



POWERED BY COMIDA

### APPLICATION FOR ASSISTANCE

Each applicant seeking assistance must complete this application and provide required supplemental form/documentation. A non-refundable application fee of \$350.00 must be included with this application. Make check payable to COMIDA. Please see page 10 for additional information on costs and fees.

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law, except for information that is considered deniable by the Freedom of Information Law. This form is available at [www.growthmonroe.org](http://www.growthmonroe.org).

#### I. APPLICANT

A. Name 1733 Ridge Rd LLC  
 Address 550 Lalona Rd Bldg E Suite 501  
 City/State/Zip Rochester, NY 14626  
 Tax ID No. 46-5400061  
 Contact Name Angelo Ingrassia  
 Title Manager  
 Telephone 585-225-0140  
 E-Mail autoange@aol.com

B. Owners of 20% or more of Applicant Company

Name	%	Corporate Title
<u>Angelo Ingrassia</u>	<u>33.3</u>	<u>Manager</u>
<u>Robert Morgan</u>	<u>33.3</u>	<u>Manager</u>
<u>Francis Perticone</u>	<u>33.3</u>	<u>Manager</u>

C. Applicant's Legal Counsel

Name Stephen Hall  
 Firm \_\_\_\_\_  
 Address 36 West Main Street  
 City/State/Zip Rochester, NY 14614  
 Telephone 585-703-0073  
 Fax \_\_\_\_\_  
 Email stephenhall@stephen-hall.net

#### II. PROJECT

A. Address of proposed project facility  
285 Medley Center Pkwy  
Rochester, NY 14622  
 Tax Map Parcel Number 5 parcels, see attached  
 City/Town/Village Irondequoit  
 School District East Irondequoit  
 Current Legal Owner of Property  
1733 Ridge Rd LLC

B. Proposed User(s)/Tenant(s) of the Facility  
 If there are multiple Users/Tenants, please attach additional pages.  
 Company Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City/State/Zip \_\_\_\_\_  
 Tax ID No. \_\_\_\_\_  
 Contact Name \_\_\_\_\_  
 Title \_\_\_\_\_  
 Telephone \_\_\_\_\_  
 E-Mail \_\_\_\_\_  
 % of facility to be occupied by company \_\_\_\_\_

C. Owners of 20% or more of User/Tenant Company

Name	%	Corporate Title
_____	_____	_____
_____	_____	_____
_____	_____	_____

- D. Benefits Requested (Check all that apply)
- Sales Tax Exemption
  - Industrial Revenue Bond Financing
  - Mortgage Recording Tax Exemption
  - Real Property Tax Abatement

E. Description of project (check all that apply)

- New Construction
- Existing Facility
  - Acquisition
  - Expansion
  - Renovation/Modernization
- Acquisition of machinery/equipment
- Other (specify) \_\_\_\_\_

GENERAL DESCRIPTION OF THE PROJECT AND BACKGROUND ON USER(S) OF THE FACILITY  
(Attached additional sheets as necessary)

The 1733 Ridge Rd LLC Redevelopment project (Skyview on the Ridge) consists of construction, renovation and rehabilitation of approximately 1 Million Square Feet of space at the former Irondequoit Mall located at 285 Medley Center Dr., Irondequoit, NY. The property will be transformed into multi-tenant office, mixed-use, and flex space, which will afford an opportunity for small and medium-sized businesses to provide a one-stop shop for all facets of their operations. The existing facility, which represents the largest vacant building in Monroe County, has been empty since 2009 and was acquired by its current owner through auction in January 2016. Angelo Ingrassia, a local businessman and former operator of Irondequoit Dodge (the car dealership that was located directly in front of the mall between 1990 and 2005), spent more than two years aggressively trying to gain ownership of the vacant mall. After he closed his dealership in 2005, Mr Ingrassia started doing commercial real estate development in Rochester. He successfully completed several projects, such as LA Fitness and the Tops Plaza in Irondequoit, and came to realize over time that the mall would continue to sit vacant if he didn't find a way to gain ownership of it. More than anything, he felt a strong desire to help the community of Irondequoit by seeing this property flourish the way it did during the decade the mall was open.

