

# County of Rockland IDA

## Application for Financial Assistance

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**IDA Executive Director**  
Steven Porath  
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COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY

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## STRAIGHT-LEASE TRANSACTION FEE SCHEDULE

### AGENCY PROJECT FEES

A. Application Fee: \$750.00 due at time of application submission. Non-refundable.

B. Project Commitment Fee:

- Agency Fee: Due with fully executed Inducement Resolution. Non-refundable. Commitment Fee is 10% of the total estimated closing fee, not less than \$2,500 nor more than \$5,000. Amount is applied to Closing Fee.
- Counsel Fee: Due with fully executed Inducement Resolution. Non-refundable. Commitment Fee is 10% of the total estimated closing fee, not less than \$2,500 nor more than \$5,000. Amount is applied to Closing Fee.

C. Closing Fee:

- i. For Sales Tax Exemption benefit:
  - Up to \$4 million: ½% of cost of the project subject to sales tax.
  - In excess of \$4 million: ¼% of cost of the project subject to sales tax.
- ii. For Mortgage Recording Tax Exemption benefit:
  - 1/10% of the value of the mortgage.
- iii. Counsel Fee: Base \$2,500 fee, plus ½% on the first \$500,000; and ¼% thereafter on the portion of the project receiving the benefit. [Note: See sample modification in attached memorandum.]

*Note: Minimum closing fee: \$2,500.*

With respect to the each element of the Closing Fee set forth above, the portion of the Agency Fee applicable to the applicable element or elements shall be due upon execution and delivery of the documentation creating the applicable benefit.

iv. Agency Fee Schedule For PILOT Agreements

The County of Rockland Industrial Development Agency will impose a fee for all Payment In Lieu of Tax Agreements (PILOT Agreements) provided by the Agency. The fee schedule is as follows:

The fee shall be one percent (1%) of the aggregate amount of Payments in Lieu of Taxes estimated to be payable by the Applicant during the term of the PILOT Agreement). In instances where the PILOT Agreement has a payment schedule that includes fixed rates of escalation, the projection shall be consistent with the escalation so designated; in instances where such projection is subject to variables that are not objectively subject to determination as of the effective date of the PILOT Agreement, the Agency may use reasonable assumptions as to projected escalation. The Agency shall discount the value of future payments applying a discount rate that the Agency shall establish from time to time, providing that the discount rate in effect from time to time shall apply equally to all PILOT Agreements that become effective during the period when the applicable discount rate is in effect.

The fee determined by the methodology set forth above shall not exceed \$400,000 for any single project.”



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With respect to each element of the Closing Fee set forth above, the portion of the Agency Fee (and related Agency counsel fee) applicable to the applicable element or elements shall be due upon execution and delivery of the documentation creating the applicable benefit.

### **ANNUAL COMPLIANCE FEE**

The Annual Compliance Fee will be the same for all active projects of the Agency. The amount is \$500.

Annual compliance requirements include: Proof of insurance; proof of PILOT payments; copy of ST340 sales tax exemption form; status of job creation and retention; and, any additional data that may be required by the New York State Comptroller.

The first payment of the compliance fee will be due at closing; for succeeding years, February 20th will be the due date.

The annual compliance fee does not include fees that the Applicant may be required to pay to an independent third party auditor for monitoring compliance with Prevailing Wage Requirements or Local Labor Requirements, whichever is applicable.

The Agency reserves the right to adjust the Annual Compliance Fee from time to time.

### **LOCAL LABOR PROJECT MONITORING FEES**

The Agency or an independent third party hired by the Agency, will review compliance by the Applicant with the Prevailing Wage Requirements or the Local Labor Requirements, whichever is applicable. The Applicant shall be responsible for the fees and expenses of such independent third party relating to the foregoing monitoring responsibilities. Applicant compliance with the Agency's Local Construction Labor Policy and Construction Prevailing Wage Policy. Information relating to this monitoring program may be obtained upon request from the Agency.



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COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY

**BOND TRANSACTION FEE SCHEDULE**

**AGENCY PROJECT FEES**

A. Application Fee: \$750.00 due at time of application submission. Non-refundable.

B. Project Commitment Fee:

- Agency Fee: Due with fully executed Inducement Resolution. Non-refundable. Commitment Fee is 10% of the total estimated closing fee, not less than \$2,500 nor more than \$5,000. Amount is applied to Closing Fee.
- Counsel Fee: Due with fully executed Inducement Resolution. Non-refundable. Commitment Fee is 10% of the total estimated closing fee, not less than \$2,500 nor more than \$5,000. Amount is applied to Closing Fee.

C. Closing Fee:

i. For Tax Exempt Bonds:

- Up to and including \$2 million: 1.0 % of the principal amount of the bonds.
- On the next \$4 million: ½% of the principal amount of the bonds;
- Amounts over \$6 million: ¼% of the principal amount of the bonds over \$6 million.

*Note: Minimum fee is \$10,000.*

ii. For Taxable Bonds:

- ¼% of the principal amount of the bonds

*Note: Minimum fee is \$10,000.*

iii. For Sales Tax Exemption benefit:

- Up to \$4 million: ½% of cost of the project subject to sales tax.
- In excess of \$4 million: ¼% of cost of the project subject to sales tax.

iv. Agency Bond Counsel Fee (for benefits other than the issuance of bonds):

- Base \$2,500 fee, plus ½% on the first \$500,000; and ¼% thereafter on the portion of the project receiving benefit. [Note: See sample modification in attached memorandum.]

v. Agency Bond Counsel Fees:

- With respect to the issuance of bonds, there will be a bond counsel fee based on the standard hourly billing rates of the Bond Counsel providing services, plus disbursements. Bond Counsel will provide monthly statements, if requested. Payment of fees and disbursements will be due at closing or upon abandonment of the financing.



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#### D. Statutory Mandated Bond Issuance Charge

Under State law, there is a statutory fee required for all bonds issued by the Agency, which is payable to the New York State Department of Taxation and Finance, which is calculated as follows:

<u>Principal Amount of Bonds Issued:</u>	<u>% charge:</u>
\$1,000,000 or less	.168%
\$1,000,001 to \$5,000,000	.336%
\$5,000,001 to \$10,000,000	.504%
\$10,000,001 to \$20,000,000	.672%
More than \$20,000,000	.84%

The County of Rockland Industrial Development Agency will impose a fee for all Payment In Lieu of Tax Agreements (PILOT Agreements) provided by the Agency. The fee schedule is as follows:

The fee shall be one percent (1%) of the aggregate amount of Payments in Lieu of Taxes estimated to be payable by the Applicant during the term of the PILOT Agreement. In instances where the PILOT Agreement has a payment schedule that includes fixed rates of escalation, the projection shall be consistent with the escalation so designated; in instances where such projection is subject to variables that are not objectively subject to determination as of the effective date of the PILOT Agreement, the Agency may use reasonable assumptions as to projected escalation. The Agency shall discount the value of future payments applying a discount rate that the Agency shall establish from time to time, providing that the discount rate in effect from time to time shall apply equally to all PILOT Agreements that become effective during the period when the applicable discount rate is in effect.

The fee determined by the methodology set forth above shall not exceed \$400,000 for any single project.

With respect to the portion of the Agency Fee allocable to the issuance of bonds, and the State's Bond Issuance Charge, fees shall be payable at the financial closing.

With respect to each other element of the Closing Fee set forth above, the portion of the Agency Fee applicable to the applicable element or elements shall be due upon execution and delivery of the documentation creating the applicable benefit.

#### **ANNUAL COMPLIANCE FEE**

The Annual Compliance Fee will be the same as that annual fee that is required to be paid with respect to straight-lease transactions, and is set forth above..

#### **THIRD PARTY PROJECT MONITORING FEES**

The requirements for monitoring compliance with the Prevailing Wage Requirements or the Local Labor Requirements, whichever is applicable, are the same as those set forth above for straight-lease transactions set forth above.



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## COMPLETENESS OF APPLICATIONS

An Application must be deemed complete by the Agency before the Agency will take any action with respect to the proposed project and financial assistance being requested.

In order to be complete, an Application must include the following upon submission:

1. Signed and notarized Application (page 22 of Application)
2. If a Payment in Lieu of Taxes Agreement is being requested, a signed copy of Appendix A (Payment in Lieu of Tax Agreement (PILOT) Policies & Process Guidelines).
3. Signed acknowledgment of having read and agreed to each of the Agency's Local Construction Labor Policy and Construction Prevailing Wage Policy in Appendix B. (Note: a separate acknowledgment is required for each policy.)
4. Completed and signed worksheet relating to all construction work for which the Applicant has requested such work be "paid for in whole or in part out of public funds". Such term is defined in the Construction Prevailing Wage Policy included in Appendix B and the form of worksheet is included at the end of Appendix B.
5. Completed Appendix D (Environmental Assessment Form).
6. Check or other form of payment of Agency Application Fee in the amount of \$750.00.

The sufficiency of the information included in the Application shall be determined in the sole discretion of the Agency, and upon a request by the Agency for further information, the Application will not be deemed complete until such time as the requested information has been provided to the Agency.

**ATTENTION APPLICANTS:**

- For legislation re: Agency projects and compliance requirements see the Authorities Budget Office at: [abo.ny.gov](http://abo.ny.gov)
- For information on the County of Rockland Industrial Development Agency Meetings and Minutes, Members and Committees, Policies and Bylaws, Uniform Tax-Exempt Policy and Annual Reports, see: [rocklandida.com](http://rocklandida.com)
- In accordance with NYS General Municipal Law and ABO guidelines, effective Jan. 1, 2019, all completed Applications, Project Agreements and Project Resolutions will be posted on the Agency website.

