

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY**

548 Broadway  
Monticello, New York 12701  
(845) 428-7575 - Voice  
(845) 428-7577 - Fax  
[www.sullivanida.com](http://www.sullivanida.com)  
TTY 711

**MEETING NOTICE**

**TO:** Suzanne Loughlin, IDA Chairperson  
Edward Sykes, IDA Vice Chairman  
Carol Roig, IDA Secretary  
Howard Siegel, IDA Treasurer & Chief Financial Officer  
Scott Smith, IDA Assistant Treasurer  
Paul Guenther, IDA Member  
Sean Brooks, IDA Member  
Chairman and Members of the Sullivan County Legislature  
Josh Potosek, Sullivan County Manager  
John Kiefer, IDA Chief Executive Officer  
Walter Garigliano, Esq., IDA Counsel  
**FROM:** Jennifer Flad, Executive Director  
**DATE:** August 11, 2021

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**PLEASE TAKE NOTICE** that there will be a Regular Meeting of the County of Sullivan Industrial Development Agency scheduled as follows:

**Date:** Monday, August 16, 2021  
**Time:** 11:00 AM  
**Location:** Legislative Hearing Room, Sullivan County Government Center, 100 North Street, Monticello, New York 12701

This meeting video will also be livestreamed on the [IDA's YouTube Channel](#).

**SEE REVERSE FOR AGENDA**

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**AMENDED MEETING AGENDA**

**Monday, August 16, 2021**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF MEETING MINUTES**

July 12, 2021 Regular Meeting

**IV. BILLS AND COMMUNICATIONS**

**V. STAFF ACTIVITY REPORT**

**VI. NEW BUSINESS**

**Resolution:** Appointing 234 Main Street, LLC as Agent of the Agency for the Purpose of Constructing, Acquiring, Installing and Equipping the Project; Making Certain Findings and Determinations with Respect to the Project; and Authorizing the Execution and Delivery of an Agent and Project Agreement Between the Agency and the Company; Authorizing the Agency to Execute the Lease to Agency, Leaseback to Company, Payment in Lieu of Tax Agreement and Related Documents with Respect to the Construction of the Project

**Discussion:** Glen Wild Land Company, LLC Application for IDA Assistance

Any and All Other Business Before the Board

**VII. PUBLIC COMMENT AND ADJOURN**

**##**

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY**

**548 Broadway**

**Monticello, New York 12701**

**Tel: (845) 428-7575**

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**MEETING MINUTES**

**Monday, July 12, 2021**

**I. CALL TO ORDER**

Chairperson Loughlin called to order the regular meeting of the County of Sullivan Industrial Development Agency at approximately 11:04AM in the Legislative Hearing Room at the Sullivan County Government Center, 100 North Street, Monticello, New York 12701.

**II. ROLL CALL**

***Members Present-***

Suzanne Loughlin  
Edward Sykes  
Howard Siegel  
Carol Roig  
Paul Guenther

***Members Absent-***

Scott Smith  
Sean Brooks

***Staff Present-***

John Kiefer, Chief Executive Officer  
Jennifer Flad, Executive Director  
Julio Garaicoechea, Project Manager

***Staff Absent-***

None

***Others Present-***

Walter Garigliano, Agency Counsel  
Ken Walter

**III. APPROVAL OF MEETING MINUTES**

On a motion made by Mr. Siegel, and seconded by Mr. Guenther, the minutes of the June 14, 2021 Regular Meeting were unanimously approved.

**IV. BILLS AND COMMUNICATIONS**

On a motion made by Mr. Sykes, and seconded by Mr. Siegel, the revised schedule of payments showing 15 payments totaling \$16,235.76 was unanimously approved.

**V. STAFF ACTIVITY REPORT**

Ms. Flad informed the Board that the Personnel Committee has approved an increase in Amanda Bassi's hours to a maximum of forty per week for the summer.

**VI. NEW BUSINESS**

On a motion made by Mr. Guenther, and seconded by Ms. Roig, the Board discussed and reviewed a resolution authorizing an extension of the Sales Tax Abatement period for the **Catskill Hospitality Operating, LLC** and **Catskill Hospitality Holding, LLC** project from August 1, 2021 through and including January 31, 2022. Attorney Garigliano stated that the project has been delayed due to overall construction delays. Mr. Garaicoechea stated

the project is current with respect to reports and fees. The Board voted and the resolution was unanimously approved.

On a motion made by Mr. Siegel, and seconded by Mr. Sykes, the Board reviewed and discussed a resolution authorizing an Amendment to Resolution 22-21 that authorized additional financing for the **Catskill Hospitality Holding, LLC** and **Catskill Hospitality Operating, LLC** project. Attorney Garigliano stated that in addition to the loans contemplated by Resolution 22-21 a new SBA 7a working capital loan will be made by Bancorp in the amount of \$205,200, to replace a prior similar loan which was not fully disbursed before time frame for full disbursement expired. Chairperson Loughlin called the motion to question, the Board voted, and the resolution was unanimously approved.

## **VII. PUBLIC COMMENT AND ADJOURNMENT**

Chairperson Loughlin asked those present for Public Comment. The Board recognized the comments of Ken Walter.

On a motion made by Mr. Guenther, and seconded by Mr. Siegel, the meeting was adjourned at approximately 11:19 AM.

Respectfully submitted:

Julio Garaicoechea

##

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY****548 Broadway, Monticello, NY 12701****845-428-7575****REVISED SCHEDULE OF PAYMENTS: AUGUST 16, 2021**

<b>No.</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
1	Cardmember Service	UCC Filing (pass-through); Adobe; Zoom	\$ 51.18
2	Catskill Cabin Care	Office Cleaning 3/7/21 - 6/27/21	\$ 1,000.00
3	Francotyp-Postalia, Inc.	Quarterly Postage Meter Rental 7/1/21 - 9/30/21	\$ 86.85
4	Garigliano Law Offices	Retainer August 2021	\$ 250.00
5	Kristt Company	Office Supplies	\$ 19.49
6	Mike Preis, Inc.	Package & Excess Policy Renewals 9/10/21-9/10/22	\$ 9,212.91
7	New Southern Tier Title Agency LLC	Office Rent September 2021	\$ 2,700.00
8	Stow Storage	Storage Unit Rental 8/1/21 - 7/31/22	\$ 2,993.88
9	Sullivan County Democrat	Legal Notice re: 234 Main Street, LLC (pass-through)	\$ 68.06
10	Sullivan County Democrat	Legal Notice re: Rescheduled August IDA Board Meeting	\$ 24.72
11	Time Warner Cable	Telephone and Internet Service 8/1/21 - 8/31/21	\$ 259.95
12	USDA Rural Development	RMAP Loan Repayment - August 2021	\$ 2,370.41
<b>TOTAL</b>			<b>\$ 19,037.45</b>
I certify that the payments listed above were audited by the Board of the IDA on August 16, 2021 and allowed in the amounts shown. You are hereby authorized and directed to pay each of the claimants in the amount opposite its name.			
<hr/>			<u>8/16/2021</u>
<b>Signature</b>			<b>Date</b>

**Expenses Approved and Paid Since Last Regular Meeting (7/12/21)**

<b>No.</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
1	AT&T Mobility	IDA Cell Phone Service 7/21/21 - 8/20/21	\$ 91.63
<b>TOTAL</b>			<b>\$ 91.63</b>

**Other Expenses and Items Paid Since Last Regular Meeting (7/12/21)—no approval required**

<b>No.</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
1	Payroll Expenses	Payroll Check Dates: 7/16/21, 7/30/21, and 8/13/21	\$ 29,549.77
<b>TOTAL</b>			<b>\$ 29,549.77</b>

**ACTIVITY REPORT – JULY 2021**  
**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY (IDA), SULLIVAN**  
**COUNTY FUNDING CORPORATION (SCFC), THE SULLIVAN COUNTY INFRASTRUCTURE**  
**LOCAL DEVELOPMENT CORPORATION (TSCILDC)**

August 10, 2021

At its regular monthly meeting on July 12, the IDA Board authorized two resolutions relating to the ongoing **Catskill Hospitality Operating LLC and Catskill Hospitality Holding LLC Project** (Hampton Inn in the Town of Thompson): a six-month extension of the sales tax abatement period, and an amendment to a prior resolution authorizing additional mortgage financing for the project.

