

## *City of Albany Industrial Development Agency*

### Application for Assistance

Date: 11/29/19

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

This application respectfully states:

#### APPLICANT:

Name: 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: N/A

ATTORNEY'S ADDRESS:

PHONE:

E-MAIL:

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

## INSTRUCTIONS

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

DATED: JULY 8, 2019

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 mixed-use building consisting of approximately 80 apartments, approximately 12,000 sf of first floor commercial space and approximately 75 surface parking spaces.

Type of Project:

☐ Manufacturing☐ Warehouse/Distribution☐ Commercial☐ Not-For-Profit☒ Other-Specify Mixed Use

Employment Impact: Existing FTE Jobs: N/A

Retained FTE Jobs: N/A

FTE Jobs Created: 4 ESTIMATED

Construction Jobs Created: 150 ESTIMATED

Project Cost: \$22,800,000

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

Amount of Bonds Requested: \$0

Estimated Value of Tax-Exemptions:

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

\$524,800

Mortgage Recording Taxes:

\$171,000

Real Property Tax Exemptions: (auto-calculated)

\$4,290,347

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

**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 mixed-use building consisting of approximately 80 apartments, approximately 12,000 sf of first floor commercial space and approximately 75 surface parking 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 MIXED USE BUILDING WITH A GROSS BUILDING AREA OF 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 AND 12,000 +/- SQUARE FEET OF COMMERCIAL SPACE ON THE FIRST FLOOR (6,600 +/- SF RETAIL SPACE & 5,000 +/- SF RENTAL OFFICE AND RESIDENT AMENITIES). EQUIPMENT PURCHASES/LEASES SHALL INCLUDE THOSE ITEMS INCIDENTAL TO THE CONSTRUCTION AND MANAGEMENT OF A MULTI-FAMILY APARTMENT PROJECT INC; LUDING 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 2020 AND BE COMPLETED WITHIN 16 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 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   |                     |                            |
| 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>



DATED: JULY 8, 2019

**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: Pending

Final SEQRA

determination: TBD

**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):**

|           | Current FTEs | Projected FTEs                  |                                  |                                  |                                  |
|-----------|--------------|---------------------------------|----------------------------------|----------------------------------|----------------------------------|
|           |              | New<br>Year 1- 20 <sup>21</sup> | New<br>Year 2 - 20 <sup>22</sup> | New<br>Year 3 - 20 <sup>23</sup> | Total<br>Year 4-20 <sup>24</sup> |
| Full-time |              | 4                               | 4                                | 4                                | 4                                |
| 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)<br>Permanent<br>FTE                     |                          | Projected New Permanent FTE          |                                      |                                      |  |
|-----------------------------|--|--------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--|
|                             | Average<br>Annual<br>Salary or<br>Hourly Wage <sup>2</sup> | Number of<br>Current FTE | FTE in<br>Year 1<br>20 <sup>21</sup> | FTE in<br>Year 2<br>20 <sup>22</sup> | FTE in<br>Year 3<br>20 <sup>23</sup> | Total New FTE<br>by Year 4<br>20 <sup>24</sup> |
| Professional/<br>Management |  |                          |                                      |                                      |                                      |  |
| Administrative              |  |                          |                                      |                                      |                                      |  |
| Sales                       | \$35,000 estimate  | 0                        | 3/4                                  | 1/3                                  | 1/3                                  | 1/3  |
| Services                    | \$15.00 hour estimate                                      | 0                        | 3                                    | 3                                    | 3                                    | 3  |
| Manufacturing               |  |                          |                                      |                                      |                                      |  |
| High-Skilled                |  |                          |                                      |                                      |                                      |  |
| Medium-Skilled              |  |                          |                                      |                                      |                                      |  |
| Basic-Skilled               |  |                          |                                      |                                      |                                      |  |
| Other (specify)             |  |                          |                                      |                                      |                                      |  |
| Maintenance                 | \$40,000 estimate  | 0                        | 1                                    | 1                                    | 1                                    | 1  |
| Total (auto-calculated)     |  | 0                        | 4 3/4                                | 4 1/3                                | 4 1/3                                | 4 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<br>Year 1-20 | New<br>Year 2-20 | New<br>Year 3-20 | Total<br>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: 150 estimate

When does the applicant anticipate the start of construction? 06/01/2020

When does the applicant anticipate the completion of construction? 09/30/2022

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              | \$1,450,000         |
| 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>\$22,800,000</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:

\$5,700,000

Bank Financing:

\$17,100,000

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:

\$17,100,000

Amount of total financing related to existing debt refinancing:

\$840,000

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)<br>Approval Date: <input type="text" value="TBD"/> | <input checked="" type="checkbox"/> "But For" Requirement       |

### Community Benefit Metrics (Must Achieve 10)

|  |   |  |
|--|---|--|
| <b>Revitalization 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 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 Permanent Jobs (cumulative)</b><br><input checked="" 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:

