



June 8, 2023

Dutchess County Industrial Development Agency  
Attn: Board of Directors  
3 Neptune Road, Suite A21  
Poughkeepsie, New York 12601  
Tel. (845) 463-5400  
Fax (845) 463-0100

RE: Tompkins Terrace – Rehabilitation and Long-Term Preservation of Affordable Housing

Tompkins Terrace is a 193-unit, partially project-based rental-subsidized garden style property located in Beacon, New York. The property, originally built in 1973, is currently owned by an affiliate of Related Affordable and is managed by Related Management Company (“RMC”). Today, a new specially-formed affiliate of Related Affordable, Tompkins Terrace Housing, L.P. (the “Applicant”), is exerting to acquire, recapitalize and redevelop the asset through the use of tax-exempt bonds and Low-Income Housing Tax Credits (“LIHTC”) in order to ensure its preservation as a safe and reliable community for low and moderate-income residents of Dutchess County, New York (the “Project”).

The Applicant commenced preliminary discussions surrounding the Project in the fall of 2022, and in March 2023, the Applicant proceeded to apply to the Dutchess County Industrial Development Agency (“DCIDA”) for tax-exempt bond financing, a sales tax exemption and a mortgage recording tax exemption benefiting the Project. In May 2023 and upon the advice of the bond counsel law firm assigned to the Project (Nixon Peabody), the Applicant submitted a near-identical application to the Dutchess County Local Development Corporation (“DCLDC”) for both the tax-exempt bond financing and the mortgage recording tax exemption components of the Project’s financial assistance. This was done in order to better optimize the use of these permissible funding tools and to capture certain additional cost savings in connection with the DCLDC’s capabilities with the ultimate goal of improving the Project’s financial feasibility in these turbulent economic times. Nixon Peabody will speak further to this modified approach in the next regularly-scheduled session of the Board of Directors.

For the reasons set forth above, an amended DCIDA application solely requesting a sales tax exemption is enclosed herein. The separate application we made to the DCLDC in May 2023 is left unchanged. Related Affordable is very appreciative of your time as well as your consideration of our proposed Project, and we look forward to reintroducing the Project to you in the upcoming meeting to be held on June 14.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Justin Glanda'.

Justin Glanda  
Related Affordable, LLC  
30 Hudson Yards, 72<sup>nd</sup> Floor  
New York, New York 10001  
[jglanda@related.com](mailto:jglanda@related.com)  
212-419-8588



*To help companies locate here, make needed capital expansion  
or grow existing and new jobs.*

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Email: [info@thinkdutchess.com](mailto:info@thinkdutchess.com)  
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APPLICATION FOR FINANCIAL ASSISTANCE



***DCIDA Board and Staff  
OFFICERS***

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**Chief Financial Officer**

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Records Access Officer**

Jane Denbaum

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**Counsel**

Donald Cappillino  
Elizabeth Cappillino

***COUNTY GOVERNMENT***

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**County Executive**

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This e-mail address is being protected from  
spambots.

**Dutchess County Legislature**

A. Gregg Pulver, Chairman

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## **MISSION STATEMENT**

The Dutchess County Industrial Development Agency [DCIDA] was created to further economic development in Dutchess County by providing financial assistance to private entities through tax incentives including the issuance of bonds to facilitate the building of capital projects with the resultant construction jobs and permanent follow on employment.

## INSTRUCTIONS

### I. **Application Submission and Application Fees**

All applications will be subject to approval of the Dutchess County Industrial Development DCIDA ("DCIDA") and no financial Assistance can be provided, including a sales tax exemption on purchases made prior to DCIDA approval, until the application has been approved.

The DCIDA will not approve any applications unless, in the judgment of the DCIDA, the application contains sufficient information upon which to base a decision whether to approve or tentatively approve an action. The DCIDA may find it necessary to request additional information, should additional information be required the DCIDA will not consider the application complete until all additional information is received.

The DCIDA will not give final approval to this application until the DCIDA receives a completed environmental assessment form concerning the Project.

All projects receiving a benefit greater than \$100,000 are required to have a public hearing inclusive of a 10 day notice before any approval can be granted by the DCIDA.

The DCIDA has established an application fee of \$1,000.00 to cover the anticipated costs of processing the application. A check or money order made payable to the Dutchess County Industrial Development DCIDA (DC IDA) must accompany each application. The Application WILL NOT be accepted by the DCIDA unless accompanied by the application fee.

When completed, return the application to the *Dutchess County IDA, 3 Neptune Road, Poughkeepsie, NY 12601*.

The applicant will be required to pay to the DCIDA the actual costs incurred in connection with this application and the Project contemplated herein (to the extent such expenses are not paid out of the proceeds of the DCIDA's bond issued to finance the project). The Applicant will also be expected to pay all costs incurred by general counsel and bond counsel to the DCIDA. The costs incurred may be considered as part of the bond issue.

The DCIDA has established an administrative fee for each project it engages. Unless the DCIDA agrees in writing to the contrary, the project fee is required to be paid by the applicant at or prior to the granting of any financial assistance by the DCIDA

## **II. Application Components and Exhibits**

The sections below are included in the Application. These make up the required information and documents that must be completed and submitted to the DCIDA in order for your Application to be considered. Failure to provide information may impact your project being considered in a timely manner.

Fill in all blanks, using “none” or “not applicable” or “N/A” where the question is not appropriate to the project which is the subject of this application (the “Project”)

If an estimate is given as an answer to a question, put “est.” after the figure or answer, which is estimated.

If more space is needed to answer any question, please attach a separate sheet.

### **General Information**

#### **Section 1- Applicant Information**

#### **Section 2 – Project Description and Details**

#### **Section 3 – Project Evaluation & Assistance Framework**

#### **Section 4 – Retail Determination**

#### **Section 5 – Inter-Municipal Move Determination**

#### **Section 6 – Single or Multi-Tenant Determination**

#### **Section 7 – Representations, Certifications and Indemnification Forms**

#### **Section 8 – Local Workforce Certification Form**

Attachment 1 – Environmental Assessment Form (EAF)– An Environmental Assessment must be completed for every project. The Short Environmental Assessment Form is available on the DCIDA Website at <https://thinkdutchess.com/ida/application/>. However in some instances a Long Form EAF may need to be completed.

Attachment 2 - DCIDA Standard Fee Schedule and other Fees

Attachment 3 – Additional Community Benefit Metrics Definition

### **III. Insurance**

Once a project is approved by the DCIDA, insurance will be required. Details of the required insurance will be provided in the DCIDA contracts, in the meantime please note that insurance is to be provided after Board approval but prior to utilization of your IDA benefits. Insurance shall be maintained during the term of any applicable Agent Agreement or Lease Agreement by and between the DCIDA and Project Applicant. Proof of Insurance will be required and requested on an annual basis.

### **IV. Local Workforce Policy**

Construction jobs though limited in time duration, are vital to the overall employment opportunities in Dutchess County.

For projects \$10,000,000 and above, the DCIDA believes that Project Applicants, as a condition to receiving a real property tax abatement also referred to as a Payment in Lieu of Taxes (PILOT) from the Agency, will be required to utilize qualified Workforce for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the "Project Site").

The Local Area is defined as individuals residing in the following County /Cities /Towns /Villages as well as the following Counties (collectively, the "Local Area"): Columbia County, Dutchess County, Greene County, Orange County, Putnam County, Rockland County, Sullivan County, Ulster County and Westchester County. Companies receiving a PILOT as part of their financial assistance shall ensure that at least 80% of total work hours of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively the "Workers") working on the Project Site must reside within the Local Area. The 80% shall be measured by hours in total at the time of completion of the project. Companies do not have to be local companies as defined herein, but must employ local Workers residing within the Local Area to qualify under the 80% local Workforce criteria.

It is understood that at certain times, Workers residing within the Local Area may not be available with respect to a Project. Under this condition, the Company is required to contact the DCIDA to request a waiver of the Local Utilization Requirement (the "Local Workforce Utilization Waiver Request") waivers may be granted in the following situations (a) Warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers (b) Specialized construction for which qualified Local Workforce Area workers are not available (c) Significant cost differentials in bid prices whereby the use of local Workforce significantly increases the cost of the project. A cost differential of 10% is deemed significant. Every effort should be made by the contractor or applicant to get below the 10% cost differential including, but not limited to, meeting with local construction trade organizations and local contractor associations (d) Documented lack of workers meeting the Local Workforce Area

requirement. The DCIDA shall evaluate the Local Workforce Utilization Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.

## **V. Recapture of Financial Assistance**

In order to better ensure the integrity of the projects that receive Financial Assistance from the DCIDA, has determined that is in the public interest: (a) to ensure the continuity of such project and the jobs created by such projects; (b) ensure the use of local workforce during project construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (c) to ensure that the investment amount as proposed by the Applicant and approved by the DCIDA is made (d) to ensure that the state and local taxes and use tax exemption benefits are utilized in the amount as so authorized by the DCIDA (e) to ensure the state and local sales and use tax exemptions benefits are only utilized by the company/applicant and its duly appointed agents; (f) to ensure that the state and local sales and use tax are only utilized on the specific project as described in the Application and (g) to ensure that the Company complies with the certain material terms and conditions as determined by the DCIDA. At such time as the Applicant fails to meet the terms of the Agreement including failing to retain and create jobs as represented in the Application a recapture of any or all state and local sales and use tax exemption benefits, mortgage recording tax exemption benefits and real property abatement benefits may be required to be paid by the Applicant.

Details on the DCIDA Policies can be found on the DCIDA Website

(<https://thinkdutchess.com/ida/dcida-public-documents-and-policies/>)

- Maintaining Performance Based incentives for projects granted assistance including a PILOT
- Projects granted assistance without a PILOT.

## **VI. Submission and Acceptance of the Application for Financial Assistance**

Please note that the DCIDA is under no obligation to act favorably on this application, and the project applicant agrees to release the DCIDA, its members, its staff, its successors and assigns from any claim against the DCIDA that may arise from the DCIDA's processing the application or by the DCIDA's either granting or denying the application.

