

Genesee County Economic Development Center  
Meeting Agenda

Thursday, March 7, 2024

Location: 99 MedTech Drive, Innovation Zone

<b>PAGE #</b>	<b>1.0</b>	<b>Call to Order</b>	<b>4:00pm</b>
	1.1	<b>Enter Executive Session</b>	<b>4:00pm</b>
		Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 for the following reasons:	
		1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.	
		2. Discussions regarding proposed, pending, or current litigation.	
	1.2	<b>Enter Public Session</b>	<b>4:40pm</b>
	<b>2.0</b>	<b>Chairperson's Report &amp; Activities</b>	<b>4:40pm</b>
	2.1	Upcoming Meetings: <b>Next Scheduled Board Meeting: Thursday, March 28<sup>th</sup> at 4 p.m.</b> Audit & Finance Committee Meeting: Thursday, March 28 <sup>th</sup> at 3 p.m. STAMP Committee Meeting: Wednesday, March 27 <sup>th</sup> at 8 a.m.	
	2.2	Agenda Additions / Deletions / Other Business <b>**Vote</b>	
	2.3	Minutes: February 1, 2024 <b>**Vote</b>	
<b>2-6</b>	<b>3.0</b>	<b>Report of Management –</b>	<b>4:45pm</b>
<b>7-13</b>	3.1	MedTech Landing – Final Resolution	
<b>14-21</b>		a. UTEP <b>**Vote</b> – C. Suozzi	
<b>22-55</b>		b. Final Resolution <b>**Vote</b> – C. Suozzi	
<b>56-61</b>	3.2	HP Hood – Final Resolution	
<b>62-63</b>		a. UTEP <b>**Vote</b> – C. Suozzi	
<b>64-91</b>		b. Final Resolution <b>**Vote</b> – C. Suozzi	
<b>92-105</b>	3.3	Countryside Apartments – Supplemental Final Resolution <b>**Vote</b> – C. Suozzi	
<b>106-113</b>	3.4	Leatherleaf Solar – Initial Resolution <b>**Vote</b> – C. Suozzi	
<b>114</b>	3.5	Appointment of Member to NY Green <b>**Vote</b> – M. Masse	
	<b>4.0</b>	<b>Audit &amp; Finance Committee – K. Manne</b>	<b>5:00pm</b>
<b>115</b>	4.1	Investment Report <b>**Vote</b>	
<b>116-146</b>	4.2	Procurement Report <b>**Vote</b>	
<b>147-158</b>	4.3	Design and Engineering Contract for Roadway at Apple Tree Park <b>**Vote</b>	
<b>159-160</b>	4.4	Mowing for STAMP with Genesee County Highway Dept <b>**Vote</b>	
<b>161-162</b>	4.5	Mowing for STAMP with Town of Alabama Highway Dept <b>**Vote</b>	
	<b>5.0</b>	<b>Governance &amp; Nominating Committee – C. Yunker</b>	<b>5:15pm</b>
<b>163-166</b>	5.1	Authority Self-Evaluation of Prior Year Performance <b>**Vote</b>	
<b>167-168</b>	5.2	Mission Statement & Measurement Report <b>**Vote</b>	
	<b>6.0</b>	<b>STAMP Committee – P. Zeliff</b>	<b>5:25pm</b>
<b>169-179</b>	6.1	Design and Engineering Contract for Crosby Road Reconstruction and Extension of Hammerhead <b>**Vote</b>	
<b>180-183</b>	6.2	First Amendment to Lease Agreement with Plug Power <b>**Vote</b>	
<b>184-187</b>	6.3	Additional Work Related to Survey for STAMP Business Park Association <b>**Vote</b>	
<b>188-190</b>	6.4	CC Environment & Planning Proposal for STAMP Hedgerow Removal Mulching <b>**Vote</b>	
	<b>7.0</b>	<b>Employment &amp; Compensation Committee – M. Gray</b>	<b>5:35pm</b>
	7.1	Nothing at this time.	
	<b>8.0</b>	<b>Housing Committee – P. Battaglia</b>	<b>5:35pm</b>
	8.1	Nothing at this time.	
	<b>9.0</b>	<b>Other Business</b>	<b>5:35pm</b>
	9.1	Nothing at this time.	
	<b>10.0</b>	<b>Adjournment</b>	<b>5:35pm</b>



**GCEDC Board Meeting**  
**Thursday, February 1, 2024**  
**Location: 99 MedTech Drive, Innovation Room**  
**4:00 PM**

**GCEDC MINUTES**

**Attendance**

Board Members: C. Kemp, K. Manne, M. Clattenburg, P. Zelif, M. Gray, P. Battaglia (Video Conference\*)  
Staff: M. Masse, S. Hyde, L. Farrell, L. Casey, J. Krencik, C. Suozzi, P. Kennett, E. Finch  
Guests: R. Gaenzle (Harris Beach/Video Conference), M. Brooks (GGLDC Board Member), G. Torrey (GGLDC Board Member), M. Fitzgerald (Phillips Lytle), R. Crossen (Town of Alabama Supervisor/Video Conference), J. Tretter (GGLDC Board Member)  
Absent: C. Yunker

\*Attending from a physical location identified in the meeting notice as open to the public. P. Battaglia joined the meeting via video conference later in the meeting at approximately 4:45 pm.

**1.0 Call to Order**

P. Zelif called the meeting to order at 4:00 p.m. in the Innovation Zone.

**1.1 Enter Executive Session**

M. Gray made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 4:00 p.m. for the following reasons:

1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
2. Discussions regarding proposed, pending, or current litigation.

The motion was seconded by M. Clattenburg and approved by all members present.

**1.2 Enter Public Session**

M. Clattenburg made a motion to enter back into public session at 4:43 p.m., seconded by C. Kemp and approved by all members present.

**2.0 Chairman's Report & Activities**

**2.1 Upcoming Meetings:**

**Next Scheduled Board Meeting: Thursday, March 7<sup>th</sup> at 4:00 p.m.**

**Audit & Finance Committee Meeting: Tuesday, March 5<sup>th</sup> at 8:30 a.m.**

STAMP Committee Meeting: Wednesday, March 6<sup>th</sup> at 8:00 a.m.  
*Governance & Nominating Committee Meeting will be added due to the cancellation of the meeting on February 1, 2024*

**2.2 Agenda Additions / Deletions / Other Business** – M. Fitzgerald stated that SUNY ESF followed up on their request from last month to allow a team of biologists to access the STAMP site. Since their last request, they have provided additional data related to the Northern Harrier bird species. M. Fitzgerald, stated that he believes it would be beneficial for CC Environment and Planning, which is the Agency’s STAMP environmental consulting firm, to reach out directly to SUNY ESF as there seems to be some information that is being lost between intermediaries.

**M. Gray made a motion to add agenda item 6.2 - SUNY ESF Request; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia -	Absent	C. Yunker -	Absent
K. Manne -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**2.3 Minutes: January 11<sup>th</sup>, 2024 –**

**M. Clattenburg made a motion to accept the January 11, 2024 minutes as presented; the motion was seconded by K. Manne. Roll call resulted as follows:**

P. Battaglia -	Absent	C. Yunker -	Absent
K. Manne -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**3.0 Report of Management**

**3.1** Nothing at this time.

**4.0 Audit & Finance Committee**

P. Battaglia joined the meeting via video conference.

**4.1 D&O Insurance** - Lawley Insurance has provided us with a proposal for renewal of our current Directors & Officers/Employment Practices Liability Insurance with Travelers. The renewal reflects a price of \$28,154 which would be split 50/50 between the GCEDC and GGLDC. This is an overall price increase of \$7,229 (\$3,614.50/entity) compared to the current policy. The current policy expires on 2/23/2024.

Lawley did send our information to market, but they have not received response due to the open claims. Because of that, they do not anticipate many carriers offering quotes. One other company was interested but needed to review the claim details before fully considering. A response had not yet been received.

The cost of this policy would be split between GCEDC and GGLDC (\$14,077/entity). The GCEDC included \$10,850 in the 2024 budget for this expense and the GGLDC included \$10,900.

No recommendation was made. The Committee decided to wait until Thursday's full Board Meeting to consider a quote with the requested higher retention of \$25,000.

Lawley provided a quote that would save \$500 in premium with a higher retention of \$25,000. The Board decided that they would not be interested in higher retention given the difference in cost.

**K. Manne made a motion to approve the D&O Insurance as originally presented with \$10,000 retention; the motion was seconded by M. Gray. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**4.2 Cyber Insurance** – Lawley suggested that we consider cancelling/rewriting the Cyber policy so it could potentially be added to the D&O renewal. This would help to streamline the insurance renewal processes in the future and could help with premiums due to multi-line discounts.

Lawley was able to provide a Cyber proposal from Travelers. The price reflected for the term is proposed at \$6,647 which would be split between the GCEDC and GGLDC. This is an overall price increase of \$282 (\$141/entity) compared to the current policy. NOTE: The proposal includes a reduction in retention from \$10,000 to \$5,000.

The current policy expires on 7/1/24. It is recommended that we cancel the current policy and move forward with this proposal.

The cost of this policy would be split between the GCEDC and GGLDC (\$3,323.50/entity). Each entity included \$5,000 in their 2024 budget for this expense.

This was recommended for approval by the Committee.

**K. Manne made a motion to approve the Cyber Insurance proposal as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Absent
K. Manne -	Yes	P. Zelif -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

**The item was approved as presented.**

**4.3 December 2023 Unaudited Financial Statements** – L. Farrell reviewed the November 2023 financial statements with the Board. The following was noted:



- Anticipated adjustments from the unaudited to the audited financial statements include: 1) changes to accounts payable and accounts receivable, 2) the GASB 68 audit adjustment related to deferred pension inflows and outflows, 3) GASB 87 related to leases and 4) CD interest accrual.
- Accounts payable increased. Most of these payables are related to STAMP expenditures that were paid in January using the imprest cash from ESD related to the \$33M and \$8M grants. These invoices included work completed through December 2023.
- The New York State retirement invoice was paid in December, which covers a period through March 31<sup>st</sup> so there is also an increase to prepaid expenses.
- On the P&L, there is \$350,000 of grant revenue related to GURFs which were submitted to ESD.
- We are over budget for General and Admin expenditures. Insurance, which was approved by the Board, is over budget. There were also unbudgeted expenditure line items related to STAMP that fell under General and Admin, but these fees were approved by the Board.
- Other than the above-mentioned items, there is normal monthly activity.

The financial statements were reviewed in detail by the Committee and are recommended for approval.

**K. Manne made a motion to approve the December 2023 Unaudited Financial Statements as presented; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Absent
K. Manne -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes
C. Kemp -	Yes		

The item was approved as presented.

**5.0 Governance & Nominating Committee – C. Yunker**

**5.1 Nothing at this time.**

**6.0 STAMP Committee – P. Zeliff**

**6.1 Nothing at this time.** (Additional agenda item added at the Board meeting.)

**6.2 SUNY ESF Request** - M. Fitzgerald stated that SUNY ESF made a request regarding additional surveying work related to the Northern Harrier; however, the Northern Harrier has already been documented on the site. M. Fitzgerald stated that he believes it would be beneficial for CC Environment and Planning, which is the Agency’s STAMP environmental consulting firm, to reach out directly to SUNY ESF to see why the request is being made.

**M. Clattenburg made a motion to table agenda item 6.2 - SUNY ESF Request; the motion was seconded by M. Gray. Roll call resulted as follows:**

P. Battaglia -	Yes (Video Conference*)	C. Yunker -	Absent
K. Manne -	Yes	P. Zeliff -	Yes
M. Clattenburg -	Yes	M. Gray -	Yes

C. Kemp - Yes

**7.0 Employment & Compensation – M. Gray**

7.1 Nothing at this time.

**8.0 Housing Committee – P. Battaglia**

8.1 Nothing at this time

**9.0 Other Business**

9.1 Nothing at this time.

**10.0 Adjournment**

As there was no further business, K. Manne made a motion to adjourn at 4:52 p.m., which was seconded by M. Clattenburg and passed unanimously.

*man*  
*1/11/24*

**Customer Information**

Potential Customer:	MedTech Landing, LLC	Opportunity Type:	Attraction
Project Street Address:	53 MedTech Drive	Opportunity Product:	Property Sales & Mortgage Recording Taxes Only
City/Town/Village:	//Batavia	Type of Project:	Attraction
Project Description:	MedTech Landing Housing Development	New Jobs:	2
Total Capital Investment:	\$15,000,000	Retained Jobs:	N/A
Incentive Amount:	\$3,871,480	School District:	Byron- Bergen
Benefited Amount:	\$15,000,000	PILOT Applicable:	Pre-project value of land and/or buildings, plus added value of land and/or buildings that results from project improvements (total taxable value)

**Project Information**

Organization:	GCEDC
Opportunity Source:	3 <sup>rd</sup> Party Professional
Date of Public Hearing:	TBD
Initial Acceptance Date:	1/11/2024
Inducement Date:	TBD

**Opportunity Summary:** MedTech Landing, LLC is proposing to develop 80 units of market-rate housing at 53 MedTech Drive in the town of Batavia.

The \$15 million project would construct seven apartment buildings totaling 100,000 sq. ft. and includes 6 six-car garages. The project anticipates creating two positions (2 FTE).

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$720,000, a property tax abatement estimated at \$3,031,048 via a fixed 10% 20-year PILOT (Housing PILOT for 20+ market-rate units), and a mortgage tax exemption estimated at \$120,000.

The project will also contribute \$50,000 per year for 20 years to the new Batavia Home Fund (BHF). The Town of Batavia, the City of Batavia and GCEDC have established this fund to enable housing development support in the city.

This will result in a net savings to the project of \$2,871,480.

The project aligns with the Genesee County Economic Development Center's Housing Policy #1 and a recognized need for housing availability. The Genesee County Housing Needs Assessment identified that 4,800 units are needed in the next 20 years across single-family homes and rental units.

**Economic Impact:** The fiscal impacts on local benefits totals \$34,480,522. For every \$1 of public benefit the project is generating \$12 into the local economy.

**Project Detail (Total Capital Investment)**

Building Cost (Construction):	\$14,500,000
Equipment (Taxable) / Other Project Investment:	\$300,000
Land Cost (Real Estate):	\$200,000
<b>Total Capital Investment:</b>	<b>\$15,000,000</b>

**Estimated Benefits Provided**

Sales Tax Exempt:	\$720,000
Mortgage Tax Exempt:	\$120,000
Property Tax Exempt:	\$3,031,480
<b>Total Estimated Tax Incentives Provided (Net After Batavia Home Fund Contribution):</b>	<b>\$2,871,480</b>
<b>Total Amount Finance:</b>	<b>\$12,000,000</b>

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1/5/24

# Genesee County Economic Development Center

## MRB Cost Benefit Calculator



Date: 1.2.24  
 Project Title: MedTech Landing, LLC  
 Project Location: Upstate MedTech Park, Batavia, NY

### Economic Impacts

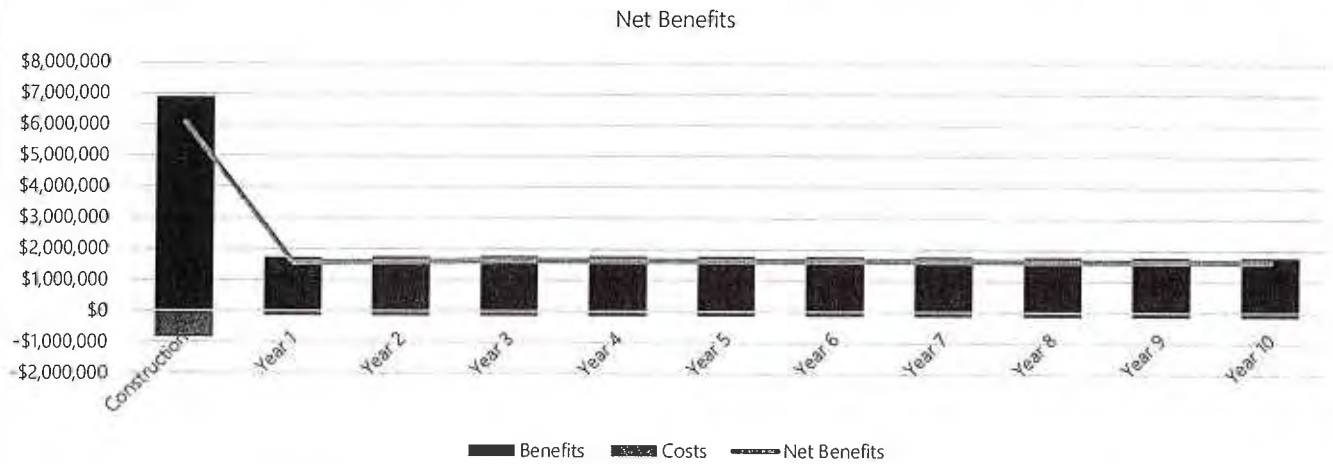
Summary of Economic Impacts over the Life of the PILOT  
 Project Total Investment  
 \$15,000,000

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		56	17	73
Earnings		\$5,585,822	\$925,168	\$6,510,990
Local Spend		\$14,500,000	\$3,296,083	\$17,796,083

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		26	6	33
Earnings		\$25,166,567	\$6,965,717	\$32,132,283

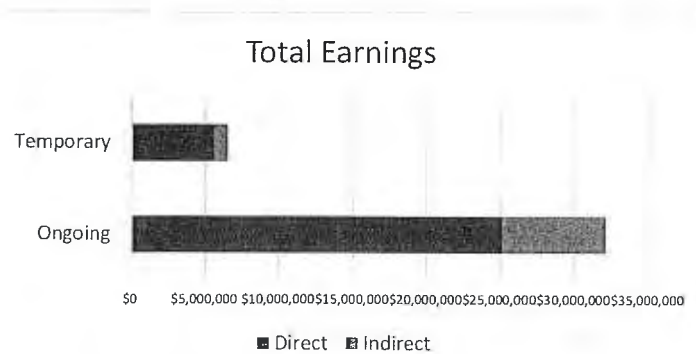
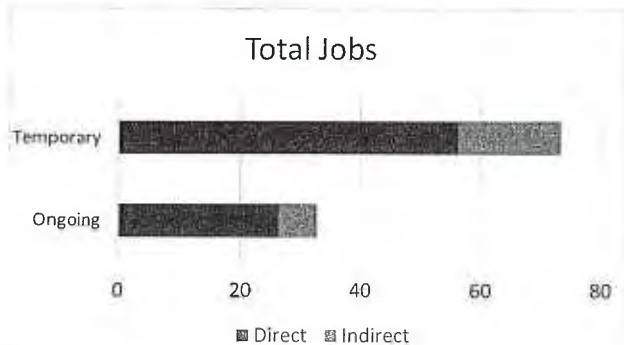
Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

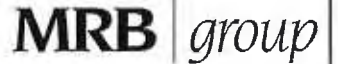
Figure 2

Figure 3





# Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$3,031,480 ✓	\$2,478,452
Sales Tax Exemption	\$720,000 ✓	\$720,000
Local Sales Tax Exemption	\$360,000	\$360,000
State Sales Tax Exemption	\$360,000	\$360,000
Mortgage Recording Tax Exemption	\$120,000 ✓	\$120,000
Local Mortgage Recording Tax Exemption	\$120,000	\$120,000
State Mortgage Recording Tax Exemption	\$0	\$0
<b>Total Costs</b>	<b>\$3,871,480 ✓</b>	<b>\$3,318,452</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$40,727,488</b>	<b>\$34,480,522</b>
<b>To Private Individuals</b>	<b>\$38,643,274</b>	<b>\$32,768,213</b>
Temporary Payroll	\$6,510,990	\$6,510,990
Ongoing Payroll	\$32,132,283	\$26,257,223
Other Payments to Private Individuals	\$0	\$0
<b>To the Public</b>	<b>\$2,084,214</b>	<b>\$1,712,309</b>
Increase in Property Tax Revenue	\$354,320	\$289,682
Temporary Jobs - Sales Tax Revenue	\$45,577	\$45,577
Ongoing Jobs - Sales Tax Revenue	\$431,597	\$352,862
Other Local Municipal Revenue	\$1,252,720 ✓	\$1,024,188
<b>State Benefits</b>	<b>\$2,216,122</b>	<b>\$1,873,008</b>
<b>To the Public</b>	<b>\$2,216,122</b>	<b>\$1,873,008</b>
Temporary Income Tax Revenue	\$292,995	\$292,995
Ongoing Income Tax Revenue	\$1,445,953	\$1,181,575
Temporary Jobs - Sales Tax Revenue	\$45,577	\$45,577
Ongoing Jobs - Sales Tax Revenue	\$431,597	\$352,862
<b>Total Benefits to State &amp; Region</b>	<b>\$42,943,609</b>	<b>\$36,353,530</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$34,480,522	\$2,958,452	12:1
State	\$1,873,008	\$360,000	5:1
<b>Grand Total</b>	<b>\$36,353,530</b>	<b>\$3,318,452</b>	<b>11:1</b>

\*Discounted at 2%

### Additional Comments from IDA

The market rate housing project will enable the Batavia Housing fund via a fixed host agreement for \$50k a year for 20 years. Fire District fees is planned at \$12,636 per year for 20 years. Total \$50,000+\$12,636 = \$62,636

Does the IDA believe that the project can be accomplished in a timely fashion?

Yes

## MRB Cost Benefit Calculator

Genesee County Economic Development Center

Date   
 Project Title   
 Project Location

### Construction Phase - Project Assumptions

**Project Costs**

Enter total project costs:  ✓  
 Local Construction Spending  
 In-region construction spending  ✓

### Construction Economic Impacts

Industry	NAICS	% of Total Investment	Investment by Type
New Multifamily Building Construction	236116	100%	\$14,500,000
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
		100%	\$14,500,000

*Most projects will only have one line related to construction type.*

### New Household Spending - Residential and Mixed-Use Projects Only

#### Unit Types and Household Income Brackets

**Unit Type 1**

Description  ✓  
 Unit Count  ✓  
 Target Income (HH)  ✓

**Unit Type 2**

Description  ✓  
 Unit Count  ✓  
 Target Income (HH)  ✓

% Net New (See Instructions)  ✓

Total Units  ✓

Total Local Household Spending  ✓

### Operation Phase - Project Assumptions

#### Jobs and Earnings from Operations

Year 1 - Enter NAICS ✓ NAICS Lookup

NAICS	Count	Per Job Annual Earnings	Total Earnings	
Lessors of Residential Buildings and Dwellin	531110	2	\$52,000	\$104,000
0				\$0
0				\$0
0				\$0
0				\$0
0				\$0
Total		2		\$104,000

Year 2

NAICS	Count	Per Job Annual Earnings	Total Earnings	
Lessors of Residential Buildings and Dwellin	531110	2	\$52,000	\$104,000
0	0			\$0
0	0			\$0
0	0			\$0
0	0			\$0
0	0			\$0
Total		2		\$104,000

Year 3+ (Full Employment)	NAICS	Count	Per Job Annual Earnings	Total Earnings
Lessors of Residential Buildings and Dwelling	531110	2	\$52,000	\$104,000
0	0			\$0
0	0			\$0
0	0			\$0
0	0			\$0
0	0			\$0
	Total	2		\$104,000

**Fiscal Impact Assumptions**

Estimated Costs of Incentives

Sales Tax Exemption	%	Value		PILOT Term (Years)	20
		\$720,000	✓		
Local Sales Tax Rate	4.00%	\$360,000		Escalation Factor	0%
State Sales Tax Rate	4.00%	\$360,000		Discount Factor	2%
Mortgage Recording Tax Exemption		\$120,000	✓		
Local	1.00%	\$120,000			
State	0.00%	\$0			
<b>Total Costs</b>		<b>\$3,871,480</b>	<i>Includes PILOT exemption, calculated below.</i>		









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1/5/24



Project Name: MedTech Landing, LLC

Board Meeting Date: January 11, 2024

## STATEMENT OF COMPLIANCE OF PROJECT CRITERIA LISTED IN UNIFORM TAX EXEMPTION POLICY (UTEP)

### PROJECT DESCRIPTION:

MedTech Landing, LLC is proposing to develop 80 units of market-rate housing at 53 MedTech Drive in the town of Batavia.

The \$15 million project would construct seven apartment buildings totaling 100,000 sq. ft. and includes 6 six-car garages. The project anticipates creating two positions (2 FTE).

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$720,000, a property tax abatement estimated at \$3,031,048 via a fixed 10% 20-year PILOT (Housing PILOT for 20+ market-rate units), and a mortgage tax exemption estimated at \$120,000.

The project will also contribute \$50,000 per year for 20 years to the new Batavia Home Fund (BHF). The Town of Batavia, the City of Batavia and GCEDC have established this fund to enable housing development support in the city.

This will result in a net savings to the project of \$2,871,480.

The project aligns with the Genesee County Economic Development Center's Housing Policy #1 and a recognized need for housing availability. The Genesee County Housing Needs Assessment identified that 4,800 units are needed in the next 20 years across single-family homes and rental units.

**Criteria #1** – The Project pledges to create and/or retain quality, good paying jobs in Genesee County.

**Project details:** The project is planning on creating 2 FTE direct jobs at \$52,000 annually plus benefits.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #2-** Completion of the Project will enhance the long-term tax base and/or make a significant capital investment.

**Project details:** The project will enhance long term tax base with an investment of \$15,000,000 and construct 100,000 sq. ft. and 80 units of market-rate housing.

**Board Discussion:**

**Board Concurrence: YES NO If no, state justification:**

**Criteria #3-** The Project will contribute towards creating a “livable community” by providing a valuable product or service that is underserved in Genesee County.

**Project details:** Yes, the project will contribute towards a “livable community” as the housing shortage is outlined in Labella’s housing study of Genesee County 2018 report.

**Board Discussion:**

**Board Concurrence: YES NO If no, state justification:**

**Criteria #4:** The Board will review the Agency’s Fiscal and Economic Impact analysis of the Project to determine if the Project will have a meaningful and positive impact on Genesee County. This calculation will include the estimated value of any tax exemptions to be provided along with the estimated additional sources of revenue for municipalities and school districts that the proposed project may provide.

The Fiscal impacts (discounted value) on Local Benefits totals \$34,480,522 (\$32,768,213 in payroll and \$1,712,309 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

**Project details:** For every \$1 of public benefit the company is investing \$12 into the local economy.

**Board Discussion:**

**Board Concurrence: YES NO If no, state justification:**

**Criteria #5:** The Project is included in one of the Agency’s strategic industries: Agri-Business and Food Processing, Manufacturing, Advanced Manufacturing and Nano-Enabled Manufacturing, Life Sciences and Medical Device.

**Project details: N/A**

**Board Discussion:**

**Criteria #6:** The Project will give a reasonable estimated timeline for the completion of the proposed project.

**Project details:** The project is planning to begin construction in late spring 2024 and be operational within 24 months.

**Board Discussion**

**Board Concurrence: YES NO If no, state justification:**



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2/23/24

**FINAL RESOLUTION**  
*(MedTech Landing, LLC Project)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, March 7, 2024.

The following resolution was duly offered and seconded, to wit:

Resolution No. 03/2024 - \_\_\_\_\_

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON FEBRUARY 8, 2024, WITH RESPECT TO THE MEDTECH LANDING, LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF NEW YORK STATE; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 565 of the Laws of 1970 of the State of New York, as amended (hereinafter collectively called the "Act"), the **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **MEDTECH LANDING, LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located at Assemblyman R. Stephen Hawley Drive, Town of Batavia, Genesee County, New York and all other lands in the Town of Batavia where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land", being

3.1

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more particularly described as all or a portion of tax parcel Nos. 9.-1-213, 9.-1-214, 9.-1-216.21, 9.-1-217 and 9.-1-218, as may be merged); (ii) the planning, design, construction and operation of seven (7) buildings comprising eighty (80) market rate apartments and six (6) six (6) car garages, along with utility and site improvements, parking lots, access and egress improvements, signage, curbage, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to a project agreement (the "Project Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take title to or a leasehold interest in the Land, the Improvements, the Equipment and personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iv) provide financial assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Project, (b) a partial real property tax abatement structured through the Tax Agreement and (c) a partial mortgage recording tax exemption as authorized pursuant to the laws of New York State (collectively, the "Financial Assistance"); and

WHEREAS, on January 11, 2024, the Agency adopted a resolution (the "Initial Resolution") pursuant to which the Agency (i) accepted the Application of the Company, (ii) directed that a public hearing be held, and (iii) described the forms of financial assistance being contemplated by the Agency with respect to the Project; and

WHEREAS, pursuant to Section 859-a of the Act, on Thursday, February 8, 2024, at 3:30 p.m., the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views. A copy of the Notice of Public Hearing published and forwarded to the affected taxing jurisdictions at least ten (10) days prior to said Public Hearing are attached hereto as Exhibit A; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project; and

WHEREAS, pursuant to Article 18-A of the Act the Agency desires to adopt a resolution approving the Project and the Financial Assistance (as defined below) that the Agency is contemplating with respect to the Project; and

WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents will be negotiated and presented to the President/CEO,

Chair, Vice Chair and/or Senior Vice President of Operations of the Agency for approval and execution subject to adoption of the resolutions contained herein; and

WHEREAS, (i) the Project is an essential element and integral to the Agency's stated purposes of promoting employment opportunities and preventing economic deterioration in and around the Town of Batavia, and is in furtherance of the Agency's purposes to encourage economic development, job opportunities and economic prosperity and (ii) the granting of the Financial Assistance by the Agency will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of the Town of Batavia, which is located in Genesee County, and improve their standard of living, and prevent unemployment and economic deterioration, and thereby serve the public purposes of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Genesee County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a facility or commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Application and the Company's certifications therein, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(F) The Town of Batavia Planning Board (the "Board") has conducted a review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617



(collectively referred to as "SEQRA"). In addition to classifying the Project as an "Unlisted" action (as defined in SEQRA), the Board issued a Negative Declaration on January 29, 2024 (the "Negative Declaration"), determining that the Project does not pose a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including, but not limited to, the Full Environmental Assessment Form and the Negative Declaration, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Board pursuant to 6 N.Y.C.R.R. Part 617.7. A copy of the Negative Declaration issued by the Board is attached hereto as **Exhibit B**.

