

**Counties of Warren and Washington  
Industrial Development Agency**

**Special Meetings Announcement/Agenda**

**Wednesday, May 3, 2023 @ 9:00 am  
at 68 Warren Street, Glens Falls NY**

Members of the public may also listen/view/comment via the livestreaming on YouTube under Warren Washington IDA.

Minutes of this Warren Washington Industrial Development Special Meeting will be transcribed and posted on the WWIDA website.

Agenda

- Call Meeting to Order
- Yankee Boat Application for Assistance
- IDA PARIS Report
- Canalside Master Plan Update
- Flyin Dutch Update
- SunValley Apartments Extension
- Adjournment

**Counties of Warren and Washington Industrial Development Agency**  
**5 Warren Street, Suite 210, Glens Falls, NY 12801 Tel: (518) 792-1312**  
**Email: aweaver@warren-washingtonida.com**

**Section I: Applicant Information**

Please answer all questions. Use "None" or "Not Applicable" where necessary. Return one signed original (with all 19 pages) plus three (3) copies to our Agency with the application fee of \$1,500.00. (A credit of \$750.00 will be applied to closing costs.)

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

Applicant Name: Yankee Marine Group LLC (Operating Entity)  
Applicant Address: 3578 Lake Shore Dr., Lake George, NY 12845  
Phone: O: 518-668-2862 / C:518-339-4566 Fax: 518-668-3899  
Website: www.yankeeboat.com E-mail: andrew@yankeeboat.com  
Federal ID#: 45-0668106

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

What is the name of the Real Estate Holding Company?

Brodie Land Development, LLC

Federal ID#: 04-3679601

State and Year or Incorporation/Organization: New York State, May 16, 2002

List of stockholders, members, or partners of Real Estate Holding Company: \_\_\_\_\_

Robert "Andrew" Brodie, Christina R Brodie

**B) Company Contact for this Application:**

Name: Andrew Brodie  
Title: Owner (Yankee Marine Group & Brodie Land Development)  
Address: 3578 Lake Shore Drive, Lake George, NY 12845  
Phone: 518-339-4566 Fax: 518-668-3899  
E-Mail: andrew@yankeeboat.com

**C) Company Counsel:**

Name of Attorney: Edward Fitzgerald  
Firm Name: McPhillips, Fitzgerald & Cullum, LLP  
Address: 288 Glen St, Glens Falls, NY 12801  
Phone: (518) 792-1174 Fax: 518-792-1675  
E-mail: efitzgerald@mfc LLP.com

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

- 1. Exemption from Sales Tax  Yes or  No
  - 2. Exemption from Mortgage Tax  Yes or  No
  - 3. Exemption from Real Property Tax  Yes or  No
  - 4. Tax Exempt Financing \*  Yes or  No
- \* (typically for not-for-profits & small qualified manufacturers)

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

- Corporation  Partnership
- Public Corporation  Joint Venture
- Sole Proprietorship  Limited Liability Company

Other (please specify) \_\_\_\_\_  
 Year Established: 1967  
 State in which Organization is established: New York

**F) List all stockholders, members, or partners with % of ownership greater than 20%:**

<u>Name</u>	<u>% of ownership</u>
<u>Robert Andrew Brodie</u>	<u>50</u>
<u>Christina Rosa Brodie</u>	<u>50</u>

**G) Applicant Business Description:**

Describe in detail company background, products, customers, goods, and services. Description is critical in determining eligibility: \_\_\_\_\_

~~Family owned and operated, 2nd generation boat dealership and marina operator providing boat sales, service, rentals, storage and parts & accessories sales. New boat brands include Monterey, Nautique, Blackfin and Godfrey Pontoons and we are a full marine service center for Mercury, Mercruiser, Yamaha & PCM engines. Our Lake George marina offers a seasonal fuel dock, ship's store and boat rentals to our local and visiting guests.~~

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Estimated % of sales within County/City/Town/Village: 75

Estimated % of sales outside County/City/Town/Village, but within New York State: 20

Estimated % of sales outside New York State but within the U.S.: 5

Estimated % of sales outside the U.S. 0

(\*Percentage to equal 100%)

**H) What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in County/City/Town/Village. Include list of vendors, raw material suppliers and percentages for each.**

3.75% of all total vendors are sourced within Warren County for a total of \$353,804.  
Total vendor amount includes the cost of new boat inventory and boat rental purchases.

