

**PILOT DEVIATION NOTICE RESOLUTION  
580 COLUMBIA TURNPIKE, LLC PROJECT**

A regular meeting of Rensselaer County Industrial Development Agency (the "Agency") was convened in public session in the 3rd Floor Conference Room of the Quackenbush Building located at 333 Broadway in the City of Troy, Rensselaer County, New York on October 14, 2021 at 4:00 o'clock p.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

|                      |                     |
|----------------------|---------------------|
| Cynthia A. Henninger | Chair               |
| Ronald Bounds        | Secretary/Treasurer |
| Douglas Baldrey      | Member              |
| John H. Clinton, Jr. | Member              |
| Renee Powell         | Member              |

Each of the members present participated in the meeting either in person or remotely pursuant to the signing into law on September 2, 2021 of Chapter 417 of the Laws of 2021.

**ABSENT:**

|                     |            |
|---------------------|------------|
| Michael Della Rocco | Vice Chair |
|---------------------|------------|

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

|                          |                        |
|--------------------------|------------------------|
| Robert L. Pasinella, Jr. | Executive Director     |
| Robin LaBrake            | Assistant              |
| Peter R. Kehoe, Esq.     | Agency Counsel         |
| John E. Sweeney, Esq.    | Special Agency Counsel |
| Nadene E. Zeigler, Esq.  | Special Counsel        |

The following resolution was offered by Douglas Baldrey, seconded by John H. Clinton, Jr., to wit:

Resolution No. 1021-\_\_

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO SEND A LETTER TO THE CHIEF EXECUTIVE OFFICERS OF THE AFFECTED TAXING ENTITIES INFORMING THEM OF A PROPOSED DEVIATION FROM THE AGENCY'S UNIFORM TAX EXEMPTION POLICY IN CONNECTION WITH THE PROPOSED 580 COLUMBIA TURNPIKE, LLC PROJECT.**

WHEREAS, Rensselaer County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 128 of the 1974 Laws of New York, as amended, constituting Section 903-d of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial

and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, 580 Columbia Turnpike, LLC, a New York State limited liability company (the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately five (5) acre portion of approximately three (3) parcels of land totaling approximately 7.45 acres located at 578 Columbia Turnpike (tax map no.: 166.-7-3.5), Columbia Turnpike (tax map no.: 166.-7-6.51) and 580 Columbia Turnpike (tax map no.: 166.-7-5) in the Town of East Greenbush, Rensselaer County, New York (collectively, the “Land”), (2) the construction on the Land of three (3) mixed-use buildings containing approximately 115,000 square feet of space and associated parking (collectively, the “Facility”), (3) the further construction on the Land of a municipal road and infrastructure (collectively, the “Improvements”) and (4) the acquisition and installation therein and thereon of certain machinery, equipment and other personal property (collectively, the “Equipment”) (the Land, the Facility, the Improvements and the Equipment being collectively referred to as the “Project Facility”); all of the foregoing to be owned by the Company and operated as an approximately 78 unit residential apartment buildings, with approximately 22,000 square feet of commercial/retail space and any other directly and indirectly related activities; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on October 14, 2021 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), by resolution adopted by the members of the Agency on October 14, 2021 (the “SEQR Resolution”), the Agency (A) concurred in the determination by the Town of East Greenbush Town Board (the “Town Board”) to act as “lead agency” with respect to the Project and (B) indicated that the Agency had no information to suggest that the Town Board was incorrect in issuing a negative declaration (the “Negative Declaration”) determining that the Project will not have a “significant effect on the environment” pursuant to SEQRA; and

WHEREAS, in connection with the Application, the Company has made a request to the Agency (the “Pilot Request”) to deviate from the its uniform tax exemption policy (the “Policy”) with respect to the payments to be made under a payment in lieu of tax agreement by and between the Agency and the Company (the “Proposed Pilot Agreement”); and

WHEREAS, pursuant to the Pilot Request, the Proposed Pilot Agreement would be for a term of 22 years with payments as more particularly outlined in the draft letter hereto as Exhibit A (the "Pilot Deviation Notice Letter"); and

