

FINGER LAKES ECONOMIC DEVELOPMENT CENTER  
1 Keuka Business Park, Suite 100  
Penn Yan, NY 14527  
Telephone: 315-536-7328

**MINUTES OF THE REGULAR BOARD MEETING OF THE FINGER LAKES ECONOMIC DEVELOPMENT CENTER**

October 18, 2023

FLEDC MEMBERS PRESENT: Dr. Tim Cutler  
Ryan Hallings  
Janice Gaub  
Sirene Garcia  
Amy Storey  
Mary Anne Rogers

FLEDC MEMBERS EXCUSED: Dr. Kim Pinkey

FLEDC LEGAL COUNSEL via ZOOM: Russ Gaenzle, Harris Beach, PLLC

FLEDC STAFF: Steve Griffin  
Mike Lipari  
Doreen Jensen

GUESTS: Steve Maier, Harris Beach, PLLC  
Jim Moon

Chair R. Hallings called the meeting to order at 8:39 A.M. immediately following the Finger Lakes Horizon EDC's adjournment.

Roll call was taken, a quorum was present. Chair R. Hallings introduced guests.

*A motion was made by S. Garcia and seconded by A. Storey to go into Executive Session at 8:39 A.M. to discuss the financial history of particular companies. Motion passed.*

*A motion was made by Dr. T. Cutler and seconded by S. Garcia to come out of Executive Session at 9:14 A.M. Motion passed.*

There was no action taken in Executive Session.

**MINUTES**

*A motion was made by Dr. T. Cutler and seconded by A. Storey to approve the September 20, 2023 minutes as written. Motion passed.*

**AGENDA CHANGES**

Under Action Items please add Angela Burd, LCSW Lease.

**FINANCE COMMITTEE**

D. Jensen reviewed all the bills to be paid, the total bills to be paid today is \$1,233,916.12 and consists of. Check #103-105 from the Money Market Account and Check #6353 -6372, e141-e143 and includes payroll from the Checking Account. Check #58 for \$80,000 from the Ag Account was also presented for payment. D. Jensen inquired if there were any questions on the financials or loan reports. No questions were asked.

*A motion was made by Dr. T. Cutler and seconded by A. Storey to approve the Finance Report and to pay all bills submitted totaling \$1,233,916.12 from the money market, checking account, and \$80,000 from the ag account with the check numbers presented. Motion passed.*

## STATUS REPORT

D. Jensen reported no updates.

M. Lipari reported the Community Table Dinner raised \$16,200 for the Yates Community Center.

M. Lipari reported Saturday, October 21st is the Trunk or Treat event on Main Street.

S. Griffin followed up on the Community Table Dinner's remarkable growth over the three years the event has been held.

S. Griffin reported on attending various ribbon cuttings in the community for Outlet 111, Apple Barrel, Community Center and Fox Run Winery.

## ACTION ITEMS

S. Griffin and D. Jensen reviewed the changes made to the 2024 budget based on the discussion at the September Board meeting. *A motion was made by Dr. T. Cutler and seconded by A. Storey to approve the 2024 Yates IDA Budget as presented. Motion passed.*

M. Lipari reviewed the loan request for Frost Wines, LLC d/b/a Hermann J. Weimer Vineyard. They have requested a loan in the amount of \$200,000 to assist with renovations and purchase of equipment. The loan would be a ten-year term at 2.00% reduced to 1.00% with automatic loan payments. Collateral would be a first position lien on tanks and equipment purchased with FLEDC funds, UCC filing on all other assets and personal guarantees from Fred and Maressa Merwarth, Tim and Sandra Merwarth and Oscar Bynke. R. Hallings disclosed that there is a relationship with the project applicant and he would be abstaining from the discussion and vote on this project. The Loan Review Committee approved this loan contingent upon receiving updated financial statements. *A motion was made by Dr. T. Cutler and seconded by A. Storey to approve the loan to Frost Wines, LLC d/b/a/ Hermann J. Wiemer Vineyard as presented. Motion passed with R. Hallings abstaining.*

M. Lipari reviewed the loan request for Giving Tree Cidery, LLC. They have requested a loan in the amount of \$100,000 to assist with renovations for production space and tasting room. The loan would be a five-year term at 2.00% reduced to 1.00% with automatic loan payments. Collateral would be a mortgage on 2700 Sturdevant Road, UCC filing and personal guarantees from Frank and Chris Papalia. The Loan Review Committee approved this loan contingent upon receiving updated financial statements. *A motion was made by Dr. T. Cutler and seconded by Dr. K. Pinkey to approve the loan to Giving Tree Cidery, LLC as presented.*

M. Lipari reported Horning Solar, LLC would like to construct on 5MW Solar Project in the Town of Benton. Total project cost is \$8,366,207. This project would deviate from our normal PILOT schedule. A 20-year PILOT has been proposed to match the length of the lease the company has with the land owner. The estimated tax benefits are as follows; \$27,533.10 mortgage recording tax if utilized, \$436,235.20 sales tax and \$34,241.72 in property tax for a total of \$498,010.20. The total economic benefit to the community to total community benefit investment ratio is 18:1. The benefits projected are over \$100,000 triggering the need to hold a public hearing. M. Lipari reported that the public

hearing would not be held until the price per megawatt was agreed upon. The board authorized Management to negotiate the final PILOT amount.

*The following resolution was duly offered by A. Storey and seconded by Dr. T. Cutler, to wit:*

**RESOLUTION OF THE YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF HORNING SOLAR LLC, FOR ITSELF AND/OR ON BEHALF OF AN ENTITY OR ENTITIES TO BE FORMED (COLLECTIVELY, THE "COMPANY") WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DESCRIBED 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 I of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 113 of the Laws of 1975 of the State (collectively, the "Act"), the **YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to promote, develop, encourage and assist in acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research, and recreational facilities as authorized by the Act, and in connection therewith to enter into straight lease transactions and provide other forms of financial assistance; and

WHEREAS, **HORNING SOLAR LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (collectively, the "Company"), has submitted an application (the "Application"), 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 24 acres of real property located at 848 SR 14A, Town of Benton, New York and all other lands 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 identified as a portion of tax parcel number 17.03-1-12.11, 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"); and (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, together 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 that the Agency is contemplating with respect to the Project; and

WHEREAS, it is contemplated that the Agency will hold a public hearing and (i) negotiate and enter into an Agent, Financial Assistance and Project Agreement (the "Project Agreement"), 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 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 (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 mortgage recording tax exemption for financings undertaken to construct the Facility (collectively, the "Financial Assistance").

