

CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION

IMPORTANT NOTICE: The answers to the questions contained in this application are necessary to determine your firm's eligibility for financing and other assistance from the City of Albany Industrial Development Agency. These answers will also be used in the preparation of papers in this transaction. Accordingly, all questions should be answered accurately and completely by an officer or other employee of your firm who is thoroughly familiar with the business and affairs of your firm and who is also thoroughly familiar with the proposed project. This application is subject to acceptance by the Agency.

TO: CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY
c/o Department of Economic Development
21 Lodge Street
Albany, New York 12207

This application by applicant respectfully states:

APPLICANT: *Broadway Albany Realty LLC* _____

APPLICANT'S ADDRESS: *1465 Monroe Ave* _____

CITY: *Rochester* STATE: *NY* ZIP CODE: *14618*

PHONE NO.: *585-271-4800* FAX NO.: *585-271-4802* E-MAIL: *lnorry@norry.com and rrosen@norry.com*

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION: *Lewis Norry, Rachel Rosen or Gary Guenther*

IF APPLICANT IS REPRESENTED BY AN ATTORNEY, COMPLETE THE FOLLOWING:

NAME OF ATTORNEY: *Mitchell Nusbaum or James Pronti* _____

ATTORNEY'S ADDRESS: *Woods Oviatt Gilman LLP, 2 State Street* _____

CITY: *Rochester* STATE: *NY* ZIP CODE: *14618*

PHONE NO.: *585 987 2800* FAX NO.: _____ E-MAIL: *mnusbaum@woodsoviatt.com jpronti@woodsoviatt.com*

NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 2 HEREOF BEFORE FILLING
OUT THIS FORM.

INSTRUCTIONS

1. The Agency will not approve any application unless, in the judgment of the Agency, said application and the summary contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using “none” or “not applicable” or “N/A” where the question is not appropriate to the project which is the subject of this application (the “Project”).
3. If an estimate is given as the answer to a question, put “(est)” after the figure or answer which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return eight (8) copies of this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant’s competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project contemplated herein (to the extent such expenses are not paid out of the proceeds of the Agency’s bonds issued to finance the Project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel/special counsel to the Agency. The costs incurred by the Agency, including the Agency’s general counsel and bond counsel, may be considered as a part of the Project and included as a part of the resultant bond issue.
9. The Agency has established an application fee of One Thousand Five Hundred Dollars (\$1,500) to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. **THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.**
10. The Agency has also established an administrative fee equal to (A) one percent (1%) of the cost of the Project in the case of an Agency Straight Lease

Transaction, and (B) one percent (1%) of the aggregate principal amount of the bonds to be issued by the Agency in the case of an Agency Bond Transaction. The Agency has also established an administrative fee for the issuance of refunding bonds for Agency Bond Transactions. The formula for the calculation of the administrative fee for the issuance of refunding bonds is outlined in the Agency's Policy Manual. THESE FEES ARE PAYABLE ON THE CLOSING DATE.

FOR AGENCY USE ONLY

1. Project Number	
2. Date application Received by Agency	, 20
3. Date application referred to attorney for review	, 20
4. Date copy of application mailed to members	, 20
5. Date notice of Agency meeting on application posted	, 20
6. Date notice of Agency meeting on application mailed	, 20
7. Date of Agency meeting on application	, 20
8. Date Agency conditionally approved application	, 20
9. Date scheduled for public hearing	, 20
10. Date Environmental Assessment Form ("EAF") received	, 20
11. Date Agency completed environmental review	, 20
12. Date of final approval of application	, 20

SUMMARY OF PROJECT

Applicant: *Broadway Albany Realty LLC*

Contact Person: *Lewis Norry*

Phone Number: *O: 585-271-4800 or C: 585-233-3040*

Occupant: *Broadway Albany Realty LLC*

Project Location: *833 Broadway, Albany NY*

Approximate Size of Project Site: *140,000 Square Feet*

Description of Project: *Rehab of existing office space for new call center for MAXIMUS, INC. (Tenant). MAXIMUS is a NYSE listed company in the health insurance services industry. MAXIMUS is an approved contractor with NYS for its Health Care Exchange. Applicant has signed a 5 Year Lease with Tenant for occupancy of 92,000 SF. This occupancy is an expansion for Tenant who already occupies space at Corporate Woods and will continue to maintain both locations. Please note that Applicant is only applying for a sales tax exemption with respect to rehabilitation costs. This application does not cover any equipment which may be purchased by Tenant.*