Please note that Article 6 of the Public Officers Law declares that all records in the possession of the DCIDA (with certain limited exceptions) are open to public inspection and copying. Also, as of December 2018, the IDA will post project applications on the Agency's



website. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of Public Officers Law.

## General Information

### I. Project Identification

Company Name <b>Tompkins Terrace Housing, L.P.</b>			FEIN <b>92-0855335</b>
Address <b>30 Hudson Yards, 72<sup>nd</sup> FL</b>			Name and Title of Contact Person <b>David Pearson, VP of the General Partner</b>
City <b>New York</b>	County <b>New York</b>	Zip <b>10001</b>	Telephone Number <b>212-801-3738</b>
Website <b><a href="https://www.related.com/affordable-housing">https://www.related.com/affordable-housing</a></b>			Email <b>dpearson@related.com</b>
Full Address of the site/location of the proposed project, including County and Zip Code <b>194 Tompkins Terrace, Beacon, Dutchess County, NY 12508 (193 Residential Units)</b>			


### II Project Request

Please check which type of assistance you are applying for (select all that apply):

Bond Issuance ( <b>Tax Exempt</b> / <del>Taxable</del> )		
Straight Lease		
Payment in Lieu of Taxes		
Sales Tax Exemptions	<b>X</b>	
Mortgage Tax Exemption		

### III. Authorizing Signature

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the DCIDA will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading. 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 DCIDA's involvement in the Project.

Signature   
 Print Name David Pearson  
 Title Vice President of the General Partner  
 Date 3/21/2023

## Section 1: Applicant Information

### Applicant Background (company receiving benefit)

Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary

#### A. Company Contact (if different from individual completing application)

Name: N/A  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

#### B. Company Counsel:

Name of Attorney: David Boccio  
Firm Name: Levitt & Boccio, LLP  
Address: 423 West 55<sup>th</sup> Street, 8<sup>th</sup> FL  
Phone: 646-413-3979 Fax: N/A  
Email: dboccio@levittboccio.com

#### C. Form of Business Organization:

- For-profit corporation                       Not-for-profit corporation  
 General partnership                       Limited partnership  
 Limited liability company                       Sole proprietorship

If you are a corporation or limited liability company, please provide date and state of incorporation:

N/A (Applicant is a New York limited partnership)

If a foreign corporation or foreign limited liability company, please provide date authorized to do business in New York:

N/A (Applicant is a New York limited partnership)

**D. Please list Principal Owners/Officers/Directors**

(Principal owners that hold more than 15% equity ownership:

The Limited Partner Tax Credit Investor is Key Community Development Corporation (affiliated with KeyBank), and is expected to own 99.99% of the Applicant. The General Partner entity, Tompkins Terrace Housing GP, LLC, is to be controlled by Related Affordable, LLC (“RA”), the sponsor of the transaction.

If Applicant has a significant relationship with an affiliate company(ies), please list the name and address of such affiliate(s):

Related Affordable, LLC; The Related Companies, L.P.; and, Related Management Company, L.P.  
30 Hudson Yards, 72<sup>nd</sup> FL, New York, NY 10001

**E. Holding Company**

Will a Real Estate Holding Company be utilized to own the Project property/facility?

Yes  No

What is the name of the Real Estate Holding Company:

N/A

Federal Employer ID Number: N/A

State and Year or Incorporation/Organization: N/A

List of stockholders, members, or partners of Applicant: N/A

Describe the terms and conditions of the lease between the applicant and the owner of the property:

N/A

**F. Applicant Business Description:** Brief description of company, operations, products and services  
Description is critical in determining eligibility. Attach additional pages if needed:

Tompkins Terrace Housing, L.P. is a New York limited partnership formed for the sole purpose of owning and operating the affordable housing Project.

**G. Brief Description of Company History** (formation, growth, transitions, location):

Tompkins Terrace Housing, L.P. is a newly-formed New York limited partnership that is affiliated with and controlled by RA, a subsidiary of The Related Companies, L.P. (“TRCLP”). TRCLP has been involved in the development, ownership, and management of affordable housing since 1972 and is one of the largest owners of affordable multifamily apartments in the country.

Estimated % of sales within County	<u>N/A</u>
Estimated % of sales outside County but within New York State	<u>N/A</u>
Estimated % of sales outside NYS but within U.S.	<u>N/A</u>
Estimated % of sales outside the US	<u>N/A</u>
Total Sales	<u>N/A</u>

**H. Is or was the Company assisted by DCIDA?**

Yes  No

**I. Has the company received any state or federal subsidies or program assistance in the last 10 years?**

Yes  No

If yes, please list subsidies, program assistance or grants

**Applicant is a newly-formed special purpose entity, but, upon closing the transaction, it is anticipated that the Project’s existing Project-Based Voucher Housing Assistance Payments Contract (“PBV HAP Contract”) with the Beacon Housing Authority will be assigned to the Applicant. The PBV HAP Contract, which will support the affordable housing operations of the property by the Applicant, may or may not be considered subsidy or program assistance under this question, as such it is disclosed herewith.**

**J. Have you contacted or been contacted by other Economic Development Agencies for this project? If yes, please identify which agencies and what other assistance or assistance sought and the dollar amount that is anticipated to receive.  Yes  No**

If yes, please list:

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**K. If the company is a party to any significant pending or recently concluded litigation (including bankruptcy), please describe:**

**N/A – Tompkins Terrace Housing, L.P. is a newly-formed special purpose entity.**

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**L. Is Company in compliance with local, state and federal taxes, workers’ protection, and environmental laws?**

**Yes**

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**M. Please attach a copy of most recent company annual audit.**

**N/A – Tompkins Terrace Housing, L.P. is a newly-formed special purpose entity.**

**N. Please attach sales and income projections or a project pro forma for next 3 to 5 years. [See Exhibit A.](#)**

## Section 2: Project Description & Details

### A. Industry

Please check off the Project's Industry Sector:

Natural Resources / Mining

Information Technology

Construction

Financial Services

Utilities

Professional / Business Services

Manufacturing

Education or Healthcare Services

Wholesale / Retail

Leisure and Hospitality

Transportation /Warehousing

Government

Other (Please write): Affordable Housing Development

North American Industrial Classifications Number (NAICS) 531110

### B. Project Location

Project Address 194 Tompkins Terrace, Beacon, NY 12508

Section Block Lot (SBL) Number for Property  
which proposed Project will be located: 5955-19-588084

Property Tax Jurisdiction:

Municipal: Beacon

School District: Beacon City School District

Are the Real Property Taxes current?  Yes  No

If no, please explain \_\_\_\_\_

Utilities: Indicate which, if any, utilities are on site

Water  Electric  
 Gas  Sanitary/Storm Water

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

If no, Present legal owner of site:

**The Applicant is affiliated with the present legal owner.**

Does the Applicant or related entity have an option /contract to purchase the Project site? **A Purchase & Sale Contract was signed in November 2022.**  Yes  No

Describe the present use of the proposed Project Site

**Multifamily affordable housing**

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The facility consists of a building/space which will be (check as applicable)

Acquired  Constructed  
 Renovated  Expanded

In the space below briefly describe the proposed project and its purpose (new build, renovations, and equipment purchases). Identify specific uses occurring with the project. Describe any and all tenants and any/all end users. (*Attach detailed information if necessary*).

**See attached Exhibit B.**

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Describe why the DCIDA's financial assistance is necessary and if the applicant is unable to obtain DCIDA financial assistance, what will be the impact on the Applicant and Dutchess County and/or municipality? Would the applicant proceed with the project without DCIDA assistance? (*Attached additional sheets if necessary*).

**See attached Exhibit C.**

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Please confirm by checking the box below if there is a likelihood that the Project would be not undertaken but for the Financial Assistance provided by the DCIDA.

Yes  No

If the Project could be undertaken without Financial Assistance provided by the DCIDA, then provide a statement below indicating why the Project should be undertaken by the DCIDA.

In the current rising cost environment for all development projects (including affordable housing projects), the allowable sales tax exemptions being requested are required to drive the overall viability of the planned renovation scope of work for Tompkins Terrace.

To the extent the project serves a local market area, is there a recognized and demonstrable need for the products or services the project will provide in the project's market area?

Located on the waterfront and proximate to Beacon's Historic District and Landmark Overlay zone, the Project and its surrounding area are ideal candidates for investment. The Project will benefit from and contribute to the ongoing revival of Main Street and will preserve an important residential node for the vibrant mixed-use corridor which is less than a 15-minute walk to the Project.

Is the project compatible with and will significantly assist and enhance all development plans for its area established formally or informally by local, county, state and federal authorities?

The Project is not only compatible with but also significantly contributes to the development plans of the surrounding areas where it is located, including those areas contained within the City of Beacon Local Waterfront Revitalization Program and Beacon's Historic District and Landmark Overlay zone by preserving 193 units of affordable housing.

Will the project be incorporating new energy efficiency factors in the design and operation of project? If yes, please elaborate. If no, please explain why it will not.

The Project scope of work includes the installation of new energy/water-efficient appliances (including Energy Star ranges and refrigerators), water faucet aerators, LED light fixtures, and HVAC systems.

Is the project of a speculative nature?

No – the Project is already existing/occupied affordable housing in Beacon, NY, and the Project is meant to drastically renovate and physically improve the property.

Is this part of a Multi-Phase Project?     Yes     No

Will the Project include leasing any equipment?                       Yes     No

### C. Zoning of Project Site:

Current	<b>RD-3</b>
Proposed	<b>RD-3</b>

Are any variances needed? If so, please list: **N/A – there are no variances needed for the Project.**



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

**N/A – there is no change in zoning needed for the Project.**

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The approximate acreage of the land to be purchased or leased:

**16.3 acres**

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The approximate square footage of the existing building to be purchased or space to be expanded/renovated is:

**157,000 square feet**

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The approximate square footage of the planned *new* construction is:

**N/A – there will not be any new construction associated with the project.**

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Please note that the DCIDA cannot provide any financial assistance until the environmental review required under the State Environmental Quality Review Act (“SEQRA”) has been completed. Please complete the annexed Short Form Environmental Assessment Form. Based upon the information provided in that form and elsewhere in this application, the DCIDA may require further information regarding potential environmental impacts.