During July the IDA closed on an Agri-Business Loan to **Agrarian Feast, LLC**, for development of a mushroom production facility in the Town of Callicoon.

As New York State's Consolidated Funding Application (CFA) and other grant deadlines approach, the IDA has furnished letters supporting several local projects:

- The County of Sullivan's project to develop a County Park in the hamlet of Callicoon
- The County of Sullivan's O&W Rail Trail Project, which includes design and engineering work and right-of-way acquisition at various locations
- The Sullivan County Land Bank's project to redevelop the Broadway Theater in Monticello
- The Town of Fallsburg's O&W Rail Trail Project, which includes development of the Neversink Crossing portion of the Rail Trail
- The Town of Liberty's project to redevelop the former BOCES Administrative Building in Liberty for a downtown anchor with residential units, office space, and a daycare facility
- The Village of Monticello's North Street Commons project, to transform an existing parking lot into a public space to provide recreation, entertainment, and fitness and to improve connectivity\*
- Northgate Resorts' FIMFO Kittatinny Project in Barryville\*
- The Foundation for Mexican Art and Culture's project to renovate an existing building in Monticello to develop an art space and restaurant\*

Through its Grant Application Cost-Share Program, the Sullivan County Funding Corporation (SCFC) has also committed to share in grant application costs for the three projects marked with asterisks above.

On Monday, August 2<sup>nd</sup>, the IDA held a public hearing relating to the proposed 234 Main Street, LLC Project, a mixed-use residential and retail building on Main Street in Hurleyville. No comments were received. The Board will consider a resolution to approve this project at its August meeting.

The August meeting of the IDA Board, originally scheduled for Monday, August 9<sup>th</sup>, has been rescheduled for Monday, August 16<sup>th</sup> at 11:00 AM in the Legislative Hearing Room at the Sullivan County Government Center.

##

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY**  
**One Cablevision Center**  
**Ferndale, New York 12734**  
**845-295-2603**  
**APPLICATION FOR FINANCIAL ASSISTANCE**

I.     A.     APPLICANT INFORMATION:

Company Name:     **234 Main Street, LLC**

Address:            **390 Park Avenue, New York, NY 10022**

Phone No.:          **212-935-4990**

Telefax No.:        **c/o Steven Vegliante 845-436-7788**

Email Address:     **c/o Steven Vegliante [svegliante@bdflegal.com](mailto:svegliante@bdflegal.com)**

Fed Id. No.:         \_\_\_\_\_

Contact Person:    **Jeffrey Stevenson**

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

Principal Owners (Shareholders/Members/Owners): **Jeffrey Stevenson**

Manager: **Jeffrey Stevenson**

Officers: \_\_\_\_\_

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

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Form of Entity:

\_\_\_\_\_ Corporation (Sub-s)

Date of incorporation: \_\_\_\_\_

State of incorporation: \_\_\_\_\_

\_\_\_\_\_ Partnership

General \_\_\_\_\_ or Limited \_\_\_\_\_

Number of general partners \_\_\_\_\_

If applicable, number of limited partners \_\_\_\_\_

Date of formation: \_\_\_\_\_

Jurisdiction formation: \_\_\_\_\_

☒ Limited Liability Company/Partnership (number of members 1)

Date of organization: **January 9, 2019**

State of organization: **New York**

\_\_\_\_\_ Sole Proprietorship

If a foreign organization, is the Applicant authorized to do business in the State of New York? Yes No ☒ N/A \_\_\_\_\_ (If so, please append Certificate of Authority.)

#### APPLICANT'S COUNSEL

Name: **Brown Duke & Fogel, LLP / Steven Vegliante, Of Counsel**

Address: **449 Broadway, Monticello, NY 12701**

Phone No.: **845-434-6688 / 845-798-2288 Cell**

Telefax No.: **845-436-7788**

Email Address: **svegliante@bdflegal.com**

#### II. REQUESTED FINANCIAL ASSISTANCE

#### Estimated Value

Real Property Tax Abatement (estimated)	<u>\$TBD</u>
Mortgage Tax Exemption	<b>\$ 20,000.00</b>
Sales and Use Tax Exemption	<b>\$ 150,000.00</b>
Issuance by the Agency of Tax Exempt Bonds	N/A



III. PROJECT INFORMATION

A.) Project Location:

Project Address: **234 Main Street, Hurleyville, NY 12747**

Tax Map Number(s): **34.-9-12 (Portion of)**

~~Located in the Village of:~~ \_\_\_\_\_

Located in Town of **Fallsburg**

Located in the School District of **Fallsburg**

Located in Hamlet of **Hurleyville**

(i) Are Utilities on Site?

Water/Sewer Y

Electric Y

Gas N

Storm Sewer Y

(ii) Present legal owner of the site: **The Center for Discovery, Inc.**

If other than Applicant, by what means will the site be acquired for this Project:

Executed 99 year lease

(iii) Zoning of Project Site: Current: **HR** Proposed: **HR**

(iv) Are any variances needed: **NO**

(v) Principal Use of Project upon completion **Mixed use Building with Retail shops on ground floor and two additional floors of residential apartments.**

B.) Will the Project result in the removal of a plant or facility of the Applicant or a proposed Project occupant from one area of the State of New York to another area of the State of New York? **No**; If yes, please explain:

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

C.) Will the Project result in the abandonment of one or more Plants or facilities of the Applicant or a proposed Project occupant located in the State of New York? **No**; If yes, please explain:

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

D.) If the answer to either question B or C above is yes, you are required to indicate whether any of the following apply to the Project:

1. Is the Project reasonably necessary to preserve the competitive position of the Applicant or such Project Occupant in its industry? Yes X; No \_\_\_\_\_. If yes, please explain:

**Based upon market rental rates, building cost cannot be repaid without Agency assistance. Absent real property, sales and potentially mortgage tax abatement, project cannot reasonably be completed.**

2. Is the Project reasonably necessary to discourage the Applicant or such Project Occupant from removing such other plant or facility to a location outside the State of New York? Yes X; No \_\_\_\_\_. If yes, please explain:
- 

E.) Will the Project include facilities or property that will be primarily used in making retail sales of goods or provide services to customers who personally visit such facilities? Y; If yes, please contact the Agency for additional information.

F.) Please provide a narrative of the Project and the purpose of the Project (new build, renovations, and/or all equipment purchases). Identify specific uses occurring within the Project. Describe any and all tenants and any/all end users. Describe the proposed acquisitions, construction or reconstruction and a description of the costs and expenditures expected. Attach additional sheets, if necessary.

