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 Na	me:	
Principal Address:		
·		
Project Address:		
Telephone Number	(s):	
Federal Identificatio	n Number:	
Company IRS Filing	Office Location:	
Company Officer co	empleting this application:	
Name:		
Title:		
Phone:	cell	office
Email:		

	Is the applicant a:		
		'ES, Public() Private() poration, on which exchange is it lis	sted?
	() Sole Proprietors () Partnership () Subchapter S () DISC () Other (specify) _	hip	
B.	State of incorporation	on/organization, if applicable:	
	Stockholders, Dire	ectors, Officers, Partners or Mem	<u>ibers</u>
A.	Provide the followin	g information in regard to principal	stockholders or parties:
	<u>Name</u>	Home Address	Percentage o <u>Ownership</u>
_			
_			
В.	Provide the followin	g information in regard to officers a	and directors:
	Company Officer	Name and Home Address	Other Principal Business Affiliation

any other entity by more than 50% common entity and the relationship.	ownership? If also, indicate name of such
Is the applicant affiliated with any other e indicated in response to paragraph C aborelationship of such other entity and the add	ove? If YES, please indicate name and
Applicant's accountant	
Name and Title:	
Name of Firm:	
Address:	
Telephone Number:	
Applicant's attorney	
Name and Title:	
Name of Firm:	
Address:	
Telephone:	Email:
	Is the applicant affiliated with any other elindicated in response to paragraph C aborelationship of such other entity and the add Applicant's accountant Name and Title: Name of Firm: Address: Telephone Number: Applicant's attorney Name and Title: Name of Firm: Address:

Is the applicant or any of the persons listed in 2(A) above related, directly or indirectly, to

C.

5.	References (Individuals and institutions in this section may be contacted)					
	A.	Banking/Financial Ir				
		Name of Institution	Address and Phone Number	Account Officer/ Contact Person		
	В.	Business suppliers	(list three largest accounts)			
		Name of <u>Supplier</u>	Address and Phone Number	Account Officer/ Contact Person		
_						
	C.	Major customers (list three largest)				
		Name of Customer	Address and Phone Number	Account Officer/ Contact Person		
_						
6.		Business Descript	<u>ion</u>			
	A.	Describe nature of I	ousiness and principal products	and/or services:		

	В.	Describe the geographical market(s) served:			
7.		Present location(s) of bus	siness operations		
	A.	List present location(s):			
		1			
		2.			
		3.			
	B.	For what purpose is each o			
		1			
		2			
		3.			
	C.	For each of your present loc	ations which are <u>RENTED</u> , prov	vide the following information:	
	D.	Name of Landlord	Landlord's Address	<u>Landlord's</u>	
				Telephone Number	
		1.			
		2.			
		Amount of Space	Annual Rental	Lease Termination Date	
			<u>Annual Nortal</u>	Lease Termination Date	
		1.			
		2			
		3.			

Location	Annual Mortgage Payment	Termination Date
1.		
2.		
3.		
given:	t locations, if any, will be vacated if IDA a	
If any of these locations vido so:	will be sublet or sold, provide information	concerning your ability t

<u>PART II</u>

Reasons for Project

Please explain in detail why you want to undertake this project and define scope of project:
Why are you requesting the involvement of the IDA in your project?

How	v will the applicant's plans be affected if IE	DA approval is not granted?
	ase confirm by checking the box, below, if t for the Financial Assistance provided by t	there is likelihood that the Project would not be undertaken he Agency?
	☐ Yes or ☐ No	
	•	ancial Assistance provided by the Agency, then provide a ting why the Project should be undertaken by the Agency:
Ider	tify the assistance being requested of the	e 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 * * (typically for not-for-profits & small quality)	Yes or No ualified 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:

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

B. <u>Description of Proposed Project</u>

Check all appropriate categories which apply to the proposed project:

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

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

	Location(s)	Street Address	Number of Floors/ SF/f	
		123 Hotel St 137 Hotel St	4-48,000 3 - 12,000	
Is th	e site in an Empire	e Zone?()Yes()No		
Is th	e business Empire	e Zone certified at this location:	() Yes () No	
Atta	ch a copy of the las	st Business Annual Report filed	i.	
ls th	ne proposed projec	ct located within the boundary	of a Central New York Reg	
Trar	nsportation (Centro	b) District? () Yes (() No	
1.	Please describe	e in detail the facility to be a	cquired, constructed or renov	
	(including number of buildings and other existing structures or facilities) and atta			
	plot plans, photo	os or renderings, if available.		
2.	If construction or the work in deta	r renovation work on this project	has already begun, please des	
	the work in deta	311.		
	What is the estir	mated useful life of the:		
3.	What is the estil			
3.	a. Facility:			

and	ny of this equipment has already been purchased or ordered, please attach all in purchase orders and list amounts paid and dates of expected delivery as well as cription:
	e construction or operation of the proposed project will require any local ordina
	ance to be obtained or requires a permit or prior approval of any state or federal a body (other than normal occupancy/construction permits), please specify:
	the project have a significant effect on the environment, YES () NO ().
	S, please describe the effect. Important: please attach Environmental Assessn m to this Application
Will	a related real estate holding company, partnership or other entity be involved
the	ownership structure of the Transaction? YES () NO () If YES, please
exp	lain:

	* * 1 (1	regard to the present owner of the project site, please give:
Nam	e: _	
Addr	ess: _	
	_	
Telep	ohone	Number:
2.	If the	e applicant already owns the project site, indicate:
	a.	date of purchase:
	b.	purchase price:
3.	If the	e project site is mortgaged, please indicate:
	a.	balance of mortgage:
	b.	holder of mortgage:
direc	tly or i	relationship, legally, by virtue of common control, or through related persons ndirectly, between the applicant and the present owner of the project site? IO () If YES, please explain:
Is the	e com	pany currently a tenant in the building to be occupied?
	•	pany currently a tenant in the building to be occupied? NO ()
YES	()	

If NO, give the following information with respect to present tenants: 1. Present Tenant Information a. Name of Floors Square Feet Nature of Tenant's Business **Business** Occupied Occupied Which of the above tenants will be vacating upon your initial use of the facility? How many b. jobs will be affected? Square Footage Now Occupied Name of Firm Jobs C. For those tenants who will remain after your initial occupancy of the site, provide the following transaction: Renewal Name of Term of Square Footage **Options** Tenant Lease Now Occupied

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

If the applicant will be occupying the premises of any of the tenants listed in (c) when their

lease expires, please list.

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

d.

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2. Employment *

a. List your present employment in the City of Utica, if any, and an estimate of the employment at the <u>proposed facility</u> 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)				

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			
Clerical			
Plant/Production			
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
\$	\$	\$

^{*} 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:	\$	
Equity (excluding equity attributed to grants/tax credits)	\$	
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:	\$	
Have any of the above costs been paid or incurred as of	the date of this Ap	pplication?
☐ Yes ☐ No. If Yes, describe particulars:		
Mortgage Recording Tax Exemption Benefit: Amount of mortgage recording tax:	of mortgage that w	vould be subject to
Mortgage Amount (include sum total of construction/perma	anent/bridge finan	cing): \$
Estimated Mortgage Recording Tax Exemption Benefit (pr	oduct of mortgage	e \$

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	\$
New Construction of Buildings	\$
Machinery and Equipment (taxable) (other than furniture costs)	\$
Machinery and Equipment (non-taxable)	\$
Furniture and Fixtures	\$
Installation Costs	\$
Architectural/Engineering Fees	\$
Fees (other than your own counsel and brokerage fees)	\$
Interest on Interim Financings	\$
Other (specify)	\$
Total Project Cost	\$
	goods and services that are subject to State and trom the Agency's Sales and Use Tax exemption
Estimated State and local Sales and Use Tax Eabove):	Benefit (product of 8.75% multiplied by the figure
, \$	

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)	\$	\$
Building(s)	\$	\$
Total	\$	\$

Cal		he value of the PILOT exemption anticipated for the project described:
5. <u>Proje</u>	ct Sche	<u>edule</u>
	Indi	cate the estimated dates for the following:
	a.	Construction commencement:
	b.	Construction completion:
	C.	Project financing: List the dates and in what amounts the estimated funds will be required:
	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:
	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):

	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):
	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. <u>Project</u>	Financ	sing Efforts
	BON	THE APPLICANT'S RESPONSIBILITY TO SECURE A PURCHASER FOR IDA DS ISSUED IN CONJUNCTION WITH THIS PROJECT. Below are a series of tions relating to your efforts to secure financing for your project if IDA approval is ed.
		applicant contacted any bank, financial/lending institution or private investor in regard cing for this project? YES () NO () If YES, please give details:
		

	1.	If YES, please briefly describe this commitment and attach related corres	oonde — —
	2.	If NO, please explain how you will be able to finance this project:	
		any other governmental agencies that you have contacted concerning in regard to your proposed project? YES() NO() If YES, plea	finand se ex
		any other governmental agencies that you have contacted concerning in regard to your proposed project? YES() NO() If YES, plea	financese ex
assis	stance	any other governmental agencies that you have contacted concerning in regard to your proposed project? YES() NO() If YES, plea	finand se ex

- 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.

