



PLEASE NOTE: Confidential information should NOT be inserted in this form as this form will be posted on our website. All confidential information should be inserted by marking "see confidential attachment note 1" etc.

APPLICANT INFORMATION		
Applicant's Name: Jackson Terrace Preservation, LLC		Date of final application Submission: <u>11</u> / <u>11</u> / <u>2020</u> Amended 12/2/2020
Name of Person Completing Application and Title: Jason Bordainick, Managing Partner & Co-Founder		
Name of Company (if applicable): c/o Hudson Valley Property Group, LLC		
Address: 200 Vesey Street, 24th Floor, New York, NY 10281		
Phone: 917-398-4100	Mobile:	Email: jason@hvpbg.com
PROJECT INFORMATION		
Project Address: 100 Herriot Street, Yonkers, NY 10701		
Block(s) & Lot(s): B: 180 & L: 100		
Present Legal Owner of Site: Herriot Street Housing, LP		Is applicant/affiliate present owner of the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
How will the site be acquired: (if applicable) Fee simple acquisition		When is the site planned to be acquired: <small>Per Purchase Agreement, must close by December 2020</small>
Current Zone: <small>Zone A, Apartment Houses, High Density</small>	Proposed Zone:	Are any variance needed: No
Is this project located in: Distressed Area: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Former Empire Zone: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>*if unknown, please inquire with IDA Staff</small> We do not believe the project is located in either of these areas/zones, and will confirm with IDA Staff.		
PRINCIPAL USE OF PROJECT: Attach your full Project Narrative Statement describing project (i.e: land acquisition, scope of construction, timeline, sq footage, usage breakdown, anticipated revenues, contribution to community, etc.) and renderings to the completed application upon final submission. Narrative exhibit attached.		
Is the location currently: <input type="checkbox"/> Vacant land <input type="checkbox"/> Abandoned <input checked="" type="checkbox"/> In use / occupied Please provide a brief description of the current use of project location(s): Jackson Terrace Apartments is a 181-unit rental affordable housing development, in use and occupied.		Proposed Project's operation type: <input type="checkbox"/> Commercial <input type="checkbox"/> Manufacturing <input type="checkbox"/> Other: _____ <input type="checkbox"/> Retail (complete retail questionnaire) <input checked="" type="checkbox"/> Housing: Senior / Affordable / Market Rate If housing please provide # of units, unit mix, street level use: Please provide a brief description of the principal use of project upon completion:
Estimated date project will need to begin utilizing benefits:		<u>12</u> / <u>15</u> / <u>2020</u>
Likelihood of accomplishing proposed project within three (3) years:		<input checked="" type="checkbox"/> Likely or <input type="checkbox"/> Unlikely

ESTIMATED PROJECT COSTS (Use best estimates. Any amendments should be sent as addendum to application)

VALUE OF PROPERTY to be acquired \$ 33,500,000
If you intend to leverage property already owned indicate intended mortgage value: \$ N/A
TOTAL COST OF CONSTRUCTION: (labor + materials) \$ 2,699,003*
Labor: \$ 861,565 Equipment/Materials: \$ 1,837,438
NON CONSTRUCTION Equipment / Furnishings: \$ _____
SOFT COSTS: \$ 134,910
Other (explain): Title, Deposits & Escrows \$ 2,463,100
TOTAL PROJECT COST \$ 38,797,013

*Amended application includes additional 1.2M construction costs related to parking garage repairs. Please see below project narrative for more detail.

Is there likelihood that the Project would NOT be undertaken IF NOT FOR financial assistance provided by the Agency?

☒ Yes ☐ No Please provide an attached statement indicating why the Project should be undertaken by the Agency
Narrative exhibit attached.

