

ONEIDA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY



REQUEST TO AMEND PREVIOUSLY SUBMITTED APPLICATION FOR FINANCIAL ASSISTANCE

Oneida County Industrial Development Agency
584 Phoenix Drive
Rome, New York 13441-1405

(315) 338-0393 telephone
(315) 338-5694 fax

Shawna M. Papale, Executive Director

Please also deliver an electronic copy of all.

All applications must be submitted at least 10 days prior to meeting.

Project Name Baggs Square Partners, LLC

Number (to be provided by the agency) _____

Applicant Name Baggs Square Partners, LLC

Date of Original Submission February 7, 2019

Date of AMENDED Submission February 22, 2019

Part II: Project Information

5(a) Explain your project in detail. This description should include explanation of all activities which will occur due to this project. Attach additional sheets if necessary.

Interior demolition of existing walls, floor finishes, ceilings, and mechanical systems. Remove extraneous building additions.

Rebuilding interior, salvaging items with historical significance. New interior framing, drywall, and some hard ceilings. Refinishing the existing hardwood floors. New mechanical systems throughout.

The upper three floors will contain 24 luxury market rate apartments with kitchen cabinets, granite or quartz countertops.

The exterior Broad Street parapet will be rebuilt, the front window walls will be upgraded and replaced, and windows will be added on the East and West elevations and replaced on the South.

The first floor will be developed as office space except for a meeting room and exercise room which can serve both the office tenants and residential tenants.

The exterior parking lots will be upgraded and restriped. The area along Broad Street between 310 and 326 is planned to be converted to green space to soften the area and to serve tenants the ThlNCubator and to enhance the the Broad Street appearance.

Reasons for Project

6(a) Please explain in detail why you want to undertake this project.

We believe the project can be economically advantageous to the developer in 5 to 10 years. We also believe in saving the historic fabric of the city landscape. We also want to give back to our Native Utica.

6(b) Why are you requesting the involvement of the Agency in your project?

The IDA's involvement will provide the economic benefits necessary to complete the project as an historically significant building in a historically significant area. Baggs Square is "critical and important" to the City of Utica.

6(i) Check all categories best describing the scope of the project:

- Acquisition of land
- Acquisition of existing building
- Renovations to existing building
- Construction of addition to existing building
- Demolition of existing building
- Construction of a new building
- Acquisition of machinery and/or equipment
- Installation of machinery and/or equipment
- Other (specify) _____

6(j) Please indicate the financial assistance you are requesting of the Agency, and provide the estimated value of said assistance. Attach a sheet labeled Annual PILOT that shows the annual utilization of the Real Property Tax Abatement by year and by taxing jurisdiction.

	Original Value	Revised Value
<input checked="" type="checkbox"/> Payment In Lieu of Real Property Taxes (PILOT) _____ (Savings due to PILOT)	\$ 1,252,347	\$ 1,252,347
<input checked="" type="checkbox"/> Mortgage Tax Exemption (.75%) Amount of mortgage:	\$ 26,428 \$ 3,525,000	\$ 44,803 \$ 3,525,000 + 2,450,000
<input checked="" type="checkbox"/> Sales and Use Tax Exemption ** (8.75%) Value of goods/services to be exempted from sales tax:	\$ 267,500 \$ 3,056,500	\$ 267,500 \$ 3,056,500
<input type="checkbox"/> Issuance by the Agency of Tax Exempt Bonds (Dollar value of bonds)	\$	\$

Is the financial assistance requested by the Applicant consistent with the IDA's Uniform Tax Exemption Policy? Yes No

If no, please provide a written statement describing the financial assistance being requested and detailing the reasons the IDA should consider deviating from its Policy.

** Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents will include a covenant by the Applicant that the estimate, above, represents the maximum amount of sales and use tax benefit currently authorized by the Agency with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered. It is the responsibility of the applicant to inform the IDA within 10 days if the project amount changes.

Part IX: Estimated Project Cost and Financing -

11(a) List the costs necessary for the construction, acquisition or renovation of the facility.