**Section II: Project Description**

**A) Project Location:**

1. Street Address: 2217 Rt. 9N
2. City/Town where located: Lake George
3. Village where located: \_\_\_\_\_
4. School District where located: Lake George
5. Fire District where located: Lake George
6. County where located:  Warren  Washington
7. Tax Parcel Map # for Property where proposed Project will be located: 277.01-1-3

Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?

Yes  No

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

Yes  No

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

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What is the current real estate/school taxes on the proposed Project Site? \$ \$1,080

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

Land: \$ \_\_\_\_\_ Buildings(s): \$ \_\_\_\_\_

➤ *If available please include a copy of current tax bill.*

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

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

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

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

Describe the present use of the proposed Project site: \_\_\_\_\_

Site was a former borrow pit that had grown in. All necessary development approvals were received in fall of 2022 and site work to grade and install stormwater is currently underway.

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

Brodie Land Development, LLC is the owner of the property and has received approvals to develop three (3) 100' X 110' rack storage buildings to store up to 240 boats indoor and 110 boats outdoor. The project is not intended to be used as a retail or service center. Yankee Marine Group is the sole intended tenant and will lease the property to store customer owned boats from nearby lakes, rental boats owned by Yankee, and new and used inventory overflow from Yankee's retail boat sales center.

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

See Attached

**The Project would not be undertaken but for the Financial Assistance provided by the Agency or, if the Project could be undertaken without Financial Assistance provided by the Agency, then the Project should be undertaken by the Agency for the following reasons (attach additional pages if necessary):**

See Attached



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

If we are unable to obtain Financial Assistance for the project it is likely that we do not proceed with the construction of the storage buildings and will use the site for outdoor storage only. We would need to curb planned growth projections for our sales and service department, continue to lay off staff for the winter and continue to store boats outside in shrinkwrap.

C) Will Project include leasing any equipment?  Yes  No  
If Yes, please describe: \_\_\_\_\_

D) Site Characteristics:

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

Describe the present zoning/land use: RCM-S2B Residential Commercial Medium Density

Describe required zoning/land use, if different: \_\_\_\_\_

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

Is the proposed project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?  Yes  No  
If yes, please explain: \_\_\_\_\_

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

F) Have any other studies or assessments been undertaken with respect to the proposed project site that indicate the known or suspected presence of contamination that would complicate the site's development?  
 Yes  No **If yes, please provide copies of the study.**

G) Provide any additional information or details: \_\_\_\_\_

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H) Select Project Type for all end users at project site (more than one can be checked):

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, complete the Retail Questionnaire contained in Section IV of the Application.

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 sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

- |                                  |                                     |                                 |                          |
|----------------------------------|-------------------------------------|---------------------------------|--------------------------|
| Industrial                       | <input type="checkbox"/>            | Back Office                     | <input type="checkbox"/> |
| Acquisition of Existing Facility | <input type="checkbox"/>            | Retail                          | <input type="checkbox"/> |
| Housing                          | <input type="checkbox"/>            | Mixed Use                       | <input type="checkbox"/> |
| Equipment Purchase               | <input type="checkbox"/>            | Facility for Aging              | <input type="checkbox"/> |
| Multi-Tenant                     | <input type="checkbox"/>            | Civic Facility (not for profit) | <input type="checkbox"/> |
| Commercial                       | <input checked="" type="checkbox"/> | Other _____                     | <input type="checkbox"/> |

I) Project Information:

**Estimated costs in connection with Project:**

- |   |                            |
|---|----------------------------|
| 1. Land and/or Building Acquisition:                        | \$ _____                   |
| <u>9.0</u> acres _____ square feet                          |                            |
| 2. New Building Construction: <u>33,000</u> square feet     | \$ <u>2,145,154</u>        |
| 3. New Building Addition(s): _____ square feet              | \$ _____                   |
| 4. Infrastructure Work                                      | \$ <u>589,827</u>          |
| 5. Reconstruction/Renovation: _____ square feet             | \$ _____                   |
| 6. Manufacturing Equipment:                                 | \$ _____                   |
| 7. Non-Manufacturing Equipment (furniture, fixtures, etc.): | \$ _____                   |
| 8. Soft Costs: (professional services, etc.):               | \$ <u>22,400</u>           |
| 9. Other, Specify: <u>Marina Forklift</u>                   | \$ <u>250,000</u>          |
| <b>TOTAL Capital Costs:</b>                                 | <b>\$ <u>3,007,381</u></b> |

**Project refinancing; estimated amount**  
**(for refinancing of existing debt only)**

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

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**Sources of Funds for Project Costs:**

Bank Financing:	<u>\$1,787,381</u>
Equity (excluding equity that is attributed to grants/tax credits)	<u>\$ 1,220,000</u>
Tax Exempt Bond Issuance (if applicable)	\$ _____
Taxable Bond Issuance (if applicable)	\$ _____
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ _____
Identify each state and federal grant/credit:	
_____	\$ _____
_____	\$ _____
_____	\$ _____
<b>Total Sources of Funds for Project Costs:</b>	<b><u>\$ 3,007,381</u></b>

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

If Yes, describe particulars: Land has been purchased, site clearing and grading and stormwater work is currently underway on the site with invoices of \$197,649 paid out to date.

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

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ 1,787,381

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage Amount as indicated above multiplied by .25 %): \$ \$22,342

**Construction Cost Breakdown:**

Total Cost of Construction \$ 2,734,981 (sum of 2,3,4,5, and 7; if 7 is applicable, in Question I, above)

Cost for materials: \$ 1,609,934

% sourced in County/City/Town/Village: 38 %

% sourced in State: 52 % (incl. County/City/Town/Village)

Cost for labor: \$ 524,078

Estimated number of construction jobs for your project: 32



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

\$ 1,609,934

Estimated State and local Sales and Use Tax Benefit (product of 7 % multiplied by the figure, above):

\$ 112,695

*\*\* 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 may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.*

**Real Property Tax Benefit:**

Identify and describe if the Project will utilize a real property tax exemption benefit OTHER THAN the Agency's PILOT benefit: NO

**IDA PILOT Benefit:** Agency staff will indicate the amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit year and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in Section V of the Application.

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

**J)** For the proposed facility, please indicate the square footage for each of the uses outlined below. If company is paying for FFE (furniture, fixtures, equipment) for tenants, please include in cost breakdown.

	Square Footage	Cost	% of Total Cost of Project
Manufacturing/Processing			
Warehouse			
Research & Development			
Commercial	22,000	\$2,734,981	100%
Retail (see page 12)			
Office			
Specify Other			

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**K) What is your project timetable (provide dates):**

1. Start date: acquisition of equipment or construction of facilities: November 2022
2. Estimated completion date of project: October 2023
3. Project occupancy – estimated starting date of operations: October 1, 2023
4. Have construction contracts been signed?  Yes  No
5. Has Financing been finalized?  Yes  No

*If construction contracts have been signed, please provide copies of executed construction contracts and a complete project budget. The complete project budget should include all related construction costs totaling the amount of the new building construction, and/or new building addition(s), and/or renovation.*

**L) Have site plans been submitted to the appropriate planning department?**

Yes  No

If yes, please provide the Agency with a copy of the related State Environmental Quality Review Act (“SEQR”) Environmental Assessment Form that may have been required to be submitted along with the site plan application to the appropriate planning department. Please provide the Agency with the status with respect to any required planning department approval: \_\_\_\_\_

The project has received full approvals from the APA, LGPC and Town of Lake George  
See attached scanned document for copy of APA approvals

Has the Project received site plan approval from the planning department?  Yes  No.

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

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

Is project necessary to retain existing employment:  Yes  No

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**O) Employment Plan (Specific to the proposed project location):**

	Current # of jobs at proposed project location or to be relocated at project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon TWO Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon TWO Years after Project Completion **
Full time (FTE)			2	2
Part Time (PTE)			1	1
Total ***			2.5	2.5

\*\* For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column. The Labor Market Area includes the Counties of Warren and Washington as well as the following Areas: Counties of Saratoga, Essex and Hamilton.