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Applicant has presented the Application in a form acceptable to the Agency. Based upon the representations made by the Applicant 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) The Agency has the authority to take the actions contemplated herein under the Act; and

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

(D) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Applicant 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 Applicant 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 Chairman, Vice Chairman or Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to hold a public hearing in compliance with the Act and negotiate (but not execute or deliver) the terms of (A) the Project Agreement, (B) the Lease Agreement, whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement, whereby the Agency conveys the Project back to the Company, (D) the Tax Agreement and (E) related documents; provided that (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 3. The Agency is hereby authorized to conduct a public hearing in compliance with the Act.

Section 4. 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 5. 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:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Ryan Hallings	[ X ]	[ ]	[ ]	[ ]
Janice Gaub	[ X ]	[ ]	[ ]	[ ]
Sirene Garcia	[ X ]	[ ]	[ ]	[ ]
Dr. Kim Pinkey	[ ]	[ ]	[ X ]	[ ]
Mary Anne Rogers	[ X ]	[ ]	[ ]	[ ]
Dr. Tim Cutler	[ X ]	[ ]	[ ]	[ ]
Amy Storey	[ X ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.

**CERTIFICATION**  
*(Horning Solar LLC Project)*

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

I, the undersigned Secretary of Yates County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of Yates County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on October 18, 2023, with the original thereof on file in the office 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 the Agency had due notice of the meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), the meeting was open to the general public and that public notice of the time and place of the 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 18th day of October, 2023.

\_\_\_\_\_  
Secretary

M. Lipari reported Martin Solar, LLC would like to construct a 5 MW Solar Project in the Town of Benton. Total project cost is \$8,065,387. This project would deviate from our normal PILOT schedule. A 20-year PILOT is proposed to match the length of the lease the company has with the land owner. The estimated tax benefits are as follows; \$24,625.40 mortgage recording tax if utilized, \$408,462.80 sales tax and \$34,241.72 in property tax for a total of \$467,329.92. The total economic benefit to the community to total community benefit investment ratio is 19:1. The benefits projected are over \$100,000 triggering the need to hold a public hearing. M. Lipari reported that the public hearing would not be held until the price per megawatt was agreed upon. The board authorized Management to negotiate the final PILOT amount.

*The following resolution was duly offered by A. Storey and seconded by S. Garcia, to wit:*

***RESOLUTION OF THE YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF MARTIN SOLAR LLC, FOR ITSELF AND/OR ON BEHALF OF AN ENTITY OR ENTITIES TO BE FORMED (COLLECTIVELY, THE "COMPANY") WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DESCRIBED 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 I of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 113 of the Laws of 1975 of the State (collectively, the "Act"), the **YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to promote, develop, encourage and assist in acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research, and recreational facilities as authorized by the Act, and in connection therewith to enter into straight lease transactions and provide other forms of financial assistance; and

WHEREAS, **MARTIN SOLAR LLC**, for itself or on behalf of an entity formed or to be formed by it or on its behalf (collectively, the "Company"), has submitted an application (the "Application"), 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 24 acres of real property located at N. Flat Street, Town of Benton, New York and all other lands 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 identified as a portion of tax parcel number 17.02-1-16, 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"); and (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, together 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 that the Agency is contemplating with respect to the Project; and

WHEREAS, it is contemplated that the Agency will hold a public hearing and (i) negotiate and enter into an Agent, Financial Assistance and Project Agreement (the "Project Agreement"), 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 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 (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 mortgage recording tax exemption for financings undertaken to construct the Facility (collectively, the "Financial Assistance").

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Applicant has presented the Application in a form acceptable to the Agency. Based upon the representations made by the Applicant 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) The Agency has the authority to take the actions contemplated herein under the Act; and

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

(D) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Applicant 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 Applicant 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 Chairman, Vice Chairman or Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to hold a public hearing in compliance with the Act and negotiate (but not execute or deliver) the terms of (A) the Project Agreement, (B) the Lease Agreement, whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement, whereby the Agency conveys the Project back to the Company, (D) the Tax Agreement and (E) related documents; provided that (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 3. The Agency is hereby authorized to conduct a public hearing in compliance with the Act.

Section 4. 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 5. 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:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Ryan Hallings	[ X ]	[ ]	[ ]	[ ]
Janice Gaub	[ X ]	[ ]	[ ]	[ ]
Sirene Garcia	[ X ]	[ ]	[ ]	[ ]
Dr. Kim Pinkey	[ ]	[ ]	[ X ]	[ ]
Mary Anne Rogers	[ X ]	[ ]	[ ]	[ ]
Dr. Tim Cutler	[ X ]	[ ]	[ ]	[ ]
Amy Storey	[ X ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.



**CERTIFICATION**  
*(Martin Solar LLC Project)*

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

I, the undersigned Secretary of Yates County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of Yates County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on October 18, 2023, with the original thereof on file in the office 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 the Agency had due notice of the meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), the meeting was open to the general public and that public notice of the time and place of the 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 18th day of October, 2023.

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Secretary

S. Griffin reported the Canandaigua Shores, LLC project was presented at the last board meeting and that he would be glad to review the project parameters for the Board. S. Griffin provided an overview of the public hearing that was held. There were no negative comments received.