If this project is likely to have a significant adverse impact on the environment (a “Type I” action), then the action is probably required to be reviewed by one or more other state or local agencies, such as a local zoning or land use authority. In that event, the DCIDA generally will not act as “lead DCIDA,” and any action by the DCIDA must await completion of the SEQRA review by the other DCIDA. If that is not the case, i.e., if the proposed action is a “Type II” or “unlisted” action under SEQRA, the DCIDA may act independently for SEQRA purposes.

Any known environmental contamination or remediation issues?  Yes  No

If yes, please list: \_\_\_\_\_

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Has another entity been designated lead agent under the State Environmental Quality Review Act?  Yes  No

If yes, please explain \_\_\_\_\_

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*The DCIDA will not provide any financial assistance to the Project until the environmental findings required under SEQR have been made.*

## D. Investment (Uses and Sources)

**Uses (Facility Costs)** Please give an accurate estimate of the costs of all of the following items. Applicants are encouraged to discuss the project with DCIDA in order to estimate costs.

<b>1. Real Estate</b> (Acquisition cost of land and /or existing structures)	<b>\$ 18,000,000</b>
<b>2. New Construction</b>	\$ _____
<b>3. Reconstruction/Renovation/Expansion</b>	<b>\$ 14,642,259</b>
<b>4. Infrastructure Work</b>	\$ _____
<b>5. Fixed Equipment (Taxable)</b> (Spending that will be subject to sales tax – i.e. machinery and equipment)	\$ _____
<b>6. Other Tax Exempt</b> (non-construction spending that will not be subject to sales tax)	<b>\$ 1,103,000</b>
<b>7. Professional Services</b> (Architect, Legal Fees <sup>1</sup> , Engineering fees)	<b>\$ 2,258,423</b>
<b>8. Other Taxable</b> (please specify)	\$ _____
<b>9. Other</b> (Equity syndication costs, reserves and escrows, SC contingency, Developer Fee)	<b>\$ 7,668,427</b>
Estimated Total Project Cost	<b>\$ 43,672,109</b>

### **Uses (Financing, Legal, Miscellaneous)**

	<u>Estimated Fees</u>
IDA Administrative Fees (See page 1)	<b>\$ 1,000 (App Only)</b>
IDA Counsel	<b>\$ 50,000</b>
Applicant Counsel	<b>\$ 150,000</b>
Transaction Counsel	<b>\$ 125,000</b>
Bond Counsel	<b>\$ 110,000</b>
Underwriter Counsel	<b>\$ 40,000</b>
Trustee Counsel	<b>\$ 7,500</b>
Other Costs of Bond Issue (i.e. <b>Printing, IDA Issuance Fees, UW/Rating Fees</b> )	<b>\$ 1,114,704</b>
If this is a bond transaction, will you be refunding bonds? And if so state amount here	<b>N/A</b>

DCIDA costs such as public hearings and legal notice fees are the responsibility of the Applicant from the time an application is submitted.

**E. SOURCES**

Amount of LIHTC equity	\$	<u>15,632,166</u>
Amount of other conventional financing	\$	_____
Amount financed by bond issue	\$	<u>25,000,000</u>
Deferred Developer Fee:	\$	<u>4,638,147</u>
Income from Operations:	\$	_____
Public Sources (Include sum total of all state and federal grants and tax credits)*		
Total Sources of Funds for Project Cost	\$	<u>45,270,313</u>

\*Identify each state and federal grant/credit

_____	\$	_____
_____	\$	_____
_____	\$	_____

**F. Project Construction Schedule**

What is the proposed date for commencement of acquisition or construction of the Project?

The estimated Acquisition Date is targeted for Q3 of 2023, and the Construction Start Date is also targeted for Q3 of 2023.

Please indicate the actual or expected dates of :

Construction completion: Q3 of 2024 (estimated)

Occupancy: N/A – the property is already occupied.

Will the company be occupying 100% of the completed facility?      Yes    X No

If no, will there be tenants in the remaining space?      X Yes      No

- Detailed questions will be asked in Section 5 – Single or Multi-Tenant Determination

Describe any contracts or agreements (options to purchase, purchase contracts, construction contracts, and equipment orders) which have been entered into with respect to the facility.

Please note that the DCIDA may not provide benefits to any purchases made prior to the execution of a Letter of Authorization for Sales Tax Exemption.

A Purchase & Sale Contract was signed in November 2022 to acquire the property.

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

## Section 3: Project Evaluation and Assistance Framework

All projects must meet the Baseline Requirements to be considered for DC IDA benefits

### A. Baseline Requirements (Must Achieve All)

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Complete Application</li> <li><input checked="" type="checkbox"/> Meets NYS/DCIDA Requirements</li> <li><input checked="" type="checkbox"/> SEQRA / Planning Approval</li> </ul> | <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Meets Project Use Definition</li> <li><input checked="" type="checkbox"/> “But For” Requirement</li> <li><input checked="" type="checkbox"/> Will Directly Retain or Create Jobs</li> </ul> |
|---|--|
- Approval Date: [Pending Approval](#)

### B. Additional Community Benefits

Projects that meet the baseline eligibility requirements and achieves a threshold of at least six (6) community benefit metrics may be considered for a deviation or an enhanced Payment in Lieu of Taxes (PILOT) formula. Detailed definitions of the Community Benefit are included in Attachment 3. Proof of providing additional community benefits may require third party verification. Any projects pledging additional Community Benefits and receiving an enhanced PILOT that fail to meet the requirements may be subject to assistance termination, modification or recapture.

<i>Revitalization</i>	<i>Investment</i>	<i>Employment</i>
<b>Target Geography</b>	<b>Financial Commitment</b>	<b>Permanent Jobs</b>
<input type="checkbox"/> Distressed Census Tract/Area	<input type="checkbox"/> 3 – 10 million	<input type="checkbox"/> 3-40
<input type="checkbox"/> High Vacancy Census Tract	<input type="checkbox"/> 10.1 – 17.5 million	<input type="checkbox"/> 21-80
<input type="checkbox"/> Transit Oriented Development	<input type="checkbox"/> 17.6 – 25 million	<input type="checkbox"/> 81-120
<input type="checkbox"/> BID	<input checked="" type="checkbox"/> >25 million	<input type="checkbox"/> 121-180
<input type="checkbox"/> Neighborhood Plan		<input type="checkbox"/> > 180
<b>Identified Priority</b>	<b>Community Commitment</b>	<b>Retained Jobs</b>
<input checked="" type="checkbox"/> Tax Exempt	<input checked="" type="checkbox"/> MWBE/DBE Participation	<input checked="" type="checkbox"/> 3-40
<input type="checkbox"/> Vacant	<input type="checkbox"/> Veteran Participation	<input type="checkbox"/> 21-80
<input type="checkbox"/> Adaptive Re-use	<input checked="" type="checkbox"/> Workforce /Affordable Housing	<input type="checkbox"/> 81-120
<input type="checkbox"/> Community Catalyst	<input type="checkbox"/> Local Workforce	<input type="checkbox"/> 121-180
	<input type="checkbox"/> Apprenticeship Program	<input type="checkbox"/> > 180
	<input type="checkbox"/> Public Infrastructure	
<b>Identified Growth Area</b>	<b>Environmental Factors</b>	<b>Construction Jobs</b>
<input type="checkbox"/> Manufacturing / Distribution	<input type="checkbox"/> Resource Conservation	<input checked="" type="checkbox"/> 6-80
<input type="checkbox"/> Technology	<input checked="" type="checkbox"/> Energy Efficiency	<input type="checkbox"/> 81-160
<input type="checkbox"/> Existing Cluster	<input type="checkbox"/> Green Technology	<input type="checkbox"/> 161-240
	<input type="checkbox"/> Alternative / Renewable Energy	<input type="checkbox"/> >240

### C. Project Benefits

Financial Assistance Provided

#### 1. Estimated Sales Tax Exemption^

$$\frac{\$5,805,177}{\text{Amount of Project Cost Subject to Tax}} \times \frac{.08125}{\text{Sales Tax Rate}} = \frac{\$471,671}{\text{Total}}$$

#### 2. Estimated Mortgage Recording Tax Exemption

$$\frac{\text{Projected Amount of Mortgage}}{\text{Projected Amount of Mortgage}} \times \frac{.0075}{\text{Mortgage Recording Tax}} = \frac{\text{Total}}{\text{Total}}$$

*\*As of September 2016, DC IDA cannot exempt the MTA portion of the mortgage recording tax*

#### 3. Estimated Property Tax Abatement

Project Property Value:

Current Assessed Value:	<u>\$9,700,000</u>
Current Property Taxes:	<u>\$0 (Current Tax Exemption &amp; PILOT)</u>
Estimated Property Value after project completion	<u>Unknown</u>

Will the Project utilize the DCIDA's Uniform Tax Exemption Formula?  Yes  No

If no, please describe the real property tax exemption formula and a justification (attach additional sheets if necessary)

**SEE BEACON CITY COUNCIL RESOLUTION UNDER SEPARATE COVER**

Estimated tax abatement resulting from this project \$  
(Consult with DCIDA for assistance with this calculation)

**SEE BEACON CITY COUNCIL RESOLUTION UNDER SEPARATE COVER**

*^Note that the DCIDA may utilize the estimate above as well as the proposed total Project Cost as contained within this application to determine the Financial Assistance that will be offered.*

**D. Employment**

**A. Benefits = Economic Development Impacts (For Project Location Only)**

*By statute, the DCIDA must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. The DCIDA will use job projections upon the two (2) year time period following Project completion.*

*a. Employment should be quantified by “FTE”, which shall mean: (a) a full-time, permanent, private-sector employee on the project’s payroll, who has worked (or is projected to work) at the project facility for a minimum of thirty-five hours per week for not less than four consecutive weeks and who is (or will be) entitled to receive the usual and customary fringe benefits extended by the Applicant to other employees with comparable rank and duties;*

*b. or (b) two part-time, permanent, private-sector employees on the Applicant’s payroll, who have worked (or are projected to work) at the project facility for a combined minimum of thirty-five hours per week for not less than four consecutive weeks and who are (or will be) entitled to receive the usual and customary fringe benefits extended by the Applicant to other employees with comparable rank and duties*

*Employment by category at Project Location only*

Job Category	Current Number of FTE’s	Number of FTE’s Retained	Average Salary or Range of Salary	Number of FTE’s to be created upon 2 years	Average Salary or Range of Salary
Owner/Executive					
Professional					
Management	<b>2</b>	<b>2</b>	<b>\$60,000</b>		
Administrative					
Production					
Other	<b>3</b>	<b>3</b>	<b>\$50,000</b>		
Total*	<b>5</b>	<b>5</b>	<b>\$54,000</b>		

Are employees currently covered by a collective bargaining agreement?

