City of Utica
Industrial Development Agency
Application

The information required by this form is necessary to determine the eligibility of your project for IDA benefits. Please answer all questions; insert "NONE", or "NOT APPLICABLE", where necessary. If an estimate is given, put "EST." after the figure. Attach additional sheets if more space is needed for a response than is provided. Return three copies of this application to the City of Utica Industrial Development Agency.

Once submitted with the IDA, this Application becomes public information and will be published on the IDA's website. If the applicant deems any information requested to be exempt from FOIL, please answer the question "CONFIDENTIAL" and submit the information on a separate attachment marked confidential and provide the statutory exemption

A project financed through this Agency involves the preparation and execution of significant legal documents. Please consult with an attorney before signing any documents in connection with the proposed project.

PART I
Applicant

Applicant's legal Name: AFP 101 Corp.

Principal Address: 9 Park Place
Great Neck, NY 11021

Project Address: 200 Genesee Street
Utica, NY 13502

Telephone Number(s): 516-466-6464

Federal Identification Number: 20-3810163

Company IRS Filing Office Location: _____

Company Officer completing this application:

Name: Ben Zimmerman

Title: Vice President & CFO

Phone: 631-662-2745 cell 516-466-6464 office

Email: bzimmerman@unitedcapitalcorp.net

1. A. **Is the applicant a:**

(x) Corporation: If YES, Public ( ) Private (x)
If a PUBLIC Corporation, on which exchange is it listed? _____

( ) Limited Liability company - multi-member
( ) Limited Liability company - single member
members name: _____
( ) Sole Proprietorship
( ) Partnership
( ) Subchapter S
( ) DISC
( ) Other (specify) _____

B. State of incorporation/organization, if applicable: Nevada

2. **Stockholders, Directors, Officers, Partners or Members**

A. Provide the following information in regard to principal stockholders or parties:

Name	Home Address	Percentage of Ownership
United Capital Corp.	9 Park Place, Great Neck, NY 11021	100%

B. Provide the following information in regard to officers and directors:

Company Officer	Name and Home Address	Other Principal Business Affiliation
Michael Weinbaum	12 Vista Drive, Great Neck, NY	N/A
Michael Lamoretti	152A West Shore Road, Great	N/A
Ben Zimmerman	9 Humming Lane, Commack, N	N/A

C. Is the applicant or any of the persons listed in 2(A) above related, directly or indirectly, to any other entity by more than 50% common ownership? If also, indicate name of such entity and the relationship.

N/A

D. Is the applicant affiliated with any other entity, directly or indirectly, other than as indicated in response to paragraph C above? If YES, please indicate name and relationship of such other entity and the address thereof:

N/A

3. **Applicant's accountant**

Name and Title: Shawn Anderson - Principal

Name of Firm: BakerTilly

Address: 1500 RXR Plaza - West Tower
Uniondale, NY 11556

Telephone Number: 631-719-3280 Email: shawn.anderson@bakertilly.com

4. **Applicant's attorney**

Name and Title: Andrew Kasman - General Counsel

Name of Firm: United Capital Corp

Address: 9 Park Place
Great Neck, NY 11021

Telephone: 516-466-6464 Email: akasman@unitedcapitalcorp.net

5. **References** (Individuals and institutions in this section may be contacted)

A. Banking/Financial Institution:

Name of Institution	Address and Phone Number	Account Officer/ Contact Person
Flagstar Bank	53 North Park Avenue, Suite	Subreena Nauth
Flagstar Bank	53 North Park Avenue, Suite	Tracey Mahoney
Flagstar Bank	53 North Park Avenue, Suite	Donna Wilkins

B. Business suppliers (list three largest accounts)

Name of Supplier	Address and Phone Number	Account Officer/ Contact Person
Sysco Syracuse	800-797-2627	Kyle Gyurko
TK Elevator Corporation	972-963-5200	
US Foods, Inc	800-732-1732	Paul Gallo

C. Major customers (list three largest)

Name of Customer	Address and Phone Number	Account Officer/ Contact Person
Ernst & Young		Nilesh Doctor
Mohawk Valley Health		Ally Hyde
Team Health		Rena Abraham

6. **Business Description**

A. Describe nature of business and principal products and/or services:

The subject is a hotel owner/operator of the Delta by Marriott Utica in Utica, NY.