*The following resolution was duly offered by A. Storey and seconded by M. A. Rogers, to wit:*

**RESOLUTION OF THE YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON OCTOBER 12, 2023, WITH RESPECT TO THE CANANDAIGUA SHORES LLC PROJECT (AS DESCRIBED BELOW); (ii) MAKING A DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING CANANDAIGUA SHORES LLC AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE 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 MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; 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 113 of the Laws of 1975 of the State of New York, as amended (hereinafter collectively called the "Act"), the **YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (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, **CANANDAIGUA SHORES LLC**, for itself and/or on behalf of an entity or entities to be formed (collectively, the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (A) the acquisition by the Agency of a leasehold or other interest in certain real property located at Hamilton Street, Village of Penn Yan, Yates County, New York (the "Land", being more particularly described as tax parcel Nos. 49.36-1-3, 49.36-1-4, 49.36-1-5, 49.36-1-6, 49.36-1-7, 49.44-1-10, 44.44-1-11 and 49.44-1-12); (B) the planning, design, construction and operation of approximately thirty-two (32) townhome units, along with utility and site improvements, parking lots, access and egress improvements, signage, curbage, sidewalks, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (C) the acquisition and installation in and around the Improvements of certain items of equipment, machinery and other 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 approving 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) 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 or retain title to or a leasehold interest in the Land, Existing Improvements, Improvements, 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 mortgage recording tax exemption for the financing related to the Project (collectively, the "Financial Assistance"); and

WHEREAS, on September 20, 2023, the Agency adopted a resolution (the "Initial Resolution") accepting the Application and directing that a public hearing be held; and

WHEREAS, pursuant to Section 859-a of the Act, on Tuesday, October 12, 2023, at 7:00 p.m., local time, 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 posted on the Agency's website, a certificate attesting to the posting of the Notice of Public Hearing on the Agency's website and Minutes of the 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, the Village of Penn Yan Planning Board (the "Planning Board"), as lead agency, conducted an uncoordinated review of the Project pursuant to SEQRA, which resulted in the issuance of a negative declaration by the Planning Board, dated July 10, 2023 (the "Negative Declaration") attached hereto as Exhibit B, concluding the SEQRA process; and

WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement, Mortgage and related documents will be negotiated and presented to the Chairman, Vice Chairman or Chief Executive Officer of the Agency for approval and execution subject to the adoption of the resolutions herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY 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 Yates 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, 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

Section 2. The Planning Board has conducted an uncoordinated 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 the

Planning Board classifying the Project as an "Unlisted" action pursuant to SEQRA, the Planning Board also issued a Negative Declaration on July 10, 2023, determining that the Project did not present a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including but not limited to, the Short Environmental Assessment Form, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Planning Board pursuant to 6 N.Y.C.R.R. Part 617.7.

Section 3. The Public Hearing held by the Agency on October 10, 2023, 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 being 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 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 mortgage recording tax exemption for the financing related to the Project.

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 **\$3,750,000.00**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$300,000.00**. 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,**

2025 (unless extended for good cause by the Chief Executive Officer of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered

Section 8. The Chairman, Vice Chairman or Chief Executive Officer 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 Chairman, Vice Chairman or Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, 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") (collectively, the "Mortgage") up to a maximum principal amount not to exceed **\$6,850,000.00**, acquire the Facility and/or finance or refinance 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 Chairman, Vice Chairman or Chief Executive Officer of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman or Chief Executive Officer 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 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 11. 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>
Ryan Hallings	[ X ]	[ ]	[ ]	[ ]
Janice Gaub	[ X ]	[ ]	[ ]	[ ]
Sirene Garcia	[ X ]	[ ]	[ ]	[ ]
Dr. Kim Pinkey	[ ]	[ ]	[ X ]	[ ]
Dr. Tim Cutler	[ X ]	[ ]	[ ]	[ ]
Amy Storey	[ X ]	[ ]	[ ]	[ ]
Mary Anne Rogers	[ X ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.

**SECRETARY'S CERTIFICATION**  
*(Canandaigua Shores LLC Project)*

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

I, the undersigned Secretary of the Yates County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Yates County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on October 18, 2023, with the original thereof on file in 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 18<sup>th</sup> day of October, 2023.

\_\_\_\_\_  
Secretary

**Exhibit A**

Notice Letter, Notice of Public Hearing,  
of Publication of *The Finger Lakes Times* and Minutes of Public Hearing

[Attached Hereto]



**PUBLIC HEARING NOTICE LETTER  
(CANANDAIGUA SHORES LLC)**

September 27, 2023

To: Chief Executive Officers Listed  
on Schedule A attached hereto

Re: **Yates County Industrial Development Agency and Canandaigua Shores LLC**

**Notice of Public Hearing**

Ladies and Gentlemen:

On Thursday, October 12, 2023, at 7:00 p.m., local time, at Benton Town Hall, 1000 NY-14A, Penn Yan, New York 14527, the Yates County Industrial Development Agency (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 Finger Lakes Times* for publication.

The Agency will broadcast the public hearing live at:  
<https://www.youtube.com/watch?v=0cxbFvqXiXY>

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.

Very truly yours,

**YATES COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY**



Schedule A

YATES COUNTY

**Certified #9489-0090-0027-6389-9907-16**

Winona Flynn, Administrator  
Yates County  
417 Liberty Street, Suite 1002  
Penn Yan, NY 14527

**Certified #9489-0090-0027-6389-9907-23**

The Honorable Leslie Church, Chairwoman  
Yates County Legislature  
417 Liberty Street  
Penn Yan, NY 14527

**Certified #9489-0090-0027-6389-9907-30**

Jessica Mullins, Director  
Yates County Finance  
417 Liberty Street, Suite 1081  
Penn Yan, NY 14527

**Certified #9489-0090-0027-6389-9907-47**

Marsha Devine, Treasurer  
Yates County  
417 Liberty Street, Suite 1076  
Penn Yan, NY 14527

TOWN OF BENTON

**Certified #9489-0090-0027-6389-9907-54**

The Honorable John Prendergast  
Supervisor  
Town of Benton  
1000 Route 14A  
Penn Yan, NY 14527

**Certified #9489-0090-0027-6389-9907-61**

Stephanie Holts, Assessor  
Town of Benton  
1000 Route 14A  
Penn Yan, NY 14527

VILLAGE OF PENN YAN

**Certified #9489-0090-0027-6389-9907-78**

The Honorable Danny Condella, Mayor  
Village of Penn Yan  
PO Box 426  
111 Elm Street  
Penn Yan, NY 14527

**Certified #9489-0090-0027-6389-9907-85**

Holly Easling, Clerk/Treasurer  
Village of Penn Yan  
PO Box 426  
111 Elm Street  
Penn Yan, NY 14527

PENN YAN CENTRAL SCHOOL DISTRICT

**Certified #9489-0090-0027-6389-9907-92**

Howard Dennis, Superintendent  
Penn Yan Central School District  
1 School Drive  
Penn Yan, NY 14527

**Certified #9489-0090-0027-6389-9908-08**

David Willson, President  
Board of Education  
Penn Yan Central School District  
1 School Drive  
Penn Yan, NY 14527

Schedule A (continued)