	Original Budget	Revised Budget	Difference
Acquisition of Land (if vacant)	\$	\$	\$
Acquisition of Existing Building(s)	\$ 150,000	\$ 150,000	\$ 0.00
Renovation Costs of Existing Building(s)	\$ 5,951,059	\$ 5,951,059	\$ 0.00
New Construction of Buildings	\$	\$	\$
Machinery and Equipment (other than furniture costs)	\$	\$	\$
Fixtures	\$	\$	\$
Installation Costs	\$	\$	\$
Fees & Permits (other than your own broker & legal fees)	\$ 37,483	\$ 37,483	\$ 0.00
Legal Fees (IDA legal fees, Applicant legal fees)	\$ 264,200	\$ 264,200	\$ 0.00
Architectural/Engineering	\$ 125,000	\$ 125,000	\$ 0.00
Interest on Financing Charges	\$ 314,000	\$ 355,812	\$ 41,812
Other (specify below)	\$ 545,000	\$ 545,000	\$ 0.00
	Subtotal	\$ 7,386,742	\$ 7,428,554
	Agency Fee¹	\$ 37,050	\$ 37,143
	Total Project Cost	\$ 7,423,791	\$ 7,465,697

¹Agency Fee amount to be placed on this line (see Page 25 of original application for fee schedule)

REPRESENTATIONS AND CERTIFICATION BY APPLICANT

The undersigned requests that the attached materials be submitted as an amendment to the Applicant's original Application for Financial Assistance for review to the Oneida County Industrial Development Agency (the "Agency") and its Board of Directors.

Approval of the modifications to the Application can be granted solely by this Agency's Board of Directors. The Agency reserves the right to request Applicant complete a full Application for Financial Assistance if, after reviewing the attached materials, the Agency determines one is required to properly evaluate the Applicant's request. The undersigned acknowledges that Applicant shall be responsible for all costs incurred by the Agency and its counsel in connection with the attendant negotiations whether or not the transaction is carried to a successful conclusion.

The Applicant further understands and agrees with the Agency as follows:

- 1. Annual Sales Tax Filings.** 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 sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- 2. Annual Employment, Tax Exemption & Bond Status Reports.** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site as well as tax exemption benefits received with the action of the Agency. For Applicants not responding to the Agency's request for reports by the stated due date, a \$500 late fee will be charged to the Applicant for each 30-day period the report is late beyond the due date, up until the time the report is submitted. Failure to provide such reports as provided in the transaction documents will be an Event of Default under the Lease (or Leaseback) Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Annual Employment, Tax Exemption & Bond Status Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
- 3. Absence of Conflict of Interest.** The Applicant has consulted the Agency website of the list of the Agency members, officers and employees of the Agency. No member, officer, or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein after described (if none, state "none"):
- 4. Hold Harmless.** Applicant hereby releases the Agency and its members, officers, servants, agents and employees from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency'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 Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including 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 Agency 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 Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

5. The Applicant acknowledges that the Agency has disclosed that the actions and activities of the Agency are subject to the Public Authorities Accountability Act signed into law January 13, 2006 as Chapter 766 of the 2005 Laws of the State of New York.
6. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL, subject to limited statutory exclusions.
7. The Applicant acknowledges that it has been provided with a copy of the Agency's recapture policy (the "Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.
8. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
9. 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.
10. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
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 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
12. The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material

fact and do not omit to state a material fact necessary to make the statements contained herein not misleading. The Applicant has reviewed its original Application for Financial Assistance and confirms all information provided therein is true and correct, except as modified by the attached materials.

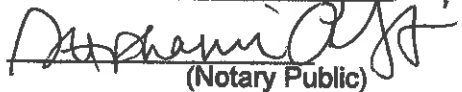
STATE OF NEW YORK)
COUNTY OF ONEIDA) ss.:

GARY THURSTON being first duly sworn, deposes and says:

1. That I am the Member (Corporate Office) of Baggs Square Partners, LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Amendment to Application and the contents of the entire Application as modified by this Amendment to Application are true, accurate and complete.


(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 25th day of February, 2019


(Notary Public)

STEPHANIE A. SMITH
Notary Public, State of New York
No. 01SM4995504
Qualified in Madison County
My Commission Expires April 27, 2022

If the application has been completed by or in part by other than the person signing this application for the applicant please indicate who and in what capacity:

By: _____

Name: _____

Title: _____

Date: _____

Return the original signed and notarized application and two copies to: **Oneida County Industrial Development Agency (OCIDA)**, 584 Phoenix Drive, Rome, New York 13441-1405, Attn.: Shawna M. Papale, Executive Director. In addition, please send an electronic version of the application (signed), and SEQR form (signed), to spapale@mvedge.org.