Section 2. The Public Hearing held by the Agency on Thursday, February 8, 2024, at 3:30 p.m., concerning the Project and the Financial Assistance was duly held in accordance with the Act, including but not limited to the giving of at least ten (10) days published notice of the Public Hearing (such notice also provided to the Chief Executive Officer of each affected tax jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 3. Pursuant to both case law and opinions rendered by the Office of the New York State Comptroller, the Project constitutes a "commercial" facility as defined under the Act and will promote employment opportunities and prevent economic deterioration in the Town of Batavia, which is located in Genesee County. Based upon the Company's Application to the Agency, the Project will offer a housing opportunity for local residents, provide valuable housing stock for these persons working and living in Genesee County.

Section 4. The Agency is hereby authorized to provide to the Company the Financial Assistance in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Project, (b) a partial real property tax abatement structured through the Tax Agreement and (c) a partial mortgage recording tax exemption as authorized pursuant to the laws of New York State.

Section 5. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to State and local sales and use tax in an amount up to **\$9,000,000**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$720,000**. The Agency agrees to consider any requests by the Company for an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 6. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any Sales and Use Tax Exemption Benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to

make purchases for the benefit of the Project, is not entitled to the Sales and Use Tax Exemption Benefits; (ii) the Sales and Use Tax Exemption Benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the Sales and Use Tax Exemption Benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the Sales and Use Tax Exemption Benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving Sales and Use Tax Exemption Benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any Sales and Use Tax Exemption Benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 7. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, reconstruct, renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Project Agreement shall expire on **December 31, 2026** (unless extended for good cause by the President/CEO of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered.

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to negotiate and enter into (A) the Project Agreement, (B) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, and (D) the Tax Agreement; *provided, however*, (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 9. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record the Mortgage securing an aggregate principal amount not to exceed **\$12,000,000.00**, and any security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") to assist with the undertaking of the Project, the acquisition of the Facility and/or the



finance or re-finance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and the Mortgage, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 10. The Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes as permitted by New York State law in an amount not to exceed One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00).

Section 11. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 12. These Resolutions shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>		<i>Nay</i>		<i>Absent</i>		<i>Abstain</i>	
Peter Zeliff	[	]	[	]	[	]	[	]
Matthew Gray	[	]	[	]	[	]	[	]
Paul Battaglia	[	]	[	]	[	]	[	]
Craig Yunker	[	]	[	]	[	]	[	]
Kathleen Manne	[	]	[	]	[	]	[	]
Chandy Kemp	[	]	[	]	[	]	[	]
Marianne Clattenburg	[	]	[	]	[	]	[	]

The Resolutions were thereupon duly adopted.

**SECRETARY'S CERTIFICATION**  
*(MedTech Landing, LLC Project)*

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

I, the undersigned Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on March 7, 2024, with the original thereof on file in the offices of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Secretary

**Exhibit A**

Notice Letter, Notice of Public Hearing,  
Affidavit of Publication of *The Batavia Daily News*  
and Minutes of Public Hearing

[Attached Hereto]



REPORT OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S PUBLIC HEARING OF MEDTECH LANDING, LLC ON THURSDAY, FEBRUARY 8, 2024 3:30 P.M. AT THE TOWN OF BATAVIA TOWN HALL, 3833 WEST MAIN STREET ROAD, BATAVIA, NEW YORK, GENESEE COUNTY, NEW YORK

**I. ATTENDANCE**

Mark Masse, Senior VP of Operations – GCEDC  
Lauren Casey, Finance Assistant – GCEDC  
Emma Finch, Operations Assistant - GCEDC

**II. CALL TO ORDER**

The public hearing of MedTech Landing, LLC opened at 3:30 p.m. at the Batavia Town Hall, 3833 West Main Street Road, in Batavia, New York, Genesee County, New York.

A notice of this public hearing describing the project was published in the Batavia Daily News, a copy of which is attached and is an official part of this transcript.

**III. PROJECT SUMMARY**

MedTech Landing, LLC is proposing to develop 80 units of market-rate housing at 53 MedTech Drive in the town of Batavia.

The \$15 million project would construct seven apartment buildings totaling 100,000 sq. ft. and includes 6 six-car garages. The project anticipates creating two positions (2 FTE).

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$720,000, a property tax abatement estimated at \$3,031,048 via a fixed 10% 20-year PILOT (Housing PILOT for 20+ market-rate units), and a mortgage tax exemption estimated at \$120,000.

The project will also contribute \$50,000 per year for 20 years to the new Batavia Home Fund (BHF). The Town of Batavia, the City of Batavia and GCEDC have established this fund to enable housing development support in the city.

This will result in net savings to the project of \$2,871,480.

The project aligns with the Genesee County Economic Development Center's Housing Policy #1 and a recognized need for housing availability. The Genesee County Housing Needs Assessment identified that 4,800 units are needed in the next 20 years across single-family homes and rental units.

**IV. COMMENTS**

M. Masse began the public hearing by providing a summary of the above-outlined project. The purpose of the public hearing is to solicit comments and feedback from the public regarding the proposed incentives for the above-outlined project. There were no written comments received ahead of time to be included with the written record.

There was no public comment.

**V. ADJOURNMENT**

As there were no other comments, the public hearing was closed at 3:40 p.m.

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Thursday, February 8, 2024, at 3:30 p.m., local time, at Batavia Town Hall in the Meeting/Court Room, at 3833 West Main Street Road, Batavia, New York 14020, in connection with the following matter:

**MEDTECH LANDING, LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located at Assemblyman R. Stephen Hawley Drive, Town of Batavia, Genesee County, New York and all other lands in the Town of Batavia where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly described as all or a portion of tax parcel Nos. 9.-1-213, 9.-1-214, 9.-1-216.21, 9.-1-217 and 9.-1-218, as may be merged); (ii) the planning, design, construction and operation of seven (7) buildings comprising eighty (80) market rate apartments and six (6) six (6) car garages, along with utility and site improvements, parking lots, access and egress improvements, signage, curbage, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility").

The Agency will acquire title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions, a partial mortgage recording tax exemption consistent with the policies of the Agency, and a partial real property tax abatement.

The Agency will broadcast the public hearing live at [www.vimeo.com/event/3477651](http://www.vimeo.com/event/3477651), and the public hearing video will be available for on-demand viewing on the Agency's website at [www.gcedc.com/projects](http://www.gcedc.com/projects).



A representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

Dated: January 24, 2024

GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY D/B/A  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER

**Exhibit B**

Negative Declaration of the Town of Batavia Planning Board

[Attached Hereto]

*Full Environmental Assessment Form  
Part 1 - Project and Setting*

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Countryside Apartments		
Project Location (describe, and attach a general location map): Route 48, Town of Batavia (See attached Map)		
Brief Description of Proposed Action (include purpose or need): The proposed Countryside Apartments Project includes the construction of multifamily development containing 80 dwelling units. In total Countryside Apartments project will include the construction of six (6) 12-unit buildings, one (1) 8-unit building, six (6) detached garage banks each containing six (6) garages, and associated driving/parking areas. The property can be accessed off of two entrances on Stephen Hawley Drive (County Route 48). Water, sanitary sewer, storm drainage, natural gas, cable, and electric utilities will be required to be extended to the site as part of this project.		
Name of Applicant/Sponsor: David Mazur		Telephone: 716-773-7707
		E-Mail: Expert@empiredismantle.com
Address: 2680 Grand Island Blvd		
City/PO: Grand Island	State: NY	Zip Code: 14072
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:



**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Batavia	July 2023
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Town of Batavia Planning Board	July 2023
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Genesee County Highway Department	July 2023
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
Planned Unit Development (PUD)

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Batavia City School District

b. What police or other public protection forces serve the project site?  
NYS Police, Genesee County Sheriff,

c. Which fire protection and emergency medical services serve the project site?  
Batavia Fire Department, Genesee County Fire

d. What parks serve the project site?  
Batavia Soccer Park, MacArthur Park, Centennial Park, Dewitt Recreation Area

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential Apartment Buildings

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ ~10 acres  
 b. Total acreage to be physically disturbed? \_\_\_\_\_ ~9 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ ~10 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: 24-36 months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	80
At completion of all phases	_____	_____	_____	80

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,  
 i. Total number of structures \_\_\_\_\_  
 ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length  
 iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,  
 i. Purpose of the impoundment: \_\_\_\_\_  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:  
 i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_  
 \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:  
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
 \_\_\_\_\_



ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No  
If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No  
If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 7800 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
If Yes:

- Name of district or service area: NY1800554
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No  
If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 7800 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
If Yes:

- Name of wastewater treatment plant to be used: Town/City of Batavia .
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

Yes  No  
 Yes  No

• Do existing sewer lines serve the project site?  
 • Will a line extension within an existing district be necessary to serve the project?  
 If Yes:
 

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:
 

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:
 

- i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or 3.91 acres (impervious surface)  
 \_\_\_\_\_ Square feet or 10+ acres (parcel size)
- ii. Describe types of new point sources. \_\_\_\_\_
- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 To existing stormwater management facilities designed for this development. \_\_\_\_\_

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_
- Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:
 

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:
 

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No
- ii. In addition to emissions as calculated in the application, the project will generate:
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7 AM - 5 PM</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24/7 (residential housing)</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 Normal Business hours only during construction, times vary throughout construction

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ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

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n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 Lighting will primarily be located on buildings. Lighting to be dark sky friendly

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ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

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o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_

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q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

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r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): Institutional \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertsypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	-0.1	3.91	3.8
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	-9.9	6.09	-3.81
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

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c. Is the project site presently used by members of the community for public recreation?  Yes  No  
 i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
 If Yes,  
 i. Identify Facilities:  
 Genesee Community College  
 \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
 i. Dimensions of the dam and impoundment:  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
 ii. Dam's existing hazard classification: \_\_\_\_\_  
 iii. Provide date and summarize results of last inspection:  
 \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
 If Yes:  
 i. Has the facility been formally closed?  Yes  No  
 • If yes, cite sources/documentation: \_\_\_\_\_  
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
 \_\_\_\_\_  
 iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
 If Yes:  
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
 \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
 If Yes:  
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
 ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
 If yes, provide DEC ID number(s): \_\_\_\_\_  
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
 \_\_\_\_\_

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- v. Is the project site subject to an institutional control limiting property uses?  Yes  No
- If yes, DEC site ID number: \_\_\_\_\_
  - Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
  - Describe any use limitations: \_\_\_\_\_
  - Describe any engineering controls: \_\_\_\_\_
  - Will the project affect the institutional or engineering controls in place?  Yes  No
  - Explain: \_\_\_\_\_

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ varies 2-10 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Wassaic silt loam	_____	20 %
Lima silt loam	_____	20 %
Kendaia silt loam	_____	40 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ Over 6 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: 100 % of site  
 Poorly Drained: \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: 95 % of site  
 10-15%: 5 % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

**h. Surface water features.**

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No

If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No

If Yes:  
 i. Name of aquifer: \_\_\_\_\_



m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 \_\_\_\_\_  
 White Tail Deer \_\_\_\_\_ Rabbit \_\_\_\_\_  
 \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 If Yes:  
 i. Species and listing (endangered or threatened): \_\_\_\_\_  
 \_\_\_\_\_

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
 If Yes:  
 i. Species and listing: \_\_\_\_\_  
 \_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: Gene002

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark;  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

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f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No

---

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

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h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: \_\_\_\_\_

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

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i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Dave Mazur Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_

**PRINT FORM**

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

Agency Use Only [If applicable]  
 Project :   
 Date :

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

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

**Tips for completing Part 2:**

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

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

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

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

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

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

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

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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**4. Impact on groundwater**

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

NO

YES

(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

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

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

**5. Impact on Flooding**

The proposed action may result in development on lands subject to flooding.

NO

YES

(See Part 1. E.2)

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

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

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g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f, D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

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

### 8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

NO

YES

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

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



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

NO       YES

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

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

NO       YES

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

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

<b>11. Impact on Open Space and Recreation</b>			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b>			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.

NO

YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

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

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.

NO

YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

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

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.

NO

YES

(See Part 1. D.2.m, n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

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



d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: <u>Tempoary noise during construcion phase</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

NO

YES

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

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



**17. Consistency with Community Plans**  
 The proposed action is not consistent with adopted land use plans.  NO  YES  
 (See Part 1. C.1, C.2. and C.3.)  
 If "Yes", answer questions a - h. If "No", go to Section 18.

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

**18. Consistency with Community Character**  
 The proposed project is inconsistent with the existing community character.  NO  YES  
 (See Part 1. C.2, C.3, D.2, E.3)  
 If "Yes", answer questions a - g. If "No", proceed to Part 3.

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

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**Countryside Apartments SEQRA Part 3**  
Supporting Information

Item 1e Impact on Land: the proposed action may involve construction that continues for more than one year or in multiple phases.

Comment: The Developer indicated that the project will be constructed in two phases beginning in the spring of 2024 and taking approximately 2.5 years to complete. This allows the Town time to make changes in future phases, if necessary after the first phase is complete.

Item 13 e. Impact on Transportation: the proposed action may alter the present pattern of movement of people or goods.

Concern: this project will be used for student housing and increase pedestrian crossings on Assemblyman R. Stephen Hawley Drive between the proposed apartments and the Genesee Community College Campus.

Comment: the Developer indicated that these apartments will not be utilized for student housing. They will be for professionals and retirees who will not need to access the Collage campus. Therefore, no increase in pedestrian crossings on Assemblyman R. Stephen Hawley Drive is anticipated.

Item 17 b. Consistency with Community Plans: The proposed action will cause the population to grow by more than 5%.

Comment: The developer indicates that there could be 161 new residents in the Town. This would increase the population in the Town by approximately by approximately 2.4%, which is below this threshold and not determined to be a significant impact.

Item 18b: Consistency with Community character: The proposed action may create a demand for additional community services.

Concern: The proposed development will create excessive demand for fire and police response.

Comment: The developer indicated that similar properties require approximately one to four emergency service responses per month with the majority of these calls anticipated to be emergency medical calls due to the older population of tenants.

Concern: The proposed development will be used for college student housing or subsidized housing.

Comment: The developer indicated that the target rental audience is professionals and retirees who seek a peaceful and conductive living environment. They have very strict tenant housing qualifications which include:

- Proof of employment and record of employment history
- Employment verification
- Monthly income 3.5 times or more than the amount of monthly rent
- No co-signers on lease agreements (only those who will reside permanently in the rental unit will be named on the lease and must meet all requirements)

- Credit checks to ensure debt to income ratio is manageable.
- Review of payment history
- No outstanding debt in collections
- Review of credit limits. Credit age
- Background checks are performed to confirm the validity of personal information.
- Criminal background checks are completed on all applicants.
- References must be provided, and they are checked thoroughly (previous landlords etc)

Concern: The proposed development will be managed and maintained.

Comment: The developer indicated that they will provide long term property management using their own property management team.

Project : \_\_\_\_\_

Date : \_\_\_\_\_

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

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

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

**Reasons Supporting This Determination:**

To complete this section:

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

See attached supporting information

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

SEQR Status:       Type 1                       Unlisted

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



Upon review of the information recorded on this EAF, as noted, plus this additional support information  
Additional support information includes: Construction plans, SWPPP and an engineering report and a traffic study both dated July 2023.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Batavia Planning Board \_\_\_\_\_ as lead agency that:

- A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.
- B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Name of Action: Countryside Apartments

Name of Lead Agency: Town of Batavia Planning Board

Name of Responsible Officer in Lead Agency: Jonathan Long

Title of Responsible Officer: Town of Batavia Planning Board Deputy Chair

Signature of Responsible Officer in Lead Agency:  Date: 1/29/2024

Signature of Preparer (if different from Responsible Officer) \_\_\_\_\_ Date: \_\_\_\_\_

**For Further Information:**

Contact Person: Jonathan Long  
Address: Town of Batavia, 3833 West Main Street Road, Batavia NY 14020  
Telephone Number: 585-343-1729  
E-mail: \_\_\_\_\_

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

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

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**Customer Information**

Potential Customer: HP Hood Opportunity Type: Expansion  
 Project Street Address: 5140 Ag Park Drive Opportunity Product: Property Sales & Mortgage Recording Taxes Only  
 City/Town/Village: //Batavia Type of Project: Expansion  
 Project Description: HP Hood Expansion New Jobs: 48 ✓  
 Total Capital Investment: \$120,000,000 Retained Jobs: 455  
 Incentive Amount: \$5,613,705 School District: Batavia  
 Benefited Amount: \$67,000,000 PILOT Applicable: Increase in assessed value of land and/or other buildings (pre-project value of land and or buildings excluded)

**Project Information**

Organization: GCEDC  
 Opportunity Source: Direct/Personal Contact Date of Public Hearing: TBD  
 Initial Acceptance Date: 9/7/2023 Inducement Date: TBD  
 Opportunity Summary: HP Hood is planning to expand at the Ag Park in Batavia, NY.

The \$120 million project consists of a 32,500 sq ft expansion to accommodate approximately 7,500 more pallet positions in its automatic storage and retrieval system (ASRS) refrigerated warehouse. The project will also include the addition of new batching and processing systems, along with other upgrades which will allow the company to increase capacity and production of additional extended-shelf-life (ESL) beverage products at the Batavia facility.

The project proposes creating 48 new full-time equivalent (FTE) positions and retaining 455 FTE's.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$4,528,000, a property tax abatement estimated at \$549,705 based on incremental increase in assessed value via new traditional PILOT, and a mortgage tax exemption estimated at \$536,000.

**Economic Impact:** The Fiscal impacts (discounted value) on Local Benefits totals \$49,873,411 (\$49,140,810 in payroll and \$732,601 to the public in tax revenues). For every \$1 of public benefit the company is investing \$16 into the local economy

**Project Detail (Total Capital Investment)**

Building Cost (Construction): \$26,000,000 ✓  
 Equipment (non-taxable): \$53,000,000 ✓  
 Equipment (Taxable) / Other Project Investment: \$41,000,000 ✓  
 Total Capital Investment: \$120,000,000 ✓

**Estimated Benefits Provided**

Sales Tax Exempt: \$4,528,000 ✓  
 Mortgage Tax Exempt: \$536,000 ✓  
 Property Tax Exempt: \$549,705 ✓  
 Total Estimated Tax Incentives Provided: \$5,613,705  
 Total Amount Finance: \$120,000,000

MAM 8/31/23

# Genesee County Industrial Development Agency

## MRB Cost Benefit Calculator



Date August 24, 2023  
 Project Title HP Batavia Expansion  
 Project Location 5140 Ag Park Dr Batavia, NY 14020

### Economic Impacts

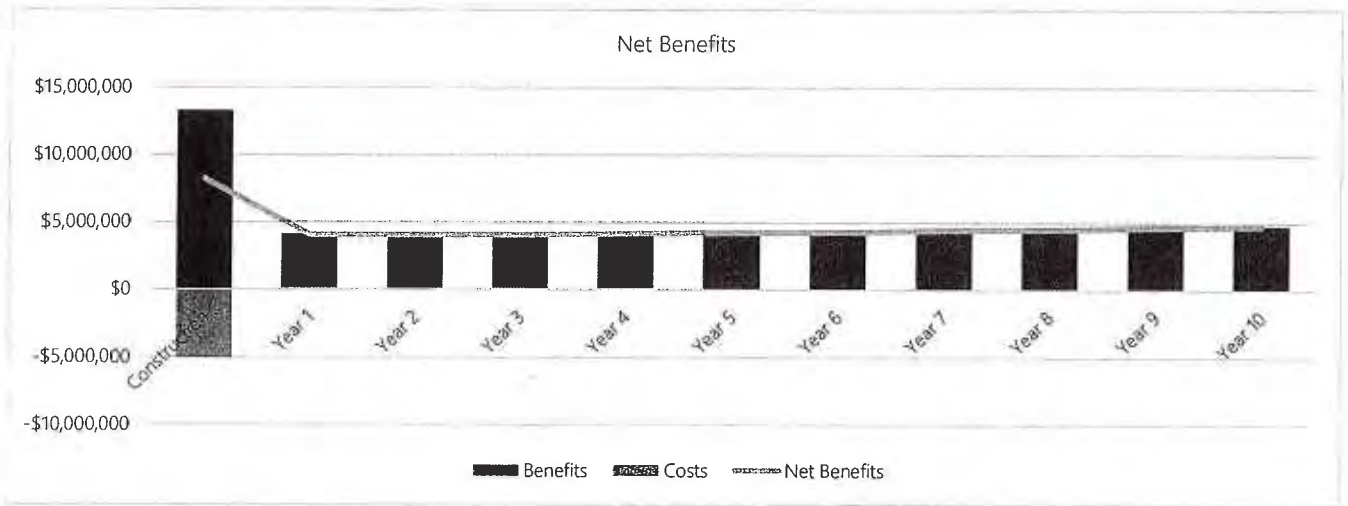
Summary of Economic Impacts over the Life of the PILOT  
 Project Total Investment  
 \$120,000,000

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		128	38	165
Earnings		\$10,751,956	\$1,804,169	\$12,556,126
Local Spend		\$26,000,000	\$6,474,445	\$32,474,445

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		48	77	125
Earnings		\$22,859,213	\$17,981,386	\$40,840,600

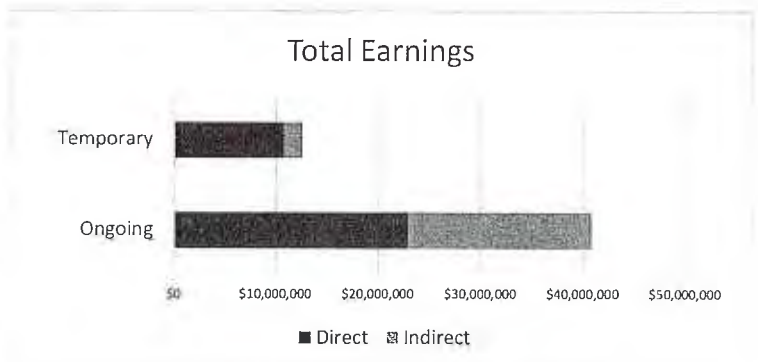
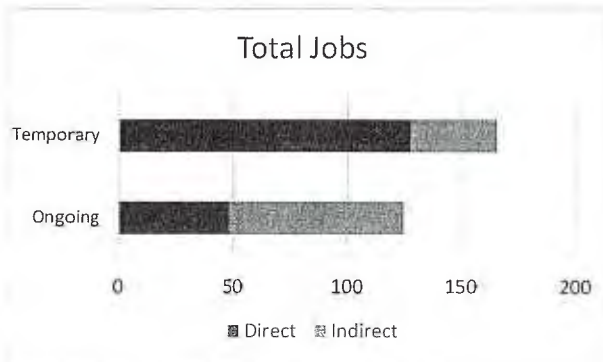
Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Figure 3



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Ongoing earnings are all earnings over the life of the PILOT.



# Fiscal Impacts

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$549,709 ✓	\$502,664
Sales Tax Exemption	\$4,528,000 ✓	\$4,528,000
Local Sales Tax Exemption	\$2,264,000	\$2,264,000
State Sales Tax Exemption	\$2,264,000	\$2,264,000
Mortgage Recording Tax Exemption	\$536,000	\$536,000
Local Mortgage Recording Tax Exemption	\$268,000	\$268,000
State Mortgage Recording Tax Exemption	\$268,000	\$268,000
<b>Total Costs</b>	<b>\$5,613,709</b>	<b>\$5,566,664</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$54,213,023	\$49,873,411
<b>To Private Individuals</b>	<b>\$53,396,725</b>	<b>\$49,140,810</b>
Temporary Payroll	\$12,556,126	\$12,556,126
Ongoing Payroll	\$40,840,600	\$36,584,685
Other Payments to Private Individuals	\$0	\$0
<b>To the Public</b>	<b>\$816,298</b>	<b>\$732,601</b>
Increase in Property Tax Revenue	\$366,471	\$320,303
Temporary Jobs - Sales Tax Revenue	\$87,893	\$87,893
Ongoing Jobs - Sales Tax Revenue	\$285,884	\$256,093
Other Local Municipal Revenue	\$76,050	\$68,313
State Benefits	\$2,776,630	\$2,555,322
<b>To the Public</b>	<b>\$2,776,630</b>	<b>\$2,555,322</b>
Temporary Income Tax Revenue	\$565,026	\$565,026
Ongoing Income Tax Revenue	\$1,837,827	\$1,646,311
Temporary Jobs - Sales Tax Revenue	\$87,893	\$87,893
Ongoing Jobs - Sales Tax Revenue	\$285,884	\$256,093
<b>Total Benefits to State &amp; Region</b>	<b>\$56,989,653</b>	<b>\$52,428,733</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$49,873,411	\$3,034,664	16:1
State	\$2,555,322	\$2,532,000	1:1
<b>Grand Total</b>	<b>\$52,428,733</b>	<b>\$5,566,664</b>	<b>9:1</b>

\*Discounted at 2%

### Additional Comments from IDA

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

## MRB Cost Benefit Calculator

### Genesee County Industrial Development Agency

Date:   
 Project Title:   
 Project Location:

#### Construction Phase - Project Assumptions

**Project Costs**  
 Enter total project costs:   
 Local Construction Spending\*  
 % of locally sourced materials and labor:   
 In-region construction spending:

#### Construction Economic Impacts

Industry	NAICS	% of Total Investment	Investment by Type
Industrial Building Construction	236210	100%	\$26,000,000 ✓
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
		100%	\$26,000,000

*Most projects will only have one line related to construction type.*

#### Operation Phase - Project Assumptions

#### Jobs and Earnings from Operations

Year 1 - Enter NAICS

NAICS	Count	Per Job Annual Earnings	Total Earnings
Fluid Milk Manufacturing	48	\$45,000	\$2,160,000 ✓
0			\$0
0			\$0
0			\$0
0			\$0
0			\$0
<b>Total</b>	<b>48</b>		<b>\$2,160,000</b>

Year 2

NAICS	Count	Per Job Annual Earnings	Total Earnings
Fluid Milk Manufacturing	48	\$45,000	\$2,160,000 ✓
0			\$0
0			\$0
0			\$0
0			\$0
0			\$0
<b>Total</b>	<b>48</b>		<b>\$2,160,000</b>

Year 3+ (Full Employment)

NAICS	Count	Per Job Annual Earnings	Total Earnings
Fluid Milk Manufacturing	48	\$45,000	\$2,160,000 ✓
0			\$0
0			\$0
0			\$0
0			\$0
0			\$0
<b>Total</b>	<b>48</b>		<b>\$2,160,000</b>

#### Fiscal Impact Assumptions

#### Estimated Costs of Incentives

Sales Tax Exemption	%	Value	PILOT Term (Years)	<input type="text" value="10"/>
Local Sales Tax Rate	4.00%	\$2,264,000 ✓	Escalation Factor	<input type="text" value="2%"/>
State Sales Tax Rate	4.00%	\$2,264,000	Discount Factor	<input type="text" value="2%"/>
Mortgage Recording Tax Exemption		\$536,000		
Local	0.50%	\$268,000		
State	0.50%	\$268,000		
<b>Total Costs</b>		<input type="text" value="\$5,613,709"/> <small>Includes PILOT exemption, calculated below.</small>		







## Property Tax Exemption

Year #	Year	Property Tax WITHOUT Project	Estimated PILOT	Property Tax on Full Assessment	Difference in Current vs. PILOT	Difference PILOT vs Full Taxes
1	2024	✓	\$18,324	✓ \$91,618	✓ \$18,324	✓ -\$73,294
2	2025	✓	\$18,324	✓ \$91,618	✓ \$18,324	✓ -\$73,294
3	2026	✓	\$18,324	✓ \$91,618	✓ \$18,324	✓ -\$73,294
4	2027	✓	\$27,485	✓ \$91,618	✓ \$27,485	✓ -\$64,133
5	2028	✓	\$27,485	✓ \$91,618	✓ \$27,485	✓ -\$64,133
6	2029	✓	\$27,485	✓ \$91,618	✓ \$27,485	✓ -\$64,133
7	2030	✓	\$45,809	✓ \$91,618	✓ \$45,809	✓ -\$45,809
8	2031	✓	\$45,809	✓ \$91,618	✓ \$45,809	✓ -\$45,809
9	2032	✓	\$64,132	✓ \$91,618	✓ \$64,132	✓ -\$27,486
10	2033	✓	\$73,294	✓ \$91,618	✓ \$73,294	✓ -\$18,324
Total		\$0	\$366,471	✓ \$916,180	\$366,471	-\$549,709
				Discounted->	\$320,303	-\$502,664

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Project Name: HP Hood

Board Meeting Date: September 7, 2023

## STATEMENT OF COMPLIANCE OF PROJECT CRITERIA LISTED IN UNIFORM TAX EXEMPTION POLICY (UTEP)

### PROJECT DESCRIPTION:

HP Hood is planning to expand at the Ag Park in Batavia, NY.

