

Application To  
**CITY OF HORNELL INDUSTRIAL DEVELOPMENT AGENCY**  
For  
**FINANCIAL ASSISTANCE\*\***

(\*\*Where necessary, provide information as properly labeled attachment. Example: I, A, 1, etc.)

**I. Applicant Information**

**A. General**

- 1. Name: Federation hof ts
- 2. Address: 4 Centre Drive, Orchard Park, NY 14127
- 3. Federal ID#: To be provided upon entity formation
- 4. Website: \_\_\_\_\_
- 5. Contact Person(s): SCOTT Fairbrother
  - (a) Title: manager
  - (b) Telephone: 716-667-1234
  - (c) Facsimile: 716-667-1258
  - (d) Email: SFairbrother@KracLor.com

**B. Business Structure**

- 1.  Corporation
  - (a) Date of Incorporation \_\_\_\_\_
  - (b) State of Incorporation \_\_\_\_\_
  - (c) NY Authority  yes  no  
(provide certification)
  - (d) Public Corporation  yes  no
  - (e) Provide list by name and address of all affiliated entities
  - (f) Provide names and addresses of all Officers
  - (g) Provide names and addresses of Board of Directors
  - (h) Provide names and addresses of Shareholders holding more than 15%
- 2.  LLC/LLP
  - (a) Date of Organization \_\_\_\_\_
  - (b) State of Organization New York St
  - (c) NY Authority  yes  no  
(provide certification)
  - (d) Managed by  managers  members
  - (e) Number of Managers \_\_\_\_\_
  - (f) Number of Members \_\_\_\_\_
  - (g) Provide list by name and address of all affiliated entities

3.  Partnership
- (a)  General
- (b)  Limited
- (c) Date of formation \_\_\_\_\_
- (d) State of formation \_\_\_\_\_
- (d) NY Authority  yes  no  
(provide certification)
- (e) Number of general partners \_\_\_\_\_
- (f) Number of limited partners \_\_\_\_\_
- (g) Provide list by name and address of all affiliated entities
4.  Sole Proprietorship  
d/b/a certificate filed  yes  no  
(provide certification)

C. Professional Representatives

1. Counsel
- (a) Firm Name Harris Beach
- (b) Principal Attorney Shawn Griffen
- (c) Address \_\_\_\_\_
- (d) Telephone \_\_\_\_\_
- (e) Facsimile \_\_\_\_\_
- (f) Email \_\_\_\_\_

2. Architect/Engineer (if applicable)
- (a) Firm Name N/A
- (b) Principal \_\_\_\_\_
- (c) Address \_\_\_\_\_
- (d) Telephone \_\_\_\_\_
- (e) Facsimile \_\_\_\_\_
- (f) Email \_\_\_\_\_

3. Contractor (if applicable)
- (a) Firm Name The Krox Corp.
- (b) Principal Deter L. Krox & Paul A. Neureiter
- (c) Address 4 Centre Dr. Orchard Park, NY 14127
- (d) Telephone 716-667-1234
- (e) Facsimile 716-667-1258
- (f) Email pneureiter@KroxCorp.com

4. Other
- (a) Firm Name \_\_\_\_\_
- (b) Principal \_\_\_\_\_
- (c) Address \_\_\_\_\_
- (d) Telephone \_\_\_\_\_
- (e) Facsimile \_\_\_\_\_
- (f) Email \_\_\_\_\_

II. PROJECT

A. Site

- X 1. Location 40 Broadway, Hornell, NY 14843
- X 2. Tax ID Number 151.72-01-048
3. Current Owner  
(a) Name John Lyng  
(b) Address \_\_\_\_\_
- X 4. Approximate Lot Size 0.198 acre
5. Current Use Retail/Commercial
6. Utilities on Site  
 Water  
 Sanitary/Storm Sewer  
 Gas  
 Electric
7. Existing Improvements (describe) NONE  
\_\_\_\_\_  
\_\_\_\_\_
8. Property is to be  Acquired  Leased
- X 9. Zoning  
(a) Current B-2  
(b) Proposed B-2  
(c) Variance Needed  yes  no
- X 10. Regulatory Permits needed  yes  no  
(If yes list) Building Permit  
\_\_\_\_\_  
\_\_\_\_\_
11. Local Municipal Approval Received  yes  no

B. Project Description \*\* PLEASE SEE ATTACHED SCHEDULE

1. Attach a detailed narrative describing the proposed project and the use of the facility upon acquisition and completion for which financial assistance is sought.