**PUBLIC HEARING Minutes
Baggs Square Partners, LLC**

**March 21, 2019 9:00 AM
thINCubator
326 Broad Street
Utica, New York**

Present: Michele Albanse, Utica School District (submitted Letter on behalf of the District); Frank DuRoss, MVCC Foundation and Co-Owner of Comets & UFC Soccer; Shawna Papale, Oneida County IDA.

Oneida County Industrial Development Agency held a Public Hearing for Baggs Square Partners, LLC, to enter into a transaction in which the Agency will assist in the acquisition of a .924± acre parcel of land located at 310 Broad Street, City of Utica, Oneida County, New York and the four-story, 70,700± square foot vacant historic industrial building formally known as the ConMed Building. The Public Hearing was opened and all present agreed to waive the reading of the public hearing notice. Ms. Papale reviewed the project. She also reviewed the process if the OCIDA Housing Policy.

The four story will be renovated this year into 24 residential apartment units, 9,000± square feet into commercial/office space, parking lots, green space, infrastructure and amenities following the OCIDA Housing Policy to create a mixed-use building including market rate loft apartments for lease to attract employers and to enhance economic development in the region. The Facility will be initially operated and/or managed by the Bagg Square Partners who will receive PILOT, Sales Tax Exemption and Mortgage Recording Tax.

The School District submitted a letter opposing the PILOT. The public hearing was closed at 9:45 am.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information				
Baggs Square Partners, LLC				
Name of Action or Project: Lofts at 310 Broad Street				
Project Location (describe, and attach a location map): 310 Broad Street				
Brief Description of Proposed Action: Renovating an historic building at that location.				
Name of Applicant or Sponsor: Baggs Square Partners, LLC		Telephone: <small>315 455-5541</small>		
		E-Mail:		
Address: 4828 Cedarvale Road				
City/PO: Syracuse,		State: NY	Zip Code: 13215	
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	YES
			<input checked="" type="checkbox"/>	<input 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:			NO	YES
City of Utica Building Department			<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		.9241 _____ acres		
b. Total acreage to be physically disturbed?		0 _____ acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.4 _____ 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 type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Educational</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?	<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?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____			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 type="checkbox"/>	<input checked="" type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?			<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: _____			<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban				
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?			NO	YES
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood 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,			NO	YES
a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> 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: _____ Utilizing existing facilities _____			<input type="checkbox"/>	<input checked="" 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)? If Yes, explain purpose and size: _____ _____ _____</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? If Yes, describe: _____ _____ _____</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? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Sjavy Thurston, Member</u></p>		<p>Date: <u>2-5-2019</u></p>
<p>Signature: <u>Sjavy Thurston</u></p>		



**Parks, Recreation
and Historic Preservation**

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

June 6, 2017

Sir/Madam
Crane-Balllou/Baggs Square Partners
4828 Cedarvale Road
Syracuse, NY 13215

Re: Baggs Square East Historic District
310 & 326 Broad St; 335 & 325-327 Catherine St;
Utica, NY 13501
Oneida County

Dear Sir/Madam :

Following a detailed review, the State Review Board has recommended to the Commissioner of Parks, Recreation and Historic Preservation, who is the New York State Historic Preservation Officer (SHPO), that the property identified above be listed on the New York State Register of Historic Places and nominated to the National Register of Historic Places.

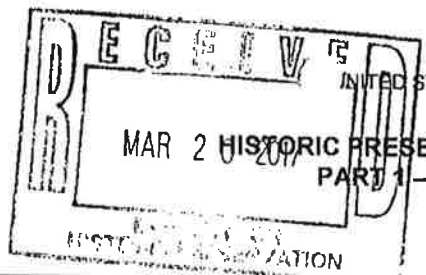
After reviewing the nomination, the SHPO has agreed with the recommendation of the State Review Board and has listed the property on the State Register of Historic Places. We shall now forward the nomination to the Keeper of the National Register in Washington, D. C.

If the Keeper of the National Register approves the nomination, the property will be listed on the National Register. You will be notified when this decision is made.

Information about the results of State and National Register listing were included in our earlier notification letter. If you have any further questions, please contact your field representative Emilie Gould, at the **Division for Historic Preservation**, (518) 268-2201.