Once he obtained ownership, Mr. Ingrassia developed a partnership with well know developers Frank Perticone and Robert Morgan. The partnership collaborated in studying the market demand, which resulted in the proposed re-development plan for the space. The results of their research made it abundantly clear that across the country Retail Shopping Malls have a very limited future, and at the same time, Rochester, NY is underserved by Flex Office Space. Skyview on the Ridge will utilize the spectacular structure and skylights that exist at the facility, while refacading the building and renovating the common areas and tenant space. While the total project cost is expected to exceed \$100 Million, the first phase of this project will total approximately \$11.45 Million and will entail the renovation of approximately 100,000 sq. ft. of interior space (formerly a food court) to be used as model space to show potential tenants. Additionally, a new roof, exterior landscaping improvements, and filling/re-stripping of the parking areas will add to the property's appeal by outside interests, and will convey a clear message that major changes are occurring at the property.

A portion (50,000 sq. ft.) of the cleared space will be occupied by the Town of Irondequoit for use as a Community Center, and will consist of meeting space, workout facilities, and other desired amenities. The Town of Irondequoit is currently working on their plans for the build out and operations of this Community Center.

The project will have multiple phases, which will be driven by market demand. As additional tenants are identified, further portions of the building will be rehabilitated pursuant to tenant specifications.

Lastly, although the job creation requirement is a minimum of one, we anticipate the job creation to be an additional 9 jobs by our future tenants, for a total of 10 jobs.

**II. PROJECT (cont'd)**

**F. Are other facilities or related companies located within New York State?**

Yes  No

Location:

\_\_\_\_\_  
\_\_\_\_\_

Will the Project 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?

Yes  No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?

Yes  No

If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry\*\*:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**G. 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  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 with the Financial Assistance to be provided by the Agency\*\*:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*To be completed with Agency assistance.

**H. PROJECT TIMELINE**

Proposed Date of Acquisition

01/21/2016

Proposed Commencement Date of Construction

05/01/2018

Anticipated Completion Date

11/30/2022

**I. Contractor(s)**

TBD

**J. State Environmental Quality Review (SEQR) Act Compliance**

COMIDA, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR). This is applicable to projects that require the state or local municipality to issue a discretionary permit, license or other type of Approval for that project.

Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

YES - Include a copy of any SEQR documents related to this Project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration, etc.

NO

**III. PROPERTY TAX ABATEMENT/PAYMENT IN LIEU OF TAX AGREEMENT (PILOT)**

Check One:

**JOBSPLUS**

Requirements:

- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is \_\_\_\_\_.

**LEASEPLUS**

Requirements:

- University and/or medical related facilities in which a 501(c)3 entity leases from a for-profit entity.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is \_\_\_\_\_.

**ENHANCED JOBSPLUS**

Requirements:

- A minimum \$15 million investment in new plant, machinery and equipment or renovation of existing building(s) AND
- A minimum of 100 new jobs from new companies locating in Monroe County, or existing companies expanding operations here.

**GREEN JOBSPLUS**

Requirements:

- LEED® Certification – Project must be rated as Certified, Gold, Silver or Platinum by the United States Green Building Council's Leadership in Energy and Environmental Design (LEED®) Green Building Rating System.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is \_\_\_\_\_.

**SHELTER RENTS**

for student housing or affordable housing projects.

**Local Tax Jurisdiction Sponsored PILOT**

**NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT**

Phase 1

Phase 1

Phase 1

**IV. APPLICANT PROJECT COSTS**

A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipping of the project by the APPLICANT.

Building Construction or Renovation

- a. MATERIALS a. \$ 2,825,000
- b. LABOR b. \$ 2,825,000

Site Work

- c. MATERIALS c. \$ 1,000,000
- d. LABOR d. \$ 300,000
- e. Non-Manufacturing Equipment e. \$ \_\_\_\_\_
- f. Furniture and Fixtures f. \$ 300,000
- g. LAND and/or BUILDING Purchase g. \$ \_\_\_\_\_
- h. Manufacturing Equipment h. \$ \_\_\_\_\_
- i. Soft Costs (Legal, Architect, Engineering) i. \$ 1,250,000

Other (specify) } \_\_\_\_\_ } \$ \_\_\_\_\_  
 k. \_\_\_\_\_ k. \$ \_\_\_\_\_  
 l. \_\_\_\_\_ l. \$ \_\_\_\_\_  
 m. \_\_\_\_\_ m. \$ \_\_\_\_\_

Total Project Costs \$ 8,500,000

B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ \_\_\_\_\_
- b. Taxable Industrial Revenue Bond b. \$ \_\_\_\_\_
- c. Tax-Exempt Civic Facility Bond c. \$ \_\_\_\_\_
- d. Bank Financing d. \$ 5,250,000
- e. Public Sources e. \$ \_\_\_\_\_

Identify each state and federal grant/credit

CFA \$ 2,000,000

- f. Equity f. \$ 1,250,000
- TOTAL SOURCES \$ 8,500,000

C. Has the applicant made any arrangements for the financing of this project?

Yes  No

If so, please specify bank, underwriter, etc.