\*\*\* By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the TWO-Year time period following Project completion. Agency staff converts PTE jobs into FTE jobs by dividing the number of PTE jobs by two (2).

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

Category of Jobs to be Retained and Created	Average Salary or Range of Salary	Average Fringe Benefits or Range of Fringe Benefits
Management	\$100,000	\$21,000
Professional		
Administrative	\$65,000	\$13,650
Production	\$75,000	\$15,750
Independent Contractor		
Other		

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Employment at other locations in County/City/Town/Village: (provide address and number of employees at each location):

	Address 3910 Rt. 9N Diamond Pt, NY	Address 3578 Rt. 9N Lake George, NY	Address
Full time	2	11	
Part Time	20	7	
Total	12	14.5	

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

*\*\* If any of the facilities described above are located within the State of New York, and you answered Yes to the question above, you must complete Section IV of this Application.*

*\*\* Please note that the Agency may utilize the foregoing employment projections, among other items, to determine the Financial Assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.*

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

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

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

S) Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?  Yes  No.

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



Section III: Retail Questionnaire

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

Please answer the following:

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

Yes  No. If the answer is yes, please continue. If no, proceed to section V.

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

- B. What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? \_\_\_\_\_%. If the answer is less than 33% do not complete the remainder of the retail determination and proceed to section V.

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

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

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

Yes  No

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

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

Yes  No

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

4. Will the project preserve permanent, private sector jobs or increase the overall number of



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permanent, private sector jobs in the State of New York?

Yes  No.

If yes, explain. \_\_\_\_\_  
\_\_\_\_\_

5. Is the project located in a Highly Distressed Area?  Yes  No

**Section IV: Inter-Municipal Move Determination**

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results 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, Agency Financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

**Will the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?**  Yes  No

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

If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**Within New York State**  Yes  No

**Within County/City/Town/Village**  Yes  No

If Yes to either question, please, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Section V: PILOT Estimate and Benefit Ratio:**

Completed by IDA Staff based upon information contained within the Application and provided to the Applicant for ultimate inclusion as part of this completed Application.

**PILOT Estimate Table Worksheet:**

Dollar Value New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$2,734,981	\$2,822,781	\$3.977	\$1.260	\$6.2433

\*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	50%	\$5,439	\$1,723	\$8,538	\$15,699	\$31,398	\$15,699
2	↓	↓	↓	↓	↓	↓	↓
3	↓	↓	↓	↓	↓	↓	↓
4	↓	↓	↓	↓	↓	↓	↓
5	↓	↓	↓	↓	↓	↓	↓
6	25%	\$8,158	\$2,585	\$12,806	\$23,549		\$2,850
7	↓	↓	↓	↓	↓	↓	↓
8	↓	↓	↓	↓	↓	↓	↓
9	↓	↓	↓	↓	↓	↓	↓
10	↓	↓	↓	↓	↓	↓	↓
TOTAL		\$67,981	\$21,538	\$106,721	\$196,240	\$313,984	\$117,744

Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA's Cost Benefit Software

I, Robert Brodie, have read and reviewed the above information in Section V completed by the WWIDA.

Signature: 

**Percentage of Project Costs financed from Public Sector Table Worksheet:**

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
\$3,007,381	\$117,744	\$112,695	\$22,342	\$0

(Est. PILOT + Est. Sales Tax + Est. Mortgage Tax + Other)/Total Project Costs: 8.4 %

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**Section VI: Representations, Certifications, and Indemnifications**

**\*\* This Section of the Application can only be completed upon the Applicant receiving, and must be completed after the Applicant receives, IDA Staff confirmation that Section I through Section V of the Application are complete.**

Robert Andrew Brodie (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the President / Owner (title) of Yankee Marine Group, LLC & Brodie Land Dev. LLC (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. **Job Listings:** In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- B. **First Consideration for Employment:** In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C. **Annual Sales Tax Filings:** In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant. Copies of all filings shall be provided to the Agency.
- D. **Employment Reports:** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.