B. Describe the geographical market(s) served:

The hotel services the greater Utica metropolitan and surrounding area.

7. **Present location(s) of business operations**

A. List present location(s):

1. 200 Genesee Street, Utica, NY 13502
2.
3.

B. For what purpose is each of these used?

1. The location is a Delta by Marriott Utica.
2.
3.

C. For each of your present locations which are RENTED, provide the following information:

D.

	Name of Landlord	Landlord's Address	Landlord's Telephone Number
1.	N/A		
2.			
3.			

	Amount of Space	Annual Rental	Lease Termination Date
1.	N/A		
2.			
3.			

E. For each of your present locations which you OWN, provide the following information:

	Location	Annual Mortgage Payment	Termination Date
1.	200 Genesee Street, Utica	$614,469	06/06/2030
2.			
3.			

F. List which of your present locations, if any, will be vacated if IDA approval for your project is given:

None

If any of these locations will be sublet or sold, provide information concerning your ability to do so:

N/A

PART II

Reasons for Project

Please explain in detail why you want to undertake this project and define scope of project:

The property is a hotel in downtown Utica. It will be undergoing a soft goods renovation in accordance with its Marriott franchise requirements commencing in June 2027 for completion by December 2027. The renovations include upgrades to the Guest Rooms and Bathrooms, Corridors and Lobby, all Public Meeting spaces, the restaurant and exercise facility, such as new bedding, carpeting, rugs, artwork, furnishings, lighting and wall coverings. Additionally, we plan repair and paint our exterior facade and perform an elevator modernization.

Why are you requesting the involvement of the IDA in your project?

The total cost of the renovation project is $4.9 million and there will be times where certain floors will be offline while renovations are on-going. The costs of the project coupled with times of lost revenue make partnering with the IDA crucial. We have had success in the past partnering with the IDA and believe it's the best avenue for cost relief while maintaining our same employment levels during the renovation.

How will the applicant's plans be affected if IDA approval is not granted?

The Hotel would still undergo renovations but we would evaluate whether certain improvements could be postponed while still meeting our Marriott franchise requirements, because it would be cost prohibitive.

Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?

☐ Yes or ☒ No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

The hotel ownership would need to prioritize whether certain improvements could be postponed or eliminated if it didn't receive Financial Assistance becuase it could be cost prohibitive.

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

1. Exemption from Sales Tax X Yes or ____ No
2. Exemption from Mortgage Tax ____ Yes or X No
3. Exemption from Real Property Tax ____ Yes or X No
4. Tax Exempt Financing * ____ Yes or X No

* (typically for not-for-profits & small qualified manufacturers)

A. **Type of Project**

Check category or categories best describing your project (O - Owner) and all end-users (T – Tenant(s)) and the square footage of each:

	Manufacturing	sf
	Industrial (Assembly or Service)	sf
	Research and Development	sf
	Warehousing	sf
	Commercial	sf
	Pollution Control	sf
	Housing	sf
	Back Office	sf
	Facility for Aging	sf
	Multi-Tenant	sf
O	Retail	48,000 sf
	Recreational	sf
	Other (specify)	sf
	Total	48,000 sf

B. **Description of Proposed Project**

Check all appropriate categories which apply to the proposed project:

1. Acquisition of land	YES( )	NO(x)
2. Acquisition of existing building	YES( )	NO(x)
3. Renovations to existing building	YES(X)	NO( )
4. Construction of addition to existing building	YES( )	NO(x)
5. Demolition	YES( )	NO(x)
6. Construction of a new building	YES( )	NO(x)
7. Acquisition of machinery and/or equipment	YES(X)	NO( )
8. Installation of machinery and/or equipment	YES(X)	NO(x)
9. Other (specify) _____	YES( )	NO(x)

C. What is the zoning classification of the proposed site?

CBD

D. For what purpose was the site most recently used (e.g. light manufacturing, heavy manufacturing, assembly, etc.)?

Hotel

E.