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<br><b>Abatement</b><br>percentages must be entered in decimals | *Estimated PILOT Payments |
|------------|------------------------------|---|--------------------------------------|--|---------------------------|
| 1          | \$ 25,957                    | \$274,836   | \$346,090                            | 90%  | \$57,970                  |
| 2          | \$ 26,476                    | \$280,333   | \$353,011                            | 90%  | \$ 59,129                 |
| 3          | \$ 27,005                    | \$285,939   | \$360,072                            | 90%  | \$ 60,312                 |
| 4          | \$ 27,545                    | \$291,658   | \$367,273                            | 90%  | \$ 61,518                 |
| 5          | \$ 28,096                    | \$297,491   | \$374,619                            | 90%  | \$ 62,749                 |
| 6          | \$ 28,658                    | \$303,441   | \$382,111                            | 90%  | \$ 109,014                |
| 7          | \$ 29,231                    | \$309,510   | \$389,753                            | 90%  | \$ 111,194                |
| 8          | \$29,816                     | \$315,700   | \$397,548                            | 90%  | \$ 113,418                |
| 9          | \$30,412                     | \$322,014   | \$405,499                            | 90%  | \$ 115,687                |
| 10         | \$31,021                     | \$328,454   | \$413,609                            | 85%  | \$ 134,423                |
| 11         | \$31,641                     | \$335,023   | \$421,881                            | 80%  | \$ 153,863                |
| 12         | \$32,274                     | \$341,724   | \$ 430,319                           | 70%  | \$ 191,112                |
| 13         | \$32,919                     | \$348,558   | \$ 438,925                           | 60%  | \$ 276,151                |
| 14         | \$33,578                     | \$355,530   | \$ 447,704                           | 50%  | \$ 281,522                |
| 15         | \$34,249                     | \$362,640   | \$ 456,658                           | 45%  | \$ 287,000                |
| 16         | \$34,934                     | \$369,893   | \$ 465,791                           | 40%  | \$ 305,492                |
| 17         | \$35,633                     | \$377,291   | \$ 475,107                           | 30%  | \$ 347,866                |
| 18         | \$36,346                     | \$384,837   | \$ 484,609                           | 20%  | \$ 391,813                |
| 19         |                              |   |                                      | 0%   |                           |
| 20         |                              |   |                                      | 0%   |                           |
|            |                              |   | \$ 7,410,580                         |  | \$ 3,120,233              |

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

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

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

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

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

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

Applicant is requesting that the assessment for the first five years of the PILOT Payment be set at the current property assessment of \$510,000 instead of the \$1,400,000 purchase price. Beginning with year six the proposed PILOT Payment reverts to the Standard CAIDA Framework and the \$1,400,000 base assessment.

Note from years 13 - 18 the estimated PILOT Payment is based upon 11.5% of Gross Revenue which is higher than scheduled PILOT Payments.

The deviation from the Standard CAIDA Framework for the first five years is necessary because the average return on investment for the same time frame is 5.78% which is an unacceptable return given the risk associated with the project. The applicant will not be able to attract investors at such a low return which will make the project unfeasible.

The requested deviation boosts the average return for the first five years to approximately 6.5% 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):                   | \$17,100,000 |
| Estimated mortgage recording tax exemption benefit (mortgage amount multiplied by 1% ) <sup>5</sup> : | \$171,000    |

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

Percentage of Project costs financed from public sector: 0  
(Total B + C + D + E below / A Total Project Cost)

|   |              |
|---|--------------|
| A. Total Project Cost:  | \$22,800,000 |
| B. Estimated Value of PILOT (auto-filled):                                    | \$4,290,347  |
| C. Estimated Value of Sales Tax Incentive:                                    | \$524,800    |
| D. Estimated Value of Mortgage Tax Incentive:                                 | \$171,000    |
| 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"):   | Broadway 915, LLC   |             |
| 2. Brief Identification of the Project:   | Construction of a five story mixed used building.                   |             |
| 3. Estimated Amount of Project Benefits Sought:   | \$ 4,986,147  |             |
| A. Amount of Bonds Sought:  |   | \$0         |
| B. Value of Sales Tax Exemption Sought  |   | \$524,800   |
| C. Value of Real Property Tax Exemption Sought  |   | \$4,290,347 |
| D. Value of Mortgage Recording Tax Exemption Sought   |   | \$171,000   |
| 4. Likelihood of accomplishing the Project in a timely fashion (please explain):                            | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |             |
| Principals of Company have approx 75 combined years of experience in real estate development and financing. |   |             |



**PROJECTED PROJECT INVESTMENT**

|   |               |
|---|---------------|
| <b>A. Land-Related Costs</b>                      |               |
| 1. Land acquisition                               | \$ 1,400,000  |
| 2. Site preparation                               | \$ 1,450,000  |
| 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                       | \$ 2,850,000  |
| 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  |
|   | \$ 22,800,000 |

