



**Regular Meeting
of the
Yonkers Industrial Development Agency**

**PRELIMINARY
AGENDA**

January 23, 2024

At 11:00 a.m.

Agenda Subject to Change

- 1) Roll Call
- 2) Minutes for Meeting December 28, 2023
- 3) Financials for November 2023
- 4) Resolutions for Consideration:
 - I. Final Resolution - Miroza Tower LLC (44 Hudson)
 - II. Final Resolution - Warburton Avenue Apartments LLC
- 5) Other Business/and Any Other Business that Comes Before the Board
- 6) Legal Updates
- 7) Adjournment



**Minutes of
The City of Yonkers Industrial Development Agency
Regular Board of Directors Meeting
December 28, 2023**

BEFORE:

Mayor Mike Spano – Chairman
Marlyn Anderson – Vice Chairman/Secretary
Melissa Nacerino – Treasurer
Cecile D. Singer – Member
Victor Gjonaj – Member
Henry Djonbalaj – Member
Roberto Espiritu – Member (Excused)

IDA STAFF:

Jim Cavanaugh – President & CEO
Jaime McGill – Executive Director
Siby Oommen – Chief Fiscal Officer

OTHERS:

Michael Curti, Esq. - Harris Beach PLLC, Transaction Counsel
Lawrence R. Sykes, Esq. – IDA Counsel
Joseph Lynch, Esq. – Nixon Peabody LLP
Eric Wolf – Main Street Lofts Yonkers LLC

MAYOR SPANO: Roll call.

MR. OOMMEN: Mayor Spano?

MAYOR SPANO: Here.

MR. OOMMEN: Marlyn Anderson?

MS. ANDERSON: Here.

MR. OOMMEN: Melissa Nacerino?

MS. NACERINO: Here.

MR. OOMMEN: Henry Djonbalaj?

MR. DJONBALAJ: Here.

MR. OOMMEN: Victor Gjonaj?

MR. GJONAJ: Here.

MR. OOMMEN: Roberto Espiritu is running late. Mayor we have a quorum.

MAYOR SPANO: Excellent so everyone should have the minutes of the November 21st meeting of this year in front of them. Are there any questions? Corrections? If not somebody want to make motion. Cecile's made a motion to accept the minutes. Seconded by Henry. All in favor?

ALL BOARD MEMBERS: Chorus of ayes.

MAYOR SPANO: Any negatives? Hearing none the minutes are passed. Jaime resolutions for consideration?

MS. MCGILL: Our first resolution is a final resolution for Main Street Lofts Yonkers LLC. We have Michael Curti here as transaction council as well as a representative from the project.

MR. CURTI, ESQ.: Good afternoon Mayor Mike Curti, Harris Beach transaction counsel to the IDA. This is the final resolution for the Main Street Lofts project, the board heard a presentation by the applicant at our last meeting. Today the Executive Director will deliver the cost benefit analysis for this project. This was a project of the IDA one of the earlier ones from the mid 2000's the applicant is looking to keep a certain portion of units affordable on a go forward basis and requires financing and also the refinancing is really some light renovations to be occurring at the project site and I'll turn it over to the Executive Director to deliver cost benefit analysis.

MS. MCGILL: Sure, so project has requested sales tax on their \$1.4 million improvements and as well as a pilot although the P.I.L.O.T does not convey any benefit it just secures a 2% tax cap for them to help them to secure financing. We did have Storrs Associates, do a third-party assignment. They did find that the P.I.L.O.T cap prevents a year two year increase of more than 2% so they estimate that no tax savings is conveyed for the P.I.L.O.T agreement. They also find that the requested construction materials and

the sales tax exemption of \$64,000 which has a \$32,000 impact on the City of Yonkers is reasonable in the savings for the applicant is meaningful for the improvement plan.

They do further recommend that the continued assistance, although it's modest and dollars it is important for the improvements, the operating stability and preservation of affordable units to the City of Yonkers and the recommendation is to approve the request.

MAYOR SPANO: Are there any questions? Hearing none. Henry's made emotion seconded by Melissa. All in favor?

ALL BOARD MEMBERS: Chorus of ayes,

MAYOR SPANO: Any negatives? Hearing none. The resolution is passed. Item 2.

MS. MCGILL: Our next item is a resolution authorizing Warburton Avenue Apartments LLC and LDA extension. We do have Michael Curti here to talk to walk you through that transaction.

MR. CURTI, ESQ.: Thank you again, Chair and members of the board. Before you is a resolution authorizing an extension to the existing LDA with Warburton Avenue Apartments -this is Conifer a joint venture between Conifer and C.U.R.E - James Simmons. You may recall we had an additional extension brought before the board last year at this time we were extending it again because they are working out their financing with New York State. They are getting 9% tax credits New York State has indicated to them they have to close on or before March 1st of this upcoming year of 2024. The resolution authorizing an extension of the LDA home to close from December 31, 2023, which is on Sunday to March 31st and I believe this will be the last time will be coming to the board. I'll also note that in addition to the LDA with the IDA, there's an LDA between the IDA and the city as well. Because these are city parcels that are being sold, there was a local law adopted by the City Council back in 2022 authorizing the disposition of these properties to the IDA and the subsequent disposition to Conifer. If there are any questions I'm happy to answer them.

MS. SINGER: With the financing the length of time will that put in place all the financing?

MR. CURTI, ESQ.: Yes, so the capital stack is a little complicated. Some home money is being provided by the city they're also getting money from the county of Westchester from my recollection as well as bonds issued by New York State as well as tax credit equity the 9% tax credit equity.

MS. SINGER: Total?

MR. CURTI, ESQ.: Correct and when you add it all up it all pencils out.

MS. SINGER: Because there's a lot of pieces.

MR. CURTI, ESQ.: Yes, very much so.

MAYOR SPANO: Any other questions? Hearing none somebody wants to make a motion? Marlyn made a motion second by Cecile. All in favor?

ALL BOARD MEMBERS; Chorus of ayes.

MAYOR SPANO: Any negatives? Hearing none the resolution is passed.

MS. MCGILL: Our next item is a resolution authorizing additional mortgage recording tax exemption for the Whitney Young Manor, LP project we have Michael Curti here as transaction council.

MR. CURTI, ESQ.: This resolution provides additional mortgage recording tax exemption for the WY Manor project you heard about this project at the last IDA meeting back in November, and Mr. Lynch the applicant's counsel is here to make a presentation regarding the additional benefit that they are seeking.

MR. LYNCH, ESQ.: Hi, everybody again I saw you on November 1st and thank you very much for passing this transaction. Of course since November 21st came up relatively small additional mortgages. We are requesting mortgage recording tax exemption for. You granted us one already for the bond mortgage and one for the energy. We were able to get a mortgage for the firm commitment fee from Freddie Mac, which turned into an open mortgage. We were able to get seller note in mortgage as well for the limited partner interest and we had an additional in energy note in mortgage for about \$156,000. I want to emphasize that all this money is staying in the property and it benefits to improvements because it benefits the budget. We were able to loan them in as opposed to taking them through cash or through grants. So by doing this, we are able to increase our contingencies. We are able to reassure that we have enough money for construction, and also to all the money staying in the properties as well. I want to make a note about the seller note it's all the way last in payment okay. The expenses of the building are being paid first and all the waterfall and the distributions are getting paid last out of cash flow. I just want to make sure that's clear. So we are asking for this additional relief. We want to say thank you for allowing us to come back to you again, but it's a real benefit to the tenants all around and nobody's taking money out. This just increases the budget more than anything.

MR. CURTI, ESQ.: Mayor, before you go. There is one slight update to the board in your packets for the cost benefit analysis to reflect the additional benefit.

MS. MCGILL: So in order to convey any additional benefit, we have the Storrs Associates update their original report so they prepared an update report which you do have, which incorporates the increase in mortgage recording tax exemption on the additional \$15 million of mortgage. Much of that impacts much of..... much if that impact does not impact the P.I.L.O.T, job wages, sales tax all of that remains unchanged. The additional exemption does not have any relative weight on the financial assistance the benefit to cost ratio prior to this was \$2.92 for every dollar that the city conveyed to the project it now reduces that slightly to \$2.88 of benefit to the city for every dollar benefit that we provide the project.

MAYOR SPANO: Any other questions? Thank you.

MR. LYNCH, ESQ.: Thank you. I really appreciate you putting me on the agenda in so quick amount of time.

MAYOR SPANO: Hearing no other questions somebody want to make a motion? Cecile's made a motion. Seconded by Victor. All in favor?

ALL BOARD MEMBERS: Chorus of ayes.

MAYOR SPANO: Any negatives? Hearing none – the item is passed.

MS. MCGILL: Our final item is a resolution authorizing administrative action to extend sales tax exemption. We do this every year at our December meeting. We take all our projects, they are one year approval of sales tax. This is just a conveyance extending their time to December of next year there is no

additional benefit just some additional time to utilize the sales tax exemption that they were approved originally.

MAYOR SPANO: Any questions on that? It's pretty straight up. Henry want to make a motion?

MR. DJOBALAJ: Motion.

MAYOR SPANO: Seconded by Victor. All in favor?

ALL BOARD MEMBERS: Chorus of ayes.

MAYOR SPANO: Any negatives? Hearing none – the item is passed. Any other business? Any legal updates?

MR. SYKES, ESQ.: I have none.

MAYOR SPANO: No other business. No legal updates. I'll just ask someone make a motion. Melissa made a motion. Seconded by Marlyn. All in favor?

ALL BOARD MEMBERS: Chorus of ayes.

MAYOR SPANO: Any negatives? We are adjourned.

Yonkers Industrial Development Agency
Income Statement
For the Current Month Ending November 30, 2023

DRAFT

	<u>Current Month</u> <u>This Year</u>	<u>Current Month</u> <u>Last Year</u>	<u>Variance</u> <u>Over/(Under)</u>	<u>Current Month</u> <u>Budget</u>	<u>Variance Budget</u> <u>Current Month</u>
Revenues					
7005	\$ -	\$ 1,749.07	\$ (1,749.07)	\$ -	\$ -
7007	-	-	-	-	-
7010	600.00	600.00	-	-	600.00
	-	15,000.00	(15,000.00)	15,000.00	(15,000.00)
7190	12,863.68	9,663.63	3,200.05	-	12,863.68
	-	-	-	-	-
	-	-	-	-	-
7085	-	-	-	-	-
	-	-	-	-	-
Subtotal IDA Revenues	13,463.68	27,012.70	(13,549.02)	15,000.00	(1,536.32)
Workforce Grant	85,385.24	104,267.33	(18,882.09)	69,785.00	15,600.24
Total Revenues	98,848.92	131,280.03	(32,431.11)	84,785.00	14,063.92
Expenses					
	-	-	-	-	-
8000	53,643.53	34,273.10	19,370.43	36,147.00	17,496.53
8050	25,748.82	9,337.01	16,411.81	12,367.00	13,381.82
8100	4,109.04	2,589.74	1,519.30	3,563.00	546.04
8125	-	-	-	-	-
	-	-	-	-	-
8150	-	-	-	-	-
8175	398.08	543.71	(145.63)	354.00	44.08
8190	1,234.41	6,681.95	(5,447.54)	14,193.00	(12,958.59)
8200	48.99	11.00	37.99	700.00	(651.01)
8250	-	-	-	-	-
8255	-	-	-	-	-
8300	-	-	-	-	-
8400	-	-	-	830.00	(830.00)
8510	-	-	-	6,250.00	(6,250.00)
8450	-	-	-	-	-
8500	1,200.00	58,734.75	(57,534.75)	15,000.00	(13,800.00)
8530	-	-	-	-	-
	-	-	-	-	-
8550	1,950.00	-	1,950.00	2,000.00	(50.00)
8650	5,000.00	-	5,000.00	16,333.00	(11,333.00)
8750	5,515.00	250.00	5,265.00	11,500.00	(5,985.00)
8775	-	-	-	-	-
8800	700.00	350.00	350.00	375.00	325.00
8850	12,425.00	-	12,425.00	350.00	12,075.00
8900	200.00	419.00	(219.00)	575.00	(375.00)
8925	895.52	201.40	694.12	550.00	345.52
8950	(48.99)	-	(48.99)	100.00	(148.99)
8976	808.52	770.29	38.23	1,309.00	(500.48)
	-	-	-	-	-
9200	-	536.39	(536.39)	10,561.00	(10,561.00)
9210	-	-	-	-	-
9220	-	-	-	8,333.00	(8,333.00)
	-	-	-	-	-
	-	-	-	-	-
Subtotal IDA Expenses	113,827.92	114,698.34	(870.42)	141,390.00	(27,562.08)
8025	95,696.11	44,884.62	50,811.49	45,022.00	50,674.11
8192	7,834.19	3,911.48	3,922.71	4,635.00	3,199.19
8195	257.69	9,656.48	(9,398.79)	20,128.00	(19,870.31)
Subtotal WIB Expenses	103,787.99	58,452.58	45,335.41	69,785.00	34,002.99
Total Expenses	217,615.91	173,150.92	44,464.99	211,175.00	6,440.91
Net Income IDA	(100,364.24)	(87,685.64)	(12,678.60)	(126,390.00)	26,025.76
Net Income WIB	(18,402.75)	45,814.75	(64,217.50)	-	(18,402.75)
Net Income	\$ (118,766.99)	\$ (41,870.89)	\$ (76,896.10)	\$ (126,390.00)	\$ 7,623.01

Yonkers Industrial Development Agency
Income Statement
For the Eleven Months Ending November 30, 2023

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GL Codes	Revenues	<u>Year to Date</u> <u>This Year</u>	<u>Year to Date</u> <u>Last Year</u>	<u>Variance</u> <u>Over/(Under)</u>	<u>Year to Date</u> <u>Budget</u>	<u>Variance Budget</u> <u>Current Month</u>
7005	Agency Fees	\$ 978,924.77	\$ 573,060.14	\$ 405,864.63	\$ 2,056,194.00	\$ (1,077,269.23)
7007	Management Fees	158,500.00	75,000.00	83,500.00	166,500.00	(8,000.00)
7010	Application Fees	3,000.00	4,800.00	(1,800.00)	3,600.00	(600.00)
	Pier License Fee	75,000.00	175,000.00	(100,000.00)	165,000.00	(90,000.00)
7190	Interest Earned IDA Savings	136,350.62	39,757.37	96,593.25	-	136,350.62
	Lease Interest Revenue	-	-	-	-	-
7085	Miscellaneous	974.31	3,156.56	(2,182.25)	900.00	74.31
	Subtotal IDA Revenues	1,352,749.70	870,774.07	481,975.63	2,392,194.00	(1,039,444.30)
	Workforce Grant	1,179,802.33	1,079,501.63	100,300.70	1,327,181.00	(147,378.67)
	Total Revenues	2,532,552.03	1,950,275.70	582,276.33	3,719,375.00	(1,186,822.97)
	Expenses					
	Acct Pay Estimation Variance	-	(11,999.21)	11,999.21	-	-
8000	Salaries	420,811.76	338,374.83	82,436.93	415,689.00	5,122.76
8050	Rental Expense	157,506.86	137,713.30	19,793.56	133,294.00	24,212.86
8100	Payroll Taxes-FICA	34,739.97	26,467.49	8,272.48	41,264.00	(6,524.03)
8125	Pension Costs	7,769.53	9,745.18	(1,975.65)	48,115.00	(40,345.47)
8150	Payroll Taxes-UI	2,206.57	2,999.70	(793.13)	2,945.00	(738.43)
8175	Payroll / Tax Processing	5,171.04	4,796.26	374.78	4,147.00	1,024.04
8190	Employee Benefits	66,756.56	103,789.20	(37,032.64)	143,488.00	(76,731.44)
8200	Office Supplies	3,732.58	4,546.92	(814.34)	7,700.00	(3,967.42)
8250	Office Furniture	5,000.00	-	5,000.00	-	5,000.00
8255	Equipment	-	3,441.01	(3,441.01)	3,500.00	(3,500.00)
	Depreciation Expense	-	-	-	-	-
8300	Postage & Delivery	1,246.33	3,364.51	(2,118.18)	920.00	326.33
8400	Printing & Reproduction	6,730.18	7,774.17	(1,043.99)	9,130.00	(2,399.82)
8450	Insurance	5,849.74	5,222.93	626.81	2,947.00	2,902.74
8500	Legal Fees	13,329.01	60,534.75	(47,205.74)	165,000.00	(151,670.99)
	Professional Fees	-	-	-	-	-
8510	Appraisal Fees	-	12,500.00	(12,500.00)	68,750.00	(68,750.00)
8530	Public Hearings	-	-	-	-	-
8550	Audit & Accounting Fees	21,450.00	27,300.00	(5,850.00)	55,500.00	(34,050.00)
8650	Consulting Fees	91,300.00	91,875.00	(575.00)	229,667.00	(138,367.00)
8750	Advertising	273,478.60	316,674.25	(43,195.65)	386,500.00	(113,021.40)
8775	Pre-Apprenticeship Expenses	-	-	-	150,698.00	(150,698.00)
8800	Auto Expense	6,021.60	5,551.60	470.00	6,005.00	16.60
8850	Conferences & Travel	14,160.00	150.00	14,010.00	13,850.00	310.00
8900	Business Meetings	4,216.00	5,003.50	(787.50)	9,800.00	(5,584.00)
8925	Dues & Subscriptions	6,396.42	7,796.50	(1,400.08)	10,250.00	(3,853.58)
8950	Miscellaneous	80.00	160.69	(80.69)	1,100.00	(1,020.00)
8976	Communications	18,180.85	21,041.51	(2,860.66)	21,249.00	(3,068.15)
	Bad Debt Expense	-	10,000.00	(10,000.00)	-	-
9200	Pier Proj NYPA Expense	3,530.92	5,763.23	(2,232.31)	116,171.00	(112,640.08)
9210	Pier Proj Sec 108 Note Int Exp	1,568.30	86,805.50	(85,237.20)	93,213.00	(91,644.70)
9220	Pier Proj Other Expenses	92,413.74	-	92,413.74	91,667.00	746.74
	Pier Depreciation Expense	-	-	-	-	-
	Write Down to Current -Larkin	-	-	-	-	-
	COVID Grant Expense	-	-	-	-	-
	Subtotal IDA Expenses	1,263,646.56	1,287,392.82	(23,746.26)	2,232,559.00	(968,912.44)
8025	Workforce Salaries	912,801.42	927,298.23	(14,496.81)	982,599.00	(69,797.58)
8192	Workforce-Payroll Related Exp.	69,308.27	(21,707.99)	91,016.26	115,595.00	(46,286.73)
8195	Workforce Employee Benefits	134,949.20	102,385.70	32,563.50	228,987.00	(94,037.80)
	Subtotal WIB Expenses	1,117,058.89	1,007,975.94	109,082.95	1,327,181.00	(210,122.11)
	Total Expenses	2,380,705.45	2,295,368.76	85,336.69	3,559,740.00	(1,179,034.55)
	Net Income IDA	89,103.14	(416,618.75)	505,721.89	159,635.00	(70,531.86)
	Net Income WIB	62,743.44	71,525.69	(8,782.25)	-	62,743.44
	Net Income	\$ 151,846.58	\$ (345,093.06)	\$ 496,939.64	\$ 159,635.00	\$ (7,788.42)

Yonkers Industrial Development Agency
Balance Sheet
November 30, 2023

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ASSETS

Current Assets		
Cash and equivalents	4,788,876.75	
Cash - Restricted - Pier Project	118,430.00	
Cash - Workforce Investment	98,877.46	
Accounts Receivable	15,000.00	
Pilot Payment Escrow Account	126,881.54	
Accounts Receivable Pending Future Developer Chicken Island	670,000.00	
Offset In event of non-development of Chicken Island	(670,000.00)	
Accounts Receivable - Pier	96,250.00	
Allowance for Pier	(96,250.00)	
Accounts Receivable - Workforce	(0.19)	
Prepaid Expenses	-	
Restricted cash - Austin Ave	-	
Net Pension Asset	200,851.00	
Lease Receivable GASB 87	173,077.00	
Loan Receivable Larkin Garage- Due from Yonkers Larkin Garage	2,629,000.00	
Loan Receivable Larkin Garage- Due from Yonkers Larkin Garage Int	117,758.00	
Allowance for Larkin Garage	(2,746,758.00)	
Total Current Assets	<u>5,521,993.56</u>	

Equipment, net	\$404.68	
Pier Leasehold Improvements, net	2,478,159.00	<u>2,478,563.68</u>
Total Assets		<u>8,000,557.24</u>

Deferred Outflows of Resources		<u>460,206.00</u>
Total Assets & Deferred Outflows		<u><u>8,460,763.24</u></u>

LIABILITIES

Accounts Payable/Accrued Liabilities	92,912.95	
Accounting Fee Payable	3,900.00	
Workforce Acct Payable/Accr Liab	37,883.50	
Pier Acct Payable/Accr Liab	499.00	
Family leave payable	10,728.63	
Escrow funds Payable	4.92	
Escrow Deposits	126,882.00	
Due to other entities	-	
Deferred Inflow GASB 87	169,748.00	
Pier Sec 108 Note Payable	600,000.00	
Pier Sec NYPA Loan Payable	104,635.71	
CBA Services Payable	35,900.00	
Total Liabilities	<u>1,183,094.71</u>	