Location(s)	Street Address	Number of Floors/ SF/floor
Delta by Marriott Utica	200 Genesee Street, Utica	7 Floors including a lower le

F. Is the site in a former Empire Zone? (X) Yes ( ) No

Is the business Empire Zone certified at this location: ( ) Yes (X) No

Will the project contain an on-site Child Care component? ( ) Yes (X) No

Is the proposed project located within the boundary of a Central New York Regional Transportation (Centro) District? (X) Yes ( ) No

G. 1. Please describe in detail the facility to be acquired, constructed or renovated (including number of buildings and other existing structures or facilities) and attach plot plans, photos or renderings, if available.

The property is the Delta by Marriott Utica on Genesee Street and it will be undergoing a soft goods renovation in accordance with its Marriott franchise requirements. We will also be painting and repairing our exterior facade and performing an elevator modernization.

2. If construction or renovation work on this project has already begun, please describe the work in detail.

Work has not commenced yet.

3. What is the estimated useful life of the:

a. Facility: 20 years remaining useful life

b. Equipment: 3 to 5 years

H. List the principal items or categories of equipment to be acquired as part of the project.

Furniture & Fixtures, wall coverings, rugs, soft goods, artwork and lighting.

I. If any of this equipment has already been purchased or ordered, please attach all invoices and purchase orders and list amounts paid and dates of expected delivery as well as a brief description:

N/A

J. If the construction or operation of the proposed project will require any local ordinance or variance to be obtained or requires a permit or prior approval of any state or federal agency or body (other than normal occupancy/construction permits), please specify:

N/A

K. Will the project have a significant effect on the environment, YES (X) NO ( ). If YES, please describe the effect. **Important: please attach Environmental Assessment Form to this Application**

N/A

L. Will a related real estate holding company, partnership or other entity be involved in the ownership structure of the Transaction? YES ( ) NO (X) If YES, please explain:

M. 1. With regard to the present owner of the project site, please give:

Name: AFP 101 Corp

Address: 9 Park Place

Great Neck, NY 11021

Telephone Number: 516-466-6464

2. If the applicant already owns the project site, indicate:

a. date of purchase: 5/15/2007

b. purchase price: 15,338,360

3. If the project site is mortgaged, please indicate:

a. balance of mortgage: 6,839,147.97

b. holder of mortgage: Trimont

N. Is there a relationship, legally, by virtue of common control, or through related persons, directly or indirectly, between the applicant and the present owner of the project site?
YES (X) NO ( ) If YES, please explain:

The applicant is a wholly owned subsidiary of AFP Hospitality Corp.

which is100% owned by United Capital Corp.

O. Is the company currently a tenant in the building to be occupied?

YES ( ) NO (X)

P. Are you planning to use/develop the entire proposed facility?

YES (X) NO ( )

If NO, give the following information with respect to present tenants:

1. Present Tenant Information

a.

Name of Business	Floors Occupied	Square Feet Occupied	Nature of Tenant's Business
N/A			

b. Which of the above tenants will be vacating upon your initial use of the facility? How many jobs will be affected?

Name of Firm	Jobs	Square Footage Now Occupied
N/A		

c. For those tenants who will remain after your initial occupancy of the site, provide the following transaction:

Name of Tenant	Term of Lease	Renewal Options	Square Footage Now Occupied
N/A			

Are any of the above tenants related to the owner of the facility? YES ( ) NO ( )

d. If the applicant will be occupying the premises of any of the tenants listed in (c) when their lease expires, please list.

