The Brownfield Opportunity Area Program Determination of Conformance Application Form

Applicability/Purpose: This application should be used to request a Determination of Conformance from the Secretary of State for a project located on a real property site that is (1) enrolled in and subject to the remediation requirements of the Brownfield Cleanup Program (BCP) as determined by the Department of Environmental Conservation (DEC), and located within a designated Brownfield Opportunity Area (BOA) that has been designated by the Secretary. Eligible taxpayers of a real property site, or the agent(s) of an "eligible taxpayer," must complete this application before applying to the New York State Department of Taxation and Finance to claim up to 5% increase of the tangible property tax credit for expenditures related to a qualified site pursuant to §21 of the New York State Tax Law.

This application may be submitted at any time after DEC has issued a BCP Final Decision Document approving a Remedial Work Plan as described in section 375-3.8(g) of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR §375-3.8(g)) for the real property site proposed for development.

Please do not complete this application if you wish to claim tax credits for expenditures related to these other components of the brownfield redevelopment tax credit: (1) site preparation and cleanup tax credit component, and (2) on-site groundwater remediation tax credit component. New York State Department of Taxation and Finance can provide more information on how to apply for these two tax credit components of the brownfield redevelopment tax credit.

Section 1: Applicant/Requestor Information

Is the Requestor the Property Owner? [ ] YES or [ ] NO

Name of Requestor: Binghamton Northside Limited Partnership

Address: 4549 Main Street, Suite 100, Amherst, NY 14226

Phone: (716) 839-0549

Email: bruce@3ddevelopment.com

Name and Contact Information of Authorized Representative (if different):
Bruce Levine

Name and Contact Information of Property Owner (if different):

Section 2: Brownfield Cleanup Program (BCP) Application Information

A. BCP Project Site Number: C704058

B. Date that the DEC executed the Brownfield Cleanup Agreement (BCA) for the project: April 18th, 2017
The Brownfield Opportunity Area Program Determination of Conformance Application Form

C. Provide date of the Final Decision Document: March 7th, 2017
   (Attach Final Decision Document for the DEC BCP site per application instructions DOS-2015-INST.)

D. Has DEC issued a Certificate of Completion (COC) for the BCP site?
   □ YES (If yes, date of COC: ____________________________) or □ NO

Section 3: Property Information

A. Proposed Project Name: Canal Plaza

B. Address/Location: 435 State Street
   City/Town/Village and Zip: Binghamton, NY 13901
   Municipality(ies): Binghamton
   County(ies): Broome County

C. Size of Site to be Developed (acres): 2.857

D. Tax map information for all tax parcels included within the project boundaries. Attach required maps per the application instructions.
   144.82-1-9

Section 4: Brownfield Opportunity Area (BOA) Information

A. Name of Designated BOA: North Chenango River Corridor BOA

B. Municipality or municipalities, including any county, in which the BOA is located. If more than one, list all.
   Binghamton, NY Broome County

C. Is the proposed development located on a Strategic Site as described in the BOA Nomination document?
   □ YES or □ NO If yes, list the page(s) in the BOA Nomination where this information is referenced:

<table>
<thead>
<tr>
<th>Strategic Site Information</th>
<th>BOA Nomination Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Included in BOA Core Area and located in the Stow Plaza Strategic Site</td>
<td>Figure 14 - Pg. 47</td>
</tr>
</tbody>
</table>
The Brownfield Opportunity Area Program Determination of Conformance Application Form

Section 5: Project Information

A. Project Narrative. Describe the proposed development, including location, uses and density, site layout and relationship of development to surrounding uses. (Attach additional sheets if necessary.)

Canal Plaza is a new construction mixed-use, 48-unit apartment complex providing affordable housing to an underserved population in the Binghamton MSA, to be located at 435 State Street, Binghamton (Broome County) NY, 13901 (SBL #144,82-1-9). The location is in the northern portion of the City of Binghamton, on the west side of State Street. The project will feature 14,515 sq./ft. of commercial space on the first floor that will be utilized by community service organizations and commercial businesses.