If yes, Name and Local?

**Agreement Between Service Employees International Union, Local 32BJ and Building and Realty Institute of Westchester & The Mid-Hudson Region, Inc. applies to certain employees only.**

Are employees provided retirement benefits?  Yes \_\_\_ No

Are employees provided health benefits?  Yes \_\_\_ No

Estimate the projected monthly timeframe for the creation of new permanent jobs at project location **N/A**

Year 1	1	2	3	4	5	6	7	8	9	10	11	12
Year 2	1	2	3	4	5	6	7	8	9	10	11	12

**Use of Local Workforce**

The Dutchess County IDA supports the use of local workforce for projects receiving benefits from the DCIDA. Answers to the following questions will assist the DCIDA in evaluating the application.

The Local Workforce Area for **permanent jobs** includes residents in the County/Cities/Towns/Villages as well as the following Counties: Dutchess County, Orange County, Putnam County, Rockland County, Sullivan County, Ulster County and Westchester County.

If a “local workforce plan” has been developed please include that plan as an addendum to this application.

Estimate the number of residents of the labor workforce area in which the Project is located that will fill the projected new jobs to be created.

**32 ( temporary construction jobs only )**

How will the project developer seek out and use the local workforce.

**Developer will use a multi-pronged approach by leveraging various job-posting resources, existing industry relationships, and subcontractors that specialize in projects within the local workforce area.**

*Projects \$10,000,000 and above, which are receiving a real property tax abatement, are subject to DCIDA’s Local Workforce Policy during the period of construction*

The *Labor Workforce Area* for **construction jobs** under the Local Workforce Policy includes residents in the County/Cities/Towns/Villages as well as the following Counties: Columbia County, Dutchess County, Greene County, Orange County, Putnam County, Rockland County, Sullivan County, Ulster County and Westchester County.

How many construction jobs are anticipated to be created? **40**

## Section 4: Retail Determination

DCIDA assistance to retail projects (including hotels and restaurants) is subject to certain statutory restrictions.

To ensure compliance with Section 862 of the New York General Municipal Law, the DCIDA 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.

1. Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below please complete this section.

Retail Sales  Yes  No      Services  Yes  No

For purposes of this 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 sales 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.

2. 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 makes sales of good or services to customers who personally visit the project site?

Yes  No    If yes, please continue. If no, proceed to the next section

3. 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? N/A % If the answer is less than 33% than proceed to the next section.

If the answer to question 2 is Yes and the answer to question 3 is greater than 33% indicate which of the following questions following apply to the project:

Is the project location or facility likely to attract a significant number of visitors from outside Dutchess County?

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

Yes  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 New York State?

Yes  No If yes, please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the project located in a Highly Distressed Area?

Yes  No

**Section 5 – Inter-Municipal Move Determination**

Will the project result in the removal of a plant or facility of the Applicant from one area of the State of New York to another area of the State of New York:

Yes       No

Will the project result in the removal of a plant or facility of *another proposed occupant* of the Project from one area of the State of New York to another area of the State of New York?

Yes       No

Will the Project result in the abandonment of one or more plants or facilities located in the State of New York?

Yes       No

If the answer to either of the foregoing questions in this subpart is positive, please explain in detail, on as many separate sheets as necessary, the reasons for the relocation, abandonment or closure, including, without limitation, (i) any considerations regarding the applicant's (or other occupant's) ability to remain competitive in its industry, and (ii) any consideration which has been given to relocating to any location outside the State of New York.

N/A

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Please note that the DCIDA may ask you to provide additional information regarding the foregoing, including documentary support

## Section 6 – Single or Multi-Tenant Determination

Permissible projects are defined in the NYS General Municipal Law and the IDA may not be able to grant financial assistance to all tenants of a multi-tenant project. To assist in that determination please complete the following section.

Please note if the tenant qualifies as a permissible project, the Project Applicant will be responsible for collecting the required reporting information from the tenant(s).

Please explain what market conditions support the construction of this multi-tenant facility:

N/A

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Have any tenant leases been entered into for this project?

Yes      No

**Residential tenant leases only.**

If yes, please list below and provide square footage to be leased to tenant and NAICS code for tenant and nature of business. (Attach additional sheets if necessary)

Tenant Name	Current Location (city, state, zip)	# of sq.ft leased	% of total to be occupied at project location	NAICS and business description (type of business, products, etc)
<b>N/A</b>				<b>Residential Use Only</b>

**Section 7 – Representations, Certifications and Indemnification Forms**

**New York State**  
**Applicant Requirements**  
**For Industrial Development Agencies**

The Applicant has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the DCIDA and as follows:

**1. Absence of Conflicts of Interest**

The Applicant has received from the DCIDA a list of the members, officers and employees of the DCIDA. No member, officers or employees of the DCIDA has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

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**2. Job Listing**

In accordance with Section 858-b(2) of the New York General Municipal Law, Applicant understands and agrees that, if the Project receives any Financial Assistance from the DCIDA, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed within the New York State Department of Labor, Division of Employment and Workforce Solutions (the DOL) and with the American Job Center of the service delivery area created by the federal Workforce Innovation and Opportunity Act (WIOA) in which the Project is located.

**3. 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 DCIDA, except as otherwise provided by collective bargaining agreements, where applicable, the Applicant will first consider persons eligible to participate in WIOA programs who shall be referred by the American Job Center for new employment opportunities created as a result of the Project.

#### **4. Annual Employment Reports**

The Applicant understands and agrees that, if the Project receives any Financial Assistance from the DCIDA, the Applicant agrees to file, or cause to be filed, with the DCIDA, on an annual basis, reports regarding the number of people employed at the project site, salary levels and such other information as part of the DCIDA's Employment Report.

#### **5. Fees**

This obligation includes an obligation to submit DCIDA Fee Payment to the DCIDA in accordance with the DCIDA Fee policy effective as of the date of this Application.

#### **6. Freedom of Information Law (FOIL)**

The Applicant acknowledges that the DCIDA is subject to New York State's Freedom of Information Law (FOIL). Applicants understand that all project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.

#### **7. Recapture Policy**

The applicant acknowledges that is has been provided with a copy of the DCIDA's *Policy on Maintaining Performance Based Incentives*. The Applicant agrees that it fully understands the Policy on Maintaining Performance Based Incentives is applicable to the Project that is the subject of this application and the DCIDA may implement the Policy if and when it is required to do so.

#### **Financial Reporting Requirements**

Chapter 692 of the Laws of 1989 requires additional financial reporting requirements from all IDA's in New York State.

#### **8. Sales Tax**

Section 874(8) of the New York general Municipal Law requires all entities appointed as agents of the DCIDA for sales tax purposes to file an annual form, as prescribed by the New York State Department of Taxation, describing the value of sales tax exemptions claimed by the Applicant and all its subagents, consultants, or subcontractors. Copies of all filings shall be provided to the DCIDA.

The Applicant hereby agrees to complete "ST-60, IDA Appointment of Project Operator or Agent for Sales Tax Purposes" for itself and each agent, subagent, contractor, subcontractor, contractors or subcontractors of such agents and subagents and to such other parties as the Applicant chooses who provide materials, equipment, supplies or services and deliver said form to the DCIDA within fifteen (15) days of appointment such that the DCIDA can execute and deliver said form to the State Department of Taxation and Finance within thirty (30) days of appointment.

9. 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 DCIDA. (1) No funds of the DCIDA 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 DCIDA 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.

10. 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

11. 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 18A of the New York General Municipal Law, including, but not limited to, the provisions of Section 859a and Section 862(1) of the New York General Municipal Law.

**12. Bonds**

**a. All bonds issued, outstanding or retired during the year must indicate the following:**

Month and year issued; Interest rate at year end; outstanding beginning of year; issued during year; principal payments during year; outstanding at end of year; and final maturity date. This information will be requested from you in January of each year.

**b. All new bonds issued need the following supplemental information:**

Name of the project; tax exemptions separated by State and local sales tax, County and school taxes; Mortgages recording; Payments in lieu of taxes; New tax revenue if no exemption is granted; number of jobs created and other economic benefits. This information is required each year and will be requested from you in September of each year.

Signature



Print Name

David Pearson

Title

Vice President of the General Partner


Date

3/11/03

## HOLD HARMLESS AGREEMENT

Applicant hereby releases the Dutchess County Industrial Development DCIDA and its members, officers, servants, agents and employees thereof (the "DCIDA") from, agrees that the DCIDA shall not be liable for and agrees to indemnify, defend and hold the DCIDA harmless from and against any and all liability arising from or expense incurred by (A) the DCIDA's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the DCIDA, (B) the DCIDA's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the DCIDA with respect to the Project; including and without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the DCIDA or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the DCIDA, its agents or assigns, all costs incurred by the DCIDA in the processing of the Application, including attorneys' fees, if any. The DCIDA reserves the right at any time, as a condition to further consideration of this application, to require reimbursement of any such costs incurred, or to require a deposit against such costs and to apply such deposit to the DCIDA's costs as incurred.