**Section I: Applicant Information**

Please answer all questions. Where necessary, please use "None" or "Not Applicable". Please attach additional documents if more space is needed to answer a question than provided.

**A) Applicant Information-company receiving benefit:**

Applicant Name:

Applicant Address:

Phone:  Fax:

Website:  E-mail:

Federal ID#:  NAICS:

State and Year or Incorporation/Organization:

Will a Real Estate Holding Company be utilized to own the Project property/facility?  Yes or  No

If so, what is the name of the Real Estate Holding Company?

Federal ID#:

State and Year or Incorporation/Organization:

**B) Individual Completing Application:**

Name:

Title:

Address:

Phone:

E-Mail:

**C) Company Contact (if different from individual completing application):**

Name:

Title:

Address:

Phone:

Fax:

E-Mail:

**D) Company Counsel:**

Name of Attorney:

Firm Name:

Address:

Phone:

Fax:

E-mail:

**E) Identify the assistance being requested of the Agency (select all that apply):**

- 1. Exemption from Sales Tax  Yes or  No
- 2. Exemption from Mortgage Tax  Yes or  No
- 3. Payment in Lieu of Taxes (PILOT)  Yes or  No
- 4. Tax Exempt Bond Financing  Yes or  No

**F) Business Organization (check appropriate category):**

Corporation  Partnership

Public Corporation  Joint Venture

Sole Proprietorship  Limited Liability Company

Other (please specify)

Year Established:

State in which Organization is established: New York

**G) List all stockholders, members, or partners with % of ownership greater than 20% (include Real Estate Holding Company information, if applicable):**

<u>Name</u>	<u>% of ownership</u>
<u>Rella Owner Partners LLC</u>	<u>100%</u>
<u></u>	<u></u>
<u></u>	<u></u>

**H) Applicant Business Description:**

Describe in detail company background, products, customers, goods, and services. Description is critical in determining eligibility (Attach document, if necessary): Real estate development. The company will develop a six-buildings Class A

Warehouse/Distribution flex industrial facilities.

Estimated % of sales within County/City/Town/Village: N/A

Estimated % of sales outside County/City/Town/Village, but within New York State: N/A

Estimated % of sales outside New York State but within the U.S.: N/A

Estimated % of sales outside the U.S. N/A

***Note: Total percentage above need to equal 100%.***

**Section II: Project Description & Details**

**A) Project Location:**

Municipality or Municipalities of current operations (indicate N/A if this is a startup business or project):

Village of Montebello, Rockland County, NY

Will the Proposed Project be located within the Municipality, or within a Municipality, identified above?

Yes or No

If yes, in which Municipality will the proposed project be located:

Village of Montebello, Rockland County, NY

If No, in which Municipality will the proposed project be located:

Provide the Property Address(es) of the proposed Project:

100-300 Rella Blvd. Suffern, NY 10901

Will the completion of the Project result in the removal of an industrial or manufacturing plant (or other operating facility) 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?

Yes or No

If the Proposed Project is located in a different Municipality than the Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?

Yes or No

If yes, you will need to complete Section II (Q) and Section IV of this Application.

SBL Number for Property upon which proposed Project will be located:

55.08-1-6

What are the current real estate taxes on the proposed Project Site?

\$89,000

If amount of current taxes is not available, provide assessed value for each:

Land: \$

Buildings(s): \$

*Please include a copy of the most current tax bill.*

Are Real Property Taxes current?  Yes or  No. If no, please explain

Town/City/Village:  School District:

Does the Applicant or any related entity currently hold fee title to the Project site?  Yes or  No

If No, indicate name of present owner of the Project Site:

Does Applicant or related entity have an option/contract to purchase the Project site?  Yes or  No

Describe the present use of the proposed Project site:

**B) Please provide narrative of the proposed project and its purpose (new build, renovations, and/or equipment purchases). Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: *(This information is critical in determining project eligibility)*:**

Describe the reasons why the Agency's Financial Assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc. Your eligibility determination will be based in part on your answer *(attach additional pages if necessary)*:

Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?

Yes or  No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and County/City/Town/Village?

**C) Will the Project include leasing any equipment?**  Yes or  No  
If yes, please describe:

**D) Site Characteristics:**

Will the Project meet zoning/land use requirements at the proposed location?  Yes or  No

Describe the present zoning/land use:

Describe required zoning/land use, if different:

If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements:

Is the proposed project located on a site where the known or potential presence of contaminants is complicating the development/use of the property? If yes, please explain:

**E) Has a Phase I Environmental Assessment been prepared or will one be prepared with respect to the proposed project site?  Yes or  No If yes, please provide a copy.**

**F) Have any other studies or assessments been undertaken with respect to the proposed project site that indicate the known or suspected presence of contamination that would complicate the site's development?**

Yes or  No. If yes, please provide copies of the study

**G) Provide any additional relevant information or details:**

**H) Select Project Type for all end users at the project site (you may check more than one):**

- |                                  |                                     |                            |                                     |
|----------------------------------|-------------------------------------|----------------------------|-------------------------------------|
| Industrial                       | <input checked="" type="checkbox"/> | Back Office                | <input checked="" type="checkbox"/> |
| Acquisition of Existing Facility | <input type="checkbox"/>            | Retail                     | <input checked="" type="checkbox"/> |
| Housing                          | <input type="checkbox"/>            | Mixed Use                  | <input type="checkbox"/>            |
| Equipment Purchase               | <input type="checkbox"/>            | Facility for Aging         | <input type="checkbox"/>            |
| Multi-Tenant                     | <input checked="" type="checkbox"/> |                            |                                     |
| Commercial                       | <input checked="" type="checkbox"/> | Other <input type="text"/> | <input type="checkbox"/>            |

Will customers personally visit the Project site for either purchasing or receiving goods and/or services activities?  
 Yes or  No

If yes, with respect to either economic activity, the Retail Questionnaire contained in Section III of the

Application must be completed.

**Note: For purposes of the question, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.**

**I) Project Information:**

**Estimated costs in connection with Project:**

- |  |                      |
|--|----------------------|
| 1. Land and/or Building Acquisition:                                   | \$ <u>7,000,000</u>  |
| <u>18.5</u> acres <u>807,166</u> square feet                           |                      |
| 2. New Building Construction: <u>220,840</u> square feet               | \$ <u>25,595,190</u> |
| 3. New Building Addition(s): <u>          </u> square feet             | \$ <u>          </u> |
| 4. Infrastructure Work   | \$ <u>5,479,103</u>  |
| 5. Reconstruction/Renovation: <u>          </u> square feet            | \$ <u>          </u> |
| 6. Manufacturing Equipment:  | \$ <u>          </u> |
| 7. Non-Manufacturing Equipment (furniture, fixtures, etc.):            | \$ <u>          </u> |
| 8. Soft Costs: (professional services, etc.):                          | \$ <u>2,000,000</u>  |
| 9. OTHER: specify: <u>Tenant Costs, Financing Costs, Due Diligence</u> | \$ <u>5,755,649</u>  |
| <b>TOTAL Capital Costs:</b>  | \$ <u>45,829,942</u> |

**Project refinancing; estimated amount**

*(For refinancing of existing debt only)*

\$           

**Sources of Funds for Project Costs:**

- |  |                      |
|--|----------------------|
| Bank Financing:  | \$ <u>42,000,000</u> |
| Equity (excluding equity that is attributed to grants/tax credits)                 | \$ <u>3,829,942</u>  |
| Tax Exempt Bond Issuance (if applicable)   | <u>          </u>    |
| Taxable Bond Issuance (if applicable)  | \$ <u>          </u> |
| Public Sources (Include sum total of all state and federal grants and tax credits) | \$ <u>          </u> |

Identify each state and federal grant/credit:

\_\_\_\_\_

\$ \_\_\_\_\_

\_\_\_\_\_

\$ \_\_\_\_\_

\_\_\_\_\_

\$ \_\_\_\_\_

**TOTAL Sources of Funds for Project Costs:**

\$ 45,829,942

Have any of the above costs been paid or incurred as of the date of this Application?  Yes or  No

If yes, describe particulars: Soft Costs and Acquisition Costs  
\_\_\_\_\_  
\_\_\_\_\_

**Estimate of Tax Exemption Benefit:**

**Mortgage Recording Tax Exemption Benefit:** Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ 42,000,000

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 1.05%): \$ 441,000

**Sales and Use Tax:** Gross amount of costs for goods and services that are subject to State and local Sales and Use tax - said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

\$ 13,000,000

Estimated State and local Sales and Use Tax Benefit (product of 8.375% multiplied by the figure, above): \$ 1,088,750

*Note that the estimate above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.*

**Real Property Tax Benefit:**

If seeking a PILOT agreement via the Rockland Agency, please see **ATTACHMENT A – PAYMENT IN LIEU OF TAX AGREEMENT (PILOT) POLICIES AND PROCESS GUIDELINES.**

Identify and describe if the Project will utilize a real property tax exemption **OTHER THAN** the Agency's PILOT benefit: None Other  
\_\_\_\_\_  
\_\_\_\_\_

**Percentage of Project Costs financed from Public Sector sources:**

Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon Sources of Funds for Project Costs as depicted above in Section II(I) of the Application.