OTATE OF NEW YORK

COUNTY OF ONE DA) ss.:
Joseph Gehm , being first duly swom, deposes and says:
1. That I am the Menter (Corporate Office) of Hofe Street Mineral (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 21 day of
for the applicant please indicate who and in what capacity:
By:
Name:
Title:
Date:

Return the original application and six copies with a check in the amount of \$250.00 made payable to: Utica Industrial Development Agency, 1 Kennedy Plaza, Utica, New York, Attn.: Jack N. Spaeth, Executive Director.

Hotel Street	UIDA		Cost Benefit Analysis				
Tax Rate (2023)	67.25						
Total Project Costs	\$20	,600,857					
Construction Costs	\$18	,389,697	0.45	\$8,275,364			
Amount Subject to Sales Tax	\$9,	,005,484					
Amount Subject to Mortgage Recording	Tax \$14,	,569,000					
Land Value/ Existing Value*	Ç	244,800					
Value of Improvement *	<u> </u>	755,200					
Final Aassessed Value *	\$1,	,000,000					
Y	ear Est. Tax Rate		Added Assessed Value	Estimated Full Taxes	Existing Value Income	PILOT Payment	PILOT Benefit
	1	\$67.25	\$1,000,000	· · ·			
	2	\$68.60	\$1,000,000	· · ·	\$16,792		
	3	\$69.97	\$1,000,000		\$17,128		
	4	\$71.37	\$1,000,000				
	5	\$72.79	\$1,000,000				
	6	\$74.25	\$1,000,000		\$18,176		
	7	\$75.73	\$1,000,000				
	8	\$77.25	\$1,000,000		\$18,911		
	9	\$78.79	\$1,000,000				
	10	\$80.37	\$1,000,000				
	11	\$81.98	\$1,000,000				
-	12	\$83.62	\$1,000,000	\$83,617 \$901,963	\$20,469 \$220,801		
				, , , , , , , , , , , , , , , , , , , ,	,		, ,
Deal BUOT To an	4	¢05.20	¢4 000 000	Ć0F 200	¢20.070	Difference	
Post PILOT Taxes	1	\$85.29	\$1,000,000	\$85,289	\$20,879		
	2 3	\$87.00 \$88.73	\$1,000,000 \$1,000,000	· · ·			
	3	\$90.51	\$1,000,000				
	5	\$92.32	\$1,000,000				
	17	772.32	\$1,000,000	\$443,849	·		
COSTS							
Full Taxes no PILOT		\$901,963					
Total PILOT Payments		205,848					
Real Property Tax Cost	Ç	696,115					
	NY/LOCAL PO	RTION	LOCAL PORTION ONLY				
Estimated Real Estate Tax Savings		696,115	\$696,115				
Estimated Mortgages Tax Savings		109,268	· ·				
Estimated Sales Tax Savings		5787,980	\$425,509		NYS	0.46	

BENEFITS						
Employee Sales and Use Taxes						
Jobs Created (direct or indirect)		10				
Est. Average Employee Salary \$30,000		\$300,000				
Eee Sales Tax generated		<u>.</u>	\$160,650			
Construction Jobs		147			Const term (in months)	15
Est. Average Salary		\$45,000			Monthly wages	3750
Construction Wages	\$8,275,364		\$260,674			
Total Sales Tax generated			\$421,324			
Residential Real Property Taxes				Owners	Tenants	
Number of Employees				3	7	
Assessed Values				75,000	25,000	
Total		\$26,900	\$457,300	15,131	11,769	
Increase in Taxes Generated						
5 Year NET Post PILOT Property Tax In	come	\$335,195				
17 Year Net Property Tax Increase		\$541,043				
Benefit		\$1,213,819	\$1,213,819			
Cost		\$1,593,362	\$1,121,624			
		NY/LOCAL	LOCAL			
Ratio		0.76	1.08			

\$1,121,624

Local

0.54

\$1,593,362

Total Benefits Provided

^{*}Land value and projected increased assessed value are estimates. The amount will be assigned by the assessor in connection with the completion of the project.