Type of Project: ☐ Manufacturing ☐ Warehouse/Distribution
☒ Commercial ☐ Not-For-Profit
☐ Other-Specify

Employment Impact: Existing Jobs 30FTE's

New Jobs 400 FTE's

Project Cost: \$ 4,430,000

Type of Financing: ☐ Tax-Exempt ☐ Taxable ☒ Straight Lease

Amount of Bonds Requested: \$ NA

Estimated Value of Tax-Exemptions:

N.Y.S. Sales and Compensating Use Tax:	\$ <u>112,000</u>
Mortgage Recording Taxes:	\$ <u>NA</u>
Real Property Tax Exemptions:	\$ <u>NA</u>
Other (please specify):	\$ <u>NA</u>

I. INFORMATION CONCERNING THE PROPOSED OCCUPANT OF THE PROJECT
(HEREINAFTER, THE “COMPANY”).

A. Identity of Company:

1. Company Name: *Broadway Albany Realty LLC*
Present Address: *1465 Monroe Ave, Rochester NY*
Zip Code: *14618*
Employer's ID No.: *47-2435754*
2. If the Company differs from the Applicant, give details of relationship:
NA
3. Indicate type of business organization of Company:
- a. Corporation (If so, incorporated in what country?
What State? Date Incorporated? Type of Corporation? _____
Authorized to do business in New York? Yes _ No ____.
- b. Partnership (if so, indicate type of partnership _____,
Number of general partners _____, Number of limited partners ____).
- c. X Limited liability Company,
Date created? 11/20/14 .
- d. Sole proprietorship
- Is the Company a subsidiary or direct or indirect affiliate of any other organization(s)? *NO* If so, indicate name of related organization(s) and relationship: *NA*

B. Management of Company:

1. List all owners, officers, members, directors and partners (complete all columns for each person):

NAME (First, Middle, Last) HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
Lewis Norry See attached for list of owners of Broadway Albany Realty LLC	Managing Member	CEO, Norry Management Corp.

2. Is the Company or management of the Company now a plaintiff or a defendant in any civil or criminal litigation? Yes ____; No X.

3. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes ____; No X.

4. Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt? Yes X; No ____.
(If yes to any of the foregoing, furnish details in a separate attachment). *Lewis Norry was connected with Western Select Properties LLC (a single asset owner of an older industrial complex in Indiana) which was placed in receivership by its CMBS Lender. None of the individuals listed above has been adjudicated a bankrupt, personally or by connection.*

5. If the answer to any of questions 2 through 4 is yes, please, furnish details in a separate attachment.

C. Principal Owners of Company:

1. Principal owners of Company: Is Company publicly held? Yes ____ No X.
If yes, list exchanges where stock traded:

2. If no, list all stockholders having a 5% or more interest in the Company:

NAME	ADDRESS	PERCENTAGE OF HOLDING
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Lewis A. Norry Elliot Norry Paul Mastrolonardo	330 Antlers Dr, Rochester NY 1224 Tockington Ct, Rydal, PA 948 Carter St, Rochester NY	25% 13% 8.335% (passive investor)
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D. Company's Principal Bank(s) of account: *First Niagara Bank*

II. DATA REGARDING PROPOSED PROJECT

A. Summary: (Please provide a brief narrative description of the Project.)

833 Broadway is the former NYS headquarters, training and processing center for Citizens Bank. Broadway Albany Realty LLC purchased the property from Citizen Bank on 12/22/14. Broadway Albany Realty LLC is redeveloping the property for multi-tenant occupancy. This project includes rehabilitating 92,000 SF of interior space and the addition of parking outdoors for MAXIMUS, Inc. MAXIMUS, Inc is expanding their presence in Albany (currently at Corporate Woods) with an additional 92,000 SF at 833 Broadway, Albany NY. Please note that MAXIMUS anticipates a significant increase in the number of employees in Albany