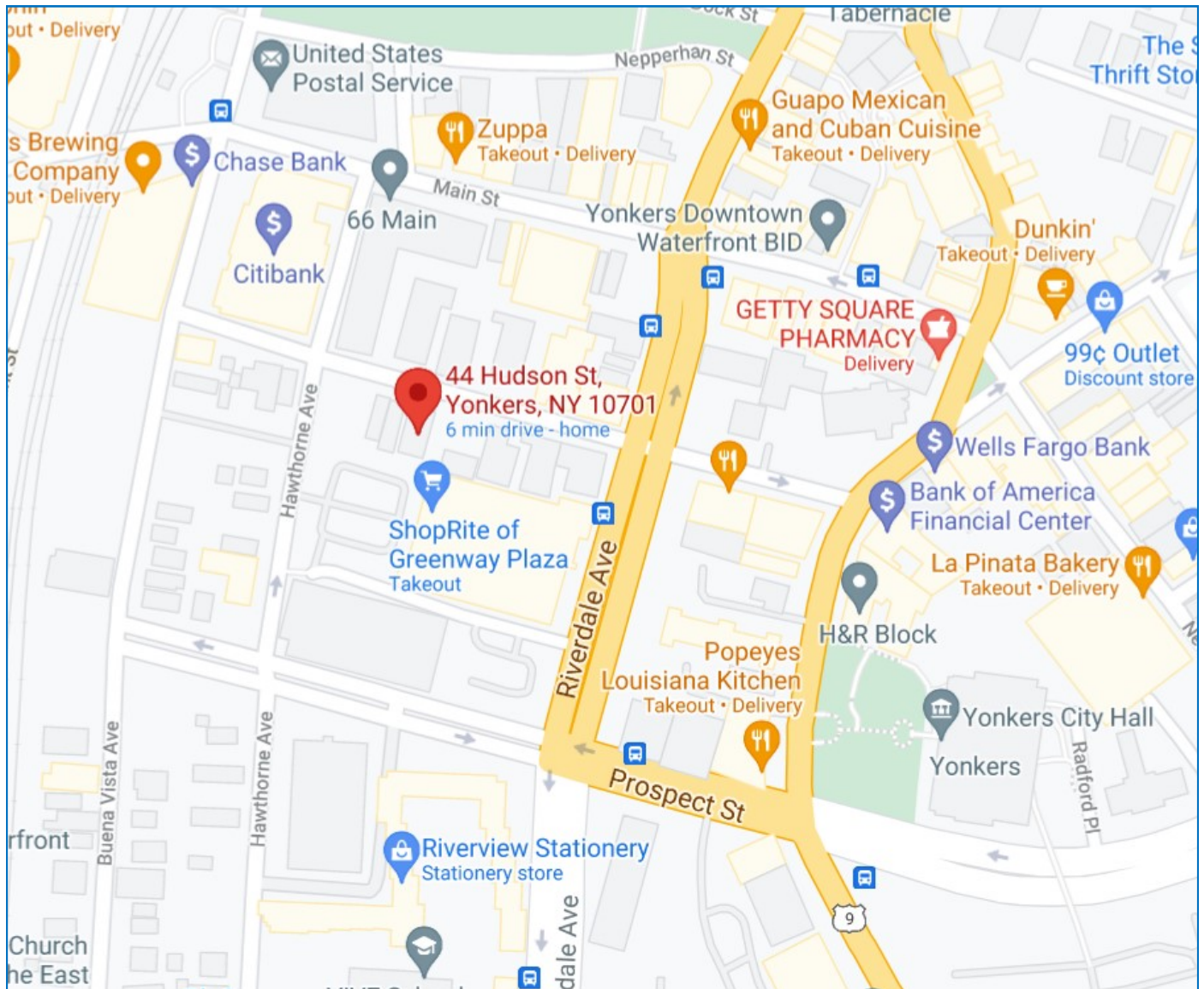
Deferred Inflows of Resources	688,613.00	
Total Liabilities & Deferred Inflows		<u><u>1,871,707.71</u></u>

NET POSITION

Net Investment in Capital Assets	1,773,927.97	
Pier Project	117,931.00	
Unrestricted	<u>\$4,697,196.56</u>	
Total Net Position	<u>6,589,055.53</u>	
Total Liabilities, Deferred Inflows & Net Position	<u><u>\$8,460,763.24</u></u>	

MIROZA TOWER LLC

44 Hudson Street



FINAL RESOLUTION
(Miroza Tower LLC Project)

A regular meeting of the City of Yonkers Industrial Development Agency was convened in public session on January 23, 2024.

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

Resolution No. 01/2024 - 01

RESOLUTION OF THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY (THE “AGENCY”) (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY WITH RESPECT TO THE MIROZA TOWER LLC PROJECT, (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGENT, FINANCIAL ASSISTANCE AND PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, TAX AGREEMENT MORTGAGE AND RELATED DOCUMENTS; (iii) AUTHORIZING FINANCIAL ASSISTANCE IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, RENOVATION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION AS PERMITTED BY NEW YORK STATE LAW; AND (iv) AUTHORIZING THE EXECUTION AND DELIVERY OF A MORTGAGE AND RELATED DOCUMENTS, IF REQUIRED

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 83 of the Laws of 1982 of the State of New York (the “State”), as amended (hereinafter collectively called the “Act”), the Agency was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **MIROZA TOWERS LLC**, for itself or on behalf of an entity to be formed (the “Company”) has submitted an application (the “Application”) to the Agency requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (A) the acquisition or retention of the land commonly known as 44 Hudson Street, Yonkers, New York (Section 1, Block 502, Lot 1.10) (the “Land”); (B) the construction on the Land of a new 25 story multi-family residential building containing: (i) approximately 267 residential rental units of which 27 units will be income restricted, (ii) residential amenities including among others a library, conference room, gym, a rooftop garden and children’s playroom, (iii) approximately 1,699 sq ft of retail space, and (iv) an onsite garage containing approximately 222 parking spaces as well as approximately 25 parking spaces at an office site location (the “Improvements”); and (C) the acquisition and installation in and around the Improvements of certain items of equipment and other tangible personal property (the “Equipment”, which together with the Land and Improvements are the “Facility”); and

WHEREAS, on August 17, 2021, the Agency adopted a resolution with respect to the Project: (i) accepting the Application of the Company, (ii) directing that a public hearing be held, and (iii) describing the “financial assistance”, as such term is defined in the Act, being contemplated by the Agency with respect to the Project; and

WHEREAS, by Resolution adopted on May 25, 2023 (the “Sales Tax Resolution”), the Agency authorized the Company to act as its agent for the purposes of undertaking the Project, subject to the Company entering into a “preliminary project agreement”; and

WHEREAS, by its Sales Tax Resolution, the Agency approved certain financial assistance for the benefit of the Company in connection with the Project consisting of an exemption from all New York State and local sales and use tax for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction or equipping of the Facility (the “Financial Assistance”); and

WHEREAS, on July 1, 2023, the Agency and the Company entered into a “Preliminary Project Agreement” to facilitate the immediate procurement of certain materials and equipment for the Project, notwithstanding that the negotiation of the terms and conditions of a final Project Agreement and other project documents had not been completed; and

WHEREAS, it is contemplated that the Agency will enter into an agent, financial assistance and project agreement, pursuant to which the Agency will designate the Company as its agent for the purpose of constructing and equipping the Project (the “Agent Agreement”), (ii) negotiate and enter into a lease agreement (the “Lease Agreement”), leaseback agreement (the “Leaseback Agreement”) and tax agreement (the “Tax Agreement”) with the Company, and, if required by the Agency, a Tax Agreement mortgage (the “Tax Agreement Mortgage”), (iii) take a leasehold interest in the Land, the Improvements and personal property constituting the Project (once the Lease Agreement, Leaseback Agreement and Tax Agreement and Tax Agreement Mortgage, if applicable have been negotiated), and (iv) provide “financial assistance”, as such term is defined in the Act, to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Project, (b) mortgage recording tax exemption as permitted by State law, and (c) a partial real property tax abatement structured through the Tax Agreement (collectively the “Financial Assistance”); and

WHEREAS, pursuant to General Municipal Law Section 859-a, on September 9, 2021, at 3:00 p.m., and January 22, 2024, at 12:00 p.m., at the offices of Agency at 470 Nepperhan Avenue, Suite 200, Yonkers, New York 10701, the Agency held a public hearing with respect to the Project and the proposed “financial assistance” as such term is defined in the Act, being contemplated by the Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views. A copy of the Notice of Public Hearing - published and forwarded to the affected taxing jurisdictions with Notice Letter at least ten (10) days prior to said Public Hearing is attached hereto as **Exhibit A**, along with the Affidavit of Publication of *The Journal News*, and Minutes of the Public Hearing; and

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

WHEREAS, the City of Yonkers Zoning Board of Appeals (the “Zoning Board”), as an involved agency under SEQRA in connection with land use review, designated itself to act as Lead Agency for purposes of a review of the Project as a proposed action under SEQRA and conducted a review of the Project (the “Zoning Board Review”); and

WHEREAS, at the conclusion of the Zoning Board Review, on November 16, 2021, the Zoning Board determined that the Project was an “Unlisted” action (the “Zoning Board SEQRA Findings”), and issued a negative declaration, attached hereto as **Exhibit B**, after finding that the Project will not have a significant adverse effect on the environment (the “Zoning Board Negative Declaration”); and

WHEREAS, the Company has or will obtain a mortgage loan or loans (collectively, the “Mortgage”) to finance all or a portion of the financing or re-financing of the costs of the Facility from a lender to be identified by the Company, which Mortgage will secure an aggregate principal amount of approximately **\$89,000,000**; and

WHEREAS, the Company has requested a mortgage recording tax exemption upon the recording of the Mortgage in the approximate amount of up to **\$1,335,000**; and

WHEREAS, the number of jobs to be created, maintained or retained at the Facility are projected to be seven (7).

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

Section 1. The Public Hearing held concerning the Project and the Financial Assistance was duly held in accordance with the Act, including, but not limited to, the giving of at least ten (10) days published notice of the Public Hearing (such notice also provided to the Chief Executive Officer of each affected tax jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project. The Agency hereby determines that the Project is a “commercial” project under the Act, and that undertaking and providing financial assistance to the Project (i) will promote and maintain the job opportunities, health, general prosperity and economic welfare of the citizens of the City of Yonkers and the State and improve their standard of living, (ii) will preserve the competitive position of the Project and will not result in the removal of an industrial, manufacturing or commercial plant of the Company or any occupant of the Project 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 Company or any occupant of the Project except as permitted by the Act, and (iii) is authorized by the Act and will be in furtherance of the policy of the State as set forth therein.

Section 2. The Agency is hereby authorized to provide to the Company the Financial Assistance in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction, reconstruction, renovation and equipping of the Project, (b) a real property tax abatement structured through the Tax Agreement, and (c) a mortgage recording tax exemption in the approximate amount of **\$1,335,000** for the Mortgage as permitted by New York State Law, except for an amount representing the “additional tax” imposed on each mortgage of real property situated within the state imposed by paragraph (a) of subdivision (2) of Section 253 of the Tax Law.

Section 3. Subject to the Company executing an Agent Agreement (in a form to be approved by Counsel to the Agency and/or Transaction Counsel) and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Agent Agreement shall expire on **December 31, 2025** (unless extended for good cause by the Executive Director of the Agency) if the Lease Agreement, Leaseback Agreement, Tax Agreement and Tax Agreement Mortgage contemplated have not been executed and delivered.

Section 4. Based upon the representation and warranties made by the Company in its Application for financial assistance, the Agency hereby authorizes and approves the Company as its agent to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to approximately **\$50,000,000**, which result in New York State and local sales and use tax exemption benefits (“Sales and Use Tax Exemption Benefits”) in the approximate amount of **\$4,437,500**. The Agency agrees to consider any requests by the Company for increase to the amount of Sales and Use Tax Exemption Benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 5. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the sales and use tax exemption

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

Section 6. The Chairman, Vice Chairman, President, Executive Director, Secretary and/or the CFO of the Agency are hereby authorized, on behalf of the Agency, to negotiate and enter into (A) the Agent Agreement, (B) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, and (D) the Tax Agreement and Tax Agreement Mortgage; *provided, that*, (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the Tax Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 7. The Chairman, Vice Chairman, Executive Director and/or the Secretary of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any reputable lender identified by the Company, up to a maximum principal amount necessary to refinance existing Company debt and to undertake the Project, acquire the Facility and/or finance or refinance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Agent Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and Tax Agreement Mortgage, collectively called the "Agency Documents"); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chairman, Vice Chairman, Executive Director and/or the Secretary of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman, Executive Director and/or the Secretary of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 8. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 9. The Agency concurs with the Zoning Board SEQRA Findings and the Zoning Board Negative Declaration and hereby finds and determines as follows: (i) the Project is an Unlisted Action under SEQRA; (ii) the requirements of SEQRA have been met; and (iii) the Agency concurs with the Zoning Board SEQRA Findings and Zoning Board Negative Declaration and finds that the Project will result in no significant adverse impacts on the environment, and therefore, an environmental impact statement need not be prepared.

Section 10. This Resolution shall take effect immediately upon adoption.

Date: January 23, 2024

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

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mayor Mike Spano	[]	[]	[]	[]
Marlyn Anderson	[]	[]	[]	[]
Melissa Nacerino	[]	[]	[]	[]
Hon. Cecile D. Singer	[]	[]	[]	[]
Henry Djonbalaj	[]	[]	[]	[]
Roberto Espiritu	[]	[]	[]	[]
Victor Gjonaj	[]	[]	[]	[]

The Resolution was thereupon duly adopted.

CERTIFICATION
(Miroza Tower LLC Project)

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

I, MARLYN ANDERSON, the undersigned Secretary of the City of Yonkers Industrial Development Agency DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the City of Yonkers Industrial Development Agency (the “Agency”), including the resolution contained therein, held January 23, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

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

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

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

Marlyn Anderson, Secretary

[SEAL]

YIDA Resolution No. 01/2024-01
Final Resolution – Miroza Tower LLC
January 23, 2024
TC: Harris Beach PLLC

EXHIBIT A

Notice of Public Hearing
Notice Letter
Evidence of Mailing Notice Letter
Affidavit of Publication of *The Journal News*
Minutes of Public Hearing

[Attached hereto]

YIDA Resolution No. 01/2024-01
Final Resolution – Miroza Tower LLC
January 23, 2024
TC: Harris Beach PLLC

EXHIBIT B

Negative Declaration

[Attached hereto]

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Section 859-a and Article 18-A of the New York General Municipal Law will be held on January 22, 2024, at 12:00 p.m., local time, by the City of Yonkers Industrial Development Agency (the “Agency”) at the Agency’s offices at 470 Nepperhan Avenue, Suite 200, Yonkers, New York 10701, in connection with the following matter:

MIROZA TOWERS LLC, for itself or on behalf of an entity to be formed (the “Company”) has submitted an application (the “Application”) to the Agency requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (A) the acquisition or retention of the land commonly known as 44 Hudson Street, Yonkers, New York (Section 1, Block 502, Lot 1.10) (the “Land”); (B) the construction on the Land of a new 25 story multi-family residential building containing: (i) approximately 267 residential rental units, of which 27 units will be “affordable”, (ii) residential amenities including among others a library, conference room, gym, a rooftop garden and children’s playroom, (iii) approximately 1,699 sq ft of retail space, and (iv) an onsite garage containing approximately 222 parking spaces as well as approximately 25 parking spaces at an office site location (the “Improvements”); and (C) the acquisition and installation in and around the Improvements of certain items of equipment and other tangible personal property (the “Equipment”, which together with the Land and Improvements are the “Facility”).

The Agency will acquire (or retain) title to or a leasehold interest in the Facility as well as an interest in the Equipment and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the “Financial Assistance”) to the Company in the form of: (i) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Project (the “Sales and Use Tax Exemption”), (ii) a partial real property tax abatement structured through a payment in lieu of tax agreement, and (iii) an exemption from State and local mortgage recording taxes.

It should be noted that this will be the second public hearing for this Project. The first public hearing was held on September 9, 2021 at 3:00 p.m. at the office of the Agency. This second public hearing is being held because the Company has amended the Application to request additional Financial Assistance in the form of additional Sales and Use Tax Exemption and such amount exceeds \$100,000.

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

The Agency will provide access to the public hearing by broadcasting the public hearing in real time online at <https://yonkersida.com/live-stream/>.

The Agency encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to City of Yonkers Industrial Development Agency, 470 Nepperhan Avenue, Suite 200, Yonkers, New York 10701, Attention: Executive Director and/or via email at info@yonkersida.com with the subject line being “Miroza Tower LLC” no later than January 21, 2024.

Dated: January 5, 2024

CITY OF YONKERS
INDUSTRIAL DEVELOPMENT AGENCY

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

Agency Use Only [If applicable]

Project :	44 Hudson Street, Case 5743
Date :	11/12/2021

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

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

Tips for completing Part 2:

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

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

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) NO YES
If "Yes", answer questions a - c. If "No", move on to Section 3.

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

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) NO YES
If "Yes", answer questions a - l. If "No", move on to Section 4.

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

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>		

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

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

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

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
If "Yes", answer questions a - g. If "No", go to Section 14.

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

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

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

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

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

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

16. Impact on Human Health The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

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

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

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

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

PRINT FULL FORM

Project : 44 HUDSON

Date : 11-12-2021

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

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

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

Reasons Supporting This Determination:

To complete this section:

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

SEE ATTACHED NARRATIVE

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

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

Upon review of the information recorded on this EAF, as noted, plus this additional support information
TRAFFIC STUDY, PLANS, HR&A REAL ESTATE STUDY, APPLICANT PLAN SUBMISSIONS

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
YONKERS ZONING BOARD OF APPEALS as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

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

Name of Action: CASE NO.5743 40 AKA 44 HUDSON STREET

Name of Lead Agency: YONKERS ZONING BOARD OF APPEALS

Name of Responsible Officer in Lead Agency: JOSEPH CIANCIULLI

Title of Responsible Officer: CHAIRMAN

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer) LEE ELLMAN <electronic signature>

Date:

11-12-2021

For Further Information:

Contact Person: Lee J. Ellman

Address: Yonkers Planning Bureau, 87 Nepperhan Avenue, Yonkers NY 10701

Telephone Number: 914 377 6557

E-mail: Lee.Ellman@YonkersNY.gov

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

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

Other involved agencies (if any)

Applicant (if any)

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

PRINT FULL FORM

DRAFT



January 19, 2024

Miroza Towers, 44 Hudson Street

Miroza Tower LLC

FINANCIAL ASSISTANCE AND IMPACT ANALYSIS
FOR YONKERS INDUSTRIAL DEVELOPMENT AGENCY
YONKERS, NEW YORK



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EXECUTIVE SUMMARY

THE MIROZA TOWERS PROJECT

Miroza Tower LLC (Applicant) requests a 20-year PILOT from City of Yonkers IDA (Agency) so that it can build and operate a mixed-income multifamily project. Storrs Associates, LLC has been engaged by the Agency to conduct an objective, third-party analysis to assist the Agency with its evaluation of the application. The Project includes:

- ◆ 225 market rate apartments, plus 25 units income-restricted to households earning no more than 60% of area median income.
- ◆ 1,920 square feet of commercial or retail space, and 252 parking spaces.
- ◆ New mixed-use investment in the Downtown-Mixed Use (D-MX) district.
- ◆ \$133,571,451 total project costs, funded by equity and a mortgage.

Financial Assistance Requested

- ◆ A 20-year PILOT, reducing real property taxes by \$10,046,468 on a present value basis over 20 years. The tax abatement is 35%.
- ◆ Mortgage Recording Tax abatement of \$1,282,286.
- ◆ Construction materials sales tax exemption of \$5,768,750.

This Project is subject to the NYS prevailing wage policy for IDA-assisted projects. This analysis estimates that total benefits will equal 12.80% of total project costs, and 19.93% of construction costs. Each measure is below the 30% threshold that may require application of prevailing wage rules.

CONCLUSIONS AND RECOMMENDATION

Storrs Associates finds that the PILOT proposed is necessary for the Project to be built, providing housing in a mixed-income district and covering operating costs and debt service. During the PILOT period, the Project is expected to generate returns below current market benchmarks, but the Applicant understands and indicates acceptance of these returns, and intends to complete the Project. Without Agency assistance, the Project would lose money and not be built.

Estimated Return on Investment for Applicant

With the requested financial assistance, the Project is estimated to deliver a cash-on-cash return on equity of 3.05% over the PILOT life. This is below the market range of 4.7% to 13.6%. Without PILOT the Project may lose an estimated \$1.95 million in the first ten years. The Applicant, asked about these returns, attributes the performance to the current high interest rate environment, and expects to refinance the 7.0% mortgage; market consensus is that rates will decline in the near-to-mid term future.

Storrs Associates tested project performance using a lower 5.5% rate and found that the Project would deliver a cash-on-cash return of 5.18% with the PILOT, just above the benchmark of 4.7%. Storrs Associates therefore expects that should a refinancing occur, the Project would still be financially feasible only with the requested PILOT and financial assistance.

Estimated Economic Benefits in Yonkers

- ◆ Project construction is estimated to generate 324 direct jobs plus another 53 indirect and induced jobs. Estimated contribution to Gross Regional Product (GRP) is \$58,950,231.
- ◆ Annual facility operations, plus annual spending by resident households are estimated to support 8 direct on-site employees, 10 indirect jobs, and 9 induced jobs in the City of Yonkers, and contribute an estimated \$2,989,616 to Gross Regional Product each year.

