

# 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 Peto, Vice Chair  
Darius Shahinfar, Treasurer  
Lee Eck, Secretary

Dominick Calsolaro  
Robert Schofield

Sarah Reginelli, Chief Executive Officer  
Mark Opalka, Chief Financial Officer  
Marisa Franchini, Agency Counsel  
A. Joseph Scott, Special Counsel

To: Tracy Metzger  
Susan Peto  
Darius Shahinfar  
Lee Eck

Dominick Calsolaro  
Robert Schofield

CC: Sarah Reginelli  
Marisa Franchini  
Joe Scott  
Mark Opalka

Tom Conoscenti  
Andy Corcione  
Virginia Rawlins  
Tammie Fanfa

Date: August 7, 2020

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## IDA FINANCE COMMITTEE MEETING

**PLEASE NOTE THAT A PUBLIC HEARING CONCERNING THE FOLLOWING PROJECT(S) WILL BE HELD at 12:00pm on Wednesday, August 12, 2020 telephonically via Zoom.** Please refer to [albanyida.com](http://albanyida.com) for participation instructions.

**1211 Western Ave Property Associates LLC**

A Finance Committee Meeting of the City of Albany Industrial Development Agency Board of Directors will be held on **Wednesday, August 12<sup>th</sup>, 2020 at 12:15 pm** and conducted telephonically pursuant to Executive Order No. 202.1 issued by the New York State Governor's Office.

### AGENDA

#### Roll Call, Reading & Approval of the Minutes of the Finance Committee Meeting of July 8, 2020

#### Report of Chief Financial Officer

*None*

#### Unfinished Business

- A. 1211 Western Ave Property Associates, LLC
  - i. Discussion/Possible positive/negative recommendation for Approving Resolutions

#### New Business

- A. Broadway 915, LLC
  - i. Project introduction
- B. Clinton Avenue Apartments II, LLC
  - i. Project introduction

#### Other Business

- A. Agency Update
  - i. Grant Program Update
- B. Compliance Update
  - i. Oversight Body Reports

#### Adjournment

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The next regularly scheduled Finance Committee Meeting will be held Wednesday, September 9, 2020 either telephonically or 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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Dominick Calsolaro  
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Sarah Reginelli, *Chief Executive Officer*  
Mark Opalka, *Chief Financial Officer*  
Marisa Franchini, *Agency Counsel*

## IDA MINUTES OF FINANCE COMMITTEE MEETING

Wednesday, July 8, 2020

Attending: Darius Shahinfar, Tracy Metzger, Lee Eck, Dominick Calsolaro

Also Present: Susan Pedo, Robert Schofield, , Mark Opalka, Amy Lavine, Ashley Mohl, Tammie Fanfa, Andy Corcione. Mike Bohne, Virginia Rawlins, Thomas Conoscenti, Chris Canada, Nora Culhane, Ashley Mohl

Public Present: Jeffery Amengual, Elizabeth Berberien, Ariel Hai, Jacky He, Christian O'Lone

*These minutes are of a meeting conducted telephonically pursuant to Executive Order No. 202.1 issued by New York State Governor Andrew M. Cuomo, which suspended provisions of Article 7 of the Public Officers Law requiring public in-person access to public meetings and authorizing board members to participate in said meetings by conference call or similar service. Each of the members and staff present participated by conference call.*

Finance Committee Chair Darius Shahinfar called the Finance Committee meeting of the IDA to order at 12:18 p.m.

### Roll Call, Reading and Approval of Minutes of the June 10, 2020 Finance Committee Meeting

A roll call of the Committee members present was held. Chair Darius Shahinfar reported that all Committee members were present. 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 June 10, 2020. Tracy Metzger made a motion and Dominick Calsolaro seconded to accept the minutes as presented. The motion passed with all other members voting aye, minutes were accepted.

### Report of Chief Financial Officer

Staff reviewed the Quarterly financials for the organization.

### Unfinished Business

#### 1211 Western Ave Property Associates, LLC

Prior to a staff presentation on the proposed Project at 1211 Western Avenue, Chair Darius Shahinfar noted that the IDA had received public comments regarding the 1211 Western Avenue project. Staff noted the 1211 Western Avenue representatives, Jacky He, Jeffrey Amengual, Ariel Hai, Christian O'Lone were present at the meeting to answer any questions the Finance Committee may have. Staff began the presentation with a summary of the recent history of the application for the proposed Project. The 1211 Western Avenue project was initially introduced to the Finance Committee on March 11, 2020. The project initially requested approximately \$16.3 M in real property tax, sales tax and mortgage recording tax exemptions. The application sought assistance through the Project Evaluation and Assistance Framework for projects assessed at over \$100,000 per unit. Due to the

project investment exceeding \$25 M, a third party analysis was conducted. The preliminary conclusions from staff and the third party analyses did not support the assistance sought from the development team. In June 2020, the development team resubmitted their application for assistance to the IDA. The revised application requested approximately \$13.6 M in real property tax, sales tax and mortgage recording tax exemptions. The application seeks assistance for projects assessed at \$80,000 - \$89,999 per unit. The proposed Project consists of a six story, approximately 190,000 SF, mixed-use multifamily rental complex with approximately 136 residential apartments, 150 parking spaces and 1,800 SF of commercial retail space. The existing 30,000 SF vacant commercial building would be demolished in order to accommodate the development. The estimated real property tax benefits over the 18 years of requested assistance will result in status quo taxes of approximately \$570,000 versus projected PILOT payments of \$8.4 M which results in a net benefit to the taxing jurisdictions of approximately \$7.8 M. The anticipated improved assessed value is \$19.5 M, a net increase of approximately \$19.0 M. The estimated project investment is \$35.7 M. The IDA has engaged CDPRC to conduct an economic impact analysis that will evaluate the direct, indirect and induced impact of the job creation associated with the proposed project. The job analysis is currently underway and staff expect the results in the upcoming weeks. The project summary will be updated to reflect the results. The project is projected to create 4 FTEs and approximately 90 construction jobs. The project received a score of 10 through the Project Evaluation and Assistance Framework scoring process. Per the public comment received, member Darius Shahinfar raised the question of whether or not there could be decisions made based on the national origin of the project developer. Agency Counsel confirmed that was illegal per the Constitution. Member Lee Eck noted that the application included job descriptions for the FTEs that will be created which was helpful.

A motion was made by Lee Eck to enter into Executive Session to discuss proprietary financial information regarding the project and seconded by Dominick Calsolaro. The motion to enter executive session passed, with all other members voting aye. Executive Session was entered into at 12:36 p.m.

A motion to exit Executive Session was made by Tracy Metzger and seconded by Dominick Calsolaro, a vote being taken, motion passed with all other members voting aye. Executive Session ended at 12:58 p.m. No action was taken during Executive Session.

A motion was made by Tracy Metzger to recommend to the IDA Board the resolution to hold a public hearing for the 1211 Western Ave Property Associates LLC Project and seconded by Dominick Calsolaro. A vote being taken, the motion passed with all other members voting aye.

### **Other Business**

#### Agency Update

Staff noted that the agency update would be provided at the next board meeting.

### **New Business**

#### Finance Committee Charter

Staff reviewed the information regarding the charter noting this is a required annual review. A motion was made by Tracy Metzger to approve the charter and seconded by Lee Eck. A vote being taken, the motion passed with all members voting aye.

There being no further business, Chair Darius Shahinfar adjourned the meeting at 1:05 p.m.

Respectfully submitted,

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Lee Eck, Assistant Secretary

**TO:** City of Albany Industrial Development Finance Committee  
**FROM:** City of Albany Industrial Development Agency Staff  
**RE:** 1211 Western Ave Property Associates, LLC - IDA Application Summary  
**DATE:** August 7, 2020

**Applicant:** 1211 Western Ave Property Associates, LLC

*The Agency received an application for assistance in January of 2020. That application was updated and a revised request was submitted to the Agency in June of 2020. The following summary reflects the revised application and the subsequent request for assistance.*

**Managing Members (% of Ownership):** Yiping Hu (91.6%), Shihao Hu (8.4%) and Yuanliu Jacky He (voting rights only)

**Project Location:** 1211 Western Ave, Albany, NY

**Project Description:** The proposed Project includes the construction of a 6-story, +/- 190,968 SF mixed-use multi-family/ commercial retail complex containing approximately 136 residential apartment units and +/- 1,840 SF of commercial retail space on the ground floor. The project will also contain an internal parking garage for approx. 150 vehicles. An existing 30,000 SF vacant commercial office structure on site will be demolished.

**Estimated Project Real Property Benefit Summary (18 Years):**

	Status Quo Taxes (no project) Non-Homestead Rate	Project Impact (PILOT Payments)	Net Benefit
Revenue Gain to Taxing Jurisdictions	\$566,909	\$8,406,786	\$7,839,877

	Current Value	Anticipated Future Value*	Net Increase
Property Value Increase	\$497,400	\$19,500,000	\$19,002,600

*\*Project Impact Assessed Value based on letter from the City of Albany Assessor dated 12-04-19*

At the end of the PILOT period, the project is anticipated to make annual tax payments to the taxing jurisdictions of \$1,474,819 based on an assessed value of **\$19,500,000** and an annual tax rate of \$75.63.

**Estimated Investment:** \$35,735,314 (est)

**Community Benefits:** Please see the attached CAIDA Project Evaluation and Assistance Framework Staff Analysis for more detail on the Community Benefits metrics below.



- *Identified Growth Area:* The proposed project supports the creation, retention or expansion of facilities or the creation and/or retention of permanent private sector jobs in an existing City of Albany industry cluster.
- *Job Creation:* The project is committing to the creation of five (5) full-time equivalent and ninety (90) construction jobs.
- *Investment:* The project is anticipating a project cost of more than \$35 million.
- *Community Commitments:* The project has committed to including regional labor, City of Albany labor and MWBE/DBE participation.

#### **Employment Impact Analysis:**

##### **Temporary (Construction) Impact**

Impact Type	Employment	Labor Income (\$)	Value Added (\$)	Output (\$)
Direct Effect	175.38	\$14,702,062.83	\$21,532,242.08	\$26,259,686.36
Indirect Effect	20.87	\$1,315,292.93	\$2,172,505.45	\$3,638,208.48
Induced Effect	46.87	\$2,588,729.86	\$4,701,410.93	\$7,548,416.19
<b>Total Effect</b>	<b>243.12</b>	<b>\$18,606,085.63</b>	<b>\$28,406,158.46</b>	<b>\$37,446,311.03</b>

##### **Permanent (Operations) Impact**

Impact Type	Employment	Labor Income (\$)	Value Added (\$)	Output (\$)
Direct Effect	5.26	\$280,552.33	\$1,725,612.76	\$2,071,084.34
Indirect Effect	1.01	\$72,420.35	\$139,264.18	\$236,873.25
Induced Effect	1.29	\$71,336.59	\$129,410.49	\$207,798.37
<b>Total Effect</b>	<b>7.56</b>	<b>\$424,309.27</b>	<b>\$1,994,287.44</b>	<b>\$2,515,755.96</b>

*\*IMPLAN Economic Impact Analysis conducted by the Capital District Regional Planning Commission as at 7-17-2020.*

#### **Employment Impact:**

- Projected Permanent: 5 jobs
- Projected Retained: 0 jobs
- Projected Construction: 90 jobs

**Type of Financing:** Straight Lease

**Amount of Bonds Requested:** None

**Estimated Total Purchases Exempt from Sales Tax:** \$12,500,000

**Estimated Total Mortgage Amount:** not to exceed \$32,000,000 (includes both construction loan of approx. \$21 M and anticipated permanent refinance of \$10M)

**Requested PILOT:** The proposal entails the Applicant entering into a PILOT agreements with the IDA consistent with CAIDA Project Evaluation and Assistance Framework abatement percentages for projects with a improved assessed value between \$80-\$89,999 per unit. The applicant has requested the retail/commercial space associated with the project have the commercial assistance schedule applied to on a proportional scale based on square footage.

**Third Party Review:** In response to the Board's request, a third party evaluation of the appropriateness of the applicant's PILOT request has been commissioned.

Cash on cash return is a simple and straightforward method to calculate return on investments that involve long-term debt borrowing. We use this as our baseline analysis metric to keep comparisons consistent and variables limited across projects. The third-party analysis relies on the internal rate of return method due to its advantage of including the time value of money and property appreciation. Calculating the internal rate of return is more complicated because it requires the projection future of cash flows of the investment, including the sale of the investment at the end of the holding period. This analysis provides a more in-depth and project-specific measurement of anticipated return to review in conjunction with the straightforward cash-on-cash method.

**Estimated Value of Tax Exemptions:**

- NYS Sales and Compensating Use Tax: \$1,000,000
- Mortgage Recording Taxes: \$320,000
- Real Property Taxes: \$12,845,169
- Other: N/A

**Baseline Requirements:**

- Application: Complete
- Meets NYS/CAIDA Requirements: Yes
- Albany 2030 Alignment:
  - Increase job opportunities for all residents.
  - Encourage investment in urban land and buildings for employment and housing.
- Planning Approval Status: Full Planning Board approval (Conditional)
- Meets Project Use Definition: Yes
- Meets "But For" Requirement: Yes, affidavit signed.

**Cost Benefit Analysis:** See attached Exhibit A: Description of The Project Evaluation and Expected Public Benefits.

**Estimated IDA Fee**

- Fee amount: \$357,353.14

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**CAIDA Mission:**The purpose of the Industrial Development Agency is to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research and recreation facilities. The Agency aims to protect and promote the health of the inhabitants of the City of Albany by the conservation, protection and improvement of the natural and cultural or historic resources and environment and to control land, sewer, water, air, noise or general environmental pollution derived from the operation of industrial development.