B. Location of Proposed Project:

1. Street Address *833 Broadway*
2. City of *Albany*
3. Town of
4. Village of
5. County of *Albany*

C. Project Site:

1. Approximate size (in acres or square feet) of Project site: *140,000 SF*
Is a map, survey, or sketch of the project site attached? Yes *X*; No ____.
2. Are there existing buildings on project site? Yes *X*; No ____.
 - a. If yes, indicate number and approximate size (in square feet) of each existing building: *1 building of approx. 140,000 SF*
 - b. Are existing buildings in operation? Yes *X*; No ____.
If yes, describe present use of present buildings:
Office use

- c. Are existing buildings abandoned? Yes ____; No X . About to be abandoned? Yes ____; No X . If yes, describe:
- d. Attach photograph of present buildings. *Attached*
3. Utilities serving project site:
 Water-Municipal: *Albany Water Board*
 Other (describe)
 Sewer-Municipal: *Albany Water Board*
 Other (describe)
 Electric-Utility: *National Grid/Constellation*
 Other (describe)
 Heat-Utility: *National Grid*
 Other (describe)
4. Present legal owner of project site:
- a. If the Company owns project site, indicate date of purchase: *December 22, 2014*; Purchase price: \$ *2,760,000*.
- b. If Company does not own the Project site, does Company have option signed with owner to purchase the Project site? Yes ____; No . If yes, indicate date option signed with owner: _____, 20____; and the date the option expires: _____, 20____.
- c. If the Company does not own the project site, is there a relationship legally or by common control between the Company and the present owners of the project site? Yes NA ; No _____. If yes, describe:
5. a. Zoning District in which the project site is located: *C-3 Central Business District*
- b. Are there any variances or special permits affecting the site? Yes ____; No X . If yes, list below and attach copies of all such variances or special permits:
Applicant has submitted Building Permit #71142
Zoning Permit – applying for variances for parking and landscaping

D. Buildings:

1. Does part of the Project consist of a new building or buildings? Yes ____; No X . If yes, indicate number and size of new buildings:
2. Does part of the Project consist of additions and/or renovations to the existing buildings? Yes X ; No _____. If yes, indicate the buildings to be expanded or renovated, the size of any expansions and the nature of expansion and/or renovation:
No expansion.
Renovation of 92,000 SF of office space for new office tenant and additional of parking and landscaping at site.

3. Describe the principal uses to be made by the Company of the building or buildings to be acquired, constructed, or expanded: *The Company is Leasing 92,000 SF of the Building to MAXIMUS, INC who provides health care insurance related services under contract with the State of NY. This space will be used as a commercial office/call center hub for their staff.*

E. Description of the Equipment:

1. Does a part of the Project consist of the acquisition or installation of machinery, equipment or other personal property (the "Equipment")? Yes X; No _____. If yes, describe the Equipment:
HVAC (Heating, Ventilation and Air Conditioning) units will be replaced as needed, and added to the Building's mechanical Equipment. Any equipment being installed as part of the building is either a capital replacement or improvement.
2. With respect to the Equipment to be acquired, will any of the Equipment be Equipment which has previously been used? Yes ____; No X____. If yes, please provide detail:
3. Describe the principal uses to be made by the Company of the Equipment to be acquired or installed: *HVAC Equipment will be used to provide heating, cooling and make up air to the Tenant.*

F. Project Use:

1. What are the principal products to be produced at the Project? *Rentable Office Space*
2. What are the principal activities to be conducted at the Project? *Real estate property management, office and call center, bank back office operations.*
3. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities? Yes ____; No X____. If yes, please provide detail:

4. If the answer to question 3 is yes, what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project? _____% *NA*

5. If the answer to question 3 is yes, and the answer to question 4 is more than 33.33%, indicate whether any of the following apply to the Project: *NA*

a. Will the Project be operated by a not-for-profit corporation? Yes _____; No _____. If yes, please explain:

b. Is the Project likely to attract a significant number of visitors from outside the economic development region in which the Project will be located? Yes _____; No _____. If yes, please explain:

c. Would the Project occupant, but for the contemplated financial assistance from the Agency, locate the related jobs outside the State of New York? Yes _____; No _____. If yes, please explain:

d. 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 city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services? Yes _____; No _____. If yes, please provide detail:

e. Will the Project be located in one of the following: (i) an area designed as an economic development zone pursuant to Article 18-B of the General Municipal Law; or (ii) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (x) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance, and (y) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates? Yes _____; No _____. If yes, please explain: _____

6. If the answers to any of subdivisions c. through e. of question 5 is yes, 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____; No____. If yes, please explain: *NA*

7. Will the completion of the Project result in the removal of a plant or facility of the Company or another proposed occupant of the Project (a "Project Occupant") from one area of the State of New York to another area of the State of New York? Yes____; No__X_. If yes, please explain:

8. Will the completion of the Project result in the abandonment of one or more plants or facilities of the Company located in the State of New York? Yes____; No_X____. If yes, please provide detail:

9. If the answer to either question 7 or question 8 is yes, indicate whether any of the following apply to the Project: *NA*

a. Is the Project reasonably necessary to preserve the competitive position of the Company on such Project Occupant in its industry? Yes____; No____. If yes, please provide detail:

b. Is the Project reasonably necessary to discourage the Company or such Project Occupant from removing such other plant or facility to a location outside the State of New York? Yes____; No____. If yes, please provide detail:

G. Other Involved Agencies:

1. Please indicate all other local agencies, boards, authorities, districts, commissions or governing bodies (including any city, county and other political subdivision of the State of New York and all state departments, agencies, boards, public benefit corporations, public authorities or commissions) involved in approving or funding or directly undertaking action with respect to the Project. For example, do you need a municipal building permit to undertake the Project? Do you need a zoning approval to undertake the Project? If so, you would list the appropriate municipal building department or planning or zoning commission which would give said approvals.

City of Albany:

Dept of Planning - Site Plan Approval

Code & Regulatory Compliance - Building Permits

Board of Zoning Appeals - Zoning Variance

City of Albany Corporation Counsel – May require approval of Common Council

Municipal Water Company

2. Describe the nature of the involvement of the federal, state, or local agencies described above:

Broadway Albany is working with the above listed agencies to obtain building permits for rehabilitation of 92,000 SF for a new office tenant, zoning variances for rehabilitate parking and provide additional parking. A revised storm water management system and landscaping are being proposed with respect to the parking areas.

H. Construction Status:

1. Has construction work on this Project begun? Yes ____; No X_. If yes, please discuss in detail the approximate extent of construction and the extent of completion. Indicate in your answer whether such specific steps have been completed as site clearance and preparation; completion of foundations; installation of footings; etc.:

2. Please indicate amount of funds expended on this Project by the Company in the past three (3) years and the purposes of such expenditures: *None as the Applicant acquired property in December 2014.*

I. Method of Construction After Agency Approval:

1. If the Agency approves the Project which is the subject of this application, there are two methods that may be used to construct the Project. The applicant can construct the Project privately and sell the Project to the Agency upon completion. Alternatively, the applicant can request to be appointed as "agent" of the Agency, in which case certain laws applicable to public construction may apply to the Project. Does the applicant wish to be designated as "agent" of the Agency for purposes of constructing the Project? Yes X_; No ____.

2. If the answer to question 1 is yes, does the applicant desire such "agent" status prior to the closing date of the financing? Yes X_; No ____

III. INFORMATION CONCERNING LEASES OR SUBLEASES OF THE PROJECT. (PLEASE COMPLETE THE FOLLOWING SECTION IF THE COMPANY INTENDS TO LEASE OR SUBLEASE ANY PORTION OF THE PROJECT).