Estimated Fiscal Benefit to Cost Ratio in Yonkers over PILOT Life

- ◆ **Benefit/cost ratio within Yonkers of \$2.24/ \$1.00**
- ◆ **Net fiscal benefit of \$14,859,312 over 20 Years.**

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Project Benefits to Yonkers	4
Fiscal Benefits and Cost Analysis	7
Project Operations.....	8
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SUMMARY OF RESULTS

ESTIMATED BENEFITS AND COSTS FOR YONKERS

Estimated Fiscal Benefits and Costs for Yonkers

Fiscal Benefits (Total Revenue over 20 Years)

Sales Tax from Construction Materials Purchases, Table 2	\$2,924,756
Sales Tax from Construction Worker Spending, Table 5	62,578
Sales Tax from On-Site Worker Spending, Table 5	31,421
Sales Tax from Operations, Taxable Purchases, Table 5	678,630
Sales Tax from Household Spending, Table 5	714,637
Mortgage Recording Tax, Table 2	356,219
Real Property Tax, Table 2	<u>22,062,873</u>
Total Fiscal Benefits	\$26,831,113

Fiscal Costs (Foregone Revenue)

Property Tax, Table 2	(\$8,690,827)
Mortgage Recording Tax, Table 2	(356,219)
Construction Sales Tax, Table 2	<u>(2,924,756)</u>
Total Fiscal Costs (Foregone Revenue)	(\$11,971,802)

Net Benefit to Yonkers **\$14,859,312**

Benefit/Cost Ratio **\$2.24 to \$1.00**

Note: Taxes are calculated for PILOT period, then discounted by 3%.

ESTIMATED ECONOMIC IMPACT & OUTPUT¹

- ◆ 8 direct, permanent jobs at the Project.
- ◆ 19 indirect and induced jobs in the City from Project operations, commercial space, and household spending.
- ◆ \$2,989,618 estimated annual contribution to Gross Regional Product.
- ◆ 324 direct jobs created by construction spending, plus another 51-53 indirect and induced jobs, for a total of 376 construction- and refinancing-related jobs.
- ◆ \$58,950,231 added to GRP during the construction period.

Jobs and Income - Employees, Operations, and Households

	<u>Direct</u>	<u>Indirect</u>	<u>Induced</u>	<u>Total</u>
New Jobs	8	10	9	27
Labor Income	\$380,000	\$323,145	\$664,318	\$1,367,463
Average Income	\$47,500	\$33,314	\$70,298	\$50,367
Value Added, or Contribution to Yonkers GRP				\$2,989,618

Jobs and Worker Income During Construction Period

	<u>Direct</u>	<u>Indirect</u>	<u>Induced</u>	<u>Total</u>
New Jobs	324	51	2	376
Labor Income	\$28,114,747	\$6,374,840	\$103,159	\$34,592,745
Average Income	\$86,744	\$125,786	\$66,554	\$91,919
Value Added, or Contribution to Yonkers GRP				\$58,950,231

- ◆ Direct jobs are at the Project during construction or operation
- ◆ Indirect jobs are supported by business to business purchases
- ◆ Induced jobs are supported by employee and household spending

¹ Totals and averages in tables may not add because of rounding.

IDA BENEFITS TO PROJECT

Storrs Associates analyzed pro forma cashflows and project financing details submitted by the Applicant. With Agency assistance:

- ◆ The Project is estimated to generate a cash on cash return of 3.05%, below the equity dividend rate range of 4.7% to 13.6%. Over 10 years, this return is estimated at 1.72%, below the 10-year Treasury 6-month rolling average of 4.34%.
- ◆ Total return as measured by a discount rate of all cashflows is estimated at 5.67%, below the market range of 9.5%-16.2%.
- ◆ The Applicant has shown understanding of the weakness of these estimated returns, and expects commercial mortgage rates to decrease from the expected 7.00%, allowing for refinancing and modestly improved financial performance. Storrs Associates tested a 5.50% rate and estimated a 5.18% equity dividend rate with Agency assistance, just above the benchmark.
- ◆ Details of the PILOT are provided below in PILOT Analysis.

Table 1

Comparison of Return on Investment	Proposed PILOT	No PILOT
Project Cost	\$133,571,451	\$133,571,451
Developer Equity	\$48,085,722	\$48,085,722
Equity as a Percent of Capital	36%	36%
<u>Return Measures over PILOT Life</u>		
Cash on Cash Return, Target 4.7% - 13.6%	3.05%	1.75%
Discount Rate, or IRR, Target 9.5% - 16.2%	5.67%	4.28%
Average Annual Cash Flow	\$1,468,408	\$842,468
Cumulative Cash Flow, PILOT Period	\$26,431,351	\$15,164,416
<u>Average Debt Service Coverage Ratio over PILOT Life, Benchmark 1.25 to 1.86, Average 1.56</u>		
Average	1.22	1.13
<u>10-Year Return Measures</u>		
Cumulative Net Income	\$6,612,683	-\$1,946,140
Cash on Cash Return, 10-Yr Average	1.72%	-0.51%
US 10 Year Treasury, 6 month rolling average	4.34%	4.34%
Benchmarks: RealtyRates 2023 Q4		

Table 2

Estimated Financial Assistance Requested	Total Project	City of Yonkers	Yonkers School District	Westchester County	State, MTA	Table Reference
<u>Sales Tax Exemption on Construction Materials</u>						
Construction Materials Costs, per Applicant (1)	\$65,000,000	\$65,000,000	\$0	\$0	\$65,000,000	
Sales Tax Rate Subject to Exemption (2)	8.875%	4.500%	0.000%	4.000%	4.375%	
Estimated Sales Tax Exemption (3)	\$5,768,750	\$2,924,756	\$0	Included with State	\$2,843,994	This table
<u>Mortgage Recording Tax Exemption (1)</u>						
Estimated Mortgage Amount	\$85,485,729	\$85,485,729	\$0	\$85,485,729	0	
Mortgage Recording Tax Benefit, Percent of Mortgage	1.50%	Note 1		Note 1		
Estimated Mortgage Recording Tax Exemption	\$1,282,286	\$356,219	\$0	\$926,067	\$0	
<u>Real Property Tax Abatement</u>						
Estimated Real Property Taxes if no PILOT, Present Value	\$25,504,357	\$7,682,895	\$14,379,978	\$3,441,484	n/a	Table 11
Less: Estimated PILOT Tax Payments, Present Value	(15,457,889)	(4,656,512)	(8,715,535)	(2,085,843)	n/a	Table 11
Real Property Tax Abatement, Present Value	\$10,046,468	\$3,026,383	\$5,664,443	\$1,355,641	\$0	
Estimated Financial Assistance Requested, Total	\$17,097,504	\$6,307,358	\$5,664,443	\$2,281,708	\$2,843,994	

Present Value Discount Rate is 3%

(1) All materials are estimated to be purchased in Yonkers, using a retail or wholesale supplier. (2) City of Yonkers retains 50.7% of the total rate of 8.875% on purchases within the City, or 4.5%. Source: City of Yonkers IDA. (3) Total is maximum abatement assuming all materials purchases owe the full 8.875%. Actual abatement will vary depending on sales tax rates at the location of purchase. (1) Westchester County rate is 1.5%. City of Yonkers retains 27.78% of the total collected. Source: City of Yonkers IDA.

PROJECT BENEFITS TO YONKERS

Annual Operations², Project in First Year of PILOT

As a new multifamily housing Project, Miroza Towers is expected to contribute annually to the Yonkers economy in multiple ways:

1. The Applicant expects 8 permanent employee on site for facility operations. These are listed in the Application.
2. Project operating expenses in the first year of the PILOT are estimated to begin at \$1,058,292 and are estimated to generate local sales and support 6 indirect and induced jobs at other businesses in Yonkers.
3. The 250 households will also support local jobs and GRP through annual spending of a portion of their income in Yonkers, supporting an additional 9 jobs.
4. Retail use of the 1,920 square feet of commercial space is estimated to support 2 jobs.

Summary of Table 3

Jobs and Income - Employees, Operations, and Households

	<u>Direct</u>	<u>Indirect</u>	<u>Induced</u>	<u>Total</u>
New Jobs	8	10	9	27
Labor Income	\$380,000	\$323,145	\$664,318	\$1,367,463
Average Income	\$47,500	\$33,314	\$70,298	\$50,367
Value Added, or Contribution to Yonkers GRP				\$2,989,618

² Jobs, wages, and GRP calculated with the IMPLAN input-output model. Purchases estimated by IMPLAN are used to project future jobs, wages, and other purchases. Totals may not add because of rounding.

Table 3

Economic Impact of Project Operations in Yonkers, Annual Basic Information

Building Payroll	\$185,000
Operating Purchases	\$1,058,292

Jobs and Worker Income for Direct Project Employees

	<u>Direct</u>	<u>Indirect</u>	<u>Induced</u>	<u>Total</u>
New Jobs	8	2	0	10
Labor Income	\$380,000	\$86,689	\$1,381	\$468,070
Average Income	\$47,500	\$54,522	\$69,045	\$48,707
Value Added, or Contribution to Yonkers GRP, Direct Employees				\$1,626,534

Jobs and Worker Income for Project Operations

	<u>Indirect</u>	<u>Induced</u>	<u>Total</u>
New Jobs	6	0	6
Labor Income	\$133,733	\$614	\$134,347
Average Income	\$23,503	\$61,411	\$23,570
Value Added, or Contribution to Yonkers GRP, Operations			\$433,625

Jobs and Worker Income, Resident Household Spending, \$28,142,500 First Year

	<u>Induced</u>	<u>Total</u>
New Jobs	9	9
Labor Income	\$661,660	\$661,660
Average Income	\$70,315	\$70,315
Value Added, or Contribution to Yonkers GRP, Household Spending		\$796,587

Jobs and Worker Income for Retail Tenant, Assuming 800 SF per Job

	<u>Indirect</u>	<u>Induced</u>	<u>Total</u>
New Jobs	2	0	2
Labor Income	\$102,723	\$663	\$103,386
Average Income	\$42,448	n/a	\$42,546
Value Added, or Contribution to Yonkers GRP, Operations			\$132,871

Total Value Added, Operations and Households	\$2,989,618
-----------------------------------------------------	--------------------

Construction and Refinancing Period

The Applicant expects a 36-month construction period. Jobs, wages, and GRP contribution calculated here are for full project, without making a distinction between jobs available in year 1, year 2, etc.

Total project costs are expected to be \$133,571,451.

324 direct construction and 51 indirect jobs are estimated to be required to design, build, and finance the project, including professional fees such as architecture, insurance, and legal. Purchase of property, reserves, and IDA fees are not included.

Of these jobs, 158 are estimated in this analysis to be in the skilled.

Two induced jobs are anticipated, through business-to-business spending and spending by local worker households. This is shown as \$66,554 of earnings under "Induced" in Table 4.

Overall the construction period is expected to generate 376 jobs, \$34.59 million of labor income, and \$58.95 million of new GRP.

All of the construction period jobs, regardless of where workers live, are expected to contribute to the Yonkers economy because the Project is located in the city. The Applicant expects that 80% of jobs will be filled by workers within a 100-mile radius.

Table 4

Economic Impact of Construction in Yonkers

Basic Information

Timeframe 36 Months (3 Years)

Construction Costs \$81,577,451 Not including project fees or reserves

Jobs and Worker Income During Construction Period

	<u>Direct</u>	<u>Indirect</u>	<u>Induced</u>	<u>Total</u>
New Jobs	324	51	2	376
Labor Income	\$28,114,747	\$6,374,840	\$103,159	\$34,592,745
Average Income	\$86,744	\$125,786	\$66,554	\$91,919

Value Added, or Contribution to Yonkers GRP \$58,950,231

Applicant estimates 175 on-site jobs. Here, construction payroll is used to estimate jobs for the entire project, regardless of when construction is actually completed.

Construction Trades Workers Detail, All Jobs are Direct

	<u>Direct Trades</u>
New Jobs	158
Hours Worked	296,666
Compensation	\$12,318,726
Days Worked	37,083
Avg Hourly Rate	\$42

As noted on page 4, jobs, wages, and GRP calculated with the IMPLAN input-output model using the Applicant's estimated payroll. Purchases estimated by IMPLAN are used to project future jobs, wages, and other purchases. Totals may not add because of rounding.

Sales Tax Estimates over PILOT Period

Table 5

Operations, and Construction

The economic activity from the Project is expected to generate sales taxes on a portion of the goods and services purchased by workers and residents. Sales tax revenue generated by Project activity is estimated as follows:

- ◆ Within Yonkers a sales tax rate of 8.875% applies, with 4.5% of collected taxes retained as city revenue.
- ◆ Construction workers purchase meals, gas, and workday incidentals for each day worked. The NYS per diem for Westchester County, \$50, is used. Workdays are hours worked from Table 4, above, divided by 8-hour days. 75% of purchases are expected to be taxable.
- ◆ The permanent workers are expected to purchase meals, gas, and incidentals, but to spend only \$25 per day because of the ongoing nature of the job. 75% of purchases are expected to be taxable.
- ◆ Based on the Applicant's pro forma cash flows, taxable operating expenses are projected, with 75% of the purchases in Yonkers and paying 4.5% sales tax to the City.

Household Spending

The 250 households will contribute to the local economy. Based on the market rent costs and the income limit for the affordable units, total household income is calculated and income after taxes, housing, and savings are estimated using the calculations below.

Year 1 spending is escalated over time using a 3% annual inflation rate.

Annual Household Spending Totals

Income Estimated Based on Rent and Income Restrictions

Household Income	\$28,142,500
Less: 8% Income Tax	(\$2,251,400)
Less: Housing	(\$8,442,750)
Less: 2% Savings Rate	(\$562,850)
Income to Spend	\$16,885,500

Spending, Taxes, and Tax Revenue for Yonkers

11% of Income Spent in Yonkers	\$1,857,405
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Sales Tax Revenue from Project Construction and Operation

On-Site Construction Worker Spending, Construction Period Only

Construction Worker Per Diem, \$50 for 37,083 workdays	\$1,854,161
Taxable Spending by Construction Workers	1,390,621
4.5% Sales Tax Retained by City of Yonkers	\$62,578

On-Site Worker Spending, Facility Operations

First Year On-Site Worker Per Diem, \$25 for 245 Workdays	\$49,000
First Year 75% Taxable Spending in Yonkers	36,750
First Year 4.5% Sales Tax Retained by City of Yonkers	1,654
Present Value of Annual Tax over PILOT Period	\$31,421

Facility Operations, Taxable Purchases

First Year Estimated Value of Taxable Purchases	\$1,058,292
First Year 75% of Taxable Purchases Made in Yonkers	793,719
First Year 4.5% Sales Tax Retained by City of Yonkers	35,717
Present Value of Annual Tax over PILOT Period	\$678,630

Resident Household Spending

First Year Household Income after Housing, Taxes, and Savings	\$16,885,500
First Year 11% Spent in City of Yonkers	1,857,405
First Year 45% Taxable Spending at 8.875% Tax Rate	835,832
First Year 4.5% Sales Tax Retained by City of Yonkers, First Year	37,612
Present Value of Annual Tax over PILOT Period	\$714,637

Sales Taxes from Operations and Households over PILOT Period

\$1,424,687

Household and Project spending are estimated to increase 3% annually. Spending is discounted Present Value at a rate of 3%.

FISCAL BENEFITS AND COSTS

Calculation of the Ratio

A ratio of tax benefits to foregone tax revenue, or savings to the Project, can help evaluate the effects of both the Project and the financial assistance. This is a hypothetical analysis only, as without the requested financial assistance the Project would not be built.

Table 6

Purpose and Use of this Ratio

New York State requires Industrial Development Agencies to conduct a cost/benefit analysis but does not establish a ratio or benchmark. Storrs Associates calculates a benefit/cost ratio that the Agency can use to compare similar projects over time, and to understand how the Project affects different jurisdictions.

Estimated Fiscal Benefits and Costs of Financial Assistance in Yonkers

<u>Fiscal Benefits</u>	<u>City of Yonkers</u>	<u>Yonkers School District</u>	<u>Total Effects in Yonkers</u>	<u>Table Reference</u>
One-time Sales Tax Revenue from Construction Materials Purchase	\$2,924,756	\$0	\$2,924,756	Table 2
One-time Sales Tax Revenue from Construction Labor Per Diem	62,578	0	62,578	Table 5
Sales Tax Revenue from On-Site Employee Per Diem, Present Value	31,421	0	31,421	Table 5
Sales Tax Revenue from Purchases for Operations, Present Value	678,630	0	678,630	Table 5
Sales Tax Revenue from Resident Household Spending, Present Value	714,637	0	714,637	Table 5
Mortgage Recording Tax	356,219	0	356,219	Table 5
<u>Property Tax Revenue from Project if No PILOT is Awarded</u>	<u>7,682,895</u>	<u>14,379,978</u>	<u>22,062,873</u>	Table 11
Total Fiscal Benefits	\$12,451,136	\$14,379,978	\$26,831,113	
<u>Fiscal Costs (Foregone Revenue)</u>				
Foregone One-Time Sales Tax on Construction Materials Sales	(\$2,924,756)	\$0	(\$2,924,756)	Table 2
Foregone One-Time Mortgage Recording Tax	(356,219)	0	(356,219)	Table 2
<u>Foregone Property Tax Revenue, Present Value (Exemption)</u>	<u>(3,026,383)</u>	<u>(5,664,443)</u>	<u>(8,690,827)</u>	Table 11
Total Costs of Financial Assistance	(\$6,307,358)	(\$5,664,443)	(\$11,971,802)	
Benefit to Cost Ratios	1.97	2.54	2.24	
Net Fiscal Benefit	\$6,143,777	\$8,715,535	\$14,859,312	

(1) 158 workers on site per day, spending \$50 per day, the state's per diem for Westchester County. This accounts for meals, gas, and incidentals, 75% of which is taxable. (2) 8 workers on site per day, spending \$25 per day, 75% of which is taxable, over 30 years and discounted by 3%. (3) 250 households spending 11% of disposable income after shelter and taxes within the City of Yonkers, 45% of which is taxable.

PROJECT OPERATIONS

Rent and Affordability

The Applicant provided details of rents for the Project. First year rents shown in the tables below and include residential units, commercial space, and a summary of parking spaces and revenue.

Table 7a

Residential Unit Rent and Household Income

Unit Type	Income Restriction	# of Units	Square Feet per Unit	Monthly Rent	Per Unit Annual Rent	Estimated Household Income (1)	First Year Income to Project
<u>Market Rate</u>							
Studio	None	53	519	\$2,325	\$27,900	\$93,000	\$1,478,700
1BR	None	87	662	\$2,650	\$31,800	\$106,000	\$2,766,600
2BR	None	81	995	\$3,575	\$42,900	\$143,000	\$3,474,900
3BR	None	4	1,305	\$4,475	\$53,700	\$179,000	<u>\$214,800</u>
Total Market Rate		225					\$7,935,000
<u>Income Restricted</u>							
Studio	60% AMI	9	453	\$1,200	\$14,400	\$50,000-\$70,000	\$129,600
1BR	60% AMI	9	606	\$1,392	\$16,704	\$50,000-\$70,000	\$150,336
2BR	60% AMI	7	869	\$1,998	\$23,976	\$70,000-\$100,000	<u>\$167,832</u>
Total Income Restricted		25					\$447,768

Table 7b

Commercial Rent and Income

Type		Rent/SF or Space	First Year Revenue
Retail/Restaurant	1,920 SF	\$40	\$76,800
Parking, Average	252 Spaces	\$120/Month	<u>\$363,900</u>
Totals			\$440,700

³ Source: Westchester County 2023 Income & Rent Program Guidelines, Area Median Income (AMI), Sales & Rent Limits

Operating Snapshot, PILOT Year 7

Stabilization is expected in Year 7, when the Project is fully tenanted and both principal and interest are paid on the mortgage, after three years of interest-only payments that reduce debt costs temporarily.

The Applicant provided clear, detailed operating information for the requested PILOT period. The following factors were reviewed and found to be reasonable:

- ◆ The Applicant projected a stabilized vacancy rate of 5% for the housing units, below the 5.4% for the New York metro area but not unreasonable for the nature of the Project. Commercial space is expected to have the same vacancy rate.
- ◆ The Applicant expects apartment income to increase by 3% per year, with operating expenses increasing at the same rate.
- ◆ Net Operating Income (NOI) after debt service is positive only with the PILOT, and no annual losses are estimated.
- ◆ With no PILOT, the Project is estimated to incur \$1.9 million of cumulative net losses in the first 9 years, making it unfeasible to build and operate.
- ◆ Debt service, not operations, reduces the financial performance of this Project. It absorbs 71% of estimated Effective Gross Income, or EGI. Operating expenses without debt are below the benchmark, indicating efficiency.
- ◆ The Applicant estimates a 7.00% interest rate on the commercial mortgage, but expects to refinance when interest rates decline, which is currently reported as the market expectation by the Wall Street Journal. Storrs Associates therefore tested returns using a 5.50% interest rate, and finds Net Income after Debt Service increasing to \$1.5 million with the PILOT, and \$421,121 without it. Other return measures also improve, but do not exceed current market benchmarks, suggesting that financial assistance would still be needed for the Project to be financially feasible.

Table 8

Comparison of Operating Results, Stabilization in Year 7		
	<u>Proposed</u>	<u>No PILOT</u>
<u>Net Operating Income</u>		
Gross Operating Income after Vacancy	\$9,940,825	\$9,940,825
Less: Operating Expenses	(2,320,688)	(3,435,136)
<i>Non-Tax Operating Expenses</i>	(1,618,810)	(1,618,810)
<i>Reserve</i>	(75,000)	(75,000)
<i>Real Property Tax Expense</i>	<u>(626,877)</u>	<u>(1,741,326)</u>
Net Income	\$7,620,138	\$6,505,689
NOI as a % of EGI, Benchmark 53%	77%	65%
<u>Net Income after Debt Service</u>		
Debt Service	<u>(\$7,055,803)</u>	<u>(\$7,055,803)</u>
Net Income after Debt Service	\$564,335	(\$550,114)
Net Income after Debt Service as a % of EGI	6%	negative
Non-Tax Operating Expenses as a % of EGI	16%	16%
Real Property Tax Expense as a % of EGI	6%	18%
Expense Ratio, Benchmark 47%	23%	34%
Debt Service as a % of EGI	71%	71%
 Benchmarks from RealtyRates.com 2023 Q3 Market Survey		

Storrs Associates flags projects where expenses increase faster than income as potentially non-feasible over the long term and notifies the Agency of concerns. The Applicant may experience lower net cashflows if expenses vacancies are higher, or if actually increase faster than estimated but the costs cannot be passed through to the residents. However, this is an operating risk for all projects and reflects ordinary uncertainty when making long-term projections, rather than an expectation of declining financial performance at the outset, which could be of concern.