**J) What is your project timetable (Provide dates):**

1. Start date: acquisition of equipment or construction of facilities:
2. Estimated completion date of project:
3. Project occupancy – estimated starting date of operations:

**K) Have site plans been submitted to the appropriate planning department?**  Yes or  No

Please provide the Agency with a copy of the related State Environmental Quality Review Act (“SEQR”) Environmental Assessment Form. Provide the Agency with the status of municipal planning department approval:

Has the Project received site plan approval?  Yes or  No.

If yes, please provide the Agency with a copy of the planning department approval along with the related SEQR determination.

**L) Is the project necessary to expand project employment:**  Yes or  No

Is project necessary to retain existing employment:  Yes or  No

M) Employment Plan (Specific to the proposed project location):

	<b>Current # of jobs at proposed project location or to be relocated at project location</b>	<b>IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED</b>	<b>IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion</b>	<b>Labor Market Area – Mid-Hudson Region</b>
<b>Full time (FTE)</b>			15-20*	
<b>Part Time (PTE)</b>			15-20*	
<b>Total</b>			30-40*	

\*The above job numbers are for Tenant companies and do not include construction jobs.

**NOTE: The Labor Market Area includes the County/City/Town/Village where the Project will be located as well as the Counties in the Mid-Hudson Region of New York State.**

**Salary and Fringe Benefits for Jobs to be Retained and Created:**

Category of Jobs to be Retained and Created	Number of employees in each role		Average Salary or Range of Salary FTE only	Average Fringe Benefits or Range of Fringe Benefits FTE only
	FULL TIME	PART TIME		
Management				
Professional				
Administrative				
Production				
Independent Contractor				
Other				

Employment at other locations in the county (provide address and number of employees at each location):

	Address	Total # of Employees
Full time		
Part Time		

N) Will any of the facilities described above be closed or subject to reduced activity?  Yes or  No

O) Is the project reasonably necessary to prevent the project occupant from moving out of New York State?  
 Yes or  No.

If yes, please explain and identify out-of-state locations investigated, type of assistance offered and provide supporting documentation if available:


P) What competitive factors led you to inquire about sites outside of New York State?

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Q) Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?

Yes or  No.

If yes, please identify which agencies and what other Local, State and/or Federal assistance and the assistance sought and dollar amount that is anticipated to be received:


R) Will the project offer on-site childcare services?

If yes, please explain and identify out-of-state locations investigated, type of assistance offered and provide supporting documentation if available:


P) What competitive factors led you to inquire about sites outside of New York State?

17

Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?

Yes or  No.

If yes, please identify which agencies and what other Local, State and/or Federal assistance and the assistance sought and dollar amount that is anticipated to be received:


R) Will the project offer on-site childcare services?

Yes or  No.

**Section III Retail Questionnaire**

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Please answer the following:

- A. Will any portion of the project (including that portion of the cost to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

Yes or  No. If the answer is yes, please continue. If no, proceed to Section IV.

For purposes of Question A, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

- B. What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project?  %.

*If the answer above is less than 33% do not complete the remainder of the retail determination and proceed to Section IV.*

If the answer to A is Yes **AND** the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

- 1. Will the project be operated by a  -for-profit or  not-for-profit corporation?  Yes or  No.

Is the Project location or facility likely to attract a significant number of visitors from outside the economic development region (list specific County or Economic development region) in which the project will be located?

Yes or  No

If yes, please provide a third-party market analysis or other documentation supporting your response.

Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes or  No

If yes, please provide a third-party market analysis or other documentation supporting your response.

Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?

Yes or  No.

If yes, explain:

Is the project located in a documented Economically Distressed Area?  Yes or  No

Will the Project 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?  Yes or  No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?  Yes or  No

If the answer is Yes to either of the previous two questions, explain how, notwithstanding the aforementioned closing or activity reduction, 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 occupant's competitive position in its respective industry:

Does the Project involve the relocation or consolidation of a project occupant from another municipality?

Within New York State  Yes or  No

Within County/City/Town/Village  Yes or  No

If yes to either question, please, explain:

## Section IV Representations, Certifications, and Indemnification

This section of the application should be completed upon the applicant receiving confirmation from the Agency that sections I-III are satisfactorily completed.

(name of CEO or other authorized representative of Applicant) confirms and says that he/she is the (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. Job Listings: In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located. 20
- B. First Consideration for Employment: In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C. Annual Sales Tax Filings: In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant. Copies of all filings shall be provided to the Agency.
- D. 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, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Project Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
- E. The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide with this Representation, Certification and Indemnification Form copies of any known environmental reports, including any existing Phase I Environmental Site Assessment Report(s) and/or Phase II Environmental Investigations. The Agency may require the Company and/or owner of the premises to prepare and submit an environmental assessment and audit report, including but not necessarily limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the owner and/or the

Applicant. All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-05, and shall be conformed over to the Agency so that the Agency is authorized to use and rely on the reports. The Agency, however, does not adopt, ratify, confirm or assume any representation made within reports required herein.

- F. The Applicant and/or the owner, and their successors and assigns, hereby release, defend and indemnify the Agency from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations, penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants' and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Agency, resulting from or arising out of any inquiries and/or environmental assessments, investigations and audits performed on behalf of the Applicant and/or the owner pursuant hereto, including the scope, level of detail, contents or accuracy of any environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations, and audits.
- G. Hold Harmless Provision: The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's bond/transaction counsel whether or not the Application, the proposed Project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and agrees that the Agency shall not be liable for and agrees to indemnify, defend, and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (i) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (ii) the Agency's acquisition, construction and/or installation of the proposed Project described herein; and (iii) any further action taken by the Agency with respect to the proposed Project including, without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency, any mortgage recording tax exemption claimed by the Applicant and approved by the Agency, and/or any real property tax abatement claimed by the Applicant and approved by the Agency, in connection with the Project, may be subject to recapture and/or termination by the Agency under such terms and conditions as will be established by the Agency and set forth in transaction documents to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of the New York State and local sales and use tax exemption benefit, the amount of the mortgage recording tax exemption benefit, and the amount of the real property tax abatement, if and as applicable, to the best of the Applicant's knowledge, is true, accurate and complete.
- H. This obligation includes an obligation to submit an Agency Fee Payment to the Agency in accordance with the Agency Fee policy and schedule effective as of the date of this Application. (*See Fee Schedule at the front of the Application.*) 21
- I. By executing and submitting this Application, the Applicant covenants and agrees to pay the following fees to the Agency and the Agency's general counsel and/or the Agency's bond/transaction counsel, the same to be paid at the times indicated:
- (i) a non-refundable application and publication fee of \$750.00 (the "Application Fee"); All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel and/or the Agency's bond/transaction counsel, thus note that the Applicant is entitled to receive a written estimate of fees and costs of the Agency's general counsel and the Agency's bond/transaction counsel; and (2) other consultants

retained by the Agency in connection with the proposed project, with all such charges to be paid by the Applicant at the closing.

- J. If the Applicant fails to conclude or consummate the 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 Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback or lease/leaseback transaction, then, upon the presentation of an invoice, Applicant shall pay to the Agency, its agents, or assigns all actual costs incurred by the Agency in furtherance of the Application, up to that date and time, including but not necessarily limited to, fees of the Agency's general counsel and/or the Agency's bond/transaction counsel. 22
- K. The Applicant acknowledges and agrees that all payment liabilities to the Agency and the Agency's general counsel and/or the Agency's bond and/or transaction counsel as expressed in Sections H and I are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
- L. The cost incurred by the Agency and paid by the Applicant, the Agency's general counsel and/or bond/transaction counsel fees and the processing fees, may be considered as a cost of the Project and included in the financing of costs of the proposed Project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.
- M. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.**
- N. The Applicant acknowledges that it has been provided with a copy of the Agency's Policy for Termination of Agency Benefits and Recapture of Agency Benefits Previously Granted (the "Termination and Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Termination and Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Termination and Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.
- O. The 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.
- P. 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.
- Q. 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.

- R. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
- S. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents 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 Rockland ) ss.:

Joseph Brachfeld, being first duly sworn, deposes and says:

1. That I am the Authorized Signatory (Corporate Office) of Reli-Owner LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, INCLUDING the Labor Policy and PILOT Guideline, 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 20<sup>th</sup> day of May, 2020

(Notary Public)

<b>AKIVA D BOMZER</b>
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01B06432031
QUALIFIED IN ROCKLAND COUNTY
MY COMMISSION EXPIRES 04/25/2030

## APPENDIX A

### Payment In Lieu of Tax Agreement (PILOT)

#### Policies & Process Guidelines

A Payment In Lieu of Tax Agreement (PILOT) is a negotiated tax abatement or structured property tax schedule which may be obtained under the authority of the Agency. (Please see the Agency's Uniform Tax Exemption Policy for more detail regarding Agency real property tax abatements and other incentives at [www.rocklandida.com](http://www.rocklandida.com).)

Unlike many industrial development agencies, the Rockland Agency *does not* have the authority to impose a PILOT, or any type of property tax abatement or condition, on the local taxing jurisdictions. Further, it is at the sole discretion of the local taxing jurisdictions to participate or not.

However, the Rockland Agency *does* have the authority to facilitate and implement a PILOT should the project applicant and taxing jurisdictions agree to the terms and structure of a property tax agreement.