Sincerely,

Michael F. Lynch, P.E., AIA
Director, Division for Historic
Preservation



UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

OMB Approved
No. 1024-0009
Form 10-168
Rev. 2014

**HISTORIC PRESERVATION CERTIFICATION APPLICATION
PART 1 - EVALUATION OF SIGNIFICANCE**

35998

Instructions: This page must bear the applicant's original signature and must be dated. The National Park Service certification decision is based on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service.

1. **Property Name** Rathbun Building

Street 310 Broad Street (including 326 Broad Street and 325, 327, and 335 Catherine Street)

City Utica County Oneida State NY Zip 13501

Name of Historic District Bagg's Square East Historic District

National Register district certified state or local district potential district

2. **Nature of request** (check only one box)

- certification that the building contributes to the significance of the above-named historic district or National Register property for rehabilitation purposes.
- certification that the building contributes to the significance of the above-named historic district for a charitable contribution for conservation purposes.
- certification that the building does not contribute to the significance of the above-named district.
- preliminary determination for individual listing in the National Register.
- preliminary determination that a building located within a potential historic district contributes to the significance of the district.
- preliminary determination that a building outside the period or area of significance contributes to the significance of the district.

3. **Project Contact** (if different from applicant)

Name Cynthia Carrington Carter Company Renaissance Studio

Street 219 Crawford Ave. City Syracuse State NY

Zip 13224 Telephone (315) 446-1310 Email Address ccarringtoncarter@verizon.net

4. **Applicant**

I hereby attest that the information I have provided is, to the best of my knowledge, correct. I further attest that [check one or both boxes, as applicable] (1) I am the owner of the above-described property within the meaning of "owner" set forth in 36 CFR § 67.2 (2011), and/or (2) If I am not the fee simple owner of the above-described property, the fee simple owner is aware of the action I am taking relative to this application and has no objection, as noted in a written statement from the owner, a copy of which (i) either is attached to this application form and incorporated herein, or has been previously submitted, and (ii) meets the requirements of 36 CFR § 67.3(a)(1) (2011). For purposes of this attestation, the singular shall include the plural wherever appropriate. I understand that knowing and willful falsification of factual representations in this application may subject me to fines and imprisonment under 18 U.S.C. § 1001, which, under certain circumstances, provides for imprisonment of up to 8 years.

Name Gary Thurston Signature [Signature] Date 3-8-2017

Applicant Entity Baggs Square Partners, LLC SSN _____ or TIN 47-3161772

Street 4828 Cedarvale Road City Syracuse State NY Zip 13215

Telephone (315) 455-5841 Email Address garythurston@hotmail.com

NPS Official Use Only

- The National Park Service has reviewed the Historic Preservation Certification Application - Part 1 for the above-named property and has determined that the property:
 - contributes to the significance of the above-named district or National Register property and is a "certified historic structure" for rehabilitation purposes.
 - contributes to the significance of the above-named district and is a "certified historic structure" for a charitable contribution for conservation purposes.
 - does not contribute to the significance of the above-named district.

Preliminary Determinations:

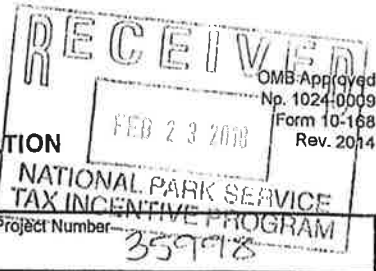
- appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer according to the procedures set forth in 36 CFR Part 60.
- does not appear to meet the National Register Criteria for Evaluation and will likely not be listed in the National Register.
- appears to contribute to the significance of a potential historic district, which will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer.
- appears to contribute to the significance of a registered historic district if the period or area of significance as documented in the National Register nomination or district documentation on file with the NPS is expanded by the State Historic Preservation Officer.
- does not appear to qualify as a certified historic structure.

Date 4/27/17 National Park Service Authorized Signature [Signature] NPS comments attached



UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

HISTORIC PRESERVATION CERTIFICATION APPLICATION
PART 2 - DESCRIPTION OF REHABILITATION



Instructions: This page must bear the applicant's original signature and must be dated. The National Park Service certification decision is based on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service.

