

## **RESOLUTION # 1 OF 2010**

WHEREAS, pursuant to Chapter 57 of the Laws of 2009 and the bylaws of the Empire Zone Designation Board (“the Board”), the Board is authorized to review the written submissions of businesses appealing the revocation of their certifications by the Commissioner of Economic Development (the “Commissioner”) pursuant to GML §959(w);

WHEREAS, pursuant to GML §959(w), businesses appealing the revocation of their certification by the Commissioner were required to indicate to the Board that they would be appealing this determination by sending a written notice to the Board of such appeal no later than fifteen (15) business days from the date of the Commissioner’s revocation notification and then follow up within sixty (60) days of the date of Commissioner’s revocation notification with a written submission explaining why their certification should be continued;

WHEREAS, the Board has received and reviewed the notices of appeals, and, where provided, written submissions by businesses whose certification was revoked by the Commissioner because they failed to provide economic returns to the state in the form of total remuneration to their employees (i.e. wages and benefits) and investments in their facility greater in value to the tax benefits they used and had refunded to them pursuant to GML §959(a)(v)(6).

WHEREAS, under GML §959(w), the Board shall consider the explanation provided by the business enterprise, but shall only reverse the determination to revoke the business enterprise's certification if the Board unanimously finds that there was sufficient evidence presented demonstrating that the Commissioner's finding, with respect to subparagraph six of paragraph (v) of subdivision (a) of this section, was in error;

THEREFORE, BE IT RESOLVED, that the Board, after careful consideration of the documentation presented by companies listed in Appendix A of this resolution, has determined that such companies listed in Appendix A of this resolution have not provided sufficient evidence to demonstrate that the Commissioner’s finding with regard to revocation under GML §959(a)(v)(6) was in error and therefore the Commissioner’s determination to revoke the empire zones certification of these firms is upheld and the companies listed in Appendix A shall not have their certification reinstated.

## APPENDIX A

Resolution # 1 of 2010  
Company Name

111-117 Business Park Realty Corp.  
1256 Hertel Associates, LLC  
1801 Sixth Avenue, LLC  
201 Sawmill River Road Dev. Co  
2301 Jerome Avenue Realty Corp.  
231 Hawthorne Ave., LLC  
299 Meserole Corp.  
3339 Park, LLC  
350 Gerard Ave. Corp.  
390 Riverdale Avenue Corp.  
450 S. Salina Street Partnership  
453, LLC  
579 So. Broadway Realty  
600 Erie Place, LLC  
600 Erie PlacePartnership II, LLC  
728 East Realty Corp.  
819 Yonkers Ave. Realty Corp.  
870 Nepperhan Avenue, LLC  
Alan I. Byer Grantor Trust  
Alpha 2000, LLC  
Atom Holdings, Ltd.  
BCK Properties, LLC  
BDG Gotham Plaza, LLC  
Bergchester Corp.  
Broadway Arcade LLC  
Bronx South Realty, LLC  
Carpe Diem Realty of Poughkeepsie, LLC  
Center Armory Associates, LLC  
Clark Trading Corporation  
Con AGG Recycling Real Estate, LLC  
Coolidge Salina Street, LLC  
Dan DiMarino  
Daniel G. Hickey & Robert W. Finn  
Dunkirk Power, LLC  
DuRoss Realty Corp.  
Elmira ASC Management, LLC  
Erie Boulevard Hydro Power, LP  
Four Star Realty Corp.  
Gottlieb & Deitchman Realty, Inc.

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Greece Town Mall, L.P.  
Gregory Beobide  
Hast Properties Co.  
Hiawatha Assoc., LLC  
James Square Associates  
J-P Group, LLC  
Juno's Glass, LLC  
Kelly-Duke, Inc  
Laurel Street Associates  
Macabe Family Development, LLC  
Macabe Family Development, LLC.  
Mark & Scott Vrancich  
Midland Realty Associates, Inc.  
Miter Realty Corp.  
Molly II, Inc.  
Morris Builders, LP  
New Hope Mills Manufacturing, Inc.  
Office Building Associates, LLC  
OHM, LLC  
Orion Development RA L, LLC  
Oswego Harbor Power, LLC  
P.N.S., LLC  
PAR-K Properties of Fulton, LLC  
Pascaler Enterprises, LLC  
PDJ Simone Realty, L.P.  
Persico Realty Corp.  
Pioneer Fulton Shopping Center, LLC  
PJ Associates, LP  
Plainview Associates - Elmira, LLC  
POTSDAM ASSOCIATES  
Poughkeepsie Properties, LLC  
Pur Energy I, LLC  
Q Ford Management, LLC  
R & M Associates, LLC  
Rago Syracuse Corp.  
Regal Buick Properties, LLC  
Rojan Realty  
S & T Bronx Realty, LLC  
Saboy, LLC  
Simone Development Co., LLC

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Company Name

Simone Development Company, LLC

Sixty Road Associates, L.P.

Skyway Properties, LLC

SL & D Properties, LLC

South Fulton Corp.

The Hague Corporation

Third National Associates Group

Third National Associates, LLC

Toby Peck, LLC

Two Chickens Realty Coop. , LLC

Ulster Business Complex, LLC

Waterfront Associates, LLC

WL, LLC

Zeller Properties, LLC