Signature  
Print Name  
Title  
Date

  
\_\_\_\_\_  
**David Pearson**  
\_\_\_\_\_  
**Vice President of the General Partner**  
\_\_\_\_\_  
3/21/2023

**2) Bond Information**

1. State Bond Issuance Fees: N.Y. Public Authorities Law §2976(2) levies upon the DCIDA the following (which amount must be paid to the DCIDA by the applicant):

<u>Principal Amount of Bonds</u>	<u>Percentage Fees</u>
\$1,000,000 or less	.168
\$1,000,000 to \$ 5,000,000	.336
\$5,000,001 to \$ 10,000,000	.504
\$10,000,001 to 20,000000	.672
More than \$20,000,000	.084

2. Total Funds Required: N/A Estimated Term N/A

3. Indicate the date by which the proceeds of the DCIDA's bonds, if issued will be needed

Date Required N/A



**3) Certification**  
*To Be Completed for Bond Financing only*

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David Pearson \_\_\_\_\_ deposits and says that he/she is  
(Name of Officer of Company submitting application)

the Vice President of the General Partner \_\_\_\_\_ of Tompkins Terrace Housing, L.P.  
(Title) (Company Name)

The corporation named in the attached application; that he/she has read the forgoing application and knows the contents thereof; that the same is true to his/her knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by

N/A (Company is not a Corporation) \_\_\_\_\_ is because the said Company is a Corporation.  
(Company Name)

The grounds of deponent's belief relative to all matters in the said application which are not stated upon his/her own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his/her duties as an officer of and from the books and papers of said corporation.

As an officer of said corporation (hereinafter referred to as the "applicant"), deponent acknowledges and agrees that applicant shall be and is responsible for all costs incurred by the Dutchess County Industrial Development DCIDA (hereinafter referred to as the "DCIDA") acting on behalf of the applicant during the attendant negotiations and leading to the issue of bonds. If, for any reason whatsoever, the applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified time to take reasonable, proper, or request action, or withdraws, abandons, cancels, or neglects the application, or if the DCIDA or applicant are unable to find buyers willing to purchase the total bond issue required, then upon presentation of invoice, applicant shall pay to the DCIDA, its' agents, or assigns, all actual costs incurred with respect to the application, up to that date and time, including fees of bond counsel for the DCIDA and fees of general counsel for the DCIDA.\* Upon successful conclusion and sale of the required bond issue, the applicant shall pay to the DCIDA an administrative fee set by the DCIDA.

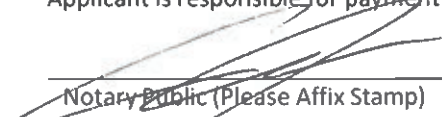
  
\_\_\_\_\_  
(Chief Officer of Company submitting)

David Pearson \_\_\_\_\_  
Print Name  
3/21/2023  
Date

Vice President of its General Partner \_\_\_\_\_  
Title

NOTARY: Sworn to me before this 21st day of March, 20 23

\*Applicant is responsible for payment of any State Bond Issuance Fees.

  
\_\_\_\_\_  
Notary Public (Please Affix Stamp)

SEAN FERNANDES  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01FE6437658  
Qualified in New York County  
Commission Expires 08/01/2026

## Section 8 - Local Workforce Utilization Policy and Certification

Construction jobs, though limited in time duration, are vital to the overall employment opportunities in Dutchess County. The Dutchess County Industrial Development Agency (the “Agency”) has determined that Project Applicants (the “Company”), as a condition to receiving a real property tax abatement also referred to a Payment in Lieu of Taxes (PILOT) from the Agency, will be required to utilize qualified Workforce, 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”).

### ***For Projects \$10,000,000 and Above Receiving a Real Property Tax Abatement***

#### Local Area Defined

For projects equal to or greater than \$10,000,000 the Local Area is defined as individuals residing in the following Counties (collectively, the “Local Area”): Columbia County, Dutchess County, Greene County, Orange County, Putnam County, Rockland County, Sullivan County, Ulster County and Westchester County.

#### Local Workforce Requirement

Companies receiving a PILOT as part of their financial assistance shall ensure that at least 80% of total work hours of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively the “Workers”) working on the Project Site must reside within the Local Area. The 80% shall be measured by hours in total at the time of completion of the project. Companies do not have to be local companies as defined herein, but must employ local Workers residing within the Local Area to qualify under the 80% local Workforce criteria.

#### Local Workforce Reporting Requirement

The Local Workforce criteria will be verified based on employment, payroll and related records.

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

#### Enforcement

If Agency staff determines that: (1) The Local Workforce Requirement is not being met; or (2) Agency Staff, upon use of its reasonable discretion, discovers or becomes aware of a compliance issue related to the Local Workforce Requirement, then a written warning delivered by Certified Mail of said Local Workforce Requirement violation (the “Warning of Violation”) shall be provided to the Company.

In the event a subsequent violation of the policy has occurred, then written notice delivered by Certified Mail of said Local Workforce Requirement violation (the “Notice of Violation”) shall be provided to the Company and the Executive Director shall bring the information to the Board of Directors which may, in its discretion, take action to revoke IDA benefits.

The Company has the primary obligation for the adherence to all the conditions of this policy. This obligation cannot be relieved, evaded or diminished by assigning a Contractor or through subcontracting. Should the project applicant assign a Contractor, the Company shall continue to have primary obligation.

Projects with multiple phases or projects with multiple owner entities will be considered in whole during the enforcement period.

Waiver Request

It is understood that at certain times, Workers residing within the Local Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Utilization Requirement (the "Local Workforce Utilization Waiver Request") based on the following circumstances:

- Warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers
- Specialized construction for which qualified Local Workforce Area workers are not available;
- Significant cost differentials in bid prices whereby the use of local Workforce significantly increases the cost of the project. A cost differential of 10% is deemed significant. Every effort should be made by the contractor or applicant to get below the 10% cost differential including, but not limited to, meeting with local construction trade organizations and local contractor associations
- Documented lack of workers meeting the Local Workforce Area requirement

The Agency shall evaluate the Local Workforce Utilization Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.

The foregoing terms have been read, reviewed and understood by the Company and all appropriate personnel. The undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialmen. Furthermore, the undersigned realizes and understands that failure to abide by the terms herein could result in the Agency revoking all or any portion of Financial Assistance, whether already received or to be received by the Company, as it deems reasonable in its sole discretion for any violation hereof.

Tompkins Terrace Housing, L.P.

Name of Company

 3/6/2023

Name: David Pearson

Title: VP of its General Partner

## *Attachment 1 - Short Environmental Assessment Form*

Please complete a Short Form Environmental Assessment Form (<https://www.dec.ny.gov/permits/6191.html>) . Based upon the information provided in that form and elsewhere in this application, the DCIDA may require further information regarding potential environmental impacts.

If this project is likely to have a significant adverse impact on the environment (a “Type I” action), then the action is probably required to be reviewed by one or more other state or local agencies, such as a local zoning or land use authority. In that event, the DCIDA generally will not act as “lead DCIDA,” and any action by the DCIDA must await completion of the SEQRA review by the other DCIDA. If that is not the case, i.e., if the proposed action is a “Type II” or “unlisted” action under SEQRA, the DCIDA may act independently for SEQRA purposes.

## Attachment 2 – Agency Standard Fee Schedule and other fees

### DCIDA Standard Fees

**APPLICATION FEE:** \$1,000.00

**SPECIAL MEETING FEE:** \$500.00 per meeting

### **ADMINISTRATIVE FEE FOR PROJECTS INVOLVING A PILOT:**

*A. For Industrial Projects (defined as Manufacturing, Distribution, Tech including software and research and development projects)*

One percent (1%) of the first \$2.5 million of the estimated project cost and one-quarter of one percent (.25%) for the estimated project in excess of \$2.5 million with a minimum administrative fee of \$25,000.

*B. For All other projects including Commercial Projects (defined as Mixed Use, Commercial Housing, Tourism and Retail if permitted)*

One percent (1%) of the first \$25 million of the estimated project cost and one-quarter of one percent (.25%) for the estimated project in excess of \$25 million with a minimum administrative fee of \$25,000.

### **ADMINISTRATIVE FEE FOR PROJECTS INVOLVING SALES TAX AND/OR MORTGAGE RECORDING TAX EXEMPTIONS ONLY, including requests for additional sales tax and mortgage tax benefits:**

\$5,000 plus 1% of the benefit amount.

- For active IDA projects that include a PILOT requests for additional sales and mortgage tax benefits whereas the total project cost will increase by \$10,000,000 or more will be subject to the administrative fee with a PILOT schedule.

**BOND ISSUANCE FEE:** One percent (1%) of the first \$2.5 million of the estimated project cost and one-quarter of one percent (.25%) for the estimated project in excess of \$2.5 million with a minimum of \$25,000.

**ANNUAL COMPLIANCE FEE:** \$1,000.00 to be billed annually

The fee schedule outlined in this schedule does not include fees and costs related to our counsels' work with respect to your project including the public hearing fees. Applicants are also required to pay for additional fees and costs related to Local Workforce monitoring and special reports/analyses that Board may request related to the project.

All projects are reviewed for its complexity and the Executive Director has the authority to negotiate additional fees to clients for costs associated with unusual situations or extraordinary needs related to the project, including additional costs incurred as result of holding special meetings of the IDA Board. The CEO will present any modifications or additional fees from the fee schedule outlined above to the DCIDA Board for approval.

*Adopted May 12, 2021  
Amended January 12, 2022*

## Attachment 3 – Additional Community Benefit Definitions

### Target Geography

#### *Distressed Census Tract/ Area*

Proposed project is located in a distressed census tract or area as defined by New York State. Project owner/applicant will be responsible for showing verification.

#### *High Vacancy Census Tract*

Proposed Project is located in a census tract with a vacancy rate of at least fifteen percent (15%), rounded to the nearest percentage point, according to the most recent census data. Project owner/applicant will be responsible for showing verification.

#### *Transit Oriented Development*

Proposed Project is located in the municipality's Transit Oriented Development Zone and is consistent with the municipality's development strategy. Project owner/applicant will be responsible for showing verification.

#### *BID*

Proposed project is located within the boundaries of the municipality's Business Improvement District. Project owner/applicant will be responsible for showing verification.