The \$120 million project consists of a 32,500 sq ft expansion to accommodate approximately 7,500 more pallet positions in its automatic storage and retrieval system (ASRS) refrigerated warehouse. The project will also include the addition of new batching and processing systems, along with other upgrades which will allow the company to increase capacity and production of additional extended-shelf-life (ESL) beverage products at the Batavia facility.

The project proposes creating 48 new full-time equivalent (FTE) positions and retaining 455 FTE's.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$4,528,000, a property tax abatement estimated at \$549,705 based on incremental increase in assessed value via new traditional PILOT, and a mortgage tax exemption estimated at \$536,000.

**Criteria #1** – The Project pledges to create and/or retain quality, good paying jobs in Genesee County.

**Project details:** The project is planning on creating 48 direct jobs between \$45,000-60,000 annual plus benefits and retaining 455 FTE's.

### Board Discussion:

**Board Concurrence:** YES NO If no, state justification:

**Criteria #2-** Completion of the Project will enhance the long -term tax base and/or make a significant capital investment.

**Project details:** The project will enhance long term tax base with an investment of \$120,000,000 and construct a 32,500 sq. ft. expansion to their refrigerated warehouse.

### Board Discussion:

**Board Concurrence:** YES NO If no, state justification:



**Criteria #3-** The Project will contribute towards creating a “livable community” by providing a valuable product or service that is underserved in Genesee County.

**Project details:** N/A

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #4:** The Board will review the Agency’s Fiscal and Economic Impact analysis of the Project to determine if the Project will have a meaningful and positive impact on Genesee County. This calculation will include the estimated value of any tax exemptions to be provided along with the estimated additional sources of revenue for municipalities and school districts that the proposed project may provide.

The Fiscal impacts (discounted value) on Local Benefits totals \$49,873,411<sup>✓</sup> (\$49,140,810 in payroll and \$732,601<sup>✓</sup> to the public in tax revenues). See attached MRB Cost Benefit Calculator.

**Project details:** For every \$1 of public benefit the company is investing \$16<sup>✓</sup> into the local economy

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #5:** The Project is included in one of the Agency’s strategic industries: Agri-Business and Food Processing, Manufacturing, Advanced Manufacturing and Nano-Enabled Manufacturing, Life Sciences and Medical Device.

**Project details:** Yes, it is in the Food Processing industry.

**Board Discussion:**

**Criteria #6:** The Project will give a reasonable estimated timeline for the completion of the proposed project.

**Project details:** The project is planning to begin construction in 2024 and be operational by the first quarter of 2025.

**Board Discussion**

**Board Concurrence:** YES NO If no, state justification:



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**FINAL RESOLUTION**  
*(HP Hood LLC Project)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, March 7, 2024.

The following resolution was duly offered and seconded, to wit:

Resolution No. 03/2024 - \_\_\_\_\_

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON SEPTEMBER 28, 2023, WITH RESPECT TO THE MEDTECH LANDING, LLC (THE "COMPANY") PROJECT (THE "PROJECT"); (ii) MAKING A DETERMINATION WITH RESPECT TO THE PROJECT PURSUANT TO SEQRA (AS DEFINED BELOW); (iii) APPOINTING THE COMPANY AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT AND (C) A PARTIAL MORTGAGE RECORDING TAX EXEMPTION AS AUTHORIZED BY THE LAWS OF NEW YORK STATE; AND (v) AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, MORTGAGE AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 565 of the Laws of 1970 of the State of New York, as amended (hereinafter collectively called the "Act"), the **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **HP HOOD LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition and/or retention by the Agency of a leasehold or other interest in certain property located at 5140 Ag Park Drive, Town of Batavia, Genesee County, New York and all other lands in the Town of Batavia where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly described as tax parcel No. 13.-1-

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165.111/P) and the existing improvements located thereon consisting principally of an approximately 448,185 square foot facility (the "Existing Improvements"); (ii) the planning, design, construction and operation of an approximately 32,500 square foot addition to the existing improvements, along with utility and site improvements, parking lots, loading docks, access and egress improvements, signage, curbage, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Existing Improvements, the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to a project agreement (the "Project Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents with the Company, (iii) take title to or a leasehold interest in the Land, the Improvements, the Equipment and personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (iv) provide financial assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Project, (b) a partial real property tax abatement structured through the Tax Agreement and (c) a partial mortgage recording tax exemption as authorized pursuant to the laws of New York State (collectively, the "Financial Assistance"); and

WHEREAS, on September 7, 2023, the Agency adopted a resolution (the "Initial Resolution") pursuant to which the Agency (i) accepted the Application of the Company, (ii) directed that a public hearing be held, and (iii) described the forms of financial assistance being contemplated by the Agency with respect to the Project; and

WHEREAS, pursuant to Section 859-a of the Act, on Thursday, September 28, 2023, at 3:30 p.m., the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views. A copy of the Notice of Public Hearing published and forwarded to the affected taxing jurisdictions at least ten (10) days prior to said Public Hearing are attached hereto as Exhibit A; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project; and

WHEREAS, pursuant to Article 18-A of the Act the Agency desires to adopt a resolution approving the Project and the Financial Assistance (as defined below) that the Agency is contemplating with respect to the Project; and



WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement and related documents will be negotiated and presented to the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency for approval and execution subject to adoption of the resolutions contained herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Genesee County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a facility or commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Application and the Company's certifications therein, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(F) The Town of Batavia Planning Board (the "Board") has conducted a review of the Project pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"). The Board issued a Negative Declaration on November 7, 2011 (the "Negative Declaration"), determining that the Project does not pose a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including, but not limited to, the Full Environmental Assessment Form and the Negative Declaration, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the



Board pursuant to 6 N.Y.C.R.R. Part 617.7. A copy of the Negative Declaration issued by the Board is attached hereto as **Exhibit B**.

Section 2. The Public Hearing held by the Agency on Thursday, September 28, 2023, at 3:30 p.m., concerning the Project and the Financial Assistance was duly held in accordance with the Act, including but not limited to the giving of at least ten (10) days published notice of the Public Hearing (such notice also provided to the Chief Executive Officer of each affected tax jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 3. The Agency is hereby authorized to provide to the Company the Financial Assistance in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Project, (b) a partial real property tax abatement structured through the Tax Agreement and (c) a partial mortgage recording tax exemption as authorized pursuant to the laws of New York State.

Section 4. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to State and local sales and use tax in an amount up to **\$56,600,000**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$4,528,000**. The Agency agrees to consider any requests by the Company for an increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any Sales and Use Tax Exemption Benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the Sales and Use Tax Exemption Benefits; (ii) the Sales and Use Tax Exemption Benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the Sales and Use Tax Exemption Benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the Sales and Use Tax Exemption Benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving Sales and Use Tax Exemption Benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any Sales and Use Tax Exemption Benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 6. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, reconstruct, renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Project Agreement shall expire on **December 31, 2025** (unless extended for good cause by the President/CEO of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered.

Section 7. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to negotiate and enter into (A) the Project Agreement, (B) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, and (D) the Tax Agreement; *provided, however*, (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 8. The President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record the Mortgage securing an aggregate principal amount not to exceed **\$53,600,000.00**, and any security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") to assist with the undertaking of the Project, the acquisition of the Facility and/or the finance or re-finance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Project Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and the Mortgage, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency shall approve, the execution thereof by the President/CEO, Chair, Vice Chair and/or Senior Vice President of Operations of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 9. The Agency is hereby authorized to provide the Company with an exemption from mortgage recording taxes as permitted by New York State law in an amount not to exceed Five Hundred Thirty-Six Thousand and 00/100 Dollars (**\$536,000.00**).

Section 10. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 10. These Resolutions shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Peter Zeliff	[ ]	[ ]	[ ]	[ ]
Matthew Gray	[ ]	[ ]	[ ]	[ ]
Paul Battaglia	[ ]	[ ]	[ ]	[ ]
Craig Yunker	[ ]	[ ]	[ ]	[ ]
Kathleen Manne	[ ]	[ ]	[ ]	[ ]
Chandy Kemp	[ ]	[ ]	[ ]	[ ]
Marianne Clattenburg	[ ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.



**SECRETARY'S CERTIFICATION**  
*(HP Hood LLC Project)*

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

I, the undersigned Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on March 7, 2024, with the original thereof on file in the offices of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Secretary

3.2

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**Exhibit A**

Notice Letter, Notice of Public Hearing,  
Affidavit of Publication of *The Batavia Daily News*  
and Minutes of Public Hearing

[Attached Hereto]

**REPORT OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S PUBLIC HEARING OF HP HOOD, LLC ON THURSDAY, SEPTEMBER 28, 2023 3:30 P.M. AT THE TOWN OF BATAVIA TOWN HALL, 3833 WEST MAIN STREET ROAD, BATAVIA, NEW YORK, GENESEE COUNTY, NEW YORK**

**I. ATTENDANCE**

Chris Suozzi, VP of Business & Workforce Development – GCEDC  
Lauren Casey, Finance Assistant – GCEDC  
Emma Finch, Operations Assistant - GCEDC

**II. CALL TO ORDER**

The public hearing of HP Hood, LLC opened at 3:30 p.m. at the Batavia Town Hall, 3833 West Main Street Road, in Batavia, New York, Genesee County, New York.

A notice of this public hearing describing the project was published in the Batavia Daily News, a copy of which is attached and is an official part of this transcript.

**III. PROJECT SUMMARY**

HP Hood is planning to expand at the Ag Park in Batavia, NY.

The \$120 million project consists of a 32,500 sq ft expansion to accommodate approximately 7,500 more pallet positions in its automatic storage and retrieval system (ASRS) refrigerated warehouse. The project will also include the addition of new batching and processing systems, along with other upgrades which will allow the company to increase capacity and production of additional extended-shelf-life (ESL) beverage products at the Batavia facility.

The project proposes creating 48 new full-time equivalent (FTE) positions and retaining 455 FTE's.

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$4,528,000, a property tax abatement estimated at \$549,705 based on incremental increase in assessed value via new traditional PILOT, and a mortgage tax exemption estimated at \$536,000.

**IV. COMMENTS**

C. Suozzi began the public hearing by providing a summary of the above-outlined project. The purpose of the public hearing is to solicit comments and feedback from the public regarding the proposed incentives for the above-outlined project. There were no written comments received ahead of time to be included with the written record.

There was no public comment.

**V. ADJOURNMENT**

As there were no other comments, the public hearing was closed at 3:40 p.m.





PUBLIC HEARING NOTICE LETTER  
(HP Hood LLC)

September 18, 2023

To: Chief Executive Officers Listed  
on Schedule A attached hereto

Re: Genesee County Industrial Development Agency d/b/a Genesee County  
Economic Development Center and HP Hood LLC

Notice of Public Hearing and Inducement Resolution

Ladies and Gentlemen:

On Thursday, September 28, 2023, at 3:30 p.m., at Batavia Town Hall in the Meeting/Court Room, at 3833 West Main Street Road, Batavia, New York 14020, the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") will conduct a public hearing regarding the above-referenced project. Attached is a copy of the Notice of Public Hearing describing the project and the financial assistance contemplated by the Agency. The Notice has been submitted to *The Daily News* for publication.

The Agency will broadcast the public hearing live at [www.gcedc.com](http://www.gcedc.com).

You are welcome to attend such hearing at which time you will have an opportunity to review the project application and present your views, both orally and in writing, with respect to the project. We are providing this notice to you, pursuant to General Municipal Law Section 859-(a), as the chief executive officer of an affected tax jurisdiction within which the project is located.

On August 3, 2023, the Agency adopted an inducement resolution (the "Inducement Resolution") with respect to the Project. Pursuant to Chapter 766 of the Laws of 2022 of the State of New York, effective January 1, 2023, enclosed please find a copy of such as-adopted and certified Inducement Resolution.

Very truly yours,

GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY d/b/a  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER

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SCHEDULE A

GENESEE COUNTY

Certified Mail No.

9489-009-0027-6389-9905-94

Genesee County Manager  
Old Courthouse  
7 Main Street  
Batavia, New York 14020

Certified Mail No.

9489-009-0027-6389-9906-00

Genesee County Legislature  
Attn: Chair  
Old Courthouse  
7 Main Street  
Batavia, New York 14020

TOWN OF BATAVIA

Certified Mail No.

9489-009-0027-6389-9906-17

Town of Batavia  
Attn: Supervisor  
3833 West Main Street Road  
Batavia, New York 14020

BATAVIA CITY SCHOOL DISTRICT

Certified Mail No.

9489-009-0027-6389-9906-24

Batavia City School District  
Attn: Superintendent  
260 State Street  
Batavia, New York 14020

Certified Mail No.

9489-009-0027-6389-9906-48

Batavia City School District  
Attn: President of Board of Education  
260 State Street  
Batavia, New York 14020

Certified Mail No.

9489-009-0027-6389-9906-31

Batavia City School District  
Attn: District Clerk  
260 State Street  
Batavia, New York 14020

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Thursday, September 28, 2023, at 3:30 p.m., local time, at Batavia Town Hall in the Meeting/Court Room, at 3833 West Main Street Road, Batavia, New York 14020, in connection with the following matter:

**HP HOOD LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition and/or retention by the Agency of a leasehold or other interest in certain property located at 5140 Ag Park Drive, Town of Batavia, Genesee County, New York and all other lands in the Town of Batavia where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly described as tax parcel No. 13.-1-165.111/P) and the existing improvements located thereon consisting principally of an approximately 448,185 square foot facility (the "Existing Facility"); (ii) the planning, design, construction and operation of an approximately 32,500 square foot addition to the existing improvements, along with utility and site improvements, parking lots, loading docks, access and egress improvements, signage, curbage, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Existing Improvements, the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land, the Existing Improvements and the Improvements, the "Facility").

The Agency will acquire title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions, a partial mortgage recording tax exemption consistent with the policies of the Agency, and a partial real property tax abatement.

The Agency will broadcast the public hearing live on the Agency's website at [www.gcedc.com](http://www.gcedc.com).



A representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

Dated: September 16, 2023

GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY D/B/A  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER

**AFFIDAVIT OF PUBLICATION**

*Batavia Daily News*

State of New York,

County of, Genesee,

The undersigned is the authorized designee of **Batavia Daily News**, a **Daily** Newspaper published in **Genesee** County, **New York**. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

September 16, 2023

This newspaper has been designated by the County Clerk of **Genesee** County, as a newspaper of record in this county, and as such, is eligible to publish such notices.

*Eliot T. Putnam*

Signature

Eliot T. Putnam

Printed Name

Subscribed and sworn to before me,

This 20 day of September 2023

*Douglas W. Rea*

Notary Signature

Notary Public Stamp



**AFFIDAVIT OF PUBLICATION***Batavia Daily News*

GENESEE COUNTY

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Thursday, September 28, 2023, at 3:30 p.m., local time, at Batavia Town Hall in the Meeting/Court Room, at 3833 West Main Street Road, Batavia, New York 14020, in connection with the following matter:

HP HOOD LLC, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition and/or retention by the Agency of a leasehold or other interest in certain property located at 5140 Ag Park Drive, Town of Batavia, Genesee County, New York and all other lands in the Town of Batavia where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly described as tax parcel No. 13.-1-165.111/P) and the existing improvements located thereon consisting principally of an approximately 448,185 square foot facility (the "Existing Facility"); (ii) the planning, design, construction and operation of an approximately 32,500 square foot addition to the existing improvements, along with utility and site improvements, parking lots, loading docks, access and egress improvements, signage, curbage, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Existing Improvements, the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land, the Existing Improvements and the Improvements, the "Facility").

The Agency will acquire title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions, a partial mortgage recording tax exemption consistent with the policies of the Agency, and a partial real property tax abatement.

The Agency will broadcast the public hearing live on the Agency's website at [www.gcedc.com](http://www.gcedc.com).

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.



**AFFIDAVIT OF PUBLICATION**

*Batavia Daily News*

Dated: September 16, 2023

GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY D/B/A  
GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER

Exhibit B

Negative Declaration of the Town of Batavia Planning Board

[Attached Hereto]

TOWN OF BATAVIA PLANNING BOARD  
SPECIAL MEETING NOVEMBER 7, 2011

PRESENT: Chairman Kathleen Jasinski, Members Gordon Offhaus, Don Partridge, Lou Paganello, Paul McCullough, Paul Marchese, Jeremy Liles, and Jonathan Long

ALSO ATTENDING: ZEO Bruce Gerould, Deputy ZEO Dan Lang, Secretary Sharon White, Town Engineer Steve Mountain, ZBA Chairman Gary Diegelman, and Mark Masse from GCEDC

Also participating in the meeting was Mike Wheeler of Haskell Co. Architects by conference call.

Our alternate member will be voting at tonight's meeting due to a conflict of interest by Don Partridge.

GCEDC—AGRI BUSINESS PARK—E MAIN ST RD—SEQR REVIEW

This Special Planning Board meeting was called to review the original impact statement to determine if there are any significant changes. This is in regards to a re-subdivision of property to allow a food beverage processing plant to be built in the Agri Business Park. It was determined that there are three (3) items of concern on the SEQR.

- 1) Total park water usage—614,000 gallons per day is estimated. This amount goes over the threshold of the impact statement.
- 2) Parking space size—impact statement referred back to Town code for 10' x 20' spaces. 9' x 18' is proposed. Creating smaller spaces creates more green space and less cost to the developer.
- 3) Height—twenty storage tanks will be erected. Two (2) 77 ft., Two (2) 65 ft., and sixteen (16) 50 ft. ZBA Chairman Diegelman asked Mr. Wheeler what phase will the tanks be going in? He stated that all the tanks will be in going in on the first phase of the project. The consensus of the Board is that there will be no significant impact on the three (3) items. The Board reviewed the Appendix B State Environmental Quality Review—Visual EAF Addendum. Paul McCullough made a motion to accept the visual EAF Addendum. Seconded by Paul Marchese. Vote was 7 yes with 1 abstention by



Don Partridge. Motion passed.

Paul Marchese made a motion to determine the SEQR as a negative declaration. Seconded by Gordon Offhaus. Vote was 7 yes with 1 abstention by Don Partridge. Motion passed.

Gordon Offhaus made a motion to adjourn the meeting at 6:00pm. Seconded by Jeremy Liles. Vote unanimous for adjournment.

Respectfully submitted,

Kathleen Jasinski  
Chairman

Sharon White  
Secretary

**RESOLUTION TO ADOPT A NEGATIVE DECLARATION  
REGARDING PROJECT WAVE**

WHEREAS, on November 1, 2011, the Genesee County Economic Development Center (GCEDC) filed an Application for site plan and subdivision approval to construct a project in the Genesee Valley Agri-Business Park, consisting of a food and beverage manufacturing facility, and

WHEREAS, on November 4, 2008, the Town of Batavia Planning Board adopted a Generic Environmental Impact Statement (GEIS) with regard to the entire Genesee Valley Agri-Business Park with regard to the development of 307.3 acres of land for agri-business and industrial development, to be completed over three (3) phases, and

WHEREAS, Section 617.10(d) of the State Environmental Quality Review Act (SEQR) requires that when a GEIS has been prepared, the Lead Agency must review the Environmental Impacts of any proposed project thereafter to determine whether or not any subsequent proposed action will be carried out in conformance with the conditions and thresholds established in the GEIS, and

WHEREAS, the Town of Batavia Engineering Department has reviewed the Application and has prepared a spreadsheet, a copy of which shall be annexed to the Planning Board Minutes, whereby the environmental thresholds set forth in the GEIS were compared to the proposals in Project Wave, and

WHEREAS, three (3) impacts were identified which exceeds these thresholds, relating to total water usage, the maximum allowed height and the minimum parking space sizes.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Batavia, New York, that the environmental impacts of the Project Wave Application and the thresholds set forth in the Generic Environmental Impact Statement for the Genesee Valley Agri-Business Park were reviewed, and the Project Wave proposals will not result in any significant adverse environmental impacts with regard to both those environmental impacts below the thresholds addressed in the GEIS; and concerning the three (3) environmental impacts that exceed the

thresholds, and

**BE IT FURTHER RESOLVED** that the reasons and findings for this determination are as follows:

1. The water usage of 664,000 gallons per day (Project Wave, Alpina and Marktec Products, Inc.) is not significantly in excess of the GEIS threshold of 614,000 gallons per day, and the Town has more than sufficient capacity to meet these increased needs, and
2. The maximum height in the Town of Batavia Zoning Ordinance is 40 feet, and the proposal for 120 feet will need a variance from the Town Zoning Board of Appeals, however, several height variances for projects have been approved in the past, the Planning Board has reviewed renderings of the project and completed a visual environmental assessment form, and
3. The Town of Batavia Zoning Ordinance establishes a minimum parking size of 10 feet by 20 feet, and the proposal of 9 feet by 18 feet must also receive a variance from the Zoning Board of Appeals, however, this variance is not significant enough to warrant additional environmental review, and

**BE IT FURTHER RESOLVED** that based upon the foregoing, the Town Planning Board does hereby make a negative declaration that the Project Wave Application will not result in any significant adverse environmental impacts and a Supplemental Environmental Impact Statement does not need to be performed, and

**BE IT FURTHER RESOLVED** that the Town Planning Board Chair is hereby authorized and directed to prepare a Negative Declaration Notice of Determination of Non-Significance with regard to the Project Wave Application.

Dated: 11-7-11

OFFERED BY: Paul Marchese

SECONDED BY: Gordon Offhaus



**617.20**  
**Appendix B**  
**State Environmental Quality Review**  
**VISUAL EAF ADDENDUM**

This form may be used to provide additional information relating to Question 11 of Part 2 of the Full EAF.

(To be completed by Lead Agency)

Visibility	Distance Between Project and Resource (In Miles)				
1.	1. 25	25 - 50	50 - 100	100 - 200	200+
<ul style="list-style-type: none"> <li>• <i>A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities?</i> Dewitt Park</li> <li>• <i>An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities?</i> Dewitt Park</li> <li>• <i>A site or structure listed on the National or State Registers of Historic Places?</i> Batavia Cemetery</li> <li>• <i>State Parks?</i></li> <li>• <i>The State Forest Preserve?</i></li> <li>• <i>National Wildlife Refuges and State Game Refuges?</i></li> <li>• <i>National Natural Landmarks and other outstanding natural features?</i></li> <li>• <i>National Park Service lands?</i></li> <li>• <i>Rivers designated as National or State Wild, Scenic or Recreational?</i></li> <li>• <i>Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak?</i></li> <li>• <i>A governmentally established or designated interstate or inter-county foot trail, or one formally proposed for establishment or designation?</i></li> <li>• <i>A site, area, lake, reservoir or highway designated as scenic?</i></li> <li>• <i>Municipal park, or designated open space?</i> Dewitt Park</li> <li>• <i>County road?</i> AgPark Drive</li> <li>• <i>State road?</i> Rte. 5</li> <li>• <i>Local road?</i> Rollin Circle</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	<i>Is the visibility of the project seasonal? (i.e., screened by summer foliage, but visible during other seasons)</i>				
	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No			
3.	<i>Are any of the resources checked in question 1 used by the public during the time of year during which the project will be visible?</i>				
	<input checked="" type="checkbox"/> Yes				<input type="checkbox"/> No

**DESCRIPTION OF EXISTING VISUAL ENVIRONMENT**

4. From each item checked in question 1, check those which generally describe the surrounding environment.

		*1/4 mile	Within	*1 mile
Essentially undeveloped		<input type="checkbox"/>		<input type="checkbox"/>
Forested		<input type="checkbox"/>		<input type="checkbox"/>
Agricultural		<input checked="" type="checkbox"/>		<input type="checkbox"/>
Suburban Residential	<b>Rollin Circle</b>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Industrial		<input checked="" type="checkbox"/>		<input type="checkbox"/>
Commerical		<input type="checkbox"/>		<input checked="" type="checkbox"/>
Urban	<b>Wallace St. is over a mile.</b>	<input type="checkbox"/>		<input type="checkbox"/>
River, Lake, Pond	<b>Dewitt Park</b>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Cliffs, Overlooks		<input type="checkbox"/>		<input type="checkbox"/>
Designated Open Space		<input type="checkbox"/>		<input type="checkbox"/>
Flat		<input checked="" type="checkbox"/>		<input type="checkbox"/>
Hilly		<input checked="" type="checkbox"/>		<input type="checkbox"/>
Mountainous		<input type="checkbox"/>		<input type="checkbox"/>
Other		<input type="checkbox"/>		<input type="checkbox"/>

**NOTE:** add attachments as needed

5. Are there visually similar projects within:

\*1/2 mile  Yes  No    1 mile  Yes  No    2 miles  Yes  No    3 miles  Yes  No

**Oatka**

\*Distance from project site is provided for assistance. Substitute other distances as appropriate.

**EXPOSURE**

6. The annual number of viewers likely to observe the proposed project is 2,000?

**NOTE:** When user data is unavailable or unknown, use best estimate.

**Rollin Circle/Haven Lane residents, AgPark employees, Rte. 5 traffic.**

**CONTEXT**

7. The situation or activity in which the viewers are engaged while viewing the proposed action is:

**FREQUENCY**

Activity	Daily	Weekly	Holidays/ Weekends	Seasonally
Travel to and from work	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Involved in recreational activities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Routine travel by residents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
At a residence	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
At worksite	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Reset

State Environmental Quality Review (SEQR)  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Project Number \_\_\_\_\_

Date November 9, 2011

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Batavia Planning Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Supplemental Environmental Impact Statement will not be prepared.

**Name of Action:** Project Wave Application

**SEQR Status:** Type 1  .  
Unlisted \_\_\_\_\_ .

**Conditioned Negative Declaration:** \_\_\_\_\_ YES  
 NO

**Description of Action:** Project Wave Application proposes to construct a Food and Beverage processing plant with offices. The plant will consist of three building phases. The first phase will consist of a 3/6 line plant. The second phase will consist of a 10 line plant. Project Wave will reach its expected build out with a 16 line food and beverage plant. The size of the initial building will be 331,760 square feet and at maximum build out the plant will increase to 650,980 square feet. The food and beverage manufacturing plant will operate 24 hours a day 7 days per week at 365 days per year.

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

The Project is proposed to be located on Park Drive West in the Town of Batavia within the Genesee Valley Agri-Business Park. The Agri-Business park consists of an approximately 307 acre site located with access to East Main Street Road (NYS Route 5). The entire site is bounded to the north by East Main Street Road and the Genesee County Agricultural Society Fairgrounds and Race Track, to the south and west by agricultural lands and Ellicott Street Road (NYS Route 63), and to the east by agricultural lands and a privately owned family entertainment center.

**Reasons Supporting This Determination:**

See 617.10(d) for requirements of this determination, which were decided as follows:

The Town of Batavia Engineering Department and the Planning Board reviewed a Generic Environmental Impact Statement (GEIS) with regard to the entire Genesee Valley Agri-Business Park, which was adopted by the Planning Board on November 4, 2008, and compared the conditions and thresholds set forth therein with the proposed Project Wave Application. The Planning Board made a specific finding that both those environmental impacts below the thresholds addressed in the GEIS and the three environmental impacts that exceeded the GEIS thresholds will not result in any significant adverse environmental impacts. Specifically, with regard to the three thresholds that exceeded the limits in the GEIS, the Town Planning Board determined that the following reasons were used as a basis for its determination that a Negative Declaration of Non-Significance should be prepared regarding this Project:

1. The water usage of 664,000 gallons per day (Project Wave, Alpina and Markttec Products, Inc.) is not significantly in excess of the GEIS threshold of 614,000 gallons per day, and the Town has more than sufficient capacity to meet these increased needs, and
2. The maximum height in the Town of Batavia Zoning Ordinance is 40 feet, and the proposal for 120 feet will need a variance from the Town Zoning Board of Appeals, however, several height variances for projects have been approved in the past, the Planning Board has reviewed renderings of the project and completed a visual environmental assessment form, and
3. The Town of Batavia Zoning Ordinance establishes a minimum parking size of 10 feet by 20 feet, and the proposal of 9 feet by 18 feet must also receive a variance from the Zoning Board of Appeals, however, this variance is not significant enough to warrant additional environmental review.