Twelve units are being set aside for persons diagnosed with serious mental illness (SMI) who will receive supportive services and project based rental assistance by Catholic Charities Supportive Scattered Site Housing Program funded by the NYS Office of Mental Health. Thirty-six units are non-special needs. Twelve units are targeted for persons at or below 30% AMI, 12 are targeted for persons at or below 50% AMI, and 24 are targeted for persons at or below 60% AMI.

The project consists of one, four-story building with an area of 65,276 sq./ft.. There are two elevators servicing 36 one-bedroom and 12 two-bedroom apartments. The residential portion is 49,408 sq./ft. and represents approximately 75.7% of the space. Each residential floor will have a common laundry room. There will also be a community room which could serve as a shelter-in-place area for residents during a severe weather event. Additional amenities include a playground, sitting area and garden. A surface lot will have 122 parking spaces. 48 spaces will be for tenant use only. The remaining spaces will be for use by the Commercial tenant(s) and visitors.

The location is part of a walkable community, on a regularly scheduled bus route, with existing utility infrastructure. The property is serviced by BC Transit and uses Route 40 to access the Transportation Center in downtown Binghamton, which then provides access to most other bus routes. Broome County Lift ADA Paratransit is an alternative service for disabled persons unable to use the regular bus.

There is an active neighborhood retail sector including medical, pharmacy, and dry good. This project is seen as an economic development catalyst that has the potential to generate new investment in the neighborhood. The site is within a Qualified Census Tract (3600700005.00), a locally designated redevelopment area, a CDBG Low-Moderate Income Area, an Environmental Zone (EN-Zone), a designated Brownfield Opportunity Area (BOA), a Local Waterfront Revitalization Plan Area, and is HUBZone Qualified.

B. List of maps and documents attached to the application: (Refer to Instructions DOS-2045-INST.)

☑ Property base map
☑ Site plan
☑ Renderings
☐ Other (Describe: ____________________________)

DOS-2045-f-a (Rev. 07/16)
Section 6. Project Conformance to Criteria

A. How are the uses proposed for the site consistent with the vision statement, goals and objectives for revitalization as described in the BOA plan? (Attached additional sheets if necessary.)

North Chenango River Corridor Brownfield Opportunity Area

The Canal Plaza project perfectly aligns with the objectives and vision that have been presented for the North Chenango River Corridor in the BOA Nomination Study. The study states that the city and its residents hope for development in this specific area to address the need for housing and a grocery store. The Canal Plaza project includes commercial space dedicated for an independent grocery store to service the community. Additionally, the project also responds to the significant need for affordable housing in the Greater Binghamton Area by providing 48 affordable units in the project.

The study also stated that residents of the area were hoping for investment that would benefit all affected stakeholders. Considering that this project is transforming a vacant parcel into a vibrant, tax generating mixed-use structure, providing affordable housing and other amenities to the community, this project will add value to the community and should positively impact property values of the surrounding parcels.

B. How are the density and configuration of the proposed development and associated buildings and structures consistent with the objectives, desired redevelopment, and priorities for investment as stated in the BOA plan? (Attach additional sheets if necessary.)

Canal Plaza was designed with a number of neighborhood challenges in mind. The BOA plan describes the vision that residents have for the North Chenango River Corridor. Canal Plaza was designed to bring this vision to fruition. Firstly, the North Chenango River Corridor is suffering from a short supply of street oriented retail. Canal Plaza was designed with retail on the ground floor to add vibrancy to the neighborhood and to offer other easily accessible essential services to the low-income neighborhood. The first floor commercial space has plenty of windows to provide a high level of visibility for pedestrians. Secondly, the area has suffered from a low supply of quality affordable housing due to the lack of investment in the area over the years. Canal Plaza adds 48 high quality, affordable units to one of the most in need neighborhoods in the city. Lastly, the construction of Canal Plaza required the cleanup of a large brownfield that has not been on the tax rolls for over 10 years. The BOA plan calls for this type of infill development to clean up parcels and fill empty space in the neighborhood.