**Applicant has begun construction of multi-use retail and residential building within the hamlet of Hurleyville. The building will feature 4 retail storefronts totaling 2500 sq.ft. with an additional 8 2 bedroom and 1 bath residential apartments. The project is specifically designed to complement and support the re-development of the hamlet of Hurleyville and to provide competitively priced retail and residential rentals to the community.**

G.) COSTS AND BENEFITS OF THE PROJECT

Costs = Financial Assistance

Estimated Sales Tax Exemption	<u>\$150,000.00</u>
Estimated Mortgage Tax Exemption	<u>\$20,000.00</u>
Estimated Property Tax Abatement	<u>\$TBD</u>
Estimated Interest Savings IRB Issue	N/A

Benefits= Economic Development

Jobs created	<u>10</u>
Jobs retained	<u>0</u>
Private funds invested	\$ <u>2,717,210.25</u>
Other Benefits	_____

Estimate how many construction/permanent jobs will be created or retained as a result of this Project:

Construction:	<u>20</u>
Permanent:	<u>10</u>
Retained (at current facility):	N/A

Project Costs (Estimates)	
Land and Existing Buildings	\$ <u>99.00</u>
Soft Costs (5%)	\$ <u>129,386.25</u>
Other	\$ <u>2,587,725.00</u>
Total	\$ <u>2,717,210.25</u>

In addition to the above estimated capital costs of the project, which must include all costs of real property and equipment acquisition and building construction or reconstruction, you must include details on the amounts to be financed from private sector sources, an estimate of the percentage of project costs financed from public sector sources and an estimate of both the amount to be invested by the Applicant and the amount to be borrowed to finance the Project.

**Applicant has financed project costs to date. No other public sector sources are contemplated at this point. At completion of construction, Applicant will pursue a refinancing of the completed project. Applicant has decided to make a long term investment in the Hurleyville community to support ongoing re-development efforts and to improve the Main Street business community and aesthetic.**

In addition to the job figures provided above, please indicate the following:

- 1) The projected number of full time equivalent jobs that would be retained and that would be created if the request for financial assistance is granted.

**10**

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- 2) The projected timeframe for the creation of new jobs.

**18 months**

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- 3) The estimated salary and fringe benefit averages or ranges for categories of the jobs that would be retained or created if the request for financial assistance is granted.

**Mix of Retail Associate and Management positions from within the retail tenants, expected to be averaged at \$40,000.00.**

- 4) An estimate of the number of residents of the economic development region as established pursuant to section two hundred thirty of the Economic Development Law, in which the project is located that would fill such jobs. The labor market area defined by the agency (Mid-Hudson Economic Development Region)

1,433,386

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H.) State whether there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency, or, if the project could be undertaken without financial assistance provided by the Agency, a statement indicating why the project should be undertaken by the Agency

**The project faces unseen hurdles with the current economic crisis. Due to the economic downturn, without the provision of benefits, the prospect of completing this project and having it be sustainable is simply untenable.**

#### IV. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

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

- C) Annual Sales Tax Filings. In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- D) Annual Employment Reports. The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.
- E) Absence of Conflicts of Interest. The Applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described.
- F.) The Applicant represents that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
- § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- G.) The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H.) The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.

- I.) The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

/Users/stevenvegliante/Dropbox/BSDF/STEVENSON/Draft Application.2.docx

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

(APPLICANT)

234 Main Street, LLC

By: Jeffrey Stevenson, Manager

Date: 10/13/2020

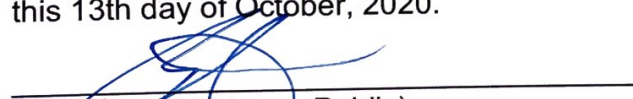
STATE OF NEW YORK )  
COUNTY OF SULLIVAN ) ss.:

Jeffrey Stevenson, being first duly sworn, deposes and says:

1. That I am the Manager of 234 Main Street, LLC (collectively, the, "Applicant") and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

  
Jeffrey Stevenson

Subscribed and affirmed to me under penalties of perjury  
this 13th day of October, 2020.

  
(Notary Public)  
**STEVEN VEGLIANTE**  
*Notary Public-State of New York*  
Sullivan County Clerk #2307  
My Commission Expires 7/5/2022

**THIS APPLICATION SHALL BE SUBMITTED WITH (I) TWO CHECKS: ONE COVERING A \$250.00 APPLICATION FEE AND THE SECOND COVERING A \$5,000.00 UP-FRONT ESCROW DEPOSIT; AND (II) APPLICANT'S FORMATION DOCUMENTS (IE: IF A CORPORATION: ITS CERTIFICATE OF INCORPORATION AND BYLAWS; IF A LIMITED LIABILITY COMPANY: ITS ARTICLES OF ORGANIZATION AND OPERATING AGREEMENT; IF A LIMITED PARTNERSHIP: ITS CERTIFICATE OF LIMITED PARTNERSHIP AND LIMITED PARTNERSHIP AGREEMENT; OR IF A PARTNERSHIP: ITS PARTNERSHIP AGREEMENT TO:**

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY  
Executive Director  
ONE CABLEVISION CENTER  
FERNDAL, NEW YORK 12734**



## HOLD HARMLESS AGREEMENT

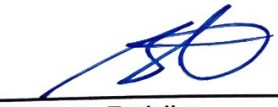
Applicant hereby releases the COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof ("Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency 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 Agency 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 Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

234 Main Street, LLC

  
By: Jeffrey Stevenson, Manager

Date: 10/13/2020

Sworn to before me this  
13th day of October, 2020.

  
\_\_\_\_\_  
Notary Public  
**STEVEN VEGLIANTE**  
*Notary Public-State of New York*  
Sullivan County Clerk #2307  
My Commission Expires 7/5/2022

# 234 Main Street, LLC

Application to County of Sullivan  
Industrial Development Agency for  
Financial Assistance for

## Retail/Residential Project



## Benefit/Cost Analysis

*Prepared by:*

**Shepstone Management Company, Inc.**  
**Planning & Research Consultants**  
100 Fourth Street Honesdale, PA 18431  
(570) 251-9550 FAX 251-9551  
[www.shepstone.net](http://www.shepstone.net)  
[mail@shepstone.net](mailto:mail@shepstone.net)

*June, 2021*

# 234 Main Street, LLC Benefit/Cost Analysis

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## Background:

234 Main Street, LLC (referred to hereafter as “234 Main”) has applied to the Industrial Development agency for financial assistance for the construction of a new building in the hamlet of Hurleyville in the Town of Fallsburg (Tax Map Parcel 34-9-12.2) to use as a mixed-use retail/residential facility (four street level storefronts with eight apartments above).



*Aerial View of Existing Site*



The property is currently owned by The Center for Discovery and will be long-term leased to 234 Main for \$1.00 per year. It is estimated \$2,717,100 will be invested in taxable real property improvements and yield an assessed market value of \$900,700. The applicant, 234 Main, has applied to the County of Sullivan Industrial Development Agency (IDA) for real property and mortgage abatements to assist with this project.



## **234 Main Street, LLC Benefit/Cost Analysis**

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New York State law governing IDAs requires "an analysis of the costs and benefits of the proposed project." Shepstone Management Company, Inc. has been requested by the IDA to provide such an analysis on an independent basis. This study is designed to compare the economic benefits of the project, including both direct and indirect revenues generated for local and state government, against the costs to these governments for additional services required. Both direct and indirect costs are considered on this side of the equation as well.



The following is a summary of the findings from this analysis, including supporting materials forming the basis for the conclusion reached:

# 234 Main Street, LLC Benefit/Cost Analysis

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## Methods and Assumptions:

The following methods and assumptions were employed for this analysis of this project:

- 1) The project involves the construction of a new building with four store fronts totaling 2,500 square feet of floor with eight two-bedroom apartments above.
- 2) It is assumed, for purposes of this benefit/cost analysis, that all activities will occur in 2021. It is further assumed the IDA will approve a PILOT Agreement that accompanies expansion under the IDA's [General Abatement Program](#), the PILOT agreement to apply to the estimated market value of the proposed real property improvements times the 54.5% equalization rate for the Town of Fallsburg. The PILOT schedule is detailed in the table to the right.