**If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.**

For Further Information:

Contact Person: Kathy Jaskinski, Planning Board Chair  
 Address: 3833 West Main Street Road, Batavia, New York 14020  
 Telephone Number: (585)343-1729

**A Copy of this Notice Sent To:**

- A. When a Type I negative declaration or conditioned negative declaration (as follows):
- (1) Chief Executive Officer of the political subdivision in which the action is primarily located:
  - (2) The Lead Agency:
  - (3) All Involved Agencies:
  - (4) Any Person who requested a copy:
  - (5) If the action involves an applicant, with the applicant:
- B. When an Unlisted negative declaration (as follows):
- (1) The Lead Agency: Town of Batavia Planning Board



**CLOSING STATEMENT FOR SALE**

<b>SELLER:</b>	GCIDA d/b/a GCEDC	
<b>BUYER:</b>	Edwards Vacuum LLC	<b>M#421329</b>
<b>PREMISES:</b>	Part of V/L, Crosby Road, Town of Alabama, New York	
	Part of V/L, Alleghany Road, Town of Alabama, New York	
<b>CLOSING:</b>	September 28, 2023	
<b>TAX ACCOUNT NO.:</b>	Part of 10.-1-13.1 (Crosby Road)	
	Part of 10.-1-15.11 (Alleghany Road)	
<b>SELLER'S ATTORNEY:</b>	Harris Beach PLLC, Michael E. Condon, Esq.	
<b>BUYER'S ATTORNEY:</b>	Hodgson Russ LLP, Rafael F. Pignataro Esq.	

**SELLERS CREDITS:**

Purchase Price			\$ 3,750,000.00
Credit for Survey			\$ 4,000.00
2023/24 School Tax	\$ -	(Wholly exempt) - BOTH PARCELS	\$ -
2023 County Tax	\$ 36.11	\$0.0989315/day for 95 days) - Alleghany 8.808	\$ 9.40
2023 County Tax	\$ 168.87	\$0.462658/day for 95 days) - Crosby 41.192	\$ 43.95
		<b>Gross Amount due Seller</b>	<b>\$ 3,754,053.35</b>

**BUYERS CREDITS:**

Deposit held by Harris Beach PLLC	\$ 375,000.00
Credit for Seller's Recording Fees	\$ 15,005.00

**Total of Buyer's Credits** \$ 390,005.00

**Net Amount Due Seller at Closing** \$ 3,364,048.35

**SELLER'S RECORDING FEES (Information Only, Credited to Buyer):**

Transfer Tax	Genesee County Clerk	\$ 15,000.00
New York State form TP-584	Genesee County Clerk	\$ 5.00
		<b>\$ 15,005.00</b>

**EXPENSES OF SELLER:**

Abstract of Title	Harris Beach PLLC	\$ 1,750.00	(reimbursement)
Survey		\$ -	(reimbursement)
Broker's Commission	Purchaser Expense per Contract	\$ -	(Buyer Expense)
Miscellaneous Disbursements	Harris Beach PLLC	\$ 100.00	(reimbursement)
Attorney Fees	Harris Beach PLLC	\$ 16,285.50	
		<b>\$ 18,135.50</b>	

**AMOUNT AVAILABLE TO DISBURSE:**

Amount due to Seller after Credits and Adjustments:	\$ 3,364,048.35
Plus Deposit held by Harris Beach PLLC	\$ 375,000.00
	<b>Amount Available to Disburse:</b> <span style="float:right">\$ 3,739,048.35</span>

**DISBURSEMENTS OF SELLER:**

Harris Beach PLLC	Seller's costs reimbursed	\$ 18,135.50
Harris Beach PLLC		\$ -
Pyramid Brokerage Company	Broker's commission	\$ -
GCIDA d/b/a GCEDC	Proceeds of sale	\$ 3,720,912.85
	<b>Amount Disbursed</b>	<b>\$ 3,739,048.35</b>

3.2

89

3.2

**Mark Masse**

---

**From:** Steve Mountain <smountain@townofbatavia.com> on behalf of Steve Mountain  
**Sent:** Friday, February 23, 2024 8:14 AM  
**To:** Chris Suozzi; Daniel Lang  
**Cc:** Mark Masse  
**Subject:** RE: Muller Quaker Dairy - now HP HOOD original site plan

Chris and Mark,

This email is to confirm that the current proposed HP Hood warehouse was part of the original Muller Quaker site plan approval and SEQR negative declaration issued by the Town of Batavia.

Please let us know if anything further is needed for this project.

Thank you,  
Steve Mountain, PE  
Town Engineer

---

**From:** Chris Suozzi <csuozzi@gcedc.com>  
**Sent:** Thursday, February 22, 2024 3:26 PM  
**To:** Daniel Lang <dlang@townofbatavia.com>; Steve Mountain <smountain@townofbatavia.com>  
**Cc:** Mark Masse <mmasse@gcedc.com>  
**Subject:** FW: Muller Quaker Dairy - now HP HOOD original site plan

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Dan and Steve,

Please see below and kindly send us an email stating that the negative declaration was approved for the full build out site plan that included the new proposed warehouse.

Can we get this fairly quickly by noon tomorrow ?

90

3  
Talk to you soon!  
Chris



---

**From:** Mark Masse <[mmasse@gcedc.com](mailto:mmasse@gcedc.com)>  
**Sent:** Thursday, February 22, 2024 2:13 PM  
**To:** Stephen Maier <[smaier@harrisbeach.com](mailto:smaier@harrisbeach.com)>; Chris Suozzi <[csuozzi@gcedc.com](mailto:csuozzi@gcedc.com)>  
**Subject:** RE: Muller Quaker Dairy - now HP HOOD original site plan

Stephen,  
What the Town has said is that the Negative Declaration was made on the overall site plan that Chris just sent over. They are still looking for the signed plans. If you think that there is more information needed, please let me know. **I think the only other thing we could do is ask the Town engineer, or Town attorney, to send us a letter stating that the negative declaration was approved for the full build out site plan that included the new proposed warehouse.**  
Thanks,

Mark A. Masse, CPA



Senior Vice President of Operations  
Genesee County Economic Development Center  
Leadership Genesee Class of 2002  
99 MedTech Drive  
Suite 106  
Batavia, NY 14020  
Phone: (585) 343-4866, ext. 17

## GCEDC

Chris Suozzi –Business Development

March 7, 2024

### **Discussion:**

The Board approved Countryside Apartments in Pembroke on October 26, 2023. The approval was for the complete 4 phased project in total with a capital investment of \$15.65 million, 96 units 4 buildings.

The developer has determined that the Project is to be undertaken in four (4) phases, with each phase consisting of the planning, design, construction and operation of a twenty-four (24) unit market rate apartment building. Due to the multi-phased structure of the Project, the developer is requesting that the GCEDC treat each phase as a distinct "project" and to allocate the original incentives and project fees in accordance with the spreadsheet attached to the resolution. The GCEDC would need to ratify the findings and determinations of the original Final Resolution that was previously approved.

### **Action Requested:**

Approval of the attached resolution designating the original approval into four separate projects.



*ms*  
9/27/23

**Customer Information**

Potential Customer:	Countryside Apartments, LLC	Opportunity Type:	Attraction
Proj. St. Address:	8900 Alleghany Road	Opportunity Product:	Property Sales & Mortgage Recording Taxes Only
City/Town/Village:	//Pembroke	Type of Project:	Attraction
Proj. Description:	Pembroke Apartment Development	New Jobs:	1
Total Capital Investment:	\$15,650,000	Retained Jobs:	N/A
Incentive Amount:	\$2,889,888	School District:	Pembroke
Benefited Amount:	\$15,650,000	PILOT Applicable:	Increase in assessed value of land and/or other buildings (pre-project value of land and or buildings excluded)

**Project Information**

Organization:	GCEDC
Opportunity Source:	Direct/Personal Contact Date of Public Hearing: TBD
Initial Acceptance Date:	10/5/2023 Inducement Date: TBD

**Opportunity Summary:** Countryside Apartments, LLC is proposing to develop four 24-unit market-rate apartment buildings in the town of Pembroke.

The \$15.65 million project would be built in phases, with one 24-unit building per phase, for a total of 96 units. Each building will have eight 1-bedroom and 16 2-bedroom units. Each building will be 21,096 sq. ft. for a total of 84,384 sq. ft. The project anticipates creating two part-time positions (1 FTE).

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$739,200, a property tax abatement estimated at \$2,020,688 based on the incremental increase in assessed value via a fixed 60% 20-year PILOT (Housing PILOT for 20+ market-rate units), and a mortgage tax exemption estimated at \$130,000.

The project aligns with the Genesee County Economic Development Center's Housing Policy #1 and a recognized need for housing availability. The Genesee County Housing Needs Assessment identified that 4,800 units are needed in the next 20 years across single-family homes and rental units.

**Economic Impact:** The fiscal impacts (discounted value) on local benefits total \$10,032,176 (\$8,705,683 in temporary and ongoing payroll and \$1,326,493 to the public in tax revenues). For every \$1 of public benefit, the company is investing \$5 into the local economy.

**Project Detail (Total Capital Investment)**

Building Cost (Construction):	\$15,400,000	Capital Improvements:	\$0
Equipment (non-taxable):	\$0	Equipment (Taxable) / Other Project Investment:	\$0
Land Cost (Real Estate):	\$250,000		
Total Capital Investment:	\$15,650,000		

**Estimated Benefits Provided**

Sales Tax Exempt:	\$739,200
Mortgage Tax Exempt:	\$130,000
Property Tax Exempt:	\$2,020,688
Total Estimated Tax Incentives Provided:	\$2,889,888

Total Amount Finance:	\$15,650,000
Mortgage Amount:	\$13,000,000
Equity:	\$2,650,000

man  
9/21/2

# Genesee County Industrial Development Agency

## MRB Cost Benefit Calculator

Date: October 5, 2023  
 Project Title: Countryside Apartments, LLC  
 Project Location: Pembroke, NY 14036



### Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

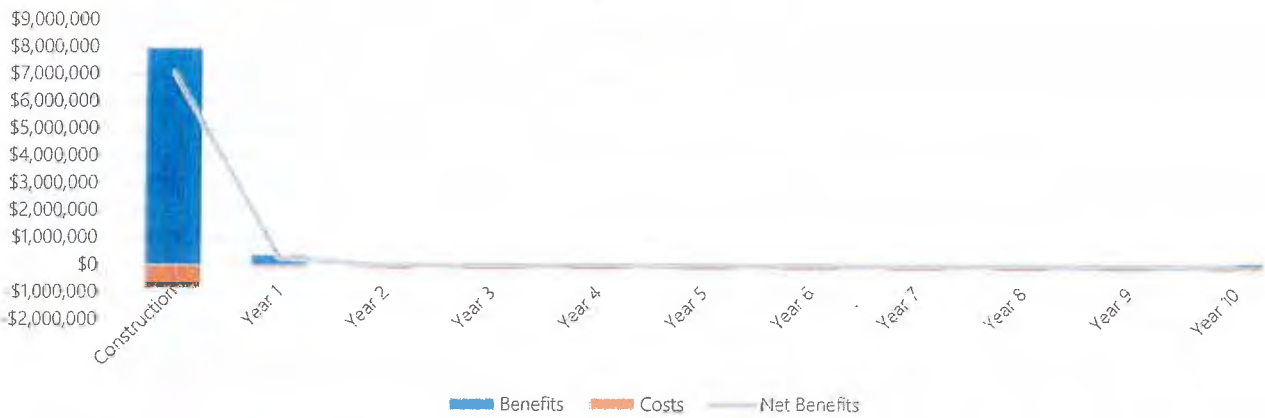
Project Total Investment  
 \$15,650,000

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	81	22	103
Earnings	\$6,454,442	\$1,067,842	\$7,522,284
Local Spend	\$15,400,000	\$3,816,863	\$19,216,863

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	1	0	1
Earnings	\$800,000	\$347,669	\$1,147,669

Figure 1

#### Net Benefits

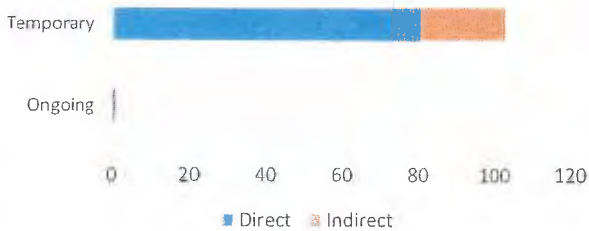


Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

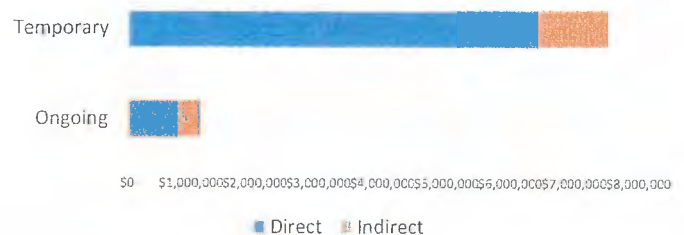
Figure 2

Figure 3

#### Total Jobs



#### Total Earnings



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Ongoing earnings are all earnings over the life of the PILOT

# Fiscal Impacts

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$2,020,700 ✓	\$1,584,073
Sales Tax Exemption	\$739,200 ✓	\$739,200
Local Sales Tax Exemption	\$369,600	\$369,600
State Sales Tax Exemption	\$369,600	\$369,600
Mortgage Recording Tax Exemption	\$130,000 ✓	\$130,000
Local Mortgage Recording Tax Exemption	\$65,000	\$65,000
State Mortgage Recording Tax Exemption	\$65,000	\$65,000
<b>Total Costs</b>	<b>\$2,889,900</b>	<b>\$2,453,273</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$10,530,682</b>	<b>\$10,032,176</b>
<b>To Private Individuals</b>	<b>\$8,919,953</b>	<b>\$8,705,683</b>
Temporary Payroll	\$7,522,284	\$7,522,284
Ongoing Payroll	\$1,147,669	\$938,302
Other Payments to Private Individuals	\$250,000	\$245,098
<b>To the Public</b>	<b>\$1,610,730</b>	<b>\$1,326,493</b>
Increase in Property Tax Revenue	\$1,335,780	\$1,092,096
Temporary Jobs - Sales Tax Revenue	\$52,656	\$52,656
Ongoing Jobs - Sales Tax Revenue	\$8,034	\$6,568
Other Local Municipal Revenue	\$214,260	\$175,173
<b>State Benefits</b>	<b>\$450,838</b>	<b>\$439,950</b>
<b>To the Public</b>	<b>\$450,838</b>	<b>\$439,950</b>
Temporary Income Tax Revenue	\$338,503	\$338,503
Ongoing Income Tax Revenue	\$51,645	\$42,224
Temporary Jobs - Sales Tax Revenue	\$52,656	\$52,656
Ongoing Jobs - Sales Tax Revenue	\$8,034	\$6,568
<b>Total Benefits to State &amp; Region</b>	<b>\$10,981,520</b>	<b>\$10,472,127</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$10,032,176	\$2,018,673	5:1
State	\$439,950	\$434,600	1:1
<b>Grand Total</b>	<b>\$10,472,127</b>	<b>\$2,453,273</b>	<b>4:1</b>

\*Discounted at 2%

### Additional Comments from IDA

Does the IDA believe that the project can be accomplished in a timely fashion?  Yes



MSM  
9/21/2

### MRB Cost Benefit Calculator

Genesee County Industrial Development Agency

Date   
 Project Title   
 Project Location

#### Construction Phase - Project Assumptions

**Project Costs**

Project Costs Value  ✓

Enter total project costs:

Local Construction Spending\* % of locally sourced materials and labor

In-region construction spending

#### Construction Economic Impacts

Industry	NAICS	% of Total Investment	Investment by Type
New Multifamily Building Construction	236116	100%	\$15,400,000 ✓
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
		100%	\$15,400,000

*Most projects will only have one line related to construction type.*

#### Operation Phase - Project Assumptions

##### Jobs and Earnings from Operations

Year 1 - Enter NAICS

NAICS	Count	Per Job Annual Earnings	Total Earnings
Residential Property Managers 531311	1	\$40,000 ✓	\$40,000
0			\$0
0			\$0
0			\$0
0			\$0
0			\$0
<b>Total</b>	<b>1</b>		<b>\$40,000</b>

Year 2

NAICS	Count	Per Job Annual Earnings	Total Earnings
Residential Property Managers 531311	1 ✓	\$40,000 ✓	\$40,000
0			\$0
0			\$0
0			\$0
0			\$0
0			\$0
<b>Total</b>	<b>1</b>		<b>\$40,000</b>

Year 3+ (Full Employment)

NAICS	Count	Per Job Annual Earnings	Total Earnings
Residential Property Managers 531311	1 ✓	\$40,000 ✓	\$40,000
0			\$0
0			\$0
0			\$0
0			\$0
0			\$0
<b>Total</b>	<b>1</b>		<b>\$40,000</b>

#### Fiscal Impact Assumptions

##### Estimated Costs of Incentives

Sales Tax Exemption	%	Value	PILOT Term (Years)	<input type="text" value="20"/>
Local Sales Tax Rate	4.00%	\$739,200 ✓	Escalation Factor	<input type="text" value="0%"/>
State Sales Tax Rate	4.00%	\$369,600	Discount Factor	<input type="text" value="2%"/>
Mortgage Recording Tax Exemption		\$130,000		
Local	0.50%	\$65,000		
State	0.50%	\$65,000		
<b>Total Costs</b>		<input type="text" value="\$2,889,900"/> <small>includes PILOT exemption, calculated below</small>		







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9/27/23



Project Name: Countryside Apartments, LLC

Board Meeting Date: October 5, 2023

## STATEMENT OF COMPLIANCE OF PROJECT CRITERIA LISTED IN UNIFORM TAX EXEMPTION POLICY (UTEP)

### PROJECT DESCRIPTION:

Countryside Apartments, LLC is proposing to develop four 24-unit market-rate apartment buildings in the town of Pembroke.

The \$15.65 million project would be built in phases, with one 24-unit building per phase, for a total of 96 units. Each building will have eight 1-bedroom and 16 2-bedroom units. Each building will be 21,096 sq. ft. for a total of 84,384 sq. ft. The project anticipates creating two part-time positions (1 FTE).

The project is requesting assistance from the GCEDC with a sales tax exemption estimated at \$739,200, a property tax abatement estimated at \$2,020,688 based on the incremental increase in assessed value via a fixed 60% 20-year PILOT (Housing PILOT for 20+ market-rate units), and a mortgage tax exemption estimated at \$130,000.

The project aligns with the Genesee County Economic Development Center's Housing Policy #1 and a recognized need for housing availability. The Genesee County Housing Needs Assessment identified that 4,800 units are needed in the next 20 years across single-family homes and rental units.

**Criteria #1** – The Project pledges to create and/or retain quality, good paying jobs in Genesee County.

**Project details:** The project is planning on creating two part-time or 1 FTE direct job between \$40,000-45,000 annually plus benefits.

### Board Discussion:

**Board Concurrence:** YES NO If no, state justification:

**Criteria #2**- Completion of the Project will enhance the long-term tax base and/or make a significant capital investment.

**Project details:** The project will enhance long term tax base with an investment of \$15,600,000 and construct 84,384 sq. ft. of market-rate housing.

### Board Discussion:

**Board Concurrence:** YES NO If no, state justification:

**Criteria #3**- The Project will contribute towards creating a “livable community” by providing a valuable product or service that is underserved in Genesee County.

**Project details:** Yes, the project will contribute towards a “livable community” as the housing shortage is outlined in Labella’s housing study of Genesee County 2018 report.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #4:** The Board will review the Agency’s Fiscal and Economic Impact analysis of the Project to determine if the Project will have a meaningful and positive impact on Genesee County. This calculation will include the estimated value of any tax exemptions to be provided along with the estimated additional sources of revenue for municipalities and school districts that the proposed project may provide.

The Fiscal impacts (discounted value) on Local Benefits totals \$10,032,176 (\$8,705,683 in payroll and \$1,326,493 to the public in tax revenues). See attached MRB Cost Benefit Calculator.

**Project details:** For every \$1 of public benefit the company is investing \$5 into the local economy.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #5:** The Project is included in one of the Agency’s strategic industries: Agri-Business and Food Processing, Manufacturing, Advanced Manufacturing and Nano-Enabled Manufacturing, Life Sciences and Medical Device.

**Project details:** N/A

**Board Discussion:**

**Criteria #6:** The Project will give a reasonable estimated timeline for the completion of the proposed project.

**Project details:** The project is planning to begin construction in late 2023/spring 2024 and be operational within 6 months for each phase.

**Board Discussion**

**Board Concurrence:** YES NO If no, state justification:



**SUPPLEMENTAL FINAL RESOLUTION**  
*(Countryside Apartments, LLC Project)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, March 7, 2024.

The following resolution was duly offered and seconded, to wit:

Resolution No. 03/2024 - \_\_\_\_\_

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACKNOWLEDGING THE MULTI-PHASED STRUCTURE OF THE PROJECT (AS DEFINED HEREIN) AND THE RESPECTIVE FINANCIAL ASSISTANCE ATTRIBUTED TO EACH PHASE; AND (ii) RATIFYING AND CONFIRMING THE AGENCY'S FINDINGS AS SET FORTH IN THAT CERTAIN FINAL RESOLUTION ADOPTED BY THE AGENCY ON OCTOBER 26, 2023.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 565 of the Laws of 1970 of the State of New York, as amended (hereinafter collectively called the "Act"), the **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, pursuant to a certain Final Resolution adopted by the Agency on October 26, 2023 (the "Original Final Resolution"), the Agency authorized the undertaking of a certain project (the "Project") for the benefit of **COUNTRYSIDE APARTMENTS, LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") consisting of: (i) the acquisition by the Agency of a leasehold or other interest in certain property located at 8900 Alleghany Road, Town of Pembroke, Genesee County, New York and all other lands in the Town of Pembroke where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land", being more particularly described as tax parcel No. 19.-1-86); (ii) the phased planning, design, construction and operation of four (4) twenty-four (24) unit market rate apartment buildings, along with utility and site improvements, parking lots, access and egress improvements, signage, curbage, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, the Project is to be undertaken in four (4) phases, with each phase consisting of the planning, design, construction and operation of a twenty-four (24) unit market rate apartment building; and

WHEREAS, due to the multi-phased structure of the Project, the Agency desires to treat each phase as a distinct "project" (as such term is defined in the Act) and to allocate the Financial Assistance (as defined in the Original Final Resolution) and the Agency's Administrative Fee in accordance with Exhibit A attached hereto; and

WHEREAS, unless otherwise set forth herein, the Agency further desires to ratify the findings and determinations of the Agency as further set forth in the Original Final Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. The Agency hereby authorizes and approves: (i) the multi-phased structure of the Project and to treat each phase as a distinct "project" (as such term is defined in the Act) and (ii) to allocate the Financial Assistance and the Agency's Administrative Fee to each phase as further set forth in Exhibit A attached hereto.

Section 2. Unless otherwise set forth in this Resolution, the Agency hereby ratifies and confirms the findings and determinations of the Original Final Resolution.

Section 3. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. These Resolutions shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>		<i>Nay</i>		<i>Absent</i>		<i>Abstain</i>	
Peter Zeliff	[	]	[	]	[	]	[	]
Matthew Gray	[	]	[	]	[	]	[	]
Paul Battaglia	[	]	[	]	[	]	[	]
Craig Yunker	[	]	[	]	[	]	[	]
Kathleen Manne	[	]	[	]	[	]	[	]
Chandy Kemp	[	]	[	]	[	]	[	]
Marianne Clattenburg	[	]	[	]	[	]	[	]

The Resolutions were thereupon duly adopted.

**SECRETARY'S CERTIFICATION**  
*(Countryside Apartments, LLC Project)*

STATE OF NEW YORK                    )  
COUNTY OF GENESEE                ) **SS.:**

I, the undersigned Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on March 7, 2024, with the original thereof on file in the offices of the Agency, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Secretary

**Exhibit A**

Multi-Phased Financial Assistance

[Attached Hereto]



## Exhibit A

### Countryside Apartments, Pembroke, NY Phased in Plan

	Total Approved	Phase 1	Phase 2	Phase 3	Phase 4
Capital Investment	\$ 15,650,000	\$ 4,200,000	\$ 3,816,667	\$ 3,816,667	\$ 3,816,666
Square Footage	\$ 84,384	\$ 21,096	\$ 21,096	\$ 21,096	\$ 21,096
Units	\$ 96	\$ 24	\$ 24	\$ 24	\$ 24
PILOT	\$ 2,020,688	\$ 505,172	\$ 505,172	\$ 505,172	\$ 505,172
Sales Tax Exemption	\$ 739,200	\$ 198,380	\$ 180,273	\$ 180,273	\$ 180,274
Mortgage Tax Exemption	\$ 130,000	\$ 34,888	\$ 31,704	\$ 31,704	\$ 31,704
GCEDC Fees	\$ 195,625	\$ 52,500	\$ 47,708	\$ 47,708	\$ 47,709
Harris Beach	\$ 20,500	\$ 5,502	\$ 4,999	\$ 4,999	\$ 5,000

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2/29/24

**Customer Information**

Potential Customer:	Leatherleaf Solar LLC	Opportunity Type:	Attraction
Project Street Address:	7501 Ivison Road	Opportunity Product:	Property Sales & Mortgage Recording Taxes Only
City/Town/Village:	//Byron	Type of Project:	Attraction
Project Description:	LeatherLeaf Solar LLC - 5 MW Byron	New Jobs:	N/A
Total Capital Investment:	\$9,132,660	Retained Jobs:	N/A
Incentive Amount:	\$1,600,284	School District:	Byron- Bergen
Benefited Amount:	\$9,132,660	PILOT Applicable:	Increase in assessed value of land and/or other buildings (pre-project value of land and or buildings excluded)

**Project Information**

Organization:	GCEDC
Opportunity Source:	3rd Party Professional Date of Public Hearing: TBD
Initial Acceptance Date:	3/7/2024 Inducement Date: TBD

**Opportunity Summary:** LeatherLeaf Solar, LLC is proposing to construct a community solar farm project on 7501 Ivison Rd in the Town of Byron, NY.

The project will utilize ground-mounted solar panels to convert the sun's energy into 5 MW of AC power. The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to Genesee County and Byron-Bergen Central School District. The PILOT is estimated to generate \$345,868 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County; and a separate host benefit agreement with the Town of Byron.

The project is aligned with New York's aggressive goals for renewable energy, energy efficiency and greenhouse gas reductions, and will offer customers a 10% discount vs average market rates for the generated power.

**Economic Impact:** The 5 MW solar farm will generate \$571,973 in PILOT payments, host payments and real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates a fiscal impact rate of return of \$5.6 to \$1 compared to the property taxes under the land's current use.