WHEREAS, the Policy provides that, for a facility similar to the Project Facility, payments in lieu of taxes will normally be determined as follows: the Company would have the benefit of a 50% abatement in real property taxes on the Facility and any portion of the Equipment assessable as real property pursuant to the New York Real Property Tax Law (collectively with the Facility, the "Improvements") in year one of the payment in lieu of tax agreement with a five percent per year increase over the term of the ten year payment in lieu of tax agreement; and

WHEREAS, pursuant to Section 874(4) of the Act and the Agency's Policy, prior to taking final action on such request for a deviation from the Agency's Policy, the Agency must give the chief executive officers of the County and each city, town, village and school district in which the Project Facility is located (collectively, the "Affected Tax Jurisdictions") no fewer than thirty (30) days prior written notice of the proposed deviation from the Agency's Policy and the reasons therefor; and

WHEREAS, pursuant to Section 856(15) of the Act, unless otherwise agreed by the Affected Tax Jurisdictions, payments in lieu of taxes must be allocated among the Affected Tax Jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each Affected Tax Jurisdiction had the Project Facility not been tax exempt due to the status of the Agency;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF RENSSELAER COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Having considered both the Application and the Pilot Request, the Agency hereby authorizes the Executive Director of the Agency to send a written notice to the chief executive officers of each of the Affected Tax Jurisdictions informing them that the Agency is considering a proposed deviation from its uniform tax exemption policy with respect to the Project and the reasons therefore (in substantially the form of the draft of said letter attached hereto as Exhibit A), and soliciting any comments that such Affected Tax Jurisdictions may have with respect to said proposed deviation.

Section 2. This Resolution shall take effect immediately.

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

|                      |        |               |
|----------------------|--------|---------------|
| Cynthia A. Henninger | VOTING | <u>YES</u>    |
| Michael Della Rocco  | VOTING | <u>ABSENT</u> |
| Ronald Bounds        | VOTING | <u>YES</u>    |
| Douglas Baldrey      | VOTING | <u>YES</u>    |
| John H. Clinton, Jr. | VOTING | <u>YES</u>    |
| Renee Powell         | VOTING | <u>YES</u>    |

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK                    )  
                                                  ) SS.:  
COUNTY OF RENSSELAER            )

I, the undersigned Secretary of Rensselaer County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on October 14, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Chapter 417 of the Laws of 2021 (the "2021 Laws"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given; and (D) there was a quorum of the members of the Agency, either in person or attending remotely in accordance with the 2021 Laws, throughout said meeting.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 14<sup>th</sup> day of October, 2021.

  
Secretary

(SEAL)

EXHIBIT A

PROPOSED FORM OF PILOT DEVIATION LETTER

RENSSELAER COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
c/o Rensselaer County Department of Economic Development and Planning  
1600 Seventh Avenue  
Troy, New York 12180  
Tel: (518) 270-2914  
Fax: (518) 270-2981

October \_\_, 2021

Steven F. McLaughlin, County Executive  
Rensselaer County Office Building  
1600 Seventh Avenue  
Troy, New York 12180

Jeffrey P. Simons, Superintendent of Schools  
East Greenbush Central School District  
29 Englewood Avenue  
East Greenbush, New York 12061

Jack Conway, Supervisor  
Town of East Greenbush Town Hall  
225 Columbia Turnpike  
Rensselaer, New York 12144

Michael Buono, School Board President  
East Greenbush Central School District  
29 Englewood Avenue  
East Greenbush, New York 12061

RE: Proposed Deviation from Uniform Tax Exemption Policy by  
Rensselaer County Industrial Development Agency  
in connection with its Proposed 580 Columbia Turnpike, LLC Project

Dear Ladies and Gentlemen:

This letter is delivered to you pursuant to Section 874(4)(c) of the General Municipal Law.