#### *Neighborhood Plan*

Proposed Project is in response to a municipal's RFP/RFI for a Neighborhood / Community Development Plan. Project owner/applicant will be responsible for showing verification.

### Identified Priority

#### *Tax Exempt / Vacant*

Proposed project is located on a parcel designated tax exempt prior to the time of purchase by the project owner/ applicant/ and/or an unoccupied parcel(s) of land or building that is at least ninety (90%) vacant. Cases in which a property is vacated for the purpose of pursuing the proposed project may not be considered vacant.

#### *Adaptive Re-use*

Project that result in the rehabilitation/renovation of a distressed building or parcel

#### *Community Catalyst*

Proposed project contributes to an existing policy or initiative for improving conditions and catalyzing change in the community.

### Identified Growth Area

#### *Manufacturing / Distribution*

Proposed project must result in the creation, retention or expansion of manufacturing or distribution facilities as well as the creation and/or retention of permanent jobs

### *Technology*

Proposed project must result in the creation, retention or expansion of tech sector facilities as well as the creation and/or retention of permanent jobs

### *Existing Cluster*

Proposed project must result in the creation, retention or expansion of facilities as well as the creation and/or retention of permanent jobs in an existing County cluster, including technology, healthcare, education and hospitality.

## **Investment**

Proposed project invest is the amount in dollars (\$) that will be spent in order to complete the project and includes but is not limited to: acquisition costs, construction hard costs, soft costs, and contingency costs required to complete the project.

## **Community Commitment**

### *Minority and Woman-Owned Business Enterprise/Disadvantaged Business Enterprise Participation*

Proposed project commits that at least twenty percent (20%) of the value of awarded construction of the proposed project is performed by minority or woman – owned operators. Project owner/applicant will be responsible for providing independent third-party verification upon project completion. MWBE/DBE participation goals indicate the percentage (in dollars) of a contract that must be performed by a NYS-certified woman– or minority-owned business enterprise or Federally-certified disadvantaged business enterprise. The goals may be met through an MWBE/DBE prime contractor’s self-performance, a joint venture between an MWBE/DBE and non-MWBE/DBE firm, or through the use of MWBE/DBE subcontractors.

### *Veteran Utilization*

Proposed project commits that at least ten percent (10%) of the workforce employed during construction of the proposed project are veterans. Project owner/applicant will be responsible for providing independent third party verification upon project construction completion.

### *Workforce / Affordable Housing*

Proposed project commits to at least ten percent (10%) of total residential rental units are to be reserved for and/or rented to low-income households as defined by the most recently available U.S. Housing and Urban Development State Income Limits for the term of the Agency financial assistance. Project owner/applicant will be responsible for providing independent third party verification on an annual basis.

### *Local Workforce*

Proposed project commits to at least eighty percent (80%) of construction jobs will be filled by local residents as defined in by the DCIDA Local Workforce Policy. Project owner/applicant will be responsible for providing verification until project construction completion.

### *Licensed Apprenticeship Program*

Proposed project commits to at least fifty percent (50%) of the contractors or subcontractors maintain a New York State certified apprenticeship program. Project owner/applicant will be responsible for providing independent third party verification upon project construction completion.



### *Public Infrastructure*

Proposed project will entail the private construction and installation of infrastructure for public benefit. Project owner/applicant will be responsible for providing independent third party verification upon project completion.

## **Employment**

### *Permanent Created (New) Job*

A created (new) permanent job is a new a position created over and above the business' current baseline. Construction jobs are not considered to be permanent new jobs. Project owner/applicant will be responsible for reporting on an annual basis.

### *Permanent Retained Job*

A permanent retained job is a position that, but for the project investment, would be removed, relocated, or eliminated. Construction jobs are not considered to be permanent retained jobs. Project owner/applicant will be responsible for reporting on an annual basis.

### *Construction Jobs*

A construction job is a position created during the construction phase and for the purpose of completing the project. Project owner/applicant will be responsible for reporting on an annual basis until construction project completion.

## Exhibit A

Tompkins Terrace	Year of Construction				
	Year 1	Year 2	Year 3	Year 4	Year 5
<b>Operating Cash Flow</b>					
Residential Income	\$ 3,728,015	\$ 3,878,627	\$ 3,956,199	\$ 4,035,323	\$ 4,116,030
Gross Operating Income	\$ (186,401)	\$ (193,931)	\$ (197,810)	\$ (201,766)	\$ (205,801)
Less: Vacancy Allowance (enter as a negative number)	\$ 3,541,614	\$ 3,684,695	\$ 3,758,389	\$ 3,833,557	\$ 3,910,228
Net Rental Income, Residential					
Commercial/Industrial Income					
Gross Operating Income	\$ -	\$ -	\$ -	\$ -	\$ -
Less: Vacancy Allowance (enter as a negative number)	\$ -	\$ -	\$ -	\$ -	\$ -
Net Rental Income, Commercial/Industrial	\$ -	\$ -	\$ -	\$ -	\$ -
<u>Other Income</u>					
Parking Income	\$ -	\$ -	\$ -	\$ -	\$ -
Tenant Charges / Miscellaneous Revenue	\$ 30,000	\$ 31,212	\$ 31,836	\$ 32,473	\$ 33,122
Other Income	\$ -	\$ -	\$ -	\$ -	\$ -
Net Income, Other	\$ 30,000	\$ 31,212	\$ 31,836	\$ 32,473	\$ 33,122
<b>Effective Gross Income (EGI)</b>	<b>\$ 3,571,614</b>	<b>\$ 3,715,907</b>	<b>\$ 3,790,226</b>	<b>\$ 3,866,030</b>	<b>\$ 3,943,351</b>
<u>Operating Expenses (enter positive numbers)</u>					
Salaries, Wages, Benefits & Employee Costs	\$ 488,000	\$ 517,719	\$ 533,251	\$ 549,248	\$ 565,726
Utilities & Trash Removal	\$ 474,800	\$ 503,715	\$ 518,827	\$ 534,392	\$ 550,423
Maintenance & Repairs	\$ 121,500	\$ 128,899	\$ 132,766	\$ 136,749	\$ 140,852
Deposit to Replacement Reserve	\$ 57,900	\$ 61,426	\$ 63,269	\$ 65,167	\$ 67,122
Insurance	\$ 120,000	\$ 127,308	\$ 131,127	\$ 135,061	\$ 139,113
Management Fee	\$ 176,016	\$ 186,735	\$ 192,337	\$ 198,108	\$ 204,051
Office, Admin & Computer	\$ 120,500	\$ 124,115	\$ 127,838	\$ 135,624	\$ 139,693
<b>Operating Expenses</b>	<b>\$ 1,558,716</b>	<b>\$ 1,653,642</b>	<b>\$ 1,703,251</b>	<b>\$ 1,754,349</b>	<b>\$ 1,806,979</b>
<b>Pre-Tax Operating Income (Revenue less Operating Expenses)</b>	<b>\$ 2,012,898</b>	<b>\$ 2,062,266</b>	<b>\$ 2,086,975</b>	<b>\$ 2,111,682</b>	<b>\$ 2,136,372</b>
<b>Real Property Taxes</b>	\$ 310,000	\$ 324,107	\$ 331,399	\$ 338,856	\$ 346,480
<b>Net Operating Income (NOI) after Taxes</b>	<b>\$ 1,702,898</b>	<b>\$ 1,738,159</b>	<b>\$ 1,755,575</b>	<b>\$ 1,772,826</b>	<b>\$ 1,789,892</b>
Loan or Mortgage (Debt Service)	\$ 1,290,483	\$ 1,269,567	\$ 1,258,269	\$ 1,246,372	\$ 1,233,844
Interest Payment	\$ 192,053	\$ 202,241	\$ 224,266	\$ 236,163	\$ 248,691
Principal Payment					
Debt Service	\$ 1,482,536	\$ 1,482,536	\$ 1,482,536	\$ 1,482,536	\$ 1,482,536
<b>Cash Flow After Financing and Reserve</b>	<b>\$ 220,363</b>	<b>\$ 255,623</b>	<b>\$ 273,040</b>	<b>\$ 290,290</b>	<b>\$ 307,356</b>
Debt Service Coverage Ratio (DSCR)	1.15	1.17	1.18	1.20	1.21

## **Exhibit B**

The proposed Project entails the rehabilitation of an existing 193-unit, family apartment complex located in the Beacon City neighborhood in the northwest portion of Beacon, NY. The planned renovation is comprehensive and will preserve the property as high-quality affordable housing for the long-term. The rehabilitation will include numerous repairs to the building interiors, exteriors and grounds, and will have a particular focus on improving livability and quality of life for residents, enhancing the Project's resiliency and energy efficiency, addressing major system needs, and enhancing the site's overall curb appeal.

Exterior improvements will include replacement of all roofing, gutters, windows, siding, unit entry and patio doors, lighting, property signage, and painting. Interior improvements will include replacement of all unit flooring, lighting and plumbing fixtures plus new appliances (including Energy Star refrigerators), toilets, exhaust fans, sinks, and kitchen/bathroom cabinets and countertops, as well as HVAC improvements. Other work includes landscaping enhancements, drainage repairs, new entrance breezeways, a new playground, upkeep to parking areas, concrete flatwork repairs, and accessibility (ADA) upgrades to the site. New security cameras will also be installed as needed.

In addition, in an effort to narrow the digital divide, the Project's scope will also include a significant investment of approximately \$250,000 to provide free in-unit Wi-Fi throughout the property that will be accessible to all residents and guests at Tompkins Terrace.

### **Exhibit C**

The proposed Project would preserve a critical housing asset for the greater Beacon community. The *City of Beacon 2018 Housing Profile* developed by HUDSON VALLEY PATTERN FOR PROGRESS indicated that housing has become increasingly unaffordable for the residents of Beacon. Specifically, median rents have increased by approximately 20% in the past 10 - 15 years (as of 2018), outpacing the broader Dutchess County, while median incomes have decreased during that same time period. Furthermore, approximately 50% of all renters are considered cost burdened, and 25% are considered severely cost-burdened. (The 2018 Housing Profile report can be made available upon request.) This trend highlights the fragility of the Beacon housing market and the challenges that many renters face. Furthermore, the proximity of the Project to the rapidly growing economic and cultural hub that is Main Street presents an opportunity to allow for tenants who would otherwise be subject to the displacement/exclusionary forces of gentrification to contribute to and participate in the ongoing revival of the heart of Beacon. The proposed Project will have a significant impact by preserving 193 units of high-quality affordable housing.