General Abatement Program		
Year	% Abated	PILOT %
1	50.00%	50.00%
2	47.50%	52.50%
3	45.00%	55.00%
4	42.50%	57.50%
5	40.00%	60.00%
6	37.50%	62.50%
7	35.00%	65.00%
8	32.50%	67.50%
9	30.00%	70.00%
10	27.50%	72.50%
11	25.00%	75.00%
12	22.50%	77.50%
13	20.00%	80.00%
14	17.50%	82.50%
15	15.00%	85.00%
16	12.50%	87.50%
17	10.00%	90.00%
18	7.50%	92.50%
19	5.00%	95.00%
20	2.50%	97.50%
21	0.00%	100.00%
- 3) It is assumed there will be a \$2,000,000 mortgage to which mortgage tax abatement will apply (slightly less than 74% of the market value of proposed real property improvements involved).
- 4) It is anticipated the expansion project will create 20 construction and 10 permanent full-time equivalent jobs with salaries averaging \$40,000 per year.

## 234 Main Street, LLC Benefit/Cost Analysis

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- 5) The additional annual costs to local government for providing highway maintenance and other non-educational services in the Town of Fallsburg are estimated at \$1,512 for each new resident attracted (\$3,780 per household). This is based on an estimated county and town tax levy of \$19,689,736, divided by a Town of Fallsburg population of some 13,283 persons.

It is assumed 25% of employees or 2.5 permanent hires will be new to Sullivan County. Further applying an employment multiplier of 1.30 (the estimated Sullivan County multiplier for a mix of retail and real estate industries), the project will produce 3.25 new households, with a cost of approximately \$3,780 annually in non-educational local government services each.

It is assumed, based on the *Sullivan County Cost of Community Services Study*, that 63.3% or \$2,392 per household would be covered from taxes paid by the new residents, leaving \$1,388 per household as the net cost for town and county services. This is the ratio of costs of services to tax revenues for residential development in the Town of Fallsburg.

This is to say every new household, viewed independently of the businesses employing its members, theoretically generates a net tax loss for the community. This strict interpretation provides for a conservative analysis of benefits versus costs, but it is also important to remember the commercial ratables would not exist without the employees required to run the business or residential customers for its products. The value of costs of services data is limited to analyzing the likely tax impacts of projects, as it is being used in this instance.

## 234 Main Street, LLC Benefit/Cost Analysis

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- 6) Applicable tax rates for purposes of benefit/cost analyses follow:

Town of Fallsburg Tax Rates		
Tax Category	Rate (Before Equalization)	Percent of Value
Medicaid	4.451254	0.45%
NYS Welfare Mandates	2.061970	0.21%
Other NYS Mandates	3.861262	0.39%
County Levy	3.245890	0.32%
<b>County Total</b>	<b>13.620376</b>	<b>1.36%</b>
Town to Highway	7.718654	0.77%
Highway No. 1	2.436341	0.24%
General Fund Outside Village	6.966310	0.70%
<b>Town Total</b>	<b>17.121305</b>	<b>1.71%</b>
<b>School Taxes</b>	<b>41.976580</b>	<b>4.20%</b>
<b>Combined Total</b>	<b>72.718261</b>	<b>7.27%</b>

- 7) School costs are based on the 0.41 children per household average for Sullivan County in 2018 times a total costs (net of state aid) of \$13,882 per student, which is the average for the Fallsburg Central School District where the project is located.
- 8) Sales taxes attributable to the increased buying power generated by the new payroll the facility will produce are included among benefits the project will create. Sales tax from sales generated by storefront businesses are estimated at 8% of sales calculated on the assumption of \$150 per square foot of floor area and 50%, which is a conservative number [akin to a typical dollar store](#), further assuming 50% of sales will be new to the county.



## 234 Main Street, LLC Benefit/Cost Analysis

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- 9) Cash flow streams from benefits and costs are net present valued using a discount rate of 1.795% ([current interest rate on the public debt](#)). Net present value figures include actual costs of abatements and other costs for 2021 plus discounted values for 2022-2041.

### Conclusion:

This project will generate costs of \$369,319 in mortgage and real property tax abatements over the period of the standard PILOT agreement or 21 years. Net present valued this equates to a total cost of \$247,499. There are an additional estimated \$17,952 of school costs and \$70,931 of highway and related costs over this same period (net present valued), bringing total costs to \$336,382.

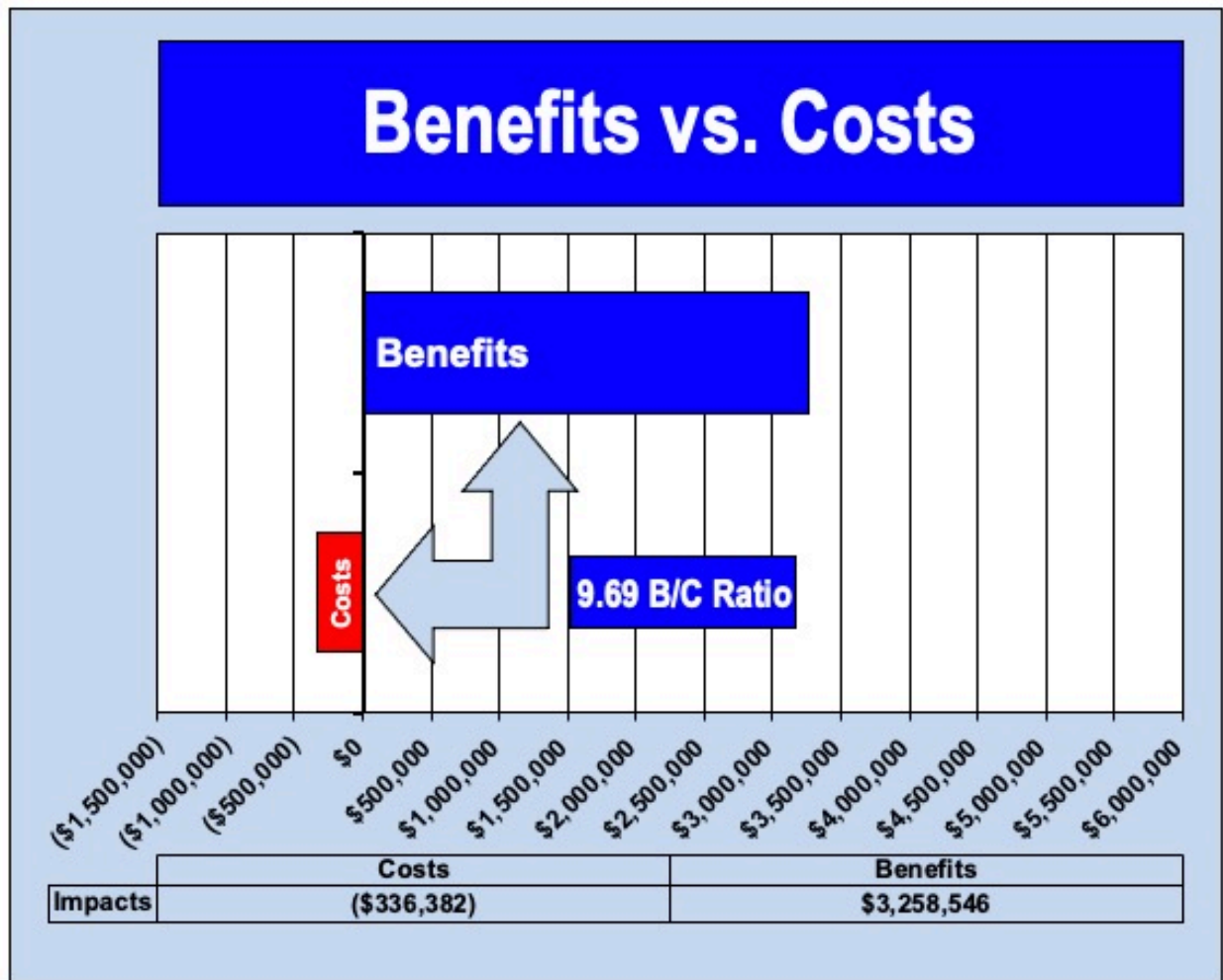
The project benefits consist of the new real property taxes that will be generated (\$1,072,700), the payroll gains (\$1,780,935), the sales taxes from those payroll gains (\$71,237) and sales taxes from retail operations (\$404,912), which are estimated to total \$3,329,783 combined (net of sales taxes paid from those gains) over the 21 years at net present value.