**Project Detail (Total Capital Investment)**

Equipment (non-taxable):	\$7,832,596 ✓
Other (Development, Interconnection)	\$1,300,064 ✓
<b>Total Capital Investment:</b>	<b>\$9,132,660 ✓</b>

**Estimated Benefits Provided**

Sales Tax Exempt:	\$730,613 ✓
Mortgage Tax Exempt:	\$91,327 ✓
Property Tax Exempt:	\$778,344 ✓
<b>Total Estimated Tax Incentives Provided:</b>	<b>\$1,600,284 ✓</b>

Total Amount Finance: \$0



Project:	LeatherLeaf Solar, LLC	Town of Byron
Capex:	\$ 9,132,660	Savings
Sales Taxable (est.)	\$ 9,132,660	\$ 730,613
Mortgage (est.)	\$ 9,132,660	\$ 91,327 1% of 1.25%
Property Tax	below	\$ 778,344
Total		\$ 1,600,284

Note: Includes Town Host Agreement

Increase In PILOT Payment + Host  
Divided by Current Property

Fiscal Impact \$ 571,973  
ROI \$ 5.63

	Fixed \$ per MW AC	MW AC	from Assessor Assessed Value Per MW	Assessed Value
Escalator	\$ 4,000	5.0	\$ 450,000.00	\$ 2,250,000
		2.0%		

Year of Exemption	tax rate: \$ 3.92	\$ 8.43	\$ 20.96	\$ 33.31					
	Fixed Payment \$4000 per MW	Town of Byron	Genesee County	Byron Bergen School	Total Payments	Increase in property taxes due to loss of ag exemption	Total PILOT payments and property taxes to be received	Current property taxes	Total Payments to municipality upon project completion
1	\$ 20,000	\$ 2,354	\$ 5,062	\$ 12,585	\$ 20,000	\$ 3,545	\$ 23,545	\$ 6,778	\$ 30,323
2	\$ 20,400	\$ 2,401	\$ 5,163	\$ 12,837	\$ 20,400	\$ 3,545	\$ 23,945	\$ 6,778	\$ 30,723
3	\$ 20,808	\$ 2,449	\$ 5,266	\$ 13,093	\$ 20,808	\$ 3,545	\$ 24,353	\$ 6,778	\$ 31,131
4	\$ 21,224	\$ 2,498	\$ 5,371	\$ 13,355	\$ 21,224	\$ 3,545	\$ 24,769	\$ 6,778	\$ 31,547
5	\$ 21,649	\$ 2,548	\$ 5,479	\$ 13,622	\$ 21,649	\$ 3,545	\$ 25,193	\$ 6,778	\$ 31,971
6	\$ 22,082	\$ 2,599	\$ 5,588	\$ 13,895	\$ 22,082	\$ 3,545	\$ 25,626	\$ 6,778	\$ 32,404
7	\$ 22,523	\$ 2,651	\$ 5,700	\$ 14,173	\$ 22,523	\$ 3,545	\$ 26,068	\$ 6,778	\$ 32,846
8	\$ 22,974	\$ 2,704	\$ 5,814	\$ 14,456	\$ 22,974	\$ 3,545	\$ 26,518	\$ 6,778	\$ 33,297
9	\$ 23,433	\$ 2,758	\$ 5,930	\$ 14,745	\$ 23,433	\$ 3,545	\$ 26,978	\$ 6,778	\$ 33,756
10	\$ 23,902	\$ 2,813	\$ 6,049	\$ 15,040	\$ 23,902	\$ 3,545	\$ 27,447	\$ 6,778	\$ 34,225
11	\$ 24,380	\$ 2,869	\$ 6,170	\$ 15,341	\$ 24,380	\$ 3,545	\$ 27,925	\$ 6,778	\$ 34,703
12	\$ 24,867	\$ 2,926	\$ 6,293	\$ 15,648	\$ 24,867	\$ 3,545	\$ 28,412	\$ 6,778	\$ 35,190
13	\$ 25,365	\$ 2,985	\$ 6,419	\$ 15,961	\$ 25,365	\$ 3,545	\$ 28,910	\$ 6,778	\$ 35,688
14	\$ 25,872	\$ 3,045	\$ 6,548	\$ 16,280	\$ 25,872	\$ 3,545	\$ 29,417	\$ 6,778	\$ 36,195
15	\$ 26,390	\$ 3,106	\$ 6,679	\$ 16,605	\$ 26,390	\$ 3,545	\$ 29,934	\$ 6,778	\$ 36,712
Total	\$ 345,868	\$ 40,703	\$ 87,531	\$ 217,634	\$ 345,868	\$ 53,170	\$ 399,038	\$ 101,672	\$ 500,711

\* no Pilots on Ad Valerom Taxes

The value of Ag Exemption elimination due to permanent conversion of farm land

Town Tax Rate	\$ 3.92
Total tilable acres	171.2
Solar acres	35
Total Ag Exemption	\$ 520,520
% solar vs total ag land	20%

County and School Taxes on Ag Exemption \$ 3,128

Town (only) Taxes on Ag Exemption \$ 417

Total taxes due based on the elimination of Ag Exemption \$ 3,545

**Current Property Taxes on Property \$ 6,778**

1.250% GCEDC fee	\$ 114,158
Workforce Community Benefit	\$ 25,000
Subtotal	\$ 139,158
GCEDC Legal	\$ 12,500
Total Fee	\$ 151,658

note: base land tax will remain the same and paid outside the PILOT

Property Taxes at 100% assessed value (assessor)	\$ 74,948
Term	15
Total PILOT	\$ 1,124,213
Savings	\$ 778,344

Net Savings \$ 1,448,625

Fixed \$ per MW AC	\$ 2,000
MW AC	5.0
Escalator	2.0%

Town	Escalator
Year of Exemption	Fixed Payment \$2000 per MW
1	\$ 10,000
2	\$ 10,200
3	\$ 10,404
4	\$ 10,612
5	\$ 10,824
6	\$ 11,041
7	\$ 11,262
8	\$ 11,487
9	\$ 11,717
10	\$ 11,951
11	\$ 12,190
12	\$ 12,434
13	\$ 12,682
14	\$ 12,936
15	\$ 13,195
Total	\$ 172,934



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Project Name: Leatherleaf Solar, LLC

Board Meeting Date: January 11, 2024

## STATEMENT OF COMPLIANCE OF PROJECT CRITERIA LISTED IN UNIFORM TAX EXEMPTION POLICY (UTEP)

### PROJECT DESCRIPTION:

Leatherleaf Solar, LLC is proposing to construct a community solar farm project on 7501 Ivison Rd in the Town of Byron, NY. The project will utilize ground-mounted solar panels to convert the sun's energy into 5 MW of AC power. The project will provide enhanced property tax payments via a 15-year PILOT that are significantly greater than the current agricultural-vacant land value of the project.

The project's PILOT will contribute \$4,000/MWAC + a 2% annual escalator in payments to Genesee County and Byron-Bergen Central School District. The PILOT is estimated to generate \$345,868 in PILOT payments over the 15-year term. The project will also fund a community benefit agreement for workforce development and economic development projects in Genesee County; and a separate host benefit agreement with the Town of Byron.

The project is aligned with New York's aggressive goals for renewable energy, energy efficiency and greenhouse gas reductions, and will offer customers a 10% discount vs average market rates for the generated power.

**Criteria #1** – The Project pledges to create and/or retain quality, good paying jobs in Genesee County.

**Project details:** N/A

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #2**- Completion of the Project will enhance the long -term tax base and/or make a significant capital investment.

**Project details:** The project will enhance long term tax base with a planned new community solar farm and \$9,132,660 in capital investment. A fixed 15-year pilot with a 2% annual escalator priced at \$4,000/MWAC is proposed which is above the top end of the NYSERDA recommended range for projects located in National Grid territory in Western NY. The 5 MW solar farm will generate \$345,868 in PILOT payments over the 15-year term which is far greater than current assessed value of this Ag/Vacant land.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:



**Criteria #3-** The Project will contribute towards creating a “livable community” by providing a valuable product or service that is underserved in Genesee County.

**Project details:** The company is assisting with a \$25,000 payment for STEM oriented workforce training/county economic development programming to support STEM 2 STAMP workforce development programs/local economic development programming. Residents will be offered a 10% discount to average local market rates for solar energy.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #4:** The Board will review the Agency’s Fiscal and Economic Impact analysis of the Project to determine if the Project will have a meaningful and positive impact on Genesee County. This calculation will include the estimated value of any tax exemptions to be provided along with the estimated additional sources of revenue for municipalities and school districts that the proposed project may provide.

The 5 MW solar farm will generate \$571,973 in PILOT payments, host payments and real property taxes over the 15-year term, which is far greater than the current assessed value of this ag/vacant land. This calculates a fiscal impact rate of return based on the original property taxes of \$5.6 to 1.

**Project details:** This project will generate \$5.6 of property tax-type payments for every \$1 of property taxes under the land’s current use.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #5:** The Project is included in one of the Agency’s strategic industries: Agri-Business and Food Processing, Manufacturing, Advanced Manufacturing and Nano-Enabled Manufacturing, Life Sciences and Medical Device.

**Project details:** The company is a “downstream” developer/installer of Photovoltaic (solar) energy generation systems which is a target industry cluster / strategic industry focused on by the Agency to attract Photovoltaic (solar) manufacturing at STAMP.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

**Criteria #6:** The Project will give a reasonable estimated timeline for the completion of the proposed project.

**Project details:** The project is planning to begin construction in Fall 2024 and be operational within 9 months.

**Board Discussion:**

**Board Concurrence:** YES NO If no, state justification:

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**FINAL RESOLUTION**  
*(Leatherleaf Solar, LLC Project)*

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center was convened on Thursday, March 7, 2024.

The following resolution was duly offered and seconded, to wit:

Resolution No. 01/2024 - \_\_\_\_\_

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (THE "AGENCY") (i) ACCEPTING AN APPLICATION OF LEATHERLEAF SOLAR, LLC WITH RESPECT TO A CERTAIN PROJECT (AS DEFINED BELOW, THE "PROJECT"), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT, AND (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 565 of the Laws of 1970 of the State of New York, as amended (hereinafter collectively called the "Act"), the **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **LEATHERLEAF SOLAR, LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (the "Company") has submitted an application (the "Application") to the Agency, a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in approximately 35 acres located at 7501 Ivison Road in the Town of Byron, New York (the "Land", being more particularly described as a portion of tax parcel No. 9.-1-7.113, as may be subdivided); (ii) the planning, design, construction and operation of a 5MWac PV solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land and the Improvements, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance (as defined below) that the Agency is contemplating with respect to the Project; and

WHEREAS, it is contemplated that the Agency will (i) hold a public hearing, (ii) designate the Company as agent of the Agency for the purpose of undertaking the Project pursuant to a project agreement (the "Project Agreement"), (iii) negotiate and enter into a lease agreement (the "Lease Agreement"), a leaseback agreement (the "Leaseback Agreement"), a tax agreement (the "Tax Agreement") and related documents, (iv) take a leasehold interest in the Land, the Improvements, the Equipment and the personal property constituting the Project (once the Lease Agreement, the Leaseback Agreement and the Tax Agreement have been negotiated), and (v) provide Financial Assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Facility, (b) a partial real property tax abatement structured through the Tax Agreement, and (c) a partial mortgage recording tax exemption as authorized by the laws of New York State (collectively, the "Financial Assistance").

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Genesee County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a facility or a commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries.

Section 2. The Agency is hereby authorized to conduct a public hearing in compliance with the Act.

Section 3. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Peter Zeliff	[ ]	[ ]	[ ]	[ ]
Matthew Gray	[ ]	[ ]	[ ]	[ ]
Paul Battaglia	[ ]	[ ]	[ ]	[ ]
Craig Yunker	[ ]	[ ]	[ ]	[ ]
Kathleen Manne	[ ]	[ ]	[ ]	[ ]
Chandy Kemp	[ ]	[ ]	[ ]	[ ]
Marianne Clattenburg	[ ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.



**CERTIFICATION**  
*(Leatherleaf Solar, LLC Project)*

STATE OF NEW YORK                    )  
COUNTY OF GENESEE                ) ss.:

I, the undersigned Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), including the resolution contained therein, held on March 7, 2024, with the original thereof on file at the Agency's office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Secretary

## BOARD RESOLUTION IN SUPPORT OF NEW YORK GREEN

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### BOARD RESOLUTION

At the meeting of the Board of Directors of the Genesee County Economic Development Center on March 7, 2024, the following resolution was proposed and approved by the board:

Resolved:

WHEREAS the mission of the Genesee County Economic Development Center is mission is to be the driving force in fostering community economic success by providing comprehensive support, technical assistance and access to financial resources to businesses thereby enabling growth, expansion and retention of our existing business base and to market our community as "business friendly" facilitating new business attraction in order to build a sustainable long-term economy;

WHEREAS New York Green, Inc. (NYG), a nonprofit organization with a mission to facilitate informed and creative land use decisions to stimulate economic vitality and protect our natural environment, supports the mission of the Genesee County Economic Development Center;

That the Genesee County Economic Development Center Board is in full support of designating an individual representative to serve as a standing member to the NYG Board of Directors as stated in NYG Bylaws adopted by NYG Board of Directors July 16, 2012. The GCEDC Board appoints the Senior VP of Operations to the NY Green Board as its representative.

Signed:

(President) or (Chairman)

# Genesee County Economic Development Center (GCEDC)

Annual Investment Report

For the year ended December 31, 2023

## Purpose of the Report:

Under Section 2925(6) of the Public Authorities Law, the GCEDC and its affiliates are required to prepare and approve an Annual Investment Report. The schedule below was approved by the Board on **XXXXXXXXXX**

Bank	Type	Account Description	12/31/23 G/L Balance	12/31/23 Bank Balance	Interest Rate
Five Star Bank	NOW Public Tiered Account	GCEDC Primary Checking	\$43,118.01	\$254,790.75	1.53%
Five Star Bank	Money Market Public Account	GCEDC - BP2	\$49,804.59	\$49,804.59	2.05%
Five Star Bank	Money Market Public Account	GCEDC Primary Savings	\$1,856,636.45	\$1,856,636.45	2.25%
Five Star Bank	Money Market Public Account	GCEDC - GAIN LOAN Fund	\$36,119.30	\$36,119.30	2.05%
Five Star Bank	Money Market Public Account	GCEDC - Batavia Home Fund	\$100,581.73	\$100,581.73	2.05%
Five Star Bank	Certificate on Deposit (CD)	GCEDC - 3 Month CD	\$3,024,449.30	\$3,024,449.31	5.15%
Five Star Bank	Certificate on Deposit (CD)	GCEDC - STAMP 3 Month CD	\$3,500,000.00	\$3,500,000.00	5.15%
Bank of Castile	Municipal Savings	GCEDC - STAMP Part 182	\$560,441.43	\$560,441.43	3.68%
Bank of Castile	Municipal Savings	GCEDC Investment	\$340,843.05	\$340,843.05	3.682%
Bank of Castile	Municipal NOW Checking	GCEDC STAMP - Imprest Account \$8M	\$951,694.03	\$951,694.03	2.956%
Bank of Castile	Municipal NOW Checking	GCEDC STAMP Part 182	\$623.05	\$623.05	.02%
Bank of Castile	Certificate on Deposit (CD)	GCEDC - 3 Month CD	\$2,530,798.78	\$2,530,798.78	4.63%
KeyBank	Checking	GCEDC STAMP - Imprest Account \$33M	\$5,557,908.78	\$5,558,758.78	Variable
KeyBank	Checking	GCEDC STAMP	\$1,004.47	\$1,004.47	Variable

As of December 31, 2023, cash balances were fully collateralized. The funds currently on deposit with Tompkins Community Bank and Five Star Bank are secured by investments held with The Bank of New York Mellon and M&T Bank, respectively. The funds currently on deposit with KeyBank are secured by KeyBank's pledge pool held by Bank of New York. The GCEDC generated \$286,927 of interest income for the period January 1, 2023 through December 31, 2023.

\* No fees or commissions were paid.

Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

Run Date: 03/01/2024  
 Status: UNSUBMITTED  
 Certified Date : N/A

**Procurement Information:**

Question	Response	URL (If Applicable)
1. Does the Authority have procurement guidelines?	Yes	<a href="https://www.gcedc.com/gcedcreports">https://www.gcedc.com/gcedcreports</a>
2. Are the procurement guidelines reviewed annually, amended if needed, and approved by the Board?	Yes	
3. Does the Authority allow for exceptions to the procurement guidelines?	No	
4. Does the Authority assign credit cards to employees for travel and/or business purchases?	Yes	
5. Does the Authority require prospective bidders to sign a non-collusion agreement?	Yes	
6. Does the Authority incorporate a summary of its procurement policies and prohibitions in its solicitation of proposals, bid documents, or specifications for procurement contracts?	Yes	
7. Did the Authority designate a person or persons to serve as the authorized contact on a specific procurement, in accordance with Section 139-j(2)(a) of the State Finance Law, "The Procurement Lobbying Act"?	Yes	
8. Did the Authority determine that a vendor had impermissible contact during a procurement or attempted to influence the procurement during the reporting period, in accordance with Section 139-j(10) of the State Finance Law?	No	
8a. If Yes, was a record made of this impermissible contact?		
9. Does the Authority have a process to review and investigate allegations of impermissible contact during a procurement, and to impose sanctions in instances where violations have occurred, in accordance with Section 139-j(9) of the State Finance Law?	Yes	

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Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

Run Date: 03/01/2024  
Status: UNSUBMITTED  
Certified Date : N/A

**Procurement Transactions Listing:**

<b>1.</b>	<b>Vendor Name</b>	716 Site Contracting, Inc.	<b>Address Line1</b>	PO Box 120
	<b>Type of Procurement</b>	Design and Construction/Maintenance	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	NORTH BOSTON
	<b>Award Date</b>	1/13/2022	<b>State</b>	NY
	<b>End Date</b>		<b>Postal Code</b>	14110
	<b>Fair Market Value</b>		<b>Plus 4</b>	
	<b>Amount</b>	\$1,535,015.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$948,084.42	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Crosby Rd Reconstruction; Water Main Installation

<b>2.</b>	<b>Vendor Name</b>	Batavia Downs Gaming	<b>Address Line1</b>	8315 Park Road
	<b>Type of Procurement</b>	Other	<b>Address Line2</b>	
	<b>Award Process</b>	Non Contract Procurement/Purchase Order	<b>City</b>	BATAVIA
	<b>Award Date</b>		<b>State</b>	NY
	<b>End Date</b>		<b>Postal Code</b>	14020
	<b>Fair Market Value</b>		<b>Plus 4</b>	
	<b>Amount</b>		<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$5,835.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Annual Meeting; Offset by Ticket Sales

Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

Run Date: 03/01/2024  
 Status: UNSUBMITTED  
 Certified Date : N/A

<b>3. Vendor Name</b>	CC Environment & Planning	<b>Address Line1</b>	23 Jackson Street
<b>Type of Procurement</b>	Consulting Services	<b>Address Line2</b>	
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	BATAVIA
<b>Award Date</b>	8/3/2023	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14020
<b>Fair Market Value</b>	\$213,112.00	<b>Plus 4</b>	
<b>Amount</b>	\$213,112.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$10,876.99	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Grassland Mitigation Monitoring & Management

<b>4. Vendor Name</b>	CC Environment & Planning	<b>Address Line1</b>	23 Jackson Street
<b>Type of Procurement</b>	Consulting Services	<b>Address Line2</b>	
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	BATAVIA
<b>Award Date</b>	3/3/2022	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14020
<b>Fair Market Value</b>	\$73,800.00	<b>Plus 4</b>	
<b>Amount</b>	\$73,800.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$25,961.30	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Part 182 Take Permit; Includes 9/1/22 Contract Amendment

Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

Run Date: 03/01/2024  
 Status: UNSUBMITTED  
 Certified Date : N/A

<b>5. Vendor Name</b>	CC Environment & Planning	<b>Address Line1</b>	23 Jackson Street
<b>Type of Procurement</b>	Consulting Services	<b>Address Line2</b>	
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	BATAVIA
<b>Award Date</b>	3/30/2023	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14020
<b>Fair Market Value</b>	\$30,000.00	<b>Plus 4</b>	
<b>Amount</b>	\$30,000.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$30,000.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: General Environmental Services & Tree Planting Oversight

<b>6. Vendor Name</b>	CCS of Western New York	<b>Address Line1</b>	116 Main Street
<b>Type of Procurement</b>	Other	<b>Address Line2</b>	
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	DEPEW
<b>Award Date</b>	10/26/2023	<b>State</b>	NY
<b>End Date</b>	12/31/2024	<b>Postal Code</b>	14043
<b>Fair Market Value</b>	\$7,434.24	<b>Plus 4</b>	
<b>Amount</b>	\$7,434.24	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$619.52	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Cleaning Services -12/1/23 - 12/31/24

Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

Run Date: 03/01/2024  
 Status: UNSUBMITTED  
 Certified Date : N/A

<b>7.</b>	<b>Vendor Name</b>	CCS of Western New York	<b>Address Line1</b>	116 Main Street
	<b>Type of Procurement</b>	Other	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	DEPEW
	<b>Award Date</b>	10/6/2022	<b>State</b>	NY
	<b>End Date</b>	12/1/2023	<b>Postal Code</b>	14043
	<b>Fair Market Value</b>		<b>Plus 4</b>	
	<b>Amount</b>	\$5,366.04	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$4,918.87	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Cleaning Services -12/1/22 - 12/1/23

<b>8.</b>	<b>Vendor Name</b>	Clark Patterson Lee	<b>Address Line1</b>	255 Woodcliff Drive
	<b>Type of Procurement</b>	Design and Construction/Maintenance	<b>Address Line2</b>	Suite 200
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	FAIRPORT
	<b>Award Date</b>	3/8/2019	<b>State</b>	NY
	<b>End Date</b>		<b>Postal Code</b>	14450
	<b>Fair Market Value</b>	\$1,350,000.00	<b>Plus 4</b>	
	<b>Amount</b>	\$1,350,000.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$87,950.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Onsite Wastewater Treatment Facility Design & Permitting.



Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

Run Date: 03/01/2024  
 Status: UNSUBMITTED  
 Certified Date : N/A

<b>9. Vendor Name</b>	Clark Patterson Lee	<b>Address Line1</b>	255 Woodcliff Drive
<b>Type of Procurement</b>	Design and Construction/Maintenance	<b>Address Line2</b>	Suite 200
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	FAIRPORT
<b>Award Date</b>	9/5/2019	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14450
<b>Fair Market Value</b>	\$900,000.00	<b>Plus 4</b>	
<b>Amount</b>	\$900,000.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$169,734.67	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Engineering Services for Design & Permitting of 6 MGD Big Water System

<b>10. Vendor Name</b>	Clark Patterson Lee	<b>Address Line1</b>	255 Woodcliff Drive
<b>Type of Procurement</b>	Design and Construction/Maintenance	<b>Address Line2</b>	Suite 200
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	FAIRPORT
<b>Award Date</b>	3/25/2021	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14450
<b>Fair Market Value</b>	\$560,000.00	<b>Plus 4</b>	
<b>Amount</b>	\$560,000.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$99,532.04	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Engineering Services Related to Construction of Force Main

Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

Run Date: 03/01/2024  
 Status: UNSUBMITTED  
 Certified Date : N/A

<b>11. Vendor Name</b>	Clark Patterson Lee	<b>Address Line1</b>	255 Woodcliff Drive
<b>Type of Procurement</b>	Design and Construction/Maintenance	<b>Address Line2</b>	Suite 200
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	FAIRPORT
<b>Award Date</b>	12/1/2022	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14450
<b>Fair Market Value</b>	\$225,000.00	<b>Plus 4</b>	
<b>Amount</b>	\$225,000.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$153,250.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Onsite Wastewater Treatment Facility 150,000 GPD Design

<b>12. Vendor Name</b>	Clark Patterson Lee	<b>Address Line1</b>	255 Woodcliff Drive
<b>Type of Procurement</b>	Design and Construction/Maintenance	<b>Address Line2</b>	Suite 200
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	FAIRPORT
<b>Award Date</b>	3/25/2021	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14450
<b>Fair Market Value</b>	\$75,000.00	<b>Plus 4</b>	
<b>Amount</b>	\$75,000.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$12,300.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Engineering Services Related to Crosby Road Reconstruction and Onsite Water

Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

Run Date: 03/01/2024  
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 Certified Date : N/A

<b>13. Vendor Name</b>	Clark Patterson Lee	<b>Address Line1</b>	255 Woodcliff Drive
<b>Type of Procurement</b>	Design and Construction/Maintenance	<b>Address Line2</b>	Suite 200
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	FAIRPORT
<b>Award Date</b>	12/1/2022	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14450
<b>Fair Market Value</b>	\$25,000.00	<b>Plus 4</b>	
<b>Amount</b>	\$25,000.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$25,000.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: SEQR & Onsite Infrastructure Planning

<b>14. Vendor Name</b>	Erie County Industrial Development Agency	<b>Address Line1</b>	95 Perry Street
<b>Type of Procurement</b>	Technology - Consulting/Development or Support	<b>Address Line2</b>	Suite 103
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	BUFFALO
<b>Award Date</b>	1/12/2023	<b>State</b>	NY
<b>End Date</b>	12/31/2023	<b>Postal Code</b>	14203
<b>Fair Market Value</b>	\$9,000.00	<b>Plus 4</b>	
<b>Amount</b>	\$9,000.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$4,790.14	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Information Technology Support Services - 2023

Procurement Report for Genesee County Industrial Development Agency

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Run Date: 03/01/2024  
 Status: UNSUBMITTED  
 Certified Date : N/A

<b>15. Vendor Name</b>	Erie County Industrial Development Agency	<b>Address Line1</b>	95 Perry Street
<b>Type of Procurement</b>	Technology - Consulting/Development or Support	<b>Address Line2</b>	Suite 103
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	BUFFALO
<b>Award Date</b>	1/13/2022	<b>State</b>	NY
<b>End Date</b>	12/31/2022	<b>Postal Code</b>	14203
<b>Fair Market Value</b>	\$8,200.00	<b>Plus 4</b>	
<b>Amount</b>	\$8,200.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$425.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Information Technology Support Services - 2022

<b>16. Vendor Name</b>	G. Devincentis & Son Construction	<b>Address Line1</b>	7 Belden Street
<b>Type of Procurement</b>	Design and Construction/Maintenance	<b>Address Line2</b>	
<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	BINGHAMTON
<b>Award Date</b>	3/25/2021	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	13903
<b>Fair Market Value</b>		<b>Plus 4</b>	
<b>Amount</b>	\$9,927,547.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$784,132.48	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Construction of Force Main Contract A; Includes 9/7/23 Increase in Contract Amount



Procurement Report for Genesee County Industrial Development Agency

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 Certified Date : N/A

<b>17. Vendor Name</b>	Genesee Gateway Local Development Corp.	<b>Address Line1</b>	99 MedTech Drive
<b>Type of Procurement</b>	Other	<b>Address Line2</b>	Suite 106
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	BATAVIA
<b>Award Date</b>	1/1/2023	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14020
<b>Fair Market Value</b>	\$19,333.08	<b>Plus 4</b>	
<b>Amount</b>	\$19,333.08	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$19,333.08	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Rent 2023

<b>18. Vendor Name</b>	Gordon & Betty Grimes	<b>Address Line1</b>	5070 South Gravel Road
<b>Type of Procurement</b>	Other	<b>Address Line2</b>	
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	MEDINA
<b>Award Date</b>	5/4/2023	<b>State</b>	NY
<b>End Date</b>	12/31/2024	<b>Postal Code</b>	14103
<b>Fair Market Value</b>	\$20,000.00	<b>Plus 4</b>	
<b>Amount</b>	\$20,000.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$20,000.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP Force Main Easements: Compensation for Temporary Easement 5 & Permanent Easement 3

Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

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 Status: UNSUBMITTED  
 Certified Date : N/A

<b>19. Vendor Name</b>	Greater Rochester Enterprise	<b>Address Line1</b>	100 Chestnut Street
<b>Type of Procurement</b>	Other	<b>Address Line2</b>	Suite 1910
<b>Award Process</b>	Non Contract Procurement/Purchase Order	<b>City</b>	ROCHESTER
<b>Award Date</b>		<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14604
<b>Fair Market Value</b>		<b>Plus 4</b>	
<b>Amount</b>		<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$52,000.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Sales & Marketing Services; Membership Dues

<b>20. Vendor Name</b>	Harris Beach	<b>Address Line1</b>	99 Gamsey Road
<b>Type of Procurement</b>	Legal Services	<b>Address Line2</b>	
<b>Award Process</b>	Non Contract Procurement/Purchase Order	<b>City</b>	PITTSFORD
<b>Award Date</b>		<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14534
<b>Fair Market Value</b>		<b>Plus 4</b>	
<b>Amount</b>		<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$13,727.53	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Misc Legal Services

Procurement Report for Genesee County Industrial Development Agency

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Run Date: 03/01/2024  
 Status: UNSUBMITTED  
 Certified Date : N/A

<b>21. Vendor Name</b>	Independent Health	<b>Address Line1</b>	P.O. Box 8000
<b>Type of Procurement</b>	Other	<b>Address Line2</b>	Dept. 264
<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	BUFFALO
<b>Award Date</b>	1/1/2023	<b>State</b>	NY
<b>End Date</b>	12/31/2023	<b>Postal Code</b>	14267
<b>Fair Market Value</b>		<b>Plus 4</b>	
<b>Amount</b>	\$97,808.24	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$97,808.24	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Group Health Insurance - 2023

<b>22. Vendor Name</b>	Invest Buffalo Niagara	<b>Address Line1</b>	257 West Genesee Street
<b>Type of Procurement</b>	Other	<b>Address Line2</b>	Suite 600
<b>Award Process</b>	Non Contract Procurement/Purchase Order	<b>City</b>	BUFFALO
<b>Award Date</b>		<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14202
<b>Fair Market Value</b>		<b>Plus 4</b>	
<b>Amount</b>		<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$25,000.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Membership Dues