The unfortunate reality of today's real estate market is that projects such as the aforementioned stand little chance of coming to fruition without the vital support of local stakeholders. With total construction costs projected to be in excess of \$15 million and total development costs exceeding \$40 million, the requested financial assistance of the DCIDA is critical to not only the Project's success but also the undertaking of the Project in general. In conclusion, the Project will not be able to proceed without the DCIDA's financial assistance.

# Related Design Presentation

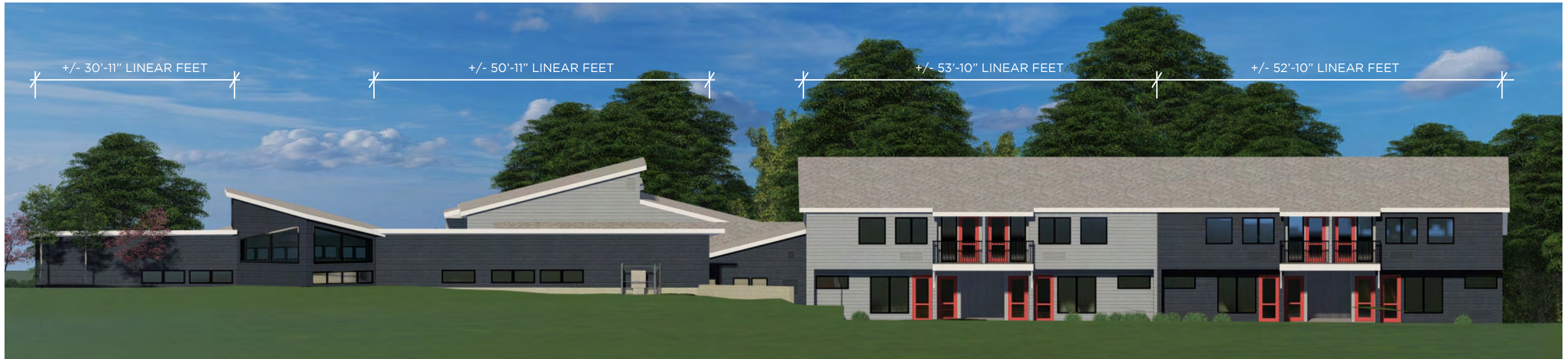
BUILDING 4 & COMMUNITY CENTER  
194 Tompkins Terrace  
Beacon, NY 12508

12.23.2022





South East Elevation



North East Elevation

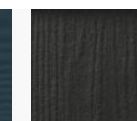
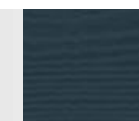


# Tompkins Terrace: Existing Window Openings

-  Hardie Deep Ocean
-  Hardie Iron Gray
-  Hardie Light Mist



# Tompkins Terrace: Existing Window Openings



Hardie Deep Ocean  
Hardie Iron Gray



Hardie Light Mist





# Tompkins Terrace: Existing Window Openings

-  Hardie Deep Ocean
-  Hardie Iron Gray
-  Hardie Light Mist



# Tompkins Terrace: Existing Window Openings

-   Hardie Deep Ocean  
Hardie Iron Gray
-  Hardie Light Mist

## Short Environmental Assessment Form

### Part 1 - Project Information


#### Instructions for Completing

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

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

<b>Part 1 - Project and Sponsor Information</b>			
Related Affordable			
Name of Action or Project: Tompkins Terrace - Rehab			
Project Location (describe, and attach a location map): 194 Tompkins Terrace, Beacon, New York 12508. The Property consists of 13, low-income, multifamily buildings totaling 193 units.			
Brief Description of Proposed Action: Proposed action of the site includes rehabilitation of existing structures. This includes rehabilitation of the interior of all 193 units, as well as improvements of building exterior for all 13 buildings. ADA unit upgrades will be made to 10 units. Site improvements will be made to rehab exterior features such as: lighting, parking lot repair, concrete (walks, curbs and ramps), playground, accessible paths, grading/drainage/landscaping and general signage upgrades. Rehabilitation will also take place in common areas including the community building and office.			
Name of Applicant or Sponsor: Tompkins Terrace Housing, L.P.		Telephone: 212-419-8588 E-Mail: jglanda@related.com	
Address: 30 Hudson Yards			
City/PO: New York		State: NY	Zip Code: 10001
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Funding will be supplied by the Dutchess County Industrial Development Agency (DCIDA), Payment in Lieu of Taxes (PILOT). The proposed action will also require a building permit from the City of Beacon.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		16.3 acres	
b. Total acreage to be physically disturbed?		9.2 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		16.3 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Golf Course</u> <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: <u>The proposed action will meet state energy code requirements as required by the building permit obtained from the City of Beacon.</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: Tompkins Terrace Housing, L.P. _____</p>		<p>Date: 12/1/22 _____</p>
<p>Signature:  _____</p>		

Project:

Date:

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

**Part 2 is to be completed by the Lead Agency.**

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

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

Project:

Date:

**Short Environmental Assessment Form  
Part 3 Determination of Significance**

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

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

## **Attachment A: Site Plan**



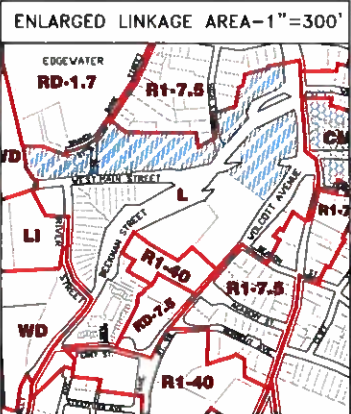
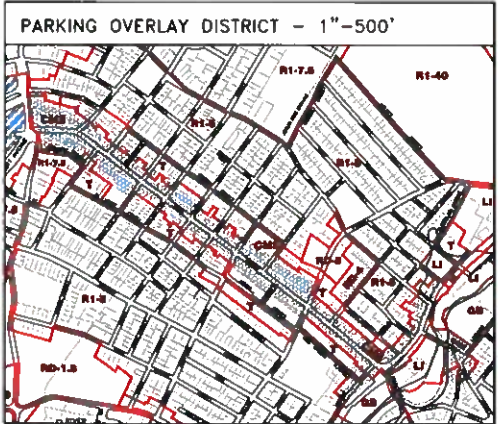
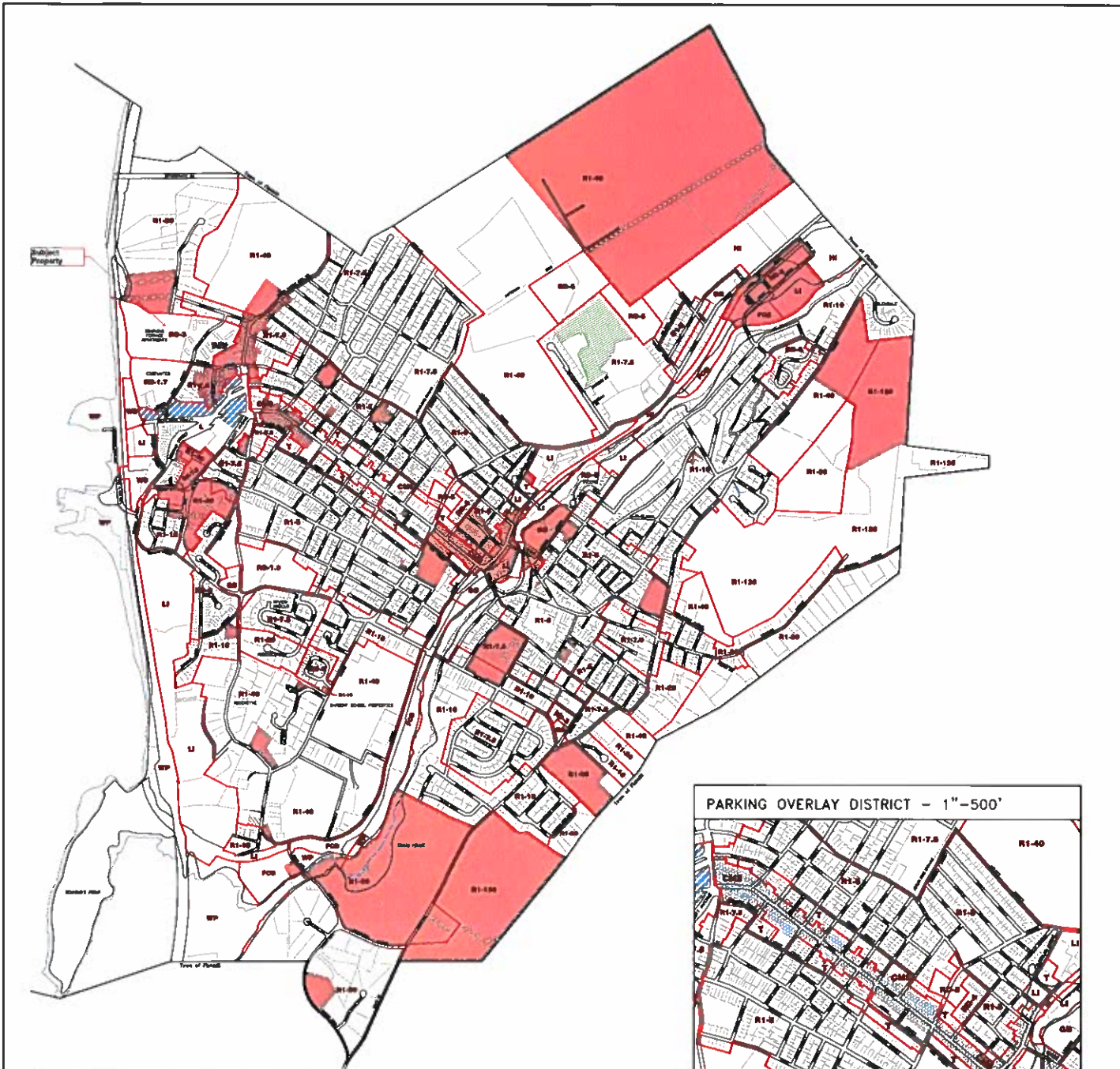


**Site Plan**

Tompkins Terrace Apartments  
 194 Tompkins Terrace  
 Beacon, New York 12871  
 ATLAS Project No. 2422212536



## **Attachment B: Zoning Map**



- INDUSTRIAL DISTRICTS**
- LI Light Industrial
  - HI Heavy Industrial
- WATERFRONT DISTRICTS**
- WP Waterfront Park
  - WD Waterfront Development
  - FCD Fishkill Creek Development
- COMMERCIAL DISTRICTS**
- GB General Business
  - T Transitional
  - CMS Central Main Street
  - L Linkage
  - L District - additional commercial and industrial uses permitted.