**\*\*\*DRAFT - CAIDA Project Evaluation and Assistance Framework Staff Analysis**

Project:	<b>1211 Western Ave Property Associates LLC</b>		
Total Score:	<b>10</b>		
*Qualifies for a PILOT Deviation?	<b>YES</b>		
		**Qualifies for Community Commitment Enhancement?	<b>NO</b>
Total Improved Assessed Value Estimate:	\$19,500,000	Units:	137
		Improved Assessed Value per Unit Estimate:	\$142,335.77
Notes/Applicable Program Restrictions:	Unit count includes one (1) retail/commercial space of approx. 1,840 SF		

**COMMENTS**

<b>Revitalization</b>	<b>Target Geography</b>		
	Distressed Census Tract		
	High Vacancy Census Tract		
	Downtown Residential		
	BID		
	Neighborhood Plan		
	<b>Identified Priority</b>		
	Downtown Residential		
	Tax Exempt/Vacant		
	Identified Catalyst Site		
	Historic Preservation		
	Community Catalyst		
	<b>Identified Growth Area</b>		
	Manufacturing / Distribution		
	Technology		
	Hospitality		
	Existing Cluster	1	Education
	Conversion to Residential		
	<i>Subtotal</i>	<b>1</b>	
<b>Job Creation</b>	<b>Permanent Jobs</b>		
	3 - 40	1	Est. 5 FTE's created
	41-80		
	81 - 120		
	121-180		
	>180		
	<b>Retained Jobs</b>		
	3 - 40		
	41-80		
	81 - 120		
	121-180		
	>180		
	<b>Construction Jobs</b>		
	6 - 80	1	
	81 - 160	1	Est. 90 construction jobs
	161 - 240		
	> 241		
	<i>Subtotal</i>	<b>3</b>	
<b>Investment</b>	<b>Financial Commitment</b>		
	2.5M - 10M	1	
	10.1M-17.5M	1	
	17.6M-25M	1	\$35.7 M investment
	<i>Subtotal</i>	<b>3</b>	
	<b>Community Commitment</b>		
	MWBE	1	20% of the value of construction contracts will be performed by MWBE entities
	EEO Workforce Utilization		
	Inclusionary Housing		
	Regional Labor	1	90% of construction jobs will be filled by local residents
	City of Albany Labor	1	15% of construction jobs will be filled by City of Albany residents
	Apprenticeship Program		
	<i>Subtotal</i>	<b>3</b>	<i>**Must achieve subtotal of 3 and threshold of 13 to qualify for Community Commitment enhancement</i>
	<b>Total:</b>	<b>10</b>	<i>*Must achieve threshold of 10 to qualify for deviation</i>
<b>Baseline Requirements</b>	Complete Application	1	
	Meets NYS/CAIDA Requirements	1	
	Albany 2030 Aligned	1	
	Planning Approval	1	
	Meet "Project Use" definition	1	
	"But For" Requirement	1	
		<b>6</b>	

\*\*\*This analysis is prepared by staff for Board discussion purposes only. The potential scoring represented has not been vetted, agreed upon or in any way approved by the CAIDA Board of Directors

## **1211 WESTERN AVENUE PROJECT ASSISTANCE REQUEST REVIEW**

### **EXECUTIVE SUMMARY**

DMG Investments, LLC (the Developer) is seeking Project Assistance from CAIDA to implement a 136-unit multi-family rental project with 1,840 square feet of retail (the Project). For the residential component of the Project, the Developer is seeking the standard Payment In Lieu of Taxes (PILOT) schedule for projects with an assessed value per unit of \$80,000 to \$89,999. The Developer is assuming the standard commercial PILOT for the Project's retail space.

The purpose of this analysis is to evaluate for reasonableness the Developer's assumptions regarding development costs, future operations, and proposed financing as well as the reasonableness of the PILOT request. The Developer's assumptions were gathered from the Developer's Application and an excel workbook titled "1211 Western Ave\_IDA Appraisal\_New Unit Mix\_6.29.20.xlsx".

W-ZHA evaluated the Developer's development program, rental rates and pro forma. The Project's unit mix and unit sizes are consistent with Albany apartment projects that target the University market. 1211 Western Avenue is located immediately south of the University at Albany.

Given the Developer's assumptions regarding development costs and operations and the City's affordable housing requirements the Project's economics are poor. As presented in the Application and follow-up correspondence, the Project's financial returns are well below conventional real estate returns even with the PILOT schedule requested.

However, based on published asking rents of comparable projects, W-ZHA concludes that the Developer's rent assumptions are low. W-ZHA adjusted the rent assumptions to reflect what we consider to be reasonable given market dynamics. W-ZHA's "Hybrid" scenario assumes the Project is occupied by a mix of students and traditional households. W-ZHA's assumed rents are on average higher than the Developer's and lower than the average rent at Albany's student housing projects.

Under W-ZHA's "Hybrid" scenario, the Project's economics indicate that the Multi-Family \$80,000 - \$89,999 PILOT is reasonable and appropriate.



Yuanliu (Jacky) He  
Chief Executive Officer  
Direct: 646-930-0202

[jackyhe@dmginvestments.com](mailto:jackyhe@dmginvestments.com)

1211 Western Ave Property Associates LLC  
c/o DMG Investments LLC  
100 Wall St, Suite 2203  
New York, NY, 10005

June 29, 2020

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

RE: Request for IDA Assistance for 1211 Western Avenue Project (the "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 (the "CAIDA") for the consideration of financial assistance associated with the above referenced Project being developed by 1211 Western Ave Property Associates LLC (the "Project Owner").

The Project consists of the demolition of an existing office building and construction of a 6-story mixed-use, multi-family dwelling complex which will contain 136 residential apartment units, approximately 1,842 square feet of commercial space and an internal parking garage with space for 150 vehicles.

The Project Owner is hereby requesting exemptions from Sales Tax, Mortgage Tax and Real Property Tax (in accordance with the formula set forth in CAIDA's Project Evaluation & Assistance Framework) in connection with the Project. Without the requested assistance, the Project would not be feasible. After completion of the Project, the City of Albany Assessor has estimated that the property will be assessed at \$19,500,000 and, after the expiration of any Real Estate Tax exemption provided by the CAIDA, will generate significantly more school and city taxes than would the property as currently constituted. Furthermore, the assistance requested from the IDA (i) effectively reduces the capitalized development costs, thus increasing the project returns to acceptable risk-adjusted levels, (ii) alleviates the lease-up risk through real property tax exemption in the early operating years. With the assistance of the IDA, this project will transform 1211 Western Ave from a vacant office building to a vibrant stand-out residential community that will have positive fiscal and economic impact on the local community through job creation, substantial incremental real property taxes, and economic output.

On behalf of the Project Owner, thank you for your consideration and please do not hesitate to contact us if further information is needed or would be helpful. I look forward to working with the Agency on this Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jacky He', written over a horizontal line.

Yuanliu (Jacky) He

DATED: JULY 18, 2019

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

### **Application for Assistance**

Date: 6/29/2020

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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: 1211 Western Ave Property Associates LLC  
Address: 100 Wall Street, Suite 2203  
City: New York State: New York Zip: 10005  
Federal ID/EIN: 83-4503881 Website:   
Primary Contact: Ariel Hai  
Title: Authorized Representative  
Phone: (646) 930-0212 Email: arielhai@dmg-investments.com

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

Jeffrey Amengual, Ariel Hai, Joseph Manzo, Yuanliu(Jacky) He

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

NAME OF ATTORNEY: Robert M. Gach, Whiteman Osterman & Hanna, LLP

ATTORNEY'S ADDRESS: One Commerce Plaza, Albany, New York 12260

PHONE: (518) 487-7653 E-MAIL: rgach@woh.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 18, 2019

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

### SUMMARY OF PROJECT

Applicant: 1211 Western Ave Property Associates LLC

Contact Person: Ariel Hai

Phone Number: (646) 930-0212

Occupant: N/A

Project Location (include Tax Map ID): 1211 Western Ave., Albany, NY 12203 (ID:64.22-1-10)

Approximate Size of Project Site: 0.92 Acres

Description of Project: Construction of a 6-story multi-family dwelling complex containing 136 apartment units and an internal parking garage for 150 vehicles

Type of Project: ☐ Manufacturing ☐ Warehouse/Distribution  
☐ Commercial ☐ Not-For-Profit  
☒ Other-Specify mixed-use multi-family housing

Employment Impact: Existing FTE Jobs: 0  
Retained FTE Jobs: 0  
FTE Jobs Created: 5  
Construction Jobs Created: 90+

Project Cost: \$35,735,314

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:	\$1,000,000
Mortgage Recording Taxes:	\$320,000
Real Property Tax Exemptions: (auto-calculated)	\$12,344,629
Other (please specify):	

Provide estimates for the following:

Average Estimated Annual Salary of Jobs to be Created:	\$43,965
Annualized Salary Range of Jobs to be Created:	\$20,000- \$60,000
Estimated Average Annual Salary of Jobs to be Retained:	



## I. APPLICANT INFORMATION

### A) Applicant:

Name: 1211 Western Ave Property Associates LLC  
Address: 100 Wall Street, Suite 2203  
City: New York State: New York Zip: 10005  
Federal ID/EIN: 83-4503881 Website:   
Primary Contact: Ariel Hai  
Title: Authorized Representative  
Phone: (646) 930-0212 Email: arielhai@dmg-investments.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:   
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:

DATED: JULY 18, 2019

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

Name:   
Title:   
Address:   
City:  State:  Zip:   
Phone:  Email:

**D) Attorney:**

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

**E) General Contractor:**

Name:   
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
1211 Albany Multifamily LLC	Sole Member, Manager	Real Estate Development

**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
1211 Albany Multifamily LLC	Sole Member	100	100
Yiping Hu	Chairman	91.6	50
Yuanliu(Jacky) He	CEO	0	50
Shihao Hu	Member	8.4	0

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:

DATED: JULY 18, 2019

**C) Company Description:**

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

The Company, 1211 Western Ave Property Associates LLC, is a Delaware Limited Liability Company formed on April 12, 2019. The Company is affiliated with DMG Investments LLC("DMG"). DMG is a fully integrated real estate investment firm headquartered in New York City. DMG specializes in developing, investing and operating residential projects, with condo, multifamily and student housing projects in New York, New Jersey, Texas, Tennessee, Wisconsin and South Carolina. DMG is also the developer, owner and property manager of Auden Albany, a student complex located at 1385 Washington Avenue, Albany.

Existing Banking Relationship(s):

KeyBank

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.):

Construction of a 6-story multi-family dwelling complex containing 136 apartment units and an internal parking garage for 150 vehicles. The completed property will have 24/7 on-site professional management.

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 18, 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?

1211 Western Ave is a one hundred and thirty-six unit, state-of-the-art mixed-used multifamily development. Over two-hundred residents will be able to call the project home including young professionals, families, professors, and graduate students. The project will provide forty one-bedroom units, seventy-three two-bedroom units, as well as twenty-three three-bedroom units. In addition to the beautifully designed units, the project has an impressive list of curated amenities including the courtyard, roof deck, multi-functional media room, computer lounge, fitness center, parking garage, and bicycle racks. The project will also enhance the surrounding neighborhood by providing ground floor retail in the form of small groceries, convenience stores, or restaurants. The project will truly be a mixed-use multifamily development that will give back to the city of Albany and will be a place that residents will be proud to call home.

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:

DATED: JULY 18, 2019

**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 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. TBD	grocery, convenience store	100% of retail square footage
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:

One(1) building approximately 30,000 square feet in size

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

If yes, describe present use of present buildings: former business office space

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

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

If yes, describe: Sage Engineering has relocated within the region & the building is vacant/abandoned, as of Aug 2019

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:
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 within Albany NY Census Tract 4.03, which is contiguous to Albany NY Census Tracts 5.01 & 5.02. Census Tract 5.01 has a poverty rate of 27.3% and Census Tract 5.02 has a poverty rate of 21.8%, both according to the U.S. Census Bureau American Community Survey estimates for 2018.

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: VHB

Agency Contact: Mike Tucker

Date of submission: 1/17/2019

Status of submission: Approved

Final SEQRA

determination: Negative Declaration

### A) Site Characteristics:

Describe the present zoning and land use regulation: Residential

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:

One(1) 6-story building containing approximately 190, 968 square feet

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):**

		Projected FTEs			
	Current FTEs	New Year 1- 20 <sup>22</sup>	New Year 2 - 20 <sup>23</sup>	New Year 3 - 20 <sup>24</sup>	Total Year 4-20 <sup>25</sup>
Full-time	0	5	5	5	5
Part-time					
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>22</sup>	FTE in Year 2 20 <sup>23</sup>	FTE in Year 3 20 <sup>24</sup>	Total New FTE by Year 4 20 <sup>25</sup>
Professional/ Management	\$40,000-\$60,000 (est.)		1	1	1	1
Administrative	\$30,000-\$35,000 (est.)		1	1	1	1
Sales						
Services	\$25,000+ (est.)		3	3	3	3
Manufacturing						
High-Skilled						
Medium-Skilled						
Basic-Skilled						
Other (specify)						
<b>Total (auto-calculated)</b>		0	5	5	5	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	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: 90+

When does the applicant anticipate the start of construction? 2020 Q4

When does the applicant anticipate the completion of construction? 2022 Q2

What is the total value of construction contracts to be executed? \$25,625,840

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:

General contractor plans to advertise locally and to solicit bids and proposals from qualified local/regional subcontractors and suppliers to include the policy outlined by City of Albany IDA as a requirement in all contracts and purchase orders issued for the project.

Potential general contractor would have previous experiences working with City of Albany IDA and a proven track record of meeting or exceeding the regional and City of Albany labor requirements.

DATED: JULY 18, 2019

## X. PROJECT COSTS AND FINANCING

Attach additional

### A) Project Costs

Description of Cost	Amount
Land	\$2,400,000
Buildings	\$25,625,840
Machinery and Equipment Cost	
Utilities, roads and appurtenant costs	
Architects and engineering fees	\$1,400,000
Cost of Bond Issue (legal, financial and printing)	
Construction loan fees and interest (if applicable)	\$993,790
Other (specify)	\$1,169,600
Contingency(hard&soft)	\$1,043,775
Admin, Indirect Cost	\$3,102,309
TOTAL PROJECT COST (auto-calculated)	\$35,735,314

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

If yes, describe:

An estimated \$1,300,000 has been spent so far on civil engineering, architectural design, market study, traffic study & zoning attorney. Land was closed on April 19, 2020.