PENN YAN CENTRAL SCHOOL DISTRICT

**Certified #9489-0090-0027-6389-9908-15**

Ashley Doyle, Business Administrator  
Penn Yan Central School District  
1 School Drive  
Penn Yan, NY 14527

**Certified #9489-0090-0027-6389-9908-22**

Tiffany Snyder  
Secretary / District Data Clerk  
Penn Yan Central School District  
1 School Drive  
Penn Yan, NY 14527

## 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 Yates County Industrial Development Agency (the "Agency") on Thursday, October 12, 2023, at 7:00 p.m., local time, at Benton Town Hall, 1000 NY-14A, Penn Yan, New York 14527, in connection with the following matter:

**CANANDAIGUA SHORES LLC**, for itself and/or on behalf of an entity or entities to be formed (collectively, the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (A) the acquisition by the Agency of a leasehold or other interest in certain real property located at Hamilton Street, Village of Penn Yan, Yates County, New York (the "Land", being more particularly described as tax parcel Nos. 49.36-1-3, 49.36-1-4, 49.36-1-5, 49.36-1-6, 49.36-1-7, 49.44-1-10, 44.44-1-11 and 49.44-1-12); (B) the planning, design, construction and operation of approximately thirty-two (32) townhome units, along with utility and site improvements, parking lots, access and egress improvements, signage, curbage, sidewalks, landscaping and stormwater retention improvements (collectively, the "Improvements"); and (C) the acquisition and installation in and around the Improvements of certain items of equipment, machinery and other tangible personal property (the "Equipment"; and, collectively 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 real property tax abatement structured through a payment-in-lieu-of-tax agreement and a partial mortgage recording tax exemption as authorized pursuant to the laws of the State of New York, consistent with the policies of the Agency.

The Agency will broadcast the public hearing live at:  
<https://www.youtube.com/watch?v=0cxbFvqXiXY>

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 29, 2023

YATES COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

## NOTICE OF PUBLIC HEARING

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Dated: September 29, 2023

YATES COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

# Affidavit of Publication

STATE OF STATE OF NEW YORK }  
COUNTY OF ONTARIO } SS

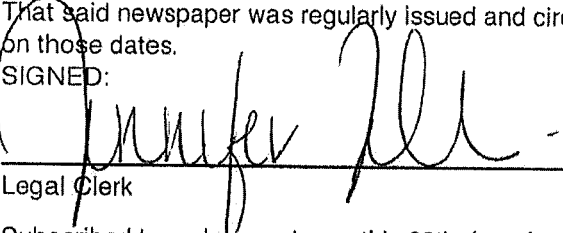
Jennifer Zello, being duly sworn, says:

That she is Legal Clerk of the Finger Lakes Times, a daily newspaper of general circulation, printed and published in Geneva, Ontario County, State of New York; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

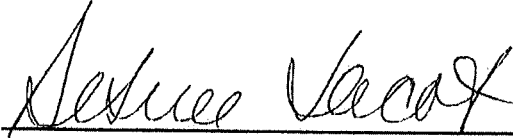
September 29, 2023

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

  
\_\_\_\_\_  
Legal Clerk

Subscribed to and sworn to me this 29th day of September 2023.

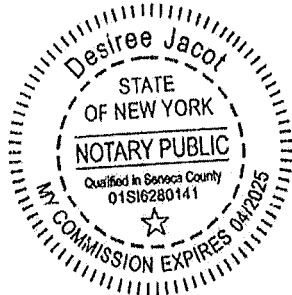
  
\_\_\_\_\_  
Desiree Jacot, Notary Public, Ontario County, State of New York

My commission expires: April 16, 2025

Notary number: 01S16280141

00012746 00589703

Carla Penazek  
Harris Beach PLLC  
99 Garnsey Road  
Pittsford, NY 14534



## LEGAL NOTICE

### 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 Yates County Industrial Development Agency (the "Agency") on Thursday, October 12, 2023, at 7:00 p.m., local time, at Benton Town Hall, 1000 NY-14A, Penn Yan, New York 14527, in connection with the following matter:

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The Agency will broadcast the public hearing live at:  
<https://www.youtube.com/watch?v=0cxbFvqXIXY>

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 29, 2023 YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Public Hearing – Canandaigua Shores, LLC

Tuesday, October 12, 2023 – 7:00 P.M.

Attendance: Steve Griffin, CEO Finger Lakes EDC, Mike Lipari Economic Development Specialist, Finger Lakes EDC, Glen Quackenbush, Richard Harper, Ed Brockman, Steve Hullings

The Public Hearing on the proposed straight leaseback transaction by the Finger Lakes Economic Development Center (FLEDC) on behalf of Canandaigua Shores, LLC, was held in the Town of Benton Town Hall, 1000 Route 14A, Town of Benton, Yates County, New York on Thursday, October 12, 2023 at 7:00 P.M.

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application, which is also available for viewing on the Agency's website at: <https://www.fingerlakesedc.com/canandaiguashores>. The Agency also live streamed the Public Hearing live on the FLEDC website at: <https://www.fingerlakesedc.com/new-events/canandaiguashorespublichearing>. The FLEDC also encouraged all interested parties to submit written comments to the FLEDC, which will be included within the public hearing record. Any written comments may be sent to the FLEDC, Attention: Steve Griffin, Chief Executive Officer, FLEDC, One Keuka Business Park, Suite 104, Penn Yan, New York 14524; Telephone: (315) 536-7328, no later than October 15, 2023.

The Public Hearing notice was published in the legal section of the Finger Lakes Times on September 29, 2023. The Notice of Public hearing was posted on the bulletin board on the Town of Benton Bulletin Board on September 29, 2023. Copies of the Public Hearing Notice were mailed to the taxing jurisdictions (Yates County, Town of Benton, Penn Yan Central School District) on September 29, 2023. The Notice of Public Hearing was also posted on the Finger Lakes Economic Development Center website on September 29, 2023.

Steve Griffin, CEO for the Finger Lakes Economic Development Center, called the Public Hearing to order at 7:06 pm. Mr. Griffin announced that the livestream was having audio difficulties. If there are any online attendees, please utilize the chat feature for any comments and/or questions you may have.

Mr. Griffin introduced himself as the CEO of the Finger Lakes Economic Development Center.