**This yields a positive benefit/cost ratio of 9.69.**

## 234 Main Street, LLC Benefit/Cost Analysis

Cost/Benefit Analysis	
<b>Costs (2021-2041)</b>	
Sales Tax Abatements (County)	\$0
Sales Tax Abatements (State)	\$0
Mortgage Tax Abatements	\$20,000
Real Property Tax Reductions Net of 485-b Benefits	\$349,319
<b>Sub-Total (Value of All Abatements) =</b>	<b>\$369,319</b>
Net Present Value of Abatements*	\$247,499
Additional School Costs	\$17,952
Variable Highway & Other Municipal Costs	\$70,931
<b>Total Costs (Net Present Value)=</b>	<b>\$336,382</b>
<b>Benefits (Net Present Value, (2021-2041))</b>	
Property Taxes	\$1,072,700
Sales Taxes (General - From Gains in Buying Power)	
County	\$35,619
State	\$35,619
Sales Taxes (From Operations)	
County	\$202,456
State	\$202,456
<b>Sub-Total (Taxes/Charges) =</b>	<b>\$1,548,848</b>
Personal Income Gains Related to New/Retained Jobs	\$1,369,950
Personal Income Gains Related to Multiplier Effects	\$410,985
<b>Sub-Total (Income Gains) =</b>	<b>\$1,780,935</b>
<b>Total Benefits =</b>	<b>\$3,329,783</b>
Gross Excess Benefits Over Costs =	\$2,993,401
<b>Net of Abatements "Costs" and Income Gains=</b>	<b>\$1,459,965</b>
<b>Benefits to Costs Ratio =</b>	<b>9.69</b>

## 234 Main Street, LLC Benefit/Cost Analysis



# 234 Main Street, LLC Benefit/Cost Analysis

Economic Analysis of Requested Tax Abatement Program														
	FISCAL YEAR		2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
DESCRIPTION	1	2	3	4	5	6	7	8	9	10	11	12		
Sales Tax Abatement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Mortgage Tax Abatement	\$20,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Real Property Tax Abatement	\$0	\$0	\$3,050	\$6,191	\$9,425	\$12,755	\$16,183	\$19,711	\$23,341	\$27,076	\$30,917	\$34,868	\$38,819	\$42,870
Highway/Other Costs	\$9,154	\$4,577	\$4,646	\$4,715	\$4,786	\$4,858	\$4,931	\$5,005	\$5,080	\$5,156	\$5,233	\$5,312	\$5,392	\$5,472
School Costs	\$0	\$2,363	\$1,383	\$1,383	\$1,383	\$1,383	\$1,383	\$1,383	\$1,383	\$1,383	\$1,383	\$1,383	\$1,383	\$1,383
Real Property Taxes	\$0	\$60,089	\$64,040	\$68,096	\$72,259	\$76,532	\$80,917	\$85,416	\$90,031	\$94,766	\$99,623	\$104,604	\$109,625	\$114,646
Personal Income - New/Retained Jobs	\$0	\$101,500	\$103,023	\$104,568	\$106,136	\$107,728	\$109,344	\$110,984	\$112,649	\$114,339	\$116,054	\$117,795	\$119,536	\$121,277
Indirect Income Benefits	\$0	\$30,450	\$30,907	\$31,370	\$31,841	\$32,319	\$32,803	\$33,295	\$33,795	\$34,302	\$34,816	\$35,338	\$35,860	\$36,382
Added Sales Tax (General)	\$0	\$5,278	\$5,357	\$5,438	\$5,519	\$5,602	\$5,686	\$5,771	\$5,858	\$5,946	\$6,035	\$6,125	\$6,215	\$6,305
Added Sales Tax (Operations)	\$0	\$30,000	\$30,450	\$30,907	\$31,370	\$31,841	\$32,319	\$32,803	\$33,295	\$33,795	\$34,302	\$34,816	\$35,338	\$35,860

Economic Analysis of Requested Tax Abatement Program												
DESCRIPTION	FISCAL YEAR	2033	2034	2035	2036	2037	2038	2039	2040	2041	TOTALS	
	13		14	15	16	17	18	19	20	21	Actual	NPV
Sales Tax Abatement		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Mortgage Tax Abatement		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$20,000	\$20,000
Real Property Tax Abatement		\$31,852	\$28,738	\$25,523	\$22,205	\$18,781	\$15,250	\$11,609	\$7,856	\$3,987	\$349,319	\$227,499
Highway/Other Costs		\$5,392	\$5,472	\$5,555	\$5,638	\$5,722	\$5,808	\$5,895	\$5,984	\$6,074	\$114,993	\$70,931
School Costs		\$1,383	\$1,383	\$1,383	\$1,383	\$1,383	\$1,383	\$1,383	\$1,383	\$1,383	\$28,644	\$17,952
Real Property Taxes		\$109,712	\$114,950	\$120,321	\$125,826	\$131,470	\$137,254	\$143,183	\$149,259	\$155,484	\$2,083,832	\$1,072,700
Personal Income - New/Retained Jobs		\$119,562	\$121,355	\$123,176	\$125,023	\$126,899	\$128,802	\$130,734	\$132,695	\$134,686	\$2,347,052	\$1,369,950
Indirect Income Benefits		\$35,869	\$36,407	\$36,953	\$37,507	\$38,070	\$38,641	\$39,220	\$39,809	\$40,406	\$704,116	\$410,985
Added Sales Tax (General)		\$6,217	\$6,310	\$6,405	\$6,501	\$6,599	\$6,698	\$6,798	\$6,900	\$7,004	\$122,047	\$71,237
Added Sales Tax (Operations)		\$35,338	\$35,869	\$36,407	\$36,953	\$37,507	\$38,070	\$38,641	\$39,220	\$39,809	\$693,710	\$404,911

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY  
548 BROADWAY  
MONTICELLO, NEW YORK 12701  
845-428-7575 – VOICE  
845-428-7577 – FAX**

**PUBLIC HEARING COMMENTS**  
234 MAIN STREET, LLC.

**Public Hearing Date:**  
August 2, 2021

**Location:**  
Youth and Senior Center  
12 Laurel Avenue  
South Fallsburg, NY 12779

**Attendees:**  
Julio Garaicoechea, County of Sullivan Industrial Development Agency  
Nathan Steingart, Deputy Supervisor, Town of Fallsburg

Mr. Garaicoechea opened the public hearing at 9:31AM. Mr. Garaicoechea read the Notice of Public Hearing. The Notice of Public Hearing was sent to the Sullivan County Legislature for posting on July 20, 2021. It was published in the July 20, 2021 edition of the *Sullivan County Democrat*.

No comments were received.

Mr. Garaicoechea closed the public hearing at 9:45 AM.

##

## RESOLUTION

A regular meeting of the County of Sullivan Industrial Development Agency ("Agency") was convened in public session at the Sullivan County Government Center, 100 North Street, Village of Monticello, Sullivan County, New York on August 16, 2021 at 11:00 a.m. local time.