### B) Sources of Funds for Project Costs

Equity:

\$14,375,314

Bank Financing: (Including permanent financing after project completion)

\$32,000,000

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)

\$46,375,314

Amount of total financing requested from lending institutions:

\$32,000,000

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:

Peter Rand

Phone:

(212) 424-1816

## 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> <ul style="list-style-type: none"> <li><input type="checkbox"/> Distressed Census Tract</li> <li><input type="checkbox"/> High Vacancy Census Tract</li> <li><input type="checkbox"/> Downtown</li> <li><input type="checkbox"/> BID</li> <li><input type="checkbox"/> Neighborhood Plan</li> </ul>     | <b>Investment</b><br><b>Financial Commitment</b> (cumulative) <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 2.5M - 10M</li> <li><input checked="" type="checkbox"/> 10.1 - 17.5M</li> <li><input checked="" type="checkbox"/> 17.6M - 25M</li> </ul>                                                                                                                                                                  | <b>Employment</b><br><b>Permanent Jobs</b> (cumulative) <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 3 - 40</li> <li><input type="checkbox"/> 41 - 80</li> <li><input type="checkbox"/> 81 - 120</li> <li><input type="checkbox"/> 121 - 180</li> <li><input type="checkbox"/> &gt; 180</li> </ul> |
| <b>Identified Priority</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Downtown Residential</li> <li><input type="checkbox"/> Tax Exempt/Vacant</li> <li><input type="checkbox"/> Identified Catalyst Site</li> <li><input type="checkbox"/> Historic Preservation</li> <li><input type="checkbox"/> Community Catalyst</li> </ul>   | <b>Community Commitment</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> MWBE/DBE Participation</li> <li><input type="checkbox"/> EEO Workforce Utilization</li> <li><input type="checkbox"/> Inclusionary Housing</li> <li><input checked="" type="checkbox"/> Regional Labor</li> <li><input checked="" type="checkbox"/> City of Albany Labor</li> <li><input type="checkbox"/> Apprenticeship Program</li> </ul> | <b>Retained Jobs</b> (cumulative) <ul style="list-style-type: none"> <li><input type="checkbox"/> 3 - 40</li> <li><input type="checkbox"/> 41 - 80</li> <li><input type="checkbox"/> 81 - 120</li> <li><input type="checkbox"/> 121 - 180</li> <li><input type="checkbox"/> &gt; 180</li> </ul>                                  |
| <b>Identified Growth Area</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Manufacturing/Distribution</li> <li><input type="checkbox"/> Technology</li> <li><input type="checkbox"/> Hospitality</li> <li><input checked="" type="checkbox"/> Existing Cluster</li> <li><input type="checkbox"/> Conversion to Residential</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Construction Jobs</b> (cumulative) <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 6 - 80</li> <li><input checked="" type="checkbox"/> 81 - 160</li> <li><input type="checkbox"/> 161 - 240</li> <li><input type="checkbox"/> &gt; 240</li> </ul>                                                  |

## 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 (NOTE: this is for non-commercial residential) or the **purchase price of the property**, whichever is higher:

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:

DATED: JULY 18, 2019

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	\$ 116,275	\$828,458	\$944,733	90%	\$199,121
2	\$ 118,600	\$845,028	\$963,628	90%	\$ 203,103
3	\$ 120,972	\$861,928	\$982,900	90%	\$ 207,165
4	\$ 123,392	\$879,167	\$1,002,558	90%	\$ 211,308
5	\$ 125,860	\$896,750	\$1,022,610	90%	\$ 215,535
6	\$ 128,377	\$914,685	\$1,043,062	90%	\$ 219,845
7	\$ 130,944	\$932,979	\$1,063,923	90%	\$ 224,242
8	\$133,563	\$951,638	\$1,085,202	90%	\$ 228,727
9	\$136,235	\$970,671	\$1,106,906	90%	\$ 233,302
10	\$138,959	\$990,084	\$1,129,044	85%	\$ 287,472
11	\$141,738	\$1,009,886	\$1,151,625	80%	\$ 343,716
12	\$144,573	\$1,030,084	\$ 1,174,657	70%	\$ 453,598
13	\$147,465	\$1,050,685	\$ 1,198,150	60%	\$ 567,739
14	\$150,414	\$1,071,699	\$ 1,222,113	50%	\$ 686,264
15	\$153,422	\$1,093,133	\$ 1,246,555	45%	\$ 754,645
16	\$156,491	\$1,114,996	\$ 1,271,487	40%	\$ 825,488
17	\$159,620	\$1,137,296	\$ 1,296,916	30%	\$ 955,728
18	\$162,813	\$1,160,042	\$ 1,322,855	20%	\$ 1,090,846
19				0%	
20				0%	
			\$ 20,228,923		\$ 7,907,844

*\*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.

## COMMERCIAL WORKSHEET FOR ESTIMATED VALUE OF INCENTIVES

Current assessed full assessed value of the property **before** Project improvements or the purchase price of the property, whichever is higher:

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):

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

Based on the letter from the City of Albany Assessor,  
which abatement schedule are you requesting:

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	*Estimated PILOT Payments
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

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

*\*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.



DATED: JULY 18, 2019

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> :	\$12,500,000
Estimated State and local sales and use tax benefit (sales tax amount multiplied by 8.0% plus additional use tax amounts):	\$1,000,000

**C) Mortgage Recording Tax Benefit:**

Mortgage amount (include construction, permanent, bridge financing or refinancing):	\$32,000,000
Estimated mortgage recording tax exemption benefit (mortgage amount multiplied by 1% ) <sup>5</sup> :	\$320,000

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

Percentage of Project costs financed from public sector: 47.8  
(Total B + C + D + E below / A Total Project Cost)

A. Total Project Cost:	\$35,735,314
B. Estimated Value of PILOT (auto-filled):	\$12,344,629
C. Estimated Value of Sales Tax Incentive:	\$1,000,000
D. Estimated Value of Mortgage Tax Incentive:	\$320,000
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”):	1211 Western Ave Property Associates LLC	
2. Brief Identification of the Project:	136 unit multi-family housing facility	
3. Estimated Amount of Project Benefits Sought:	<b>\$13,664,629</b>	
A. Amount of Bonds Sought:		\$0
B. Value of Sales Tax Exemption Sought		\$1,000,000
C. Value of Real Property Tax Exemption Sought		\$12,344,629
D. Value of Mortgage Recording Tax Exemption Sought		\$320,000
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;"> Company has been working with a local general contractor and local professionals to ensure the Project will be completed for a Summer 2022 opening. </div>		

DATED: JULY 18, 2019

**PROJECTED PROJECT INVESTMENT**

<b>A. Land-Related Costs</b>	
1. Land acquisition	\$ 2,400,000
2. Site preparation	\$ 800,000
3. Landscaping	
4. Utilities and infrastructure development	
5. Access roads and parking development	\$ 48,000
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	\$ 20,275,840
4. Electrical systems	\$ 1,550,000
5. Heating, ventilation and air conditioning	\$ 1,300,000
6. Plumbing	\$ 1,700,000
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	
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)	\$ 748,000
<b>E. Working Capital Costs</b>	
1. Operation costs	\$ 600,000
2. Production costs	
3. Raw materials	
4. Debt service	\$ 993,790
5. Relocation costs	
6. Skills training	
7. Other working capital-related costs (describe)	\$ 176,309
<b>F. Professional Service Costs</b>	
1. Architecture and engineering	\$ 1,400,000
2. Accounting/legal	\$ 250,000
3. Other service-related costs (describe)	\$ 1,280,000
<b>G. Other Costs</b>	
1. Development Fee	\$ 1,169,600
2. Contingency	\$ 1,043,775
<b>H. Summary of Expenditures</b>	
1. Total Land-Related Costs	\$ 3,248,000
2. Total Building-Related Costs	\$ 24,825,840
3. Total Machinery and Equipment Costs	\$ 0
4. Total Furniture and Fixture Costs	\$ 748,000
5. Total Working Capital Costs	\$ 1,770,099
6. Total Professional Service Costs	\$ 2,930,000
7. Total Other Costs	\$ 2,213,375
	\$ 35,735,314

DATED: JULY 18, 2019

**PROJECTED NET OPERATING INCOME**

I. Please provide projected Net Operating Income:

YEAR	Without IDA benefits	With IDA benefits
1	(\$298,812)	(\$446,233)
2	(\$155,434)	(\$606,215)
3	(\$111,511)	(\$667,063)
4	(\$65,984)	(\$729,843)
5	(\$18,797)	(\$794,616)

**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	45+	\$3,199,117 (est.)	\$206,343 (est.)
Year 1	45+	\$3,199,117 (est.)	\$206,343 (est.)
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.

DATED: JULY 18, 2019

**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)	\$ 80,500
Additional Sales Tax Paid on Additional Purchases	\$ 64,400
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"): 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	\$113,995	\$113,995	\$0
Year 1	\$ 116,275	\$199,121	\$82,846
Year 2	\$ 118,600	\$ 203,103	\$84,503
Year 3	\$ 120,972	\$ 207,165	\$86,193
Year 4	\$ 123,392	\$ 211,308	\$87,917
Year 5	\$ 125,860	\$ 215,535	\$89,675
Year 6	\$ 128,377	\$ 219,845	\$91,468
Year 7	\$ 130,944	\$ 224,242	\$93,298
Year 8	\$133,563	\$ 228,727	\$95,164
Year 9	\$136,235	\$ 233,302	\$97,067
Year 10	\$138,959	\$ 287,472	\$148,513
Year 11	\$141,738	\$ 343,716	\$201,977
Year 12	\$144,573	\$ 453,598	\$309,025
Year 13	\$147,465	\$ 567,739	\$420,274
Year 14	\$150,414	\$ 686,264	\$535,850
Year 15	\$153,422	\$ 754,645	\$601,223
Year 16	\$156,491	\$ 825,488	\$668,998
Year 17	\$159,620	\$ 955,728	\$796,107
Year 18	\$162,813	\$ 1,090,846	\$928,033
Year 19			
Year 20			
			\$ 5,418,130

**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;         |                                 |

1211 Western Ave is a one hundred and thirty-six unit, state-of-the-art mixed-used multifamily development. Over two-hundred residents will be able to call the project home including young professionals, families, professors, and graduate students. The project will provide forty one-bedroom units, seventy-three two-bedroom units, as well as twenty-three three-bedroom units. In addition to the beautifully designed units, the project has an impressive list of curated amenities including the courtyard, roof deck, multi-functional media room, computer lounge, fitness center, parking garage, and bicycle racks. The project will also enhance the surrounding neighborhood by providing ground floor retail in the form of small groceries, convenience stores, or restaurants. The project will truly be a mixed-use multifamily development that will give back to the city of Albany and will be a place that residents will be proud to call home.

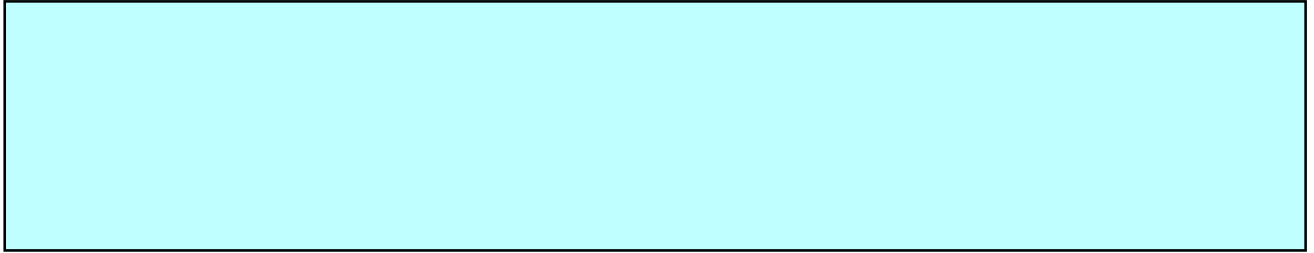
It is anticipated the Project will provide the following community benefits:

- (A) MWBE/DBE Participation;  
(E) Regional Labor;  
(F) City of Albany Labor;  
(T) Existing Cluster.

DATED: JULY 18, 2019

#### **XIV. OTHER**

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




DATED: JULY 18, 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: <u>06/23/2020</u>	<b>Name of Person Completing Project</b>
	<b>Questionnaire on behalf of the Company.</b>
	Name: <u>Yuanliu He</u>
	Title: <u>Authorized Signatory</u>
	Phone Number: <u></u>
	Address: <u></u>
	Signature: <u></u>



## REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION

[Yuanliu He] (name of CEO or another authorized representative of Applicant) confirms and says that he/she is the [authorized sign-] (title) of [1211 Western Ave Prop-] (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:

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.

DRAFT FOR DISCUSSION PURPOSES ONLY  
DATED: JULY 8, 2019

STATE OF ~~NEW YORK~~ <sup>Nevada</sup> )  
COUNTY OF ~~ALBANY~~ <sup>Clark</sup> ) SS.:  
 )

Yuan Liu He, being first duly sworn, deposes and says: Property Associates LLC  
CEO

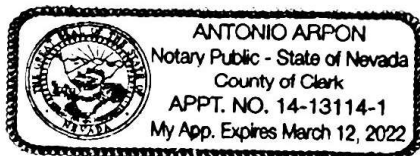
1. That I am the Yuan Liu He (Corporate Office) of 1211 Western Ave (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate, and complete.

  
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury.