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<b>23.</b>	<b>Vendor Name</b>	Judith Clonan-Smith	<b>Address Line1</b>	4324 South Gravel Road
	<b>Type of Procurement</b>	Other	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	MEDINA
	<b>Award Date</b>	12/15/2022	<b>State</b>	NY
	<b>End Date</b>	10/31/2024	<b>Postal Code</b>	14103
	<b>Fair Market Value</b>	\$10,000.00	<b>Plus 4</b>	
	<b>Amount</b>	\$10,000.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$10,000.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP Force Main Easements: Compensation for Temporary Easement 16 & Permanent Easements 8 & 9

<b>24.</b>	<b>Vendor Name</b>	Kathleen Smith	<b>Address Line1</b>	4324 South Gravel Road
	<b>Type of Procurement</b>	Other	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	MEDINA
	<b>Award Date</b>	12/15/2022	<b>State</b>	NY
	<b>End Date</b>	10/31/2024	<b>Postal Code</b>	14103
	<b>Fair Market Value</b>	\$10,000.00	<b>Plus 4</b>	
	<b>Amount</b>	\$10,000.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$10,000.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP Force Main Easements: Compensation for Temporary Easement 16 & Permanent Easements 8 & 9



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<b>25.</b>	<b>Vendor Name</b>	Keeler Construction Co., Inc.	<b>Address Line1</b>	13519 Weat Lee Road
	<b>Type of Procurement</b>	Design and Construction/Maintenance	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	ALBION
	<b>Award Date</b>	1/13/2022	<b>State</b>	NY
	<b>End Date</b>		<b>Postal Code</b>	14411
	<b>Fair Market Value</b>		<b>Plus 4</b>	
	<b>Amount</b>	\$773,210.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$155,933.25	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Installation of Sanitary Sewer, Holding Tank & Pump Station, Temporary Access Road & Laydown Yard; includes 8/4/22, 5/4/23 & 6/29/23 Contract Amendments

<b>26.</b>	<b>Vendor Name</b>	Kelly Services	<b>Address Line1</b>	PO Box 820405
	<b>Type of Procurement</b>	Staffing Services	<b>Address Line2</b>	
	<b>Award Process</b>	Non Contract Procurement/Purchase Order	<b>City</b>	PHILADELPHIA
	<b>Award Date</b>		<b>State</b>	PA
	<b>End Date</b>		<b>Postal Code</b>	19182
	<b>Fair Market Value</b>		<b>Plus 4</b>	
	<b>Amount</b>		<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$6,481.48	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Temporary Employment Services

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<b>27.</b>	<b>Vendor Name</b>	Lawrence Waters, Sr. & Joy Waters	<b>Address Line1</b>	11303 Main Street
	<b>Type of Procurement</b>	Other	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	MEDINA
	<b>Award Date</b>	3/2/2023	<b>State</b>	NY
	<b>End Date</b>	10/31/2024	<b>Postal Code</b>	14103
	<b>Fair Market Value</b>	\$5,000.00	<b>Plus 4</b>	
	<b>Amount</b>	\$5,000.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$5,000.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP Force Main Easements: Compensation for Permanent Easement 6

<b>28.</b>	<b>Vendor Name</b>	Loewke Brill	<b>Address Line1</b>	491 Elmgrove Rd
	<b>Type of Procurement</b>	Consulting Services	<b>Address Line2</b>	Suite 2
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	ROCHESTER
	<b>Award Date</b>	7/1/2021	<b>State</b>	NY
	<b>End Date</b>		<b>Postal Code</b>	14606
	<b>Fair Market Value</b>	\$25,610.00	<b>Plus 4</b>	
	<b>Amount</b>	\$25,610.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$10,150.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Local Labor Reporting - Plug Power

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<b>29. Vendor Name</b>	Loewke Brill	<b>Address Line1</b>	491 Elmgrove Rd
<b>Type of Procurement</b>	Consulting Services	<b>Address Line2</b>	Suite 2
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	ROCHESTER
<b>Award Date</b>	7/1/2021	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14606
<b>Fair Market Value</b>	\$17,390.00	<b>Plus 4</b>	
<b>Amount</b>	\$17,390.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$6,165.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Local Labor Reporting - Ellicott Station

<b>30. Vendor Name</b>	Loewke Brill	<b>Address Line1</b>	491 Elmgrove Rd
<b>Type of Procurement</b>	Consulting Services	<b>Address Line2</b>	Suite 2
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	ROCHESTER
<b>Award Date</b>	9/9/2021	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14606
<b>Fair Market Value</b>	\$11,910.00	<b>Plus 4</b>	
<b>Amount</b>	\$11,910.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$1,370.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Local Labor Reporting - Land Pro

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<b>31.</b>	<b>Vendor Name</b>	Loewke Brill	<b>Address Line1</b>	491 Elmgrove Rd
	<b>Type of Procurement</b>	Consulting Services	<b>Address Line2</b>	Suite 2
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	ROCHESTER
	<b>Award Date</b>	9/1/2022	<b>State</b>	NY
	<b>End Date</b>		<b>Postal Code</b>	14606
	<b>Fair Market Value</b>	\$9,170.00	<b>Plus 4</b>	
	<b>Amount</b>	\$9,170.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$6,850.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Local Labor Reporting - Nexgistics

<b>32.</b>	<b>Vendor Name</b>	Loewke Brill	<b>Address Line1</b>	491 Elmgrove Rd
	<b>Type of Procurement</b>	Consulting Services	<b>Address Line2</b>	Suite 2
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	ROCHESTER
	<b>Award Date</b>	9/9/2021	<b>State</b>	NY
	<b>End Date</b>		<b>Postal Code</b>	14606
	<b>Fair Market Value</b>	\$7,775.00	<b>Plus 4</b>	
	<b>Amount</b>	\$7,775.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$690.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Local Labor Reporting - Liberty Pumps



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<b>33. Vendor Name</b>	Mostert, Manzanero & Scott, LLP	<b>Address Line1</b>	4 Associate Drive
<b>Type of Procurement</b>	Financial Services	<b>Address Line2</b>	
<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	ONEONTA
<b>Award Date</b>	12/1/2022	<b>State</b>	NY
<b>End Date</b>	12/31/2023	<b>Postal Code</b>	13820
<b>Fair Market Value</b>		<b>Plus 4</b>	
<b>Amount</b>	\$10,300.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$10,300.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Audit of the 2022 Financial Statements

<b>34. Vendor Name</b>	NYS & Local Employees Retirement	<b>Address Line1</b>	110 State Street
<b>Type of Procurement</b>	Other	<b>Address Line2</b>	
<b>Award Process</b>	Non Contract Procurement/Purchase Order	<b>City</b>	ALBANY
<b>Award Date</b>		<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	12244
<b>Fair Market Value</b>		<b>Plus 4</b>	
<b>Amount</b>		<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$108,260.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Retirement

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35. Vendor Name	NYS Economic Development Council	Address Line1	111 Washington Avenue
Type of Procurement	Other	Address Line2	4th Floor
Award Process	Non Contract Procurement/Purchase Order	City	ALBANY
Award Date		State	NY
End Date		Postal Code	12210
Fair Market Value		Plus 4	
Amount		Province/Region	
Amount Expended For Fiscal Year	\$14,135.00	Country	United States
Explain why the Fair Market Value is Less than the Amount		Procurement Description	Memberships / Sponsorships / Event Registrations

36. Vendor Name	NYS Economic Development Council	Address Line1	111 Washington Avenue
Type of Procurement	Other	Address Line2	4th Floor
Award Process	Non Contract Procurement/Purchase Order	City	ALBANY
Award Date		State	NY
End Date		Postal Code	12210
Fair Market Value		Plus 4	
Amount		Province/Region	
Amount Expended For Fiscal Year	\$5,000.00	Country	United States
Explain why the Fair Market Value is Less than the Amount		Procurement Description	SEMICON West Booth Sponsorship

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<b>37. Vendor Name</b>	New York Independent System Operator	<b>Address Line1</b>	10 Krey Blvd
<b>Type of Procurement</b>	Consulting Services	<b>Address Line2</b>	Attn: Finance Dept
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	RENSELAER
<b>Award Date</b>	5/4/2023	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	12144
<b>Fair Market Value</b>	\$150,000.00	<b>Plus 4</b>	
<b>Amount</b>	\$150,000.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$150,000.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: System Reliability Impact Study

<b>38. Vendor Name</b>	Niagara County Water District	<b>Address Line1</b>	5450 Ernest Road
<b>Type of Procurement</b>	Consulting Services	<b>Address Line2</b>	PO Box 315
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	LOCKPORT
<b>Award Date</b>	4/26/2019	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14095
<b>Fair Market Value</b>	\$3,115,852.00	<b>Plus 4</b>	
<b>Amount</b>	\$3,115,852.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$102,436.40	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Engineering & Legal Services; Includes 10/29/20, 12/3/20 & 10/6/22 Contract Amendments

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<b>39.</b>	<b>Vendor Name</b>	Ostroff Associates, Inc.	<b>Address Line1</b>	150 State Street
	<b>Type of Procurement</b>	Other Professional Services	<b>Address Line2</b>	Suite 301
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	ALBANY
	<b>Award Date</b>	10/26/2023	<b>State</b>	NY
	<b>End Date</b>		<b>Postal Code</b>	12207
	<b>Fair Market Value</b>	\$10,000.00	<b>Plus 4</b>	
	<b>Amount</b>	\$10,000.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$10,000.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Government Relations Services - November 2023 - December 2023 Services

<b>40.</b>	<b>Vendor Name</b>	Ostroff Associates, Inc.	<b>Address Line1</b>	150 State Street
	<b>Type of Procurement</b>	Other Professional Services	<b>Address Line2</b>	Suite 301
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	ALBANY
	<b>Award Date</b>	10/13/2023	<b>State</b>	NY
	<b>End Date</b>		<b>Postal Code</b>	12207
	<b>Fair Market Value</b>	\$2,700.00	<b>Plus 4</b>	
	<b>Amount</b>	\$2,700.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$2,700.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Government Relations Services 10/12/23 - 10/31/23 Plus Filing Fees



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<b>41. Vendor Name</b>	Phillips Lytle LLP	<b>Address Line1</b>	125 Main Street
<b>Type of Procurement</b>	Legal Services	<b>Address Line2</b>	
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	BUFFALO
<b>Award Date</b>	7/1/2021	<b>State</b>	NY
<b>End Date</b>	12/31/2023	<b>Postal Code</b>	14203
<b>Fair Market Value</b>	\$983,000.00	<b>Plus 4</b>	
<b>Amount</b>	\$983,000.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$259,108.64	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Tech Team Support For Various Reviews & Approval Processes; Includes 1/13/22, 10/6/22, 2/2/23 & 6/29/23 Contract Amendments.

<b>42. Vendor Name</b>	Phillips Lytle LLP	<b>Address Line1</b>	125 Main Street
<b>Type of Procurement</b>	Legal Services	<b>Address Line2</b>	
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	BUFFALO
<b>Award Date</b>	3/30/2023	<b>State</b>	NY
<b>End Date</b>		<b>Postal Code</b>	14203
<b>Fair Market Value</b>	\$35,000.00	<b>Plus 4</b>	
<b>Amount</b>	\$35,000.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$9,668.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Formation of Business Park Association

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<b>43.</b>	<b>Vendor Name</b>	Russell Hoffmeister	<b>Address Line1</b>	1318 Lewiston Road
	<b>Type of Procurement</b>	Other	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	ALABAMA
	<b>Award Date</b>	9/7/2023	<b>State</b>	NY
	<b>End Date</b>	12/31/2024	<b>Postal Code</b>	14013
	<b>Fair Market Value</b>		<b>Plus 4</b>	
	<b>Amount</b>	\$4,750.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$4,750.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP Force Main Easement: Compensation for Temporary Easement 27 (Don & Lori Currier) - Installation of Water Lines from Curb Box to House

<b>44.</b>	<b>Vendor Name</b>	Russell Hoffmeister	<b>Address Line1</b>	6154 Alleghany Road
	<b>Type of Procurement</b>	Other	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	BASOM
	<b>Award Date</b>	9/7/2023	<b>State</b>	NY
	<b>End Date</b>	10/31/2024	<b>Postal Code</b>	14013
	<b>Fair Market Value</b>		<b>Plus 4</b>	
	<b>Amount</b>	\$4,500.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$4,500.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP Force Main Easement: Compensation for Temporary Easement 26 (David & Jennifer Schnauer) - Installation of Water Lines from Curb Box to House

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<b>45. Vendor Name</b>	Selective Insurance	<b>Address Line1</b>	PO Box 371468
<b>Type of Procurement</b>	Other	<b>Address Line2</b>	
<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	PITTSBURGH
<b>Award Date</b>	12/15/2022	<b>State</b>	PA
<b>End Date</b>	12/31/2023	<b>Postal Code</b>	15250
<b>Fair Market Value</b>		<b>Plus 4</b>	
<b>Amount</b>	\$48,844.50	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$48,844.50	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Business Insurance

<b>46. Vendor Name</b>	Sheila Eigenbrod	<b>Address Line1</b>	210 Wyoming Street
<b>Type of Procurement</b>	Consulting Services	<b>Address Line2</b>	
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	WARSAW
<b>Award Date</b>	12/1/2022	<b>State</b>	NY
<b>End Date</b>	12/31/2023	<b>Postal Code</b>	14569
<b>Fair Market Value</b>	\$29,800.00	<b>Plus 4</b>	
<b>Amount</b>	\$29,800.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$13,116.67	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Workforce Development Consultant

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<b>47.</b>	<b>Vendor Name</b>	The Research Foundation of SUNY UB	<b>Address Line1</b>	University at Buffalo 380 MFAC
	<b>Type of Procurement</b>	Other Professional Services	<b>Address Line2</b>	Ellicott Complex
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	BUFFALO
	<b>Award Date</b>	8/4/2022	<b>State</b>	NY
	<b>End Date</b>		<b>Postal Code</b>	14261
	<b>Fair Market Value</b>	\$31,870.00	<b>Plus 4</b>	
	<b>Amount</b>	\$31,870.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$20,600.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Site Work Monitor Services

<b>48.</b>	<b>Vendor Name</b>	Tompkins Insurance Agencies, Inc.	<b>Address Line1</b>	90 Main Street
	<b>Type of Procurement</b>	Other	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	BATAVIA
	<b>Award Date</b>	12/7/2023	<b>State</b>	NY
	<b>End Date</b>	12/31/2024	<b>Postal Code</b>	14020
	<b>Fair Market Value</b>		<b>Plus 4</b>	
	<b>Amount</b>	\$16,359.50	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$16,359.50	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Umbrella Policy 1/1/24 - 1/1/25



Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

Run Date: 03/01/2024  
 Status: UNSUBMITTED  
 Certified Date : N/A

<b>49.</b>	<b>Vendor Name</b>	Tompkins Insurance Agencies, Inc.	<b>Address Line1</b>	90 Main Street
	<b>Type of Procurement</b>	Other	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	BATAVIA
	<b>Award Date</b>	1/12/2023	<b>State</b>	NY
	<b>End Date</b>	1/1/2024	<b>Postal Code</b>	14020
	<b>Fair Market Value</b>		<b>Plus 4</b>	
	<b>Amount</b>	\$15,387.50	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$15,387.50	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Umbrella Policy 1/1/23 - 1/1/24

<b>50.</b>	<b>Vendor Name</b>	Town of Alabama	<b>Address Line1</b>	2218 Judge Road
	<b>Type of Procurement</b>	Other	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	OAKFIELD
	<b>Award Date</b>	9/7/2017	<b>State</b>	NY
	<b>End Date</b>		<b>Postal Code</b>	14125
	<b>Fair Market Value</b>	\$187,500.00	<b>Plus 4</b>	
	<b>Amount</b>	\$187,500.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$187,500.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Payment Pursuant to Incentive Zoning Agreement & First Amendment

Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

Run Date: 03/01/2024  
Status: UNSUBMITTED  
Certified Date : N/A

<b>51. Vendor Name</b>	Travelers	<b>Address Line1</b>	PO Box 660317
<b>Type of Procurement</b>	Other	<b>Address Line2</b>	CL Remittance Center
<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	DALLAS
<b>Award Date</b>	2/2/2023	<b>State</b>	TX
<b>End Date</b>	2/23/2024	<b>Postal Code</b>	75266
<b>Fair Market Value</b>		<b>Plus 4</b>	
<b>Amount</b>	\$10,462.50	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$10,462.50	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Directors & Officers / Employment Practices Liability Insurance (2/23/23 - 2/23/24)

<b>52. Vendor Name</b>	Travelers	<b>Address Line1</b>	PO Box 660317
<b>Type of Procurement</b>	Other	<b>Address Line2</b>	CL Remittance Center
<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	DALLAS
<b>Award Date</b>	6/29/2023	<b>State</b>	TX
<b>End Date</b>	7/1/2024	<b>Postal Code</b>	75266
<b>Fair Market Value</b>		<b>Plus 4</b>	
<b>Amount</b>	\$3,182.50	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$3,182.50	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Cyber Insurance (7/1/23 - 7/1/24)

Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

Run Date: 03/01/2024  
 Status: UNSUBMITTED  
 Certified Date : N/A

<b>53.</b>	<b>Vendor Name</b>	Travelers	<b>Address Line1</b>	PO Box 660317
	<b>Type of Procurement</b>	Other	<b>Address Line2</b>	CL Remittance Center
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	DALLAS
	<b>Award Date</b>	5/21/2023	<b>State</b>	TX
	<b>End Date</b>	5/21/2024	<b>Postal Code</b>	75266
	<b>Fair Market Value</b>	\$657.00	<b>Plus 4</b>	
	<b>Amount</b>	\$657.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$657.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Crime Policy

<b>54.</b>	<b>Vendor Name</b>	Welch & O'Donoghue	<b>Address Line1</b>	PO Box 669
	<b>Type of Procurement</b>	Other Professional Services	<b>Address Line2</b>	8713 Rt 237
	<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	STAFFORD
	<b>Award Date</b>	3/30/2023	<b>State</b>	NY
	<b>End Date</b>		<b>Postal Code</b>	14143
	<b>Fair Market Value</b>		<b>Plus 4</b>	
	<b>Amount</b>	\$6,500.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$6,500.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	STAMP: Survey - Edwards Vacuum Subdivision

Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

Run Date: 03/01/2024  
 Status: UNSUBMITTED  
 Certified Date : N/A

<b>55. Vendor Name</b>	e3communications	<b>Address Line1</b>	551 Franklin Street
<b>Type of Procurement</b>	Other Professional Services	<b>Address Line2</b>	
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	BUFFALO
<b>Award Date</b>	12/2/2021	<b>State</b>	NY
<b>End Date</b>	12/31/2022	<b>Postal Code</b>	14202
<b>Fair Market Value</b>	\$24,000.00	<b>Plus 4</b>	
<b>Amount</b>	\$24,000.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$2,000.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Public Relations / STAMP Marketing - 2022

<b>56. Vendor Name</b>	e3communications	<b>Address Line1</b>	551 Franklin Street
<b>Type of Procurement</b>	Other Professional Services	<b>Address Line2</b>	
<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	BUFFALO
<b>Award Date</b>	12/1/2022	<b>State</b>	NY
<b>End Date</b>	12/31/2023	<b>Postal Code</b>	14202
<b>Fair Market Value</b>	\$24,000.00	<b>Plus 4</b>	
<b>Amount</b>	\$24,000.00	<b>Province/Region</b>	
<b>Amount Expended For Fiscal Year</b>	\$24,000.00	<b>Country</b>	United States
<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Public Relations / STAMP Marketing - 2023



Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

Run Date: 03/01/2024  
Status: UNSUBMITTED  
Certified Date : N/A

<b>57.</b>	<b>Vendor Name</b>	e3communications	<b>Address Line1</b>	551 Franklin Street
	<b>Type of Procurement</b>	Other Professional Services	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	BUFFALO
	<b>Award Date</b>	12/1/2022	<b>State</b>	NY
	<b>End Date</b>	12/31/2023	<b>Postal Code</b>	14202
	<b>Fair Market Value</b>	\$24,000.00	<b>Plus 4</b>	
	<b>Amount</b>	\$24,000.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$24,000.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Public Relations / GCEDC Marketing - 2023

<b>58.</b>	<b>Vendor Name</b>	e3communications	<b>Address Line1</b>	551 Franklin Street
	<b>Type of Procurement</b>	Other Professional Services	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	BUFFALO
	<b>Award Date</b>	12/2/2021	<b>State</b>	NY
	<b>End Date</b>	12/31/2022	<b>Postal Code</b>	14202
	<b>Fair Market Value</b>	\$21,600.00	<b>Plus 4</b>	
	<b>Amount</b>	\$21,600.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$1,800.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Public Relations / GCEDC Marketing - 2022

Procurement Report for Genesee County Industrial Development Agency

Fiscal Year Ending: 12/31/2023

Run Date: 03/01/2024  
Status: UNSUBMITTED  
Certified Date : N/A

Additional Comments

**Proposal for design, engineering, bidding and construction inspection for roadway at AppleTree Acres**

**Discussion:** The GCEDC Received a proposal for design, engineering, bidding and construction inspection for a new roadway at AppleTree Acres to support a new manufacturing facility.

**Fund commitment:** \$279,065 from land sale proceeds of sale to new manufacturing facility at AppleTree Acres.

**Board action request:** Approval of design, engineering, bidding and construction inspection contract for \$279,065.



February 18, 2024

Mr. Mark Masse, CPA  
Senior Vice President of Operations  
GCEDC  
99 MedTech Drive, Suite 106  
Batavia, New York 14020

**RE: APPLE TREE ACRES  
NEW ACCESS ROAD  
PROPOSAL FOR ENGINEERING SERVICES**

Dear Mark:

CPL is pleased to submit our proposal for civil engineering and permitting services related to the design and construction of a new access road from NYS Route 19 to Apple Tree Avenue in the Town of Bergen, New York.

**Project Understanding**

Based on our discussions, our knowledge of the project, and the information provided, it is our understanding that the Genesee County Economic Development Center (GCEDC) is seeking services of a qualified firm to provide engineering, permitting, bidding, and construction services for the design and construction of a new access road at the Apple Tree Acres Business Park in the Town of Bergen, New York. The new access road will include all grading, pavement design, and stormwater management facilities as required. Please refer to the attached concept plan for reference.

The NYSDOT conceptually approved a new access road and the location in a letter dated May 9, 2018 (see attached). Our assumptions are that their approval from 2018 is still valid and that no other turn lanes on NYS 19 or on the access road are required. Therefore, no turn lane design or mitigation is included in this proposal. A traffic study has been included in the scope of potential development on the site and therefore is also not included in this proposal.

**Scope of Work**

Our project team has extensive experience in planning and designing the required aspects of similar projects throughout the State. These services have





included assistance with site selection, site planning, assistance with marketing efforts, SEQR, and the design and construction of infrastructure. For this project, our team will provide the following detailed scope of work:

### **State Environmental Quality Review (SEQR)**

The scope of SEQR has been included in the proposal for a potential tenant at the site, located on Lot A. We have assumed that both projects will progress simultaneously and therefore, the scope of the roadway will be analyzed along with that development. It is our assumption that this approach is acceptable.

Supplemental studies including wetland delineation, threatened and endangered species, traffic studies, and visual studies are not included in this scope of work. If these studies are required by the reviewing agency, CPL will develop a scope and fee for these services.

### **Survey and Mapping**

As part of this project, CPL will coordinate with a surveyor to complete a field topographical survey and base mapping suitable for the design of the project. Utility information will be obtained from available utility records and field survey and plotted on the base mapping. All elevations will be based on USGS datum. It is anticipated that no easements will be required. It is our understanding that a boundary survey has already been completed for the roadway.

### **Design Geotechnical Investigation**

CPL will team with Foundation Design for the completion of soil borings as necessary for a design assessment. This assessment will address potential issues that could develop during infrastructure improvements, mass grading, and construction of new structures. The overall intent of the geotechnical investigations during this phase of the project is to identify the depth to bedrock, depth to the water table, provide an understanding of the general composition of the soil, and to provide design recommendations for infrastructure and pavement section recommendations.

Foundation Design will complete eight (8) widely spaced soil borings. The borings will be advanced to depths of 10 to 15 feet or shallower if bedrock is encountered. Four (4) NYSDEC stormwater infiltration tests will be performed, and pavement recommendations will be provided.



### **Preliminary Design**

CPL will work closely with the GCEDC to ensure that all portions of the project meet the needs and expectations of the GCEDC, and that the project objectives are met. We will provide the required plans, technical specifications, and contract documents to the level of detail required for the construction of the recommended project improvements.

Preliminary design will include the following items:

- Roadway Reconstruction Layout/Design
  - Coordination with Liberty Pumps and new tenant located on Lot A within the park.
  - Preliminary alignment and layout of the new access road.
  - Preliminary grading and associated stormwater drainage design in preparation for approval by the New York State Department of Environmental Conservation (NYSDEC) in relation to stormwater permitting.
  - All stormwater management facilities will be designed in accordance with NYSDEC best management practices. We will prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NYSDEC. We are assuming that the project will be designed to meet the 5-day review requirement for the NYSDEC General Permit and that a 60-day review will not be required.
  - Preliminary plan and profile with roadway alignment, storm management facilities or sewers, grading disturbance limits, and proposed road rights-of-way.
  - All permitting and coordination with NYSDOT as required.
- Geotechnical
  - We will coordinate with a qualified geotechnical engineering subconsultant to perform necessary soil borings, test pits or infiltration tests at selected locations to determine soil and asphalt conditions, groundwater depths and the presence of bedrock, if any, within anticipated excavation limits.

### **Permits and Approvals**

We will prepare all necessary permit applications required by federal, state, and local regulations, including all required supporting documentation. We have assumed that the GCEDC would be responsible for any required permit fees. Necessary permits may include, but are not limited to, the following:



- Town of Bergen Site Plan Approval.
- NYS Department of Environmental Conservation Storm Water Pollution Prevention Plan (SWPPP).
- NYSDOT Permit and Approval for a Commercial Entrance.

### **Final Design**

Prepare detailed final plans and specifications for the work. All work will be in accordance with the standards of the Town of Bergen, NYSDOT, and the requirements of the regulatory agencies. We will address all the permitting comments and obtain all final approvals before bidding the project.

### **Bidding**

Provide up to twenty (20) sets of plans, specifications, and contract documents to be issued to prospective bidders.

During the bidding period, we will respond to bidders' questions and issue any addenda required for the interpretation and clarification of the bidding documents.

We will attend the bid opening, review bids for compliance with the bid requirements and mathematical correctness, prepare a bid tabulation, investigate bidders' qualifications, and prepare a written recommendation for the award of the contract.

### **Construction Administration**

Provide construction administration services which include shop drawing review, processing of payment requests, preconstruction and project meetings, schedule coordination, preparation of change orders, coordination with the Contractor, GCEDC, Town, and regulatory agencies, final inspection and punch list, and preparation of record drawings based upon information provided by the Contractor.

### **Construction Observation**

Provide a qualified NYSDOT approved Resident Engineer to monitor the construction and the Contractor's compliance with the Contract Documents. The Resident Engineer will serve as GCEDC's representative on the project, maintain detailed records of the work performed, document payments to the contractor, handle concerns and complaints from residents affected by the project, and coordinate with regulatory agencies and utilities. We have



assumed a 2.5-month schedule for the new access road.

### **Excluded Services**

The following items have been excluded from our proposal:

- Property survey for the purpose of purchasing property (ALTA) or obtaining easements or rights-of-way.
- Phase 1 Environmental Assessment.
- SEQR services, including Long Form EAF and/or EIS.
- Preparation of legal descriptions.
- Preparation of easement maps and descriptions.
- Special Use Permits/Zoning Variances.
- Lot combinations or Subdivisions.
- Performing wetland delineations and mitigation plans.
- Wetland permitting.
- Performing Cultural Resource Investigations.
- Visual studies.
- Traffic study.
- NYSDOT Drainage study along NYS Route 19 or NYS Route 33.
- Offsite improvements including traffic mitigation and turn lanes.
- Floodplain investigations.
- Stream protection application and permits.
- Threatened and/or Endangered Species surveys and studies.
- Application, licensing or filing fees.
- Any structural analysis or recommendations based on geotechnical borings.
- Lighting and Landscaping plans.
- Water, sanitary sewer, gas, electric, cable, and telecommunication design or coordination.

If it is determined that these items are needed, CPL will work with the GCEDC to develop a specific scope and budget for them.





**Fee**

Our fee proposal to complete the work described above is as follows:

<u>Task</u>	<u>Fee</u>
<i>CPL Design Scope</i>	
SEQR	\$0
Survey and Mapping	\$4,660
Preliminary Design	\$49,145
Permits and Approvals	\$32,020
Final Design	\$62,045
<b>Subtotal</b>	<b>\$147,870</b>
<i>CPL Bidding and Construction Scope</i>	
Bidding	\$11,970
Construction Administration	\$35,725
Construction Observation	\$67,500
<b>Subtotal</b>	<b>\$115,195</b>
<i>Subconsultants (budget)</i>	
Topographic Survey	\$4,600
Geotechnical Investigation	\$11,400
<b>Subtotal</b>	<b>\$16,000</b>
<b>TOTAL</b>	<b>\$279,065</b>

Enclosed for your information is a summary of the hours and direct costs necessary to complete the work as described above. Subcontractor costs will be invoiced as direct costs incurred without markup.