Rensselaer County Industrial Development Agency (the "Agency") has received an application (the "Application") from 580 Columbia Turnpike, LLC (the "Company"), which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project to consist of the following: (A) (1) the acquisition of an interest in an approximately five (5) acre portion of approximately three (3) parcels of land totaling approximately 7.45 acres located at 578 Columbia Turnpike (tax map no.: 166.-7-3.5), Columbia Turnpike (tax map no.: 166.-7-6.51) and 580 Columbia Turnpike (tax map no.: 166.-7-5) in the Town of East Greenbush, Rensselaer County, New York (collectively, the "Land"), (2) the construction on the Land of three (3) mixed-use buildings containing approximately 115,000 square feet of space and associated parking (collectively, the "Facility"), (3) the further construction on the Land of a municipal road and infrastructure (collectively, the "Improvements") and (4) the acquisition and installation therein and thereon of certain machinery, equipment and other personal property (collectively, the "Equipment") (the Land, the Facility, the Improvements and the Equipment being collectively referred to as the "Project Facility"); all of the foregoing to be owned by the Company and operated as an approximately 78 unit residential apartment buildings, with approximately 22,000 square feet of commercial/retail space and any other directly and indirectly related activities; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

In connection with the Application, the Company has made a request to the Agency enter into a payment in lieu of tax agreement (the "Proposed Pilot Agreement") which terms would deviate from the Agency's Uniform Tax Exemption Policy (the "Policy"). Capitalized terms not otherwise defined herein are defined in the Policy.

The Proposed Pilot Agreement would not provide any abatements for any special assessments levied on the Project Facility. The Proposed Pilot Agreement will provide that the Company be granted a twenty-two (22) year payment in lieu of tax agreement on the Facility and any portion of the Equipment assessable as real property pursuant to the New York Real Property Tax Law. During the two (2) year construction period, the assessment will be fixed at \$798,500 with the Company making payments as a Pilot Payment to each Affected Tax Jurisdiction as outlined below. After the construction period, the assessment of the Project Facility will be determined by the assessor.

| Year                 | PILOT Payment |
|----------------------|---------------|
| Construction Year 1  | \$27,661.72   |
| Stabilization Year 2 | \$27,938.33   |
| Year 3               | \$45,000.00   |
| Year 4               | \$46,800.00   |
| Year 5               | \$48,672.00   |
| Year 6               | \$50,618.88   |
| Year 7               | \$52,643.64   |
| Year 8               | \$54,749.38   |
| Year 9               | \$56,939.36   |
| Year 10              | \$59,216.93   |
| Year 11              | \$61,585.61   |
| Year 12              | \$64,049.03   |
| Year 13              | \$66,610.99   |
| Year 14              | \$69,275.43   |
| Year 15              | \$72,046.45   |
| Year 16              | \$74,928.31   |
| Year 17              | \$77,925.44   |
| Year 18              | \$81,042.46   |
| Year 19              | \$84,284.16   |
| Year 20              | \$87,655.52   |
| Year 21              | \$91,161.74   |
| Year 22              | \$94,808.21   |

The Policy provides that, for a facility similar to the Project Facility, payments in lieu of taxes will normally be determined as follows: the Company would have the benefit of a 50% abatement in real property taxes on the Facility and any portion of the Equipment assessable as real property pursuant to the New York Real Property Tax Law (collectively with the Facility, the "Improvements") in year one of the payment in lieu of tax agreement with a five percent per year increase over the term of the ten year payment in lieu of tax agreement.

The purpose of this letter is to inform you of such Pilot Request and that the Agency is considering whether to grant the Pilot Request and to approve a Proposed Pilot Agreement conforming to the terms of the Pilot Request. The Agency expects to consider whether to approve the terms of the Proposed Pilot Agreement at its meeting scheduled for November 18, 2021 at 4:00 o'clock, p.m., local time in the 3rd Floor Conference Room at the Quackenbush Building located at 333 Broadway in the City of Troy,

Rensselaer County, New York (the "Meeting"). This letter is forwarded to you for purposes of complying with Section 874 of the General Municipal Law of the State of New York, which requires a thirty (30) day notice prior to the Agency taking final action with respect to the Proposed Pilot Agreement (if said Proposed Pilot Agreement may deviate from the provisions of the Agency's Uniform Tax Exemption Policy).