This 22<sup>nd</sup> day of January, 2020

  
(Notary Public)



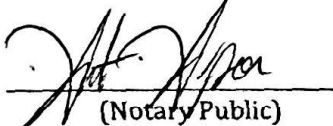
HOLD HARMLESS AGREEMENT

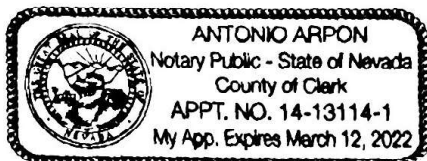
Applicant hereby releases City of Albany Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless 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: 

State of Nevada  
County of Clark  
Sworn to before me this  
22 day of Jan, 2020

  
(Notary Public)



DATED: JULY 18, 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 18, 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:

Yuanliu He

Title:

Authorized Signatory

Company:

1211 Western Ave Property Associates LLC

Date:

06/23/2020



**Exhibit "A"**

(Site Map of Project Site)



**Exhibit "B"**

(Photograph of Existing Building)





## **Exhibit “C”**

(Detailed Descriptions of Employment)

### **Property Manager Job Description**

Job Description: The goal of a rental property manager in a growing company is such to be willing to give support in the day to day operations of handling tenant concerns, owner's inquiries, handling and scheduling of respected trades and providing support to the General Manager as needed. In addition key importance is to ensure suitable tenants are selected as properties become available meaning responsibilities in efficient and effective leasing of units is of great importance to all levels within the organization. A rental property manager is on call regularly to receive inquiries as they may arise and address repairs as needed prioritizing those that are deemed of emergency as such.

The role in this field encompasses many skill sets but some keys items that are taken into consideration are as follows;

#### Office Duties:

Maintain general email accounts Answer phones, messages, general information Mail, outgoing and incoming Data Entry - QuickBooks (we will train) Prepare Leases and Tenancy Documentation Collect and process rent cheques Schedule work orders and repair Prepare bank deposits Maintain unit owner financial records Filing Posting rental advertisements General office administration General customer service

#### Property Management Duties:

Select unit showings, Inspections, Promotion of Services, Liaise with trades for unit repairs, Move in / Move out inspections, Tenancy Application approvals, Assist in the Management of the General Managers Rental Portfolio Requirements: Skills Required:

Proficient in using the Internet, MS Outlook, Microsoft Word and Excel Ability to learn new database software on an ongoing basis as systems change Customer service and client relations Office organization and time management Organizational skills Must be able to multi-task Excellent Communication skills in English, other languages would be an asset

For travel requirements individual must:

Own a reliable vehicle and possess a clean and valid driver's license

### **Leasing Manager Job Description**

Responsibilities of the Leasing Manager include the following, which are subject to change or adjustment:

#### Leasing:

- Monitor and report building vacancy levels to management.
- Monitor lease expirations and proactively contact existing tenants for renewals or extensions.
- Assist with prospective tenant showings at properties throughout New England, as needed.
- Assist SVP in lease negotiations.
- Provide administrative support to SVP.

- Coordinate, negotiate and track first & subsequent lease drafts from LOI to execution.
- Develop tenant concept plans with architect.
- Coordinate tenant construction pricing with WCM and develop lease work letters.
- Draft Letters of Intent.
- Act as liaison between tenants, in-house personnel, outside counsel, consultants and brokers to negotiate, prepare and review leases and related documents, amendments, renewals, extensions, licenses, terminations, subleases, lessor consents, right-of-first-offer & right-of-first-refusal notices, cell tower agreements, etc
- . Oversee internal lease review process.
- Coordinate with finance to provide ownership model updates
- . Maintain a tracking database of all portfolio leasing matters.

**Marketing:** • Work with architects to maintain updated leasing plans for company database; ensure square footages are consistent with MRI. • Maintain database of current marketing materials (e.g. leasing brochures). • Update company website and outside listing services with current leasing-related information. • Negotiate, draft, and maintain brokerage listing agreements. • Assist in developing property specific marketing programs as needed. • Assist in maintaining company's Facebook page and other social media outlets.

**Acquisitions:** • Coordinate preparation of purchase & sales agreements with outside counsel. • Facilitate comments on agreements between parties and arrange for revisions as necessary. • Oversee execution and distribution of P&S agreements and related documents. • Prepare property purchase checklists and monitor for completion of items. • Review agreements for critical dates and contingencies, and calendar and track same. • Prepare and review due diligence contracts. • Assist in due diligence process & review. • Review title and exceptions, judgments or tax liens with outside counsel. • Coordinate contractual insurance requirements for due diligence access. • Coordinate closing with outside counsel.

**Job Prerequisites** • Demonstrated strong writing, oral and presentation skills. • Proficiency with Microsoft WORD, Excel, Outlook; MRI knowledge a plus. • Bachelor's degree and/or minimum six to eight years experience in commercial real estate, commercial leasing or commercial real estate legal.

### **Maintenance Worker Job Description**

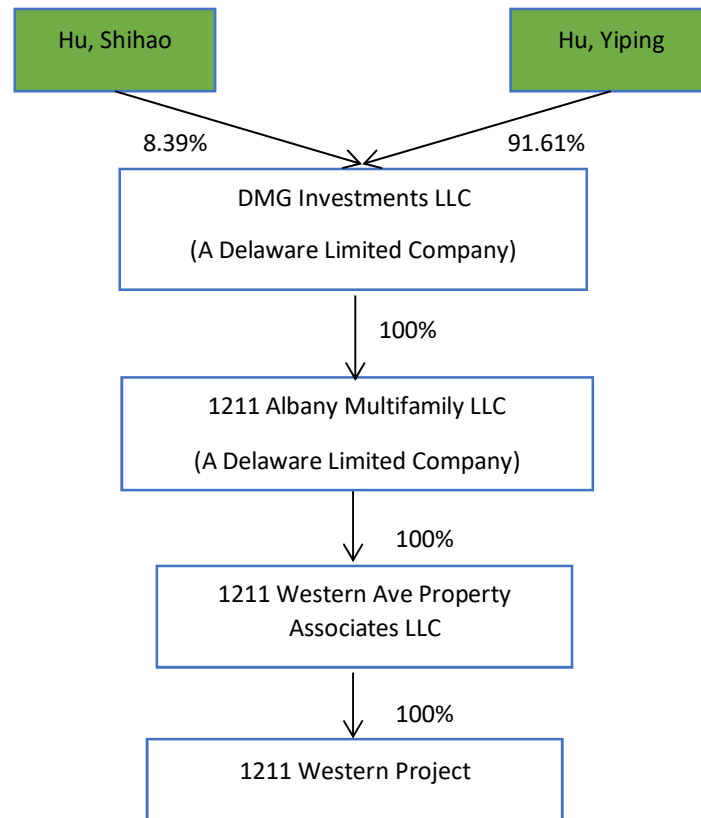
Responsibilities of the maintenance worker are commensurate with those of a typical maintenance worker in the apartment rental field.

### **Housekeeper Job Description**

Responsibilities of the housekeeper are commensurate with those of a typical housekeeper in the apartment rental field.

**Exhibit “D”**

(Company Organizational Chart)







## EXHIBIT A

### DESCRIPTION OF THE PROJECT EVALUATION AND EXPECTED PUBLIC BENEFITS

#### 1211 WESTERN AVE PROPERTY ASSOCIATES, LLC PROJECT

Pursuant to the City of Albany Industrial Development Agency's (the "Agency") Uniform Criteria for the Evaluation of Projects Policy, the following general uniform criteria were utilized by the "Agency" to evaluate and select the project for which the Agency can provide financial assistance. In the discussions had between the Project Beneficiary and the Agency with respect to the Project Beneficiary's request for Financial Assistance from the Agency with respect to the Project, the Project Beneficiary has represented to the Agency that the Project is expected to provide the following benefits to the Agency and/or to the residents of City of Albany, Albany County, New York (the "Public Benefits"):

Description of Evaluation Criteria/Benefit		Applicable to Project (indicate Yes or No)		Criteria Assessment/ Expected Benefit
1.	Retention of direct and indirect existing jobs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Project will increase the level of activity in the Upper Western Ave Corridor, thereby promoting the retention of existing jobs.</p> <p>The Company expects that the Project will result in the retention and creation of employment in the retail, restaurant, entertainment, service, education and office operations located in the surrounding area.</p>
2.	Creation of direct and indirect new permanent jobs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Project will increase the level of activity in the Upper Western Ave Corridor, thereby promoting the creation of new permanent jobs.</p> <p>The Project will create 5 new full time equivalent jobs.</p> <p>The Company expects that the Project will result in the retention and creation of employment in the retail, restaurant, entertainment, service, education and office operations located in the surrounding area.</p>

3.	Estimated value of tax exemptions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>The exemptions have been weighed against the cumulative benefits of the Project.</p> <p>NYS Sales and Compensating Use Tax Exemption: \$1,000,000  Mortgage Recording Tax Exemption: \$320,000  Real Property Tax Exemption: \$12,845,169</p>
4.	Private sector investment	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Project applicant expects to invest over \$35.7 million of private investment in the Project.</p>
5.	Likelihood of Project being accomplished in a timely fashion	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>High likelihood that Project will be accomplished in a timely fashion.</p> <p>The Project has received conditional Planning Board approval.</p> <p>The Applicant closed on the purchase of the property in April 2020.</p>
6.	Extent of new revenue provided to local taxing jurisdictions.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Project will result in new revenue to local taxing jurisdictions under the proposed PILOT program through the City of Albany IDA.</p> <p>Project will result in an increase in assessed value from the current total assessment: \$497,400 (Per City of Albany Commissioner of Assessment and Taxation 2019 Assessment Roll) to the estimated improved total assessment: \$19,500,000 (Per City of Albany Commissioner of Assessment and Taxation).</p>

7.	Other:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>The Project will develop an underutilized property and create approximately 5 FTEs.</p> <p>The Project will increase the consumer base to support local businesses and employers.</p> <p>The Project has committed that 20% of the value of construction contracts will be performed by MWBE entities.</p> <p>The Project has committed that 90% of construction jobs will be filled by local residents.</p> <p>The Project has committed that 15% of construction jobs will be filled by City of Albany residents.</p> <p>The Project meets the intent and furthers the implementation of the following City of Albany strategic initiatives: Albany 2030.</p>
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Broadway 915, LLC  
54 State Street, Suite 800  
Albany, New York 12207

Mark L. Aronowitz  
[mlaronowitz@gmail.com](mailto:mlaronowitz@gmail.com)

Tel: (518-694-4720)

July 17, 2020

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

Dear Ms. Metzger:

Attached is a revised 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 development of a multi-family residential project at 745 Broadway.

The Applicant proposes to construct a five-story building consisting of approximately 80 residential apartment units, 6,900 square feet of amenities and service space on the first floor and approximately 90 parking spaces, 30 of which will be indoors.

Due to Covid-19 and the resulting economic impacts we have had to rethink our project and its viability. We have come to the conclusion that retail space will not be a viable option for many years so we have replaced that space with additional resident amenities and indoor parking. This change resulted in a small decrease in construction costs but an approximately \$90,000 decrease in income. However, we expect the new amenities and indoor parking will assist in the renting of the units, which allows us to keep the same vacancy projections as included in the original application.

We also feel the economic fall-out from the pandemic will negatively impact our ability to maintain our proposed rent schedule so the rents for the market rate units have been decreased in our Pro Forma from an average of \$2.10 to \$2.017 per square foot resulting in a \$70,000 reduction of income. Lastly, the parameters for the affordable units, mandated by the City's Zoning Code, finally came out and they are much more restrictive than previously believed. This resulted in an additional \$35,000 reduction in income.

Without the Agency's financial assistance this project is not viable. Therefore, as detailed in the Application, the Applicant requests exemption from mortgage recording taxes as well as New York State sales and use taxes relating to the construction and fit up of the project. In addition, due to the previously cited impacts from Covid 19, the Applicant seeks the following deviations from the Standard CAIDA PILOT Framework:

- 20-year PILOT Agreement based upon the abatement schedule for units assessed at \$100,000+.
- Utilization of the current property assessment of \$510,000 as the Base Assessment for the duration of the PILOT Agreement.

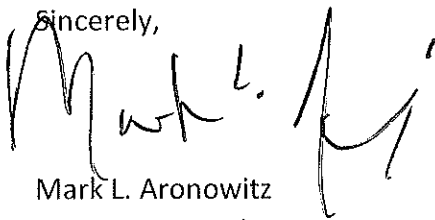
We believe the project will satisfy 10 of the Community Benefit Metrics outlined in the IDA's Project Evaluation and Assistance Framework: (i) High Vacancy Census Tract (ii) Downtown (iii) Neighborhood Plan (iv) Downtown Residential (v – vii) Financial Commitment (viii) Regional Labor and (ix - x) Estimated 140 Construction Jobs.

The project will be located on an existing vacant parcel that is currently being used as a parking lot in the heart of the Clinton Square neighborhood. The Applicant seeks to expand on the transformative developments already under way in Clinton Square by creating additional walkable mixed income residential opportunities.

The project will generate additional tax revenue for the City of Albany and the Albany School District while the construction of additional residential housing will have a positive impact on jobs and business in the surrounding area. The Applicant is requesting assistance from the Agency in order to provide the City of Albany with new housing opportunities which are consistent with existing zoning and the trend towards urban living.

Please do not hesitate to contact me should you have any questions or need additional information. We look forward to working with the Agency on this project. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark L. Aronowitz', with a stylized flourish at the end.

Mark L. Aronowitz  
Managing Member  
Broadway 915, LLC

## City of Albany Industrial Development Agency

### Application for Assistance

Date: 07/15/20

-----  
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: Broadway 915, LLC  
Address: 54 State St. Suite 800  
City: Albany State: NY Zip: 12207  
Federal ID/EIN: 01-0810003 Website:  
Primary Contact: Mark Aronowitz  
Title: Managing Member  
Phone: (518) 694-4720 Email: mlaronowitz@gmail.com

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

Mark Aronowitz

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

NAME OF ATTORNEY: Debra Lambek

ATTORNEY'S ADDRESS: 302 WASHINGTON AVE EXT. 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.



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

### SUMMARY OF PROJECT

Applicant: Broadway 915, LLC

Contact Person: Mark Aronowitz

Phone Number: (518) 694-4720

Occupant: N/A

Project Location (include Tax Map ID): 745 Broadway 65.83-1-28

Approximate Size of Project Site: 1.38 Acres

Description of Project: Construction of a five-story multi-family building consisting of approximately 80 apartments, approximately 6,900 sf of first floor amenities/service areas and approximately 90 parking spaces, including 30 interior spaces.