- RESIDENTIAL DISTRICTS**
- R1-120 One Family  
120,000 sq ft/lot/acre
  - R1-80 One Family  
80,000 sq ft/lot/acre
  - R1-40 One Family  
40,000 sq ft/lot/acre
  - R1-20 One Family  
20,000 sq ft/lot/acre
  - R1-10 One Family  
10,000 sq ft/lot/acre
  - R1-7.5 One Family  
7,500 sq ft/lot/acre
  - R1-5 One Family  
5,000 sq ft/lot/acre
  - RD-7.5 Designated Residence  
7,500 sq ft/lot/acre
  - RD-6 Designated Residence  
6,000 sq ft/lot/acre
  - RD-5 Designated Residence  
5,000 sq ft/lot/acre
  - RD-4 Designated Residence  
4,000 sq ft/lot/acre
  - RD-3 Designated Residence  
3,000 sq ft/lot/acre
  - RD-1.8 Designated Residence  
1,800 sq ft/lot/acre
  - RD-1.7 Designated Residence  
1,700 sq ft/lot/acre

- LEGEND**
- Historic District and Landmark Overlay Zone
  - Parking Overlay District
  - Senior Affordable Housing Overlay District
  - Zoning District Boundary
  - Flood Prone Area Boundary

**ZONING**  
July 13, 2020

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CITY OF BEACON, NY

N

Revised 07/13/2020

Date: 8/7/96

Drawn By: PRV

Figure:

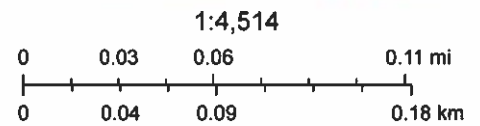
LANC & TULLY  
ENGINEERING AND SURVEYING, P.C.  
P.O. Box 487, Rt. 201, Beacon, NY 12514

**Attachment C: Critical Environmental Area  
Map**

# Critical Environmental Area



October 28, 2022





Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community. Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

## DECinfo Locator Legend (Active Layers)

### Environmentally Sensitive Areas

-  Critical Environmental Areas
-  Regulatory Tidal Wetlands Areas

### Reference Layers

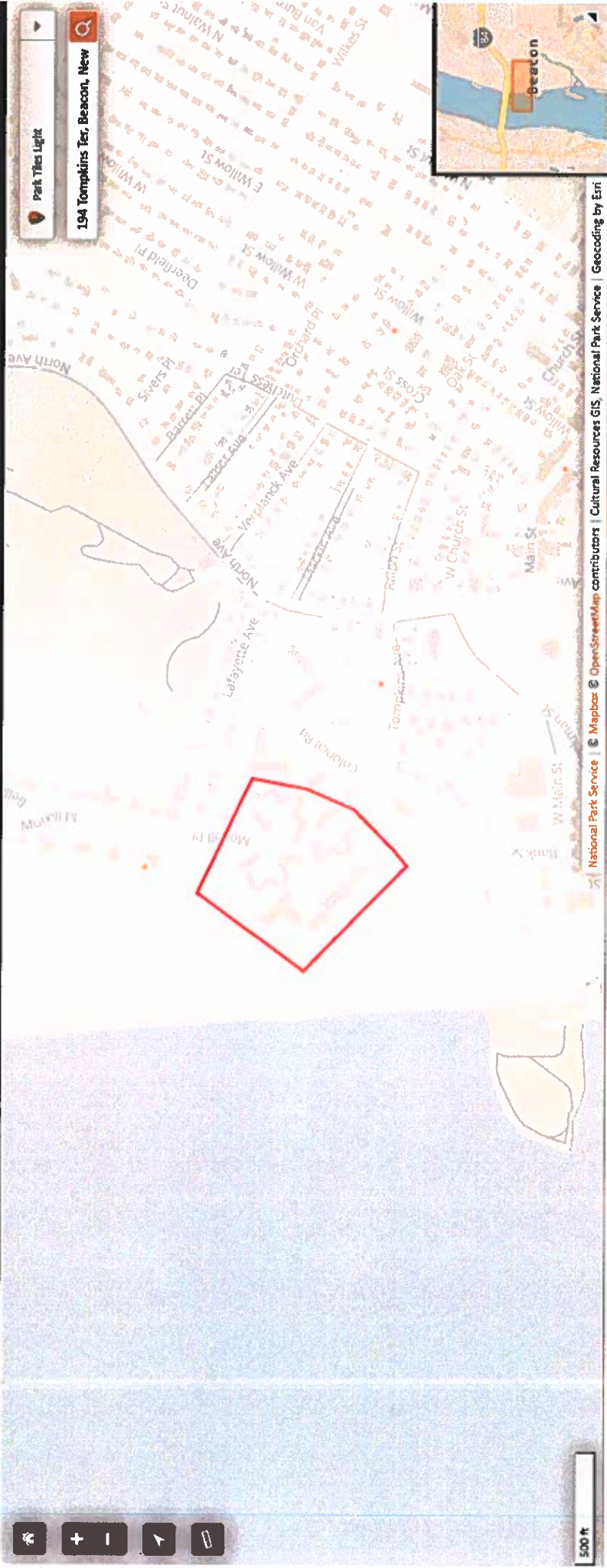
-  DEC Regional Offices
-  County Boundaries

**Attachment D: National Register of Historic  
Places**

# National Register of Historic Places

Public, non-restricted data depicting National Register spatial data processed by the Cultural Resources GIS facility, last minor update, September 2020.

National Park Service  
U.S. Department of the Interior



National Park Service | Mapbox | OpenStreetMap contributors | Cultural Resources GIS, National Park Service | Geocoding by Esri





## **Attachment E: NWI Map**



U.S. Fish and Wildlife Service

# National Wetlands Inventory

## Tompkins Terrace



October 28, 2022

### Wetlands

-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond
-  Lake
-  Other
-  Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

**Attachment F: IPaC Endangered Species  
and Critical Habitat**



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
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In Reply Refer To:  
Project Code: 2023-0003628  
Project Name: Tompkins Terrace Apartments

October 12, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

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**Attachment(s):**

- **Official Species List**

## **Official Species List**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

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## Project Summary

Project Code: 2023-0003628  
Project Name: Tompkins Terrace Apartments  
Project Type: Residential Construction  
Project Description: Apartment complex rehab  
Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.51158205,-73.98295752245919,14z>



Counties: Dutchess County, New York

## Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

### Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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## **IPaC User Contact Information**

Agency: Atlas Technical Consultants

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State: OH

Zip: 43215

Email [mitch.johnson@oneatlas.com](mailto:mitch.johnson@oneatlas.com)

Phone: 4405969628

## **Attachment G: FEMA Flood Map**

# National Flood Hazard Layer FIRMette



73°59'16"W 41°30'55"N



0 250 500 1,000 1,500 2,000 Feet  
 1:6,000  
 Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

73°58'38"W 41°30'28"N

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE)  
Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

**OTHER AREAS**

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone D

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance
- Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps. If it is not valid as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/12/2022 at 1:16 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

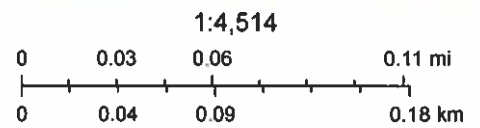
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

**Attachment H: Solid Waste Management  
Facility Map**

# Solid Waste Management Facilities



October 28, 2022



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

## DECinfo Locator Legend (Active Layers)

### Permits and Registrations

-  Hazardous Waste Treatment, Storage & Disposal Facilities
-  Air Facility Registrations
-  Title V Air Facilities
-  Air State Facilities
-  Hazardous Waste Reduction Planning Program Generators
-  Radiation Control Permit Facilities
-  Active Landfills
-  Transfer Facilities
-  Combustion Facilities
-  Household Hazardous Waste Collection Facilities
-  Recyclables Handling and Recovery Facilities
-  Vehicle Dismantling Facilities
-  Scrap Metal Processors
-  Waste Tire Handling and Recovery Facilities
-  Wastewater Facilities
-  Combined Sewer Overflow (CSO) Outfalls
-  Multi-Sector General Permits (MSGP)
-  Petroleum Bulk Storage Facilities
-  Major Oil Storage Facilities
-  Chemical Bulk Storage Facilities
-  Permitted and Reclaimed Mines
-  Oil, Gas and Other Regulated Wells
-  Concentrated Animal Feeding Operations (CAFOs)
-  Water Withdrawal Annual Reports
-  Water Wells
-  Dams
-  Projects of Interest

### Reference Layers

-  DEC Regional Offices
-  County Boundaries

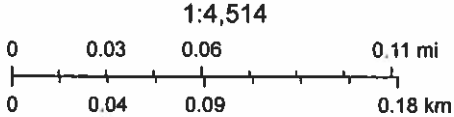


## **Attachment I: Ongoing Remediation Map**

# Environmental Remediation



October 28, 2022



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community. Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

## DECinfo Locator Legend (Active Layers)

### Environmental Cleanup

Remediation Parcels

Remediation Sites

### Reference Layers

DEC Regional Offices

County Boundaries