COST (Financial Assistance) **BENEFIT** (Economic Development) **ANALYSIS**

FINANCIAL ASSISTANCE REQUESTED (check all that apply)		VALUE OF EXEMPTIONS to be completed by IDA staff
<input checked="" type="checkbox"/> SALES AND USE TAX EXEMPTION: Estimated value of Goods and Services to be exempt from sales and use tax (see "Recapture" on page 8)	Value of taxable purchases: \$ 1,837,438	\$ _____
<input checked="" type="checkbox"/> MORTGAGE RECORDING TAX EXEMPTION:	Estimated Mortgage amount: \$ 26,440,000	\$ _____
<input type="checkbox"/> REAL PROPERTY TAX AGREEMENT (PILOT) Requested duration of PILOT: We are looking to assume the existing PILOT Agreement (expires 2035) with the ability to later explore an additional term.	YEARS: _____	\$ _____
<input type="checkbox"/> INDUSTRIAL REVENUE BOND (IRB) Is a purchaser for the Bonds in place? <input type="checkbox"/> Yes <input type="checkbox"/> No	Estimated value of bond: \$ _____	\$ _____

TOTAL VALUE OF FINANCIAL ASSISTANCE REQUESTED: \$ _____

Economic Development = BENEFIT

Private Funds invested	\$ 12,357,013	Expected Gross Taxable Receipts:	\$ _____
Estimated Bank Financing	\$ 26,440,000	Add'l Revenue to City/School District:	\$ _____
State and Federal grant/credit:	\$ _____	OTHER BENEFITS:	
	\$ _____	<input checked="" type="checkbox"/> Community Development	
	\$ _____	<input type="checkbox"/> Development that will attract other investment	
	\$ _____	<input type="checkbox"/> Regionally Significant	
TOTAL INVESTMENT IN PROJECT	\$ 38,797,013	<input checked="" type="checkbox"/> Improve the quality of life for the Residents of the City	
*Current owner is looking for outstanding bond to be prepaid.		<input type="checkbox"/> Other: _____	

EMPLOYMENT PLAN

	CURRENT # of jobs at proposed project location	# of jobs to be RELOCATED TO project location	If financial assistance is granted		Estimate the # of residents of the Labor Market Area in which the Project is located that will fill the FT and PT jobs to be created upon THREE years after Project completion*
			Estimate # of FT and PT jobs to be <u>RETAINED</u>	Estimate the # of FT and PT jobs to be <u>CREATED</u> upon THREE years after project completion	
Full Time - FT	5	0	5	0	N/A
Part Time - PT	0	0	0	0	N/A
Total	5	0	5	0	

*Labor Market Area includes: _____

SALARY FRINGE BENEFITS FOR JOBS TO BE RETAINED AND/OR CREATED:

JOB CATEGORY	# job RETAINED	# jobs CREATED	SALARY (\$ Average or \$ Range)	FRINGE BENEFITS (\$ Average or \$ Range)
Management	1	0	\$70,000	\$11,318
Professional	0	0		
Administrative	0	0		
Production/Skilled Worker	4	0	\$43,415	\$27,075
Independent Contractor	0	0		
Other (not including construction jobs)	0	0		

INTER-MUNICIPAL MOVE DETERMINATION

Will the project:

- Result in the removal or abandonment of a plant or facility of the applicant from one area of the State of New York to another? ☐ Yes ☒ No
- Result in the removal of a plant or 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
- Result in the abandonment of one or more plants or facilities located in the State of New York? ☐ Yes ☒ No

If **Yes**, to any of the above explain how the Agency's Financial Assistance is required to prevent the Project from relocating out of the State or is reasonably necessary to preserve the Project occupants position in its respective industry:



CONSTRUCTION

Estimated length of construction: 12 MONTHS Estimated start: 1 / 2021 Estimated completion: 1 / 2022
MM YY MM YY

Estimate cost of project construction: \$ 2,699,003

Total cost attributable to materials: \$ 1,837,438

Total cost attributable to labor: \$ 861,565

Estimate how many **construction jobs** will be created as a result of this project: approximately 30*

Estimated aggregate number of work hours of manual workers to be employed in project construction: _____

Will project construction be governed by a project labor agreement ("PLA") with the Building and Construction Trades Council of Westchester and Putnam Counties, New York AFL-CIO ("Council")¹? ☐ Yes ☒ No

If you have answered YES to the preceding question, please attach a copy of the PLA; and you need not Complete the remaining portions of this Section (but please see note below).