Type of Project:

<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Warehouse/Distribution
<input type="checkbox"/> Commercial	<input type="checkbox"/> Not-For-Profit
<input checked="" type="checkbox"/> Other-Specify Multi-Family	

Employment Impact:

Existing FTE Jobs:	N/A
Retained FTE Jobs:	N/A
FTE Jobs Created:	1 ESTIMATED
Construction Jobs Created:	140 ESTIMATED

Project Cost: \$22,700,000

Type of Financing:

<input type="checkbox"/> Tax-Exempt	<input type="checkbox"/> Taxable	<input checked="" type="checkbox"/> Straight Lease
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Amount of Bonds Requested: \$0

Estimated Value of Tax-Exemptions:

N.Y.S. Sales and Compensating Use Tax:	\$524,800
Mortgage Recording Taxes:	\$170,025
Real Property Tax Exemptions: (auto-calculated)	\$5,440,473
Other (please specify):	

Provide estimates for the following:

Average Estimated Annual Salary of Jobs to be Created:	\$38,000
Annualized Salary Range of Jobs to be Created:	\$35k-\$45k
Estimated Average Annual Salary of Jobs to be Retained:	\$0

## I. APPLICANT INFORMATION

### A) Applicant:

Name: Broadway 915, LLC  
Address: 54 State St. Suite 800  
City: Albany State: NY Zip: 12207  
Federal ID/EIN: 01-0810003 Website:   
Primary Contact: Mark Aronowitz  
Title: Managing Member  
Phone: (518) 694-4720 Email: mlaronowitz@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: Applicant  
Title:  
Address:  
City: State: Zip:  
Phone: Email:

**D) Attorney:**

Name: LAMBEK LAW  
Firm Name: DEBRA LAMBEK  
Address: 302 WASHINGTON AVE EXT.  
City: ALBANY State: NY Zip: 12203  
Phone: (518) 491-1628 Email: DLAMBEK@LAMBEKLAW.CO

**E) General Contractor:**

Name: BRENT KOSOC  
Firm Name: BBL CONSTRUCTION SERVICES  
Address: 302 WASHINGTON AVE EXT.  
City: ALBANY State: NY Zip: 12203  
Phone: (518) 452-8200 Email: BKOSOC@BBLINC.COM



## 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
Mark Aronowitz	Managing Member	Real Estate
Norman Nichols	Managing Member	Banking

#### **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
Mark Aronowitz	Managing Member	50%	50%
Norman Nichols	Managing Member	50%	50%

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:

Broadway 915, LLC is a single purpose entity which previously owned 915 Broadway a 30,000 +/- sf office building in Albany's Warehouse District. Upon sale of the office building the entity purchased 745 Broadway, which is currently operated as a parking lot.

Mr Aronowitz has 40 years experience in real estate development, financing and property management.

Mr Nichols has 35 years experience in financing of commercial and multi-family real estate.

Existing Banking Relationship(s): Community Bank, Key Bank, M&T Bank and Berkshire 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.):

Construction of a five-story multi-family building consisting of approximately 80 apartments, approximately 6,900 sf of first floor amenities/service areas and approximately 90 parking spaces, including 30 interior spaces.

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 PROJECT INCLUDES THE NEW CONSTRUCTION AND FIT-UP OF A FIVE-STORY MULTI-FAMILY BUILDING WITH A GROSS BUILDING AREA OF APPROXIMATELY 99,535 +/- SQUARE FEET ON A 1.38 ACRE PARCEL THAT IS CURRENTLY BEING USED AS A PARKING LOT. THE BUILDING WILL CONTAIN APPROXIMATELY 80 APARTMENTS, 30 INTERIOR PARKING SPACES AND 6,900 +/- SQUARE FEET ON THE FIRST FLOOR (RENTAL OFFICE, SERVICE ROOMS AND RESIDENT AMENITIES). EQUIPMENT PURCHASES/LEASES SHALL INCLUDE THOSE ITEMS INCIDENTAL TO THE CONSTRUCTION AND MANAGEMENT OF A MULTI-FAMILY APARTMENT PROJECT INCLUDING BUT NOT LIMITED TO PLUMBING, ELECTRICAL, HVAC, ELEVATORS, SPRINKLERS, TELECOMMUNICATION SYSTEMS, APPLIANCES, MAINTENANCE EQUIPMENT ETC. IT IS ANTICIPATED THAT CONSTRUCTION WILL START IN SPRING/SUMMER OF 2021 AND BE COMPLETED WITHIN 22 MONTHS.

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:

**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 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. N/A		
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:

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:

Located in census tract 11 which is contiguous to census tract 25

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: Bradley Glass

Date of submission: 10/07/2019

Status of submission: APPROVED

Final SEQRA

determination: January 28, 2020

### A) Site Characteristics:

Describe the present zoning and land use regulation: MU-CU Mixed Use Community Urban

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:

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:

One building of approximately 99,535 +/- Gross Square Feet

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):

		Projected FTEs			
	Current FTEs	New Year 1- 20 <sup>23</sup>	New Year 2 – 20 <sup>24</sup>	New Year 3 – 20 <sup>25</sup>	Total Year 4-20 <sup>26</sup>
Full-time		1	1	1	1
Part-time		1	1	1	1
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>23</sup>	FTE in Year 2 20 <sup>24</sup>	FTE in Year 3 20 <sup>25</sup>	Total New FTE by Year 4 20 <sup>26</sup>
Professional/ Management						
Administrative						
Sales	\$25,000 estimate	0	1/2	1/3	1/3	1/3
Services		0				
Manufacturing						
High-Skilled						
Medium-Skilled						
Basic-Skilled						
Other (specify)						
Maintenance	\$40,000 estimate	0	1	1	1	1
Total (auto-calculated)		0	1 1/2	1 1/3	1 1/3	1 1/3

<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	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: 140 estimate

When does the applicant anticipate the start of construction? Spring/Summer 2021

When does the applicant anticipate the completion of construction? Fall 2022

What is the total value of construction contracts to be executed? \$16,400,000

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:

The General Contractor will send out multiple BID Packages to Regional and/or City of Albany sub-contractors, including MWBE/DBE sub-contractors. All BID Packages will ask sub-contractors, to the best of their ability, to staff the project with Regional Labor with a priority to City of Albany residents.

## X. PROJECT COSTS AND FINANCING

Attach additional

### A) Project Costs

Description of Cost	Amount
Land	\$1,400,000
Buildings	\$14,950,000
Machinery and Equipment Cost	
Utilities, roads and appurtenant costs	\$1,350,000
Architects and engineering fees	\$492,000
Cost of Bond Issue (legal, financial and printing)	
Construction loan fees and interest (if applicable)	\$1,000,500
Other (specify)	
Soft Costs	\$3,407,500
FF&E	\$100,000
<b>TOTAL PROJECT COST</b>	<b>\$22,700,000</b>

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

If yes, describe:

Approximately \$1,500,000 for due diligence, land purchase, closing costs and architect and engineer fees.

### B) Sources of Funds for Project Costs

Equity:

\$5,675,000

Bank Financing:

\$17,025,000

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

Public Funds Total

\$0

Additional sheets may be attached, as necessary.

TOTAL:

\$0

Amount of total financing requested from lending institutions:

\$17,025,000

Amount of total financing related to existing debt refinancing:

\$900,000

Has a commitment for financing been received?

☐ Yes ☒ No

If yes:

Lending Institution: Pending

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 : 05/26/2020                                       |                                                                      |                                                                 |

### Community Benefit Metrics (Must Achieve 10)

- |                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Revitalization</b><br><b>Target Geography</b><br><input 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 (cumulative)</b><br><input checked="" type="checkbox"/> 2.5M - 10M<br><input checked="" type="checkbox"/> 10.1 - 17.5M<br><input checked="" type="checkbox"/> 17.6M - 25M                                                                                                                          | <b>Employment</b><br><b>Permanent Jobs (cumulative)</b><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 checked="" type="checkbox"/> Downtown Residential<br><input 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 type="checkbox"/> City of Albany Labor<br><input type="checkbox"/> Apprenticeship Program | <b>Retained Jobs (cumulative)</b><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 type="checkbox"/> Existing Cluster<br><input type="checkbox"/> Conversion to Residential                                         |                                                                                                                                                                                                                                                                                                                                                 | <b>Construction Jobs (cumulative)</b><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 or the **purchase price of the property**, whichever is higher:

\$510,000

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

\$6,230,000

Estimated real property 2019 tax rate per dollar of full assessment (auto-calculated): \$47.96

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

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

\$70,000-\$79,999

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	\$ 27,009	\$302,931	\$329,931	90%	\$57,301
2	\$ 27,549	\$308,994	\$336,529	90%	\$ 58,447
3	\$ 28,100	\$315,172	\$343,260	90%	\$ 59,616
4	\$ 28,662	\$321,464	\$350,125	90%	\$ 60,808
5	\$ 29,235	\$327,870	\$357,128	90%	\$ 62,024
6	\$ 29,820	\$334,448	\$364,270	90%	\$ 63,265
7	\$ 30,416	\$341,141	\$371,556	90%	\$ 64,530
8	\$31,025	\$347,948	\$378,987	90%	\$ 65,821
9	\$31,645	\$354,926	\$386,567	90%	\$ 67,137
10	\$32,278	\$362,019	\$394,298	90%	\$ 68,480
11	\$32,924	\$369,283	\$402,184	85%	\$ 88,313
12	\$33,582	\$376,662	\$ 410,228	80%	\$ 108,911
13	\$34,254	\$384,155	\$ 418,432	70%	\$ 149,507
14	\$34,939	\$391,877	\$ 426,801	65%	\$ 172,090
15	\$35,638	\$399,714	\$ 435,337	65%	\$ 175,532
16	\$36,350	\$407,722	\$ 444,043	60%	\$ 199,428
17	\$37,077	\$415,844	\$ 452,924	55%	\$ 224,208
18	\$37,819	\$424,138	\$ 461,983	50%	\$ 249,901
19	\$38,575	\$432,661	\$ 471,222	45%	\$ 276,531
20	\$39,347	\$441,298	\$ 480,647	40%	\$ 304,127
			\$ 8,016,451		\$ 2,575,978

\*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:

Applicant is requesting that the base assessment for the duration of the PILOT Agreement be set at the current property assessment of \$510,000 instead of the \$1,400,000 purchase price. Applicant also requests the Abatement Schedule be consistent with the schedule for Assessed Value per Unit of \$100,000+.

Note from years 13 - 20 the estimated PILOT Payment will be the higher of 11.5% of Gross Revenue or the scheduled PILOT Payments based upon the above

The deviation from the Standard CAIDA Framework is necessary because the average rate of return on investment without the deviation is unacceptable given the risk associated with the project. The applicant will not be able to attract investors at such low returns which will make the project unfeasible.

The requested deviation boosts the average return for the 20 year PILOT to approximately 7.5% which is viable.

### 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>:

\$6,560,000

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

\$524,800

### C) Mortgage Recording Tax Benefit:

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

\$17,025,000

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

\$170,250

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

Percentage of Project costs financed from public sector: 27%  
(Total B + C + D + E below / A Total Project Cost)

A. Total Project Cost:

\$22,700,000

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

\$5,440,473

C. Estimated Value of Sales Tax Incentive:

\$524,800

D. Estimated Value of Mortgage Tax Incentive:

\$170,025

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"):	Broadway 915, LLC	
2. Brief Identification of the Project:	Construction of a five story multi-family building.	
3. Estimated Amount of Project Benefits Sought:	\$ 6,135,298	
A. Amount of Bonds Sought:	\$0	
B. Value of Sales Tax Exemption Sought	\$524,800	
C. Value of Real Property Tax Exemption Sought	\$5,440,473	
D. Value of Mortgage Recording Tax Exemption Sought	\$170,025	
4. Likelihood of accomplishing the Project in a timely fashion (please explain):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <div>Principals of Company have approx 75 combined years of experience in real estate development and financing.</div>	



**PROJECTED PROJECT INVESTMENT**

<b>A. Land-Related Costs</b>	
1. Land acquisition	\$ 1,400,000
2. Site preparation	\$ 1,350,000
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	\$ 14,950,000
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)	\$ 100,000
<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	\$ 492,000
2. Accounting/legal	\$ 80,000
3. Other service-related costs (describe)	
<b>G. Other Costs</b>	
1. _____	\$ 1,000,500
2. _____	\$ 3,327,500
<b>H. Summary of Expenditures</b>	
1. Total Land-Related Costs	\$ 2,750,000
2. Total Building-Related Costs	\$ 14,950,000
3. Total Machinery and Equipment Costs	\$ 0
4. Total Furniture and Fixture Costs	\$ 100,000
5. Total Working Capital Costs	\$ 0
6. Total Professional Service Costs	\$ 572,000
7. Total Other Costs	\$ 4,328,000
	\$ 22,700,000

**PROJECTED NET OPERATING INCOME**

- I. Please provide projected Net Operating Income:

YEAR	Without IDA benefits	With IDA benefits
1	\$ 769,266	\$ 1,041,896
2	\$ 1,039,393	\$ 1,317,475
3	\$ 1,057,357	\$ 1,341,001
4	\$ 1,075,587	\$ 1,364,904
5	\$ 1,094,144	\$ 1,389,247

**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	0	
Year 1	140	7,560,000	475548
Year 2	75	4,200,000	265860
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)	\$ 10,000
Additional Sales Tax Paid on Additional Purchases	\$ 800
Estimated Additional Sales (1 <sup>st</sup> full year following project completion)	\$ 20,000
Estimated Additional Sales Tax to be collected on additional sales (1 <sup>st</sup> full year following project completion)	\$ 1,600

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	\$ 27,009	\$57,301	\$30,292
Year 2	\$ 27,549	\$ 58,447	\$30,898
Year 3	\$ 28,100	\$ 59,616	\$31,516
Year 4	\$ 28,662	\$ 60,808	\$32,146
Year 5	\$ 29,235	\$ 62,024	\$32,789
Year 6	\$ 29,820	\$ 63,265	\$33,445
Year 7	\$ 30,416	\$ 64,530	\$34,114
Year 8	\$31,025	\$ 65,821	\$34,796
Year 9	\$31,645	\$ 67,137	\$35,492
Year 10	\$32,278	\$ 68,480	\$36,202
Year 11	\$32,924	\$ 88,313	\$55,389
Year 12	\$33,582	\$ 108,911	\$75,329
Year 13	\$34,254	\$ 149,507	\$115,253
Year 14	\$34,939	\$ 172,090	\$137,151
Year 15	\$35,638	\$ 175,532	\$139,894
Year 16	\$36,350	\$ 199,428	\$163,078
Year 17	\$37,077	\$ 224,208	\$187,131
Year 18	\$37,819	\$ 249,901	\$212,082
Year 19	\$38,575	\$ 276,531	\$237,956
Year 20	\$39,347	\$ 304,127	\$264,780
			\$ 1,919,736



### 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;         |                                 |

(A), (E) & (F) The General Contractor will send out multiple BID Packages to Regional and/or City of Albany sub-contractors, including MWBE/DBE sub-contractors. All BID Packages will ask sub-contractors, to the best of their ability, to staff the project with Regional Labor with a priority to City of Albany residents.