Mr. Griffin stated the purpose of this Public Hearing is to allow public comment on proposed financial assistance applied for by Canandaigua Shores, LLC. It is State law for any project that is projected to receive over \$100,000 in financial incentives to hold a Public Hearing. Comments received are presented to the Finger Lakes Economic Development Center Board of Directors for their consideration prior to voting to approve or reject the funding request.

Mr. Griffin reported Canandaigua Shores, LLC has applied for sales, mortgage and property tax exemptions on the proposed project. The proposed project would construct a 32-unit market rate senior housing facility on Hamilton and Flat streets in Penn Yan, consisting of eight (8) four-unit townhomes that will be available to rent. Each unit will be approximately 1,300 square feet and include an attached garage. The total project cost is \$8,977,985. Proposed is our standard 10-year non-manufacturing PILOT which is a 100% abatement on the increased assessed value of the project in the first year and then decreases 10% each year for the remaining life of the PILOT. The estimated tax benefits are as follows; \$68,500 mortgage recording tax if utilized, \$300,000 sales tax and \$458,830.31 in property tax for a total of \$827,330.31. The company will pay a projected cumulative PILOT payment of \$388,270 for a

combined company investment (total project cost plus PILOT payment) of \$9,366,255.13. The total economic benefit to the community to total community investment ratio is 11:1.

Mr. Griffin opened the Public Hearing for public comments.

Mr. Griffin addressed a question previously asked by Ed Brockman, why a PILOT for a housing project? Every one of our businesses is struggling to find employees, the primary challenge is employees can not find affordable nearby housing. Although this project is for seniors, the hope is that it will make available single-family homes in the area. Senior living is eligibility is 55+, many will still be a part of the workforce.

Ed Brockman inquired; will the property owner still receive a tax bill for the base value of the property? Mr. Griffin answered the base value is still fully taxable but will be billed apart of the PILOT billing and is added to the tax-exempt roll.

Ed Brockman asked, is it possible to not give a 100% abatement? Mr. Griffin responded: this project is a part of our standard 10-year non-manufacturing PILOT that is adopted within our Uniform Tax Exemption Policy (UTEP). If there is any change or variation in the schedule a PILOT deviation is required. Formal notice is provided to each of the affected tax jurisdiction outlining the changes to the PILOT terms.

Ed Brockman asked, how did you arrive at the tax savings figures? Mr. Griffin reported, there is no discounted cash flow models used. We use the current tax rates projected for 10-years without any change in the tax rate. We do not use any percent increase to tax rates or assessed value within our projections. The base value can fluctuate and is set by the assessors. If the assessment on the base value goes up the tax liability is based off of the adjusted base value.

Ed Brockman asked, how many board members do you have on your board. Mr. Griffin answered we have 7 Board members all of which are appointed by the Yates County Legislature.

Richard Harper asked, at what point does the base value of the property get set when factoring into the PILOT billings. Mr. Griffin answered, it is set on the taxable status date (March 1<sup>st</sup>) each year.

Richard Harper asked, if there is something that increases construction costs, the base value does not get set until after that? Mr. Griffin responded; construction costs are factored into the project value not the base value. The PILOT will be impacted by changes in construction costs. The base/land value can change but generally does not fluctuate significantly.

Ed Brockman made comment on behalf of the Village of Penn Yan: The Village is hurting for money, over 40% of their property is exempt from taxes including; churches, county buildings, and group homes. This PILOT does not make the Village have less income than they do now but does limit the amount they could have received.

Richard Harper asked, is the Village responsible for road maintenance and infrastructure? Ed Brockman indicated, there is water and sewer going in but it is not dedicated to the Village.

Richard Harper asked, will the Village end up with costs associated to road maintenance and infrastructure? If so, the Village is not receiving any compensation for 10-years despite having costs

associated with the development? Mr. Griffin responded, the Village will receive payments all along, they will not receive 100% of the full value until the end of the PILOT. They will get 100% of the base value all along but nothing additional in the first year, they will receive 10% on the increased value in year two, 20% of the increased value in year three, and so on.

Richard Harper asked, this is solely senior housing, senior being 55 and above? It is not low-income housing? Confirmed, one person living in the house has to be 55 or above, others younger can live there. This is market rate housing, not low income.

Ed Brockman stated, the Village sees the project as a benefit, creating more housing for the community.

S. Griffin described the FLEDC's ongoing efforts to develop the former McFetridge property on Route 14A into new housing.

S. Griffin explained a new growing national trend with housing developers is to rent newly constructed homes for 6-7 years before selling. This helps developers recoup some of their debt due to increased costs to construct single family homes. Costs to build are exceeding what they can sell homes for.

Glen Quackenbush asked, with the incentives that you are giving the developer we are not losing out on anything that we are currently receiving now? S. Griffin answered, that is correct.

Ed Brockman, is the sales tax exemption only eligible on Yates County purchases? S. Griffin, no sales tax exemption is eligible both in and out of County, it can be utilized on purchases anywhere in NY State. Our application states, purchases and labor are supposed to come from Yates County and the Counties immediately surrounding us to help increase overall impact on the region.

There being no other comments the Public Hearing was closed at 7:45pm by Mr. Griffin.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mike Lipari", with a long horizontal flourish extending to the right.

Mike Lipari



**Exhibit B**

Negative Declaration Issued by the Village of Penn Yan Planning Board

[See Attached]

Project:	Hamilton Street
Date:	July 10, 2023

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

**Short Environmental Assessment Form  
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Village of Penn Yan</u>	<u>July 10, 2023</u>
Name of Lead Agency	Date
<u>Michael J Clancy</u>	<u>Chair</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>Michael J Clancy</u>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

S. Griffin reported the Frost Wines, LLC project was presented at the last board meeting and that he would be glad to review the project parameters for the Board. S. Griffin provided an overview of the public hearing that was held. There were no negative comments received.

R. Hallings disclosed that there is a relationship with the project applicant and he would be abstaining from the discussion and vote on this project.