Canandaigua National Bank, M&T Bank,  
Key Bank

**IV. COMPLETE FOR EACH USER/TENANT THAT IS SEEKING SALES TAX EXEMPTION USER(S)/TENANT(S) PROJECT COSTS**

Use additional sheets as necessary

Company Name \_\_\_\_\_

A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipping of the project by the user(s)/tenant(s) for which a sales tax exemption is requested.

Estimated Costs Eligible for Sales Tax Exemption Benefit

- a. MATERIALS a. \$ \_\_\_\_\_
- b. LABOR b. \$ \_\_\_\_\_
- c. Non-Manufacturing Equipment c. \$ \_\_\_\_\_
- d. Furniture and Fixtures d. \$ \_\_\_\_\_
- Other (specify) e. \_\_\_\_\_ e. \$ \_\_\_\_\_
- f. \_\_\_\_\_ f. \$ \_\_\_\_\_
- g. \_\_\_\_\_ g. \$ \_\_\_\_\_
- h. \_\_\_\_\_ h. \$ \_\_\_\_\_

Total \$ \_\_\_\_\_ 0

A non-refundable fee of 1/4% on TOTAL(e) above is due and payable upon issuance of a Sales Tax Letter to User(s)/Tenant(s)

User/Tenant Company \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

For Office Use Only	
Total Assessment Value	
Land	Building
Applicant 2602-	<u>18-009 A</u>
User/Tenant 2602-	
RM	

# Projected Total Project

## IV. APPLICANT PROJECT COSTS

A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipping of the project by the APPLICANT.

**Building Construction or Renovation**

- a. MATERIALS a. \$ 50,000,000
- b. LABOR b. \$ 50,000,000

**Site Work**

- c. MATERIALS c. \$ \_\_\_\_\_
- d. LABOR d. \$ \_\_\_\_\_
- e. Non-Manufacturing Equipment e. \$ 500,000
- f. Furniture and Fixtures f. \$ 250,000
- g. LAND and/or BUILDING Purchase g. \$ \_\_\_\_\_
- h. Manufacturing Equipment h. \$ \_\_\_\_\_
- i. Soft Costs (Legal, Architect, Engineering) i. \$ 1,500,000
- Other (specify) j. \_\_\_\_\_ j. \$ \_\_\_\_\_
- k. \_\_\_\_\_ k. \$ \_\_\_\_\_
- l. \_\_\_\_\_ l. \$ \_\_\_\_\_
- m. \_\_\_\_\_ m. \$ \_\_\_\_\_

**Total Project Costs** \$ 102,250,000

B. Sources of Funds for Project Costs.

- a. Tax-Exempt Industrial Revenue Bond a. \$ \_\_\_\_\_
- b. Taxable Industrial Revenue Bond b. \$ \_\_\_\_\_
- c. Tax-Exempt Civic Facility Bond c. \$ \_\_\_\_\_
- d. Bank Financing d. \$ 72,250,000
- e. Public Sources e. \$ \_\_\_\_\_

Identify each state and federal grant/credit

CFA \$ 20,000,000

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

i. Equity \$ 10,000,000

**TOTAL SOURCES** \$ 102,250,000

C. Has the applicant made any arrangements for the financing of this project?

Yes  No

If so, please specify bank, underwriter, etc.

Canandaigua National Bank, M&T Bank,  
Key Bank

## IV. COMPLETE FOR EACH USER/TENANT THAT IS SEEKING SALES TAX EXEMPTION USER(S)/TENANT(S) PROJECT COSTS

Use additional sheets as necessary

Company Name \_\_\_\_\_

A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipping of the project by the user(s)/tenant(s) for which a sales tax exemption is requested.