FINANCING PLAN

Table 9

Sources and Uses of Funds

Sources of Funds	<u>Amount</u>	<u>Percent</u>
<u>Equity Investment</u>		
Developer equity	\$48,085,722	36%
<u>Debt Financing</u>		
Mortgage	85,485,729	64%
Total Sources	\$133,571,451	100%
<u>Uses of Funds</u>		
Property Acquisition	\$12,450,000	9%
Hard Costs	85,771,200	64%
Soft Costs	14,050,251	11%
Financing Costs	<u>21,300,000</u>	<u>16%</u>
Total Uses	\$133,571,451	100%

Source: Applicant

Capital Structure

The Applicant expects to fund the Project with equity and debt. As noted in Project Operations, the 7.00% expected interest rate on the commercial mortgage is costly and weakens financial performance. The Applicant therefore expects to refinance when interest rates decrease, which is the current market expectation as reported in the Wall Street Journal.

Table 10

Leverage and Estimated Market Value

Financing Terms, Long Term Debt

Principal	\$85,485,729
Term in Years	30
Interest Rate	7.00%
Years of Interest Only	3

Market Value (NOI/CapRate) after 15 Years

	<u>No Tax Effects</u>	<u>Taxes Estimated</u>
Net Income (NOI)	\$10,542,080	\$10,542,080
Capitalization Rate (CapRate)	6.50%	8.33%
Market Value (NOI/CapRate)	\$162,185,846	\$126,560,107
Principal Outstanding	<u>(\$70,026,338)</u>	<u>(\$70,026,338)</u>
Net Proceeds	\$92,159,509	\$56,533,769

Source: Applicant. CapRate from Storrs Associates Using CoStar.

⁵ Source: RealtyRates.com 2024 Investor Survey

PILOT ANALYSIS

Notes and Disclaimers

This PILOT analysis is an estimate based on currently available information, including operating information from the Applicant, and the actual Project revenue, costs, assessed value, tax rates, and tax obligations may be different.

Methodology

1. Calculate the taxes on the current, or Unimproved, value and escalate by 1% annually.
2. Calculate an estimated future/full market value after completion of the Project, and estimate taxes using the income approach recommended by the city's Assessor.
3. Calculate the increase in assessment from the Project and create a PILOT schedule that (1) pays taxes only on the Unimproved value during construction, and (2) reduces taxes on the completed Project by no more than 35% in total when measured over the life of the PILOT.
4. Calculate the savings to the Project from the PILOT, annually and over the life of the PILOT, discounted to present value. Calculate the total percent abatement over the PILOT period.

Summary results are presented in Table 11 and Figure 1. The annual abatement schedule is included on the next page.

Table 11

Real Property Tax Comparisons and New Revenue from Project Comparison of Taxes on Full Value of Project, and Project with PILOT

	<u>City of Yonkers</u>	<u>School District</u>	<u>County</u>	<u>All Jurisdictions</u>
Taxes without PILOT	\$7,682,895	\$14,379,978	\$3,441,484	\$25,504,357
Less: PILOT Payments	<u>(4,656,512)</u>	<u>(8,715,535)</u>	<u>(2,085,843)</u>	<u>(15,457,889)</u>
Foregone Revenue	\$3,026,383	\$5,664,443	\$1,355,641	\$10,046,468
Abatement Percent	35%	35%	35%	35%
Net New Taxes Compared with No PILOT				
PILOT Payments	\$4,656,512	\$8,715,535	\$2,085,843	\$15,457,889
Less: Taxes without Project	<u>(60,316)</u>	<u>(112,893)</u>	<u>(27,018)</u>	<u>(200,228)</u>
Net New Tax Revenue	\$4,596,195	\$8,602,641	\$2,058,824	\$15,257,661

All taxes are present value with a discount rate of 3%

Figure 1

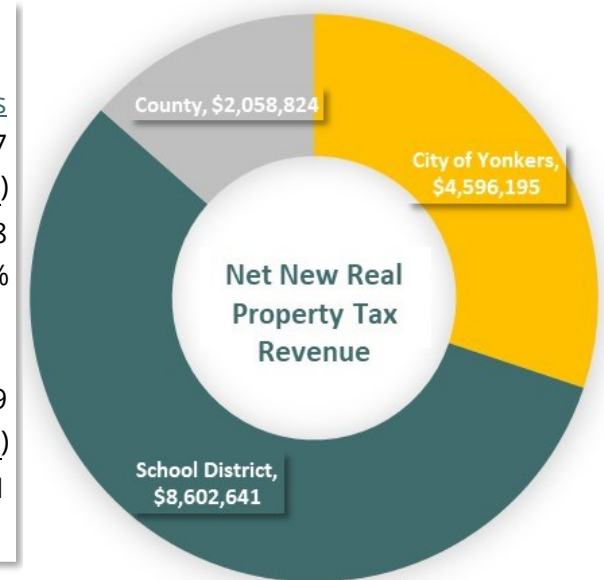


Table 12

Estimated Taxes on Project, Compared to Estimated PILOT Payments

PILOT Year	Total Estimated Taxes without PILOT	PILOT Payments	Foregone Revenue, All Jurisdictions	Percent of Full Taxes Paid
1	\$743,294	\$510,000	(\$233,294)	Unimproved, Fixed Pmt.
2	1,409,698	520,000	(889,698)	Unimproved, Fixed Pmt.
3	1,673,380	535,482	(1,137,899)	32%
4	1,690,114	540,837	(1,149,278)	32%
5	1,707,015	580,385	(1,126,630)	34%
6	1,724,085	603,430	(1,120,656)	35%
7	1,741,326	626,877	(1,114,449)	36%
8	1,758,740	650,734	(1,108,006)	37%
9	1,776,327	763,821	(1,012,506)	43%
10	1,794,090	1,004,691	(789,400)	56%
11	1,812,031	1,050,978	(761,053)	58%
12	1,830,151	1,079,789	(750,362)	59%
13	1,848,453	1,109,072	(739,381)	60%
14	1,866,938	1,773,591	(93,347)	95%
15	1,885,607	1,791,327	(94,280)	95%
16	1,904,463	1,809,240	(95,223)	95%
17	1,923,508	1,846,567	(76,940)	96%
18	1,942,743	1,884,460	(58,282)	97%
19	1,962,170	1,922,927	(39,243)	98%
20	1,981,792	1,981,792	0	100%
Total Abatement over PILOT (not an average)				
	\$34,975,926	\$22,585,998	(\$12,389,928)	35%
Present Value at 3%				
	\$25,504,357	\$15,457,889	(\$10,046,468)	

ABOUT THIS REPORT

SCOPE OF SERVICES - FINANCIAL ASSISTANCE AND IMPACT ANALYSIS

The purpose of the report is to provide a consistent, accurate, and reliable analysis of a proposed project that has asked the Agency for financial assistance. The three basic components are:

1. Evaluate the capital structure, operating assumptions, and financial performance of the Project, calculate return on investment, and provide an opinion on whether the requested financial assistance is necessary and reasonable. This includes drafting a PILOT schedule for the Agency's approval.
2. Estimate the economic impact of construction, ongoing project operations, and household spending using jobs, labor income, and contribution to the Gross Regional Product (GRP) of the City of Yonkers.
3. Create a benefit/cost analysis that compares new tax revenue resulting from the Project with the costs of the financial assistance.

DATA SOURCES

Economic Impact



IMPLAN is a regional economic analysis software application that is designed to estimate the impact or ripple effect (specifically backward linkages) of a given economic activity within a specific geographic area through the implementation of its Input-

Output model. Studies, results, and reports that rely on IMPLAN data or applications are limited by the researcher's assumptions concerning the subject or event being modeled. Studies such as this one are in no way endorsed or verified by IMPLAN Group, LLC unless otherwise stated by a representative of IMPLAN. IMPLAN® model, 2022 Data, using inputs provided by the user and IMPLAN Group LLC, IMPLAN System (data and software), 16905 Northcross Dr., Suite 120, Huntersville, NC 28078 www.IMPLAN.com.

Demographic and Housing Information



Esri is an internationally-recognized provider of Geographic Information Systems (GIS) and demographic data and visualization tools. Esri's demographic data is gathered from the U.S. Census, the Bureau of Labor Statistics, and Bureau of Economic Analysis. Esri uses current and historical data to create estimates of future demographic characteristics. Any estimates used by Storrs Associates are clearly labeled as such.

Market Benchmarks and Trends



CoStar is an industry leader in commercial real estate information, analytics, and news. It provides clients both data and research tools to understand transactions, trends, assets, and market players down to individual community levels. Data ranges from market overviews of rents, Market Capitalization, occupancy, and net income, to fine-grained data on individual buildings, including loan performance and tax assessments.



RealtyRates.com™ is a comprehensive resource of real estate investment and development news, trends, analytics, and market research that support real estate professionals involved with more than 50 income producing and sell-out property types throughout the U.S. RealtyRates.com™ is the publisher of the award-winning Investor, Developer and Market Surveys, providing data essential to the appraisal, evaluation, disposition and marketing of investment and development real estate nationwide

STORRS ASSOCIATES

Storrs Associates, LLC is a partner and advisor to public and private entities seeking to encourage economic growth and to make direct public and private investments. We deliver client-driven, high quality advice, customized analyses and reports, public speaking and learning sessions, and transaction management.

Victoria Storrs, the company President, founded the firm in 2021 to provide direct, responsive service to municipal governments and the public and private organizations who work with and for them. She has worked with municipal governments for more than 20 years, beginning as an investment banker at First Albany Corporation and managing debt financings for state public authorities. She taught money and capital markets at the State University of New York at Albany School of Business, and has been a development finance and economic development consultant for more than nine years, including five years at Camoin Associates of Saratoga Springs, NY, where she became the firm's first Development Finance Practice Leader.

Storrs Associates, LLC is located in Albany County, NY, and serves clients throughout New York and the Northeast. Learn more at www.storrsassociates.com and on [LinkedIn](#).

This report was prepared by Victoria Storrs, President and Founder.
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(518) 512-9537

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THIS REPORT WAS PREPARED BY STORRS ASSOCIATES, LLC FOR
YONKERS INDUSTRIAL DEVELOPMENT AGENCY
YONKERS, NY





APPLICATION FOR FINANCIAL ASSISTANCE

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

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: MIROZA TOWER LLC		Date of final application Submission: ____ / ____ / ____
Name of Person Completing Application and Title: Jacob Klein- Authorized Representative		
Name of Company (if applicable): MIROZA TOWER LLC		
Address: PO Box 155, Lawrence, NY 11559		
Phone: 516.568.5259	Mobile: [REDACTED]	Email: [REDACTED]
PROJECT INFORMATION		
Project Address: 44 HUDSON STREET YONKERS NY 10701		
Block(s) & Lot(s): 1, 502, 1.10		
Present Legal Owner of Site: MIROZA TOWER LLC		Is applicant/affiliate present owner of the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
How will the site be acquired: (if applicable) N/A		When is the site planned to be acquired: N/A
Current Zone: D-MX	Proposed Zone: D-MX	Are any variance needed: YES, HEIGHT, NUMBER OF STORIES, DISTANCE FROM SURFACE PARKING
Is this project located in: Distressed Area: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No *if unknown, please inquire with IDA Staff Former Empire Zone: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
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.		
Is the location currently: <input checked="" type="checkbox"/> Vacant land <input type="checkbox"/> Abandoned <input type="checkbox"/> In use / occupied Please provide a brief description of the current use of project location(s): VACANT LAND ADJACENT TO MARKET PARKING LOT AND ACROSS FROM MUNICIPAL PARKING LOT		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: APPROX 25 STORY MULTI FAMILY RESIDENTIAL BLDG, APPROX 279 UNITS WITH 153 PARKING SPOTS
Estimated date project will need to begin utilizing benefits:		<u>09</u> / <u>01</u> / <u>2021</u>
Likelihood of accomplishing proposed project within three (3) years:		<input checked="" type="checkbox"/> Likely or <input type="checkbox"/> Unlikely



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

VALUE OF PROPERTY to be acquired	\$ <u>11,000,000</u>
If you intend to leverage property already owned indicate intended mortgage value:	\$ <u>5,500,000</u>
TOTAL COST OF CONSTRUCTION: (labor + materials)	\$ <u>84,000,000</u>
Labor: \$ <u>33,000,000</u> Equipment/Materials: \$ <u>51,000,000</u>	
NON CONSTRUCTION Equipment / Furnishings:	\$ <u>3,000,000</u>
SOFT COSTS:	\$ <u>28,000,000</u>
Other (explain):	\$ _____
TOTAL PROJECT COST	\$ <u>126,000,000</u>

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

COST (Financial Assistance) BENEFIT (Economic Development) ANALYSIS

FINANCIAL ASSISTANCE REQUESTED (check all that apply)		VALUE OF EXEMPTIONS <i>to be completed by IDA staff</i>
<input checked="" type="checkbox"/> SALES AND USE TAX EXEMPTION: <i>Estimated value of Goods and Services to be exempt from sales and use tax (see "Recapture" on page 8)</i>	Value of taxable purchases: \$ <u>15,000,000</u>	\$ _____
<input checked="" type="checkbox"/> MORTGAGE RECORDING TAX EXEMPTION:	Estimated Mortgage amount: \$ <u>85,000,000</u>	\$ _____
<input checked="" type="checkbox"/> REAL PROPERTY TAX AGREEMENT (PILOT) <i>Requested duration of PILOT:</i>	YEARS: <u>20</u>	\$ _____
<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	\$ <u>41,000,000</u>	Expected Gross Taxable Receipts:	\$ <u>XXXX</u>
Estimated Bank Financing	\$ <u>84,000,000</u>	Add'l Revenue to City/School District:	\$ _____
State and Federal grant/credit:	\$ _____	OTHER BENEFITS:	
_____	\$ _____	<input checked="" type="checkbox"/> Community Development	
_____	\$ _____	<input checked="" type="checkbox"/> Development that will attract other investment	
_____	\$ _____	<input checked="" type="checkbox"/> Regionally Significant	
TOTAL INVESTMENT IN PROJECT \$ <u>126,000,000</u>		<input checked="" type="checkbox"/> Improve the quality of life for the Residents of the City	
		<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	0	0	0	12	12
Part Time - PT	0	0			
Total	0	0	12	12	12

*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		3	270000	40000
Professional		1	85000	10000
Administrative		1	60000	5000
Production/Skilled Worker				
Independent Contractor				
Other (not including construction jobs)		7	410000	20000

INTER-MUNICIPAL MOVE DETERMINATION

Will the project:

- a) 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
- b) 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
- c) 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:



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CONSTRUCTION

Estimated length of construction: 36 MONTHS Estimated start: 12 / 21 Estimated completion: 12 / 24
MM YY MM YY

Estimate cost of project construction: \$ 84,000,000

Total cost attributable to materials: \$ 51,000,000

Total cost attributable to labor: \$ 33,000,000

Estimate how many **construction jobs** will be created as a result of this project: 175

Estimated aggregate number of work hours of manual workers to be employed in project construction: 560,000

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).

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: **CHESKY FRIEDMAN**

Company Name: **MIROZA TOWER LLC**

Address: **44 HUDSON STREET YONKERS NY 10701**

Contractor Subcontractor

Name:

Company Name:

Address:

Contractor Subcontractor

Name:

Company Name:

Address:

¹This 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.



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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: 80 %
- 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:

We will make best efforts on all contracts and labor to have all jobs competitively bid with a local preference.

Azorim believes in building and maintaining strong ties with the local communities and tradespeople.

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).



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APPLICANT'S COUNSEL

Name of Counsel: Zarin And Steinmetz	Phone 914-682-7800
Address 81 Main Street, Suite 415 White Plains NY 10601	Email: david@zarin-steinmetz.com

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

AZORIM AT RIDGE HILL INC-99.5%		

Type of entity: Taxable Tax-Exempt Establishment Date: 10 / 01 / 2006 State of Organization: NY

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

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

**MIROZA TOWER LLC IS A SUBSIDIARY OF :
AZORIM AT RIDGE HILL INC**



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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 and 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 and 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.



APPLICATION FOR FINANCIAL ASSISTANCE

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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.



APPLICATION FOR FINANCIAL ASSISTANCE

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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.



APPLICATION FOR FINANCIAL ASSISTANCE

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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.:

_____, being first duly sworn, deposes and says:

1. That I am the _____ of _____ 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.

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this ____ day of _____, 20____.

(Notary Public)

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)

<u>Agency Fee Type</u>	<u>Fee</u>
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)

<u>Project Type: Straight Lease</u>	<u>Annual Fee</u>
Up to \$10M	\$ 500
Over \$10M	\$1,000
<u>Project Type: BONDS</u>	<u>Annual Fee</u>
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.



YEDC
Yonkers Economic Development Corporation

APPENDIX TO APPLICATION

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Original Application to the Yonkers IDA submitted on: Approx 7/15/2021
Date of addendum: 8/16/2021

Please indicate changes to the original application below and attach supporting documentation as needed.

Section:	ORIGINAL information:	REVISED Information:
1	279 UNITS	267 UNITS

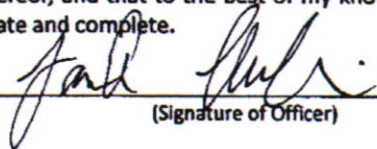
CERTIFICATION

The undersigned hereby certifies, under penalties of perjury, that the answers and information provided above and in any schedule, exhibit, statement, or representation attached hereto are true, accurate and complete, to the best of the knowledge of the undersigned and that such answers and information are being relied upon by the Yonkers Industrial Development Agency to provide "financial assistance", as that term is defined in Article 18-A of the General Municipal Law of the State of New York.

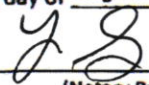
STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jack Klein, being first duly sworn, deposes and says:

- That I am the COO of MIROZA TOWERS LLC and that I am
(Corporate Officer) (Applicant)
duly authorized on behalf of the Applicant to bind the Applicant.
- 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.


(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 16 day of August, 2021.


(Notary Public)

YOSEF GRUBER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01GR5050502
Qualified in Rockland County
My Commission Expires 03-19-2023

Appendix to Application by Miroza Tower, LLC

I. Project Narrative

With the assistance of the Yonkers Industrial Development (“IDA”), Miroza Tower, LLC (“Miroza,” a subsidiary of Azorim Construct Co. Ltd. (“Azorim”)) intends to construct a modern, architecturally significant 27-story, mixed-use building in Downtown Yonkers (the “Project”), located at 44 Hudson Street (also known as 40 Hudson Street, Section/Block/Lot 1.502-1.10) (the “Property”). The Property consists of approximately 0.43 acres and is a large, unseemly vacant lot.

The Project will comprise a 267-unit, mainly residential tower on the Property, which is designed uniquely to become an architectural landmark for downtown Yonkers. The tower will include a party room, library, conference room, gym, two resident lounges, rooftop garden, and a children’s playroom. The Project will also include 1,699 square feet of retail space on the first floor and a 222-space parking garage. 25 parking spaces will be located off-site at 56-60 Buena Vista Avenue. There will be the requisite number of affordable rental units made available – 27.

The Project, which is located in the City’s Downtown-Mixed Use (“D-MX”) Zoning District, is still in the approvals process and requires several area variances, including height and parking variances. Miroza submitted a variance application to the City’s Zoning Board of Appeals in March 2021. The application remains pending.

The Project will be compatible with the neighborhood, as numerous multi-family structures are located within the neighborhood, including along the north side of Hudson Street and the west side of Hawthorne Avenue. In addition, the Property itself will not border on any residential or institutional uses, and is adjoined to the south and east by a commercial plaza (including a ShopRite and CVS Pharmacy), and will certainly add to the vitality and economic viability of this plaza. The Project is also in conformance with the general purpose and intent of the D-MX District. It will activate Hudson Street through the ground-floor retail space, while providing 267 residences within walking distance of bus routes, the Metro-North, numerous stores, personal service businesses, and offices. The Project will also remove an eyesore, increase the City’s tax rateables, and provide 267 new residences in the downtown core.

Miroza’s parent company, Azorim, has a proven track record of high-quality, successful development projects, including stepping in recently to complete the Monarch at Ridge Hill Community Yonkers. Moreover, Azorim is the largest residential development company in Israel, and has been constructing residential developments for over half a century. More can be found out by Azorim at: <https://www.azorim.co.il/en>

II. Need for Financial Assistance

Miroza Tower LLC has, and will continue, to provide significant equity towards the Project, totaling approximately \$35-40M, and will secure \$80-85,000,000 in bank financing. An estimated \$85,000,000 will spent on construction, including \$33,000,000 on labor costs. 175 construction jobs are estimated to be created. The Applicant intends for 80% of these workers to

be local. In addition, during the operation of the Project, 12 permanent jobs (related to property management) will be retained, while an additional 7 permanent jobs will be created.

APPENDIX

Application to the Yonkers IDA submitted on 12-15-21

The following changes have been made as of 05-09-23, but still subject to change:

Cost of Total Project: is now \$133,800,000

Client Costs:

Hard Construction is now \$86,000,000

Soft Construction is now \$35,350,000

Land Costs is now \$12,464,000

Mortg amt is now \$89,000,000

Private funds is now \$44,100,000

Cost Benefit Analysis:

Taxable Purchases is now \$45,000,000

Total Costs Attributable to Labor \$41,000,000

Job Creation and Retention:

Estimated# of FTEs Jobs to be Created is approx 7 FTE's

Mgmt	2	\$125,000 wages	\$15,000 Fringe Ben
Pro	1	\$70,000 Wages	\$7,000 Fringe Ben
Other	4	\$200,000 wages	\$16,000 Fringe Ben



YEDC

Yonkers Economic Development Corporation

AMENDMENT TO APPLICATION

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

Date of original application to the Yonkers IDA: 07 / 15 / 2021

Date of this amendment: 10 / 26 / 2023

Please indicate changes to the original application below and attach supporting documentation as needed.