The meeting was called to order by Chairperson Suzanne Loughlin, and, upon roll being called, the following members of the Agency were:

	<u>PRESENT</u>	<u>ABSENT</u>
Suzanne Loughlin	[     ]	[     ]
Edward T. Sykes	[     ]	[     ]
Carol Roig	[     ]	[     ]
Howard Siegel	[     ]	[     ]
Scott Smith	[     ]	[     ]
Paul Guenther	[     ]	[     ]
Sean Brooks	[     ]	[     ]

The following persons were also present:

Jennifer M. Flad, Executive Director  
John W. Kiefer, Chief Executive Officer  
Julio Garaicoechea, Project Manager  
Walter F. Garigliano, Agency General Counsel

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

Resolution No. \_\_\_\_\_ - 21

***RESOLUTION OF THE AGENCY APPOINTING 234 MAIN STREET, LLC ("COMPANY") AS ITS AGENT FOR THE PURPOSE OF CONSTRUCTING, ACQUIRING, INSTALLING AND EQUIPPING THE PROJECT (HEREINAFTER DEFINED); MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE PROJECT; AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGENT AND PROJECT AGREEMENT BETWEEN THE AGENCY AND THE COMPANY; AUTHORIZING THE AGENCY TO EXECUTE THE LEASE TO AGENCY ("LEASE"), LEASEBACK TO COMPANY ("LEASEBACK"), PAYMENT IN LIEU OF TAX AGREEMENT ("PILOT AGREEMENT") AND RELATED DOCUMENTS WITH RESPECT TO THE CONSTRUCTION OF THE PROJECT***

***WHEREAS***, by Title 1 of Article 18-A of the General Municipal Law of the State of New York ("State"), as amended, and Chapter 560 of the Laws of 1970 of the State, as amended and codified as Section 960 of the General Municipal Law (collectively, the "Act"), the Agency was created with the authority and power to own, lease and sell property as authorized by the Act; and

**WHEREAS**, on or about July 13, 2020, the Company presented an application to the Agency (“Application”), a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project consisting of the: (i) acquisition, construction, installation and equipping of an approximately 7,500 +/- square foot building to be used as a mixed-use retail and residential building (“Building”) situate on one (1) parcel of real estate consisting of approximately 1.03± acres located on Main Street in Hurleyville, Town of Fallsburg (“Town”), County of Sullivan (“County”), State of New York and identified on the Town tax map as Section 34, Block 9, Lot 12.2 (“Land”); (ii) acquisition, construction and equipping of the Building; (iii) acquisition, construction and installation thereon and therein of certain furniture, fixtures, machinery, equipment and tools (“Equipment”); (iv) construction of improvements to the Building, the Land and the Equipment (collectively, the Building, the Land and the Equipment are referred to as the “Facility” or the “Project”); and (v) lease of the Facility from the Agency to the Company; and

**WHEREAS**, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of acquiring, constructing, installing and equipping the Project; (ii) negotiate and enter into an Agent and Project Agreement, the Lease, the Leaseback and the PILOT Agreement with the Company (collectively, the “Transaction Documents”); (iii) hold a leasehold interest in the Land and the improvements thereon which constitute the Project; and (iv) provide financial assistance to the Company in the form of (a) a real property tax abatement on increased value resulting from improvements to the Land through the PILOT Agreement; and (b) a mortgage tax exemption for financing related to the Project; and

**WHEREAS**, the total financial assistance being contemplated by the Agency is greater than \$100,000 and therefore the proposed action was subject to a public hearing; and

**WHEREAS**, pursuant to Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (“SEQR”), the Agency constitutes a “State Agency”; and

**WHEREAS**, to aid the Agency in determining whether the Project may have significant adverse effects on the environment, the Company has presented a short Environmental Assessment Form (“EAF”) to the Agency with respect to the Project for its review; and

**WHEREAS**, the Agency has determined that the Project is an Unlisted Action under SEQR; and

**WHEREAS**, the Agency has given due consideration to the Application of the Company and to representations by the Company that the proposed financial assistance is an inducement to the Company to undertake the Project; and

**WHEREAS**, the Agency has considered the following matters as more fully set forth in its Uniform Tax Exemption Policies:

- A. Permanent private sector job creation and retention;
- B. Estimated value of the tax exemption;
- C. Whether the affected taxing jurisdictions shall be reimbursed by the Company if the Project does not fulfill the purposes for which the exemption was granted;
- D. Impact of Project on existing and proposed business or economic development

- projects;
- E. The amount of private sector investment generated or likely to be generated by the Project;
- F. Demonstrated public support for the Project;
- G. Likelihood of accomplishing the Project in a timely fashion;
- H. Environmental impact;
- I. Extent to which the Project will require additional services including, but not limited to educational, police, transportation, EMS and fire;
- J. Extent to which the Project will provide additional revenues; and
- K. Extent to which the Project will serve the public purposes of the Act by preserving permanent, private sector jobs or increasing the overall number of permanent, private sector jobs in the State;

; and

***WHEREAS***, on or about April 14, 2021, Jennifer Flad, Executive Director caused a Notice of Deviation from the Agency's Uniform Tax Exemption Policy to be mailed to the County, Town and the Fallsburg Central School District; and

***WHEREAS***, the County and Town supported the proposed deviation, and the Fallsburg Central School District stated no objection to the proposed deviation; and

***WHEREAS***, the Agency desires to encourage the Company to advance the job opportunities, health, general prosperity and economic welfare of the people of Sullivan County, New York by providing the contemplated financial assistance and undertaking the Project; and

***WHEREAS***, the Executive Director has negotiated the Transaction Documents with the Company; and

***WHEREAS***, the Transaction Documents have been prepared by Agency counsel.

***NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:***

Section 1. The Company has presented to the Agency, among other things, an Application in form acceptable to the Agency.

Section 2. Based upon (i) the representations made by the Company to the Agency, and (ii) a review of a short EAF presented to the Agency, the EAF reviewed and acted upon by the Town of Fallsburg Planning Board, and (iii) related documents, the Agency hereby determines that:

- (A) The Project is an Unlisted Action under the SEQR. Based upon the review by the Agency of the EAF the Town of Fallsburg SEQR proceedings and the representations made by the Company to the Agency in connection with the Project, the Agency hereby finds that (i) the Project will result in no major impacts and therefore, is one which may not cause significant damage to the environment; (ii) the Project will not have a "significant effect on the



environment” as such quoted term is defined in Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State; and (iii) no “environmental impact statement” as such quoted term is defined in SEQR need be prepared for this action. This determination constitutes a negative declaration for purposes of SEQR. The Agency’s findings are incorporated in the EAF.

A copy of this resolution shall together with the attachments thereto be placed on file in the office of the Agency where the same shall be available for public inspection during business hours, and notices of this negative declaration shall be filed in such offices, posted in such places, and published in such publications as shall be necessary to conform with the requirements of SEQR.

Section 3. The Agency has determined that the proposed financial assistance exceeds the sum of \$100,000.00 and therefore a public hearing on due notice was held on August 2, 2021 at 9:30 a.m., local time, at the Youth & Senior Center 12 Laurel Avenue, South Fallsburg, New York at which hearing comments relating to the proposed financial assistance were solicited. Said public hearing was open to the general public and public notice of the time and place of said public hearing was duly given in accordance with the applicable provisions of the General Municipal Law of the State.

Section 4. Based upon representations made by the Company to the Agency, the Agency hereby makes, finds and determines as follows:

- (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;
- (B) It is desirable and in the public interest for the Agency to (i) acquire a leasehold interest in the Land and improvements constituting the Project; (ii) appoint the Company as its agent for purposes of acquiring, constructing, installing and equipping the Project, and (iii) lease the Land and improvements constituting the Project to the Company pursuant to the Lease subject to the Leaseback and the PILOT Agreement;
- (C) The Agency has the authority to take the actions contemplated therein 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 the County and otherwise furthering the purposes of the Agency as set forth in the Act.