***Conservative estimate based on Federal Home Loan Bank's researched data indicating one job is created for every \$90,451 in project construction costs.**

CONTRACTOR INFORMATION If contractor/subcontractor has a permanent location in or around Westchester County please use address.

List each Project Construction Contractor or Subcontractor below (currently known or reasonably expected to be hired) (Attached form for any additional and attach to the completed Application when submitting to IDA. Application will be considered incomplete if form is not included and will delay process.)

☒ Contractor ☐ Subcontractor

Name: Anthony Di Capua

Company Name: Fincor Construction

Address: 485 C Route 1 South, Suite 350, Iselin, NJ 08830

☐ Contractor ☐ Subcontractor

Name:

Company Name:

Address:

☐ Contractor ☐ Subcontractor

Name:

Company Name:

Address:

¹ This may be either a PLA already in effect with the landlord of the Project facility, or a PLA made (or to be made) between the Applicant and the Council directly in connection with Project Construction.



CONSTRUCTION (continued)

If some or all of the Contractor(s) or Subcontractor(s) to be involved in Project construction cannot reasonably be identified at this time, state whether it is Applicant's intention to require the following in its contract(s) for Project construction:

a) Local hiring (100 mile radius from project site): ☒ **Yes** ☐ **No**

b) Will contract require local hiring? ☐ **Yes** ☒ **No**

If Yes, percentage of manual workers that will be local: _____ %

c) Union Labor?: ☐ **Yes** ☒ **No**

d) If Non-Union, will contract require payment of Prevailing Wage?: ☐ **Yes** ☒ **No**

If the answer to question "(b)" or "(c)" above is NO, explain omission:

To be discussed with YIDA.

*Financially the project is not supportable with prevailing wage but we are committed to utilizing best efforts for local hiring.

NOTES:

For purposes of this Application, "Prevailing Wage" shall mean the "prevailing rate of wage" as defined in Article 8 of the New York Labor Law.

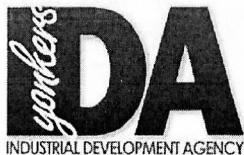
If Applicant has indicated herein that Project Construction will involve a PLA, union labor, local hiring, and/or payment of Prevailing Wage, the Agency reserves the right to include such requirements in the Project Documentation as conditions for the extension and retention of tax benefits.

ENVIRONMENTAL REVIEW:

Has the required environmental review under the State Environmental Quality Review Act (SEQRA) been completed?

☐ **Yes** ☒ **No**

If yes, please attach all documentation (e.g. environmental assessment form, environmental impact statement, findings and determinations of lead agency, to the extent applicable).



APPLICATION FOR FINANCIAL ASSISTANCE

470 Nepperhan Avenue | Suite 200 | Yonkers, New York 10701
(914) 509-8651 www.yonkersida.com

APPLICANT'S COUNSEL

Name of Counsel: Meghan Altidor, Partner, Nixon Peabody	Phone 212-940-3021
Address 55 West 46th Street, Tower 46, NY, NY 10036	Email: maltidor@nixonpeabody.com

PRINCIPAL OWNERS DIRECTORS: (List owners with 15% or more in equity holdings with and their ownership percentage)

HVPF Jackson Terrace, LLC (99.95%)		

Type of entity: ☐ Taxable ☐ Tax-Exempt Establishment Date: 10 / 05 / 2020 State of Organization: DE
☐ Corporation ☐ Partnership : ☐ General; Number of General Partners: _____
☐ Limited; Number of Limited Partners: _____
☒ Limited Liability Company/Partnership: Number of Members: 2
☐ Sole Proprietorship _____

If a foreign organization, is the Applicant authorized to do business in the State of New York? ☐ Yes ☒ NO
NOT APPLICABLE

Corporate Structure – (Attach a schematic if Applicant is a subsidiary or otherwise affiliated with another entity) NOT APPLICABLE



APPLICATION FOR FINANCIAL ASSISTANCE

470 Nepperhan Avenue | Suite 200 | Yonkers, New York 10701
(914) 509-8651 www.yonkersida.com

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 Financial Assistance from the Agency, except 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 Employ – In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives Financial Assistance from the Agency, except 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 the 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 including corresponding payroll records for the year ending.
- E) Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees 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.

