintenance; 2 retained full time jobs and 10 new part-time jobs.

**Section VII B) Employment Plan in FTE, page 14:**

**New Jobs:**

- 1 full time manager, \$41,000-\$60,000 annual salary in year 2
- 1 full time leasing representative, \$35,000-\$50,000 annual salary in year 2
- 1 full time property maintenance worker, \$35,000 - \$50,000 annual salary in year 2
- 10 part time (5.7 FTE) retail and restaurant workers, \$15,000 - \$25,000 annual salary in year 2

**Existing Jobs:**

- 2 full time semi-skilled workers, \$35,000 - \$50,000 annual salary in year 1



CITY OF ALBANY  
DEPARTMENT OF ASSESSMENT  
24 EAGLE STREET-ROOM 302  
ALBANY, NEW YORK 12207  
TELEPHONE (518) 434-5155

KATHY SHEEHAN  
MAYOR

TREY KINGSTON  
CITY ASSESSOR

March 26, 2019

Joseph Landy  
21 Lodge Street  
Albany, New York 12207

**Re: New Scotland Avenue Project – Jankow Companies**

Dear Mr. Landy:

At your request, we have reviewed the pro-forma and other spreadsheet data provided by the Applicant with respect to the above referenced project. The following are the salient features of the project:

- 188 apartments consisting of:
  - 139 Single bedroom units at \$1,337 per month in rental income;
  - 49 Two-bedroom units at \$1,749 per month in rental income;
  - Parking for 255 vehicles; and
  - Commercial space totaling \$23,333 per month in rental income.

Based on the above and consistent with the income capitalization methodology utilized by this office for other mixed-use properties throughout the City, we are projecting the current total assessed value for the subject property, consistent with the assumption that the property was in an “as-stabilized” condition as of March 1, 2018 and its value estimate was as of July 1, 2017, to be:

**\$21,900,000**

For greater clarity, it must be noted that the above total assessed value estimate is provided under the extraordinary assumptions that the improvements are completed as of the pro-forma projected date of completion and are leased to a stabilized occupancy at projected rents at the above date of valuation corresponding to the end of the projected absorption period after the projected date of completion.

As such, all such financial information provided by the Applicant is assumed to be true, correct and reliable and the total assessed value set forth above was predicated, in large measure, based on such data. However, it should be noted that this value may not be valid in other time periods or as

conditions change. If new information of significance is brought to this office, the above total assessed value would be subject to change, consistent with such new information.

We trust that the foregoing is sufficient for the IDA's needs. If you have any questions and/or require additional clarification, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trey Kingston', with a stylized flourish at the end.

Trey Kingston, Esq.  
Assessor, City of Albany



## MEMO

**TO:** City of Albany Industrial Development Agency Finance Committee

**FROM:** Mark Opalka, CFO

**RE:** City of Albany IDA Preliminary Draft 2020 Budget

**DATE:** September 11, 2019

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Based on current projections we anticipate the ending cash balance to be \$3,306,817 at December 31, 2019.

The agency is budgeting a surplus of \$515,995 in the 2020 budget.

Revenues for the agency are budgeted to be approximately \$1,316,270 in 2020. The majority of this revenue is expected to be in the form of fee revenue which is budgeted to be approximately \$1,145,353. As in past years, the fee revenue budgeted for 2020 was determined using a weighted average formula. Project Benefit Agreement Revenue and the 9.5% LIHTC Fee remain unchanged, interest expense is budgeted to be higher due to higher average monthly cash balances in the agency's bank accounts, and revenue budgeted from the CRC agreement is budgeted to decrease by approximately \$2,046.

Expenses for the agency are budgeted to be approximately \$806,530 in 2020. All budgeted expenses are the same as their budgeted expense for 2019.

The projected ending cash balance of the IDA is projected to be \$3,822,887 based on the proposed budget. This balance represents reserve of approximately 4.73 years at the current projected level of operating expenses.