Mr. Mark Masse  
GCEDC  
February 18, 2024  
Page 7 of 7

We appreciate the opportunity to submit our proposal and look forward to working with all those involved. If you have any questions or require additional information, we would be happy to meet with you at any time to discuss our approach and qualifications in detail. Please contact me at (585) 402-7506 or [akosa@cplteam.com](mailto:akosa@cplteam.com) should you have any questions or require additional information.

Very truly yours,

CPL

A handwritten signature in black ink, appearing to read 'AKOSA'.

Andrew R. Kosa, P.E.  
Engineering Associate Principal

Enclosures

**Proposal Accepted By:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
GCEDC

Apple Tree Access Road - 2,200 LF Design  
 Engineering Fee Estimate  
 Date: 02/18/2024

Tasks	Man-Hours					Fee
	Principal	Project Manager	Engineer	Drafter	Inspector	
<b>1. Environmental</b>						
SEQR (Covered under Tenant Development)						\$ -
<b>Subtotal</b>	0	0	0	0	0	\$ -
<b>2. Survey &amp; Mapping</b>						
Base Mapping Preparation		4	8	24		\$ 4,660.00
<b>Subtotal</b>	0	4	8	24	0	\$ 4,660.00
<b>3. Preliminary Design</b>						
Design Meetings & Coordination, Development Coordination and Program Management	4	16	16			\$ 7,060.00
Geotech Coordination		2	4			\$ 1,010.00
Road Site Plan	1	8	16	24		\$ 7,005.00
Grading/Storm Design		8	32	60		\$ 12,960.00
Stormwater Pollution Prevention Plan (SWPPP)	1	8	12	40		\$ 8,185.00
NYSDOT Details, Profiles, and Cross Sections		8	12	40		\$ 7,860.00
Erosion and Sediment Control		4	4	6		\$ 2,100.00
Cover, General Notes & Details Sheets		1	2	4		\$ 945.00
Specifications - Contractual Front End & Technical		4	8			\$ 2,020.00
<b>Subtotal</b>	6	59	106	174	0	\$ 49,145.00
<b>4. Permits and Approvals</b>						
Town of Bergen Site Plan Approval	4	4	8	8		\$ 4,200.00
NYS DEC SWPPP		4	8	24		\$ 4,660.00
NYSDOT Permits and Approvals - Commercial Entrance	2	12	40	40		\$ 13,430.00
Coordination/Response to Agency Comments	2	16	24			\$ 7,570.00
Public Meeting/Site Plan Approval	4	4				\$ 2,160.00
<b>Subtotal</b>	12	40	80	72	0	\$ 32,020.00
<b>5. Final Design</b>						
Design Meetings & Coordination, Development Coordination and Program Management	4	16	16			\$ 7,060.00
Road Site Plan	2	4	24	60		\$ 11,590.00
Grading/Storm Design	1	8	24	80		\$ 14,325.00
Stormwater Pollution Prevention Plan (SWPPP)	2	8	24	80		\$ 14,650.00
NYSDOT Details, Profiles, and Cross Sections	2	6	12	40		\$ 8,080.00
Erosion and Sediment Control		2	4	8		\$ 1,890.00
Cover, General Notes & Details Sheets		1	4	8		\$ 1,675.00
Specifications - Contractual Front End & Technical	1	6	8			\$ 2,775.00
<b>Subtotal</b>	12	51	116	276	0	\$ 62,045.00
<b>CPL Design Subtotal (Items 1 - 5)</b>						\$ 147,870.00
<b>Bidding and Construction</b>						
<b>6. Bidding</b>						
Bidding Administration	2	16	24	40		\$ 11,970.00
<b>Subtotal</b>	2	16	24	40	0	\$ 11,970.00
<b>7. Construction Administration</b>						
Contract Administration	2	24	40	20		\$ 13,810.00
Coordination, RFI's & Site Visits	2	24	40	30		\$ 14,910.00
Project Closeout	1	8	16	24		\$ 7,005.00
<b>Subtotal</b>	5	56	96	74	0	\$ 35,725.00
<b>8. Construction Inspection Budget Estimate - Billed Hourly</b>						
On Site Inspection (based on 2.5 month construction schedule, approximately 1,000 LF)					450	\$ 67,500.00
<b>Subtotal</b>	0	0	0	0	450	\$ 67,500.00
<b>CPL Bidding and Construction Subtotal (Items 6 - 8)</b>						\$ 115,195.00
<b>Total Hours</b>						
	37	226	430	660	450	
<b>Total CPL Fees (Items 1 - 8)</b>						\$ 263,065.00
<b>9. Subconsultant Budget Estimate - Billed at Cost</b>						
A. Topographical Survey						\$ 4,600.00
B. Geotechnical Investigation (Foundation Design)						\$ 11,400.00
<b>Subconsultant Subtotal (Item 9)</b>						\$ 16,000.00
<b>Total Fee (Items 1 - 9)</b>						\$ 279,065.00



# LEGEND

-  EXISTING FEDERAL WETLAND
-  PARCEL LINE
-  EXISTING WATER MAIN & FIRE HYDRANT
-  EXISTING SANITARY SEWER FORCE MAIN
-  EXISTING SANITARY GRAVITY SEWER & MANHOLE
-  EXISTING SANITARY SEWER PUMP STATION
-  EXISTING GAS MAIN
-  EXISTING OVERHEAD ELECTRIC
-  BUILDING SET BACK
-  EXISTING COMM.



**GENESEE GATEWAY LOCAL DEVELOPMENT**

**APPLETREE ACRES CORPORATE PARK**  
*Bergen, New York*  
*Genesee County*



205 ST. PAUL STREET, SUITE 500  
 ROCHESTER, NEW YORK 14604  
 TEL (800) 274-9000  
 FAX (585) 232-5836

**CPLteam.com**  
 ARCHITECTURE + ENGINEERING + PLANNING





**Department of  
Transportation**

**ANDREW M. CUOMO**  
Governor

**CATHY CALHOUN**  
Acting Commissioner

**KEVIN BUSH, P.E.**  
Regional Director

May 9, 2018

Mr. Andrew R. Kosa  
Clark Patterson Lee  
205 St Paul St, Suite 500  
Rochester, NY 14604

Re: Appletree Acres Corporate Park  
NY 19, Town of Bergen  
Genesee County

Dear Mr. Kosa,

We have completed our review of April 2018 Concept Plans for the referenced project. In response, we have the following comments.

We agree with the concept proposal of constructing a new entrance to this park on NY 19 approximately 1000' south of NY 33. With the construction of this second entrance, it would likely help to split up some of the existing traffic that is using the existing entrance on NY 33. Although we agree with the construction of this entrance for the existing traffic, if any additional developments are slated for this park, we would need to review an updated traffic impact study showing the impacts to these entrances and the adjacent highway network.

The new entrance to NY 19 should include one 12 foot lane entering and one 12 foot lane exiting with radii based on the design vehicle. Please also confirm that there is adequate sight distance at this proposed entrance.

A Highway Work Permit is required for all work within the State right-of-way. Please submit a completed PERM 33-COM along with 3 sets of detailed plans to Ms. Allison McNamara, Regional Permit coordinator at our regional office: New York State Department of Transportation, 1530 Jefferson Road, Rochester, NY 14623.

Also, to further expedite our review, we recommend that you send a copy of detailed plans to Mr. Daniel Stahley, Assistant Resident Engineer at the following address:

5441 East Main St  
Batavia, NY 14020

If there are any questions regarding our review, please contact Mr. Zachary Starke at (585) 272-3472. If there are questions about the content of information to be submitted, please contact Mr. Daniel Stahley at (585) 343-0502.

Sincerely,



Paul J. Spitzer, P.E.  
Regional Traffic Engineer

PJS/ZJS

- c: D. Stahley, Asst. Resident Engineer, Genesee County
- J. Frank, Permit Group
- B. Marsh, Permit Group
- M. Masse, Genesee County Economic Development Center

RECEIVED

MAY 11 2010

CLARK PATTERSON LEE

**Mowing contract for STAMP**

**Discussion:** The GCEDC Received a proposal for mowing of the mitigation areas at STAMP for 2024 in accordance with the terms of the Part 182 Permit.

**Fund commitment:** \$2,000 from mitigation funds escrow of STAMP Part 182 Permit. This amount was included in the escrow estimate when the account was established.

**Board action request:** Approval of mowing contract for \$2,000 with Genesee County Highway Department.



# GENESEE COUNTY HIGHWAY DEPARTMENT

153 Cedar Street  
Batavia, New York 14020  
Phone: (585) 344-8508 Fax: (585) 343-9303

Timothy J. Hens, P.E. Highway Superintendent  
David Wozniak, Deputy Superintendent  
Paul Osborn, Deputy Superintendent – Facilities, Parks, Recreation & Forestry

Jason Long  
*Airport Supervisor*  
Chris Klein  
*Fleet Maintenance Supervisor*  
Laura Wadhams, P.E.  
*Assistant County Engineer*  
Justin Gerace  
*Assistant County Engineer - Water*

February 22, 2024

GGLDC  
Attn: Mark Masse, Sr. VP of Operations, Managing Member  
99 MedTech Drive  
Suite 106  
Batavia, NY 14020

Dear Mark:

Here are the requested quotes for providing mowing services at the business parks listed below for the 2024 season:

A. Genesee Valley Agri-Business Park -

1. Mowing adjacent to paved roadways within park 1 time a month
2. Finish mow Rt. 5 entry sign lawn areas on a regular basis (avg. every 7-10 days)
3. Finish mow Rt. 63 entry sign lawn area on a regular basis (avg. every 7-10 days)
4. Mowing 2 retention ponds 2 times a year
5. Brush hog East side of Ag Park Road 2x within the time period.

Mowing - @\$1,600.00 per month x 6 (May-Oct)	= \$ 9,600.00
Ponds - @\$500.00 each time per year x 2	= \$ 1,000.00
Brushhog - @\$750.00 x2	= \$ 1,500.00
<b>2024 GVAB Park mowing Total</b>	<b>\$12,100.00</b>

B. WNY Stamp Business Park

- |   |                    |
|---|--------------------|
| 1. Brush hog Part 182 Mitigation Field (1/2 field) x1 (Aug 15-31)     | = \$ 1,000.00      |
| 2. Brush hog Mitigation Field (1/3 Field) Alleghany Rd x1 (Aug 15-31) | = \$ 1,000.00      |
| <b>2024 STAMP Mowing Total</b>  | <b>\$ 2,000.00</b> |

**2022 Mowing total for all Parks = \$14,100.00**

If you have any questions regarding this proposal, please feel free to contact me at (585) 344-8508 ext. 3704 or via email at [paul.osborn@co.genesee.ny.us](mailto:paul.osborn@co.genesee.ny.us).

Paul A. Osborn, Genesee County Deputy Highway Superintendent

Proposal Acceptance: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



**GCEDC**  
**Audit & Finance Committee Meeting Report**

**Mowing contract for STAMP**

**Discussion:** The GCEDC Received a proposal for mowing of the stormwater pond and the open area from the substation to Crosby Road at STAMP for 2024.

**Fund commitment:** \$8,000 from operational funds of STAMP.

**Board action request:** Approval of mowing contract for \$8,000 with Town of Alabama Highway Department.

# Mowing for GCEDC 2024

8/24- 8 hrs

8/26- 6 hrs

8/29- 6.5 hrs

Total- 20.5

X 2 times a year

41 hrs

## Labor-

41 hrs

X \$60 hr (benefited hrs)

Total- \$2,460

## Equip Cost-

41 hrs

X \$135 (rental rates)

Total- \$5,535

**Bid Price-** \$7,995 To mow from the substation to Crosby Rd  
as well as the area around the retention pond

## Authority Self-Evaluation of Prior Year Performance

**Local Public Authority Name:** Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (GCEDC)

### 2023 Measurements and results:

1. Secure capital / business investment commitments of \$47 million (not including any project over \$50 million in capital investment).
  - A. **2023 result was \$29 million (the total for the year was \$257 million if the over \$50 million in capital investments, Nexgistics and Atlas Copco, are included).**
2. Secure pledges to create 93 jobs.
  - A. **2023 result was 2 pledged jobs to be created (the total for the year was 348 if the over \$50 million in capital investments, Nexgistics and Atlas Copco, are included).**
3. Achieve the GCEDC 2023 budget from a bottom-line financial operation performance (EBITDA) standpoint.
  - A. **The GCEDC will exceed the 2023 operating budget from a bottom-line standpoint. For the Operating Fund, Project Origination Fee Revenue collected exceeded the budgeted amount. The GCEDC collected \$1.6M in Project Origination Fee Revenue as compared to the \$450K budgeted for 2023. Several operating expenditure line items will come in under budget as well.**
4. Continue an active outreach campaign. Continue engagements with state, federal, regional, local and educational partners focused on advancing the GCEDC's development strategy enabling local/regional economic growth and quality job opportunities for our residents and children.
  - A. **The GCEDC continued its efforts in 2023 to provide enhanced communications and outreach with federal, state and local government officials and staff on various economic development issues. This has been accomplished through direct communications with these officials, but also through our activities with and appointments to various civic, government and private sector entities which allows for constant interaction with our federal, state and local government representatives and staff.**

#### 1. Federal:

- Provided guidance on market conditions and needs during the implementation of the CHIPS and Science Act with Senate Majority Leader Schumer's regional and economic development policy staff, as well as Rep. Morelle's regional and economic development policy staff. This added a critical focus on the supporting shovel-readiness for strategic sites, including STAMP, and connections with potential industry supporters.
- Provided guidance on market conditions and needs during the implementation of the Inflation Reduction Act with Senate Majority Leader's regional and economic development policy staff. This added a critical focus on the policies regarding renewable energy and green hydrogen production.
- Made requests to our congressional delegation to make outreach to key federal agencies regarding support at STAMP, including federal reviews and approvals of required site and infrastructure development.

#### 2. State/Regional:

- Coordinated state and local support enabling Plug Power’s investments into a green hydrogen project, Edwards Genesee’s permitting and site planning, and construction of a campus-wide substation at STAMP.
- Continued to explore funding opportunities at STAMP through discussions with the Governor’s office, including Empire State Development, and members from the Rochester and Finger Lakes delegation to the New York State Legislature following the approval and deployment of grants for infrastructure to support active and future projects at STAMP. This resulted in a \$56 million FAST-NY award to support infrastructure construction at STAMP.
- Continued to financially support the economic development initiatives of the Greater Rochester Enterprise (GRE) and Invest Buffalo Niagara (IBN). These investments include a seat on the board of directors of both organizations and active support for sales and marketing outreach.
- The GCEDC’s CEO serves on Finger Lakes Regional Economic Development Council (FLREDC). Several members of the GCEDC staff also serve on workgroups for the FLREDC.
- Members of the GCEDC staff also serve on Invest Buffalo Niagara’s Industrial Real Estate Strategy Taskforce, including site readiness and marketing workgroups.

### 3. Local (County, City and Town):

- Continued to increase outreach and dialogue with local municipalities. In 2023, these conversations included updates on activities at STAMP and the status of renewable energy projects and the Ellicott Station project. Municipalities where projects under consideration of the GCEDC board are contacted before and after board actions, and before and after public hearings, including project applications, public hearing minutes, and project summaries.
- The GCEDC has engaged with towns, villages, and the city of Batavia to identify areas that have zoning, utilities and local support for housing developments in conjunction with the GCEDC’s targeted housing development initiative. This includes the development of an 8-acre area in the City of Batavia for future housing development and the launch of the Batavia Home Fund to generate housing stock improvements.
- In addition to project communications, the GCEDC engages with municipalities and local government officials through participation in local board meetings and discussions on potential projects, long-term developments, and properties and buildings that can be marketed for investment.
- The GCEDC staff also participates on many community boards relevant to economic development, business, and community development across the County.

### 4. Educational Institutions:

- Our workforce partners included K-12 Schools, GV BOCES/BEA, GLOW WIB and Genesee County Career Center, Genesee Community College, and regional institutions. All are critical partners to our economic development initiatives, especially our efforts to bring new businesses to our shovel-ready parks and enable the growth of existing businesses.
- Superintendents, teachers, counselors, and students across the Genesee Valley BOCES(GV BOCES) districts have been working with the GCEDC to increase STEM programming in the classroom and gaining awareness of skill-based career choices.
- Building on the launch of The GLOW With Your Hands program, the GCEDC and partners launched the GLOW With Your Hands: Healthcare program in March.
- 11<sup>th</sup> and 12<sup>th</sup> grade Electro-mechanical, or “Mechatronics” has been an asset. The youth apprenticeship and pre-apprenticeship bootcamp have given students connections to



local companies. Both programs have leveraged the \$800,000 of new equipment sponsored by GCEDC/GGLDC for the mechatronics lab at GV BOCES.

- This workforce development effort is intended to provide employers with a skilled workforce, as well as build a worker pipeline for the future companies attracted to our region, including businesses we are recruiting to bring to the STAMP Campus.

5. Continue site development activities at the tech and industrial parks which facilitates achievement of our jobs and investment goals.
  - A. **2023 results for the STAMP site are that the power line reroute completed construction, and the 345 kV to 115 kV substation continued construction. The construction of the forcemain through the wildlife refuge was started. We continue to work with Niagara County Water District on the final design and bid packet preparation of the 1.5 MGD potable water for the STAMP site. The NYSDEC has issued the SPDES permit for the WWTF and the final design and bidding package will be completed in 2024. The STAMP site is now at a market ready status for the large-scale infrastructure needed for large and mega sized projects.**
6. Continue active participation with the City of Batavia, Batavia Development Corp., County, School districts, Finger Lakes REDC, New York State and related community partners with respect to revitalization activities and projects in the City of Batavia to include development and implementation of the Batavia DRI Strategic Investment Plan. This will include the importance of the development and support of Placemaking.
  - A. **The GCEDC built on placemaking initiatives including engagement with local stakeholders and project managers for strategic Downtown Revitalization Initiative projects at the Healthy Living Campus, Ellicott Station, Ellicott Place and others. The GCEDC provided active guidance in the redevelopment of BOA sites at the City Center/mall and Creek Park, as well as the deployment of the DRI's Building Improvement Fund.**
7. Continue active sales and marketing efforts focused on company attractions, expansions and retentions to achieve our investment and jobs goals and continued focus on economic expansion.
  - A. **In 2023, the GCEDC had 10 wins, 348 jobs committed, and \$257 million in capital investment committed. The results exceeded the GCEDC's goals. The GCEDC had 9 company attraction projects which included Atlas Copco's manufacturing facility at STAMP and Nexgistics distribution and warehousing project in Pembroke. The selling activity continued to be robust, and the sales funnel remains very active. The GCEDC sales and business development team responded to 96 leads in 2023. Eleven of those leads converted to projects and were approved for incentives/funding support from either the boards of GCEDC/GGLDC/GCFC and/or New York State.**
8. Continue workforce development activities with our education partners focused on worker pipeline enhancement enabling growth by our existing base of businesses and supporting company attractions to the community/region.
  - A. **Throughout 2023 our efforts have focused on both Higher Education and especially K-12 with the goal to influence students' interest in STEM careers and career paths in the skilled trades.**
    - Managed the "Genesee --> F.A.S.T." (Food Processing, Advanced Manufacturing, Skilled Trades & Technicians) Workforce Development team in the region.
    - Continued to fine tune workforce programs. Coach's Corner column with the Batavia Daily News, Video News Service, and The Batavian. Articles were published three times throughout 2023. Also, "Coach Swazz" appeared on the Batavia Daily News online streaming of high school sports. The goal is to reach parents/students on careers in their backyard.

- As Co-Chairman of “GLOW with Hands”, the GCEDC’s VP of Business and Workforce Development was instrumental in the coordination of the event to include 3 regional IDA’s and workforce support teams, 30 school districts. As the sponsorship committee leader, the GCEDC’s VP of Business and Workforce Development led the way to raise over \$150k in the first four years. This year (2023), we were successful with 1200 students and 65+ vendors in attendance.

**Continue GV BOCES Involvement:**

- Advisor of WNY Tech Academy, Computer Graphics, Mechatronics, Metal Trades, & Building Trades
- Led the setup of a Pre-Apprenticeship bootcamp program for youth ages 18-24 with 10 students completing a combined 960 hours of mechatronics lab training and 1,000 hours of on-the-job training at participating companies.
- Youth Apprenticeship Program – Led the charge to coordinate the program along with Finger Lakes Youth Apprenticeship [www.fingerlakesyouthapprenticeship.com](http://www.fingerlakesyouthapprenticeship.com) team. The program established 11<sup>th</sup> grade CTE students to job shadow and in 12<sup>th</sup> grade a paid internship at local manufacturing companies. In 2023, 40 students participated in youth apprenticeships.
- As an active executive board member of the Business Education Alliance, Chris was instrumental in the Genesee County Premier Workforce Membership Program. The program is an up-selling technique to dramatically increase the membership dues to strategic organizations. The highlights of the program include an easy one payment sponsorship for all workforce related events including participating in a Senior Job Fair, Lunch N Learn, GLOW with Your Hands Gold Level Sponsorship and Video recording. Nine companies for the Premiere Membership were secured raising \$42,000 in total.
- The “Cornell in High School” fall class had 27 students graduate the 3-day bootcamp. We recruited students from a combination of GV BOCES Culinary program and local and regional schools. The GCEDC was successful in grants to support the overall cost of the program and funding directly to students following completion of the program.

9. Commence strategic planning and related advocacy/communications activities regarding the need for additional investment to implement STAMP Phase II site and infrastructure development helping to make the 1,250-acre site globally competitive by better aligning infrastructure readiness timelines with market needs (market ready/shovel-ready).

**The GCEDC has utilized the additional \$8M for STAMP Track 2 infrastructure and has completed the design, engineering and permitting that was needed to bring the main manufacturing portion of the STAMP campus to a Market Ready state that has significantly reduced the timelines as it relates to large infrastructure deployment. The GCEDC was awarded a \$56 million FAST NY grant to support the Atlas Copco project as well as build additional capacities in water for future projects.**

**Local Public Authority Name:** Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (GCEDC)

**Fiscal Year:** January 1, 2024 – December 31, 2024

**Enabling Legislation** (enables Local Public Authority Mission Statement): Industrial development agencies (“IDAs”) are formed under Article 18-A of New York State General Municipal Law, as public benefit corporations. IDAs were created to actively promote, encourage, attract and develop job and recreational opportunities and economically-sound commerce and industry in cities, towns, villages and counties throughout New York State (the “State”). IDAs are empowered to provide financial assistance to private entities through tax incentives in order to promote the economic welfare, prosperity and recreational opportunities for residents of a municipality (“Benefited Municipality”).

**Mission Statement:** The GCEDC is the primary economic development agency in Genesee County, NY. The GCEDC’s mission is to facilitate local economic growth and development which fosters investment and job creation for the benefit of our residents and children. We do this by offering financial assistance, real estate solutions, workforce development programming and placemaking options in order to build back local and regional manufacturing and by supporting the continued growth and success of our local businesses all across Genesee County.

**2024 Measurements:**

1. Secure capital / business investment commitments of \$47 million (not including any project over \$50 million in capital investment).
2. Secure pledges to create 93 jobs.
3. Achieve the GCEDC 2024 budget from a bottom-line financial operation performance standpoint.
4. Continue an active outreach campaign. Continue engagements with state, federal, regional, local, and educational partners focused on advancing the GCEDC’s development strategy enabling local/regional economic growth and quality job opportunities for our residents and children.
5. Continue site development activities at the tech and industrial parks which facilitates achievement of our jobs and investment goals. Initiate environmental scan for potential next generation shovel ready park development.
6. Continue active participation with the City of Batavia, Batavia Development Corp., County, School districts, Finger Lakes REDC, New York State and related community partners with respect to revitalization activities and projects in the City of Batavia to include development and implementation of the Batavia DRI Strategic Investment Plan. This will include the importance of the development and support of Placemaking activities/housing.
7. Continue active sales and marketing efforts focused on company attractions, expansions, and retentions to achieve our investment and jobs goals and continued focus on economic expansion.
8. Continue workforce development activities with our education partners focused on worker pipeline enhancement enabling growth by our existing base of businesses and supporting company attractions to the community/region.

**Authority Stakeholder(s):** Genesee County Legislature

**Authority Beneficiaries:** The residents and taxing jurisdictions of Genesee County

**Authority Customers:** The Business Community of Genesee County

**Authority self-evaluation of prior year performance** (based upon established measurements): To Be provided by March 31, 2024 related to 2023 performance.

**Governance Certification:**

1. Have the board members acknowledged that they have read and understood the mission of the public authority?

Board of Directors Response: Yes

2. Who has the power to appoint management of the public authority?

Board of Directors Response: The Board of Directors

3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority.

Board of Directors Response: The Board has not adopted a final, written policy; however, the Board follows the prudent and reasonable past practice of appointing responsible individuals.

4. Briefly describe the role of the Board and the role of management in the implementation of the mission.

Board of Directors Response: The role of the Board regarding the implementation of the public authority's mission is to provide strategic input, guidance, oversight, mission authorization, policy setting and validation of the authority's mission, measurements and results. The role of management is to collaborate with the Board in strategy development / strategy authorization and to implement established programs, processes, activities and policies to achieve the public authority's mission.

5. Has the Board acknowledged that they have read and understood the response to each of these questions?

Board of Directors Response: Yes



**Clark Patterson Lee Proposal for preparation of design, engineering, bid packages and construction inspection for Crosby Road reconstruction from STAMP Drive to Lewiston Road and the extension of the existing hammerhead which will support the Edwards Genesee project**

**Discussion:** The Edwards Genesee project is in need of the design, engineering and construction of certain onsite utilities to support their new facility at STAMP. These improvements will include roadways, water lines, onsite water storage tank and wastewater lines.

**Fund Commitment:** \$1,810,060 from the \$56 million NYS award or GCEDC matching funds.

**Committee Action request:** Recommend approval of the proposal from Clark Patterson Lee to prepare the design, engineering, bid packages and construction inspection for the reconstruction of Crosby Road from STAMP Drive north to Lewiston and the extension of the hammerhead.



February 28, 2024

Mr. Mark Masse, CPA  
Senior Vice President of Operations  
GCEDC  
99 MedTech Drive, Suite 106  
Batavia, New York 14020

**RE: STAMP CROSBY ROAD RECONSTRUCTION  
AND EDWARDS ENABLING INFRASTRUCTURE  
PROPOSAL FOR ENGINEERING SERVICES**

Dear Mark:

CPL is pleased to submit our proposal for civil engineering, permitting, and construction services related to the design and reconstruction of Crosby Road and onsite water and sanitary sewer infrastructure related to the Edwards Vacuum development for the STAMP site located in the Town of Alabama.

**Project Understanding**

Our proposal is based on our intimate knowledge of the STAMP project and our significant involvement in its development over the past fifteen years. This proposal addresses the need for new onsite infrastructure related to Edwards Vacuum and other potential tenants interested in locating within STAMP. Our proposal assumes that approximately 2,200 linear feet of Crosby Road will be reconstructed at this time. However, the design will include the remaining 6,200 linear feet of Crosby Road that is still in need of reconstruction. We have also included the design of a new roundabout, located at the intersection of Lewiston Road, Crosby Road, and the Future Bypass Road. Our scope will also include approximately 800 linear feet of roadway extension for the hammerhead to the east of Edward's property and the Tributary Reroute to Wetland 27 as identified in earlier NYSDEC/USACE permitting.

We also understand that Edwards will require sanitary sewer and water main extensions on the main STAMP campus. We will also include the design and construction of the sewer connection from Plug Power to the Hold and Haul tank.

The tasks performed as part of this proposal will be completed in accordance with similar tasks performed by CPL for other STAMP subprojects and other GCEDC/GGLDC Shovel Ready projects.



### **Program Management Construction**

Provide meetings and coordination with the Project Team (CPL, GCEDC & Tech Team), municipalities, agencies, and other stakeholders as well as the internal CPL team. Provide budgeting, scheduling, strategy, and funding support to GCEDC.

### **Survey and Mapping**

As part of this project, CPL will coordinate with a surveyor to complete a field topographical survey and base mapping suitable for the design of the project. Utility information will be obtained from available utility records and field survey and plotted on the base mapping. All elevations will be based on USGS datum.

Highway rights-of-way and adjacent tax parcels will be plotted based on record information available from the NYSDOT, Genesee County, and the Town. Easements will be developed as required throughout the project for dedication back to the Town, County, STAMP Water Works, or STAMP Sewer Works.