**Estimated Costs Eligible for Sales Tax Exemption Benefit**

- a. MATERIALS a. \$ \_\_\_\_\_
- b. LABOR b. \$ \_\_\_\_\_
- c. Non-Manufacturing Equipment c. \$ \_\_\_\_\_
- d. Furniture and Fixtures d. \$ \_\_\_\_\_
- Other (specify) e. \_\_\_\_\_ e. \$ \_\_\_\_\_
- f. \_\_\_\_\_ f. \$ \_\_\_\_\_
- g. \_\_\_\_\_ g. \$ \_\_\_\_\_
- h. \_\_\_\_\_ h. \$ \_\_\_\_\_

**Total** \$ \_\_\_\_\_ 0

A non-refundable fee of 1/2% on TOTAL (a) above is due and payable upon issuance of a Sales Tax Letter to User(s)/Tenant(s)

\_\_\_\_\_  
User/Tenant Company

\_\_\_\_\_  
Signature Title Date

For Office Use Only	
Total Assessment Value	
Land	Building
Applicant 2602-	
User/Tenant 2602-	
RM	

**VI. Value of Incentives**

**Project name:** 1733 Ridge Rd LLC/Skyview on the Ridge

**A. IDA PILOT Benefits:**

Current Assessment	\$ 5,100,000	Taxes	231,030
Dollar Value of New Construction & Renovation Costs	\$ 8,500,000		
Estimated New Assessed Value of Project Subject to IDA	\$ 13,600,000		

County Tax rate/\$1,000	8.34
Local Tax Rate* Tax Rate/¢	6.52
School Tax Rate /\$1,000	30.44
<b>Total Tax Rate</b>	<b>45.30</b>

PILOT Year	% of Increase County Assessment		% of Increase School Assessment		Total PILOT Amount	Full Tax Payment w/o PILOT	Net Exemption
	PILOT Payment	PILOT Amount Base Plus	PILOT Payment	PILOT Amount Base Plus			
1	1.5%	43,597	2%	160,419	238,099	616,080	377,981
2	3.0%	44,661	4%	165,594	245,169	616,080	370,911
3	4.5%	45,724	6%	170,768	252,238	616,080	363,842
4	6.0%	46,787	8%	175,943	259,308	616,080	356,772
5	7.5%	47,851	10%	181,118	266,377	616,080	349,703
6	9.0%	48,914	12%	186,293	273,447	616,080	342,633
7	10.5%	49,977	14%	191,468	280,516	616,080	335,564
8	12.0%	51,041	14%	191,468	282,411	616,080	333,669
9	13.5%	52,104	18%	201,817	294,655	616,080	321,425
10	15.0%	53,168	20%	206,992	301,725	616,080	314,356
11	15.0%	53,168	20%	206,992	301,725	616,080	314,356
12	20.0%	56,712	20%	206,992	308,040	616,080	308,040
13	30.0%	63,801	30%	232,866	346,545	616,080	269,535
14	40.0%	70,890	40%	258,740	385,050	616,080	231,030
15	50.0%	77,979	50%	284,614	423,555	616,080	192,525
16	60.0%	85,068	60%	310,488	462,060	616,080	154,020
17	70.0%	92,157	70%	336,362	500,565	616,080	115,515
18	80.0%	99,246	80%	362,236	539,070	616,080	77,010
19	90.0%	106,335	90%	388,110	577,575	616,080	38,505
20	100.0%	113,424	100%	413,984	616,080	616,080	0
<b>Total</b>		<b>1,302,604</b>		<b>4,833,263</b>	<b>7,154,209</b>	<b>12,321,600</b>	<b>5,167,391</b>

\* Local Tax Rate for Town/City/Village

**B. Sales Tax Exemption Benefit:**

Estimated value of Sales Tax exemption for faculty construction:	\$306,000
Estimated Sales Tax exemption for fixtures and equipment:	\$24,000
Estimated duration of Sales Tax exemption:	1 year

**C. Mortgage Recording Tax Exemption Benefit:**

Estimated Value of Mortgage Recording Tax exemption:	\$39,375
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**D. Industrial Revenue Bond Benefit**

IRB inducement amount, if required:	\$0
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**E. Percentage of Project Costs financed form Public Sector sources:**

Total Value of Incentives:	\$5,536,765.55	40.71%
Sources of Funds (Section I'	\$13,600,000.00	

\*\* All estimates are based on current tax rates.