*The following resolution was duly offered by A. Storey and seconded by S. Garcia, to wit:*

**RESOLUTION OF THE YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY ON OCTOBER 10, 2023, WITH RESPECT TO THE FROST WINES, LLC PROJECT (AS DESCRIBED BELOW); (ii) MAKING A DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE PROJECT PURSUANT TO SEQRA; (iii) APPOINTING FROST WINES, LLC AS AGENT OF THE AGENCY; (iv) AUTHORIZING FINANCIAL ASSISTANCE 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 MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; 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 113 of the Laws of 1975 of the State of New York, as amended (hereinafter collectively called the "Act"), the **YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (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, **FROST WINES, LLC**, for itself and/or on behalf of an entity or entities to be formed (collectively, the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (A) the acquisition by the Agency of a leasehold or other interest in certain real property located at 3962 NYS Route 14, Town of Starkey, Yates County, New York (the "Land", being more particularly described as tax parcel No. 100.04-1-17.1) and the existing improvements located thereon consisting principally of an approximately 8,370 square foot facility (the "Existing Improvements"); (B) the renovation of approximately 3,500 square feet of the Existing Improvements and the planning, design, construction and operation of approximately 9,500 square foot addition to the Existing Improvements comprised of additional fermentation space, tank rooms, catwalks, press pads, loading docks and flex spaces (collectively, the "Improvements"); and (C) the acquisition and installation in and around the Improvements of certain items of equipment, machinery and other tangible personal property (the "Equipment"; and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility"); 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, 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 or retain title to or a leasehold interest in the Land, Existing Improvements, Improvements, 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 mortgage recording tax exemption for the financing related to the Project (collectively, the "Financial Assistance"); and

WHEREAS, on September 20, 2023, the Agency adopted a resolution (the "Initial Resolution") accepting the Application and directing that a public hearing be held; and

WHEREAS, pursuant to Section 859-a of the Act, on Tuesday, October 10, 2023, at 3:00 p.m., local time, 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 posted on the Agency's website, a certificate attesting to the posting of the Notice of Public Hearing on the Agency's website and Minutes of the 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, the Town of Starkey Planning Board (the "Planning Board"), as lead agency, conducted an uncoordinated review of the Project pursuant to SEQRA, which resulted in the issuance of a negative declaration by the Planning Board, dated June 6, 2023 (the "Negative Declaration") attached hereto as **Exhibit B**, concluding the SEQRA process; and

WHEREAS, the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement, Mortgage and related documents will be negotiated and presented to the Chairman, Vice Chairman or Chief Executive Officer of the Agency for approval and execution subject to the adoption of the resolutions herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY 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 Yates 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, 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

Section 2. The Planning Board has conducted an uncoordinated 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 the Planning Board classifying the Project as an "Unlisted" action pursuant to SEQRA, the Planning Board also issued a Negative Declaration on June 6, 2023, determining that the Project did not present a potential significant adverse environmental impact. The Agency, having reviewed the materials presented by the Company, including but not limited to, the Short Environmental Assessment Form, further determines that the Project does not pose a potential significant adverse environmental impact and thus ratifies the Negative Declaration previously issued by the Planning Board pursuant to 6 N.Y.C.R.R. Part 617.7.

Section 3. The Public Hearing held by the Agency on October 10, 2023, 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 being 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 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 mortgage recording tax exemption for the financing related to the Project.

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 **\$597,000.00**, which result in State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") not to exceed **\$47,800.00**. 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, 2024** (unless extended for good cause by the Chief Executive Officer of the Agency) if the Lease Agreement, the Leaseback Agreement and the Tax Agreement contemplated have not been executed and delivered

**Section 8.** The Chairman, Vice Chairman or Chief Executive Officer 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 Chairman, Vice Chairman or Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, 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") (collectively, the "Mortgage") up to a maximum principal amount not to exceed **\$1,500,000.00**, acquire the Facility and/or finance or refinance 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 Chairman, Vice Chairman or Chief Executive Officer of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman or Chief Executive Officer 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 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 11.** 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>
Ryan Hallings	[     ]	[     ]	[     ]	[ X ]
Janice Gaub	[ X ]	[     ]	[     ]	[     ]
Sirene Garcia	[ X ]	[     ]	[     ]	[     ]
Dr. Kim Pinkey	[     ]	[     ]	[ X ]	[     ]
Dr. Tim Cutler	[ X ]	[     ]	[     ]	[     ]
Amy Storey	[ X ]	[     ]	[     ]	[     ]
Mary Anne Rogers	[ X ]	[     ]	[     ]	[     ]

The Resolutions were thereupon duly adopted.





**Exhibit A**

Notice Letter, Notice of Public Hearing,  
of Publication of *The Finger Lakes Times* and Minutes of Public Hearing

[Attached Hereto]



**PUBLIC HEARING NOTICE LETTER  
(FROST WINES, LLC)**

September 29, 2023

To: Chief Executive Officers Listed  
on Schedule A attached hereto

Re: Yates County Industrial Development Agency and Frost Wines, LLC

**Notice of Public Hearing**

Ladies and Gentlemen:

On Tuesday, October 10, 2023, at 3:00 p.m., local time, at Starkey Town Hall, 40 Seneca Street, Dundee, New York 14837, the Yates County Industrial Development Agency (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 Finger Lakes Times* for publication.

The Agency will broadcast the public hearing live at  
<https://www.youtube.com/watch?v=ZnCu2TFEUiA>.

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.

Very truly yours,

YATES COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

## SCHEDULE A

### YATES COUNTY

**Certified #9489-0090-0027-6389-9907-16**

Winona Flynn, Administrator  
Yates County  
417 Liberty Street, Suite 1002  
Penn Yan, NY 14527

**Certified #9489-0090-0027-6389-9907-23**

The Honorable Leslie Church, Chairwoman  
Yates County Legislature  
417 Liberty Street  
Penn Yan, NY 14527

**Certified #9489-0090-0027-6389-9907-30**

Jessica Mullins, Director  
Yates County Finance  
417 Liberty Street, Suite 1081  
Penn Yan, NY 14527

**Certified #9489-0090-0027-6389-9907-47**

Marsha Devine, Treasurer  
Yates County  
417 Liberty Street, Suite 1076  
Penn Yan, NY 14527

### TOWN OF STARKEY

**Certified #9489-0090-0027-6389-9908-39**

The Honorable George Lawson, Supervisor  
Town of Starkey  
40 Seneca Street  
Dundee, NY 14837

**Certified #9489-0090-0027-6389-9908-46**

Anthony DeStephen, Assessor  
Town of Starkey  
40 Seneca Street  
Dundee, NY 14837

### DUNDEE CENTRAL SCHOOL DISTRICT

**Certified #9489-0090-0027-6389-9908-58**

Robert Neu, Superintendent  
Dundee Central School District  
55 Water Street  
Dundee, NY 14837