1. Property Name Rathbun Building

Street 310 Broad Street

City Utica County Oneida State NY Zip 13501

Name of Historic District Bagg's Square East Historic District

Listed Individually In the National Register of Historic Places; date of listing _____

Located in a Registered Historic District; name of district Bagg's Square East Historic District

Part 1 - Evaluation of Significance submitted? Date submitted March 8, 2017 Date of certification June 27, 2017

2. Project Data

Date of building 1913 Estimated rehabilitation costs (QRE) \$5,804,000
Number of buildings in project 1 Floor area before / after rehabilitation 64,350 / 56,000 sq ft
Start date (estimated) Nov. 2017 Use(s) before / after rehabilitation Bus/Man / Bus/Res
Completion date (estimated) July 2018 Number of housing units before / after rehabilitation 0 / 24
Number of phases in project 1 Number of low-moderate income housing units before / after rehabilitation 0 / 0

3. Project Contact (if different from applicant)

Name Philip Sbarra Company Bonacci Architects pllc
Street 110 Fulton Street City Utica State NY
Zip 13501 Telephone (315) 797-8666 Email Address pss@bonacci-architects.com

4. Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct. I further attest that [check one or both boxes, as applicable] (1) I am the owner of the above-described property within the meaning of "owner" set forth in 36 CFR § 67.2 (2011), and/or (2) If I am not the fee simple owner of the above-described property, the fee simple owner is aware of the action I am taking relative to this application and has no objection, as noted in a written statement from the owner, a copy of which (i) either is attached to this application form and incorporated herein, or has been previously submitted, and (ii) meets the requirements of 36 CFR § 67.3(a)(1) (2011). For purposes of this attestation, the singular shall include the plural wherever appropriate. I understand that knowing and willful falsification of factual representations in this application may subject me to fines and imprisonment under 18 U.S.C. § 1001, which, under certain circumstances, provides for imprisonment of up to 8 years.

Name Gary Thurston Signature [Signature] Date 10/23/2017
Applicant Entity Baggs Square Partners, LLC SSN _____ or TIN 47-316177
Street 4828 Cedarvale Road City Syracuse State NY
Zip 13215 Telephone (315) 455-5941 Email Address garythurston@hotmail.com

Applicant, SSN, or TIN has changed since previously submitted application.

NPS Official Use Only

The National Park Service has reviewed the Historic Preservation Certification Application - Part 2 for the above-named property and has determined that:

- the rehabilitation described herein is consistent with the historic character of the property and, where applicable, with the district in which it is located and that the project meets the Secretary of the Interior's Standards for Rehabilitation. This letter is a preliminary determination only, since a formal certification of rehabilitation can be issued only to the owner of a "certified historic structure" after rehabilitation work is complete.
- the rehabilitation or proposed rehabilitation will meet the Secretary of the Interior's Standards for Rehabilitation if the attached conditions are met.
- the rehabilitation described herein is not consistent with the historic character of the property or the district in which it is located and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation.

5/16/18 [Signature]
Date National Park Service Authorized Signature

NPS conditions or comments attached

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

CONDITIONS SHEET
Historic Preservation Certification Application

Property name: Rathbun Building

Project Number: 35998

Property address: 310 Broad Street, Utica, NY

++

The rehabilitation of this property as described in the Historic Preservation Certification Application will meet the Secretary of the Interior's Standards for Rehabilitation provided that the following condition(s) is/are met:

1. The existing acoustical tile ceiling may be retained, but once it is removed, it cannot be replaced and the original ceiling heights and finishes must be maintained, particularly on the first floor, which does not yet have a tenant, and in public spaces such as lobbies and corridors.
2. The wood flooring contributes to the historic character of the building and must be preserved. If it is deteriorated beyond repair, that condition must be documented prior to replacement. Replacement flooring, where justified, must match the general characteristics of the historic floor.

Approval does not extend to the following work items:

HVAC—no description or plans submitted. New mechanical, electrical, and plumbing systems must be installed in a manner that has minimal effect on the historic character of the building. Systems may be exposed in this building. In order to ensure the installation of the systems meets the Standards, details of the location, size, and concealment or finish of the ductwork and utility lines must be submitted for review.

Floating acoustical panels—no information on design, size or location was submitted.

Date _____ State Historic Preservation Office Signature _____ Telephone Number _____

The National Park Service has determined that this project will meet the Secretary of the Interior Standards for Rehabilitation if the condition(s) listed in the box above are met.