(D) The Project will include 5% of the apartments as affordable housing units per the City of Albany Zoning Code.

(H) The Project is adjacent to a Distressed Census Tract and will provide employment opportunities both during construction and at the on-site retail establishments.

(I) The Project is located within a High Vacancy Census Tract and will provide further impetus to residents and businesses to locate within this tract.

(J), (K) & (L) The Project is located within the Clinton Square District which is part of New York State's and the City of Albany's Downtown Revitalization Initiative and will offer Downtown Residential opportunities.

(M) The Project Site is currently vacant.

#### **XIV. OTHER**

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

See attached

## Section XIV. Other

745 Broadway is currently a vacant lot in the heart of the Clinton Square District. The construction of the proposed five-story 80 unit apartment building with 6,900 square feet of amenities and service areas on the first floor and approximately 90 parking spaces will have a significant economic impact on the downtown area.

This Project will add employment opportunities, retail spending and foot traffic to the economic landscape of four downtown neighborhoods (Clinton Square, Arbor Hill, Warehouse District and Central Business District).

During the estimated 16 month construction period upwards of 140 construction workers will be frequenting neighborhood restaurants, coffee shops and retail stores. Once completed, the project will continue to make a significant contribution to the economic revitalization of downtown Albany by introducing over 125 new residents to the downtown market and thereby increasing the demand for services and retail sales. Residents who will be spending money at the shops, restaurants and entertainment venues.

745 Broadway meets several of the Strategic Initiatives contained in recent development strategies for Downtown Albany as follows:

### Albany 2030

- Increase job opportunities for all residents.
- Encourage investment in urban land and historic buildings for employment and housing.
- Provide a variety of housing types to meet the varied needs of Albany's households, including market, moderate and low income housing.
- Encourage diverse intergenerational housing. Diverse housing includes options for residents throughout different stages of life (e.g. students, couples, families with children, seniors) in the same neighborhood.
- Provide a foundation for economic activity and increase economic diversity.

### Impact Downtown Albany

- Establish a greater critical mass of housing along Broadway.
- Encourage development proposals along Broadway compatible with a mixed-use pedestrian oriented setting.

### Downtown Revitalization Initiative

- Establish a clear and engaging gateway into the Capital City.
- Make Clinton Square a connected hub of activity
- Create mixed-income urban living options while maintaining future affordability
- Connect Albany's workforce to local employers.

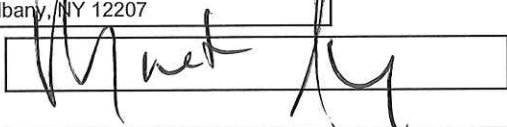


**CERTIFICATION**

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> 07/15/2020	<b>Name of Person Completing Project Questionnaire on behalf of the Company.</b>
	Name: Mark Aronowitz
	Title: Managing Member
	Phone Number: 518-694-4720
	Address: 54 State St., Suite 800 Albany, NY 12207
	Signature: 

## REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION

[Mark Aronowitz] (name of CEO or another authorized representative of Applicant) confirms and says that he/she is the [Managing Member] (title) of [Broadway 915, 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:

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       )

Mark Aronowitz, being first duly sworn, deposes and says:

1. That I am the Managing Member (Corporate Office) of Brooklyn-1915 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.

Mark Aronowitz  
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury.

This 17 day of July, 2020

[Signature]  
(Notary Public)

JEFFREY A. SIEGEL  
Notary Public, State of New York  
Qualified in Saratoga Co. No. 02SI4888212  
Commission Expires March 9, 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: 

Sworn to before me this  
17 day of July, 2020

  
(Notary Public)

JEFFREY A. SIEGEL  
Notary Public, State of New York  
Qualified in Saratoga Co. No. 02SI4888212  
Commission Expires March 9, 2022

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.

- 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.

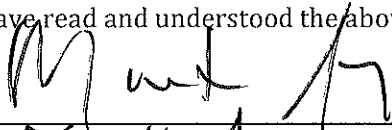
Signature:

Name:

Title:

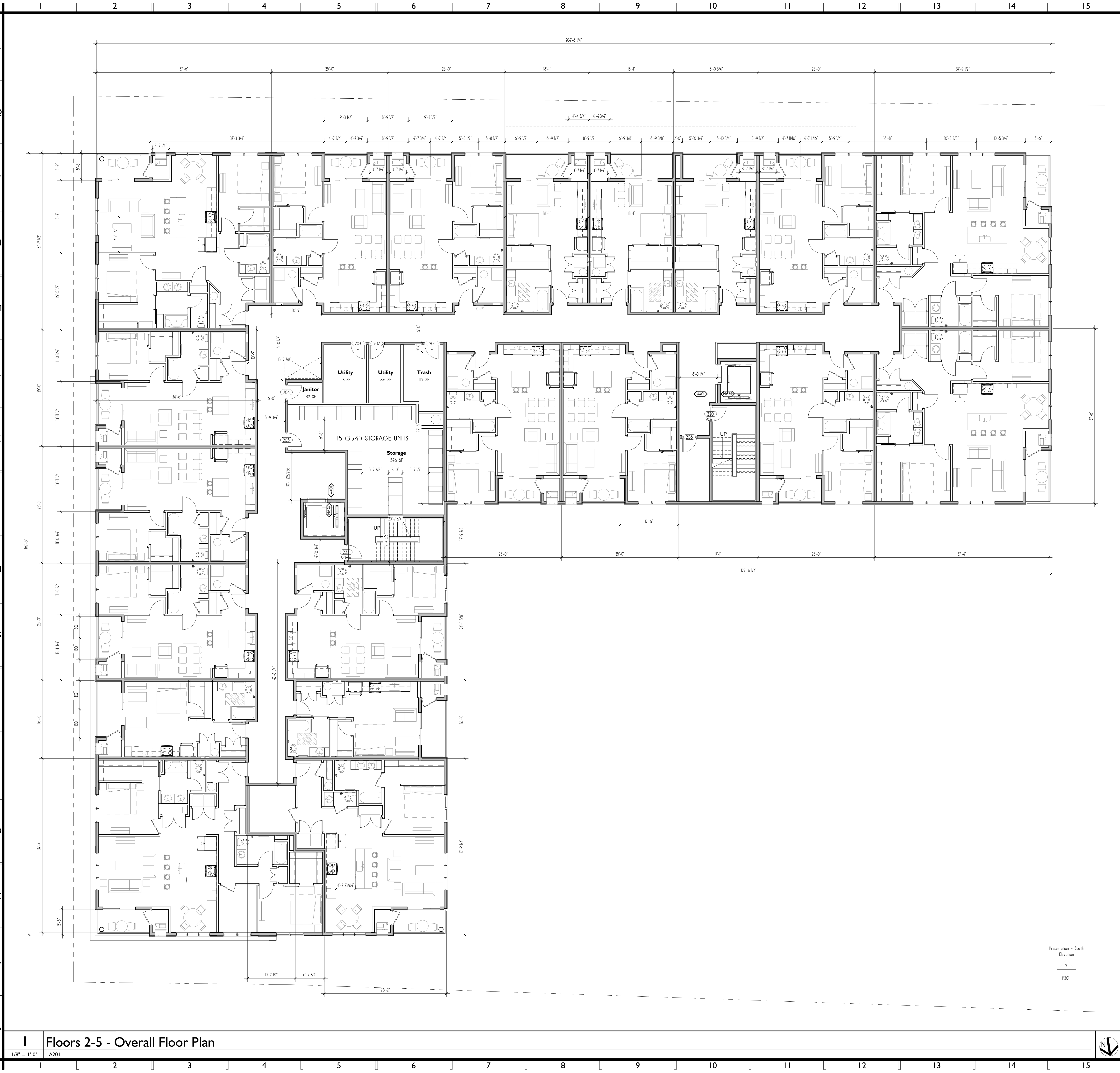
Company:

Date:

Mark Aronow, Jr
Member
Essexbury 9th AC
7/17/20

C:\Users\Eric.Gallagher\Documents\1358 - A-CENTRAL2 - 05062020.rvt 4/17/2020 2:39:06 PM



### New Construction Legend

NEW HALL CONSTRUCTION

NEW 1 HOUR FIRE RATED DEMISING BEARING WALL

NEW 1 HOUR FIRE RATED INTERIOR UNIT BEARING WALL

NEW DOOR AND FRAME AS SCHEDULED ON SHEET A901

APARTMENT ENTRANCE DOOR RECESS 8" FROM CORRIDOR HALL KEEP 10 A.O.G.S FOR MORE DETAILS

WINDOW TAG

ALIGN FINISHED FACE OF NEW CONSTRUCTION WITH FINISH FACE

NEW WINDOW

PUBLIC DOORS - DOOR TAG

HALL TAG

FLOOR DRAIN

JULIET RAILING FOR MORE INFORMATION SEE

NEW GRIDLINE

FACE OF MASONRY GRIDLINE

### Building Level Schedule

Name	Elevation
Second Floor	18' - 0"
8/ Truss Second Floor	27' - 1 1/8"
1/ Truss Second Floor	28' - 6 1/8"
Third Floor	28' - 9 7/8"
8/ Truss Third Floor	37' - 11"
1/ Truss Third Floor	39' - 4"
Fourth Floor	39' - 7 3/4"
8/ Truss Fourth Floor	48' - 6 7/8"
1/ Truss Fourth Floor	50' - 1 7/8"
Fifth Floor	50' - 5 5/8"
8/ Roof Truss	61' - 6 3/4"
1/ Truss Fifth Floor	64' - 3 3/4"
1/ Roof Truss	64' - 6 3/4"
Roof Terrace	66' - 2"
1/ Parapet	68' - 6 3/4"
06 - ROOF PLAN	70' - 0"
1/ Footing	95' - 0"
First Floor	100' - 0"

Six Chelsea Place  
Cliffen Park NY 12065  
T: 518.548.1153  
www.srarch30.com

## CONSTRUCTION

### New Mixed Use

## 745 Broadway

745 Broadway,  
Albany NY, 12207

PROJECT INFORMATION

660 20.004

STAMP		DATE
ISSUED FOR	50% CDs	05.06.2020
Revision Schedule		
#	Description	Date

### New Mixed Use

## 745 Broadway

745 Broadway,  
Albany NY, 12207

ITEMS DELINEATED IN THIS SET OF PLANS ARE PROPRIETARY OF SYVERTSEN RIGOSU ARCHITECTS, PLLC (SRA). UNAUTHORIZED USE OF THESE PLANS CAN LEGALLY RESULT IN THE CESSATION OF SUCH CONSTRUCTION OR BUILDING BEING SEIZED AND RAZED.

SCALE  
DRAWN BY EG

1/8" = 1'-0"

### Floors 2 - 5 Overall Floor Plan

SHEET TITLE

# A102

SHEET NUMBER

© 2020 SYVERTSEN RIGOSU ARCHITECTS, PLLC (SRA)



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

June 16, 2020

Andrew Corcione  
21 Lodge Street  
Albany, New York 12207

**Re: 745 Broadway**

Dear Mr. Corcione:

At your request, we have reviewed the pro-forma and other spreadsheet data provided by the Applicant with respect to the above referenced project. These calculations have been made under the assumption that the project meets the requirements of RPTL §581-a and therefore has been valued as such. This letter is to update the previous letter provided by this office as a result of the applicant conveying that the commercial space previously planned will no longer be constructed and subject to the Income and Rent Schedule that was provided. The following are the projected assessment of the subject property:

**745 Broadway:**

- 80 Residential units;
- 73,264 rentable square feet

Based on the above and consistent with the income capitalization methodology utilized by this office for similar 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, 2020 and its value estimate was as of July 1, 2019, to be:

**\$6,230,000**

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 'TK Kingston', with a long horizontal flourish extending to the right.

Trey Kingston, Esq.  
Assessor, City of Albany

75 S Clinton  
Rochester, NY 14604  
June 10th, 2020

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

RE: Request for IDA Assistance for the Clinton Avenue Phase 2 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 Home Leasing, LLC project.

Clinton Avenue Apartments Phase II will continue the revitalization efforts along Clinton Avenue in the historic Arbor Hill and Sheridan Hollows neighborhoods. Proposed are 61 total housing units on six development sites. This housing will benefit households with incomes up to 80% of the Area Median Income. The project includes the historic preservation of four vacant rowhomes, the adaptive reuse of a long vacant former school building and new construction of a 3-story mixed use building. All of these properties are currently owned (or recently owned – 78 Clinton Avenue) by tax exempt organizations and when complete will again contribute to the tax base. The development will offer innovative commercial space, one- and two-bedroom units, a community room, laundry room, bike storage, fitness center, garden beds, and resident storage.