Page/Section	ORIGINAL information:	REVISED Information:	REASON FOR CHANGE
4	84,000,000 ALL CONSTRUCTION	42,058,824 MATERIALS 22,941,176 LABOR 5,611,200 CONTINGENCY 15,160,000 GRL CONSTRUCTION	ORIGINAL APP DID NOT BREAKOUT BETWEEN LABOR/MATERIALS AND WAS APPROXIMATE. PROFORMA DELINEATES THE CHARGES AND HAS FINAL CONTRACTED AMOUNTS LISTED, RESULTING IN A VARIANCE OF \$-1,228,800
2	28,000,000 SOFT COSTS INCLUSIVE OF FINANCING COSTS	5,584,000 CONTS MGMT 873,000 ENGINEERING 2,250,000 ARCHITECT 837,209 LEASE UP 2,200,000 INSURANCE 396,000 LEGAL RELATED	ORIGINAL APP DID NOT BREAK OUT SOFT COSTS AND FINANCING COSTS PROFORMA DELINEATES THE CHARGES AND HAS FINAL CONTRACTED AMOUNTS LISTED, RESULTING IN A VARIANCE OF \$-13,949,749
2	CONTINUATION FROM ABOVE- 28,000,000 SOFT COSTS INCLUSIVE OF FINANCING COSTS	75,000 GRL ADMIN 600,000 TAXES/CARRYING 1,279,222 UTILS/3RD PARTIES/CONTINGENCIES	CONTINUATION FORM ABOVE: ORIGINAL APP DID NOT BREAK OUT SOFT COSTS AND FINANCING COSTS PROFORMA DELINEATES THE CHARGES AND HAS FINAL CONTRACTED AMOUNTS LISTED, RESULTING IN A VARIANCE OF \$-13,949,749
2	\$0 FINANCING COSTS	FINANCING COSTS: 1,350,000 17,400,000	ORIGINAL APP DID NOT BREAK OUT SOFT COSTS AND FINANCING COSTS AND ALL WAS INCLUDED IN SOFT COSTS. PROFORMA DELINEATES THE CHARGES AND HAS FINAL CONTRACTED AMOUNTS LISTED, RESULTING IN A VARIANCE OF \$21,300,000
2	PURCHASE OF LAND 11,000,000	PURCHASE OF LAND: 12,250,000 CLOSING COSTS: 200,000	ORIGINAL APP DID NOT INCLUDE A NEARBY PROPERTY WHICH WAS SUBSEQUENTLY PURCHASED TO ALLOW FOR ADDITIONAL PARKING SPACES. PROFORMA ADDED THAT ADDL PROPERTY TO THE CONSIDERATION OF LAND PURCHASES

The above changes have a financial impact on the project. YES No If YES, a revised pro forma is **REQUIRED**.

CERTIFICATION

The undersigned hereby certifies, under penalties of perjury, that the answers and information provided above and in any schedule, exhibit, statement, or representation attached hereto are true, accurate and complete, to the best of the knowledge of the undersigned and that such answers and information are being relied upon by the Yonkers Industrial Development Agency to provide "financial assistance", as that term is defined in Article 18-A of the General Municipal Law of the State of New York.

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

JACOB KLEIN, being first duly sworn, deposes and says:

- That I am the AUTHORIZED REP of MIROZA TOWER LLC and that I am duly authorized on behalf of the Applicant to bind the Applicant.
(Corporate Officer) (Applicant)
- 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.

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this 21 day of JAN, 2024.

(Notary Public)

YOSEF GRUBER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01GR5050502
Qualified in Rockland County
My Commission Expires 03-19-2026

Total page(s): 1 of 3



Date of original application to the Yonkers IDA: 07 / 15 / 2021

Date of this amendment: 10 / 26 / 2023

Please indicate changes to the original application below and attach supporting documentation as needed.

Page/Section	ORIGINAL information:	REVISED Information:	REASON FOR CHANGE
4	CONST JOBS 175 ONSITE CONT WORK HOURS 560,000 CONST PAYROLL 33,000,000 HOURLY WAGE \$59	CONST JOBS 324 ONSITE CONT WORK HOURS 296,666 CONST PAYROLL 27,149,576 HOURLY WAGE \$92	CONST JOBS 149 / ONSITE WORK HOURS -263,334 / CONST PAYROLL -5,850,424 / \$33 THE REVISIONS ARE DUE TO OWNERS ANALYSIS OF ACTUAL ONSITE LABOR AFTER DETAILED DISCUSSIONS WITH SUB CONTRACTORS, WHEREAS THE APP WAS ONLY AN ESTIMATE.

The above changes have a financial impact on the project. YES No If YES, a revised pro forma is **REQUIRED**.

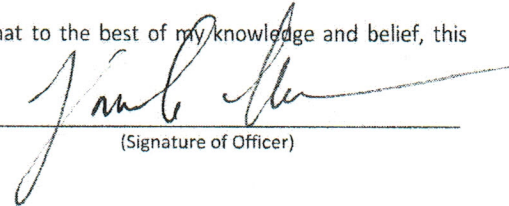
CERTIFICATION

The undersigned hereby certifies, under penalties of perjury, that the answers and information provided above and in any schedule, exhibit, statement, or representation attached hereto are true, accurate and complete, to the best of the knowledge of the undersigned and that such answers and information are being relied upon by the Yonkers Industrial Development Agency to provide "financial assistance", as that term is defined in Article 18-A of the General Municipal Law of the State of New York.

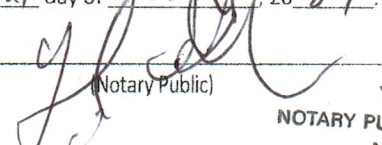
STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

JAKOB KLEIN, being first duly sworn, deposes and says:

- That I am the AUTHORIZED REP of MAROZA TOWER LLC and that I am duly authorized (Corporate Officer) (Applicant) on behalf of the Applicant to bind the Applicant.
- 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.


(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this 21 day of JANUARY, 20 24.


(Notary Public)

YOSEF GRUBER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01GR5050502
Qualified in Rockland County
My Commission Expires 03-19-~~2022~~ 2026

Total page(s): 3 of 3



Date of original application to the Yonkers IDA: 07 / 15 / 2021

Date of this amendment: 10 / 26 / 2023

Please indicate changes to the original application below and attach supporting documentation as needed.

Page/Section	ORIGINAL information:	REVISED Information:	REASON FOR CHANGE
2	TOTAL PROJECT COSTS: 126,000,000	TOTAL PROJECT COSTS: 133,571,451	COSTS OF MATERIALS AND LABOR AS WELL AS FINANCING COSTS ROSE DRAMATICALLY FROM APP TILL PROFORMA, HENCE THE OVERALL INCREASE
2	Basis: Estimated Total Mortgage 84,000,000 Estimate: Mortgage Recording Tax, 1.5% of Basis 1,260,000	84,000,000 1,282,286	1,485,729 INCREASE-BASED UPON LENDER INDICES ON ACTUAL LOAN AMOUNTS 22,286 COMPUTATIONAL INCREASE
2	Basis: Anticipated Taxable Construction Purchases \$ 15,000,000 Estimate: Sales Tax Exemption, 8.875% of Purchases \$1,331,250	65,000,000 5,768,750	50,000,000 INCREASE DUE TO LABOR AND MATERIALS BROKEN OUT ON SUB CONTRACTOR CONTRACTS VS APP, WHERE THE ESTIMATE WAS ON THE FULL JOB WITHOUT DETAILED INFO AVAILABLE 4,437,500 COMPUTATIONAL INCREASE
3	Comparison of Jobs and Payroll ON SITE POSITIONS F/T AFTER 3 YEARS -12	ON SITE POSITIONS F/T AFTER 3 YEARS-8	-4 DECREASE ONCE FINAL BUILDING STAFFING WAS ASSESSED WITH OUTSIDE MANAGEMENT FIRM
3	PAYROLL ALL JOBS 410,000	PAYROLL ALL JOBS 380,000	-30,000 BASED UPON CONSULTATIONS WITH CURRENT STAFFING NEEDS WITH OUTSIDE MGMT FIRM

The above changes have a financial impact on the project. YES No If YES, a revised pro forma is **REQUIRED**.

CERTIFICATION

The undersigned hereby certifies, under penalties of perjury, that the answers and information provided above and in any schedule, exhibit, statement, or representation attached hereto are true, accurate and complete, to the best of the knowledge of the undersigned and that such answers and information are being relied upon by the Yonkers Industrial Development Agency to provide "financial assistance", as that term is defined in Article 18-A of the General Municipal Law of the State of New York.

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

JACOB RLBIN, being first duly sworn, deposes and says:

- That I am the AUTHORIZED REP of MIROZA TOWER LLC and that I am duly authorized (Corporate Officer) (Applicant) on behalf of the Applicant to bind the Applicant.
- 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.

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this 21 day of JAN, 2024.

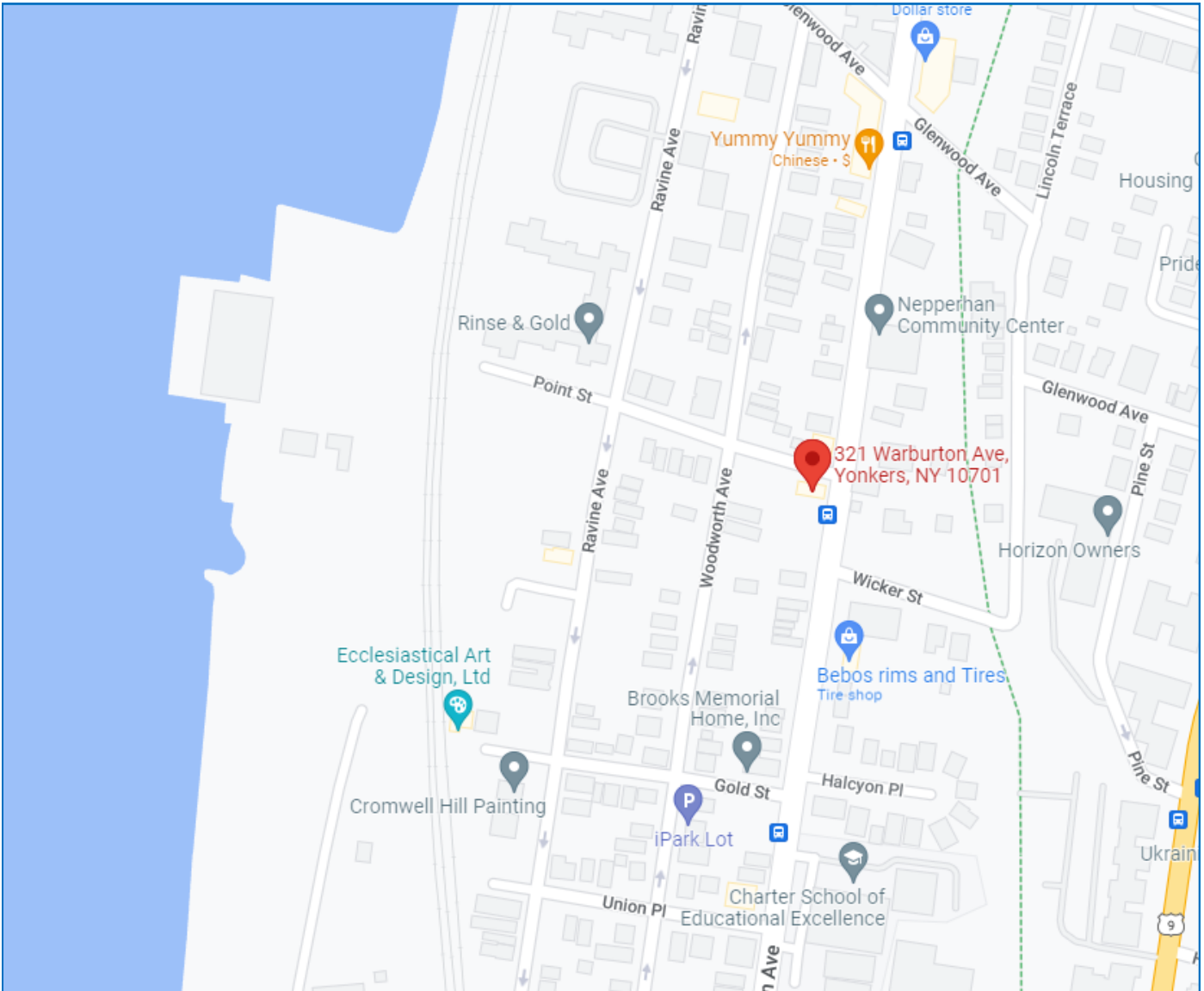
(Notary Public)

YUSEF GRUBER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01GR5050502
Qualified in Rockland County
My Commission Expires 03-19-2024 2024

Total page(s): 2 of 3

WARBURTON AVENUE APARTMENTS LLC

321 Warburton Avenue



FINAL RESOLUTION
(Warburton Avenue Apartments, LLC Project)

A regular meeting of the City of Yonkers Industrial Development Agency was convened in public session on January 23, 2024.

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

Resolution No. 01/2024 - 02

RESOLUTION OF THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY (THE “AGENCY”) (i) ACKNOWLEDGING THE PUBLIC HEARING HELD BY THE AGENCY WITH RESPECT TO THE WARBURTON AVENUE APARTMENTS, LLC PROJECT, (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGENT, FINANCIAL ASSISTANCE AND PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, TAX AGREEMENT, TAX AGREEMENT MORTGAGE AND RELATED DOCUMENTS; (iii) AUTHORIZING FINANCIAL ASSISTANCE TO WARBURTON AVENUE APARTMENTS, LLC IN THE FORM OF A REAL PROPERTY TAX ABATEMENT STRUCTURED THROUGH A TAX AGREEMENT; AND (iv) AUTHORIZING THE EXECUTION AND DELIVERY OF A MORTGAGE AND RELATED DOCUMENTS, IF REQUIRED

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 83 of the Laws of 1982 of the State of New York (the “State”), as amended (hereinafter collectively called the “Act”), the Agency was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **WARBURTON AVENUE APARTMENTS, LLC**, for itself or an entity to be formed (the “Company”) has submitted an application (the “Application”) to the Agency requesting the Agency's assistance with a certain project (the “Project”) consisting of (i) the acquisition or retention of the land commonly known as (i) 317 Warburton Avenue (Section 2, Block 2116, Lot 27); 319 Warburton Avenue (Section 2, Block 2116, Lot 26); 321 Warburton Avenue (Section 2, Block 2116, Lot 24); 262-A Woodworth Avenue (Section 2, Block 2116, Lot 21); 250 Woodworth Avenue (Section 2, Block 2116, Lot 17); 248 Woodworth Avenue (Section 2, Block 2116, Lot 16); 255 Woodworth Avenue (Section 2, Block 2115, Lot 34); 253 Woodworth Avenue (Section 2, Block 2115, Lot 35); 247 Woodworth Avenue (Section 2, Block 2115, Lot 36) (which may also be known as 251 Woodworth Avenue); 249 Woodworth Avenue (Section 2, Block 2115, Lot 37); and 247 Woodworth Avenue (Section 2, Block 2115, Lot 38), and 32 Point Street (Section 2, Block 2116, Lot 22) (collectively, the “Subject Property”); 305 Warburton Avenue (Section 2, Block 2116, Lot 32), 309 Warburton Avenue (Section 2, Block 2116, Lot 28), and 254 Woodworth Avenue (Section 2, Lot 2116, Lot 18) (collectively the “Private Property” which together with the Subject Property is the “Land”), City of Yonkers, New York; (ii) the

construction, renovation, improving, maintaining and equipping on the Land of approximately 94 income restricted studio and one-bedroom affordable housing rental units for seniors aged 62 and over to be known as the James Lindburgh Senior Apartments (the “Improvements”); and (iii) the acquisition and installation in and around the Land and Improvements of certain items of equipment and other tangible personal property (the “Equipment”, which together with the Land and Improvements are the “Facility”); and

WHEREAS, in furtherance of the objectives of Articles 15 and 15-A of the General Municipal Law of the State of New York, as amended, the City of Yonkers (the “City”) has undertaken a program for the acquisition, clearance, building demolition, replanning, reconstruction and neighborhood rehabilitation of blighted areas in the City, and has been engaged in carrying out a neighborhood development program and urban renewal program in the Ravine neighborhood, as more particularly set forth in the Ravine Master Plan, dated December 2010 (the “Ravine Master Plan”) and the Warburton Ravine Urban Renewal Area Plan, dated December 2010 (the “Ravine URA Plan” which together with the Ravine Master Plan is collectively, the “Master Plan”); and

WHEREAS, towards that end, the Master Plan suggested certain implementation measures, such as: (i) eliminating substandard and deteriorating residential, commercial, and industrial areas and properties; (ii) developing sites for residential construction, including a mix of low-income, moderate-income and market-rate housing; (iii) increase the vitality and safety of the street; (iv) improve streets, sidewalks and curbs; and (v) reinforce local and regional amenities; and

WHEREAS, the City Council of the City, on April 14, 2022, adopted a local law (the “Local Law”), which would authorize the transfer of the Subject Property to the Agency, among other parcels, for the purpose of building affordable housing; and

WHEREAS, in accordance with the authority granted under the Local Law, the City and the Agency executed a Purchase and Sale Agreement (the “City Sale Contract”); and

WHEREAS, by resolution dated March 31, 2022 the Agency authorized the execution of the Purchase and Sale Agreement by and between the City and the Agency; and

WHEREAS, in furtherance of the Project and in connection with the Purchase and Sale Agreement, the Agency and the Company entered into a certain land disposition agreement, dated as of March 31, 2022 (the “Purchase Agreement”), concerning the Subject Property, subject to the approval of the Local Law and the requirements of the Act, and no objection by the Governor and the State Legislature; and

WHEREAS, on March 31, 2022, the Agency adopted a resolution with respect to the Project: (i) accepting the Application of the Company, (ii) directing that a public hearing be held, and (iii) describing the “financial assistance”, as such term is defined in the Act, being contemplated by the Agency with respect to the Project; and

WHEREAS, the Purchase Agreement, specifically Section 7.1.4, originally required the Company to procure certain Governmental Approvals, as such term is defined in the Purchase Agreement, by March 31, 2023 and Section 4.1 requires Closing to occur by December 31, 2023; and

WHEREAS, the Purchase Agreement was amended to extend the deadline to procure the Government Approvals to December 31, 2023, and amended a second time to extend the deadline and the closing to March 31, 2024; and

WHEREAS, the City Sale Contract was amended to extend the deadline for the transfer of the Land between the City and the Agency to occur on or before March 31, 2024, from December 31, 2023; and

WHEREAS, the Company has received a reservation for 9% Low Income Housing Tax Credits (the “9% Tax Credits”) from the State of New York (the “State”) for the Project; and

WHEREAS, it is contemplated that the Agency enter into an agent, financial assistance and project agreement, pursuant to which the Agency will designate the Company as its agent for the purpose of constructing and equipping the Project (the “Agent Agreement”), (ii) negotiate and enter into a lease agreement (the “Lease Agreement”), leaseback agreement (the “Leaseback Agreement”) and tax agreement (the “Tax Agreement”) with the Company, and, if required by the Agency, a Tax Agreement mortgage (the “Tax Agreement Mortgage”), (iii) take a leasehold interest in the Land, the Improvements and personal property constituting the Project (once the Lease Agreement, Leaseback Agreement and Tax Agreement (and Tax Agreement Mortgage, if applicable have been negotiated), and (iv) provide “financial assistance”, as such term is defined in the Act, to the Company in the form of a partial real property tax abatement structured through the Tax Agreement (the “Financial Assistance”); and

WHEREAS, pursuant to General Municipal Law Section 859-a, on Tuesday, May 10, 2022, at 3:00 p.m. local time, at the offices of Agency at 470 Nepperhan Avenue, Suite 200, Yonkers, New York 10701, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views. A copy of the Notice of Public Hearing - published and forwarded to the affected taxing jurisdictions with Notice Letter at least ten (10) days prior to said Public Hearing - is attached hereto as **Exhibit A**, along with the Affidavit of Publication of *The Journal News*, and Minutes of the Public Hearing; and

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

WHEREAS, the City of Yonkers Planning Board (the “Planning Board”), as an involved agency under SEQRA in connection with land use review, designated itself to act as Lead Agency for purposes of a review of the Project as a proposed action under SEQRA and conducted a review of the Project (the “Planning Board Review”); and

WHEREAS, at the conclusion of the Planning Board Review, on September 7, 2022, the Planning Board determined that the Project was an Unlisted Action (the “Planning Board SEQRA Findings”), and that the Project will not have a significant effect on the environment (the “Planning Board Negative Declaration”); and

WHEREAS, the number of jobs to be created or maintained at the Facility are projected to be two (2).

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

Section 1. The Public Hearing held concerning the Project and the Financial Assistance was duly held in accordance with the Act, including, but not limited to, the giving of at least ten (10) days published notice of the Public Hearing (such notice also provided to the Chief Executive Officer of each affected tax jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project. The Agency hereby determines that the Project is a “commercial” project under the Act, and that undertaking and providing “financial assistance”, as such term is defined in the Act, to the Project (i) will promote and maintain the job opportunities, health, general prosperity and economic welfare of the citizens of the City and the State and improve their standard of living, (ii) will preserve the competitive position of the Project and will not result in the removal of an industrial, manufacturing or commercial plant of the Company or any occupant of the Project 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 Company or any occupant of the Project except as permitted by the Act, (iii) is authorized by the Act and will be in furtherance of the policy of the State as set forth therein, and (iv) will provide new affordable housing units in the County of Westchester, which, according to a 2019 needs assessment, is in need of over 11,000 units of new affordable housing.