Given the above, the Agency does not either advocate for or against a PILOT. As such, it is the sole responsibility of the Agency project applicant to determine if the involved tax jurisdictions choose to participate in a PILOT agreement and then negotiate the terms of the agreement.

To assist Agency project applicants in the PILOT process, however, the following guidelines are provided:

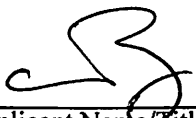
- Provided the project is eligible for consideration to receive Agency incentives, the applicant must indicate “yes” or “no” that a PILOT is requested on the Agency’s “Application For Financial Incentives”, Section D, Page I-5.
- If the project is eligible for consideration, the Agency board will consider an Inducement Resolution that authorizes the applicant to request and negotiate a PILOT with the local taxing jurisdictions.
- Taxing jurisdictions eligible to participate in a PILOT include the town in which the project is located, the affected village (if applicable), and the affected school district. The County does not participate in PILOTs (unless the project has a unique County-wide impact). The Agency can assist in identifying the affected taxing entities and the individuals from the taxing jurisdictions that should be contacted regarding a proposed PILOT.
- The first step in the PILOT process is arranging an (informal) meeting with all the taxing jurisdictions, the Agency, and the applicant so a discussion can be held regarding the applicability of a PILOT and what structure may be considered. It is recommended that this meeting take place following Agency inducement (which confirms the project’s eligibility for incentives and a PILOT).
- While the Agency Executive Director can assist in arranging this first meeting, it is ultimately the responsibility of the applicant. It is recommended that the meeting include representatives from all the taxing jurisdictions and the Agency.
- Each PILOT structure is unique. As such, each PILOT – if agreeable to the taxing jurisdictions – reflects a negotiated structure that addresses the financial need of the applicant, while meeting the economic development objectives of the taxing jurisdictions and the Agency.
- A strong, stable tax ratable base and revenue predictability are often key objectives of the taxing jurisdictions. It is recommended that the applicant recognize and address both of these elements when proposing a property tax structure. While the applicant is responsible for proposing and negotiating a PILOT, the Agency and town assessors are often resources that can assist in providing historical references of similar project PILOTs, current assessed value of the site, etc.
- Special Note: Taxing jurisdictions will not formally consider a PILOT that involves a property that has a pending tax grievance. While a PILOT may resolve issues involving a tax dispute, any pending grievance(s) must be withdrawn by the property owner prior to final PILOT approval.

- Each taxing jurisdiction has the individual choice to participate (or not) in a PILOT. It is not required that all taxing entities participate in a PILOT.
- If and when a PILOT is informally agreed to by the participating parties, the Agency counsel will prepare a draft agreement for review by all.
- A formal resolution for PILOT approval is required of all taxing jurisdictions. A copy of the resolution(s) must be provided to the Agency. It is the responsibility of the applicant to ensure the matter is formally considered and adopted by the involved taxing jurisdictions. While the County does not provide tax abatements (unless specifically included), the County does participate in the approval process, by both formal resolution and signing of agreements. The County will only consider approval after all the other local taxing jurisdictions have approving resolutions in place.
- It is important to note that the PILOT is not considered to be approved until all participating parties have passed approving resolutions and have signed a final PILOT agreement. 25
- Regardless of when a PILOT is formally approved, it will not go into effect until the next March 1 taxable status date.

As with each of its incentives, the Agency has a fee schedule for PILOTs. The applicant is required to pay all applicable fees upon project/PILOT closing. Please refer to the PILOT fee schedule at the beginning of this Application to determine applicable fees.

*As a final note, because each Rockland Agency PILOT is unique, there is an inherent flexibility in the (informal) negotiating and meeting process. To this end, the Agency encourages the applicant to discuss the matter with the Agency Executive Director and Agency Counsel to ensure that the process is as effective and efficient as possible for all parties.*

ACKNOWLEDGED AND AGREED TO:

  
Applicant Name/Title

*Authorized Signatory*

## **Local Construction Labor Policy**

The County of Rockland Industrial Development Agency has adopted a Local Construction Labor Policy, effective April 1, 2022, as follows:

A project applicant (the “Company”), as a condition to receiving Financial Assistance (such as, and including a sales tax exemption, mortgage tax exemption, real property tax abatement, and/or bond financing) from the County of Rockland Industrial Development Agency (the “Agency”), will be required to utilize qualified Local Labor, as defined below, for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the “Project Site”).

### **Local Labor Defined**

Local Labor is defined as individuals residing in the following seven New York Counties: Rockland, Orange, Westchester, Putnam, Ulster, Sullivan, and Dutchess (collectively, the “Local Labor Area”).

### **Local Labor Requirement**

At least 80% of the total number of employees working at the Project Site, excluding construction project management, of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively, the “Workers”) working on the Project Site must reside within the Local Labor Area. Companies do not have to be local companies as define herein but must employ local Workers residing within the Local Labor Area to qualify under the 80% Local Labor criteria.

It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project Site. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the “Local Labor Waiver Request”) based on the following circumstances: (i) warranty issues related to installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area workers are not available’ or (iii) documented lack of Workers meeting the Local Labor Area requirement.

The Agency may require an outside consultant of its choosing (the “Outside Consultant”) be hired by the Company to assist in reviewing any waiver requests that may be submitted. The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.

### **Local Labor Reporting Requirement and Recordkeeping**

Companies authorized to receive Financial Assistance from the Agency will be required to file or cause to be filed a Local Labor Utilization Report (the “Report”) on such form as made available by the Agency, and as directed by the Agency, weekly sign-in sheets documenting all Workers

on-site during that reporting period. These sign-in sheets must include each Worker's name, employer, zip code, and dates present on-site. The sign-in sheets must be retained for the entirety of the construction phase and submitted to the Agency upon request.

Companies authorized to receive Financial Assistance from the Agency will also be required to prepare and maintain a binder containing copies of all identification documents of all Workers on the project. The binder must be tabbed by subcontractor and contain a driver's license for each Worker on the project. If a Worker does not have a driver's license, a photo ID is required as well as proof of local residency. Such proof of local residency may be a pay stub, utility bill, cell phone bill or other form of ID acceptable to the Agency. Such proof of local residency must be current and must match the ID.

The Agency, or its designated agents, shall have the right, during normal business hours, to examine and copy the applicable books and records of the Company and to perform spot checks of all Workers at the Project Site to verify compliance with the Local Labor Requirement throughout the construction period.

Compliance with this Policy requires that an 80% threshold be met in each of the Local Labor Utilization Reports and each time the Agency, or its designated agents, examines the Company's applicable books and records as well as during any spot checks which may be performed. Averaging of the 80% threshold throughout any part of the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities of the Project Site is insufficient for compliance with this Policy.

### **Enforcement**

If Agency staff determines that: (i) the Local Labor Requirement is not being met; or (ii) upon use of its reasonable discretion, discovers or becomes aware of a compliance issue related to the Local Labor Requirement, then written notice will be delivered personally or by reliable overnight deliver service (i.e. Federal Express) of said Local Labor Requirement violation (the "Notice of Violation") shall be provided to the company.

Within ten (10) business days after the delivery of a Notice of Violation, the Company shall:

- (i) Provide written confirmation of the Agency indicating that it has cured the violation and is now in compliance with the Local Labor Requirement; or
- (ii) Submit the Local Labor Waiver Request as described above; or
- (iii) Confirm in writing its inability to meet the Local Labor Requirement.

If the Company does not respond to the Agency's Notice of Violation within (10) business days thereafter, or if the Company confirms its inability to meet the Local Labor Requirement, then at the next meeting of the Agency Board (whether a regular meeting or a special meeting) the Board shall review the circumstances and may take such action as it deems appropriate, which may include termination and recapture of any and all Financial Assistance being provided to the

project. Prior to such meeting, a certified letter shall be sent to the Company setting forth the date, time and place of such meeting.

If a Local Labor Waiver Request is submitted and the Agency declines to issue the requested waiver, increased inspections and spot checks by the Agency or its designated agents shall commence at the Agency's discretion and at the expense of the Company and further, the Company shall have ten (10) business days after receipt of the notice of the waiver request denial to provide written confirmation to the Agency indicating that it has cured the violation and is now in compliance with the Local Labor Requirement.

If the Agency does not receive such confirmation, the Agency Board shall at its next meeting (whether a regular meeting or a special meeting) may immediately terminate any and all Financial Assistance being provided to the project in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the project. Prior to such Board meeting, a certified letter shall be sent to the Company setting forth the date, time and place of such a meeting.

#### **Additional Monitoring and Fees**

If, at any time, the Agency determines that enhanced or additional labor compliance monitoring is necessary due to the nature of the project, non-compliance or a history of non-compliance, or other relevant factors, the Agency reserves the right to implement such monitoring at its sole discretion. Any costs or fees associated with this additional monitoring shall be the sole responsibility of the Project and shall be invoiced accordingly. These costs may include, but are not limited to, third-party review, site visits, audit services, and administrative time incurred by the Agency or its agents.

Failure to pay such fees in a timely manner may result in enforcement actions, up to and including termination and recapture of Financial Assistance, in accordance with the terms of the applicable agreements between the Agency and the Company.

#### **Project Compliance**


This Local Construction Labor Policy shall take effect with respect to each project beginning on the day the Agency takes initial official action with respect to a Project (such as the adoption by the Agency of an Inducement Resolution). Failure of a Company to comply with the Local Construction Labor Policy on and after such date may result in the Project's ineligibility for Agency benefits and may be subject to the Project being denied Agency benefits, being subject to rescission of further Agency benefits, or being required to return of all or a portion of Agency benefits previously received.