**Albany Industrial Development Agency  
2020 Proposed Budget**

	2019 APPROVED Budget	2019 YTD Actual	2019 Projected Sep- Dec	2019 Total	2019 Projected Variance to Budget	2020 PROPOSED Budget
<b>REVENUE</b>						
Fees	\$ 834,876	\$ 831,347	\$ 655,431	\$ 1,486,777	\$ 651,901	\$ 1,145,353
Project Benefit Agreement Revenue	100,000	100,000	-	100,000	-	100,000
9 % LIHTC Fee	20,000	20,000	-	20,000	-	20,000
CRC Agreement	26,527	-	26,527	26,527	-	24,481
Interest	11,595	12,037	13,857	25,894	14,299	32,689
<b>TOTAL REVENUE</b>	<b>\$ 992,998</b>	<b>\$ 963,384</b>	<b>\$ 695,815</b>	<b>\$ 1,659,199</b>	<b>\$ 666,201</b>	<b>\$ 1,322,523</b>
<b>OPERATING EXPENSES</b>						
Economic Development and Community Development Support	\$ 250,000	\$ 125,000	\$ 125,000	\$ 250,000	\$ -	\$ 250,000
Sub-Lease AHCC	75,000	20,043	54,957	75,000	-	75,000
Legal Expenses**	20,000	-	20,000	20,000	-	20,000
Professional Service Fees- Other	-	20,000	-	20,000	20,000	-
Website Maintenance	10,000	-	-	-	(10,000)	10,000
Management Contract	394,228	229,966	164,262	394,228	-	394,228
Agency Counsel	42,000	-	42,000	42,000	-	42,000
Audits	7,000	7,000	-	7,000	-	7,000
D & O Insurance	1,700	1,564	-	1,564	(136)	1,700
Miscellaneous	6,600	5,902	2,200	8,102	1,502	6,600
<b>TOTAL OPERATING EXPENSES</b>	<b>\$ 806,528</b>	<b>\$ 409,476</b>	<b>\$ 408,419</b>	<b>\$ 817,895</b>	<b>\$ 11,366</b>	<b>\$ 806,528</b>
<b>Surplus/(Deficit) Before Other Expenses</b>	<b>\$ 186,470</b>	<b>\$ 553,908</b>	<b>\$ 287,396</b>	<b>\$ 841,304</b>	<b>\$ 654,835</b>	<b>\$ 515,995</b>
<b>OTHER EXPENSES</b>						
Strategic Activities	\$ 30,000	\$ -	\$ 30,000	\$ 30,000	\$ -	
<b>TOTAL OTHER EXPENSES</b>	<b>\$ 30,000</b>	<b>\$ -</b>	<b>\$ 30,000</b>	<b>\$ 30,000</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Surplus/(Deficit)</b>	<b>\$ 156,470</b>	<b>\$ 553,908</b>	<b>\$ 257,396</b>	<b>\$ 811,304</b>	<b>\$ 654,835</b>	<b>\$ 515,995</b> <sup>(1)</sup>

<b>Closed Projects</b>	<b>Project Amount</b>	<b>2019 Fees Collected</b>
Laughlin Dawn, LLC.	\$ 51,687,400	\$ 516,874
16 Sheridan, LLC	21,553,000	107,765
Morris Place LLC	5,382,700	53,827
TRPS2 LLC	5,583,500	55,835
Mukura Inc.	13,320,000	66,600

<b>\$ 45,839,200</b>	<b>\$ 800,901</b>
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<b>2018 Estimated Project Closings</b>	<b>Estimated Project Amount</b>	<b>Estimated 2018 Fees</b>
76 North Pearl, LLC	\$ 34,543,800	\$ 172,719
191 North Pearl Street, LLC	2,826,200	28,262
705 Broadway LLC	30,415,000	304,150
theREP, LLC	9,504,400	95,044
Laughlin Dawn, LLC.	5,525,555	55,256
<b>Total</b>	<b>\$ 82,814,955</b>	<b>\$ 655,431</b>

<b>2019 Estimated Closings</b>	<b>Estimated Project Amount</b>	<b>Estimated 2019 Fees</b>
Estimated Closings	112,185,300	1,121,853
<b>Total</b>	<b>\$ 112,185,300</b>	<b>\$ 1,121,853</b>

Notes:

(1) YTD projected ending cash balance at December 31, 2020 is projected to be \$3,822,887. This represents a reserve of approximately 4.73 years at current projected operating level.