



**NOTICE OF PUBLIC HEARING AND
NOTICE OF CONTEMPLATED DEVIATION**

October 10, 2018

VIA CERTIFIED MAIL

To: The Attached List of Affected Tax Jurisdictions

***Re: Genesee County Industrial Development Agency d/b/a Genesee County
Economic Development Center (the "Agency") and Ellicott Station LLC (the
"Company")***

Notice of Public Hearing and Notice of Contemplated Deviation

Ladies and Gentlemen:

On Tuesday, October 23, 2018, at 4:00 p.m., local time, at Batavia City Hall, City Council Board Room, One Batavia City Centre, Batavia, New York 14020, the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") will conduct a public hearing (the "Public Hearing") regarding the Project described below. Attached is a copy of the Notice of Public Hearing describing the Project and the financial assistance being contemplated by the Agency. The Notice of Public Hearing has been submitted to *The Daily News* for publication.

You are welcome to attend such Public Hearing at which time you will have an opportunity to review the Project application and present your views, both orally and in writing, with respect to the Project. We are providing notice of the Public Hearing to you pursuant to Section 859-(a) of the General Municipal Law ("GML") of the State of New York (the "State"), as the chief executive officer of an affected tax jurisdiction within which the Project is located.

Please also accept this letter as a notice - pursuant to Section 874(4)(b) of the GML of the State - of the Agency's consideration of a deviation from its Uniform Tax Exemption Policy and Guidelines (Revised July 2016) (the "Policy") with respect to a payment in lieu of tax agreement (the "Proposed Tax Agreement") to be entered into by and between the Agency and Ellicott Station LLC (the "Company") in connection with the Project.

Genesee County Economic Development Center
99 MedTech Drive, Suite 106, Batavia, New York 14020
Phone: 585-343-4866 Fax: 585-343-0848
Email: gcedc@gcedc.com Web: www.gcedc.com
The GCEDC / GGLDC is an equal opportunity provider & employer

The Company has submitted an application (the "Application") to Agency requesting that the Agency provide certain financial assistance to the Company in connection with a certain project (the "Project") consisting of: (A) the acquisition or retention by the Agency of a leasehold interest in certain land located at 40-52 Ellicott Street, City of Batavia, Genesee County, New York (being more particularly described as tax map identification number 84.015-1-2) and at 56-70 Ellicott Street, City of Batavia, Genesee County, New York (being more particularly described as tax map identification number 84.015-1-5) and the existing improvements located thereon, consisting principally of a warehouse and an one-story building (the "Existing Improvements"); (B) (i) the renovation and equipping of approximately 16,965 square-feet of the Existing Improvements into a locally themed restaurant and production brew-house facility, event space, and outdoor beer garden and (ii) the construction and equipping on the Land of an approximately 65,296 square-foot, five-story building, containing approximately fifty-five (55) mixed-income multifamily residential apartments with covered ground-floor parking and on-site playground and (iii) related improvements and infrastructure (collectively, the "Improvements"); (C) the construction and equipping on the first floor of the Improvements of approximately 16,850 square-feet of Class A multi-tenant commercial office building; and (D) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility"), all as more fully detailed in the Company's Application on file with the Agency.

Pursuant to the Application, the Company has requested the Agency to enter into the Proposed Tax Agreement, the terms of which will deviate from the Policy. The Proposed Tax Agreement deviates from the Policy as result of the contemplated thirty (30) year tax abatement term with respect to the mixed-income multifamily residential apartments.

Pursuant to Section 858(15) of the GML, payments under the Proposed Tax Agreement will be allocated among the affected tax jurisdictions in the percentage of real property tax and other taxes which would have been received by each affected tax jurisdiction had the Facility not been tax exempt due to the status of the Agency.

This correspondence is being sent to you for purposes of complying with Section 874 of the GML, which requires written notice prior to the Agency taking final action with respect to the Proposed Tax Agreement, which may deviate from the provisions of the Agency's Policy.

In support of the proposed deviation and in compliance with the Policy, the Agency may consider the following factors prior to approving the proposed deviation:

1. The Project will have a positive financial and employment impact on Genesee County and downtown Batavia.
2. The Project will benefit affected tax jurisdictions and the community with increased tax revenues and other development projects that will be undertaken as a result of the Project.
3. The Company has represented that approximately 16 new full-time and approximately 145-170 temporary construction jobs will be created as a result of the Project.

4. The Project will offer needed housing stock as part of its workforce development and overall economic development plan for Genesee County.
5. The Company has represented that it will invest approximately \$20,000,000 to construct and equip the Project.
6. The Company may pursue the Project in other surrounding states or municipalities if the Proposed Tax Agreement is not approved.

Very truly yours,

GENESEE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY, d/b/a
GENESEE COUNTY ECONOMIC
DEVELOPMENT CENTER

List of Affected Taxing Jurisdictions

County of Genesee

Via Certified Mail

No. 91 7199 9991 7039 2613 9068

Genesee County Manager
Old Courthouse
7 Main Street
Batavia, New York 14020

Via Certified Mail

No. 91 7199 9991 7039 2613 9051

Chair of Genesee County Legislature
Old Courthouse
7 Main Street
Batavia, New York 14020

City of Batavia

Via Certified Mail

No. 91 7199 9991 7039 2613 9044

City of Batavia
Attn: City Council President
One Batavia City Centre
Batavia, New York 14020

Via Certified Mail

No. 91 7199 9991 7039 2613 9037

City of Batavia
Attn: City Manager
One Batavia Centre
Batavia New York 14020

Batavia City School District

Via Certified Mail

No. 91 7199 9991 7039 2613 9020

Batavia City School District
Attn: Superintendent
260 State Street
Batavia, New York 14020

Via Certified Mail

No. 91 7199 9991 7039 2613 9013

Batavia City School District
Attn: President, Board of Education
260 State Street
Batavia, New York 14020

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") on Tuesday, October 23, 2018, at 4:00 p.m., local time, at Batavia City Hall, City Council Board Room, One Batavia City Centre, Batavia, New York 14020, in connection with the following matter:

Ellicott Station Development LLC, for itself or on behalf of an entity formed or to be formed (the "Company"), has submitted an application, as amended (the "Application") to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (A) (i) the renovation and equipping of approximately 16,965 square-feet of the Existing Improvements into a locally themed restaurant and production brew-house facility, event space, and outdoor beer garden and (ii) the construction and equipping on the Land of an approximately 65,296 square-foot, five-story building, containing approximately fifty-five (55) mixed-income multifamily residential apartments with covered ground-floor parking and on-site playground and (iii) related improvements and infrastructure (collectively, the "Improvements"); (C) the construction and equipping on the first floor of the Improvements of approximately 16,850 square-feet of Class A multi-tenant commercial office building; and (D) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility").

The Agency will acquire title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions and a mortgage recording tax exemption consistent with the policies of the Agency, and a partial real property tax abatement.

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

Dated: October 13, 2018

By: GENESEE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY D/B/A
GENESEE COUNTY ECONOMIC
DEVELOPMENT CENTER