**Miscellaneous**

*This Labor Policy shall not apply if the Project is subject to prevailing wage requirements pursuant to NYS Labor Law section 224-a, as amended. Documentation of Prevailing Wage shall be provided to the Agency by the Company.*

This Local Construction Labor Policy may be amended by the Agency from time to time in a manner that is in accordance with applicable laws, rules and regulations, as modified or amended by local, state and/or federal law.

Consented and Agreed to by:



Name: Akiva Bomzer

Title: Authorized Signatory

## Construction Prevailing Wage Policy

On January 1, 2022, amendments to the State Labor Law (the “State Prevailing Wage Act”) requiring certain state agencies, including the Agency, to require beneficiaries of financial assistance to comply with certain prevailing wage requirements if certain threshold criteria are met (the “State Prevailing Wage Requirements”). The Agency has adopted the State Prevailing Wage Requirements as the Agency’s prevailing wage requirements for construction work on projects (and future construction modifications) receiving Agency financial assistance and rescinded any prevailing wage requirements that may previously have been in effect. The Agency policy reflected in the state Prevailing Wage Act will remain effective, regardless of whether the State defers enforcement of the applicable provisions. Statutory amendments to the State Prevailing Wage Act, as well as implementation regulations that may be adopted by the State, shall be incorporated in the Agency’s Construction Prevailing Wage Policy upon the applicable effective dates specified in such amendments or regulations.

The Rockland Agency requires companies receiving financial assistance from the Agency to comply with the provisions of the State Prevailing Wage Act. Following is a brief summary of the State Prevailing Wage Requirements, including thresholds below which the requirements do not apply. The full text of the State Prevailing Wage Act is included following the summary.

### Prevailing Wage Requirement Applies Only to Covered Projects

The requirements to pay prevailing wages applies only to “Covered Projects”. A project is a Covered Project only if all of the following criteria are met:

- (a) the construction work being considered must be under contract;
- (b) such construction work must be paid for in whole or in part out of public funds;
- (c) the amount of all such public funds, when aggregated, must be at least thirty percent of such total construction costs; and
- (d) total construction project costs must exceed \$5 million.

Certain exclusions from the term “Covered Projects” are identified in the text of the State Prevailing Wage Act attached hereto. Two notable exceptions are (1) certain types of projects, such as brownfields, affordable housing, historic preservation, small renewable energy projects and others and (2) construction work performed under a pre-hire collective bargaining agreement between an owner or contractor and a bona fide building and construction trade labor organization that satisfies certain criteria.

The phrase “paid for in whole or in part out of public funds” means:

- (a) the payment of money, by a public entity, or a third party acting on behalf of and or the benefit of a public entity, directly to or on behalf of the contractor, subcontractor, developer or owner that is not subject to repayment;
- (b) the savings achieved from fees, rents, interest rates, or other loan costs, or insurance costs that are lower than market rate costs; savings from reduced taxes as a result of tax credits, tax abatements, tax exemptions or tax increment financing; savings from payments in lieu of taxes; and any other savings from reduced, waived, or forgiven costs that would have otherwise been at a higher or market rate but for the involvement of the public entity;
- (c) money loaned by the public entity that is to be repaid on a contingent basis; or

- (d) credits that are applied by the public entity against repayment of obligations to the public entity.

Certain exclusions from the term “public funds” are identified in the text of the State Prevailing Wage Act attached hereto.

Note that the concept of “paid for in whole or in part out of public funds” is not limited to financial assistance provided by the Agency, but aggregates funds from all public sources.

### **Additional Company Compliance Requirements**

If a Project is a Covered Project, the Company will be required to comply with the New York State Prevailing Wage Law, Labor Law, Article 8, Section 220 et. seq. as if the Project was a “public work” project as defined by the statute. Not less than the current prevailing rate of wages as determined by wage schedules provided by the Bureau of Public Work shall be paid to all laborers, workers and mechanics performing work at the Project. All contractor’s bonds, if required, shall include a provision as will guarantee the faithful performance of such prevailing wage requirement in connection with the Project.

Additional requirements shall include, but not be limited to: (a) the contractor must send a written request to the Labor Department's Bureau of Public Work for an appropriate wage schedule, (b) the contractor must attach the wage schedule to the bid specifications, (c) when awarding a contract, the contractor must attach the wage schedule to the contract, and (d) before work begins, the contractor and subcontractor(s) must post wage schedules at the construction site so that workers know what they are entitled to.

Contractor shall ensure that all agreements with its subcontractors to perform work on or at the Project contain the following provisions:

- (a) Subcontractor shall comply with the New York State Prevailing Wage Law, Labor Law, Article 8, Section 220 et. seq. as if the Project was a “public work” project as defined by the statute for all construction, alteration, demolition, installation, repair or maintenance work over \$1,000 performed at the Project; and
- (b) Subcontractor’s obligations under prevailing wage laws include without limitation: pay at least the applicable prevailing wages as if the project was a “public work” as defined by the statute for activities performed at the Project; comply with overtime and working hour requirements; comply with apprenticeship obligations, comply with payroll recordkeeping requirements; and comply with other obligations as required by law.

Contractor shall ensure that the above requirements are included in all its contracts and any layer of subcontractors for activities for the Project.

This Construction Prevailing Wage Policy may be amended by the Agency from time to time in a manner that is in accordance with applicable laws, rules and regulations, as modified or amended by local, state and/or federal law.

Consented and Agreed to by:

[Name of Applicant]

  
\_\_\_\_\_

Name:

Title:

## **Text of State Prevailing Wage Act**

### **PART FFF**

Section 1. The labor law is amended by adding a new section 224-a to read as follows:

§ 224-a. Prevailing wage requirements applicable to construction projects performed under private contract.

1. Subject to the provisions of this section, each "covered project" as defined in this section shall be subject to prevailing wage requirements in accordance with section two hundred twenty and two hundred twenty-b of this article. A "covered project" shall mean construction work done under contract which is paid for in whole or in part out of public funds as such term is defined in this section where the amount of all such public funds, when aggregated, is at least thirty percent of the total construction project costs and where such project costs are over five million dollars except as provided for by section two hundred twenty-four-c of this article.
2. For purposes of this section, "paid for in whole or in part out of public funds" shall mean any of the following:
  - a. The payment of money, by a public entity, or a third party acting on behalf of and or the benefit of a public entity, directly to or on behalf of the contractor, subcontractor, developer or owner that is not subject to repayment;
  - b. The savings achieved from fees, rents, interest rates, or other loan costs, or insurance costs that are lower than market rate costs; savings from reduced taxes as a result of tax credits, tax abatements, tax exemptions or tax increment financing; savings from payments in lieu of taxes; and any other savings from reduced, waived, or forgiven costs that would have otherwise been at a higher or market rate but for the involvement of the public entity;
  - c. Money loaned by the public entity that is to be repaid on a contingent basis; or
  - d. Credits that are applied by the public entity against repayment of obligations to the public entity.
3. For purposes of this section, "paid for in whole or in part out of public funds" shall not include:
  - a. Benefits under section four hundred twenty-one-a of the real property tax law;
  - b. Funds that are not provided primarily to promote, incentivize, or ensure that construction work is performed, which would otherwise be captured in subdivision two of this section;
  - c. Funds used to incentivize or ensure the development of a comprehensive sewage system, including connection to existing sewer lines or creation of new sewage lines or sewer capacity, provided, however, that such work shall be deemed to be a public work covered under the provisions of this article;
  - d. tax benefits provided for projects the length or value of which are not able to be calculated at the time the work is to be performed;
  - e. tax benefits related to brownfield remediation or brownfield redevelopment pursuant to section twenty-one, twenty-two, one hundred eighty-seven-g or one hundred eighty-seven-h of the tax law, subdivision seventeen or eighteen of section two hundred ten-B of the tax

law, subsection (dd) or (ee) of section six hundred six of the tax law, or subdivision (u) or (v) of section fifteen hundred eleven of the tax law;

f. funds provided pursuant to subdivision three of section twenty-eight hundred fifty-three of the education law; and 33

g. any other public monies, credits, savings or loans, determined by the public subsidy board created in section two hundred twenty-four-c of this article as exempt from this definition.

