



Finger Lakes

Economic Development Center

Finger Lakes Economic Development Center Application for Financial Assistance

1. Applicant Information

Company Name: Keuka Commons LLC
 Address: 4 Centre Drive
Orchard Park, New York 14127

Phone No.: 716-667-1234
 Fax No.: 716-667-1258
 Email Address: Sfairbrother@Krog Corp.com
 Fed. Id. No. : _____
 Contact Person: Scott A. Fairbrother

Principal Owners/Officers/Directors:
 (list owners with 15% or more in equity holdings with percentage ownership)

TBD

Type of Business Assisting: Real Estate Developer
 NAICS Code: 53112

Corporate Structure (attach schematic if Applicant is a subsidiary or otherwise affiliated with another entity)

Form of Entity:

Corporation

Partnership(General _____ or Limited _____; number of general partners _____ and, if applicable, number of limited partners _____).

Limited Liability Company/Partnership (number of members TBD)

Sole Proprietorship

If a corporation, partnership, limited liability company/partnership:

What is the date of the establishment 6/15/2015,

Place of organization New York and,

If a foreign organization, is the Applicant authorized to do business in the State of New York? N/A

Applicant's Counsel:

Name: Jeffrey DeVoesick
 Address: 1080 Pittsford Victor Road
Pittsford, New York 14534
 Phone No.: 585-672-5500
 Fax No.: 585-672-5599

2. Project Information

A) Detailed Description of Project:
The Applicant will construct and develop a mixed use 28,000 sf two story building. The building will consist of a number of tenants that serve Keuka College. Keuka College will also occupy space in the building in an effort to make more start-up New York space available at an off-site location.

B) Project Address: The Property is located on the following Streets: Assembly Avenue, Central Avenue, Chestnut Street

C) Current Assessed Value of Property N/A
Property Tax ID# 72.76-1-37; 72.76-1-36; 72.76-1-38
(not required if project is for equipment purchases only)

D) Are utilities on Site:
Water yes Electric yes
Gas yes Sanitary/Storm Sewer xx none

E) Present legal owner of site Keuka College
If other than Applicant by what means will the site be acquired for this Project:
Long-Term Land Lease

F) Zoning of Project Site: Current: R Proposed

G) Are any variances Needed: yes-2 front yard set backs

H) Principal Use of Project upon completion: mixed use commercial buildings

I) Will the Project result in the removal of a facility of the Applicant from one area of the State of New York to another?
Yes No

Will the Project result in the removal of a facility of another proposed occupant of the Project from one area of the State of New York to another area of the State of New York? Yes No

Will the Project result in the abandonment of one or more facilities located in the State of New York? Yes No

J) If the answer to any of the questions in I were yes, indicate whether any of the following apply to the Project:

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

N/A

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

N/A

- K) Indicate below the number of people presently employed at the Project site and the additional number that will be employed at the Project site at the end of the first and second years after the Project has been completed (Do not include construction workers). Also indicate below the number of workers employed at the Project site representing newly created positions as opposed to positions relocated from other project sites of the applicant. Such information regarding related positions should also indicate whether such positions are relocated from other project sites financed by obligations previously issued by the Agency.

TYPE OF EMPLOYMENT					
	PROFESSIONAL OR MANAGERIAL	SKILLED	SEMI-SKILLED	UNSKILLED	TOTALS
Present Full Time	0	0	0	0	0
Present Part Time	0	0	0	0	0
Present Seasonal	0	0	0	0	0
First Year Full Time	34	20	10	0	64
First Year Part Time	0	0	22	0	22
First Year Seasonal	0	0	0	0	0
Second Year Full Time	34	20	10	0	64
Second Year Part Time	0	0	22	0	22
Second Year Seasonal	0	0	0	0	0

Note: 20 out of the 86 total jobs are anticipated to be newly created

- L) Estimate how many construction jobs will be created by this Project: 55

- M) Estimated Project Costs / Project Capital Investment:
 Land and Building \$ 125,000 (Purchase Value of land and/or building)
 Building Cost \$ 4,600,000 (New Building Construction cost or Existing building expansion construction costs including engineering and / or architect and blue print fees)
 Equipment \$ _____ (\$ Value of Production Equip, Furniture/Fixtures, Computers et. al.)
 Other \$ 670,000 describe: _____
 Tot. Cap Invest: \$ 5,395,000 (Sum all lines above)

"N" through "R" to be completed by FLEDC

- N) Type and amount of financial assistance being applied for:

Sale Leaseback or Lease Leaseback \$ 680,974 +/-
 Tax Exempt or Taxable Bonds \$ _____

- O) Cost Analysis:

Estimated Financial Assistance

Estimated Sales Tax Exemption (8%) \$ 220,800
 [To be provided upon board approval for term of construction project]

Estimated Mortgage Tax Exemption (1.00%) \$ 37,765 - (70% of TOTAL PROJECT COST)
 [To be provided upon board approval based on mortgage amount]

Estimated Property Tax Abatement \$ 422,409
 [To be provided upon board approval via PILOT Contract - see below]

Describe nature of Property Tax Abatement (PILOT)

Proposed PILOT structure:

100% ABATEMENT IN YR 2 REDUCING 10% EVERY YEAR
AFTER JOB PERIOD OF 10 YRS

PILOT Applicable to:

- Increase in assessed value of land and/or buildings (pre-project value of land and/or buildings excluded)
- Pre-project value of land and/or buildings, plus added value of land and/or buildings that results from project improvements (total taxable value)

Tax Map # See # 2c

Estimated Interest Savings IRB Issue \$ _____

P) Fees to be Paid by the Applicant:

Finger Lakes EDC \$ 53,950 (The FLEDC will collect a 1% fee if this transaction was consummated through direct interaction between the Applicant and FLEDC. The FLEDC will collect its participation fee at the time of closing, based on the capital investment costs stated in this application. (Should the actual costs exceed those estimates by more than 25%, an additional fee will apply.))