Date 5/16/18 National Park Service Signature  Telephone Number _____

Ruberto, Laura

From: Gary Thurston <GThurston@haynerhoyt.com>
Sent: Wednesday, March 20, 2019 2:52 PM
To: Ruberto, Laura
Cc: Anthony D'Elia; Romano, Linda
Subject: Re: [External] Fwd: Part I and Part II

All requirements of SHPO/NPS are considered in the project I submitted to the IDA.

Gary Thurston, FAIC
Chairman/CEO
The Hayner Hoyt Corporation
625 Erie Boulevard West
Syracuse, New York 13204
(315) 455-5941
Sent from my iPad

On Mar 20, 2019, at 2:20 PM, Ruberto, Laura <RubertL@bsk.com> wrote:

Gary, I'm sorry to belabor this point, but what we are looking for is confirmation from you that the "Project" you submitted to the IDA does, in fact, take into consideration these requirements and that you will do what is required.

Laura S. Ruberto
315.738.1223 Direct

From: Gary Thurston [<mailto:GThurston@haynerhoyt.com>]
Sent: Tuesday, March 19, 2019 3:53 PM
To: Ruberto, Laura
Cc: Anthony D'Elia; Romano, Linda
Subject: RE: [External] Fwd: Part I and Part II

Laura;

The Part II is based on a list of actions to be taken to protect, maintain or to enhance the historic elements and nature of the building. In order to earn the Part III, which triggers a significant investment in the historic tax credits, I must do what is listed.

<image001.png>
Gary Thurston, FAIC
CHAIRMAN/CEO
The Hayner Hoyt Corporation
625 Erie Blvd West, Syracuse, NY 13204
T. 315 455 5941 F. 315 454 8204
HAYNERHOYT.COM

<image002.png>

From: Ruberto, Laura [<mailto:RubertL@bsk.com>]
Sent: Tuesday, March 19, 2019 2:57 PM
To: Gary Thurston

Cc: Anthony D'Elia; Romano, Linda
Subject: RE: [External] Fwd: Part I and Part II

Thanks, Gary. Can you provide a brief detail of how your proposed project is in compliance and consistent with the historic designation? That is the determination that the IDA must make in its SEQR review.

Laura S. Ruberto
315.738.1223 Direct

From: Gary Thurston [<mailto:GThurston@haynerhoyt.com>]
Sent: Tuesday, March 19, 2019 2:55 PM
To: Ruberto, Laura
Subject: [External] Fwd: Part I and Part II

Laura;
Here are the Part I and II submissions and approvals.

Gary Thurston, FAIC
Chairman/CEO
The Hayner Hoyt Corporation
625 Erie Boulevard West
Syracuse, New York 13204
(315) 455-5941
Sent from my iPad

Begin forwarded message:

From: Gary Thurston <GThurston@haynerhoyt.com>
Date: September 19, 2018 at 9:16:02 AM EDT
To: Timothy Lynn <tim@ldts-law.com>
Subject: Part I and Part II

Gary Thurston
Chairman/CEO
The Hayner Hoyt Corporation
625 Erie Blvd West, Syracuse, NY 13204
T. 315 455 5941 F. 315 454 8204
HAYNERHOYT.COM

-----Original Message-----



UTICA CITY SCHOOL DISTRICT
106 Memorial Parkway
Utica, NY 13501

Michele A. Albanese
School Business Official

Ph. (315) 792-2225
Fax. (315) 792-2299
mialbanese@uticaschools.org

March 20, 2019

Shawna Papale
Chief Administrative Officer
Mohawk Valley Edge
585 Phoenix Drive
Rome, NY 13441-4105

Re: Bagg's Square Partners, LLC PILOT

Dear Ms. Papale:

Please be advised that the Utica City School District is opposed to the PILOT regarding the Bagg's Square Partners, LLC.

The Bagg's Square Partners application states they will save \$1,252,347 due to the PILOT.

The District's share of annual taxes of the three entities, school, county, and city, is approximately 43.75 % which would be a loss of approximately \$346,399. The Utica City School District cannot sustain these types of tax losses without severely compromising the educational needs of our students.

Should you have any questions, please feel free to contact me.

Sincerely,

Michele Albanese
School Business Official