4. For purposes of this section "covered project" shall not include any of the following:

a. Construction work on one or two family dwellings where the property is the owner's primary residence, or construction work performed on property where the owner of the property owns no more than four dwelling units;

b. Construction work performed under a contract with a not-for-profit corporation as defined in section one hundred two of the not-for-profit corporation law, other than a not-for-profit corporation formed exclusively for the purpose of holding title to property and collecting income thereof or any public entity as defined in this section where the not-for-profit corporation has gross annual revenue and support less than five million dollars;

c. Construction work performed on a multiple residence and/or ancillary amenities or installations that is wholly privately owned in any of the following circumstances except as provided for by section two hundred twenty-four-c of this article:

(i) where no less than twenty-five percent of the residential units are affordable and shall be retained subject to an anticipated regulatory agreement with a local, state, or federal governmental entity, or a not-for-profit entity with an anticipated formal agreement with a local, state, or federal governmental entity for purposes of providing affordable housing in a given locality or region provided that the period of affordability for a residential unit deemed affordable under the provisions of this paragraph shall be for no less than fifteen years from the date of construction; or

(ii) where no less than thirty-five percent of the residential units involves the provision of supportive housing services for vulnerable populations provided that such units are subject to an anticipated regulatory agreement with a local, state, or federal governmental entity; or

(iii) any newly created programs for affordable or subsidized housing as determined by the public subsidy board established by section two hundred twenty-four-c of this article.

d. Construction work performed on a manufactured home park as defined in paragraph three of subdivision a of section two hundred thirty-three of the real property law where the manufactured home park is subject to a regulatory agreement with a local, state, or federal governmental entity for no less than fifteen years;

e. Construction work performed under a pre-hire collective bargaining agreement between an owner or contractor and a bona fide building and construction trade labor organization which has established itself as the collective bargaining representative for all persons who will perform work on such a project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform work on such a project, or construction work performed under a labor peace

agreement, project labor agreement, or any other construction work performed under an enforceable agreement between an owner or contractor and a bona fide building and construction trade labor organization;

- f. Construction work performed on projects funded by section sixteen-n of the urban development corporation act or the downtown revitalization initiative; 34
  - g. Construction work and engineering and consulting services performed in connection with the installation of a renewable energy system, renew able heating or cooling system, or energy storage system, with a capacity equal to or under five megawatts alternating current;
  - h. Construction work performed on supermarket retail space built or renovated with tax incentives provided under the food retail expansion to support health (FRESH) program through the New York city industrial development agency;
  - i. Construction work performed for interior fit-outs and improvements under ten thousand square feet through small business incubation programs operated by the New York city economic development corporation;
  - j. Construction work on space to be used as a school under sixty thousand square feet, pursuant to a lease from a private owner to the New York city department of education and the school construction authority; or
  - k. Construction work performed on projects that received tax benefits related to historic rehabilitation pursuant to subdivision twenty-six of section two hundred ten-B of the tax law, subsection (oo) or (pp) of section six hundred six of the tax law, or subdivision (y) of section fifteen hundred eleven of the tax law.
5. For purposes of this section, "public entity" shall include, but shall not be limited to, the state, a local development corporation as defined in subdivision eight of section eighteen hundred one of the public authorities law or section fourteen hundred eleven of the not-for-profit corporation law, a municipal corporation as defined in section one hundred nineteen-n of the general municipal law, an industrial development agency formed pursuant to article eighteen-A of the general municipal law or industrial development authorities formed pursuant to article eight of the public authorities law, and any state, local or interstate or international authorities as defined in section two of the public authorities law; and shall include any trust created by any such entities.
  6. For purposes of this section, "construction" means work which shall be as defined by the public subsidy board to require payment of prevailing wage, and which may involve the employment of laborers, workers, or mechanics.
  7. For purposes of this section and section two hundred twenty-four-b of this article, the "fiscal officer" shall be deemed to be the commissioner.
  8. The enforcement of any construction work deemed to be a covered project pursuant to this section, and any additional requirements, shall be subject, in addition to this section, only to the requirements of sections two hundred twenty, two hundred twenty-four-b, two hundred twenty-four-c, and two hundred twenty-b of this article and within the jurisdiction of the fiscal officer; provided, however, nothing contained in this section shall be deemed to construe any covered project as otherwise being considered public work pursuant to this article; and further provided:
    - a. The owner or developer of such covered project shall certify under penalty of perjury within five days of commencement of construction work whether the project at issue is subject to

the provisions of this section through the use of a standard form developed by the fiscal officer.

- b. The owners or developers of a property who are undertaking a project under private contract, may seek guidance from the public subsidy board contained in section two hundred twenty-four-c of this article, and such board may render an opinion as to whether or not the project is a covered project within the meaning of this article. Any such determination shall not be reviewable by the fiscal officer, nor shall it be reviewable by the department pursuant to section two hundred twenty of this article. 35
  - c. The owner or developer of a covered project shall be responsible for retaining original payroll records in accordance with section two hundred twenty of this article for a period of six years from the conclusion of such work. All payroll records maintained by an owner or developer pursuant to this section shall be subject to inspection on request of the fiscal officer. Such owner or developer may authorize the prime contractor of the construction project to take responsibility for retaining and maintaining payroll records, but will be held jointly and severally liable for any violations of such contractor. All records obtained by the fiscal officer shall be subject to the Freedom of Information Law.
  - d. Each public entity providing any of the public funds listed in subdivision two of this section to an owner, developer, contractor or subcontractor of a project shall identify the nature and dollar value of such funds and whether any such funds are excluded under subdivision three of this section and shall so notify the recipient of such funds of such determination and of their obligations under paragraph a of this subdivision.
  - e. The fiscal officer may issue rules and regulations governing the provisions of this section. Violations of this section shall be grounds for determinations and orders pursuant to section two hundred twenty-b of this article.
9. Each owner and developer subject to the requirements of this section shall comply with the objectives and goals of minority and women-owned business enterprises pursuant to article fifteen-A of the executive law and service-disabled veteran-owned businesses pursuant to article seventeen-B of the executive law. The department in consultation with the directors of the division of minority and women's business development and of the division of service-disabled veterans' business development shall make training and resources available to assist minority and women-owned business enterprises and service-disabled veteran-owned business enterprises on covered projects achieve and maintain compliance with prevailing wage requirements. The department shall make such training and resources available online and shall afford minority and women-owned business enterprises and service-disabled veteran-owned business enterprises an opportunity to submit comments on such training.
- 10.
- a. The fiscal officer shall report to the governor, the temporary president of the senate, and the speaker of the assembly by July first, two thousand twenty-two, and annually thereafter, on the participation of minority and women-owned business enterprises in relation to covered projects and contracts for public work subject to the provisions of this 2 section and section two hundred twenty of this article respectively as 3 well as the diversity practices of contractors and subcontractors employing laborers, workers, and mechanics on such projects.
  - b. Such reports shall include aggregated data on the utilization and participation of minority and women-owned business enterprises, the employment of minorities and women in construction-related jobs on such projects, and the commitment of contractors and

subcontractors on such projects to adopting practices and policies that promote diversity within the workforce. The reports shall also examine the compliance of contractors and subcontractors with other equal employment opportunity requirements and anti-discrimination laws, in addition to any other employment practices deemed pertinent by the commissioner.

- c. The fiscal officer may require any owner or developer to disclose information on the participation of minority and women-owned business enterprises and the diversity practices of contractors and subcontractors involved in the performance of any covered project. It shall be the duty of the fiscal officer to consult and to share such information in order to effectuate the requirements of this section. 36

11. If construction work is not deemed to be a covered project, whether by virtue of an exclusion of such project under subdivision four of this section, or by virtue of not receiving sufficient public money to be deemed "paid for in whole or in part out of public funds", such project shall not be subject to the requirements of sections two hundred twenty and two hundred twenty-b of this article.

Section 2. The labor law is amended by adding a new section 224-b to read as follows:

§ 224-b. Stop-work orders.

Where a complaint is received pursuant to this article, or where the fiscal officer upon his or her own investigation, finds cause to believe that any person, in connection with the performance of any contract for public work pursuant to section two hundred twenty of this article or any covered project pursuant to section two hundred twenty-four-a of this article, has substantially and materially failed to comply with or intentionally evaded the provisions of this article, the fiscal officer may notify such person in writing of his or her intention to issue a stop-work order. Such notice shall (i) be served in a manner consistent with section three hundred eight of the civil practice law and rules; (ii) notify such person of his or her right to a hearing; and (iii) state the factual basis upon which the fiscal officer has based his or her decision to issue a stop-work order. Any documents, reports, or information that form a basis for such decision shall be provided to such person within a reasonable time before the hearing. Such hearing shall be expeditiously conducted. Following the hearing, if the fiscal officer issues a stop-work order, it shall be served by regular mail, and a second copy may be served by telefacsimile or by electronic mail, with service effective upon receipt of any such order. Such stop-work order shall also be served with regard to a worksite by posting a copy of such order in a conspicuous location at the worksite. The order shall remain in effect until the fiscal officer directs that the stop-work order be removed, upon a final determination on the complaint or where such failure to comply or evade has been deemed corrected. If the person against whom such order is issued shall within thirty days after issuance of the stop-work order makes an application in affidavit form for a redetermination review of such order the fiscal officer shall make a decision in writing on the issues raised in such application. The fiscal officer may direct a conditional release from a stop-work order upon a finding that such person has taken meaningful and good faith steps to comply with the provisions of this article.

Section 3. The labor law is amended by adding a new section 224-c to read as follows:

§ 224-c. Public subsidy board.