N/A

e. Please provide copies of all present lease(s) at the proposed project site.

f. Do you propose to lease part of the project facility to firms not presently tenants?

YES ( ) NO (X) If YES, provide details of your proposals:

_____

_____

_____

_____

g. Will the project result in either (a) the removal of an industrial or manufacturing plant of any project occupant from one area of the state to another area of the state, or (b) in the abandonment of one or more plants or facilities of any project occupant located within the state? YES ( ) NO (X)

If the answer is YES, please explain briefly the reasons for the move.

_____

_____

_____

Is the proposed project reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the State of New York?
YES ( ) NO (X)

Is the proposed project reasonably necessary to preserve the competitive position of the project occupant in its respective industry? YES (X) NO ( )

h. If any of the parties who will be tenants in this project are related to or affiliated with the applicant, please identify them:

N/A

_____

_____

_____

1. Please attach any written agreements (e.g., options, purchase contracts, invoices, etc.) concerning the acquisition of the real property or equipment for this proposed facility.

2. Employment *

a. List your present employment in the City of Utica, if any, and an estimate of the employment at the proposed facility at the end of two years. NOTE: New York State considers Full Time employment as 35 hours or more. Full-time jobs, plus the combination of two or more part-time jobs that, when combined together, constitute the equivalent hours of a full-time position (35 or more hours).

Employment	Current # of applicant's jobs at/or to be located at proposed project location	Number of FTE jobs to be RETAINED	Number of FTE jobs to be CREATED two years after project completion	Estimate number of residents in Labor Market Area that will fill projected jobs two years after project completion
Full-Time (FTE)	45	45	0	0

The Labor Market Area consists of the following counties: Oneida, Lewis, Herkimer, Otsego, Madison and Oswego

b. Characterize the labor force to be associated with this project location according to the following categories:

Category	Current/ Anticipated	Avg Salary or Salary Range	Avg Fringe Benefits or Range
Officers			
Sales/Supervisory	8	60,744	15,186
Clerical	6	30,630	7,657
Plant/Production	31	37,965	9,491
Other (specify)			

Notes:

c. Estimate the Annual Payroll for the employees associated with the project location.

Currently	End of Year One	End of Year Two
$ 41,247	$ 43,309	$ 45,475

*** Company/Applicant will be required to submit Annual Project Monitoring Reports (attached) along with a copy of the NYS 45 (four quarters) for a minimum of five (5) years for any commercial project and ten (10) years for any industrial/manufacturing project, or for the length of UIDA involvement in the project. Annual Project Monitoring Reports will be compared to employment counts as stated above and companies whose reported counts fall below those levels above will be subject to the Agency's Recapture Provisions Policy.**

Sources of Funds for Project Costs:

		% of Total project costs
Bank Financing:	$ 0	
Equity (excluding equity attributed to grants/tax credits)	$ 4,902,767	100
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:

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

Total Sources of Funds for Project Costs:	$ 4,902,767	100

Have any of the above costs been paid or incurred as of the date of this Application?

( ) Yes (■) No. If Yes, describe particulars: _____

_____

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): $ 0

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage Amount as indicated above multiplied by 0.75%): $ 0

Please Note: The New York State General Municipal Law was recently amended to reflect that industrial development agencies are not exempt from the additional mortgage recording tax of .25% that is assessed to properties that are located within a regional transportation district. Oneida County is located within the Central New York Regional Transportation District; as such, all UIDA projects will be exempt from .75% of mortgage recording tax, but must pay .25% of mortgage recording tax, which will be directed to the Transportation District.