- F) Compliance with Applicable Laws: 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.



REPRESENTATIONS by the APPLICANT (continued)

- G) False and Misleading Information: 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.
- H) Recapture: Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- I) 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 employees of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described:

- J) All indemnifications and representations made by the Applicant in the within Application for Financial Assistance are made both to YIDA and YEDC.
- k) YIDA and YEDC are represented by Harris Beach PLLC as transaction counsel, or if Harris Beach PLLC has a conflict then YIDA and YEDC will identify an alternative law firm to act as Transaction Counsel. You are responsible for the costs and expenses of YIDA and YEDC Transaction Counsel and YIDA and YEDC will establish and have you maintain escrowed funds as the project progresses to pay Transaction Counsel fees. YOU WILL RECEIVE AN ACKNOWLEDGEMENT AFTER SUBMISSION OF THIS APPLICATION THAT OUTLINES ALL COSTS AND BENEFITS AND YOU WILL NEED TO SIGN THE ACKNOWLEDGMENT BEFORE FINAL APPROVALS ARE MADE AVAILABLE.



HOLD HARMLESS AGREEMENT

Applicant hereby releases City of Yonkers Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, and agrees that the Agency shall not be liable for and the applicant agrees to indemnify, defend, pay and hold the Agency harmless from and against any and all liability arising from or expense incurred by the Agency concerning (A) the Agency's costs and expenses in the examination and processing of, as well as action pursuant to or upon, the attached Application, as well as verification of assertions in the application or other applicant submittals or applicant claims made now or in the future, 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 costs and expenses in reviewing any acquisition, construction and/or installation of the Project described therein and (C) and further action, costs and expenses taken by the Agency – with respect to the project; including without limiting the generality of the foregoing, all causes of action and fees and expenses for Agency attorneys, accountants, economists, engineers, architects or other professionals or consultants incurred regarding any part of the application or the review and/or approval and/or monitoring of compliance by the applicant with all laws, rules and regulations and/or in defending any suits or actions which may arise as a result or any for 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, 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 fees and expenses for Agency attorneys, accountants, economists, engineers architects or other professionals or consultants, if any.

Applicant upon approval shall be responsible for any reasonable costs incurred by the Agency to verify employment or use of benefits received by the YIDA or other information required under the Public Authorities Accountability Act or other law, rule or regulation otherwise at the time said Verification is required.

This Indemnity and Hold Harmless Agreement shall survive any closing or other transaction in which benefits are sought or received by the applicant and shall continue for a period of time up to and including three years after the last benefit is received by the applicant from the City of Yonkers Industrial Development Agency.



CERTIFICATION

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.

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

Jason Bordainick, being first duly sworn, deposes and says:

1. That I am the Authorized Signatory of Jackson Terrace Preservation, LLC and that I am
(Corporate Officer) (Applicant)
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.

Subscribed and affirmed to me under penalties of perjury
this 2 day of December, 2020.

Shannon Serwich

(Notary Public)

(Signature of Officer)

SHANNON SERWICH
NOTARY PUBLIC STATE OF NEW YORK
NO. 01SE6366393
Qualified in Kings County
My Commission Expires October 30, 2021

APPLICATION FEE & PROCESSING

Enclose with this Application is the non-refundable Application Fee in the amount of \$600.00 to remittance address:

YONKERS INDUSTRIAL DEVELOPMENT AGENCY
470 Nepperhan Avenue, Suite 200
Yonkers New York 10701

FEES

AGENCY CLOSING FEE:

The Agency will collect an Agency Fee at the time of IDA closing. Fees are based on the type of financial transaction. (Please see fee schedule below)

Agency Fee Type

Fee

Straight Lease Transactions	.5% of Total Project Cost
Bond Transactions	1% of Total Project Cost