Section 5. Subject to the Company executing an Agent and Project Agreement in form and substance approved by the Chief Executive Officer, the Agency hereby authorizes the Company to proceed with the acquisition, construction, installation and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency to acquire, construct, install and equip the Project on behalf of the Agency; with the authority to delegate its status as agent of the Agency to the Company’s agents, subagents, contractors, subcontractors, suppliers, vendors and other such parties as the Company may choose. The appointment described above includes the

following activities as they relate to the acquisition, construction, installation and equipping of the Project, whether or not the materials, services or supplies described below are incorporated into or become an integral part of the Project; (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with the acquisition, construction, installation and equipping of the Project; (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description in connection with the acquisition, construction, installation and equipping of the Project; and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs with respect thereto), installed or placed in, upon or under the Project, including all repairs and replacements of such property. This agency appointment includes the power to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agents for the Agency, and in general to do all things which may be requisite or proper for completing the Project, all with the same powers and with the same validity as the Agency could do if acting on its own behalf. The aforesaid appointment of the Company as agent of the Agency to acquire, construct, install and equip the Project shall expire on December 31, 2021 if the Transaction Documents have not been executed and delivered.

Section 6. The Transaction Documents which were negotiated by the Executive Director, are hereby approved as to form and substance on condition that: (i) the payments under the Leaseback 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) while the terms of the PILOT Agreements are not consistent with the Agency's Uniform Tax Exemption Policy a deviation therefrom has been approved by the Agency.

Section 7. The Chairman, Executive Director or Chief Executive Officer of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Transaction Documents in the form presented at this meeting all with such changes, variations, omissions and insertions as the Chairman, Executive Director or Chief Executive Officer of the Agency shall approve, the execution thereof by the Chairman, Executive Director or Chief Executive Officer of the Agency to constitute conclusive evidence of such approval.

Section 8. The officers, employees and agents of the Agency are hereby authorized and directed 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 this resolution 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 9. It is hereby found and determined that all formal actions of the Agency concerning and relating to the adoption of this resolution were adopted in an open meeting of the Agency; and that all deliberations of the Agency and of any of its committees that

resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

Section 10. The Executive Director, Chief Executive Officer or Counsel to the Agency is hereby authorized and directed (i) to distribute copies of this resolution to the Company; and (ii) to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.

Section 11. This resolution 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:

Suzanne Loughlin	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Edward T. Sykes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Carol Roig	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Howard Siegel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Scott Smith	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Paul Guenther	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Sean Brooks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

The resolution was thereupon duly adopted.

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY**  
**548 Broadway**  
**Monticello, New York 12701**  
**845-428-7575**  
**APPLICATION FOR FINANCIAL ASSISTANCE**

**I.     APPLICANT INFORMATION:**

Company Name:     Glen Wild Land Company, LLC<sup>1</sup>

Address:             c/o Avon Road Partners, LP P.O. Box 204, Rock Hill, NY 12775

Phone No.:          (917) 453-5100

Telefax No.:

Email Address:     rab@AVONROADPARTNERS.COM

Fed Id. No.:          56-2491289

Contact Person:     Robert Berman

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership): RH Land Development LLC (30%), Mount Carmel Equities (70%).

Principal Owners (Shareholders/Members/Owners): \_\_\_\_\_

Directors/Managers: \_\_\_\_\_

Officers: Robert Berman (Managing Member);

*Corporate Structure (attach schematic if Applicant is a subsidiary or otherwise affiliated with another entity)* See organizational chart in Exhibit A, attached hereto.

---

Form of Entity:

\_\_\_\_\_ Corporation (Sub-s)

Date of incorporation: \_\_\_\_\_

---

<sup>1</sup> The Applicant hereby reserves the right to assign, either directly or indirectly, all or part of its rights and obligations under this Application and/or any Inducement Resolution of the Agency, upon the prior written consent of the Agency.

State of incorporation: \_\_\_\_\_

\_\_\_\_\_ Partnership

General \_\_\_\_\_ or Limited \_\_\_\_\_

Number of general partners \_\_\_\_\_

If applicable, number of limited partners \_\_\_\_\_

Date of formation: \_\_\_\_\_

Jurisdiction formation: \_\_\_\_\_

  X   Limited Liability Company/Partnership (number of members 2)

Date of organization: December 8, 2004

State of organization: NY

\_\_\_\_\_ Sole Proprietorship

If a foreign organization, is the Applicant authorized to do business in the State of New York? Yes\_\_\_\_ No\_\_\_\_ N/A   X   (If so, please append Certificate of Authority.)

#### APPLICANT'S COUNSEL

Name: Brown Duke & Fogel, P.C., Attn.: George Duke, Esq.

Address: 449 Broadway, Monticello, NY 12701

Phone No.: 646-915-0236

Telefax No.: 646-219-2601

Email Address: gduke@bdflegal.com

#### II. REQUESTED FINANCIAL ASSISTANCE

#### Estimated Value

Real Property Tax Abatement (estimated)	<u>\$TBD</u>
Mortgage Tax Exemption	<u>\$ 500,000</u>
Sales and Use Tax Exemption	<u>\$ 2.8M</u>
Issuance by the Agency of Tax-Exempt Bonds	<u>\$ N/A</u>

III. PROJECT INFORMATION

A.) Project Location:

Project Address: Glen Wild Road and Rock Hill Drive, Town of Thompson

Tax Map Number(s): 32.-1-6; 32.-1-7; 32.-1-9.2; 32.-1-10; 25.-1-21.2<sup>2</sup>

Located in the Village of: N/A

Located in Town of Thompson

Located in the School District of Monticello

Located in Hamlet of Rock Hill

(i) Are Utilities on Site?

Water/Sewer Pending<sup>3</sup> Electric To be constructed

Gas No Storm Sewer To be constructed

(ii) Present legal owner of the site: Glen Wild Land Company, LLC

If other than Applicant, by what means will the site be acquired for this Project:

N/A

(iii) Zoning of Project Site: Current: SR/HC-2 Proposed: N/A

(iv) Are any variances needed: Area variance for building height

(v) Principal Use of Project upon completion: Commercial Park - Warehousing and Distribution

B.) Will the Project result in the removal of a plant or facility of the Applicant or a proposed Project occupant from one area of the State of New York to another area of the State of New York? No; If yes, please explain:

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<sup>2</sup> Listed tax lot and block information is subject to change due to anticipated Lot Improvement/Lot Consolidation application to create a separate tax parcel(s) for the Project Site.

<sup>3</sup> Three existing water wells are anticipated to be sufficient to supply adequate water to the Avon Commercial Park. Infrastructure improvements to be constructed pursuant to the instant application will network these wells for on-Site use. It is further anticipated that the Thompson/Rock Hill Sewer District will be extended to include the Avon Commercial Park and related infrastructure. A request to extend the Sewer District was submitted to the Town of Thompson Planning Board on May 28, 2021. Sewer improvements are anticipated to include a pump station and networked piping at the Avon Commercial Park.

- C.) Will the Project result in the abandonment of one or more Plants or facilities of the Applicant or a proposed Project occupant located in the State of New York? No ; If yes, please explain:

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- D.) If the answer to either question B or C above is yes, you are required to indicate whether any of the following apply to the Project:

1. Is the Project reasonably necessary to preserve the competitive position of the Applicant or such Project Occupant in its industry? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please explain:

N/A

2. Is the Project reasonably necessary to discourage the Applicant 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 explain:

N/A

- E.) Will the Project include facilities or property that will be primarily used in making retail sales of goods or provide services to customers who personally visit such facilities? No ; If yes, please contact the Agency for additional information.

- F.) Please provide a narrative of the Project and the purpose of the Project (new build, renovations, and/or all equipment purchases). Identify specific uses occurring within the Project. Describe any and all tenants and any/all end users. Describe the proposed acquisitions, construction or reconstruction and a description of the costs and expenditures expected. Attach additional sheets, if necessary. See Exhibit B, attached hereto.