### **Crosby Road Reconstruction Preliminary and Final Design**

CPL will work closely with the GCEDC to ensure that all portions of the project meet the needs and expectations of the GCEDC, and that the project objectives are met. We will provide the required plans, technical specifications, and contract documents to the level of detail required for the construction of the recommended project improvements. Preliminary and final design will include the following items:

- Roadway Reconstruction Layout/Design
  - Preliminary and final alignment and layout of the reconstruction of Crosby Road. This design will include approximately 6,200 LF of Crosby Road from Lewiston Road to Judge Road.
  - Preliminary and final grading and associated stormwater drainage design in preparation for approval by the New York State Department of Environmental Conservation (NYSDEC) in relation to stormwater permitting.
  - All stormwater management facilities will be designed in accordance with NYSDEC best management practices. We will prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NYSDEC. We are assuming that the project will be designed to meet the 5-day review requirement for the NYSDEC General Permit and that a 60-day review will not be



required.

- Preliminary and final plan and profile with roadway alignment, storm management facilities, grading disturbance limits, and proposed road rights-of-way.
- Geotechnical: We will coordinate with a qualified geotechnical engineering subconsultant to perform necessary soil borings, test pits or infiltration tests at selected locations to determine soil and asphalt conditions, groundwater depths and the presence of bedrock, if any, within anticipated excavation limits.

### **Hammer Head Preliminary and Final Design**

Preliminary and final design will include the following items:

- Roadway Construction Layout/Design
  - Preliminary and final alignment and layout of the hammerhead extension. This design will include the entire hammerhead but will only include approximately 800 linear feet of construction.
  - Preliminary and final grading and associated stormwater drainage design in preparation for approval by the New York State Department of Environmental Conservation (NYSDEC) in relation to stormwater permitting.
  - All stormwater management facilities will be designed in accordance with NYSDEC best management practices. We will prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NYSDEC. We are assuming that the project will be designed to meet the 5-day review requirement for the NYSDEC General Permit and that a 60-day review will not be required.
  - Preliminary and final plan and profile with roadway alignment, storm management facilities, grading disturbance limits, and proposed road rights-of-way.
  - Geotechnical: We will coordinate with a qualified geotechnical engineering subconsultant to perform necessary soil borings, test pits or infiltration tests at selected locations to determine soil and asphalt conditions, groundwater depths and the presence of bedrock, if any, within anticipated excavation limits.





### **Roundabout Preliminary and Final Design**

Preliminary and final design will include the following items:

- Roadway Reconstruction Layout/Design
  - Preliminary and final alignment and layout of the new roundabout.
  - Preliminary and final grading and associated stormwater drainage design in preparation for approval by the New York State Department of Environmental Conservation (NYSDEC) in relation to stormwater permitting.
  - All stormwater management facilities will be designed in accordance with NYSDEC best management practices. We will prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NYSDEC. We are assuming that the project will be designed to meet the 5-day review requirement for the NYSDEC General Permit and that a 60-day review will not be required.
  - Preliminary and final plan and profile with roadway alignment, storm management facilities, grading disturbance limits, and proposed road rights-of-way.
  - Geotechnical: We will coordinate with a qualified geotechnical engineering subconsultant to perform necessary soil borings, test pits or infiltration tests at selected locations to determine soil and asphalt conditions, groundwater depths and the presence of bedrock, if any, within anticipated excavation limits.

### **Edwards Preliminary and Final Water/Sanitary Sewer Extension Design**

Preliminary and final design will include the following items:

- Preliminary and final alignment and layout of the new water extension, sanitary sewer extension, and Plug Power's sanitary sewer connection.
- Sanitary Sewer: It is anticipated that the sanitary sewer required to service Edwards will include a section of gravity sewer along Crosby Road to a common pump station point. CPL will coordinate directly with Edwards to accommodate their sanitary sewer depth and size.
- Water: It is anticipated that the new water main to serve Edwards will include approximately 3,600 linear feet of new water main along Crosby Road and to the new fire storage tank. CPL will coordinate directly with Edwards for location and demands.



- All stormwater management facilities will be designed in accordance with NYSDEC best management practices. We will prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NYSDEC. We are assuming that the project will be designed to meet the 5-day review requirement for the NYSDEC General Permit and that a 60-day review will not be required.
- Preliminary and final plan and profile with new water and sanitary sewer extensions.
- Geotechnical: We will coordinate with a qualified geotechnical engineering subconsultant to perform necessary soil borings, test pits or infiltration tests at selected locations to determine soil and asphalt conditions, groundwater depths and the presence of bedrock, if any, within anticipated excavation limits.

### **Tributary Reroute Preliminary and Final Design**

Preliminary and final design will include the following items:

- Preliminary and final alignment and layout of the tributary reroute.
- All stormwater management facilities will be designed in accordance with NYSDEC best management practices. We will prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NYSDEC. We are assuming that the project will be designed to meet the 5-day review requirement for the NYSDEC General Permit and that a 60-day review will not be required.
- Preliminary and final plan and profile with associated grading and stormwater features.
- Geotechnical: We will coordinate with a qualified geotechnical engineering subconsultant to perform necessary soil borings, test pits or infiltration tests at selected locations to determine soil and asphalt conditions, groundwater depths and the presence of bedrock, if any, within anticipated excavation limits.



### **Geotechnical Investigation**

CPL will team with Foundation Design for the completion of soil borings as necessary for a full design assessment. This assessment will address potential issues that could develop during infrastructure improvements, mass grading, and construction of new structures. The overall intent of the geotechnical investigations during this phase of the project is to identify the depth to bedrock, depth to the water table, provide a preliminary understanding of the general composition of the soil, and to provide preliminary design recommendations for future infrastructure.

Foundation Design will complete approximately fifty (50) soil borings for Crosby Road, the Hammerhead, water tanks, and sanitary sewer/water infrastructure as required. Foundation Design will provide recommendations for pavement sections, water tank foundations and the sanitary sewer and water infrastructure.

### **Permits and Approvals**

We will prepare all necessary permit applications required by federal, state, and local regulations, including all required supporting documentation. We have assumed that the GCEDC would be responsible for any required permit fees. Necessary permits may include, but are not limited to, the following:

- Town of Alabama Site Plan Approval.
- Genesee County Highway Approval.
- NYS Department of Environmental Conservation Storm Water Pollution Prevention Plan (SWPPP).
- NYSDOT Permit and Approval.
- NYSDEC Sanitary Sewer Approval.
- NYSDOH/Genesee County DOH Approval.

### **Bidding**

Provide up to twenty (20) sets of plans, specifications, and contract documents to be issued to prospective bidders.

During the bidding period, we will respond to bidders' questions and issue any addenda required for the interpretation and clarification of the bidding documents.

We will attend the bid opening, review bids for compliance with the bid requirements and mathematical correctness, prepare a bid tabulation, investigate bidders' qualifications, and prepare a written recommendation for



the award of the contract.

### **Construction Administration**

Provide construction administration services which include shop drawing review, processing of payment requests, preconstruction and project meetings, schedule coordination, preparation of change orders, coordination with the Contractor, GCEDC, Town, and regulatory agencies, final inspection and punch list, and preparation of record drawings based upon information provided by the Contractor.

Provide coordination with the Contractor, GCEDC, Town of Alabama, Genesee County Highway, NYSDOT, and regulatory agencies.

Provide administration services relating to funding and regulating agency requirements which include NYSESD, NYSDEC, USACE, NYSDOT, and MWBE.

CPL will provide as-built drawings and close out paperwork as necessary to complete the construction. CPL will complete a final project walkthrough and issue a final punch list for completion. With assistance from the contractor, CPL will gather all cut sheets, submittals and manuals and complete all required close out forms for a final submission package.

### **Construction Observation**

Provide a qualified NYSDOT approved Resident Engineer to monitor the construction and the Contractor's compliance with the Contract Documents. The Resident Engineer will serve as GCEDC's representative on the project, maintain detailed records of the work performed, document payments to the contractor, handle concerns and complaints from residents affected by the project, and coordinate with regulatory agencies and utilities. We have assumed an 8-month schedule for the required Edward's infrastructure outlined in this proposal.





**Fee**

Our fee proposal to complete the work described above is as follows:

<u>Task</u>	<u>Fee</u>
<i>CPL Design Scope</i>	
Project and Program Management	\$60,260
Survey and Mapping	\$19,340
Crosby Road Preliminary and Final Design	\$434,120
Hammerhead Preliminary and Final Design	\$61,250
Roundabout Preliminary and Final Design	\$201,850
Edwards Water/Sanitary Sewer Design	\$160,230
Tributary Reroute Prelim. and Final Design	\$32,700
Permits and Approvals	<u>\$71,580</u>
<b>Subtotal</b>	<b>\$1,041,330</b>
 <i>CPL Bidding and Construction Scope</i>	
Bidding	\$30,800
Construction Administration	\$195,130
Construction Observation	<u>\$267,800</u>
<b>Subtotal</b>	<b>\$493,730</b>
 <i>Subconsultants (budget)</i>	
Topographic Survey	\$75,000
Preliminary Geotechnical Investigation	\$150,000
Miscellaneous	<u>\$50,000</u>
<b>Subtotal</b>	<b>\$275,000</b>
<b>TOTAL</b>	<b>\$1,810,060</b>

Enclosed for your information is a summary of the hours and direct costs necessary to complete the work as described above. We propose to provide these services on a lump sum and percentage complete basis, except for the Construction Observation which will be completed on an hourly not-to-exceed basis. Construction Observation will be billed at \$150/hour and we have assumed a 1,440-hour construction schedule. Subcontractor costs will be invoiced as direct costs incurred without markup.



Mr. Mark Masse  
GCEDC  
February 28, 2024  
Page 9 of 9

We appreciate the opportunity to submit our proposal and look forward to working with all those involved. If you have any questions or require additional information, we would be happy to meet with you at any time to discuss our approach and qualifications in detail. Please contact me at (585) 402-7506 or [akosa@cplteam.com](mailto:akosa@cplteam.com) should you have any questions or require additional information.

Very truly yours,

CPL

A handwritten signature in black ink, appearing to read 'AKOSA'.

Andrew R. Kosa, P.E.  
Engineering Associate Principal

Enclosures

**Proposal Accepted By:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
GCEDC

Tasks	Man-Hours					Fee
	Principal	Project Manager	Engineer	Drafter	Inspector	
<b>1. Project &amp; Program Management</b>						
Team Meetings & Coordination	8	16	16			\$ 8,360.00
Coordination & Meetings with municipalities, agencies & involved parties	8	24	24			\$ 11,240.00
CPL Internal Meetings & Coordination	8	16	16	4		\$ 6,800.00
Budgeting, Scheduling & Funding Assistance	8	8	12	4		\$ 6,500.00
Subconsultant Coordination	8	16	24			\$ 9,520.00
Overall Project Engineering: Coordination, Strategies, Budgeting, RFIs, Concepts, & Site Visits	12	24	24	30		\$ 15,840.00
<b>Subtotal</b>	<b>52</b>	<b>104</b>	<b>116</b>	<b>38</b>	<b>0</b>	<b>\$ 60,260.00</b>
<b>2. Survey &amp; Mapping</b>						
Base Mapping Preparation & Coordination with Surveyor	4	16	40	80		\$ 19,340.00
<b>Subtotal</b>	<b>4</b>	<b>16</b>	<b>40</b>	<b>80</b>	<b>0</b>	<b>\$ 19,340.00</b>
<b>3. Crosby Road Reconstruction Preliminary &amp; Final Design</b>						
Design Meetings & Coordination	16	16	16	4		\$ 11,400.00
Geotech Coordination	2	2	8	4		\$ 2,680.00
Culvert Design & Replacement	8	40	60	120		\$ 33,100.00
Road Site Plan	24	150	300	400		\$ 129,700.00
Grading/Storm Design	24	150	300	400		\$ 129,700.00
Stormwater Pollution Prevention Plan (SWPPP)/Pond Expansion Plans	24	80	80	120		\$ 45,500.00
NYS DOT Details, Profiles, & Cross Sections	8	80	120	240		\$ 63,600.00
Erosion & Sediment Control	4	4	4	5		\$ 3,400.00
Cover, General Notes & Details Sheets	4	8	8	8		\$ 5,060.00
Specifications - Contractual Front End & Technical	4	16	24	16		\$ 9,980.00
<b>Subtotal</b>	<b>118</b>	<b>546</b>	<b>920</b>	<b>1318</b>	<b>0</b>	<b>\$ 434,120.00</b>
<b>4. Hammerhead Preliminary &amp; Final Design- update</b>						
Road Site Plan	4	16	20	40		\$ 12,040.00
Grading/Storm Design	4	20	40	60		\$ 18,000.00
Stormwater Pollution Prevention Plan (SWPPP)	2	16	24	40		\$ 11,970.00
NYS DOT Details, Profiles, & Cross Sections	2	16	40	60		\$ 16,490.00
Erosion & Sediment Control	2	4	4	6		\$ 2,750.00
<b>Subtotal</b>	<b>14</b>	<b>72</b>	<b>128</b>	<b>206</b>	<b>0</b>	<b>\$ 61,250.00</b>
<b>5. Roundabout Preliminary &amp; Final Design</b>						
Road Site Plan	4	60	120	240		\$ 58,000.00
Grading/Storm Design	4	40	100	240		\$ 50,800.00
Stormwater Pollution Prevention Plan (SWPPP)	4	24	40	40		\$ 16,660.00
NYS DOT Details, Profiles, & Cross Sections	4	48	160	300		\$ 67,820.00
Erosion & Sediment Control	2	8	20	30		\$ 8,570.00
<b>Subtotal</b>	<b>18</b>	<b>180</b>	<b>440</b>	<b>650</b>	<b>0</b>	<b>\$ 201,850.00</b>
<b>6. Edwards Preliminary &amp; Final Water/Sanitary Sewer Extension Design</b>						
Design Meetings & Coordination	8	8	8			\$ 5,480.00
Water Design - to Tank & along Crosby Road	8	60	120	200		\$ 54,900.00
Sanitary Sewer Design Edwards to PS	16	60	200	300		\$ 80,100.00
Erosion & Sediment Control	2	8	16	16		\$ 5,450.00
Cover, General Notes & Details Sheets	2	8	8	8		\$ 4,410.00
Specifications - Contractual Front End & Technical	2	16	24	12		\$ 6,800.00
<b>Subtotal</b>	<b>38</b>	<b>160</b>	<b>376</b>	<b>536</b>	<b>0</b>	<b>\$ 160,230.00</b>
<b>7. Tributary Reroute Preliminary &amp; Final Design</b>						
Design Meetings & Coordination	2	4	8			\$ 2,670.00
Tributary Site Plan	2	8	16	24		\$ 7,330.00
Grading/Storm Design & Wet& Connection	2	8	24	40		\$ 10,250.00
Erosion & Sediment Control	2	4	4	6		\$ 2,100.00
Cover, General Notes & Details Sheets	2	12	20	20		\$ 8,330.00
Specifications - Contractual Front End & Technical	2	4	8			\$ 2,070.00
<b>Subtotal</b>	<b>8</b>	<b>40</b>	<b>80</b>	<b>80</b>	<b>0</b>	<b>\$ 32,700.00</b>
<b>8. Permits &amp; Approvals</b>						
Town of Alabama Site Plan Approval	4	16	24	24		\$ 10,860.00
NYSDEC SWPPP	4	16	40	40		\$ 14,940.00
NYSDEC & USACE Culvert Replacement, Tributary Reroute	4	24	40	40		\$ 16,660.00
Genesee County Highway Permits & Approvals	4	16	24	40		\$ 12,620.00
Coordination/Response to Agency Comments	4	24	24	40		\$ 14,340.00
Public Meeting/Site Plan Approval	4	4				\$ 2,160.00
<b>Subtotal</b>	<b>24</b>	<b>100</b>	<b>152</b>	<b>184</b>	<b>0</b>	<b>\$ 71,580.00</b>
<b>CPL Design Subtotal (Items 1 - 8)</b>						<b>\$ 1,041,330.00</b>
<b>Bidding &amp; Construction</b>						
<b>9. Bidding</b>						
Bidding Administration	8	60	60	60		\$ 30,800.00
<b>Subtotal</b>	<b>8</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>0</b>	<b>\$ 30,800.00</b>
<b>10. Construction Administration</b>						
Contract Administration	24	140	200	180		\$ 86,700.00
Coordination, RFIs & Site Visits	24	140	200	180		\$ 86,700.00
Project Closeout	4	30	60	48		\$ 21,730.00
<b>Subtotal</b>	<b>52</b>	<b>310</b>	<b>460</b>	<b>408</b>	<b>0</b>	<b>\$ 195,130.00</b>
<b>11. Construction Observation Budget Estimate - Billed Hourly</b>						
On Site Inspection (based on 8 month construction schedule)	4	100	200		1440	\$ 267,800.00
<b>Subtotal</b>	<b>4</b>	<b>100</b>	<b>200</b>	<b>0</b>	<b>1440</b>	<b>\$ 267,800.00</b>
<b>CPL Bidding &amp; Construction Subtotal (Items 9-11)</b>						<b>\$ 493,730.00</b>
<b>Total Hours</b>	<b>340</b>	<b>1688</b>	<b>2972</b>	<b>3770</b>	<b>1440</b>	
<b>Total CPL Fees (Items 1 - 11)</b>						<b>\$ 1,535,060.00</b>
<b>12. Subconsultant Budget Estimate - Billed at Cost</b>						
A. Topographical Survey (Frardina)						\$ 75,000.00
B. Geotechnical Investigation (Foundation Design)						\$ 150,000.00
C. Miscellaneous (additional permitting with NYSDEC)						\$ 50,000.00
<b>Subconsultant Subtotal (Item 12)</b>						<b>\$ 275,000.00</b>
<b>Total Fee (Items 1 - 12)</b>						<b>\$ 1,810,060.00</b>

6.1

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**First Amendment to Access Agreement for construction parking area for Plug Power**

**Discussion:** As part of their construction of their hydrogen facility, Plug Power would like to utilize the approximate 6.5 acre parcel directly to the south of their site as a construction parking area. Plug Power will be responsible for all DEC permits (except the Part 182) and compliance. On April 10, 2023 Plug and the GCEDC signed this agreement. Plug is seeking an amendment to this agreement as the DEC has not issued the necessary permits through no fault of Plug's. The amendment would make the two year lease agreement time frame start on the issuance of the DEC permits as well as making the payment due at that time.

**Fund Commitment:** None.

**Committee Action Request:** Recommend approval of First Amendment to Access Agreement.



## FIRST AMENDMENT TO ACCESS AGREEMENT

**THIS FIRST AMENDMENT TO ACCESS AGREEMENT** (this “First Amendment”) is made and entered into by and between **PLUG POWER INC.** with an address of 968 Albany Shaker Road, Latham, New York 12110 (“Grantee”), and **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE ECONOMIC DEVELOPMENT CENTER**, with an address of 99 MedTech Drive, Suite 106, Batavia, New York 14020 (“Grantor”).

### BACKGROUND

WHEREAS, Grantee and Grantor entered into an Access Agreement dated April 10, 2023 (the “Access Agreement”), for temporary parking purposes in connection with Grantee’s Green Hydrogen Project as more particularly set forth in the Access Agreement;

WHEREAS, the Access Agreement obligated the Grantee to make a one-time payment to Grantor in the amount of \$10,000.00 (the “Access Fee Payment”);

WHEREAS, to date, the necessary permits from the New York State Department of Environmental Conservation to permit the temporary parking as contemplated in the Access Agreement (the “DEC Permits”) have not been issued; and

WHEREAS, the Grantee and Grantor wish to amend the Access Agreement such that the Access Fee Payment is due and payable to Grantor upon the issuance of the DEC Permits.

NOW, THEREFORE, in consideration of the mutual covenants and obligations herein, the parties hereto agree as follows:

1. The above recitals are incorporated herein and made a part hereof.
2. Access Fee Payment. Grantee shall make the Access Fee Payment to Grantor upon the issuance of the DEC Permits.
3. Term: Paragraph 2 of the Access Agreement shall be deleted in its entirety and replaced with the following: *This Agreement shall commence on the date of the issuance of the DEC Permits (the “Permit Issuance Date”) and shall terminate upon the earlier of (a) that date that is two (2) years after the Permit Issuance Date; or (b) upon written notice from Grantee to Grantor that Grantee has removed the contents of its Parking Project and in fact all such contents have been removed and the Property has been returned to its original condition as existed immediately prior to the commencement of the Term of this Agreement as more fully set forth in the Access Agreement.*
4. Capitalized Terms: Capitalized terms not otherwise defined herein shall have the meaning specified in the Access Agreement.
5. Ratification. All terms, covenants, and conditions of the Access Agreement, not modified by this First Amendment, are hereby affirmed, and ratified by the parties. In the event of any inconsistency between the terms of the Access Agreement and the terms of this First Amendment, the terms of this First Amendment shall control.

6. Counterparts. This First Amendment be executed in two (2) or more counterparts, each of which shall constitute one and the same instrument. Receipt of an electronic mail or facsimile copy of any signature page hereto shall be deemed receipt of an original signature for purposes of this First Amendment.
7. Entire Agreement. This Agreement constitutes the parties' entire agreement on this subject. No change, waiver or discharge is valid unless in writing and signed by the party against whom it is sought to be enforced.

*[No further text on this page; Signature page follows]*

IN WITNESS WHEREOF, the parties have caused this Amendment to Access Agreement to be executed as of the date written under their respective signatures.

**GRANTEE:**

**PLUG POWER INC.**

By: \_\_\_\_\_

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

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**GRANTOR:**

**GENESEE COUNTY INDUSTRIAL  
AGENCY D/B/A GENESEE  
ECONOMIC DEVELOPMENT  
CENTER**

By: \_\_\_\_\_

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

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Additional work related to survey for business park association**

**Discussion:** The GCEDC previously went out to bid and awarded survey work related to the formation of the business park association at STAMP. Once the survey work was completed, it was noted that there was some additional work that the legal firm is requiring for the formation that was not in the original bid.

**Fund Commitment:** \$3,000 from the \$33 million NYS award.

**Committee Action request:** Recommend approval of the proposal from Frandina for the additional survey work related to the business park association formation.





## **SURVEY PROPOSAL**

February 26, 2024

Mark A. Masse, CPA  
Senior Vice President of Operations  
Genesee County Economic Development Center  
99 MedTech Drive, Suite 106  
Batavia, NY 14020

**RE: Land Survey Quote  
STAMP Mapping**

Dear Mark,

Thank you for requesting this proposal for extra mapping at the STAMP site. Our scope will address the following items, as detailed in emails earlier this week.

### SCOPE:

- A metes and bounds legal description for 10 parcels as shown on the overall map we recently completed and listed in the accompanying table.
  - 6 blue parcels
  - 3 green parcels
  - 1 mitigation parcel

### PROPOSAL FEE

- Lump sum of \$3000.

### ASSUMPTIONS

- No field work is anticipated in this proposal, if needed, it will be billed at the hourly rate of \$300/hour at NYS Prevailing wage rates good until June 30, 2024
- No parcel stakeout of boundary limits
- No permitting or submission to municipal authorities
- CAD files already prepared are considered final and will be the basis for the work.
- If the parcel boundaries, or the right of way changes, we will need to revise this proposal.
- It is presumed the owner has approved the right of entry for this survey
- Please indicate if any special permission or access is needed.

### DELIVERABLES

- Legal descriptions as listed above



**FRANDINA ENGINEERING AND LAND SURVEYING, PC**  
CIVIL ENGINEERS AND LAND SURVEYORS  
*NYS Certified WBE and DBE Firm*

1701 HERTEL AVENUE  
BUFFALO, NEW YORK 14216  
716.883.1299  
[www.FRANDINA.com](http://www.FRANDINA.com)

- Microsoft WORD files
- no mylars, no prints.

Thank you for requesting this quote from us and please let us know the outcome.

Very Truly yours,

A handwritten signature in cursive script that reads "Rosanne Frandina".

Rosanne Frandina, PE, LS  
President/CEO

CC: Proposals 3923-19

Attachments: Parcel list  
Overall map #3646-19



ACREAGE OF TAX LOTS PER STAMP PARCEL

**PARCEL TAX LOT ACREAGE (ACRES)**

**BLUE PARCELS**

TD1 (Blue):

10.-1-1	48.693
10.-1-3	82.662
10.-1-4.112	73.430
10.-1-4.12	1.947
10.-1-4.2	0.510
10.-1-7	0.262
10.-1-8	0.747
10.-1-9	0.679
10.-1-10	0.679
10.-1-42.1	38.887
10.-1-43.12	60.091

TD2: (Blue)

10.-1-15.111	8.003
10.-1-32.211	25.133
10.-1-32.221	1.865

10.9 ACRE PARCEL (Blue):

10.-1-36.11	10.585
10.-1-13.2	0.366

10 ACRE PARCEL (Blue):

10.-1-32.12	9.636
10.-1-32.222	0.378

6.5 ACRE PARCEL (Blue):

10.-1-13.1	6.008
10.-1-5	0.543

SCANNELL PROPERTIES (Blue):

10.-1-39.122	13.394
10.-1-39.11	32.401
10.-1-43.12	45.308

**GREEN PARCELS**

GREEN AREA 1:

10.-1-4.112	14.849
6.-1-84	1.565

GREEN AREA 2:

10.-1-42.1	2.903
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GREEN AREA 3:

10.-1-13.1	0.603
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**MITIGATION PARCEL:**

10.-1-32.12	34.381
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**Mulching area after hedgerow removal and seeding**

**Discussion:** The GCEDC is required to add straw mulching to the area where the hedgerow was removed and will be seeded in accordance with the issuance of the Part 182 permit. CC Environment and Planning will complete this task under with the review and approval of the DEC.

**Fund Commitment:** \$2,260 from the mitigation escrow funds.

**Committee Action request:** Recommend approval of the proposal from CC Environment and Planning for the mulching of the area where the hedgerow was removed.





## CC Environment & Planning

Katlyn Hojnacki

Senior Ecologist/Operations Manager

February 29, 2024

Genesee County Economic Development Center  
Attn: Mark Masse, VPO  
99 MedTech Drive, Suite 106  
Batavia, NY 14020  
Via Email: mmasse@gcedc.com

### Re: STAMP Hedgerow Removal Mulching

Dear Mark:

I am pleased to submit the following proposal for CC Environment & Planning to provide straw mulching services in the location of the hedgerow removal at STAMP (Science & Technology Advanced Manufacturing Park) in the Town of Alabama, Genesee County, NY. As a member of the STAMP Technical Team since its inception, CC Environment & Planning has the background, project expertise, and relationships to ensure efficient and effective delivery of the services described below.

This Letter Agreement (hereinafter referred to as "Agreement") is a proposal for consulting services by CC Environment & Planning (hereinafter named as "Contractor") for Genesee County Economic Development Center (hereinafter referred to as "Client"). This agreement shall commence upon signature. The following services and terms of the Agreement between the Client and Contractor are as follows:

#### Scope of Services

The Contractor will lay down straw mulch within the area disturbed during the hedgerow removal that occurred between STAMP and John White Wildlife Management Area as part of the Part 182 mitigation requirements. Work will be done in accordance with the Temporary Revocable Permit issued by New York State Department of Environmental Conservation (NYSDEC).

#### Schedule and Fee

Straw will be placed immediately following seeding of the area and the adjacent mitigation field, estimated to occur the week of March 12, 2024. The Contractor proposes to provide the scope of services for a lump sum of \$2,260.

#### Conditions

The Contractor guarantees the quality of this work. Once this offer is accepted payments are to be made at times specified upon presentation of an invoice by Contractor. However, the Client and the Contractor may mutually decide to reschedule, postpone, or delay this project as business needs may suddenly dictate without penalty and without time limit, subject only to mutually agreeable time frames in the future.

**Assumptions**

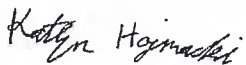
The proposed schedule and fee for this project are based on the following assumptions:

1. The Client and the project team will provide appropriate, timely access to contacts and information and provide requested feedback necessary to complete the scope of services as scheduled.
2. All parties will make every effort to ensure timely answers to questions as related to the scope of services and progress.
3. All parties will inform each other immediately of any unforeseen changes, new developments, or other issues that affect and influence this project so necessary adjustments can be made.
4. Adjustments to the total fee based on unforeseen circumstances, an adjusted timeline, or additional services outside the stated scope will require negotiation and written consent of both parties.

**ACCEPTANCE**

If this proposal meets with your approval, please countersign below and return one copy for our records. If you have any questions, please contact me. We appreciate the opportunity to provide these services toward the continued development of STAMP.

Sincerely,



Katlyn Hojnacki, Senior Ecologist  
CC Environment & Planning

**AUTHORIZATION**

CC Environment & Planning is hereby authorized by Genesee County Economic Development Center to proceed with the services described herein in accordance with the terms and conditions proposed herein.

\_\_\_\_\_  
Genesee County Economic Development Center

\_\_\_\_\_  
Date