2. Proposed start date 1/15/2011



E. Incentive Valuation

1. Financial Assistance Sought

- X (a) Total Sales Tax Exemption \$ 105,000  
(1) Facility Construction \$ 99,000  
(2) Fixtures/Equipment \$ 6000  
(b) Mortgage Tax Exemption \$ Yes - TBD  
(c) Property Tax Abatement \$ Yes - TBD

- ? 2. Will Applicant proceed with proposed project without IDA financial assistance?  yes  no\*\*  
(\*If no, attach detailed narrative setting forth reasons why.)

- X 3. Existing taxes on land/building \$ \_\_\_\_\_  
(IDA/CITY)

- X 4. Estimated taxes on land/building without abatement \$ \_\_\_\_\_  
(when project completed) (IDA/CITY)

6. Estimated new tax revenue with abatement  
a. First Year (IDA/CITY) \$ \_\_\_\_\_  
b. Fifth Year \$ \_\_\_\_\_

### III. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A) Job Listings. 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 Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- B) First Consideration for Employment. 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 Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in Workforce Development programs who shall be referred by the Workforce Development for new employment opportunities created as a result of the Project.
- C) Annual Sales Tax Filings. In accordance with Section 874(8) 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, with a copy to the Agency, 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.
- D) 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. The Chief Executive Officer shall submit to the Agency, on or prior to February 1 of each year, a written certification setting forth:
- Number of full time employees at the Project location in the preceding calendar year;
  - Number of part time employees at the Project location in the preceding calendar year;
  - Gross payroll of all employees at the Project location in the preceding calendar year.

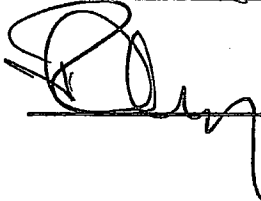
- E) Suspension/Recovery of Incentives: The Applicant understands, covenants and agrees that it will be required to maintain certain future performance levels of the Project as part of the Agency's consideration of granting all or part of the requested Financial Assistance for the Project. The Applicant further understands, covenants and agrees that Financial Assistance incentives granted, and to be granted to the Applicant, may be suspended and/or recovered in full, or in part, by the Agency if the Applicant shall fail to meet or maintain the required performance levels as determined by the Agency and accepted by the Applicant in consideration of the Agency's Financial Assistance to the Project.
- F) Absence of Conflicts of Interest. The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:
- 

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.

Applicant: Peter King on behalf of an  
entity to be formed

By: Peter L. King  
(Name)

Title: Manager

Signature: 

CERTIFICATION

Peter L Kroag  
(Name of chief executive officer of company submitting application) deposes and says that (s)he is the Managing Partner (title) of TBD (company name), the Applicant named in the attached application; that (s)he has read the foregoing application and knows the contents thereof and that the same is true to his/her knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by TBD (company name) is because said company is a TBD. The grounds of deponent's belief relative to all matters in said application which are not stated upon his/her own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his/her duties as an officer of said company and from the books and papers of said company.

As an officer of said company (hereinafter referred to as the "Applicant"), deponent acknowledges and agrees that Applicant shall be and is responsible for all costs incurred by the City of Hornell Industrial Development Agency (hereinafter referred to as the "Agency") acting on behalf of Applicant in connection with this application and all matters relating to the issuance of bonds and/or the provision of financial assistance to which this application relates. If, for any reason whatsoever, Applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper, or requested action or withdraws, abandons, cancels, or neglects the application or, in the case of a bond transaction, if Applicant is unable to find buyers willing to purchase the total bond issue, then upon presentation of an invoice, Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred with respect to the application up to that date and time, including fees to bond or transaction counsel for the Agency and fees of general counsel for the Agency. Upon the successful conclusion and sale of the bond issue or other transaction contemplated herein, the Applicant shall pay to the Agency an administrative fee set by the Agency in accordance with its fee schedule in effect on the date of the foregoing application, which amount is payable not later than closing. The Applicant understand that the Agency's bond counsel's fees, general counsel's fees and administrative fee are considered issuance expenses and, therefore, can only be paid for or reimbursed out of the proceeds of any resultant tax-exempt bond issue up to an aggregate amount not exceeding 2% of the face amount of such tax-exempt issue and any amounts in excess thereof must be paid from fund of the Applicant.

Applicant: Peter Kroag on behalf of an entity to be formed

By: Peter L. Kroag  
(Name)

Title: Witness

Signature: 

### Schedule to Application

The Project shall consist of the acquisition by the Applicant of fee title to or other interest in an approximately .2-acre parcel of land located at 40 Broadway, Hornell, New York and any existing improvements thereon (being further identified as TMID Number 151.72-01-048); (ii) the acquisition, construction and reconstruction on the land of approximately 9-12 apartment units with commercial space in the basement and on the first floor; and (iii) the acquisition and installation of equipment and other tangible personal property