Section 2. The Agency is hereby authorized to provide to the Company the Financial Assistance in the form of a real property tax abatement structured through the Tax Agreement.

Section 3. The Chairman, Vice Chairman, President, Executive Director, Secretary and/or the CFO of the Agency are hereby authorized, on behalf of the Agency, to negotiate and enter into (A) the Agent Agreement, (B) the Lease Agreement, pursuant to which the Company leases the Project to the Agency, (C) the related Leaseback Agreement, pursuant to which the Agency leases its interest in the Project back to the Company, and (D) the Tax Agreement and Tax Agreement Mortgage; *provided, that*, (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the Tax Agreement are consistent with

the Agency's Uniform Tax Exemption Policy (“UTEF”) or the procedures for deviation have been complied with.

Section 4. The Chairman, Vice Chairman, Executive Director and/or the Secretary of the Agency are hereby authorized, on behalf of the Agency, to execute, deliver and record any mortgage, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any reputable lender identified by the Company, up to a maximum principal amount necessary to refinance existing Company debt and to undertake the Project, acquire the Facility and/or finance or refinance the Facility or equipment and other personal property and related transactional costs (hereinafter, with the Agent Agreement, Lease Agreement, Leaseback Agreement, Tax Agreement and Tax Agreement Mortgage, collectively called the “Agency Documents”); and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chairman, Vice Chairman, Executive Director and/or the Secretary of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman, Executive Director and/or the Secretary of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency’s interest in the Project.

Section 5. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 6. The Agency concurs with the Planning Board SEQRA Findings and the Planning Board Negative Declaration and hereby finds and determines as follows: (i) the Project is an Unlisted Action under SEQRA; (ii) the requirements of SEQRA have been met; and (iii) the Agency concurs with the Planning Board SEQRA Findings, and adopts said findings and determinations as its own.

Section 7. This Resolution shall take effect immediately upon adoption.

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

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mayor Mike Spano	[]	[]	[]	[]
Marlyn Anderson	[]	[]	[]	[]
Melissa Nacerino	[]	[]	[]	[]
Hon. Cecile D. Singer	[]	[]	[]	[]
Henry Djonbalaj	[]	[]	[]	[]
Roberto Espiritu	[]	[]	[]	[]
Victor Gjonaj	[]	[]	[]	[]

The Resolution was thereupon duly adopted.

CERTIFICATION
(Warburton Avenue Apartments, LLC Project)

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

I, MARLYN ANDERSON, the undersigned Secretary of the City of Yonkers Industrial Development Agency DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the City of Yonkers Industrial Development Agency (the “Agency”), including the resolution contained therein, held January 23, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

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

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

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

Marlyn Anderson, Secretary

[SEAL]

YIDA Resolution No. 01/2024-02
Final Resolution – Warburton Avenue Apartments LLC
January 23, 2024
TC: Harris Beach PLLC

EXHIBIT A

Notice of Public Hearing
Notice Letter
Evidence of Mailing Notice Letter
Affidavit of Publication of *The Journal News*
Minutes of Public Hearing

[Attached hereto]

YIDA Resolution No. 01/2024-02
Final Resolution – Warburton Avenue Apartments LLC
January 23, 2024
TC: Harris Beach PLLC

EXHIBIT B

Negative Declaration

[Attached hereto]

DRAFT

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STATE OF NEW YORK

CITY OF YONKERS

-----X

Minutes of a
Public Hearing in the Matter of
Warburton Avenue Apartments, LLC
Held at

Yonkers Industrial Development Agency
470 Nepperhan Avenue, Suite 200
Yonkers, New York 10701

-----X

May 10, 2022

3:00 P.M.

B E F O R E:

MICHAEL CURTI, ESQ,
Counsel to the City of Yonkers
Industrial Development Agency

Also Present:

VENERUSO, CURTO, SCHWARTZ & CURTO, LLP
Attorneys for Warburton Ave. Apartments
35 East Grassy Sprain Road
Yonkers, New York 10710

BY: STEVEN ACCINELLI, ESQ.
(914) 793-4801

ROGER PINE, Conifer Realty
JAMES SIMMONS, CURE Development

Proceedings

1
2 MR. CURTI: Good afternoon. My
3 name is Michael Curti, counsel for
4 the City of Yonkers Industrial
5 Development Agency. We are here this
6 afternoon on May 10th at 3:00 p.m. to
7 open the public hearing on the
8 Warburton Avenue Apartments, LLC
9 project in accordance with Section
10 859-A Subdivision 2 of the New York
11 General Municipal Law. Notification
12 for this hearing appeared in the
13 Journal News on April 26, 2022.

14 If there is anyone who would
15 like to speak on this project, please
16 raise your hand, give your name and
17 address. And if you are here
18 representing an organization, please
19 identify the same.

20 The public is advised that a
21 reasonable amount of time will be
22 allowed for comments to be made
23 relevant to the project before us.
24 You will be allotted three minutes to
25 make your statement. If you have any

1 Proceedings

2 written statements or documentation
3 you would like to submit for the
4 record, you may do so.

5 The hearing is now open at 3:06
6 p.m. to members of the public who
7 wish to speak in favor or in
8 opposition to the project. I will
9 also note for the record that we have
10 been here since at least 3:00
11 o'clock. And presently besides
12 representatives of the applicant and
13 their counsel, there is no one
14 present here in the hearing room.

15 If you are interested in
16 speaking, please approach the
17 microphone, provide your name,
18 address. And if you are here on
19 behalf of a company or organization,
20 state the name of the organization.

21 The transcript of this public
22 hearing will be reviewed by the
23 entire IDA Board in determination of
24 this project. And I'm going to put a
25 couple of items on the record for the

Proceedings

viewing public.

This application is made by Warburton Avenue Apartments, LLC for itself or an entity to be formed. They have submitted an application to the Agency requesting the Agency's assistance with a certain project consisting of the acquisition of 317 Warburton Avenue, 319 Warburton Avenue, 321 Warburton Avenue, 262-A Woodworth Avenue, 250 Woodworth Avenue, 248 Woodworth Avenue, 255 Woodworth Avenue, 253 Woodworth Avenue, 247 Woodworth Avenue (which may also be known as 251 Woodworth Avenue) 249 Woodworth Avenue, 247 Woodworth Avenue and 32 Point Street (which is collectively the Subject Property) 305 Warburton Avenue, 309 Warburton Avenue and 254 Woodworth Avenue (which is the Private Property which together with the Subject Property is the Land.)

The construction, renovation,

Proceedings

1
2 improving and maintaining and
3 equipping on the Land which shall
4 consist of the construction of
5 approximately 94 income restricted
6 studio and one-bedroom affordable
7 housing rental units for seniors ages
8 62 and over to be known as the
9 Warburton Avenue Apartments, those
10 are the Improvements.

11 And the acquisition and
12 installation in and around the Land
13 and the Improvements of certain items
14 of equipment and other tangible
15 personal property, and this Equipment
16 together with the Land and
17 Improvements are the Facility.

18 The Agency will acquire title
19 to or a leasehold interest in the
20 Facility as well as an interest in
21 the Equipment and lease that Facility
22 back to the Company. The Company
23 will operate the Facility during the
24 term of the lease. At the end of the
25 lease term the Company will purchase

Proceedings

1
2 the Facility from the Agency or if
3 the Agency holds a leasehold interest
4 the leasehold interest will be
5 terminated. The Agency contemplates
6 that it will provide financial
7 assistance to the Company in the form
8 of sales and use tax exemption for
9 purchases and rentals related to the
10 acquisition, construction and
11 equipping of the Project, an
12 exemption from New York State and
13 local mortgage recording taxes as
14 permitted by law consistent with the
15 policies of the Agency and a partial
16 real property tax abatement structure
17 under a Tax Agreement.

18 I will note for the record that
19 we have a copy of the application of
20 the company here in the public
21 hearing room, and at this point in
22 time I will turn it over to
23 Mr. Accinelli, counsel to the
24 applicant to talk a little bit about
25 the project for the public.

Proceedings

Thank you.

MR. ACCINELLI: Thank you, Mr. Curti. Good afternoon. My name is Steven Accinelli from Veneruso, Curto, Schwartz and Curto on behalf of Conifer Realty, LLC and CURE Development who are partners in connection with the development of this project.

Here with me this afternoon is Roger Pine on behalf of Conifer Realty and James Simmons is here as well on behalf of CURE Development. As you can see to my right or behind me is a rendering of the proposed development.

The applicant is proposing a 94 unit senior affordable housing project to be known as Warburton Avenue Apartments. The project includes as Mr. Curti described multiple parcels of land located on Warburton and Woodworth Avenues. The structure itself will be a 6-story

Proceedings

1
2 building containing 36 studio
3 apartments, 57 one bedroom apartments
4 and one two bedroom apartment which
5 will be the superintendent's
6 apartment.

7 On site and off street parking
8 will be provided. The building will
9 also include amenities such as tenant
10 storage room, bicycle room, computer
11 room, community room, laundry room,
12 exercise room, package room,
13 management office and a social
14 services area.

15 We propose that this project
16 will transform the Warburton Point
17 area from a vacant land and buildings
18 to a vibrant senior community in an
19 area that has a high concentration of
20 older adults. The result being a
21 transit oriented development that
22 will bring fundamental socioeconomic
23 benefits intending to help transform
24 the community by providing high
25 quality long term income restricted

Proceedings

1
2 homes for an aging senior population
3 that is representative of the
4 demographic in Yonkers.

5 In addition it is also worth
6 mentioning that should a tax credit
7 be received from housing and
8 community renewal, the applicant
9 commits to setting aside 15 units of
10 the 94 as having a preference for
11 individuals with mobility, visual and
12 hearing impaired special needs.

13 I have no further comments on
14 the project.

15 MR. CURTI: Thank you,
16 Mr. Accinelli. The time now for the
17 record is 3:11 p.m. We will keep the
18 public hearing open for approximately
19 another 18 minutes to allow the
20 public an opportunity to come to the
21 hearing in that time frame.

22 Thank you.

23 (Public hearing remains open
24 while record is paused.)

25 MR. CURTI: Okay, the time now

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Proceedings

is 3:29 p.m. on Tuesday, May 10th.
The room has been open since at least
3:00 o'clock.

No one has joined us for the
public hearing. No one has asked to
put anything on the record. So at
this point in time I'm going to close
the public hearing.

Thank you, very much.
(Whereupon, at 3:30 p.m. the above
matter concluded.)

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Proceedings

C E R T I F I C A T E

STATE OF NEW YORK)
 : SS
COUNTY OF WESTCHESTER)

I, Christine Giustiniani, a Notary Public for and within the State of New York, do hereby certify:

That the above is a correct transcription of my stenographic notes.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of May, 2022.



Christine Giustiniani

&	4	allotted 2:24	board 3:23
& 1:20	470 1:10	allow 9:19	bring 8:22
1	5	allowed 2:22	building 8:2,8
10 1:13	57 8:3	amenities 8:9	buildings 8:17
10701 1:11	6	amount 2:21	c
10710 1:21	6 7:25	apartment 8:4,6	c 11:2,2
10th 2:6 10:2	62 5:8	apartments 1:7,20 2:8 4:4 5:9 7:21 8:3,3	certain 4:8 5:13
15 9:9	7	appeared 2:12	certify 11:9,12
18 9:19	793-4801 1:22	applicant 3:12 6:24 7:18 9:8	christine 11:7,21
2	8	application 4:3,6 6:19	city 1:3,17 2:4
2 2:10	859 2:10	approach 3:16	close 10:8
200 1:10	9	approximately 5:5 9:18	collectively 4:19
2022 1:13 2:13 11:18	914 1:22	april 2:13	come 9:20
20th 11:18	94 5:5 7:18 9:10	area 8:14,17,19	comments 2:22 9:13
247 4:15,17	a	aside 9:9	commits 9:9
248 4:13	abatement 6:16	asked 10:6	community 8:11 8:18,24 9:8
249 4:17	accinelli 1:22 6:23 7:3,5 9:16	assistance 4:8 6:7	company 3:19 5:22,22,25 6:7,20
250 4:12	acquire 5:18	attorneys 1:20	computer 8:10
251 4:16	acquisition 4:9 5:11 6:10	ave 1:20	concentration 8:19
253 4:14	action 11:14	avenue 1:7,10 2:8 4:4,10,11,11,12,13 4:13,14,15,15,17 4:17,18,20,21,22 5:9 7:21	concluded 10:12
254 4:21	addition 9:5	avenues 7:24	conifer 1:24 7:7,12
255 4:13	address 2:17 3:18	b	connection 7:9
26 2:13	adults 8:20	b 1:15	consist 5:4
262 4:11	advised 2:20	back 5:22	consistent 6:14
27936 11:20	affordable 5:6 7:19	bedroom 5:6 8:3,4	consisting 4:9
3	afternoon 2:2,6 7:4,11	behalf 3:19 7:6,12 7:14	construction 4:25 5:4 6:10
305 4:20	agency 1:9,17 2:5 4:7 5:18 6:2,3,5 6:15	benefits 8:23	containing 8:2
309 4:20	agency's 4:7	bicycle 8:10	contemplates 6:5
317 4:9	ages 5:7	bit 6:24	copy 6:19
319 4:10	aging 9:2	blood 11:14	correct 11:10
32 4:18	agreement 6:17		counsel 1:17 2:3 3:13 6:23
321 4:11			county 11:5
35 1:21			couple 3:25
36 8:2			credit 9:6
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d	general 2:11 giustiniani 11:7,21 give 2:16 going 3:24 10:8 good 2:2 7:4 grassy 1:21	j	n
day 11:18 demographic 9:4 described 7:22 determination 3:23 development 1:9 1:17,25 2:5 7:8,9 7:14,17 8:21 documentation 3:2	h	land 4:24 5:3,12 5:16 7:23 8:17 laundry 8:11 law 2:11 6:14 lease 5:21,24,25 leasehold 5:19 6:3 6:4 little 6:24 llc 1:7 2:8 4:4 7:7 llp 1:20 local 6:13 located 7:23 long 8:25	name 2:3,16 3:17 3:20 7:4 needs 9:12 nepperhan 1:10 new 1:2,11,21 2:10 6:12 11:4,8 news 2:13 notary 11:7 note 3:9 6:18 notes 11:11 notification 2:11
e	hand 2:16 11:18 hearing 1:6 2:7,12 3:5,14,22 6:21 9:12,18,21,23 10:6 10:9 held 1:8 help 8:23 hereunto 11:17 high 8:19,24 holds 6:3 homes 9:2 housing 5:7 7:19 9:7	keep 9:17 known 4:16 5:8 7:20	o
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f	ida 3:23 identify 2:19 impaired 9:12 improvements 5:10,13,17 improving 5:2 include 8:9 includes 7:22 income 5:5 8:25 individuals 9:11 industrial 1:9,17 2:4 installation 5:12 intending 8:23 interest 5:19,20 6:3,4 interested 3:15 11:15	m	p
f 1:15 11:2 facility 5:17,20,21 5:23 6:2 favor 3:7 financial 6:6 form 6:7 formed 4:5 frame 9:21 fundamental 8:22 further 9:13 11:12		maintaining 5:2 management 8:13 marriage 11:14 matter 1:6 10:12 11:16 members 3:6 mentioning 9:6 michael 1:16 2:3 microphone 3:17 minutes 1:5 2:24 9:19 mobility 9:11 mortgage 6:13 multiple 7:23	p.m. 1:14 2:6 3:6 9:17 10:2,11 package 8:12 parcels 7:23 parking 8:7 partial 6:15 parties 11:13 partners 7:8 paused 9:24 permitted 6:14

<p>personal 5:15 pine 1:24 7:12 please 2:15,18 3:16 point 4:18 6:21 8:16 10:8 policies 6:15 population 9:2 preference 9:10 present 1:19 3:14 presently 3:11 private 4:22 proceedings 2:1 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 project 2:9,15,23 3:8,24 4:8 6:11,25 7:10,20,21 8:15 9:14 property 4:20,22 4:24 5:15 6:16 propose 8:15 proposed 7:16 proposing 7:18 provide 3:17 6:6 provided 8:8 providing 8:24 public 1:6 2:7,20 3:6,21 4:2 6:20,25 9:18,20,23 10:6,9 11:8 purchase 5:25 purchases 6:9 put 3:24 10:7</p>	<p>real 6:16 realty 1:24 7:7,13 reasonable 2:21 received 9:7 record 3:4,9,25 6:18 9:17,24 10:7 recording 6:13 related 6:9 11:13 relevant 2:23 remains 9:23 rendering 7:16 renewal 9:8 renovation 4:25 rental 5:7 rentals 6:9 representative 9:3 representatives 3:12 representing 2:18 requesting 4:7 restricted 5:5 8:25 result 8:20 reviewed 3:22 right 7:15 road 1:21 roger 1:24 7:12 room 3:14 6:21 8:10,10,11,11,11 8:12,12 10:3</p>	<p>signature 11:20 simmons 1:25 7:13 site 8:7 social 8:13 socioeconomic 8:22 speak 2:15 3:7 speaking 3:16 special 9:12 sprain 1:21 ss 11:4 state 1:2 3:20 6:12 11:4,8 statement 2:25 statements 3:2 stenographic 11:11 steven 1:22 7:5 storage 8:10 story 7:25 street 4:18 8:7 structure 6:16 7:25 studio 5:6 8:2 subdivision 2:10 subject 4:19,23 submit 3:3 submitted 4:6 suite 1:10 superintendent's 8:5</p>	<p>terminated 6:5 thank 7:2,3 9:15 9:22 10:10 three 2:24 time 2:21 6:22 9:16,21,25 10:8 title 5:18 transcript 3:21 transcription 11:11 transform 8:16,23 transit 8:21 tuesday 10:2 turn 6:22 two 8:4</p>
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			<p>warburton 1:7,20 2:8 4:4,10,10,11 4:20,21 5:9 7:20 7:24 8:16 way 11:15 westchester 11:5 whereof 11:17 wish 3:7 witness 11:17 woodworth 4:12 4:12,13,14,14,15 4:16,17,18,21 7:24 worth 9:5</p>
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york 1:2,11,21 2:10 6:12 11:4,9

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Warburton Ave and Point Street Conifer Development			
Project Location (describe, and attach a location map): 321 Warburton Ave, Yonkers, NY 10701; Tax parcels: 2.-2116-24, 2.-2116-26, 2.-2116-27, 2.-2116-28, 2.-2116-32, 2.-2116-16, 2.-2116-17, 2.-2116-18, 2.-2116-21, 2.-2116-22, 2.-2115-34, 2.-2115-35, 2.-2115-36, 2.-2115-37, and 2.-2115-38			
Brief Description of Proposed Action: Proposed amendments to approved site plan for residential project at 321 Warburton Avenue (Warburton Ave and Point Street). Proposed revisions relate to site improvements (EV charging stations, parking lot flush curb, building exit door locations, bollards, utilities connection route, generator, fencing & gates, motion sensor light bollards, no-parking sign on Warburton Avenue, roof drains, hard scape and landscaping by recreational area, fob arm gates and related grading).			
Name of Applicant or Sponsor: Warburton Avenue Apartments, LLC		Telephone: (631) 997-0014	
		E-Mail: rpine@coniferllc.com	
Address: 1000 University Avenue, Suite 500			
City/PO: Rochester		State: NY	Zip Code: 14607
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Planning Board, Dept of Housing and Building, NYSDEC, WCDOH			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 1.17 acres	
b. Total acreage to be physically disturbed?		_____ 1.28 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 1.17 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ Hudson River, County State Park Lands in site vicinity. Site is not in a critical environmental area.	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ Proposed action will meet all state energy code requirements.	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Halcyon Place Historic District Old Croton Aqueduct	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: _____		
on-site stormwater management facilities and municipal stormwater infrastructure _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: <u>Upon commencement of construction, the site will subject to remediation per the Remedial Action Work Plan established by NYSDEC for Warburton Dry Cleaners Site BCP Site No. C360227</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Warburton Avenue Apartments, LLC</u> Date: <u>06/20/2023</u>		
Signature: <u>Roger Pine</u> Title: <u>Vice President</u>		

Project:	255 Woodworth Ave & 305 Warburton
Date:	7/12/23

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

Part 2 is to be completed by the Lead Agency.

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

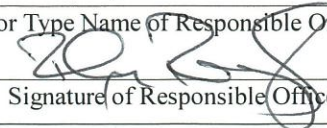
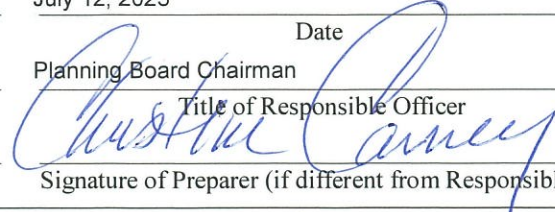
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity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

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

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

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
City of Yonkers Planning Board	July 12, 2023
Name of Lead Agency	Date
Roman G. Kozicky	Planning Board Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
 Signature of Responsible Officer in Lead Agency	 Signature of Preparer (if different from Responsible Officer)

PRINT FORM

DRAFT



January 19, 2024

Warburton Avenue Apartments

Warburton Avenue Apartments, LLC

FINANCIAL ASSISTANCE AND IMPACT ANALYSIS
FOR YONKERS INDUSTRIAL DEVELOPMENT AGENCY
YONKERS, NEW YORK



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EXECUTIVE SUMMARY

THE WARBURTON AVENUE APARTMENTS PROJECT

Warburton Avenue Apartments, LLC (Applicant) requests 30-year PILOT agreement with the City of Yonkers IDA (Agency) so that it can build a new multifamily housing facility in the Warburton Ravine Urban Renewal Area. Storrs Associates, LLC has been engaged by the Agency to conduct an objective, third-party analysis to assist the Agency with its evaluation of the application. The Project includes:

- ◆ 93 apartments for seniors, 85 for households with incomes ranging between 30% and 80% of Area Median Income (AMI), and 8 for households using Section 8 vouchers.
- ◆ \$53,337,585 total project costs, funded by low income housing tax credits, debt from a variety of public sources including the NYS Housing Finance Agency and the City of Yonkers, a grant from the Westchester NHLA Fund, and a modest commercial mortgage.