**Certified #9489-0090-0027-6389-9908-60**

James Frame, President of Board of Education  
Dundee Central School District  
55 Water Street  
Dundee, NY 14837

**Certified #9489-0090-0027-6389-9908-77**

Melissa Lawson, Business Administrator  
Dundee Central School District  
55 Water Street  
Dundee, NY 14837

**Certified #9489-0090-0027-6389-9908-84**

Jillian Denmark, District Clerk  
Dundee Central School District  
55 Water Street  
Dundee, NY 14837

## 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 Yates County Industrial Development Agency (the "Agency") on Tuesday, October 10, 2023, at 3:00 p.m., local time, at Starkey Town Hall, 40 Seneca Street, Dundee, New York 14837 in connection with the following matter:

**FROST WINES, LLC**, for itself and/or on behalf of an entity or entities to be formed (collectively, the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (A) the acquisition by the Agency of a leasehold or other interest in certain real property located at 3962 NYS Route 14, Town of Starkey, Yates County, New York (the "Land", being more particularly described as tax parcel No. 100.04-1-17.1) and the existing improvements located thereon consisting principally of an approximately 8,370 square foot facility (the "Existing Improvements"); (B) the renovation of approximately 3,500 square feet of the Existing Improvements and the planning, design, construction and operation of approximately 9,500 square foot addition to the Existing Improvements comprised of additional fermentation space, tank rooms, catwalks, press pads, loading docks and flex spaces (collectively, the "Improvements"); and (C) the acquisition and installation in and around the Improvements of certain items of equipment, machinery and other tangible personal property (the "Equipment"; and, collectively 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 real property tax abatement structured through a payment-in-lieu-of-tax agreement and a partial mortgage recording tax exemption as authorized pursuant to the laws of the State of New York, consistent with the policies of the Agency.

The Agency will broadcast the public hearing live at  
<https://www.youtube.com/watch?v=ZnCu2TFEUiA>.

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 29, 2023

YATES COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

## 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 Yates County Industrial Development Agency (the "Agency") on Tuesday, October 10, 2023, at 3:00 p.m., local time, at Starkey Town Hall, 40 Seneca Street, Dundee, New York 14837 in connection with the following matter:

**FROST WINES, LLC**, for itself and/or on behalf of an entity or entities to be formed (collectively, the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (A) the acquisition by the Agency of a leasehold or other interest in certain real property located at 3962 NYS Route 14, Town of Starkey, Yates County, New York (the "Land", being more particularly described as tax parcel No. 100.04-1-17.1) and the existing improvements located thereon consisting principally of an approximately 8,370 square foot facility (the "Existing Improvements"); (B) the renovation of approximately 3,500 square feet of the Existing Improvements and the planning, design, construction and operation of approximately 9,500 square foot addition to the Existing Improvements comprised of additional fermentation space, tank rooms, catwalks, press pads, loading docks and flex spaces (collectively, the "Improvements"); and (C) the acquisition and installation in and around the Improvements of certain items of equipment, machinery and other tangible personal property (the "Equipment"; and, collectively 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 real property tax abatement structured through a payment-in-lieu-of-tax agreement and a partial mortgage recording tax exemption as authorized pursuant to the laws of the State of New York, consistent with the policies of the Agency.

The Agency will broadcast the public hearing live at  
<https://www.youtube.com/watch?v=ZnCu2TFEUjA>

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 29, 2023

YATES COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

# Affidavit of Publication

STATE OF STATE OF NEW YORK }  
YORK }  
COUNTY OF ONTARIO }

## LEGAL NOTICE

Jennifer Zello, being duly sworn, says:

### 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 Yates County Industrial Development Agency (the "Agency") on Tuesday, October 10, 2023, at 3:00 p.m., local time, at Starkey Town Hall, 40 Seneca Street, Dundee, New York 14837 in connection with the following matter:

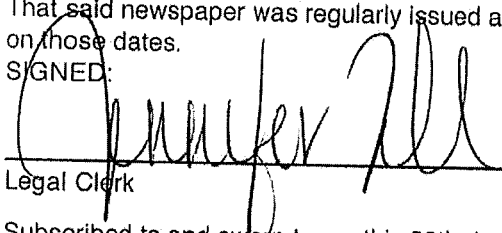
That she is Legal Clerk of the Finger Lakes Times, a daily newspaper of general circulation, printed and published in Geneva, Ontario County, State of New York; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

FROST WINES, LLC, for itself and/or on behalf of an entity or entities to be formed (collectively, the "Company"), has submitted an application (the "Application") to the Agency requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (A) the acquisition by the Agency of a leasehold or other interest in certain real property located at 3962 NYS Route 14, Town of Starkey, Yates County, New York (the "Land", being more particularly described as tax parcel No. 100.04-1-17.1) and the existing improvements located thereon consisting principally of an approximately 8,370 square foot facility (the "Existing Improvements"); (B) the renovation of approximately 3,500 square feet of the Existing Improvements and the planning, design, construction and operation of approximately 9,500 square foot addition to the Existing Improvements comprised of additional fermentation space, tank rooms, catwalks, press pads, loading docks and flex spaces (collectively, the "Improvements"); and (C) the acquisition and installation in and around the Improvements of certain items of equipment, machinery and other tangible personal property (the "Equipment"; and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility").

September 29, 2023

That said newspaper was regularly issued and circulated on those dates.

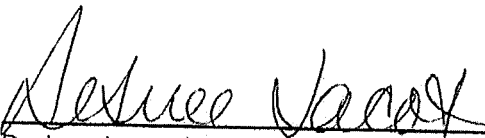
SIGNED:

  
\_\_\_\_\_  
Legal Clerk

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 real property tax abatement structured through a payment-in-lieu-of-tax agreement and a partial mortgage recording tax exemption as authorized pursuant to the laws of the State of New York, consistent with the policies of the Agency.

Subscribed to and sworn to me this 29th day of September 2023.