1. A board on public subsidies, hereinafter "the board", is hereby created, to consist of thirteen members. The thirteen members shall be appointed by the governor as follows: one member upon the recommendation of the temporary president of the senate, one member upon the recommendation of the speaker of the assembly, the commissioner, the president of the empire state development corporation, the director of the division of the budget, two members representing employees in the construction industry, of whom one shall be a representative of the largest statewide trade labor association representing building and construction workers, and one shall be a representative of the

largest trade labor association representing building and construction workers with membership in New York City, and two members representing employers in the construction industry, of whom one shall be a representative of the largest statewide organization representing building owners and developers, either for-profit or not-for-profit, and one shall be a representative of a statewide organization representing building owners and developers, either for-profit or not-for-profit, representing a region different than the region primarily represented by the initial employer representative. The commissioner shall act as the chair. The members shall serve at the pleasure of the authority recommending, designating, or otherwise appointing such member and shall serve without salary or compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

2. The board shall meet on an as needed basis and shall have the power to conduct public hearings. The board may also consult with employers and employees, and their respective representatives, in the construction industry and with such other persons, including the commissioner, as it shall determine. No public officer or employee appointed to the board shall forfeit any position or office by virtue of appointment to such board. Any proceedings of the board which relate to a particular individual or project shall be confidential. 37
3. The board may examine and make recommendations regarding the following:
  - (a) the minimum threshold percentage of public funds set forth in subdivision one of section two hundred twenty-four-a of this article, but no lower than that which is set forth in such subdivision;
  - (b) the minimum dollar threshold of projects set forth in subdivision one of section two hundred twenty-four-a of this article, but no lower than that which is set forth in such subdivision;
  - (c) construction work excluded as a covered project, as set forth in subparagraphs (i), (ii) and (iii) of paragraph c of subdivision four of section two hundred twenty-four-a of this article;
  - (d) the definition of construction for purposes of section two hundred twenty-four-a of this article; or
  - (e) particular instances of benefits, monies or credits as to whether or not they should constitute public funds.
4. Prior to making any recommendation intended to apply to all projects, the board shall hold a public hearing. The board shall announce each public hearing at least fifteen days in advance. The announcement shall contain an agenda of the topics the board will discuss. At each hearing, the board may hear testimony and/or review written documents from any interested stakeholders related to the planned agenda of the meeting. The board shall make any such recommendations in writing. In making its recommendations, the board shall examine the impact of such thresholds and circumstances on private development in light of available public subsidies, existing labor market conditions, prevailing wage and supplement practices, and shall consider the extent to which adjustments to such thresholds and circumstances could ameliorate adverse impacts, if any, or expand opportunities for prevailing wage and supplement standards on publicly subsidized private construction projects in any region or regions of the state.
5. The board shall be empowered to issue binding determinations to any public entity, or any private or not-for-profit owner or developer as to any particular matter related to an existing or potential covered project. In such instances the board shall make a determination based upon documents, or testimony, or both in its sole discretion. Any such proceedings shall be confidential, except that publication of

such decisions shall be made available on the department's website, subject to redaction or confidentiality as the board shall deem warranted in accordance with any applicable federal or state statutory or regulatory requirement governing confidentiality and personal privacy.

6. Any recommendation rendered by the board pursuant to this section shall be subject to the provisions of article seventy-eight of the civil practice law and rules. 38
7. In the event that the board finds that there is or likely would be a significant negative economic impact of implementing the prevailing wage requirements provided for in section two hundred twenty-four-a of this article, the board may temporarily delay the implementation of such requirements beyond January first, two thousand twenty-two. Such a delay may be effective statewide or effective only in a region of the state as defined by the regional economic development councils. In making such a determination to delay, the board shall consult the department, the department's division of research and statistics, the United States department of labor, the federal reserve bank of New York and other economic experts. The board will reference well-established economic indexes and accepted economic factors tied to the construction industry, including but not limited to construction industry employment, wages, and overall construction activity.

Section 4. The labor law is amended by adding a new section 813-a to read as follows:

§ 813-a. Annual reports by apprenticeship programs.

1. On an annual basis, all apprenticeship programs covered under the provisions of this article shall report to the department on the participation of apprentices currently enrolled in such apprenticeship program. The data to be included in such report shall include, at a minimum: (a) the total number of apprentices in such apprenticeship program; (b) the demographic information of such apprentices to the extent such data is available, including, but not limited to, the age, gender, race, ethnicity, and national origin of such apprentices; (c) the rate of advancement and graduation of such apprentices; and (d) the rate of placement of such apprentices onto job sites as well as the demographic information of such apprentices to the extent such data is available, including, but not limited to the age, gender, race, ethnicity, and national origin of such apprentices.
2. The department shall make such data publicly available on its website by July first, two thousand twenty-two and on an annual basis, but no later than December thirty-first of each following year.
3. The commissioner may promulgate rules and regulations necessary for the implementation of this section.

Section 5. Severability clause.

If any clause, sentence, paragraph, subdivision, or section of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or section thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

Section 6.

This act shall take effect on January 1, 2022 and shall apply to contracts for construction executed, incentive agreements executed, procurements or solicitations issued, or applications for building permits on or after such date; provided however that section three of this act shall take effect on April 1, 2021, and provided further that this act shall not pre-exempt any existing contracts, nor apply to any appropriations of public funds made prior to the day on which this act shall have become a law, or to re-appropriations of

such funds first appropriated prior to the day on which this act shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

APPENDIX C

Adaptive Reuse Determination

(Adaptive Reuse is the process of adapting old structures or sites for new purposes)

Are you applying for a tax incentive under the Adaptive Reuse Program?  Yes  No

If YES, please answer the following:

A) What is the age of the structure (in years) 40

B) Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended.)  Yes  No If yes, how many years?

C) the structure currently generating insignificant income? (Insignificant income is defined as income that is 50% or less than the market rate income average for that property class.)  Yes  No

If yes, please provide dollar amount of income being generated, if any \$

D) Does the site have historical significance?  Yes  No

E) Are you applying for either state and/or federal Historical Tax Credit Programs?  Yes  No If yes, provide estimated value of tax credits \$

Summarize the financial obstacles to development that this project faces without Agency or other public assistance. Please provide the Agency with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections, documenting costs, expenses and revenues with and without Agency and other tax credits included indicating below average return on investment rates compared to regional industry averages):

Four horizontal lines for summarizing financial obstacles.

Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide the Agency documentation of this support in the form of signed letters from these entities:

Four horizontal lines for summarizing demonstrated support.

Please indicate other factors that you would like the Agency to consider such as: structure or site that presents significant public safety hazard and or environmental remediation costs, site or structure is located in distressed census tract, structure presents significant costs associated with building code compliance, site has historical significance, site or structure is presently delinquent in property tax payments:

One horizontal line for indicating other factors.

## APPENDIX D

### Short Environmental Assessment Form<sup>1</sup> Parts 1 - 3

Please go to NYS Department of Environmental Conservation's web site ([http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/seafpartone.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seafpartone.pdf)) to download the most recent version of the Short Environmental Assessment Form. Fill out this form, print it, and attach to application.

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Rella Boulevard		
Project Location (describe, and attach a general location map): 100 & 300 Rella Boulevard. Located on the east side of Airmont Road, 0 feet north of Montebello Road in the Village of Montebello.		
Brief Description of Proposed Action (include purpose or need): See attached Narrative Summary.		
Name of Applicant/Sponsor: Rella Owner LLC		Telephone: 212-796-5449
		E-Mail: joeb@acginfo.com
Address: 33 Downtown Drive, Suite 504, Monsey, NY 10952		
City/PO: Montvale	State: NJ	Zip Code: 07645
Project Contact (if not same as sponsor; give name and title/role): Joseph Nyitray Jr.		Telephone: (845) 357-4411
		E-Mail: jnyitray@brookerengineering.com
Address: 74 Lafayette Ave., Suite 501		
City/PO: Suffern	State: NY	Zip Code: 10901
Property Owner (if not same as sponsor): Rella Owner LLC		Telephone: 212-796-5449
		E-Mail: joeb@acginfo.com
Address: 33 Downtown Drive, Suite 504		
City/PO: Monsey	State: NY	Zip Code: 10952

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board - Site Plan Approval	April 2025
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Ramapo DPW and RCSD #1 for new sewer and water connections	
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	RC Health Department, RC Drainage Agency review of Subdivision Plat, RC Highway, RC GML	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC-SPDES General Permit for Construction Activities	
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
 LO-C \_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Suffern Central School \_\_\_\_\_

b. What police or other public protection forces serve the project site?  
Town of Ramapo Police Department \_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?  
Tallman Fire Department \_\_\_\_\_

d. What parks serve the project site?  
N/A \_\_\_\_\_

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Warehouse, Office \_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ 18.52 acres  
 b. Total acreage to be physically disturbed? \_\_\_\_\_ 13.89 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 18.52 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
Industrial \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? 1  
 iv. Minimum and maximum proposed lot sizes? Minimum 18.52 Maximum 18.52

e. Will the proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: \_\_\_\_\_ 18 months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase I (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures 6  
 ii. Dimensions (in feet) of largest proposed structure: 50' height; 240' width; and 400' length  
 iii. Approximate extent of building space to be heated or cooled: 236,860 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: stormwater management  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: stormwater runoff from buildings and parking lots  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: 0.5 acres  
 v. Dimensions of the proposed dam or impounding structure: 6 height; 400 length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):  
earth fill

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
 \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No  
 If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

---

c. Will the proposed action use, or create a new demand for water?  Yes  No  
 If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 4,050 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
 If Yes:

- Name of district or service area: \_\_\_\_\_ Veolia
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 A hot box will be installed connecting to the existing main in Rella Boulevard to provide domestic and fire service to the building.
- Source(s) of supply for the district: \_\_\_\_\_ Veolia

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
 If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

---

d. Will the proposed action generate liquid wastes?  Yes  No  
 If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 4,050 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_  
 Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
 If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_ Rockland County Sewer District #1
- Name of district: \_\_\_\_\_ Rockland County Sewer District #1
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

Yes  No  
 Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

---

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

\_\_\_\_\_

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vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_

\_\_\_\_\_

---

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

403,214 Square feet or 9.26 acres (impervious surface)

807,015 Square feet or 20.59 acres (parcel size)

ii. Describe types of new point sources. 1 new buildings with new driveways, parking lots, and sidewalks

---

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

1 on-site stormwater management facility/structure is proposed to handle the stormwater runoff

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_

---

- Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

---

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Delivery trucks

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

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iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

---

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No

ii. In addition to emissions as calculated in the application, the project will generate:

- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
- \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
- \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of 6AM to 6PM.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_  
Approximately 172 trips per day ( 71 entering/ 71 exiting)

iii. Parking spaces: Existing 0 Proposed 156 Net increase/decrease + 156

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:  
North Airmont Road, Rella Boulevard

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
1,697,573 kWh

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): Local utility

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday: _____	<u>8:00AM-5:00PM</u>	Monday - Friday: _____	<u>24 hours</u>
• Saturday: _____	_____	• Saturday: _____	<u>24 hours</u>
• Sunday: _____	_____	• Sunday: _____	<u>24 hours</u>
• Holidays: _____	_____	• Holidays: _____	<u>24 hours</u>

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 See attached Sound Study

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ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: See attached Sound Study

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n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
Building mounted and pole mounted lighting for parking areas; fixture height varies.