Financial Assistance Requested

- ◆ A PILOT term of 30 years, resulting in a Real Property Tax Abatement estimated to be \$1,930,504, present value. Total abatement is expected to be 35%.

This Project is 100% Affordable Housing and not subject to the NYS prevailing wage policy for IDA projects.

CONCLUSIONS AND RECOMMENDATION

Storrs Associates finds that the PILOT is necessary for the Project to operate and be fiscally stable while offering the income-restricted rents that make it affordable to senior residents. During the PILOT period, the Project is expected to generate cash flow to cover the approved Deferred Developer Fee as well as operations. Without the PILOT, the Project is financial unfeasible and unlikely to be built.

Estimated Return on Investment for Applicant

The return on an affordable housing project with NYS Housing Finance Agency (HFA) participation is a Developer's Fee, limited by HFA based on project costs. With the financial assistance, the Applicant is likely to earn a fee that will make the Project an acceptable investment, and is within HFA limits.

The fee is divided into an up-front fee and a deferred fee that is received from project net cash flow over no more than 15 years. HFA approves both components. With the financial assistance, the Project will earn the Deferred Fee within 15 years, but will not earn it without the financial assistance.

Estimated Economic Benefits in Yonkers

- ◆ Project construction is estimated to generate 179 direct jobs plus another 20 indirect and induced jobs. Estimated contribution to Gross Regional Product (GRP) is \$29,660,954.
- ◆ Annual facility operations, plus annual spending by resident households will support two direct on-site employees, 4 indirect jobs, and 2 induced jobs in the City of Yonkers, and contribute an estimated \$1,256,753 to Gross Regional Product each year.

Estimated Fiscal Benefit to Cost Ratio in Yonkers

- ◆ **Benefit/cost ratio within Yonkers of \$2.95/ \$1.00**
- ◆ **Net fiscal benefit of \$3,249,979 over the 30-Year PILOT.**

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SUMMARY OF RESULTS

ESTIMATED BENEFITS AND COSTS FOR YONKERS

Estimated Fiscal Benefits and Costs for Yonkers

Fiscal Benefits (Total Revenue over 30 Years)

Sales Tax from Construction Worker Spending, Table 5	\$37,509
Sales Tax from On-Site Worker Spending, Table 5	12,042
Sales Tax from Operations, Taxable Purchases, Table 5	597,983
Sales Tax from Household Spending, Table 5	217,019
Real Property Tax, Table 2	<u>4,055,434</u>
Total Fiscal Benefits	4,919,987

Fiscal Costs (Foregone Revenue)

Property Tax, Table 2	<u>(1,670,008)</u>
Total Fiscal Costs (Foregone Revenue)	(1,670,008)

Net Benefit to Yonkers	\$3,249,979
Benefit/Cost Ratio	\$2.95 to \$1.00

Note: Taxes are calculated for PILOT period, then discounted by 3%.

ESTIMATED ECONOMIC IMPACT & OUTPUT¹

- ◆ 2 direct, permanent jobs at the Project.
- ◆ 6 indirect and induced jobs in the City from Project operations and household spending.
- ◆ \$1,256,753 estimated annual contribution to Gross Regional Product.
- ◆ 179 direct jobs created by construction spending, plus another 20 indirect and induced jobs, for a total of 199 construction-related jobs.
- ◆ \$29,660,954 added to GRP during the construction period.

Jobs and Income - Employees, Operations, and Households				
	<u>Direct</u>	<u>Indirect</u>	<u>Induced</u>	<u>Total</u>
New Jobs	2	4	2	8
Labor Income	\$168,885	\$116,875	\$160,634	\$446,395
Average Income	\$84,443	\$28,930	\$71,393	\$53,847
Value Added, or Contribution to Yonkers GRP				\$1,256,753

Jobs and Worker Income During Construction Period				
	<u>Direct</u>	<u>Indirect</u>	<u>Induced</u>	<u>Total</u>
New Jobs	179	19	1	199
Labor Income	\$15,505,907	\$2,346,201	\$49,999	\$17,902,107
Average Income	\$86,741	\$122,773	\$66,665	\$90,132
Value Added, or Contribution to Yonkers GRP				\$29,660,954

- ◆ Direct jobs are at the Project during construction or operation
- ◆ Indirect jobs are supported by business to business purchases
- ◆ Induced jobs are supported by employee and household spending

¹ Totals and averages in tables may not add because of rounding.

IDA BENEFITS TO PROJECT

Storrs Associates analyzed pro forma cashflows and project financing details submitted by the Applicant. With Agency assistance:

- ◆ With the PILOT, the Project becomes financially feasible, with stronger annual net income as a shield against uncertain economic times, and a stronger debt service coverage ratio.
- ◆ The PILOT reduces the tax payments per unit, allowing the units to be income-restricted and affordable to senior residents.
- ◆ The Project will generate an estimated cash on cash return of 5.98%, exceeding the 10-year Treasury risk-free rate of 4.34% (6-month rolling average) and within the equity dividend rate range: 4.7% to 12.4%.
- ◆ Total return as measured by a discount rate of all cashflows is estimated at 11.80%, within the market range of 9.2% - 15.2%.
- ◆ Cash flow during the first 15 years is estimated to provide 102% of the Developer Fee allowed by NYS HFA.
- ◆ Table 2 summarizes the value of the assistance over the PILOT term. Details of the PILOT are provided below in PILOT Analysis.

Table 1

Comparison of Return on Investment	30-Year PILOT, 35%	No PILOT, 30 Years
	Abatement	
Project Cost	\$53,337,585	\$53,337,585
<u>Return Measures</u>		
Cash on Cash Return, Target 4.7% - 12.4%	5.98%	0.54%
Leveraged Discount Rate, or IRR, Target 9.2% - 15.2%	11.80%	7.46%
Deferred Developer Fee Target	\$1,603,132	\$1,603,132
Deferred Developer Fee Earned in 15 Years	\$1,635,530	(\$155,514)
% of Developer Fee Earned in 15 Years	102.0%	-9.7%
<u>Feasibility Measures</u>		
Average Annual Net Income	\$95,889	\$8,635
Cumulative Net Income	\$2,684,905	\$241,790
Average Debt Service Coverage	1.19	1.06
Average Tax Payment per Unit	\$1,748	\$2,690

Performance assumes operations begin in PILOT Year 3, with completion and issuance of a Temporary Certificate of Occupancy (TCO). An earlier completion and TCO would improve the Project's financial performance.
Benchmarks: RealtyRates 2023 Q4

Table 2

Estimated Financial Assistance Requested

	Total Project	City of Yonkers	Yonkers School District	Westchester County	State, MTA	Table Reference
<u>Real Property Tax Abatement</u>						
Estimated Real Property Taxes if no PILOT, Present Value	\$4,688,022	\$1,412,213	\$2,643,221	\$632,588	n/a	Table 11
Less: Estimated PILOT Tax Payments, Present Value	(2,757,518)	(830,671)	(1,554,756)	(372,091)	n/a	Table 11
Real Property Tax Abatement, Present Value	1,930,504	581,542	1,088,465	260,497	0	
Estimated Financial Assistance Requested, Total	\$1,930,504	\$581,542	\$1,088,465	\$260,497	\$0	

Present Value Discount Rate is 3%

(1) All materials are estimated to be purchased in Yonkers, using a retail or wholesale supplier.

(2) City of Yonkers retains 50.7% of the total rate of 8.875% on purchases within the City, or 4.5%. Source: City of Yonkers IDA.

Note: The Applicant is only requesting a PILOT from the Agency. The Applicant has stated that tax abatements on construction materials sales tax and mortgage recording tax will be sought through NYS HFA.

PROJECT BENEFITS TO YONKERS

Annual Operations²

As a multifamily housing Project, Warburton Avenue contributes annually to the Yonkers economy in multiple ways:

1. The Applicant expects 2 permanent employee on site for facility operations. These are listed in the Application. A third, indirect, job is estimated to be created as well.
2. Project operating expenses in the first year of full operations are estimated to begin at \$608,318 and will generate local sales and support 3 indirect and induced jobs at other businesses in Yonkers.
3. The 93 households will also support local jobs and GRP through annual spending of a portion of their income in Yonkers, supporting an additional 2 jobs.

Summary of Table 3

Jobs and Income - Employees, Operations, and Households				
	<u>Direct</u>	<u>Indirect</u>	<u>Induced</u>	<u>Total</u>
New Jobs	2	4	2	8
Labor Income	\$168,885	\$116,875	\$160,634	\$446,395
Average Income	\$84,443	\$28,930	\$71,393	\$53,847
Value Added, or Contribution to Yonkers GRP	\$1,256,753			

Table 3

Economic Impact of Project Operations in Yonkers, Annual

Basic Information

Building Payroll	\$165,703
Operating Purchases	\$608,318

Jobs and Worker Income for Direct Project Employees

	<u>Direct</u>	<u>Indirect</u>	<u>Induced</u>	<u>Total</u>
New Jobs	2	1	0	3
Labor Income	\$168,885	\$38,528	\$614	\$208,027
Average Income	\$84,443	\$54,264	\$61,372	\$76,480
Value Added, or Contribution to Yonkers GRP, Direct Employees	\$722,889			

Jobs and Worker Income for Project Operations Including Management Contract

	<u>Indirect</u>	<u>Induced</u>	<u>Total</u>
New Jobs	3	0	3
Labor Income	\$78,347	\$360	\$78,707
Average Income	\$23,528	\$35,977	\$23,565
Value Added, or Contribution to Yonkers GRP, Operations	\$254,040		

Jobs and Worker Income, Resident Household Spending, \$5,575,000 First Year

	<u>Induced</u>	<u>Total</u>
New Jobs	2	2
Labor Income	\$159,661	\$159,661
Average Income	\$71,919	\$71,919
Value Added, or Contribution to Yonkers GRP, Household Spending	\$279,824	

Total Value Added, Operations and Households	\$1,256,753
-----------------------------------------------------	--------------------

² Jobs, wages, and GRP calculated with the IMPLAN input-output model. Purchases estimated by IMPLAN are used to project future jobs, wages, and other purchases. Totals may not add because of rounding.

Table 4

Construction and Refinancing Period

The Applicant expects a 24-month construction period. Jobs, wages, and GRP contribution calculated here are for full project, without making a distinction between jobs available in year 1, year 2, etc.

179 direct construction and 19 indirect and induced jobs are estimated to be required to design, build, and finance the project. Purchase of property, reserves, and IDA fees are not included.

Of these jobs, 91 are estimated in this analysis to be in the skilled trades.

Slightly less than one induced job is anticipated, through business-to-business spending and spending by local worker households. This is shown with \$66,665 of earnings under "Induced" in Table 4.

Overall the construction period is expected to generate 199 jobs, \$17.9 million of labor income, and \$29.7 million of new GRP.

All of the construction period jobs, regardless of where workers live, are expected to contribute to the Yonkers economy because the Project is located in the city.

Economic Impact of Construction in Yonkers

Basic Information

Timeframe 24 Months (2 Years)
 Construction Costs \$38,463,771 Not including project fees or reserves

Jobs and Worker Income During Construction Period

	<u>Direct</u>	<u>Indirect</u>	<u>Induced</u>	<u>Total</u>
New Jobs	179	19	1	199
Labor Income	\$15,505,907	\$2,346,201	\$49,999	\$17,902,107
Average Income	\$86,741	\$122,773	\$66,665	\$90,132

Value Added, or Contribution to Yonkers GRP \$29,660,954

Applicant estimates 140 on-site jobs. Here, construction payroll is used to estimate jobs for the entire project, regardless of when construction is actually completed.

Construction Trades Workers Detail, All Jobs are Direct

	<u>Direct Trades</u>
New Jobs	91
Hours Worked	177,821
Compensation	\$7,181,282
Days Worked	22,228
Avg Hourly Rate	\$40

As noted on page 4, jobs, wages, and GRP calculated with the IMPLAN input-output model using the Applicant's estimated payroll. Purchases estimated by IMPLAN are used to project future jobs, wages, and other purchases. Totals may not add because of rounding.

Sales Tax Estimates over PILOT Term including Construction

Operations, Construction, and Refinancing

The economic activity from the Project generates sales taxes on a portion of the goods and services purchased. This is considered new revenue because without the Project, the facility would likely close. Sales tax revenue generated by Project activity is estimated as follows.

- ◆ Within Yonkers a sales tax rate of 8.875% applies, with 4.5% of collected taxes retained as city revenue.
- ◆ Construction workers purchase meals, gas, and workday incidentals for each day worked. The NYS per diem for Westchester County, \$50, is used. Workdays are hours worked from Table 4, above, divided by 8-hour days. 75% of purchases are expected to be taxable.
- ◆ The permanent workers are expected to purchase meals, gas, and incidentals, but to spend only \$25 per day because of the ongoing nature of the job. 75% of purchases are expected to be taxable.
- ◆ Based on the Applicant's pro forma cash flows, taxable operating expenses are projected, with 75% of the purchases in Yonkers and paying 4.5% sales tax to the City.

Household Spending

The 93 households will contribute to the local economy. Based on the rent costs, and income limits, for the units, total household income is calculated and income after taxes, housing, and savings are estimated using the calculations below.

Year 1 spending is escalated over time using a 3% annual inflation rate.

Annual Household Spending Totals

Income Estimated Based on Rent and Income Restrictior

Household Income	\$5,575,000
Less: 8% Income Tax	(\$446,000)
Less: Housing	(\$1,672,500)
Less: 2% Savings Rate	(\$111,500)
Income to Spend	\$3,345,000

Spending, Taxes, and Tax Revenue for Yonkers

11% of Income Spent in Yonkers	\$367,950
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Table 5

Sales Tax Revenue from Project Construction and Operation

On-Site Construction Worker Spending, Construction Period Only

Construction Worker Per Diem, \$50 for 22,228 workdays	\$1,111,381
Taxable Spending by Construction Workers	833,536
4.5% Sales Tax Retained by City of Yonkers	\$37,509

On-Site Worker Spending, Facility Operations

First Year On-Site Worker Per Diem, \$25 for 245 Workdays	\$12,250
First Year 75% Taxable Spending in Yonkers	9,188
First Year 4.5% Sales Tax Retained by City of Yonkers	413
Present Value of Annual Tax over PILOT Period	\$12,042

Facility Operations, Taxable Purchases

First Year Estimated Value of Taxable Purchases	\$608,318
First Year 75% of Taxable Purchases Made in Yonkers	456,239
First Year 4.5% Sales Tax Retained by City of Yonkers	20,531
Present Value of Annual Tax over PILOT Period	\$597,983

Resident Household Spending

First Year Household Income after Housing, Taxes, and Savings	\$3,345,000
First Year 11% Spent in City of Yonkers	367,950
First Year 45% Taxable Spending at 8.875% Tax Rate	165,578
First Year 4.5% Sales Tax Retained by City of Yonkers, First Year	7,451
Present Value of Annual Tax over PILOT Period	\$217,019

Sales Taxes from Operations and Households over PILOT Period

\$827,043

Household and Project spending are estimated to increase 3% annually. Spending is discounted Present Value at a rate of 3%.

FISCAL BENEFITS AND COSTS

Calculation of the Ratio

A ratio of tax benefits to foregone tax revenue, or savings to the Project, can help evaluate the effects of both the Project and the financial assistance. This is a hypothetical analysis only, as without the requested financial assistance this assumes the Project would not be built.

Purpose and Use of this Ratio

New York State requires Industrial Development Agencies to conduct a cost/benefit analysis but does not establish a ratio or benchmark. Storrs Associates calculates a benefit/cost ratio that the Agency can use to compare similar projects over time, and to understand how the Project affects different jurisdictions.

Table 6

Estimated Fiscal Benefits and Costs of Financial Assistance in Yonkers

	City of Yonkers	Yonkers School District	Total Effects in Yonkers
<u>Fiscal Benefits</u>			
One-time Sales Tax Revenue from Construction Labor Per Diem	\$37,509	\$0	\$37,509
Sales Tax Revenue from On-Site Employee Per Diem, Present Value	12,042	0	12,042
Sales Tax Revenue from Purchases for Operations, Present Value	597,983	0	597,983
Sales Tax Revenue from Resident Household Spending, Present Value	217,019	0	217,019
<u>Property Tax Revenue from Project if No PILOT is Awarded</u>	<u>1,412,213</u>	<u>2,643,221</u>	<u>4,055,434</u>
Total Fiscal Benefits	\$2,276,765	\$2,643,221	\$4,919,987
<u>Fiscal Costs (Foregone Revenue)</u>			
<u>Foregone Property Tax Revenue, Present Value (Exemption)</u>	<u>(581,542)</u>	<u>(1,088,465)</u>	<u>(1,670,008)</u>
Total Costs of Financial Assistance	(\$581,542)	(\$1,088,465)	(\$1,670,008)
Benefit to Cost Ratios	3.92	2.43	2.95
Net Fiscal Benefit	\$1,695,223	\$1,554,756	\$3,249,979

(1) 91 workers on site per day, spending \$50 per day, the state's per diem for Westchester County. This accounts for meals, gas, and incidentals, 75% of which is taxable. (2) 2 workers on site per day, spending \$25 per day, 75% of which is taxable, over 30 years and discounted by 3%. (3) 93 households spending 11% of disposable income after shelter and taxes within the City of Yonkers, 45% of which is taxable.

PROJECT OPERATIONS

Rent and Affordability

The Applicant provided details of rents for the Project. All units are income restricted and are intended for senior residents. Storrs Associates estimates a range for household income based anticipated rents, and assumes a household will pay no more than 30% of its income in rent. The range is useful because the number of persons occupying each unit may vary, and income restrictions vary depending on the number of occupants.

Table 7

Residential Unit Rent and Household Income

Unit Type	Income Restriction	# of Units	Square Feet per Unit	Monthly Rent	Total Rent/Year	Estimated Household Income Range (1)
<u>% AMI</u>						
Studio	30%	1	436	\$771	\$9,252	\$30,000 - \$40,000
Studio	40%	3	436	\$1,028	\$37,008	\$40,000 - \$50,000
Studio	50%	5	436	\$1,285	\$77,100	\$50,000 - \$70,000
Studio	60%	17	436	\$1,542	\$314,568	\$50,000 - \$70,000
Studio	80%	6	436	\$2,056	\$148,032	\$70,000 - \$100,000
1BR	30%	1	656	\$826	\$9,912	\$30,000 - \$40,000
1BR	40%	4	656	\$1,101	\$52,848	\$40,000 - \$50,000
1BR	50%	6	656	\$1,376	\$99,072	\$50,000 - \$70,000
1BR	60%	32	656	\$1,642	\$630,528	\$50,000 - \$70,000
1BR	80%	<u>10</u>	656	\$2,203	<u>\$264,360</u>	\$70,000 - \$100,000
Subtotal, Affordable		85			\$1,642,680	
<u>Section 8 Vouchers</u>						
Studio	30%	4	436	\$1,648	\$79,104	\$15,000 - \$30,000
1BR	30%	<u>4</u>	656	\$1,934	<u>\$92,832</u>	\$30,000 - \$40,000
Subtotal Section 8 Vouchers		8			\$171,936	

(1) Storrs Associates estimates. A range is shown because lower incomes are also eligible, and higher incomes are eligible if more residents occupy a unit.

Source for income restrictions: Westchester County 2023 Income & Rent Program Guidelines, Area Median Income (AMI),

Operating Snapshot, Year 5

Year 5 of the PILOT, when occupancy and operations are expected to be stabilized, is used to create a snapshot of Project performance.

The Applicant provided clear, detailed operating information for the PILOT period. The following factors were reviewed and found to be reasonable:

- ◆ The Applicant projected a stabilized vacancy rate of 5% for the housing units, above the 3.9% for the New York metro area but reasonable for the nature of the Project.
- ◆ The Applicant projects that apartment income will increase by 2% per year, the rate required for submissions to NYS HFA. Operating expenses increase by 3% per year, which is reasonable and in keeping with estimates for other projects.
- ◆ Net Operating Income (NOI) after debt service is positive only with the PILOT; without Agency assistance the Project does not achieve breakeven results until after Year 9. The PILOT brings operating results closer to the benchmark of 53% of Effective Gross Income (EGI) The higher net cash flow strengthens debt service coverage and can support operating and financial performance in different economic environments.
- ◆ Overall, the Project's Expense Ratio when debt service and taxes are included is 52% of EGI, above the benchmark of 47%. If the PILOT is not awarded this measure is a much weaker 61% (income absorbed by costs).
- ◆ The net losses for the first nine years, including the inability to pay debt service, plus the weak operating ratios, are significantly improved by the proposed PILOT. Storrs Associates therefore finds that the Project is only feasible with Agency assistance, and otherwise would not be built.