The Agency will broadcast the public hearing live at <https://www.youtube.com/watch?v=ZnCu2TFEUiA>

  
\_\_\_\_\_  
Desiree Jacot, Notary Public, Ontario County, State of New York

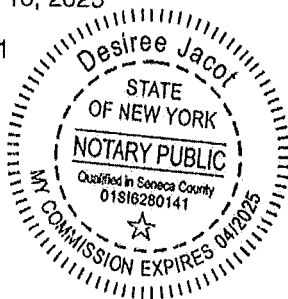
A representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

My commission expires: April 16, 2025

Dated: September 29, 2023 YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Notary number: 01S16280141

764



00012746 00589699

Carla Penazek  
Harris Beach PLLC  
99 Garnsey Road  
Pittsford, NY 14534

Public Hearing – Frost Wines, LLC

Tuesday, October 10, 2023 – 3:00 P.M.

Attendance: Steve Griffin, CEO Finger Lakes EDC, Mike Lipari Economic Development Specialist, Finger Lakes EDC, Doreen Jensen, CFO, Finger Lakes EDC, George Lawson, Town Supervisor for the Town of Starkey.

The Public Hearing on the proposed straight leaseback transaction by the Finger Lakes Economic Development Center (FLEDC) on behalf of Frost Wines, LLC, was held in the Town of Starkey Town Hall, 40 Seneca Street, Village of Dundee, Town of Starkey, Yates County, New York on Tuesday October 10, 2023 at 3:00 P.M.

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application, which is also available for viewing on the Agency's website at: <https://www.fingerlakesedc.com/frost-wines-llc>. The Agency also live streamed the Public Hearing live on the FLEDC website at: <https://www.fingerlakesedc.com/new-events/frostwinespublichearing>. The FLEDC also encouraged all interested parties to submit written comments to the FLEDC, which will be included within the public hearing record. Any written comments may be sent to the FLEDC, Attention: Steve Griffin, Chief Executive Officer, FLEDC, One Keuka Business Park, Suite 104, Penn Yan, New York 14524; Telephone: (315) 536-7328, no later than October 15, 2023.

The Public Hearing notice was published in the legal section of the Finger Lakes Times on September 29, 2023. The Notice of Public hearing was posted on the bulletin board on the Town of Starkey Bulletin Board on September 29, 2023. Copies of the Public Hearing Notice were mailed to the taxing jurisdictions (Yates County, Town of Starkey, Dundee Central School District) on September 29, 2023. The Notice of Public Hearing was also posted on the Finger Lakes Economic Development Center website on September 29, 2023.

Steve Griffin, CEO for the Finger Lakes Economic Development Center, called the Public Hearing to order at 3:01 pm.

Mr. Griffin introduced himself as the CEO of the Finger Lakes Economic Development Center.

Mr. Griffin stated the purpose of this Public Hearing is to allow public comment on proposed financial assistance applied for by Frost Wines, LLC. It is State law for any project that is projected to receive over \$100,000 in financial incentives to hold a Public Hearing. Comments received are presented to the Finger Lakes Economic Development Center Board of Directors for their consideration prior to voting to approve or reject the funding request.

Mr. Griffin reported Frost Wines, LLC has applied for sales, mortgage and property tax exemptions on the proposed project. The proposed project which consists of expanding a building by 8,370 square feet, renovating an additional 3,500 square feet and new construction of 6,000 square feet. The total project cost is \$1,600,000. Proposed is a 15-year manufacturing PILOT which is five years with a 100% abatement on the increased value of the project and then decreasing 10% each year for the remaining life of the PILOT. The estimated tax benefits are as follows; \$15,000 mortgage recording tax if utilized, \$47,760 sales tax and \$165,863.63 in property tax for a total of \$228,623.63. The project will create four (6) full time equivalents, one indirect and one induced job over the next three years. The company's projected investment over the life of the PILOT is \$8,279,768 including PILOT payments, wages paid

and construction/renovations costs. The total economic benefit to the community to total community benefit ratio is 36:1.

Mr. Griffin opened the Public Hearing for public comments.

George Lawson, Superintendent of the Town of Starkey inquired what affect the PILOT would have on special use taxes. S. Griffin reported special use taxes are not part of the PILOT and there is no exemption or reduction on any projects.

There being no other comments the Public Hearing was closed at 3:20 pm by Mr. Griffin.

Respectfully submitted,

Doreen Jensen



**Exhibit B**

Negative Declaration Issued by the Town of Starkey

**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.

The Starkey Planning board, based on answers on part 1 of the EAF submitted by the applicant and questions asked thereof, have determined a negative declaration of significance for this proposed action.

The board found no impact to be greater than small.

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

SEQR Status:  Type 1  Unlisted

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

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Starkey 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: Farm Winery Expansion

Name of Lead Agency: Town of Starkey Planning Board

Name of Responsible Officer in Lead Agency: Steven Fulkerson

Title of Responsible Officer: (Chairperson)

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person:

Address:

Telephone Number:

E-mail:

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

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

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

Agency Use Only [If applicable]

Project :	2023-PB-14
Date :	6/6/2023

**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)		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	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 type="checkbox"/>	<input type="checkbox"/>

**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 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 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 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 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 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 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 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 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 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 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 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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"/>

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 hydrochlorofluorocarbons (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 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"/>

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"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	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 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 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 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 type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input 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 type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input 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"/>

**11. Impact on Open Space and Recreation**  
 The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.  NO  YES  
 (See Part 1. C.2.c, E.1.c., E.2.q.)  
*If "Yes", answer questions a - e. If "No", go to Section 12.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<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"/>

**12. Impact on Critical Environmental Areas**  
 The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)  NO  YES  
*If "Yes", answer questions a - c. If "No", go to Section 13.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<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 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 type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input 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 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: _____ _____		<input 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: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input 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 type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input 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 type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**

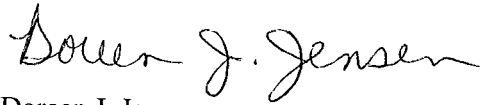
S. Griffin reported Angela Burd, LCSW would like to lease Suite 102 which is 120 square feet for \$100 a month and \$25 for utility. This is a six-month lease. *A motion was made by A. Storey and seconded by Dr. T. Cutler to approve the lease with Angela Burd, LCSW as presented. Motion passed.*

Chair R. Hallings reported the next meeting is scheduled for November 15, 2023.

R. Hallings reported we will have one position on the board to fill and we will discuss potential board members and committee appointments at the November meeting.

*A motion was made by Dr. T. Cutler and seconded by S. Garcia to adjourn the meeting at 9:45 A.M.*

Respectfully submitted,



Doreen J. Jensen