- A. Does the Company intend to lease or sublease more than 10% (by area or fair market value) of the Project? Yes X_; No _____. If yes, please complete the following for each existing or proposed tenant or subtenant:

1. Sublessee name: *MAXIMUS, INC*
Present Address: *Corporate: 11419 Sunset Hill Road*
City: Reston State: *VA* Zip: *20190*
Employer's ID No.:
Sublessee is: X Corporation: Partnership: Sole Proprietorship
Relationship to Company:
Percentage of Project to be leased or subleased: *68% - 92,000SF USF*
Use of Project intended by Sublessee: *commercial office space*
Date of lease or sublease to Sublessee: *7/1/15*
Term of lease or sublease to Sublessee: *5 Year Lease Term with renewal options*
Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes; No X. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.
2. Sublessee name: *Citizens Bank*
Present Address: *833 Broadway*
City: Albany State: NY Zip:
Employer's ID No.:
Sublessee is:
X Corporation: Partnership: Sole Proprietorship
Relationship to Company: *Existing Tenant at time of Purchase*
Percentage of Project to be leased or subleased: *20% - 28,000SF USF*
Use of Project intended by Sublessee: *Commerical Office Space*
Date of lease or sublease to Sublessee: *12/22/2014*
Term of lease or sublease to Sublessee: *8 Year Lease Term*
Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes; No X. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.
3. Sublessee name: *NA*
Present Address:
City: State: Zip:
Employer's ID No.:
Sublessee is: Corporation: Partnership: Sole Proprietorship
Relationship to Company:
Percentage of Project to be leased or subleased:
Use of Project intended by Sublessee:
Date of lease or sublease to Sublessee:
Term of lease or sublease to Sublessee:
Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes; No. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.

B. What percentage of the space intended to be leased or subleased is now subject to a binding written lease or sublease? *Approx. 128,000 RSF*

IV. Employment Impact

A. Indicate below the number of people presently employed at the project site and the number that will be employed at the project site at end of the first and second years after the Project has been completed (Do not include construction workers). Also indicate below the number of workers employed at the project site representing newly created positions as opposed to positions relocated from other project sites of the applicant. Such information regarding relocated positions should also indicate whether such positions are relocated from other project sites financed by obligations previously issued by the Agency.

Current employment is approximately 30 FTE's with Citizen's Bank. After Project completion, Maximus anticipates approx. 200 FTE's at end of Year 1 and approx. 200 additional FTE's at end of Year 2.

TYPE OF EMPLOYMENT					
	PROFESSIONAL MANAGERIAL	SKILLED	SEMI- SKILLED	UNSKILLED	TOTALS
Present Full Time	30 FTE				30
Present Part Time					
Present Seasonal					
First Year Full Time	60 FTE	170 FTE			230
First Year Part Time					
First Year Seasonal					
Second Year Full Time	60 FTE	370 FTE			430
Second Year Part Time					
Second Year Seasonal					

B. Please prepare a separate attachment describing in detail the types of employment at the project site. Such attachment should describe the activities or work performed for each type of employment.

V. Project Cost

A. Anticipated Project Costs. State the costs reasonably necessary for the acquisition of the project site and the construction of the proposed project including the acquisition and installation of any machinery and equipment necessary or convenient in connection therewith, and including any utilities, access roads, or appurtenant facilities, using the following categories:

<u>Description of Cost</u>	<u>Amount</u>
Land	\$ _____
Buildings	\$ 2,500,000
Machinery and equipment costs	\$ included above _____
Utilities, roads and appurtenant costs	\$ 1,000,000 parking lots, green space, site costs
Architects and engineering fees	\$ 100,000
Costs of Bond issue (legal, financial and printing)	\$ 0

H. Additional Fee for Low Income Housing/Tax Credit (9% only) Projects: An annual administrative fee equal to \$10,000 shall be payable annually by the applicant on each January 1 for a term equal to ten (10) years. This annual administrative fee is in addition to the standard administrative fee for Agency Straight Lease Transactions and Agency Bond Transactions and is applicable to Projects which provide for low income housing/tax credit (9% only) projects.

I. Project Benefits Agreement. The applicant agrees to enter into a project benefits agreement with the Agency where the applicant agrees (1) that the amount of Financial Assistance to be received shall be contingent upon, and shall bear a direct relationship to the success or lack of success of such project in delivering certain described public benefits (the "Public Benefits") and (2) the Agency will be entitled to recapture some or all of the Financial Assistance granted to the applicant if the project is unsuccessful in whole or in part in delivering the promised Public Benefits.