The four townhomes, consisting of 12 units, will be rehabilitated and restored to original character including decorative details. The adaptive reuse of the former school will transform into 13 units and maintain its historic elements to the historic preservation standards.

The new construction building includes 36 housing units and incorporates approximately 11,000 square feet of commercial space dedicated to the Albany Center for Economic Success (ACES), a subsidiary of the Community Loan Fund, whose mission is, “To promote successful ownership of sustainable businesses among people of color, women and low-income individuals by providing technical assistance and incubator services.” Integration of the ACES program in the commercial spaces helps return the Clinton Avenue corridor as a center of influence and an active gateway to the downtown Albany business district and further contributing to the stabilization of the Clinton Avenue corridor and the City of Albany.

The \$24 million Clinton Avenue Apartments Phase II dovetails the \$50 million investment of Phase I to restore 70 rowhomes consisting of 210 housing units. Through the partnership with ACES, this Phase II directly serves primary goals identified in the City's Comprehensive Plan to increase employment opportunities at all education and skill levels as well as spur additional investments.

The rehabilitation of the properties will be comprehensive and will be guided by the State Historic Preservation Office as we will utilize historic tax credits. We feel strongly that this major rehabilitation will be a transformational project for the community aesthetically as well as economically. The properties are located in an identified catalyst site, Arbor Hill, and located in a distressed census tract as defined by New York State.

Home Leasing is seeking a 5% shelter rent payment in lieu of taxes in order to make this project feasible for a term equal to the minimum duration of the Project's low-income housing tax credit regulatory agreement, which is generally no less than 30 years. We understand this request does not fit into a standard IDA program or the more common 10% shelter rent offered for many affordable housing projects, but we would like the Albany IDA to consider the circumstances of this project, and understand that the feasibility of the project requires this abatement.

Approval of this application will create a predictable payment that will represent a substantial increase from the taxes currently generated and will be an amount that the project can pay given the capital needs and operating costs. Below is a brief description of the current tax status and options based on our knowledge and information:

We are also requesting that the annual \$10,000 annual fee for 9% affordable housing projects be reduced to \$5000. The project will be owned by a newly formed Housing Development Fund Corporation, which does not require sales tax exemption or mortgage tax exemption from the Albany IDA. The total development cost is anticipated to be approximately \$24 million. We are not able to absorb such a large fee in the sources and uses for the project. As you can see by our projected financing plan, even with the requested shelter rent PILOT and reduced fee, Home Leasing will be requesting a substantial amount of assistance from New York State Home and Community Renewal.

Thank you for your consideration. If you have any questions or need additional information, please contact Adam Driscoll at [adamdr@homeleasing.net](mailto:adamdr@homeleasing.net) or at 585-329-0232. We look forward to working with the Agency on this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bret Garwood', with a stylized, flowing script.

Bret Garwood

CEO

Home Leasing, LLC



# Clinton Avenue Portfolio Vision

## Home Leasing currently has the Clinton Ave Portfolio in Albany under contract:

- 210 units in 70 rowhouses. Approximately half of the units are vacant. 8 buildings are condemned.
- Anticipated closing will be late August.
- Home Leasing faces substantial risk taking on this project as we will acquire the portfolio rather than simply holding an option. Our management challenges during the period before construction financing will be substantial.

## Anticipated Project Details:

- Mixed Income and Affordable: Approximately 10-15% of units will be middle income at 60 to 90% of the Capital Region Area Median Income (AMI) and 85-90% of units will be affordable at 50 or 60% AMI. Comprehensive Renovation: Modeling the project at \$120,000/unit hard costs.
- Historic Preservation: We anticipate using Federal and State Historic Tax Credits.
- Timing: Anticipate closing on financing and starting construction in Spring of 2018. Anticipated construction schedule is 18-24 months to complete all units.
- Project will meet all MWBE goals required.
- Home Leasing plans to hold a job fair for employment with the hired subcontractors and for maintenance position for the properties.

## Community Engagement:

- Home Leasing has been researching this project for one year. We are now in Albany weekly with permanent on-site management staff expected to be located there upon closing in August.
- City of Albany: Met with Mayor Sheehan and Chris Spencer, Director of Planning, who were very supportive of the project to help revitalize Clinton Ave.
- Met multiple times with Buildings/Code officials.
- Met several times with Capitalize Albany, who have shown great support of our efforts.
- City of Albany Housing and Community Development: Met with Faye Andrews and she was also supportive. We will pursue HOME funds through her office.
- Land Bank: Pursuing the acquisition of one additional building on Clinton that would be renovated and 3-4 vacant lots, which would be used to make some units handicap accessible and add community gardens.
- Neighborhood Leaders: Meetings with City Council and Assembly representatives have occurred. Met with representatives from Arbor Hill and Sheridan Hollow neighborhood associations. Will attend upcoming community meetings.
- Downtown Revitalization Initiative/Street Improvements: City of Albany and Capitalize Albany were encouraged that our project might help with the justification for the proposed designation of the area as part of the Downtown Revitalization Initiative and to help with advocacy for Clinton Avenue streetscape improvements, potentially to be funded through the Regional Council.
- CPC: Home Leasing is assuming an existing defaulted mortgage held by CPC. CPC is very supportive given the foreclosure proceeding with the current owner.

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

### **Application for Assistance**

Date:

-----  
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:

Address:

City:

State:

Zip:

Federal ID/EIN:

Website:

Primary Contact:

Title:

Phone:

Email:

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

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

NAME OF ATTORNEY:

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.

DATED: JULY 18, 2019

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

## SUMMARY OF PROJECT

Applicant:

Contact Person:

Phone Number:

Occupant:

Project Location (include Tax Map ID):

Approximate Size of Project Site:

Description of Project:

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

Employment Impact:	Existing FTE Jobs:
	Retained FTE Jobs:
	FTE Jobs Created:
	Construction Jobs Created:

Project Cost:

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: (auto-calculated)  
Other (please specify):

Provide estimates for the following:

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

## I. APPLICANT INFORMATION

### A) Applicant:

Name:

Address:

City:

State:

Zip:

Federal ID/EIN:

Website:

Primary Contact:

Title:

Phone:

Email:

### 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:

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:

Title:

Address:

City:

State:

Zip:

Phone:

Email:

**D) Attorney:**

Name:

Firm Name:

Address:

City:

State:

Zip:

Phone:

Email:

**E) General Contractor:**

Name:

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

**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

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:

Existing Banking Relationship(s):

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.):

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 18, 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?

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:

### C) Project Site Occupancy

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

- |                                  |                                                          |
|----------------------------------|----------------------------------------------------------|
| Industrial                       | <input type="checkbox"/> Service*                        |
| Acquisition of existing facility | <input type="checkbox"/> Back-office                     |
| Housing                          | <input type="checkbox"/> Mixed use                       |
| Multi-tenant                     | <input type="checkbox"/> Facility for Aging              |
| Commercial                       | <input type="checkbox"/> Civic facility (not-for-profit) |
| 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.		
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: |     |    |     |
| 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?  
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/>)  
If yes, explain: Yes No

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:

Agency Contact:

Date of submission:

Status of submission:

Final SEQRA

determination:

### A) Site Characteristics:

Describe the present zoning and land use regulation:

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:

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):**

		Projected FTEs			
	Current FTEs	New Year 1- 20	New Year 2 - 20	New Year 3 - 20	Total Year 4-20
<b>Full-time</b>					
<b>Part-time</b>					
<b>Seasonal</b>					

**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	<u>Current (Retained)</u> 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	FTE in Year 2 20	FTE in Year 3 20	Total New FTE by Year 4 20
<b>Professional/ Management</b>						
<b>Administrative</b>						
<b>Sales</b>						
<b>Services</b>						
<b>Manufacturing</b>						
<b>High-Skilled</b>						
<b>Medium-Skilled</b>						
<b>Basic-Skilled</b>						
<b>Other (specify)</b>						
<b>Total (auto-calculated)</b>						

<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
<b>Full-time</b>					
<b>Part-time</b>					
<b>Seasonal</b>					

## 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:

When does the applicant anticipate the start of construction?

When does the applicant anticipate the completion of construction?

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:

**X. PROJECT COSTS AND FINANCING**

Attach additional

**A) Project Costs**

Description of Cost	Amount
Land	
Buildings	
Machinery and Equipment Cost	
Utilities, roads and appurtenant costs	
Architects and engineering fees	
Cost of Bond Issue (legal, financial and printing)	
Construction loan fees and interest (if applicable)	
Other (specify)	
<b>TOTAL PROJECT COST</b>	

Have any of the above costs been paid or incurred as of the date of this application?  
If yes, describe:

Yes No

**B) Sources of Funds for Project Costs**

Equity:

Bank Financing:

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

*Additional sheets may be attached, as necessary.*

TOTAL:

Amount of total financing requested from lending institutions:

Amount of total financing related to existing debt refinancing:

Has a commitment for financing been received?

Yes No

If yes:

Lending Institution:

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)

Complete Application	Albany 2030 Aligned	Meet Project Use Definition
Meets NYS/CAIDA Requirements	Planning Approval (if applicant) Approval Date :	"But For" Requirement

### Community Benefit Metrics (Must Achieve 10)

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

## 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 or the **purchase price of the property**, whichever is higher:

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					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

*\*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>:

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

**C) Mortgage Recording Tax Benefit:**

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

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

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

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

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

---

<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”):		
2. Brief Identification of the Project:		
3. Estimated Amount of Project Benefits Sought:		
A. Amount of Bonds Sought:		
B. Value of Sales Tax Exemption Sought		
C. Value of Real Property Tax Exemption Sought		
D. Value of Mortgage Recording Tax Exemption Sought		
4. Likelihood of accomplishing the Project in a timely fashion (please explain):	Yes	No

**PROJECTED PROJECT INVESTMENT**

<b>A. Land-Related Costs</b>	
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)	
<b>B. Building-Related Costs</b>	
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)	
<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	
2. Accounting/legal	
3. Other service-related costs (describe)	
<b>G. Other Costs</b>	
1. _____	
2. _____	
<b>H. Summary of Expenditures</b>	
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	

**PROJECTED NET OPERATING INCOME**

I. Please provide projected Net Operating Income:

YEAR	Without IDA benefits	With IDA benefits
1		
2		
3		
4		
5		

**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			
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)	
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"): 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			
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			



**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;         |                                 |

**XIV. OTHER**

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

### 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>	<b>Name of Person Completing Project Questionnaire on behalf of the Company.</b> Name: Title: Phone Number: Address:  <b>Signature:</b>
---------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------

## REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION

(name of CEO or another authorized representative of Applicant) confirms and says that he/she is the (title) of (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

A. 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.

DATED: JULY 18, 2019

STATE OF NEW YORK )  
COUNTY OF ~~ALBANY~~ <sup>Monroe</sup> ) SS.:  
)

Adam Driscoll, being first duly sworn, deposes and says:

1. That I am the Owners Representative (Corporate Office) of Home Leasing (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 18<sup>th</sup> day of June, 2020

Erin R Correa  
(Notary Public)  
ERIN R CORREA  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01CO6338854  
Qualified in Monroe County  
My Commission Expires 03-21-2024

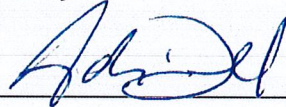


DATED: JULY 18, 2019

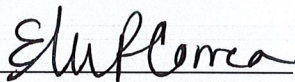
### HOLD HARMLESS AGREEMENT

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  
18<sup>th</sup> day of June, 2020

  
(Notary Public)

ERIN R CORREA  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01CO6338854  
Qualified in Monroe County  
My Commission Expires 03-21-2024

## 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.

- 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:

A handwritten signature in black ink, appearing to read "M. J. Dill".

Name:

Title:

Company:

Date:

## **I.C – Current Project Site Owners**

**78 Clinton Ave** (65.82-3-30)- 2- 2bdrms

Owned by Home Leasing

**133 Clinton Ave** (65.82-2-46)- 3 – 1bdrms

Albany County Land Bank Corporation

69 State St., 8th Floor, Albany, NY 12207

518-407-0309

awyckoff@albanycountylandbank.org

**163 Clinton Ave** (65.81-1-22)- 13 units- 1-studios, 10-1bdrms, 2-2bdrms

New Covenant Christian Fellowship

359 Clinton, Albany, NY 12206

518-229-1659

mychal@thestuartdf.com

**303 Clinton Ave** (65.73-1-32)-4- 1bdrms

Albany County Land Bank Corporation

69 State St., 8th Floor, Albany, NY 12207

518-407-0309

awyckoff@albanycountylandbank.org

**307 Clinton Ave** (65.73-1-34)- 3 units- 2-1bdrms, 1-2bdm

Albany County Land Bank Corporation

69 State St., 8th Floor, Albany, NY 12207

518-407-0309

awyckoff@albanycountylandbank.org

**236 Clinton Ave** (65.73-2-14.1)- 36 units

Albany Center-Economic Success (“ACES”)

255 Orange St, Albany, NY 12210

Point of Contact: Linda MacFarlane, Executive Director

518.436.8586 ext. 808

LindaM@mycommunityloanfund.org

## II.B – Company Ownership

### Home Leasing, LLC

Name	Ownership % Interest	Voting % Interest
Nelson Leenhouts	0.7408	66.67
Jeffrey Leenhouts	26.2963	0
Deborah Leenhouts	27.9630	0
Catherine Sperrick	21.1110	33.33
Megan Houppert	6.1111	0
Sarah Struzzi	6.1111	0
Colin Leenhouts	1.6667	0
Matthew Leenhouts	1.6667	0
Eric Leenhouts	1.6667	0
Claire Leenhouts	1.6667	0
Linnea Shumway	1.6667	0
Joshua Shumway	1.6667	0
Samantha Shumway	1.6667	0

## III.B – Project Description

Clinton Avenue Apartments Phase II will continue the revitalization efforts along Clinton Avenue in the historic Arbor Hill and Sheridan Hollows neighborhoods. Proposed are 61 total housing units on six development sites. This housing will benefit households with incomes up to 80% of the Area Median Income. The project includes the historic preservation of four vacant rowhomes, the adaptive reuse of a long vacant former school building and new construction of a 3-story mixed use building. All of these properties are currently owned (or recently owned – 78 *Clinton Avenue*) by tax exempt organizations and when complete will again contribute to the tax base. The development will offer innovative commercial space, one- and two-bedroom units, a community room, laundry room, bike storage, fitness center, garden beds, and resident storage.