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- G.) COSTS AND BENEFITS OF THE PROJECT

Costs = Financial Assistance<sup>4</sup>

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<sup>4</sup> It is our understanding that the Agency will retain a consultant to perform a “Cost–Benefit” analysis of the estimated value of the benefits that are to be provided by the Agency to the Applicant in accordance with its customary valuation practices. The Applicant shall undertake to provide all necessary information to Agency upon request so that such values may be developed. Furthermore, information to be provided to the Agency to facilitate its

Estimated Sales Tax Exemption	<u>\$2.8M</u>
Estimated Mortgage Tax Exemption	<u>\$500,000</u>
Estimated Property Tax Abatement	<u>\$ TBD</u>
Estimated Interest Savings IRB Issue	<u>\$ N/A</u>

Benefits= Economic Development

Jobs created	<u>\$ TBD</u>
Jobs retained	<u>\$ 0</u>
Private funds invested	<u>\$70,000,000</u>
Other Benefits	<u>\$ TBD</u>

Estimate how many construction/permanent jobs will be created or retained as a result of this Project:

Construction:	<u>250</u>
Permanent:	<u>1,000</u>
Retained (at current facility):	<u>N/A</u>

Project Costs (Estimates), Land and Existing Buildings <sup>5</sup>	<u>\$67,500,000</u>
Soft Costs (5%)	<u>\$ 2,500,000</u>
Other	<u>\$</u>
Total	<u>\$70,000,000</u>

In addition to the above estimated capital costs of the project, which must include all costs of real property and equipment acquisition and building construction or reconstruction, you must include details on the amounts to be financed from private sector sources, an estimate of the percentage of project costs financed from public sector sources and an estimate of both the amount to be invested by the Applicant and the amount to be borrowed to finance the Project.

To date all land acquisition costs and investment have been private investment sources. Future investment sources to be determined.

In addition to the job figures provided above, please indicate the following:

- 1) The projected number of full-time equivalent jobs that would be retained and that would be created if the request for financial assistance is granted.

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analysis is deemed confidential, proprietary, trade secrets or otherwise exempt from disclosure under Article 6 of the New York State Public Officers Law (also known as the Freedom of Information Law ("FOIL")).

<sup>5</sup> Site work related to the instant application is anticipated to cover roads and infrastructure to be utilized by Commercial Park user(s).



250 est. new construction jobs.

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2) The projected timeframe for the creation of new jobs.

Approximately 8 months.

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3) The estimated salary and fringe benefit averages or ranges for categories of the jobs that would be retained or created if the request for financial assistance is granted.

<i>At full build</i> – Anticipated Full Time Occupations	Salary (Annual)	Current Number of FTEs	Estimated Number of FTE Jobs added each year after project – Year 1	Estimated Number of FTE Jobs added each year after project – Year 2
Associate	\$30K	0	450	450
Lead Associate	\$33K	0	25	25
Area Manager	\$60K	0	13	12
Operations Manager	\$60K	0	13	12
Jobs Creation Subtotal			500	500

4) An estimate of the number of residents of the economic development region as established pursuant to section two hundred thirty of the Economic Development Law, in which the project is located that would fill such jobs. The labor market area defined by the agency (Mid-Hudson Economic Development Region)

1,433,386

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H.) State whether there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency, or, if the project could be undertaken without financial assistance provided by the Agency, a statement indicating why the project should be undertaken by the Agency.

IDA financial assistance is essential to the Avon Commercial Park's success. Financial assistance is required in order to stay financially viable in this competitive marketplace. 100% of similarly-situation projects in New York State receive financial assistance from their local Industrial Development Agencies.

#### IV. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

A) 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 Agency, 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) ("JTPA") in which the Project is located.

- B) First Consideration for Employment. In accordance with Section 858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C) Annual Sales Tax Filings. In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- D) Annual Employment Reports. The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.
- E) Absence of Conflicts of Interest. The Applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described.
- F.) The Applicant represents that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:


§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the

basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

- G.) The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H.) The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- I.) The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

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

Glen Wild Land Company, LLC


  
By: Robert Berman, Managing Member

Date: July 30<sup>th</sup> 2021

STATE OF NEW YORK     )  
COUNTY OF SULLIVAN    ) ss

Robert Berman, being first duly sworn, deposes and says:

1. That I am the Managing Member of Glen Wild Land Company, LLC (collectively, the Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

  
Robert Berman

Subscribed and affirmed to me under penalties of perjury  
this 30 day of July, 2021.

  
(Notary Public)

George Duke  
Notary Public State of New York  
My Commission Expires June 13, 2024  
Registration No. 02DU6104497


**THIS APPLICATION SHALL BE SUBMITTED WITH (I) TWO CHECKS: ONE COVERING A \$250.00 APPLICATION FEE AND THE SECOND COVERING A \$5,000.00 UP-FRONT ESCROW DEPOSIT; AND (II) APPLICANT'S FORMATION DOCUMENTS (IE: IF A CORPORATION: ITS CERTIFICATE OF INCORPORATION AND BYLAWS; IF A LIMITED LIABILITY COMPANY: ITS ARTICLES OF ORGANIZATION AND OPERATING AGREEMENT; IF A LIMITED PARTNERSHIP: ITS CERTIFICATE OF LIMITED PARTNERSHIP AND LIMITED PARTNERSHIP AGREEMENT; OR IF A PARTNERSHIP: ITS PARTNERSHIP AGREEMENT TO:**

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY  
Executive Director  
548 BROADWAY  
MONTICELLO, NEW YORK 12701**

## HOLD HARMLESS AGREEMENT

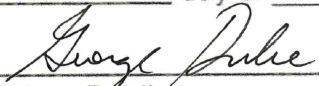
Applicant hereby releases the COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof ("Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency 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 Agency 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 Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

Glen Wild Land Company, LLC

  
By: Robert Berman, Managing Member

Date: July 30th 2021

Sworn to before me this  
30 day of 30, 2021.

  
Notary Public

George Duke  
Notary Public State of New York  
My Commission Expires June 13, 2024  
Registration No. 02DU6104497

## Exhibit B

### **Project Description – Avon Commercial Park**

Glen Wild Land Company, LLC (“Glen Wild” or the “Applicant”) currently owns approximately 560 acres in the Town of Thompson. The property is located north of New York State Route 17 and Rock Hill Drive, east of Edwards Road, south of Marsh Road, and east and west of Glen Wild Road (County Route 58) (the “Property”). Glen Wild is proposing to develop a +/- 2.0 million square-foot warehousing/distribution center to be known as the Avon Commercial Park (the “Avon Commercial Park” or the “Project”) on approximately 160 acres of the Property. The Project will be located on the southernmost portion of the Property located on Rock Hill Drive (Town Road No. 51), specifically on portions of tax lots 32-1-6, 32-1-7, 32-1-9.2, 32-1-10, and 25-1-21.2 (the “Project Site”).

The Project is proposed to be developed in two steps. The first step will include the development and installation of site work, roadways and infrastructure necessary to support the proposed development of an approximately 2 million ft<sup>2</sup> warehousing/distribution facility. Once the roads and site infrastructure are installed, the end user will construct the vertical development component tailored to its specific commercial warehousing needs.

The Project Site is located within the Highway Commercial (HC-2) zoning district in the Hamlet of Rock Hill, which allows such a development under the Town of Thompson’s Zoning Law by special use permit. The Project Site also conforms to the location restrictions set forth in the Agency’s Commercial/Industrial Park Program and is located within an area targeted for investment by the Agency.

The initial development will result in approximately \$70 million in investment and create between 200 and 300 well-paying construction jobs in Sullivan County. At full build-out, it is anticipated that the Project will generate over \$100 million in investment and create over 1,000 well-paying full-time jobs in Sullivan County.