**PROJECTED NET OPERATING INCOME**

- I. Please provide projected Net Operating Income:

| YEAR | Without IDA benefits | With IDA benefits |
|------|----------------------|-------------------|
| 1    | \$ 856,515           | \$ 1,144,635      |
| 2    | \$ 1,155,484         | \$ 1,449,366      |
| 3    | \$ 1,176,037         | \$ 1,475,797      |
| 4    | \$ 1,196,624         | \$ 1,502,379      |
| 5    | \$ 1,217,569         | \$ 1,529,439      |

**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)   | \$ 500,000 |
| Estimated Additional Sales Tax to be collected on additional sales (1 <sup>st</sup> full year following project completion) | \$ 40,000  |

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       | \$ 25,957                                      | \$57,970                      | \$32,013           |
| Year 2       | \$ 26,476                                      | \$ 59,129                     | \$32,654           |
| Year 3       | \$ 27,005                                      | \$ 60,312                     | \$33,307           |
| Year 4       | \$ 27,545                                      | \$ 61,518                     | \$33,973           |
| Year 5       | \$ 28,096                                      | \$ 62,749                     | \$34,652           |
| Year 6       | \$ 28,658                                      | \$ 109,014                    | \$80,356           |
| Year 7       | \$ 29,231                                      | \$ 111,194                    | \$81,963           |
| Year 8       | \$29,816                                       | \$ 113,418                    | \$83,602           |
| Year 9       | \$30,412                                       | \$ 115,687                    | \$85,274           |
| Year 10      | \$31,021                                       | \$ 134,423                    | \$103,402          |
| Year 11      | \$31,641                                       | \$ 153,863                    | \$122,222          |
| Year 12      | \$32,274                                       | \$ 191,112                    | \$158,838          |
| Year 13      | \$32,919                                       | \$ 276,151                    | \$243,232          |
| Year 14      | \$33,578                                       | \$ 281,522                    | \$247,944          |
| Year 15      | \$34,249                                       | \$ 287,000                    | \$252,751          |
| Year 16      | \$34,934                                       | \$ 305,492                    | \$270,558          |
| Year 17      | \$35,633                                       | \$ 347,866                    | \$312,233          |
| Year 18      | \$36,346                                       | \$ 391,813                    | \$355,467          |
| Year 19      |  |                               |                    |
| Year 20      |  |                               |                    |
|              |  |                               | \$ 2,564,440       |



### **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?

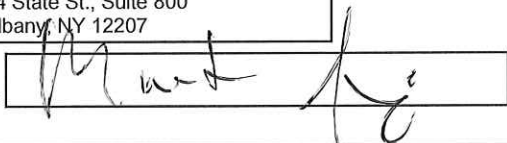
See attached

**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> 11/29/2019 | <b>Name of Person Completing Project</b>  |
|                                | <b>Questionnaire on behalf of the Company.</b>  |
|                                | <b>Name:</b> Mark Aronowitz   |
|                                | <b>Title:</b> Managing Member   |
|                                | <b>Phone Number:</b> 518-694-4720   |
|                                | <b>Address:</b> 54 State St., Suite 800<br>Albany, NY 12207   |
|                                | <b>Signature:</b>  |



## 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.

DATED: JULY 8, 2019

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 Bronovitz, being first duly sworn, deposes and says:

1. That I am the Managing Member (Corporate Office) of Bronovitz 95, 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 Bronovitz  
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury.

This 20<sup>th</sup> day of Nov, 2019

Maria Lisa Reddy  
(Notary Public)

MARIA LISA REDDY  
Notary Public, State of New York  
No. 01RE4976665  
Qualified in Albany County  
Commission Expires 11/22/23

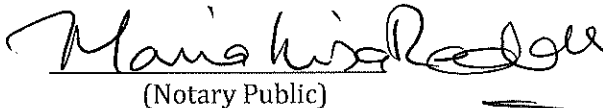
HOLD HARMLESS AGREEMENT

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  
29<sup>th</sup> day of Nov., 2019

  
(Notary Public)

MARIA LISA REDDY  
Notary Public, State of New York  
No. 01RE4976665  
Qualified in Albany County  
Commission Expires 1/20/23

## 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.

| New Job Skills                            | Number of Positions Created        | Range of Salary and Benefits  |
|---|------------------------------------|---|
| Maintenance<br>Leasing Person<br>Services | 1<br><br>1/3<br><br>estimated at 3 | estimated @ \$40,000 + medical & 401K contributions<br><br>estimated @ \$15,000<br><br>estimated @ \$15.00 per hour |

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



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

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

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

DATED: JULY 8, 2019

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

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

Signature:

*Mark Aronburg*

Name:

Mark Aronburg

Title:

Managing Member

Company:

Brooklyn 95 LLC

Date:

11/29/2019

## Section XIV. Other

745 Broadway is currently a vacant lot in the heart of the Clinton Square District. The construction of the proposed six-story 80 unit apartment building with 6,600 square feet of retail space 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 150 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 increasing the number of permanent jobs and introducing over 125 new residents to the downtown market. 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.