**VII. PROJECTED EMPLOYMENT**

Complete for each Applicant or User/Tenant

Company Name: 1733 Ridge Rd LLC

Applicant:  or User/Tenant:

You must include a copy of the most recent NYS-456 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return OR if you have multiple locations within New York State, the Bureau of Labor – BLS 3020 – Multiple Worksite Report

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	0.0	0.0	10.0	0.0
Part Time (PTE)			0.0	0.0
Total	0.0	0.0	10.0	0.0

\*\* For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Marker Area, in the fourth column. The Labor Marker Area includes: Monroe County, Orleans County, Genesee County, Wyoming County, Livingston County, Ontario County, Wayne County, Yates County, and Seneca County chosen at the Agency's discretion.

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VIII. LOCAL LABOR

To be completed by all Applicants and Users/Tenants of Projects which include the construction of new, expanded or renovated facilities:

Company Name 1733 Ridge Rd LLC  
Applicant:  or User/Tenant:

All project employees of the general contractor, subcontractor, or sub to a subcontractor (contractors) working on the project must reside within the following counties in the State of New York: Monroe, Genesee, Livingston, Ontario, Orleans, Seneca, Wayne, Wyoming or Yates. The All-Local Labor criterion will be verified based on employment, payroll and related records.

COMIDA understands that at certain times local labor may not be available within the local area. Under this condition, applicants are required to complete a waiver request of the All-Local Labor requirement prior to beginning construction. Contractors do not have to be local companies as defined herein, but must employ local people to qualify under the All-Local Labor criterion.

The foregoing terms have been read, reviewed and understood by the Applicant or User/Tenant and all appropriate personnel. Furthermore, the undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialman. Furthermore, the undersigned agrees to post and maintain a sign, provided by COMIDA, in a prominent, easily accessible location, identifying the project as a recipient of COMIDA assistance and the local labor requirements associated with this assistance.

Furthermore, the undersigned realizes that failure to abide by the terms herein could result in COMIDA revoking all or any portion of benefits it deems reasonable in its sole discretion for any violation hereof.

1733 Ridge Rd LLC By

\_\_\_\_\_  
(APPLICANT or USER/TENANT COMPANY)

Signature

Title

Date

*Manager*

*2/1/18*

**IX. FEES**

**1. Application Fee - Send with Completed Application**

A non-refundable application fee of Three Hundred Fifty Dollars (\$350.00) shall be charged each applicant.

**2. Administrative Fee - Paid at Closing**

- (a) For tax-exempt IRB bond issues, the fee shall be one percent (1%) of the project amount. For projects that utilize a Payment In Lieu of Taxes (PILOT) agreement, an additional one-quarter percent (1/4%) will be added.
- (b) For lease/leaseback transactions and taxable bond issues, the fee shall be one-half percent (1/2%) of the project amount. For projects that utilize a Payment In Lieu of Taxes (PILOT) agreement, an additional one-quarter percent (1/4%) will be added.
- (c) For refunding outstanding COMIDA bond issues, the fee shall be one-quarter percent (1/4%) of the new issuance amount.

3. If a sales tax letter is required prior to closing, a non-refundable twenty-five percent (25%) of the Administrative Fee and Agency Counsel fee is payable at that time. This amount will be applied towards the Administrative fee and Agency Counsel Fee. The Sales Tax Letter shall only be for a three (3) month period. If the project does not have a formal closing within three (3) months of the sales tax letter being issued, and an extension is not granted, the balance of the Administrative fee and Agency Counsel fee become immediately due and payable.

4. Agency Counsel fee is one-third (1/3) of the Agency's Administrative fee, with a minimum fee for a lease/leaseback transaction of \$4,000.00.

5. Designated Bond Counsel fee is based on the complexity and amount of the transaction.

6. A fee to be paid as build out occurs and mortgage is placed.

1733 Ridge Rd LLC  
(APPLICANT or USER/TENANT COMPANY)

[Signature]                      Manager                      3/1/18  
Signature                                      , Title                                      Date

## X. CERTIFICATION

The undersigned company officer and/or user/tenant officer each hereby certifies, on behalf of the company and/or user/tenant, respectively (each singularly and together, the "Applicant"), as follows:

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which own a minimum of 20% of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. Compliance with N.Y. GML Sec. 862(1): 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.
- D. Compliance with Applicable Laws: 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.
- E. False and Misleading Information: 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.
- F. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- G. Applicant hereby releases the County of Monroe Industrial Development Agency ("Agency") 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, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; 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. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this

Application, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

APPLICANT COMPANY 1733 Ridge Rd LLC

*[Handwritten signature]*

Angela Traversa Manager 3/1/18  
Signature Title Date

USER/TENANT COMPANY

\_\_\_\_\_

Signature Title Date