J. Assignment of Agency Abatements: In connection with any Agency Straight Lease Transaction or Agency Bond Transaction, the Agency may grant to the applicant certain exemptions from mortgage recording taxes, sales and use taxes and real property taxes. The applicant understands that the grant of such exemptions by the Agency is intended to benefit the applicant. Subsequently, if the applicant determines to convey the Project and, in connection with such conveyance to assign such exemptions to the purchaser, the applicant understand that any such assignment is subject to review and consent by the Agency, together with the satisfaction of any conditions that may be imposed by the Agency.

K. Post Closing Cost Verification. The applicant agrees (1) the scope of the Project will not vary significantly from the description in the public hearing resolution for the project and (2) to deliver to the Agency within sixty (60) days following the completion date of a project an affidavit providing the total costs of the project. In the event that the amount of the total project costs described in the affidavit at the completion date exceeds the amount described in an affidavit provided by the applicant on the closing date of the project, the applicant agrees to adjust the amounts payable by the applicant to the Agency by such larger amount and to pay to the Agency such additional amounts. In the event that the amount described is less, there shall not be any adjustment to the Agency fees.

L. Representation of Financial Information. Neither this Application nor any other agreement, document, certificate, project financials, or written statement furnished to the Agency or by or on behalf of the applicant in connection with the project contemplated by this Application contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements contained herein or therein not misleading. There is no fact within the special knowledge of any of the officers of the applicant which has not been disclosed herein or in writing by them to the Agency and which materially adversely affects or in the future in their opinion may, insofar as they can now reasonably foresee, materially adversely affect the business, properties, assets or condition, financial or otherwise, of the applicant.

Construction loan fees and interest (if applicable)	\$ <u>40,000</u>
Other (specify)	\$ _____
<u> </u> legal _____	\$ <u>50,000</u>
<u> </u> 3 rd party commissions	\$ <u>740,000</u>
_____	\$ _____
 TOTAL PROJECT COST	 \$ <u>4,430,000</u>

B. Have any of the above expenditures already been made by applicant?
 Yes X ; No . (If yes, indicate particular.) *Architecture & Space planning approx. \$50,000, commissions \$200,000*

V. BENEFITS EXPECTED FROM THE AGENCY

A. Financing

1. Is the applicant requesting that the Agency issue bonds to assist in financing the Project? Yes ; No X . If yes, indicate:
 - a. Amount of loan requested: Dollars;
 - b. Maturity requested: Years.
2. Is the interest on such bonds intended to be exempt from federal income taxation? Yes NA ; No .
3. If the answer to question 2 is yes, will any portion of the Project be used for any of the following purposes:
 - a. retail food and beverage services: Yes ; No
 - b. automobile sales or service: Yes ; No
 - c. recreation or entertainment: Yes ; No
 - d. golf course: Yes ; No
 - e. country club: Yes ; No
 - f. massage parlor: Yes ; No
 - g. tennis club: Yes ; No
 - h. skating facility (including roller
 - i. skating, skateboard and ice skating): Yes ; No
 - j. racquet sports facility (including
 - handball and racquetball court): Yes ; No
 - k. hot tub facility: Yes ; No
 - l. suntan facility: Yes ; No
 - m. racetrack: Yes ; No
4. If the answer to any of the above questions contained in question 3 is yes, please furnish details on a separate attachment. *NA*

5. Is the Project located in the City's federally designated Enterprise Zone?
Yes____; No__X__.
6. Is the applicant requesting the Agency to issue federally tax-exempt Enterprise Zone bonds? Yes____; No__X__.