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- E. The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide with this Representation, Certification, and Indemnification Form copies of any known environmental reports, including any existing Phase I Environmental Site Assessment Report(s) and/or Phase II Environmental Investigations. The Agency may require the Company and/or owner of the premises to prepare and submit an environmental assessment and audit report, including but not necessarily limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the owner and/or the Applicant. All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-05, and shall be conformed over to the Agency so that the Agency is authorized to use and rely on the reports. The Agency, however, does not adopt, ratify, confirm or assume any representation made within reports required herein.
- F. The Applicant and/or the owner, and their successors and assigns, hereby release, defend and indemnify the Agency from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations, penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants' and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Agency, resulting from or arising out of any inquiries and/or environmental assessments, investigations and audits performed on behalf of the Applicant and/or the owner pursuant hereto, including the scope, level of detail, contents or accuracy of any environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations, and audits.
- G. **Hold Harmless Provision:** The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's bond/transaction counsel whether or not the Application, the proposed Project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and agrees that the Agency shall not be liable for and agrees to indemnify, defend, and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (i) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (ii) the Agency's acquisition, construction and/or installation of the proposed Project described herein; and (iii) any further action taken by the Agency with respect to the proposed Project including, without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency, any mortgage recording tax exemption claimed by the Applicant and approved by the Agency, and/or any real property tax abatement claimed by the Applicant and approved by the Agency, in connection with the Project, may be subject to recapture and/or termination by the Agency under such terms and conditions as will be established by the Agency and set forth in transaction documents to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including

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without limitation information regarding the amount of the New York State and local sales and use tax exemption benefit, the amount of the mortgage recording tax exemption benefit, and the amount of the real property tax abatement, if and as applicable, to the best of the Applicant's knowledge, is true, accurate and complete.

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

I. By executing and submitting this Application, the Applicant covenants and agrees to pay the following fees to the Agency and for the Agency's general counsel and/or for the Agency's bond/transaction counsel, the same to be paid at the times indicated:

(i) An application fee of \$1,500.00 with \$750.00 credited towards future administrative fees;

(ii) Security Deposit: To ensure that the Agency's costs are reimbursed if the project does not proceed, applicant shall pay to the Agency a security deposit equal to one-half of one percent (0.5%) of the cost of the Project or \$10,000.00, whichever is greater. The maximum initial deposit is set at \$25,000.00. Payment shall be made when the Preliminary Agreement is signed.

(iii) Unless otherwise agreed to by the Agency, an Agency fee as follows:

<u>Cost of Project/Amount of Bonds:</u>	<u>Applicable Percentage:</u>
Up to First \$10,000,000	0.90%
For Next \$10,000,000	0.65%
For Next \$30,000,000	0.40%
Portion over \$50,000,000	0.25%

(iv) All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel and/or the Agency's bond/transaction counsel, thus note that the Applicant is entitled to receive a written estimate of fees and costs of the Agency's general counsel and the Agency's bond/transaction counsel; and (2) other consultants retained by the Agency in connection with the proposed project, with all such charges to be paid by the Applicant at the closing.

J. If the Applicant fails to conclude or consummate the necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable proper or requested action, or withdraws, abandons, cancels, or neglects the Application, or if the Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback or lease/leaseback transaction, then, upon the presentation of an invoice, Applicant shall pay to the Agency, its agents, or assigns all actual costs incurred by the Agency in furtherance of the Application, up to that date and time, including but not necessarily limited to, fees of the Agency's general counsel and/or the Agency's bond/transaction counsel.

K. The Applicant acknowledges and agrees that all payment liabilities to the Agency and the Agency's general counsel and/or the Agency's bond and/or transaction counsel as expressed in Sections H and I are obligations that are not dependent on final documentation of the transaction contemplated by this Application.