Table 8

Comparison of Operating Results, Stabilization in Year 5

	<u>Proposed</u>	<u>No PILOT</u>
	<u>PILOT</u>	<u>No PILOT</u>
<u>Net Operating Income</u>		
Gross Operating Income after Vacancy	\$1,704,222	\$1,704,222
Less: Operating Expenses	(923,009)	(1,063,940)
<i>Non-Tax Operating Expenses</i>	(821,159)	(821,159)
<i>Reserve</i>	(32,436)	(32,436)
<i>Real Property Tax Expense</i>	(69,414)	(210,345)
Net Income	\$781,213	\$640,281
NOI as a % of EGI, Benchmark 53%	46%	38%
<u>Net Income after Debt Service</u>		
Debt Service	(\$669,200)	(\$669,200)
Net Income after Debt Service	\$112,013	(\$28,918)
Net Income after Debt Service as a % of EGI	7%	negative
Non-Tax Operating Expenses as a % of EGI	48%	48%
Real Property Tax Expense as a % of EGI	4%	12%
Expense Ratio, Benchmark 47%	52%	61%
Debt Service as a % of EGI	39%	39%
Benchmarks: RealtyRates 2023 Q4		

Storrs Associates flags projects where expenses increase faster than income as potentially non-feasible over the long term and notifies the Agency of concerns. The Applicant may experience lower net cashflows if expenses vacancies are higher, or if actually increase faster than estimated but the costs cannot be passed through to the residents. However, this is an operating risk for all projects and reflects ordinary uncertainty when making long-term projections, rather than an expectation of declining financial performance at the outset, which could be of concern.

FINANCING PLAN

Capital Structure

The Applicant expects to fund the Project with a mix of debt, grants, and tax credit financing, plus a Deferred Developer Fee shown on the next page. This is a common capital structure for an affordable housing project in New York State.

Each of the six funding sources listed under “Debt” carries its own terms for interest rates, interest-only periods, and principal repayment. The Applicant submitted a consolidated debt service schedule and provided information on the terms of the different instruments, which Storrs Associates finds to be reasonable and similar to those for similar projects. Because there are six forms of debt, Table 10, below, does not provide details of each.

The principal outstanding for all instruments, however, is used to calculate net proceeds of a hypothetical sale—for valuation purposes only—in at the end of the PILOT period. The Applicant has stated that the Project is required by NYS to remain income restricted for 50 years, beyond the PILOT period.

Table 10

Leverage and Estimated Market Value

<u>Market Value (NOI/CapRate) after 30 Years</u>	<u>No Tax Effects</u>	<u>Taxes Estimated</u>
Net Income (NOI)	\$1,061,557	\$1,061,557
Capitalization Rate (CapRate)	6.50%	8.33%
Market Value (NOI/CapRate)	\$16,331,643	\$12,744,234
Principal Outstanding	<u>(\$11,336,818)</u>	<u>(\$11,336,818)</u>
Net Proceeds	\$4,994,825	\$1,407,416

Source: Applicant. CapRate from Storrs Associates Using CoStar, taxes per Assessor’s recommended calculation

Table 9

Sources and Uses of Funds

Sources of Funds	<u>Amount</u>	<u>Percent</u>
<u>Equity and Tax Credits</u>		
Deferred Developer Fee	<u>\$1,603,132</u>	<u>3%</u>
Total Equity	\$1,603,132	3%
<u>Debt Financing</u>		
Mortgage	\$7,100,000	13%
Senior Housing Program	7,000,000	13%
City of Yonkers HOME Funds	1,100,000	2%
Federal Housing Trust Fund	641,818	1%
City of Yonkers Money Note	1,890,000	4%
Clean Energy Initiative	<u>705,000</u>	<u>1%</u>
Total Debt	\$18,436,818	35%
<u>Grant Financing</u>		
Westchester County NHLA Funds	<u>\$2,700,000</u>	<u>5%</u>
Total Grants	\$2,700,000	5%
<u>Tax Credit Financing</u>		
Federal LIHTC	\$22,217,778	42%
Brownfield Tax Credits	<u>8,379,857</u>	16%
Total Tax Credits	\$30,597,635	57%
Total Sources	\$53,337,585	100%
<u>Uses of Funds</u>		
Property Acquisition	\$4,578,044	9%
Construction Hard Costs	31,652,865	59%
Construction Soft Costs	6,395,906	12%
Developer Fee, Limited by HFA	5,343,755	10%
Financing Costs	<u>5,367,015</u>	<u>10%</u>
Total Uses	\$53,337,585	100%

Source: Applicant

Developer Fee

The financial return on an affordable housing project with HFA participation is a Developer’s Fee, calculated and limited by HFA based on the Project costs.

The Applicant assumes the risk of non-completion, and of insufficient cash flow over 15 years to pay the deferred component. The IRS allows only 15 years for payment of the deferred fee, after which the Developer can no longer collect the fee without a significant tax penalty for investors, regardless of whether the full amount was paid.

The fee is a gross number and does not specifically include expenses for development costs such as planning, assembling financing, or approvals. The fee is divided into an up-front fee, and a deferred fee that is received from project net cash flow over no more than 15 years. HFA approves both components. Slightly more than the Deferred Fee of \$1,603,132 (102%) is estimated to be earned within the 15 years, and the Applicant assumes the risk that actual cash flows are insufficient to repay the fee. The Project requires the financial assistance to go forward, as stated in the Executive Summary.

The total Developer Fee is expected to be \$5,343,755, 10.02% of Development Costs, subject to final approval by HFA. This is within a common range of 10% - 12% for HFA-supported projects.

Table 10a

Calculation and Confirmation of Developer Fee

	<u>Total</u>	<u>Fee Component, %</u>	<u>Fee Component, \$</u>	<u>HFA Fee Cap</u>
Development Costs	\$48,759,541	10.02%	4,885,951	15%
Property Acquisition Costs	<u>4,578,044</u>	<u>10.00%</u>	<u>457,804</u>	10%
Totals	\$53,337,585	10.02%	\$5,343,755	See Note
Developer Fee Collected Up Front			\$3,740,623	70%
Developer Fee Deferred and Collected over 15 Years			<u>1,603,132</u>	30%
Total			\$5,343,755	

Note: HFA calculates the fee as (1) up to 15% of certain construction costs, plus (2) up to 10% of acquisition costs. The aggregate fee is therefore less than 15% for all projects involving an acquisition and the range from the blended formula commonly yields between 10% and 12% to the developer. The fee for development costs is shown here as a percent of all development costs so that it can be compared to other projects in which HFA participates.

PILOT ANALYSIS

Notes and Disclaimers

This PILOT analysis is an estimate based on currently available information, including operating information from the Applicant, and the actual Project revenue, costs, assessed value, tax rates, and tax obligations may be different.

The Agency proposes awarding a PILOT schedule with an abatement capped at no more than 35% for the life of the PILOT. The Agency may find the need to make minor adjustments to one or more years to adjust to actual operating and tax environments, but no such adjustment will cause the PILOT to exceed the 35% cap.

Table 11

Real Property Tax Comparisons and New Revenue from Project

Comparison of Taxes on Full Value of Project, and Project with PILOT

	<u>City of Yonkers</u>	<u>School District</u>	<u>County</u>	<u>All Jurisdictions</u>
Taxes without PILOT	\$1,412,213	\$2,643,221	\$632,588	\$4,688,022
Less: PILOT Payments	(830,671)	(1,554,756)	(372,091)	(2,757,518)
Foregone Revenue	\$581,542	\$1,088,465	\$260,497	\$1,930,504
Abatement Percent	35%	35%	35%	35%
Net New Taxes Compared with No Project				
PILOT Payments	\$830,671	\$1,554,756	\$372,091	\$2,757,518
Less: Taxes without Project	(385,067)	(720,726)	(172,487)	(1,278,281)
Net New Tax Revenue	\$445,603	\$834,030	\$199,604	\$1,479,237

All taxes are present value with a discount rate of 3%

Methodology

1. Calculate the taxes on unimproved/land value and escalate by 1.7% annually, the 5-year rolling average of aggregate tax increases for properties within the City.
2. Calculate a full market value of the Project, based on net income and a capitalization rate from the city's Assessor, and estimate taxes using the income approach recommended by the city's Assessor.
3. Calculate the increase in assessment from the Project and create a PILOT schedule that (1) pays taxes only on the Unimproved value during construction, using a fixed payment, and (2) then provides an abatement from full taxes that reduces taxes on the completed Project by no more than 35% in total when measured over the life of the PILOT.
4. Calculate the savings to the Project from the PILOT, annually and over the life of the PILOT, discounted to present value. Calculate the total percent abatement over the PILOT period.

Summary results are presented in Table 11 and Figure 1. The annual PILOT schedule is included on the next page.

Figure 1

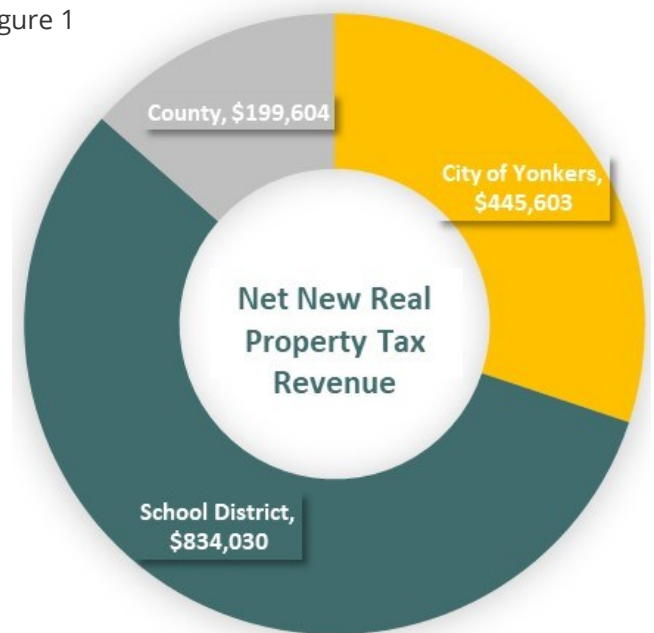


Table 12

Estimated Taxes on Project, Compared to Estimated PILOT Payments

PILOT Year	Estimated Taxes without PILOT	Estimated PILOT Payments	Estimated Foregone Revenue, All Jurisdictions	Percent of Full Taxes Paid
1	\$124,537	\$52,000	(\$72,537)	Unimproved, Fixed Pmt.
2	163,313	53,000	(110,313)	Unimproved, Fixed Pmt.
3	203,372	61,012	(142,360)	30%
4	206,829	62,049	(144,780)	30%
5	210,345	69,414	(140,931)	33%
6	213,921	70,594	(143,327)	33%
7	217,558	76,145	(141,413)	35%
8	221,256	77,440	(143,817)	35%
9	225,018	83,257	(141,761)	37%
10	228,843	84,672	(144,171)	37%
11	232,733	93,093	(139,640)	40%
12	236,690	94,676	(142,014)	40%
13	240,713	108,321	(132,392)	45%
14	244,806	122,403	(122,403)	50%
15	248,967	136,932	(112,035)	55%
16	253,200	144,324	(108,876)	57%
17	257,504	154,502	(103,002)	60%
18	261,882	170,223	(91,659)	65%
19	266,334	186,434	(79,900)	70%
20	270,861	203,146	(67,715)	75%
21	275,466	220,373	(55,093)	80%
22	280,149	238,127	(42,022)	85%
23	284,911	256,420	(28,491)	90%
24	289,755	275,267	(14,488)	95%
25	294,681	279,947	(14,734)	95%
26	299,690	284,706	(14,985)	95%
27	304,785	295,642	(9,144)	97%
28	309,966	300,667	(9,299)	97%
29	315,236	305,779	(9,457)	97%
30	320,595	317,389	(3,206)	99%
Total Abatement over PILOT (not an average)	\$7,503,917	\$4,877,951	(\$2,625,966)	35%
Present Value (3%)	\$4,688,022	\$2,757,518	(\$1,930,504)	n/a

Notes

The Project is expected to be under construction during the first two years of the PILOT. These years are marked “Unimproved” because the Project may be only partially assessed and the payments are therefore fixed.

ABOUT THIS REPORT

SCOPE OF SERVICES - FINANCIAL ASSISTANCE AND IMPACT ANALYSIS

The purpose of the report is to provide a consistent, accurate, and reliable analysis of a proposed project that has asked the Agency for financial assistance. The three basic components are:

1. Evaluate the capital structure, operating assumptions, and financial performance of the Project, calculate return on investment, and provide an opinion on whether the requested financial assistance is necessary and reasonable. This includes drafting a PILOT schedule for the Agency's approval.
2. Estimate the economic impact of construction, ongoing project operations, and household spending using jobs, labor income, and contribution to the Gross Regional Product (GRP) of the City of Yonkers.
3. Create a benefit/cost analysis that compares new tax revenue resulting from the Project with the costs of the financial assistance.

DATA SOURCES

Economic Impact



IMPLAN is a regional economic analysis software application that is designed to estimate the impact or ripple effect (specifically backward linkages) of a given economic activity within a specific geographic area through the implementation of its Input-

Output model. Studies, results, and reports that rely on IMPLAN data or applications are limited by the researcher's assumptions concerning the subject or event being modeled. Studies such as this one are in no way endorsed or verified by IMPLAN Group, LLC unless otherwise stated by a representative of IMPLAN. IMPLAN® model, 2022 Data, using inputs provided by the user and IMPLAN Group LLC, IMPLAN System (data and software), 16905 Northcross Dr., Suite 120, Huntersville, NC 28078 www.IMPLAN.com.

Demographic and Housing Information

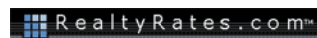


Esri is an internationally-recognized provider of Geographic Information Systems (GIS) and demographic data and visualization tools. Esri's demographic data is gathered from the U.S. Census, the Bureau of Labor Statistics, and Bureau of Economic Analysis. Esri uses current and historical data to create estimates of future demographic characteristics. Any estimates used by Storrs Associates are clearly labeled as such.

Market Benchmarks and Trends



CoStar is an industry leader in commercial real estate information, analytics, and news. It provides clients both data and research tools to understand transactions, trends, assets, and market players down to individual community levels. Data ranges from market overviews of rents, Market Capitalization, occupancy, and net income, to fine-grained data on individual buildings, including loan performance and tax assessments.



RealtyRates.com™ is a comprehensive resource of real estate investment and development news, trends, analytics, and market research that support real estate professionals involved with more than 50 income producing and sell-out property types throughout the U.S. RealtyRates.com™ is the publisher of the award-winning Investor, Developer and Market Surveys, providing data essential to the appraisal, evaluation, disposition and marketing of investment and development real estate nationwide

STORRS ASSOCIATES

Storrs Associates, LLC is a partner and advisor to public and private entities seeking to encourage economic growth and to make direct public and private investments. We deliver client-driven, high quality advice, customized analyses and reports, public speaking and learning sessions, and transaction management.

Victoria Storrs, the company President, founded the firm in 2021 to provide direct, responsive service to municipal governments and the public and private organizations who work with and for them. She has worked with municipal governments for more than 20 years, beginning as an investment banker at First Albany Corporation and managing debt financings for state public authorities. She taught money and capital markets at the State University of New York at Albany School of Business, and has been a development finance and economic development consultant for more than nine years, including five years at Camoin Associates of Saratoga Springs, NY, where she became the firm's first Development Finance Practice Leader.

Storrs Associates, LLC is located in Albany County, NY, and serves clients throughout New York and the Northeast. Learn more at www.storrsassociates.com and on [LinkedIn](#).

This report was prepared by Victoria Storrs, President and Founder.
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(518) 512-9537

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THIS REPORT WAS PREPARED BY STORRS ASSOCIATES, LLC FOR
YONKERS INDUSTRIAL DEVELOPMENT AGENCY
YONKERS, NY





APPLICATION FOR FINANCIAL ASSISTANCE

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

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.

Form with sections: APPLICANT INFORMATION, PROJECT INFORMATION, and PRINCIPAL USE OF PROJECT. Includes fields for Applicant's Name (Warburton Avenue Apartments LLC), Project Address (321 Warburton Avenue, Yonkers, NY), and various checkboxes for site ownership and project details.



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

VALUE OF PROPERTY to be acquired	\$ <u>4,578,044</u>
If you intend to leverage property already owned indicate intended mortgage value:	\$ <u>0</u>
TOTAL COST OF CONSTRUCTION: (labor + materials)	\$ <u>23,305,440</u>
Labor: \$ <u>\$15,239,385.20</u> Equipment/Materials: \$ <u>\$8,066,054.80</u>	
NON CONSTRUCTION Equipment / Furnishings:	\$ <u>150,000</u>
SOFT COSTS:	\$ <u>\$6,324,367</u>
Other (explain):	\$ _____
TOTAL PROJECT COST	\$ <u>\$51,894,399</u>

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

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

FINANCIAL ASSISTANCE REQUESTED (check all that apply)		VALUE OF EXEMPTIONS <i>to be completed by IDA staff</i>
<input type="checkbox"/> SALES AND USE TAX EXEMPTION: <i>Estimated value of Goods and Services to be exempt from sales and use tax (see "Recapture" on page 8)</i>	Value of taxable purchases: \$ _____	\$ _____
<input type="checkbox"/> MORTGAGE RECORDING TAX EXEMPTION:	Estimated Mortgage amount: \$ _____	\$ _____
<input checked="" type="checkbox"/> REAL PROPERTY TAX AGREEMENT (PILOT) <i>Requested duration of PILOT:</i>	YEARS: <u>33</u>	\$ _____
<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	\$ _____	Expected Gross Taxable Receipts:	\$ <u>TBD</u>
Estimated Bank Financing	\$ <u>6,600,000</u>	Add'l Revenue to City/School District:	\$ <u>TBD</u>
State and Federal grant/credit: LIHTC	\$ <u>22,217,778</u>	OTHER BENEFITS:	
NYS HCR/Westchester Funding	\$ <u>21,483,633</u>	<input checked="" type="checkbox"/> Community Development	
Def Dev Fee	\$ <u>1,557,988</u>	<input checked="" type="checkbox"/> Development that will attract other investment	
TOTAL INVESTMENT IN PROJECT \$ <u>\$51,859,399</u>		<input checked="" type="checkbox"/> Regionally Significant	
		<input checked="" type="checkbox"/> Improve the quality of life for the Residents of the City	
		<input checked="" type="checkbox"/> Other: <u>Socio-economic benefit</u>	



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	0	0	0	2	2
Part Time - PT	0	0	0	0	0
Total	0	0	0	2	2

*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	0	1	TBD	TBD
Professional	0	0	TBD	TBD
Administrative	0	0	TBD	TBD
Production/Skilled Worker	0	1	TBD	TBD
Independent Contractor	0	0	TBD	TBD
Other (not including construction jobs)	0	0	TBD	TBD

INTER-MUNICIPAL MOVE DETERMINATION

Will the project:

- a) 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
- b) 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
- c) 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: 27 MONTHS Estimated start: 04 / 24 Estimated completion: 6 / 26
MM YY MM YY

Estimate cost of project construction: \$ 23,305,440

Total cost attributable to materials: \$ \$8,066,054.80

Total cost attributable to labor: \$ \$15,239,385.20

Estimate how many **construction jobs** will be created as a result of this project: 140

Estimated aggregate number of work hours of manual workers to be employed in project construction: 100,800

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).

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.)

<input checked="" type="checkbox"/> Contractor		<input type="checkbox"/> Subcontractor	
Name: Brian Russo		Company Name: Conifer-LeChase Construction	
Address: 205 Indigo Creek, Rochester, NY 14626			
<input type="checkbox"/> Contractor		<input type="checkbox"/> Subcontractor	
Name:		Company Name:	
Address:			
<input type="checkbox"/> Contractor		<input type="checkbox"/> Subcontractor	
Name:		Company Name:	
Address:			

¹This 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: 30 %
- 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:

Warburton Avenue Apartments is a new construction senior development that will be 100% affordable, below market income-restricted.

The project will be financed by NYS HCR 9% LIHTC that includes M/WBE hiring goal of 30%. Building open shop is necessary due to the cost that provides the opportunity to create affordable housing and meet local and M/WBE hiring. CURE Development is a partner in the development that will assist in providing employment opportunities for locals.

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).

City of Yonkers issued Neg Dec per SEQR Review.



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 and 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 and 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.**



APPLICATION FOR FINANCIAL ASSISTANCE

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

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.



APPLICATION FOR FINANCIAL ASSISTANCE

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

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 Monroe) ss.:

Roger Pine, being first duly sworn, deposes and says:

- That I am the Vice President of Development of Conifer LLC and that I am
(Corporate Officer) (Applicant)
duly authorized on behalf of the Applicant to bind the Applicant.
- 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.

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 21st day of March, 2022.

(Notary Public)

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)*

<u>Agency Fee Type</u>	<u>Fee</u>
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)*

<u>Project Type: Straight Lease</u>	<u>Annual Fee</u>
Up to \$10M	\$ 500
Over \$10M	\$1,000
<u>Project Type: BONDS</u>	<u>Annual Fee</u>
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.

**Yonkers Industrial Development Agency
Application for Financial Assistance – Attachment
Warburton Ave Apartments, LLC
Warburton Ave Apartments**

Please Provide and attached Statement indicating why the Project should be undertaken by the Agency.

Warburton Avenue Apartments is a public private partnership with the City of Yonkers to redevelop a blighted and vacant block in the Warburton Ravine Urban Renewal Area into a sustainable community for senior citizens. The transformation of the area addresses the community needs by creating affordable housing for seniors. Additional public benefits from the proposed development, are as follows:

- Creation of 140 construction jobs.
- Commitment to local hiring/MWBE contractors.
- Creation of permanent jobs.
- Additional tax base from the residents (93 apartments).
- Environmental Remediation of a contaminated site and long-term site management.

The requested Real Property Tax Agreement (PILOT) is essential for the development to become a reality. Warburton Avenue Apartments will create a long-term socio-economic benefit and contribute to the continued revitalization of downtown Yonkers.