The four townhomes, consisting of 12 units, will be rehabilitated and restored to original character including decorative details. The adaptive reuse of the former school will transform into 13 units and maintain its historic elements to the historic preservation standards.

The new construction building includes 36 housing units and incorporates approximately 11,000 square feet of commercial space dedicated to the Albany Center for Economic Success (ACES), a subsidiary of the Community Loan Fund, whose mission is, “To promote successful ownership of sustainable businesses among people of color, women and low-income individuals by providing technical assistance and incubator services.” Integration of the ACES program in the commercial spaces helps return the Clinton Avenue corridor as a center of influence and an active gateway to the downtown Albany business district and further contributing to the stabilization of the Clinton Avenue corridor and the City of Albany.

The \$22.5 million Clinton Avenue Apartments Phase II dovetails the \$50 million investment of Phase I to restore 70 rowhomes consisting of 210 housing units. Through the partnership with ACES, this Phase II directly serves primary goals identified in the City's Comprehensive Plan to increase employment opportunities at all education and skill levels as well as spur additional investments.

**78 Clinton Ave** (65.82-3-30) – Owned by Home Leasing  
Existing SF: 1,830



**133 Clinton Ave** (65.82-2-46) – Contract is open ended, until Home Leasing is awarded funding.  
Existing SF: 1,940

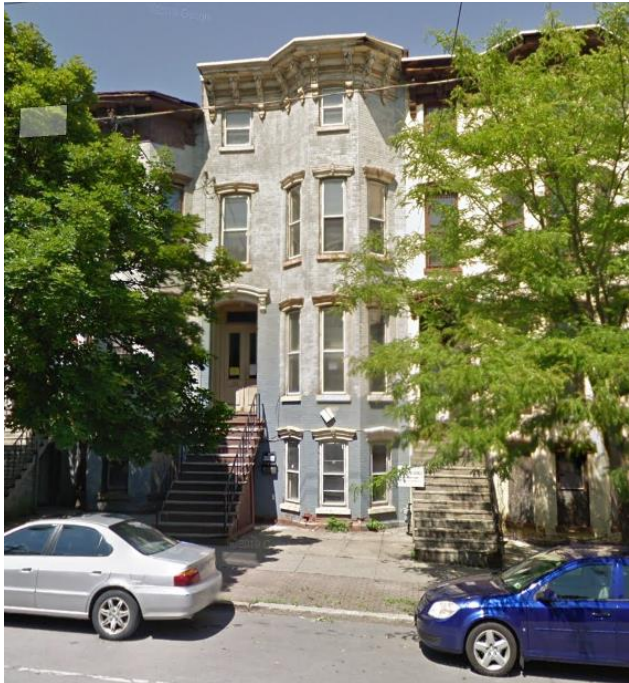




**163 Clinton Ave** (65.81-1-22) – Due Diligence ends August 2020. Have requested a 6-month extension.  
Existing SF: 14,996



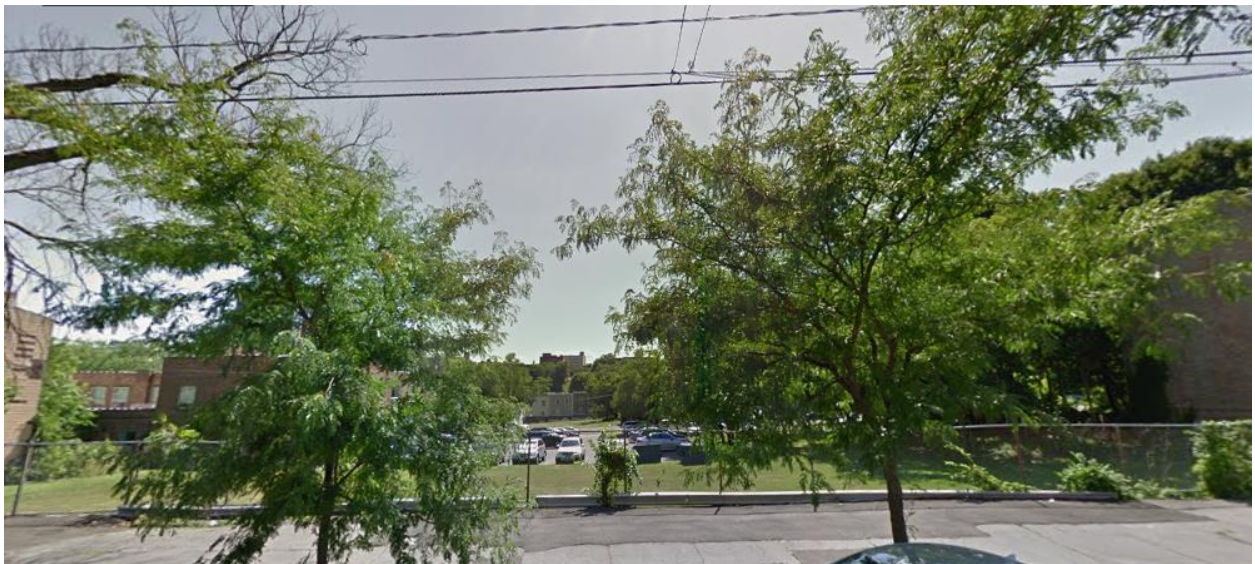
**303 Clinton Ave** (65.73-1-32) – Contract is open ended, until Home Leasing is awarded funding.  
Existing SF: 2,880



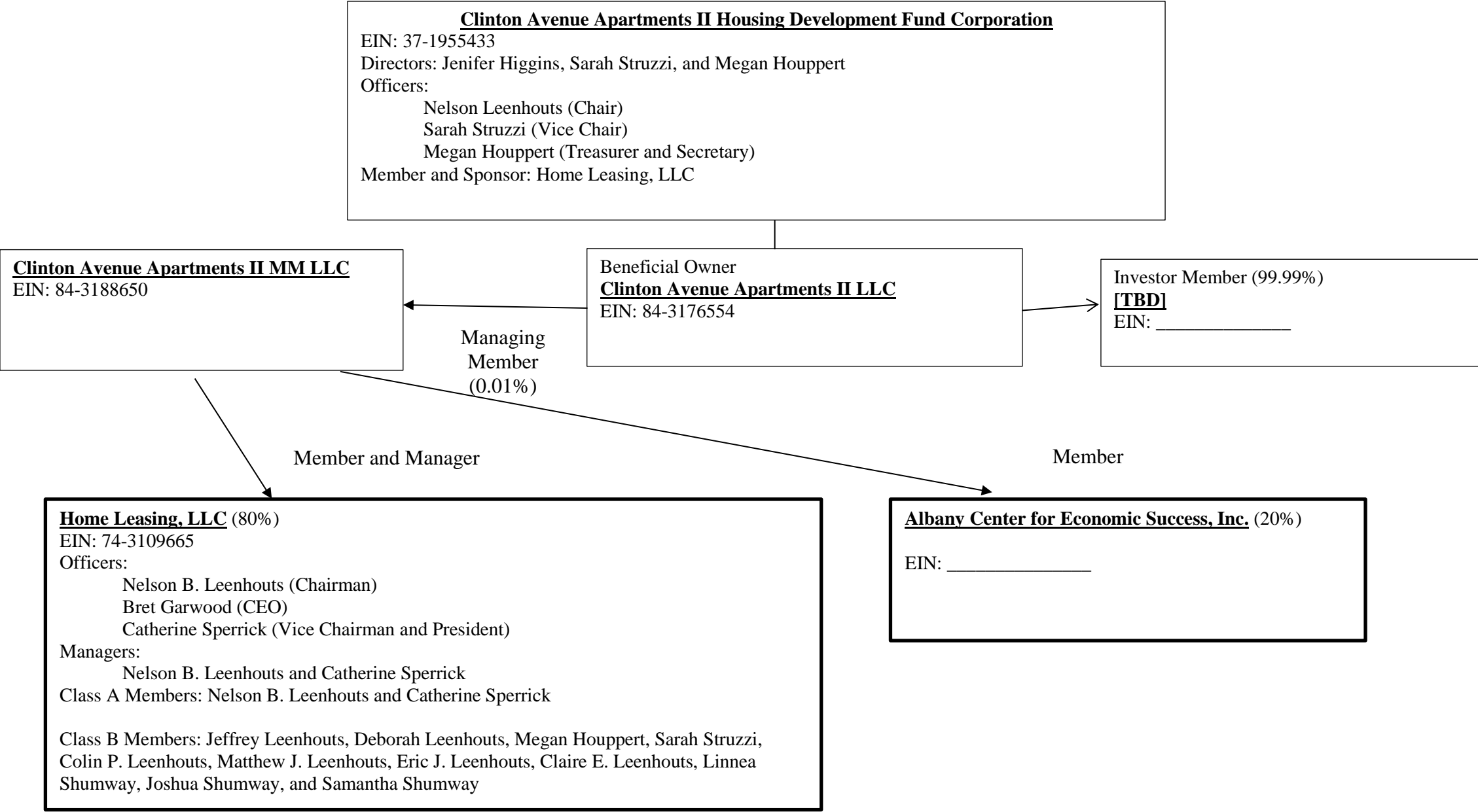
**307 Clinton Ave** (65.73-1-34) – Contract is open ended, until Home Leasing is awarded funding.  
Existing SF: 2,135



**236 Clinton Ave** (65.73-2-14.1) – Option for 12 months starting May 2020  
Vacant Land



**Clinton Avenue Apartments II- Legal Structure**



Clinton Avenue Apartments II

	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
Assessed Value:	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400
Homestead	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472
Non-Homestead	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928
Homestead Tax Rate	\$ 0.03604	\$ 0.03676	\$ 0.03750	\$ 0.03825	\$ 0.03901	\$ 0.03979	\$ 0.04059	\$ 0.04140	\$ 0.04223	\$ 0.04307	\$ 0.04393	\$ 0.04481	\$ 0.04571	\$ 0.04662	\$ 0.04755
None Homestead Tax Rate	\$ 0.04618	\$ 0.04710	\$ 0.04805	\$ 0.04901	\$ 0.04999	\$ 0.05099	\$ 0.05201	\$ 0.05305	\$ 0.05411	\$ 0.05519	\$ 0.05629	\$ 0.05742	\$ 0.05857	\$ 0.05974	\$ 0.06093
Taxes at Assessed Value <i>** see below</i>	\$ 172,102	\$ 175,544	\$ 179,055	\$ 182,636	\$ 186,289	\$ 190,015	\$ 193,815	\$ 197,691	\$ 201,645	\$ 205,678	\$ 209,791	\$ 213,987	\$ 218,267	\$ 222,632	\$ 227,085
PILOT Payments (5% Shelter rent)	\$ 28,711	\$ 29,285	\$ 29,871	\$ 30,468	\$ 31,078	\$ 31,699	\$ 32,333	\$ 32,980	\$ 33,640	\$ 34,312	\$ 34,999	\$ 35,699	\$ 36,412	\$ 37,141	\$ 37,884
	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22	Year 23	Year 24	Year 25	Year 26	Year 27	Year 28	Year 29	Year 30
	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400	\$ 3,793,400
	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472	\$ 303,472
	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928	\$ 3,489,928
	\$ 0.04851	\$ 0.04948	\$ 0.05046	\$ 0.05147	\$ 0.05250	\$ 0.05355	\$ 0.05462	\$ 0.05572	\$ 0.05683	\$ 0.05797	\$ 0.05913	\$ 0.06031	\$ 0.06152	\$ 0.06275	\$ 0.06400
	\$ 0.06215	\$ 0.06340	\$ 0.06466	\$ 0.06596	\$ 0.06728	\$ 0.06862	\$ 0.06999	\$ 0.07139	\$ 0.07282	\$ 0.07428	\$ 0.07576	\$ 0.07728	\$ 0.07882	\$ 0.08040	\$ 0.08201
	\$ 231,627	\$ 236,259	\$ 240,984	\$ 245,804	\$ 250,720	\$ 255,735	\$ 260,849	\$ 266,066	\$ 271,388	\$ 276,815	\$ 282,352	\$ 287,999	\$ 293,759	\$ 299,634	\$ 305,626
	\$ 38,641	\$ 39,414	\$ 40,202	\$ 41,006	\$ 41,827	\$ 42,663	\$ 43,516	\$ 44,387	\$ 45,274	\$ 46,180	\$ 47,103	\$ 48,046	\$ 49,006	\$ 49,987	\$ 50,986



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

May 19, 2020

Andrew Corcione  
21 Lodge Street  
Albany, New York 12207

**Re: Clinton Ave Phase II**

Dear Mr. Corcione:

At your request, we have reviewed the pro-forma and other spreadsheet data provided by the Applicant with respect to the above referenced project. It should be noted that the plans provided by the Applicant have not yet been approved by the City of Albany's Planning Board and therefore the specifics may be subject to change in order to meet certain standards and regulations. Additionally, these calculations have been made under the assumption that the project meets the requirements of RPTL §581-a and therefore has been valued as such. The following are the projected assessments of the subject properties:

- 78 Clinton Avenue
  - \$121,600
- 133 Clinton Avenue
  - \$148,400
- 303 Clinton Avenue
  - \$198,000
- 307 Clinton Avenue
  - \$159,700
- 165 Clinton Avenue
  - \$665,700
- 236 Clinton Avenue
  - \$2,500,000

Based on the above and consistent with the income capitalization methodology utilized by this office for similar properties throughout the City, above is 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, 2020 and its value estimate was as of July 1, 2019.

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', followed by a long horizontal flourish.

Trey Kingston, Esq.  
Assessor, City of Albany