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- L. The cost incurred by the Agency and paid by the Applicant, the Agency's general counsel and/or bond/transaction counsel fees and the processing fees, may be considered as a cost of the Project and included in the financing of costs of the proposed Project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.
- M. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.**
- N. The Applicant acknowledges that it has been provided with a copy of the Agency's Policy for Termination of Agency Benefits and Recapture of Agency Benefits Previously Granted (the "Termination and Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Termination and Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Termination and Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.
- O. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
- § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- P. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state, and federal tax, worker protection and environmental laws, rules and regulations.
- Q. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- R. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
- S. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this

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Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF NEW YORK        )  
COUNTY OF                ) ss.:

Robert Andrew Brodie, being first duly sworn, deposes and says:

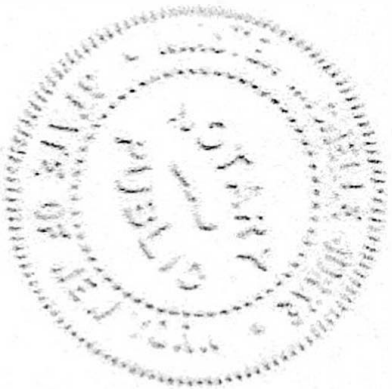
1. That I am the President (Corporate Office) of Yankee Marine Group, LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof and I subscribe and affirm, under penalty of perjury that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

R A B  
(Signature of Officer)

Sworn before me on this 18 day of April, 2023

Kirsten Michelle Burke  
(Notary Public)

KIRSTEN MICHELLE BURKE  
Notary Public, State of New York  
No. 01BU6078227  
Qualified in Warren County  
Commission Expires July 29, 2026



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

Yankee wishes to fulfill a growing need for the local boating community for indoor storage space, free up space at it's retail center to allow for increased boat sales, and create opportunity to keep it's service department productive in the winter months. Indoor storage of boats provides many benefits to the boating community, our competitiveness, the environment and the aesthetics of the Lake George and Adirondack Parks. Indoor storage provides our customer's boats with extra protection from the sun and elements during the winter season as well as from the mildewing effects of shrink wrapping; it also eliminates many dumpsters of shrink wrapping waste annually with no recycling alternatives in our area; it keeps the boats accessible to our service staff throughout the winter, keeping our technicians, detailers, parts staff and service support staff busy and employed during months when access to boats stored outside is restricted by snow and ice; Our customer's boats are able to receive better maintenance, repair and care; It eliminates the sight of 100's of boats in white shrinkwrap visible from our highways.

After a multiple year search to find relatively flat developable land within close enough proximity of our retail and marina operations, Brodie Land Development purchased the land in 2018 from Roaring Brook Ranch and had cost projections made and plans drafted and submitted to the Town of Lake George in the summer of 2019. The project was put on hold for 1 year while the business transfer from Robert & Sheila Brodie to Andrew & Christina Brodie was worked out. In the summer of 2020 the approval process was picked up again and it took over 2 years to receive all approvals from the Town of Lake George, Lake George Park Commission, NYS DOT, NYS DEC and The APA. Final approval from all of the above agencies was received in the fall of 2022. It is worth noting that no variances were sought for this project and no material changes were recommended by any of the above agencies from our original plan during this 2+ year approval process other than the planting of a few more trees.

During the 2+ year multi agency approval process the pandemic occurred and skyrocketing cost hikes in steel, labor and all associated building costs increased steel building costs by nearly 50% from our original estimates in 2019. Our original estimated returns are no longer feasible and my building order has been put on hold until a solution is found that will secure a reasonable return on my investments.

I am seeking The Warren and Washington County IDA's assistance to help return my model to the black so I can proceed in confidence with the development of our boat storage facility. Sales tax and property tax relief would have enough of an impact on my annual operating costs to allow enough of a return to justify my investment.

Adopted May 3, 2023

Introduced by \_\_\_\_\_  
who moved its adoption.

Seconded by \_\_\_\_\_

**RESOLUTION ACCEPTING AN APPLICATION FOR FINANCIAL ASSISTANCE  
SUBMITTED BY YANKEE MARINE GROUP LLC (THE “COMPANY”) RELATING  
TO A CERTAIN PROJECT; AUTHORIZING A PUBLIC HEARING WITH RESPECT  
TO THE PROJECT; AND DESCRIBING THE FINANCIAL ASSISTANCE BEING  
CONTEMPLATED BY THE AGENCY WITH RESPECT TO THE PROJECT**