ANNUAL ADMIN FEE:

The Agency will collect an Annual Administrative Fee based on your project type and amount. This fee will be due annually on Feb 28th, after IDA benefits are provided to the project. (Please see fee schedule below)

Project Type: Straight Lease

Annual Fee

Up to \$10M	\$ 500
Over \$10M	\$1,000

Project Type: BONDS

Annual Fee

Up to \$10M	\$1,000
Over \$10M	\$2,000

PLEASE NOTE: Confidential information should NOT be inserted in this form as this form will be posted on our website. All confidential information should be inserted by marking "see confidential attachment note 1" etc.



HUDSON VALLEY
PROPERTY GROUP

PROJECT NARRATIVE STATEMENT

Developer: Jackson Terrace Preservation, LLC
Address: c/o Hudson Valley Property Group
200 Vesey Street, 24th Floor
New York, NY 10281

Project Name: Jackson Terrace Apartments

Project Location: 100 Herriot Street
Yonkers, NY 10701

Project Description: Jackson Terrace Preservation, LLC - c/o Hudson Valley Property Group (HVPG) - is in contract to acquire Jackson Terrace Apartments with an anticipated closing date of December 2020 per the purchase and sale agreement. Jackson Terrace Apartments is comprised 181 low-income housing family rental units, 52 of which receive subsidy through a HUD project-based Section 8 Housing Assistance Payment (HAP) contract. Current onsite amenities include: a common area, laundry room, on-site parking, and resident community programs.

The property went through a Low-Income Housing Tax Credit (LIHTC) rehab in 2006 provided by New York State Division of Housing and Community Renewal (DHCR) and is currently subject to 30-year LIHTC compliance period. The applicant will be assuming the HUD project-based Section 8 HAP contract and will continue to operate the property in compliance with the LIHTC Use Agreement. HVPG will ensure that the property is preserved as affordable housing for long-term through and beyond the compliance period.

The acquisition will be financed through a creative structure that invests private capital from HVPG's affordable housing preservation fund to preserve low-income housing for the long-term. This project is representative of a ~\$39M investment in Yonkers' affordable housing supply.

On or about October 31, 2020 Jackson Terrace Preservation, LLC ("Developer") filed an application with the Industrial Development Agency of Yonkers seeking the assumption and assignment of the current in-place PILOT Agreement with the potential to later extend the current PILOT term beyond 2035.

Current tax agreement:

- 31-year term beginning Mar 2004, expiring in Dec 2035
- PILOT Payment: 3.5% of Shelter Rent per annum with the \$70,000 minimum total PILOT payment per annum

The Developer proposes to acquire and rehabilitate the 181-unit affordable housing. Additionally, the project proposes investment of \$38,797,103 within the City of Yonkers for purchase, hard costs, soft and

200 VESEY ST., 24TH FL. NEW YORK, NY 10281

PHONE: 917.398.4100 • FAX: 917.398.4101 • www.hvpg.com



HUDSON VALLEY
PROPERTY GROUP

other costs related to the project. If we are not awarded the PILOT assumption, the amount of debt the project can support will be diminished by ~\$6M making the acquisition and preservation not feasible. The PILOT assumption is necessary for the financing.

Proposed Scope of Work:

The proposed rehabilitation at Jackson Terrace Apartments will prioritize building modernization, energy efficiency upgrades, and parking garage repairs.

- Energy savings measures to include:
 - New aerators at faucets in common areas and apartment units
 - New low- flow toilets in common areas and units.
 - New showerheads in units
 - E-STAR appliances in units as needed
 - Boiler upgrades to ensure higher efficiency
 - Building roof upgrades with additional insulation.
 - LED fixtures throughout property with occupancy sensors in corridors
- Parking garage repairs to include:
 - Select metal pan/slab replacement
 - Concrete/CMU crack repair
 - Select wall rebuild
 - Beam repairs
 - Garage coating

200 VESEY ST., 24TH FL. NEW YORK, NY 10281

PHONE: 917.398.4100 • FAX: 917.398.4101 • www.hvpg.com