Canal Plaza was designed, as infill development, to be integrated into the comprehensive BOA plan for the area and to confront a number of the challenges that the neighborhood currently faces. This development will positively contribute to the continued transformation of the North Chenango River Corridor into what residents have always envisioned for the neighborhood.
The Brownfield Opportunity Area Program Determination of Conformance Application Form

C. Please explain whether zoning and other land use regulations are applicable to your proposed development and if such applicable zoning or other land use regulations are set forth or proposed in the related BOA Nomination(s). How does the proposed development comply with the zoning and other land use regulations that were provided for or proposed in the BOA Nomination (if applicable)? (Attach additional sheets if necessary.)

The parcel on which the Canal Plaza project is located must abide by the regulations set forth in the zoning code for the C-1 Service Commercial zone. The C-1 Service Commercial zone allows a mixture of commercial service, storage, and light industrial activities (as well as any uses listed under the R-3 Residential District zoning).

Canal Plaza is a mixed-use structure that consists of 48 apartments and 14,515 sq./ft. of commercial space. This design aligns with the regulations set forth by the City of Binghamton's zoning code, as well as the land-use patterns suggested in the North Chenango River Corridor BOA Nomination Study. After submitting this project to the City of Binghamton, the project was granted approval of a Site Plan and Special Use Permit on November 14th, 2016.

Once complete, Canal Plaza will aid the City of Binghamton in building the momentum needed to radically transform the North Chenango River Corridor BOA into a "recreational hub for Binghamton". Canal Plaza is helping build momentum by kickstarting the objectives set forth in the "Potential Development Phasing" section. The objectives of phase 1 are to improve the streetscapes of the area and create a more pedestrian friendly environment that is capable of driving investment, to rehabilitate the surrounding buildings and parcels to attract retail that "draws residents and area workers to the plaza and riverfront", and to enhance the riverfront amenities.

Canal Plaza aligns with these objectives by adding much needed vibrancy to a current vacant parcel. The addition of 48 apartment units will attract more people to the area and could lead to the attraction of more retail to the area. The addition of a neighborhood grocery store also has the potential to bring in residents from outside of the community to shop.

Additionally, Canal Plaza aligns with phase two and phase three that focus more on infill development (which Canal Plaza is) and "developing neighborhood retail and in-fill".

Section 7: Municipal Notification

For each municipality receiving notification, provide contact information and date the application was sent.
(Attach proof of delivery as per instructions DOS-2045-INST.)

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Mailing Address</th>
<th>Date Application Sent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Binghamton, NY</td>
<td>38 Hawley Street, Binghamton, NY 13901</td>
<td>12-18-18</td>
</tr>
</tbody>
</table>

DOS-2045-f-a (Rev. 07/16)
The Brownfield Opportunity Area Program Determination of Conformance Application Form

Statement of Certification and Signatures

(By requestor who is an individual)

I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable under law, which may include punishment as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Signature: __________________________

Print Name: __________________________

Date: __________________________

(By a requestor other than an individual)

I hereby affirm that I am __________________________ (title) managing general partner of __________________________ (entity);

that this application was prepared by me or under my supervision and direction. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable under law, which may include punishment as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Signature: __________________________

Print Name: __________________________

Date: __________________________

SUBMISSION INSTRUCTIONS

Submit one (1) hard copy of this completed application form with original signatures and all required attachments. In addition, transmit one (1) complete electronic copy of the completed application with all required attachments in Portable Document Format (PDF). The hard copy documents, together with a thumb drive, compact disk (CD), or DVD containing the electronic PDF copy of the completed application, should be sent to:

Honorable Rossana Rosado
Secretary of State
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
Attn: BOA Program

DOS-2045-f-a (Rev. 07/16)