WHEREAS, Yankee Marine Group LLC, a limited liability company established pursuant to the laws of the State of New York, having an address of 3578 Lake Shore Drive, Lake George, New York (the “Company”) has requested that the Agency provide financial assistance in the form of a partial real property tax abatement, a mortgage recording tax exemption and a sales tax abatement regarding a certain commercial project (the “Project”) to consist of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at 2217 Route 9N in the Town of Lake George, County of Warren, New York and being known as tax map parcel number 277.01-1-3 (the “Land”); (ii) the planning, design, construction, operation and maintenance by the Company of three (3) 100’ x 110’ rack storage buildings for the purpose of storing up to 240 boats indoors and an additional 110 boats in an outdoor area (collectively, the “Improvements”); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the “Equipment” and, collectively with, the Land and the Improvements, the “Facility”); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the “Straight Lease Transaction”), all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, Chapter 862 of the Laws of 1971 of the State of New York (collectively, the “Act”), as amended; and

WHEREAS, Section 859-a of the Act requires that prior to granting financial assistance of more than \$100,000.00 to any project, an Agency must (i) adopt a resolution describing the project and the financial assistance contemplated by the Agency with respect thereto, and (ii) hold a public hearing in the city, town or village where the project proposes to locate upon at least ten (10) days published notice and, at the same time, provide notice of such hearing to the Chief Executive Officer of each affected taxing jurisdiction within which the project is located; and

WHEREAS, the Agency is in the process of reviewing and considering the Company’s Application requesting the Agency to provide financial assistance for the proposed Project (collectively the “Financial Assistance”) in the form of (i) an exemption from all State and local sales and use taxes with respect to qualifying personal property included in and incorporated into the Facility or used in the acquisition, construction or equipping of the Facility, (ii) an exemption

for mortgage recording tax on eligible mortgages and (iii) a partial real property tax abatement through a payment in lieu of tax agreement (the “PILOT Agreement”), pursuant to which the Company would make payments in lieu of real property taxes to each affected tax jurisdiction (the “Affected Tax Jurisdictions”), all of which shall be consistent with the uniform tax exemption policy of the Agency; and

WHEREAS, the Agency desires to (i) accept the Application; (ii) authorize the scheduling and conduct of a public hearing; and (iii) negotiate, but not enter into an Agent Agreement and Project Agreement, pursuant to which the Agency will designate the Company, as its agent for the purpose of acquiring, constructing and equipping the Project, a Lease Agreement, and a Payment in Lieu of Tax Agreement with the Company.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company’s Application, the Agency hereby finds and determines that:

(a) Pursuant to the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Agency has the authority to take the actions contemplated herein under the Act; and

(c) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities in Warren and Washington Counties, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(d) The Project will not result in the removal of a commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the “State”) to another area of the State or result in the abandonment of one or more plants or facilities of the Company; and

(e) The Project is not considered to be a retail project as customers generally visit the project site for sales of goods or services.

2. The proposed financial assistance being contemplated by the Agency includes (i) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included within the Project or used in the acquisition, construction or equipping of the Project in the estimated amount of \$112,695.00 based on purchases in the amount of \$1,609,934.00; (ii) an exemption from mortgage recording tax for qualifying mortgages in the estimated amount of \$22,342.00 based on mortgages in the approximate amount of \$1,787,381.00; and (iii) a partial real property tax abatement through a PILOT Agreement,



pursuant to which the Company would make payments in lieu of real property taxes to the Affected Tax Jurisdictions, for a term of 10 years with an 50% exemption of real property taxes on the value of the improvements for years 1 through 5 and a 25% exemption of real property taxes on the value of the improvements for years 6 through 10. The PILOT has an estimated value of \$117,744.00, based on current figures and calculations prepared by the Agency. The estimated total project cost is \$3,007,381.00.

3. The Chairman, Vice Chairman and/or the Chief Executive Officer of the Agency are hereby authorized, on behalf of the Agency, to cause the issuance of public hearing notices, hold a public hearing in compliance with the Act and negotiate (but not execute or deliver) the terms of (A) the Agent Agreement and Project Agreement, whereby the Agency appoints the Company as its agent to undertake the Project, (B) an underlying Lease Agreement whereby the Company leases the Project to the Agency, (C) a related Lease Agreement conveying the Project back to the Company, (D) a PILOT Agreement, whereby the Company agrees to make certain payments-in-lieu-of real property taxes and (E) related documents; provided (i) the rental payments under the Agent Agreement and Lease Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project.