3. Estimated Project Cost

Listed the costs necessary for the construction, acquisition or renovation of the project (this should NOT include working capital needs, moving expenses, work in progress, stock in trade, applicant's debt repayment, real estate broker fees or your legal fees):

Acquisition of Land	$_____
Acquisition of Building(s)	$_____
Renovation Costs	$368,200
New Construction of Buildings	$_____
Machinery and Equipment (taxable) (other than furniture costs)	$_____
Machinery and Equipment (non-taxable)	$_____
Furniture and Fixtures	$4,534,567
Installation Costs	$_____
Architectural/Engineering Fees	$_____
Fees (other than your own counsel and brokerage fees)	$_____
Interest on Interim Financings	$_____
Other (specify) _____	$_____
_____	
Total Project Cost	$4,902,767

UIDA Agency Fee $_____ (to be computed by UIDA)

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:

$4,902,767

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):

$429,000

4. Real Estate Taxes

List separately the proposed project's Real Estate Taxes and/or Assessed Value as it applies to land and building:

Project's	Real Estate Taxes	Assessed Value
Land(s)	$ 0	$ 0
Building(s)	$ 209,668.80	$ 6,600,000
Total	$ 309,668,80	$ 6,600,000

Calculate the value of the PILOT exemption anticipated for the project described:

$ 0

5. Project Schedule

Indicate the estimated dates for the following:

a. Construction commencement: June 2027

b. Construction completion: December 2027

c. Project financing: List the dates and in what amounts the estimated funds will be required:

The project will be financed with owner's equity.

d. Indicate the name of the incorporated municipality in which the facility will be located and the applicant's (or any related entity's) estimated capital expenditures in such municipality during the past three years:

$443,480.00

e. What do you expect the applicant's (or any related entities) capital expenditures to be in the above municipality during the next three years (including this project):

$5,500,000.00

f. If the applicant or any related entity has previously secured the benefit of tax exempt financing in the City of Utica, whether through IDA, the New York Job Development Authority or any other entity, please explain (indicate date, location of financed facility, and outstanding balance):

The applicant had previously had a 5 year PILOT program, and was the beneficiary of a prior sales tax exemption program.

g. Has the applicant or any related entity received the benefit of tax exempt financing anywhere within the United States within the past 90 days or is the applicant or any related entity contemplating the receipt of such financing assistance within the next 90 days? YES ( ) NO (✓) if YES, please explain.

6. Project Financing Efforts

IT IS THE APPLICANT'S RESPONSIBILITY TO SECURE A PURCHASER FOR IDA BONDS ISSUED IN CONJUNCTION WITH THIS PROJECT. Below are a series of questions relating to your efforts to secure financing for your project if IDA approval is granted.

A. Has the applicant contacted any bank, financial/lending institution or private investor in regard to the financing for this project? YES ( ) NO (x) If YES, please give details:

B. Have you obtained a financial commitment for this project? YES ( ) NO (x)

1. If YES, please briefly describe this commitment and attach related correspondence:

_____

_____

_____

2. If NO, please explain how you will be able to finance this project:

We will be financing the project with Owner's equity.

_____

_____

C. Are there any other governmental agencies that you have contacted concerning financial assistance in regard to your proposed project? YES ( ) NO (x) If YES, please explain:

_____

_____

_____

_____

_____

D. 1. Will the applicant's obligations be guaranteed, and if so, by whom?

No

2. Is the guarantor related to or affiliated with the applicant?

N/A

E. Financial Information (Attach the Following).

1. Financial Statements for the last three fiscal years.

2. Pro forma Balance Sheet as at start of operations at project site.

3. Projected Profit and Loss Statements for first two years of operation at project site.

4. Projected "Cash Flow" Statement, by quarters, for first year of operation at project site.

REPRESENTATIONS AND CERTIFICATION BY APPLICANT

The undersigned requests that this Application be submitted for review to the City of Utica Industrial Development Agency (the "Agency") and its Board of Directors.

Approval of the Application can be granted solely by this Agency's Board of Directors. 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 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 benefits received with the action of the Agency. 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 Employment 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.

13. Applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. Applicant further acknowledges and understands that you have certain obligations as related thereto pursuant to Section 224-a(8)a) of the New York Labor Law.

STATE OF NEW YORK)

) ss.:

COUNTY OF ONEIDA

BEN Zimmerman, being first duly sworn, deposes and says:

1. That I am the Vice President (Corporate Officer) of AEP 101 Corp (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 Application and the contents of this Application are true, accurate and complete.

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 13th day of July, 2026.

Andrew T Kasman

ANDREW T. KASMAN
Notary Public, State of New York
No. 02KA4842323
Qualified in Suffolk County
Commission Expires September 30, 2029

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 application materials with a check in the amount of $300.00 made payable to: 'Utica Industrial Development Agency', 1 Kennedy Plaza, Utica, New York 13502, Attn.: Jack N. Spaeth, Executive Director.

UTICA INDUSTRIAL DEVELOPMENT AGENCY
COST/BENEFIT ANALYSIS
Required by §859-a(3) of the
New York General Municipal Law

TO BE ATTACHED TO AND MADE PART OF APPLICATION TO THE AGENCY

Name of Applicant: AFP 101

Address of Project: 200 Genesee Stree, Utica

Description of Project:
The hotel will be undergoing a soft good renovation in accordance with its Marriott Franchise requirements, including upgrades to the guestrooms and bathrooms, corridors and lobby, all public meeting spaces, and restaurant and exercise facility. Additionally, we plan to repair and paint our exterior facade, and peform and elevator modernization. The total cost of the renovation is estimated at $4.9 million.

Name of all Sublessees or Other Occupants of Facility:
There are 4 small retail spaces leased to the following tenants: Business Training Institute, Bradley & Bradley Real Estate, Bella Bridal and Frank Vita Men's Clothier.

Principals or Parent Company of Applicant:
Michael Weinbaum - President, Michael Lamoretti - Vice President, Ben Zimmerman - Vice President

Principals of any Sublessee or Occupant:
N/A

Product/Services of Applicant:
Hotel Owner / Operator

Estimated Completion Date of Project: December 2027

Type of Financing/Structure:

_____ Tax-Exempt Financing
_____ Taxable Financing
_____ Lease/Leaseback, Sale/Leaseback
X Other

Explain: Sales Tax Exemption

Types of Benefits Expected to Receive:

____ Tax-Exempt Bonds

X Sales Tax Until Completion Date

____ Mortgage Tax Abatement

____ Real Property Tax Abatement

Project Costs - Capital Investment

Land	$ _____	Cost per Acre $ _____
Existing Building	$ _____	
Rehab of Existing Building	$ 1,961,107	
Construction of New Building	$ _____	Cost per Sq Ft $ _____
Addition or Expansion	$ _____	Cost per Sq Ft $ _____
Engineering and Architectural Fees	$ _____	
Equipment (detail below)	$ 2,941,660	
Legal Fees		
Bank, Bond, Transaction, Company, Credit Provider, Trustee	$ _____	
Finance Charges		
Title Insurance, Environmental Review, Bank Commitment Fee, Appraisals, etc.	$_____	
TOTAL COST OF PROJECT	$ 4,902,767	

Type of Equipment to be Purchased

Furnishings, fixtures and equipment in connection with the renovation of the Delta by Marriott - Utica Hotel, as well as work on exterior facade and elevator modernization

Grants or Loans expected to be received (by who and amount)