The Agency considered the following factors in considering the proposed deviation:

1. **The nature of the Project:** Mix-used residential and commercial.
2. **The present use of the property:** Vacant property.
3. **The economic condition of the area at the time of the request of the Company and the economic multiplying effect that the Project will have on the area:** The Town of East Greenbush and Rensselaer County have struggled for decades to develop the Route 9 and 20/Columbia Turnpike Corridor (the "Corridor"), a major four lane thoroughfare in the heart of East Greenbush that has become tired and, in some areas, depressed and blighted. The problems in this Corridor were recognized in the Town's 2006 Master Plan, which promoted and encouraged revitalization and economic development in this area.
4. **The extent to which the Project will create or retain permanent, private sector jobs and the number of jobs to be created or retained and the salary range of such jobs:** Upon completion of the development of the Project, 2 full-time positions will be created. Indirect jobs created by this Project would include 10 new jobs associated with the commercial/retail portion of the Project. The Project will also create approximately 60 construction jobs.
5. **The estimated value of new tax exemptions to be provided:** Sales tax exemption of \$740,000, mortgage recording tax exemption of \$195,000 and real property tax exemption of \$718,687.54.
6. **The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions:** With the help of the Agency, a technology sector has taken root in the Town of East Greenbush and southern Rensselaer County consisting of national and local high-tech businesses. The Town of East Greenbush should see future progress in this sector, and it is in the Town's interest to encourage the retention and growth of these types of businesses and the jobs they create. However, it is only a qualified benefit to the Town of East Greenbush and Rensselaer County if the new jobs are created within the Town and County, but are then filled by people who only come to work and then leave, taking their paychecks, their spending and their personal involvement outside of the Town and County. While mixed use developments have occurred throughout the Capital District, the Town of East Greenbush had not experienced this expansion. The newest multi-family project in the Town of East Greenbush was constructed in approximately 2005.
7. **The impact of the Proposed Pilot Agreement on existing and proposed businesses and economic development projects in the vicinity:** A project of the size and scope of this Project will result in over 100 new residents within proximity to local businesses. These residents will create a demand for local businesses and services that will locate along the Corridor. New community residents will play a role in helping these existing businesses remain open along with new businesses come to the community.
8. **The amount of private sector investment generated or likely to be generated by the Proposed Pilot Agreement:** The investment by the Company in undertaking the Project is equal to approximately \$24,750,000.

9. **The effect of the Proposed Pilot Agreement on the environment:** The Town of East Greenbush has determined that this Project will not have a significant environmental impact.

10. **Project Timing:** The Project is expected to be completed in Summer, 2022.

11. **The extent to which the Proposed Pilot Agreement will require the provision of additional services including, but not limited to, additional educational, transportation, police, emergency medical or fire services:** It is not anticipated that the Project will have a significant burden upon the educational facilities for any school district within Rensselaer County. After the completion of the Project, the employment at the Project is not anticipated to generate a substantial burden on the highways of Rensselaer County or the surrounding area. All necessary emergency medical and police services are available.

12. **Anticipated tax Revenues:** It is anticipated that there will likely be additional sales tax revenues after Project completion relating to certain future operating activities at the Project and related multiplier impacts.

13. **The extent to which the Proposed Pilot Agreement will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the Project Facility is located:** The Company has committed to providing additional funds to the Town of East Greenbush to make additional improvements. This includes \$50,000 to be used towards storm water improvement of the adjacent residential Sherwood/Woodland Park Neighborhood. An additional \$25,000 to be utilized in the renovation of the Grant Ave Park located in the Woodland Park Neighborhood.

The Town of East Greenbush will also receive additional fees per the GEIS fee schedule. These fees are estimated as \$450,000 payable in various installments with the final payment at certificate of occupancy. These fees are contributed to specific use categories to include GEIS, Land Use and GIS, Water and Sewer, Parks and Recreation, and Traffic per a schedule developed by the Town of East Greenbush. This GEIS fee is not based upon improvements required by the Project specifically but meant to contribute toward future generic improvements within the Town of East Greenbush.

The Agency will consider the Proposed Pilot Agreement (and the proposed deviation from the Agency's Uniform Tax Exemption Policy) at the Meeting. The Agency would welcome any written comments that you might have on this proposed deviation from the Agency's Uniform Tax Exemption Policy. In accordance with Section 874(4)(c) of the General Municipal Law, prior to taking final action at the Meeting, the Agency will review and respond to any written comments received from any affected tax jurisdiction with respect to the proposed deviation. The Agency will also allow any representative of any affected tax jurisdiction present at the Meeting to address the Agency regarding the proposed deviation.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me at the above telephone number.

Sincerely yours,

Robert L. Pasinella, Jr.  
Executive Director