4. The Agency is hereby authorized to schedule and conduct a public hearing pursuant to Article 18-A of the General Municipal Law and at a date and time determined by the Chairman. The Agency hereby further authorizes the posting and publication of a Notice of Public Hearing for the Project in accordance with the Act and the Agency’s policies and procedures.

5. This resolution shall take effect immediately.

The foregoing resolution was thereupon declared duly adopted.

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF WARREN )

This is to certify that I, Alie Weaver, Records Management Officer for the Counties of Warren and Washington Industrial Development Agency, do hereby certify that the foregoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Counties of Warren and Washington Industrial Development Agency, Glens Falls, New York on the \_\_\_\_ day of \_\_\_\_\_ 2023.

In witness whereof, I have hereto set my hand and affixed the official seal of the Counties of Warren and Washington Industrial Development Agency on this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Alie Weaver  
Counties of Warren and Washington  
Industrial Development Agency

[SEAL]

Adopted May 3, 2023

Introduced by \_\_\_\_\_  
who moved its adoption.

Seconded by \_\_\_\_\_

**RESOLUTION TAKING ACTION EXTENDING THE SALES TAX AUTHORIZATION  
AND PROJECT COMPLETION DATE FOR THE SUN VALLEY APARTMENT  
PROJECT**

WHEREAS, Sun Valley Apartments, LLC (the “Company”), having an address of 23 Rappaport Drive, Lake George, New York 12845, is a limited liability company established pursuant to the laws of the State of New York, and

WHEREAS, the Agency, on behalf of the Company, has undertaken a certain commercial project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in certain real property located at Sun Valley Drive in the Town of Lake George, County of Warren, New York and being known as tax map parcel 264.11-1-37 (the “Land”); (ii) the planning, design, construction, operation and maintenance by the Company of five (5) buildings which include a total of thirty nine (39) apartment units intended for year round occupancy (collectively, the “Improvements”); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the “Equipment” and, collectively with, the Land and the Improvements, the “Facility”); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the “Straight Lease Transaction”), all pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, Chapter 862 of the Laws of 1971 of the State of New York (collectively, the “Act”), as amended; and

WHEREAS, under the “Act”, the Legislature of the State of New York has granted the Agency the power and authority to undertake the Project; and

WHEREAS, the Agency named the Company agent for the purpose of undertaking and developing the Project and, effective June 6, 2022, issued an IDA Appointment of Project Operator or Agent (NYS ST-60) and its Letter of Authorization for Sales Tax Exemption to the Company (the “Exemption Letter”); and

WHEREAS, the Agency and the Company entered into a Lease Agreement and related documents all dated as of June 6, 2022 in regard to the Project and the Company is not in default of any of the terms thereof; and

WHEREAS, due to a reevaluation of the Project status by the Company and supply chain delays and inability to secure construction materials, the Company has requested that the Agency extend the sales tax authorization and project completion date to December 31, 2023; and

WHEREAS, the Agency has reviewed information needed to make a determination regarding the request of the Company.

NOW, THEREFORE, BE IT RESOLVED:

1. That it is in the best interest of the Agency to complete the Project as described above.
2. That the Agency hereby authorizes the following: the extension of the sales tax authorization and project completion date to December 31, 2023.
3. That the Agency hereby approves of the amendments to any of the closing documents to effectuate this resolution and authorizes that any necessary amendments be properly filed with the NYS Department of Taxation and Finance.
4. That the Agency shall require the Company to pay the Agency's administrative fee in the amount of \$300.00 and any legal fees or expenses incurred as a result of the granting of the requests approved herein.
5. That the Agency hereby authorizes the Chairman and/or Chief Executive Officer to execute any and all documentation necessary to effectuate the terms of this resolution.
6. That this resolution shall take effect immediately.

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

[INSERT ROLL CALL VOTE]

The foregoing resolution was thereupon declared duly adopted.