N/A $ _____

$ _____

$ _____

Company Information

Existing Jobs 45

Created Jobs (by year 3) 0

Retained Jobs 45

BENEFITS

Taxable Goods and Services

		Spending Rate		Wages		Expenditures		Sales Tax Rate		State/ Local Sales Tax Revenues
Direct Jobs										
	Created	36.0%	x		=		x	8.75%	=	
45	Existing	36.0%	x	1,872,209	=	673,995	x	8.75%	=	58,975
Indirect Jobs										
	Created	36.0%	x		=		x	8.75%	=	
	Existing	36.0%	x		=		x	8.75%	=	
25	Construction	36.0%	x	1,250,000	=	450,000	x	8.75%	=	39,375
(see below)	Totals			3,122,209		1,123,995				98,350

x 3 years = 295,050

Real Property Taxes

Local (3 year) real property tax benefit (assuming 50 % of jobs existing and created own a residence with an average assessment of $ 75,000 and the remainder of jobs existing and created pay real property taxes through rent based on an average assessment per apartment of $ 25,000

Current tax rate = 71.25 per $1000 of AV

Real Property Taxes Paid $ 486,282

3 Yr Comparative Benefits $ 781,332

COSTS

Real Property Taxes Abated on Improvements only (3-year period) $ 0

Mortgage Tax Abated $ 0

Estimated Sales Tax Abated During Construction Period $ 429,000

3 Yr Comparative Costs **$** 429,000

Calculation of Construction Jobs: Total project hard construction costs x .45 = Total Labor Costs / Construction term (in months) = Labor costs per month / $3,750 (approx. average construction salary of $45,000 per year / 12 months) = Number of construction employees. Use the Total Labor Costs as Construction Wages above.

City of Utica Industrial Development Agency
One Kennedy Plaza, Utica, New York 13502

RETAIL DETERMINATION

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 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 or ☐ No. If the answer is yes, please continue.

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? 100% %
If the answer is less than 33% do not complete the remainder of the retail determination.

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

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

2. Is the Project location or facility likely to attract a significant number of visitors from outside the City of Utica?

☒ Yes or ☐ 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 or ☐ 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 permanent, private sector jobs in the State of New York?

☒ Yes or ☐ No.

If yes, explain The renovations are needed for the hotel to remain competitive in its market and ensure the retention of its full staff of employees.

5. Is the project located in an area that has been designated an Empire Zone? ☒ Yes or ☐ No

The undersigned hereby certifies that the information contained in this Retail Determination is true, accurate and complete.

Print Name of Applicant: AFP 101 Corp

Print Name of Authorized Representative: Ben Zimmerman

Title: Vice President

Signature: _____

Date: _____

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

AFP 101 Corp

Name of Action or Project:

Delta by Marriott Utica

Project Location (describe, and attach a location map):

200 Genesee Street, Utica, NY 13502

Brief Description of Proposed Action:

The property is a hotel in downtown Utica. It will be undergoing a soft goods renovation in accordance with its Marriott franchise requirements commencing in June 2027 for completion by December 2027. The renovations include upgrades to the Guest Rooms and Bathrooms, Corridors and Lobby, all Public Meeting spaces, the restaurant and exercise facility, such as new bedding, carpeting, rugs, artwork, furnishings, lighting and wall coverings. Additionally, we plan to repair and paint our exterior facade and perform an elevator modernization. The total costs of the renovation project is $4.9 million.

Name of Applicant or Sponsor:	Telephone: (516) 466-6464
AFP 101 Corp.	E-Mail: bzimmerman@unitedcapitalcorp.net

Address:

9 Park Place

City/PO:	State:	Zip Code:
Great Neck	New York	11021

	NO	YES
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.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3. a. Total acreage of the site of the proposed action? approx 2 acres
   b. Total acreage to be physically disturbed? _____ acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? approx 2 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☑ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☐ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
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
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☑
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☑

	NO	YES
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
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____	☐	☑

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____	☐	☑

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☑	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☑	☐

	NO	YES
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?	☑	☐
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: _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☑ Urban ☐ Suburban

	NO	YES
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?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☑	☐
If Yes,		
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe:		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	☑	☐
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:	☑	☐
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:	☑	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Ben Zimmerman Date: August 11, 2026

Signature: Ben Zimmerman Title: Vice President

PRINT FORM