Hodgson Russ, LLP \$ 12,000 (Estimated fee for legal services required in connection with the financial assistance provided by the Finger Lakes Economic Development Center)

3. **Representations by the Applicant**

The Applicant understands and agrees with the FLEDC as follows: *Please initial each item where indicated*

Job Listings - In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the FLEDC, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act(Public Law 97-300) ("JPTA") in which the Project is located.

_____ *Applicant's Initials*

First Consideration for Employment - In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the FLEDC, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JPTA Entities for new employment opportunities created as a result of the Project. _____ *Applicant's Initials*

Annual Sales Tax Filings - In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the FLEDC, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file , or cause to be filed, with the New York State Department of Taxation and Finance, an Annual Report of Sales and Use Tax Exemptions (Form ST-340) by the last day of February following applicable calendar year (with a copy to the Finger Lakes Economic Development Center), describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant. _____ *Applicant's Initials*

Employment Reports - The Applicant understands and agrees that, if the Project receives any Financial Assistance from the FLEDC, the Applicant agrees to file, or cause to be filed, with the FLEDC, on quarterly basis, copies of form NYS-45-MN Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Returns filed with the Department of Labor applicable to the project site. _____ *Applicant's Initials*

Absence of Conflicts of Interest - The Applicant has received from the FLEDC a list of the members, officers, and employees of the FLEDC. No member, officers or employee of the FLEDC has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described: _____ **Applicant's Initials**

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that:

- A) The FLEDC will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.
- B) Failure of the Applicant to file appropriate Sales Tax and Employment reports will result in the revocation of tax benefits and require repayment of benefits previously claimed.

_____ Keuka Commons LLC
(Applicant)

By: _____
Name: Scott A. Fairbrother
Title: Agent for Keuka Common LLC

This Application should be submitted with:

- A) A \$250 Application fee to: Finger Lakes Economic Development Center
One Keuka Business Park
Penn Yan, New York 14527
(Attn: CEO).
- B) A certificate of insurance as follows:
 - 1. Worker's Compensation Insurance (FLEDC named as additional insured).
 - 2. General Liability Insurance with limits not less than \$1,000,000 per occurrence /accident and a blanket excess liability not less than \$3,000,000 (FLEDC named as additional insured).
 - 3. Insurance against loss/damage by fire, lightning or other casualties with a uniform standard extended coverage endorsement in an amount not less than the full replacement value of the Facility. (FLEDC named as named insured).

The FLEDC encourages the use of Yates County contractors/suppliers and asks that they be allowed to bid your project!

Hold Harmless Agreement

Applicant hereby releases Finger Lakes Economic Development Center and the members, officers, servants, agents and employees thereof (the "FLEDC") from, agrees that the FLEDC shall not be liable for and agrees to indemnify, defend and hold the FLEDC harmless from and against any and all liability arising from or expense incurred by (A) the FLEDC's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the FLEDC, (B) the FLEDC's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the FLEDC with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the FLEDC or the Applicant are unable to reach final agreement with the respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the FLEDC, its agents or assigns, all costs incurred by the FLEDC in the processing of the Application, including attorneys' fees, if any.

(Applicant)

By: _____

Name: _____

Title: _____

Sworn to before me this
_____ day of _____, 200 _____

Notary Public

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Keuka College			
Name of Action or Project: Keuka Commons			
Project Location (describe, and attach a location map): Located in the Town of Jerusalem, Yates County, NY at the northwest corner of Assembly Avenue and Central Avenue (Country Road 25).			
Brief Description of Proposed Action: Keuka College desires to develop a two-story, 28,855 square foot building with additional college services, including: a book store, AVI, fitness room, health services, and possible future build-out. The proposed property consists of six (6) parcels totaling 2.19 acres in the Town of Jerusalem that currently contains a post office, multiple residences, and parking lot areas designated for the college. In addition to the two-story building, this development will include construction of the following: off-street parking; site access; lighting; minimal landscaping; connections to municipal utilities and stormwater management facilities.			
Name of Applicant or Sponsor: Keuka College		Telephone: (315)279-5000	
		E-Mail:	
Address: 141 Central Avenue, P.O. Box 68			
City/PO: Keuka Park		State: NY	Zip Code: 14478-0068
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: NYSDEC			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		2.19 acres	
b. Total acreage to be physically disturbed?		1.60 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.19 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Educational facilities</u>			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <u>Discharges will be directed to existing storm drain conveyance systems (piping and catch basins) within Chestnut Street and Central Avenue. Proposed water will be directed to the same systems they are in the existing conditions.</u>			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p><u>Underground detention system for stormwater management quantity and quality control. Facility size to be determined.</u></p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Jonatha L. Meade, PE (on behalf of Keuka College)</u> Date: <u>6/10/15</u></p> <p>Signature: <u>Civil Engineer</u> <i>Jonatha L. Meade</i></p>		

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, OpenStreetMap contributors, and the GIS User Community

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

- Part 1 / Question 7 [Critical Environmental Area] No
- Part 1 / Question 12a [National Register of Historic Places] No
- Part 1 / Question 12b [Archeological Sites] No
- Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] No
- Part 1 / Question 15 [Threatened or Endangered Animal] No
- Part 1 / Question 16 [100 Year Flood Plain] Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
- Part 1 / Question 20 [Remediation Site] No