---

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: Existing trees and vegetation will be removed as part of project

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities:  
 \_\_\_\_\_

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q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_

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ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

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r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: 16.65 tons per month (unit of time)  
 • Operation : 16.65 tons per month (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: Typical recycling of plastic, glass, metal, cardboard, paper, etc. will be implemented as required by law  
 • Operation: Typical recycling of plastic, glass, metal, cardboard, paper, etc. will be implemented as required by law  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: On-site dumpsters to be hauled away by carter  
 • Operation: On-site dumpsters to be hauled away by carter

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe:  
Forested area Assisted Living Facility, Montebello Commons Senior Housing, Houses on  
Polo Court

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces		11.0	+11.0
• Forested	18.52	4.63	-13.89
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: <u>lawn/landscaping</u>		2.89	+2.89

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): C344047  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
unknown  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >6 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Cheshire gravelly fine sandy loam	_____	87.9 %
Wethersfield gravelly silt loam	_____	12.1 %
_____	_____	%

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ >6 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ 100 % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 87.9 % of site  
 10-15%: \_\_\_\_\_ 12.1 % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

---

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

---

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: Sole Source Aquifer Names: Ramapo SSA \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 deer \_\_\_\_\_  
 squirrels \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 If Yes:  
 i. Species and listing (endangered or threatened): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
 If Yes:  
 i. Species and listing: \_\_\_\_\_  
 \_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

e. 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: <u>Village of Montebello Village Hall , Montebello Road</u>	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Historic and Scenic Overlay District</u>	
<i>iii.</i> Distance between project and resource: _____ <1 miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

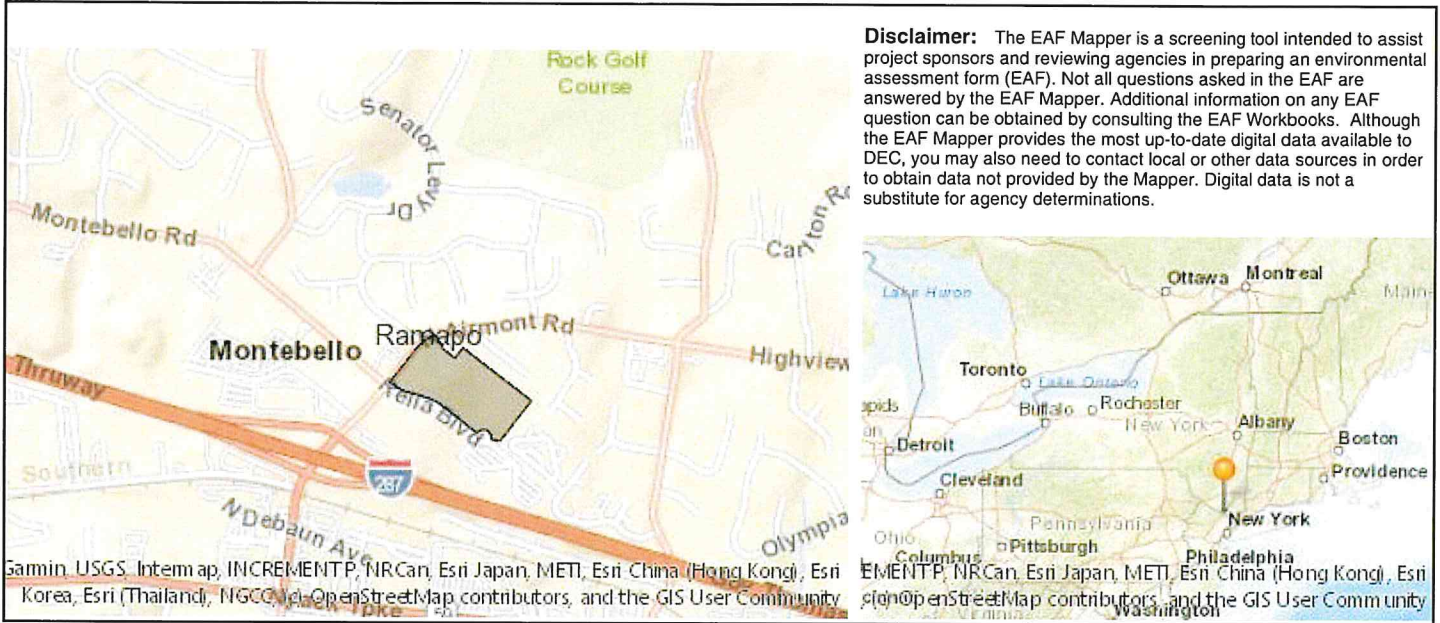
**G. Verification**

I certify that the information provided is true to the best of my knowledge.

4/17/2025

Applicant/Sponsor Name Joseph Nyitray Jr. Date \_\_\_\_\_

Signature *Joseph Nyitray Jr.* Title Project Engineer



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C344047
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names:Ramapo SSA
E.2.n. [Natural Communities]	No

E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

## ENVIRONMENTAL ASSESSMENT FORM – PART 3

Project Name: Rella Boulevard

Project Location: 100-300 Rella Boulevard, Montebello, New York

Background: Approval was initially granted for construction of a 312,207 square foot warehouse with 12,000 square feet of supporting office space, for a total of 324,207sf. The plan was subsequently modified to include a mini-storage facility, which increased the total floor area to 331,800sf. In 2023, the Planning Board granted subdivision<sup>1</sup> and site plan approval, a special use permit, and ARB approval for the modified plan (“Second Approval”). In April 2025, the Project Sponsor again modified its plan to eliminate the proposed mini-storage facility. The proposal was for a warehouse with flex space availability at a reduced floor area of 236,860sf (a reduction of 94,940sf). A further modification of the plan reduced the floor area to 220,840sf.

A Part 1 Full Environmental Assessment Form was prepared by the Project Sponsor dated April 17, 2025. The Montebello Planning Board is lead agency pursuant to a notice of intent dated June 10, 2025. Part 2 was adopted on September 9, 2025.

The adopted Part 2 identified the following potential moderate to large environmental impacts, to which the Project Sponsor responded as indicated:

*#13. Impact on Transportation. a. Projected traffic increase may exceed capacity of existing road network.*

Response: The Project Sponsor submitted a Traffic Evaluation dated April 14, 2025, for the updated site plan prepared by Colliers Engineering. The Evaluation compared expected traffic generation for the current plan to the expected traffic generation from the previously approved plan for this site. The current plan reduced the size of the project by 94,940sf, although the proposed usage was modified.

The Evaluation found that the current plan is expected to generate similar traffic to that of the previously approved plan. The anticipated traffic will not significantly affect area roadways.

*#15. Impact on Noise, Odor and Light. a. The proposed action may produce sound above noise levels established by local regulation.*

Response: The Project Sponsor submitted Sound Impact Reviews prepared by B. Laing Associates Environmental Consultants (“Laing”), dated January 2025, last revised April 14, 2025, a Sound Impact Response memorandum prepared by Laing dated April 16, 2025, a Sound Engineer Response Narrative prepared by Laing dated August 11, 2025, a Sound Study prepared by Laing dated August 14, 2025, with cover letter by Ira M. Emanuel, Esq., dated August 14, 2025. A further Sound Engineer Response memorandum was prepared by Laing dated September 2025.

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<sup>1</sup> The “subdivision” was actually a lot line disclaimer which merged lots 5 and 6.

The site plan has been amended to add noise reduction walls along the northern access/emergency road. Wing walls have been added to the buildings to reduce noise impacts to the south. The buildings on the site have been positioned to provide noise mitigation to the east.

The studies, combined, indicate that sound levels to be generated from the site are within acceptable levels.

The Project Sponsor also agreed to limit the movement of vehicles having three axles or more, and the use of outdoor mechanized loading and unloading to 6am to 9pm, Monday through Friday, only.

The anticipated sound levels will not significantly affect the area.

*#16. Impact on Human Health. m. Other impacts: The proposed application provides adequate access for emergency services vehicles.*

Response: The site plan provides an emergency fire access road meeting the requirements of the New York State Fire Code surrounding the project site on its north and east sides, with an additional emergency access road to Rella Boulevard at the southeast corner of the site. This configuration was found acceptable by the Tallman Fire Department in its letter dated August 27, 2025. Fire truck turning radius templates submitted by the Project Sponsor show that turning movements within the site can accommodate the largest fire truck currently available.

The proposed use will not significantly affect the ability of emergency services vehicles to access the site.