B. Tax Benefits

1. Is the applicant requesting any real property tax exemption that would not be available to a project that did not involve the Agency? Yes ____; No _X__.
2. Is the applicant expecting that the financing of the Project will be secured by one or more mortgages? Yes _X__; No _____. If yes, what is the approximate amount of financing to be secured by mortgages? \$6,500,000_.
3. Is the applicant expecting to be appointed agent of the Agency for purposes of avoiding payment of N.Y.S. Sales Tax or Compensating Use Tax? Yes _X__; No _____. If yes, what is the approximate amount of purchases which the applicant expects to be exempt from the N.Y.S. Sales and Compensating Use Taxes? \$1,400,000.
4. What is the estimated value of each type of tax-exemption being sought in connection with the Project? Please detail the type of tax-exemption and value of the exemption.

a.	N.Y.S. Sales and Compensating Use Taxes:	\$__112,000
b.	Mortgage Recording Taxes:	\$____0_____
c.	Real Property Tax Exemptions:	\$____0_____
d.	Other (please specify):	\$____0_____
	_____	\$_____
	_____	\$_____

5. Are any of the tax-exemptions being sought in connection with the Project inconsistent with the Agency's tax-exemption policy contained in its Rules and Regulations? Yes ____; No X. If yes, please explain.

6. Is the Project located in the City's state designated Empire Zone? Yes____; No_X.

C. Project Cost/Benefit Information. Complete the attached Cost/Benefit Analysis so that the Agency can perform a cost/benefit analysis of undertaking the Project. Such information should consist of a list and detailed description of the benefits of the Agency undertaking the Project (e.g., number of jobs created, types of jobs created, economic development in the area, etc.). Such information should also consist of a list and detailed description of the costs of the Agency undertaking the Project (e.g., tax revenues lost, buildings abandoned, etc.).

VI. REPRESENTATIONS BY THE APPLICANT. The applicant understands and agrees with the Agency as follows:

A. Job Listings. 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 “DOC”) and with the administrative entity (collectively with the DOC, the “JTPA Entities”) of the service delivery area created by the federal job training partnership act (Public Law 97-300) (“JTPA”), as replaced by the Workforce Investment Act of 1998 (Public Law 105-220), 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 JTPA Programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.

C. City Human Rights Law. The Applicant agrees to endeavor to comply with the provisions of Article XI, Division 2 of the City Code, entitled “The Omnibus Human Rights Law.” The Applicant understands that it is not subject to the provisions of The Omnibus Human Rights Law.

D. 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, 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.

E. 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.

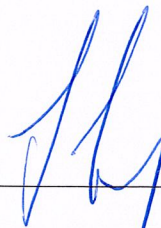
F. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officer, or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

G. Local Labor Information: The applicant is aware of and understands the provisions of Part 24 of the Policy Manual of the Agency. Pursuant to Part 24 of the Policy Manual of the Agency, the applicant agrees to provide information, in form and substance satisfactory to the Agency, relating to construction activities for projects; specifically: (i) the Company’s contact person responsible and accountable for providing information about the bidding for and awarding of construction contracts relative to this Application and the Project, (ii) the nature of construction jobs created by the Project, including the number, type, and duration of construction positions; and (iii) submit to the Agency a “Construction Completion Report” listing the names and business locations of prime contractors, subcontractors, and vendors who were engaged in the construction phase of the Project.

M. Additional Information. Additional information regarding the requirements noted in this Application and other requirements of the Agency is included the Agency's Policy Manual which can be accessed at www.albanyida.com.

(Applicant)

BY: _____



NOTE: APPLICANT MUST ALSO COMPLETE THE APPROPRIATE VERIFICATION
APPEARING ON PAGES 18 THROUGH 21 HEREOF BEFORE A NOTARY PUBLIC AND MUST
SIGN AND ACKNOWLEDGE THE HOLD HARMLESS AGREEMENT APPEARING ON PAGE 22

VERIFICATION

(If Applicant is a Corporation)

STATE OF _____)
) SS.:
COUNTY OF _____)

_____deposes and says that he is the
(Name of chief executive of applicant)

_____of _____,
(Title) (Company Name)

the corporation named in the attached application; that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. Deponent further says that the reason this verification is made by the deponent and not by said company is because the said company is a corporation. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his 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 duties as an officer of and from the books and papers of said corporation.

(officer of applicant)

Sworn to before me this
_____day of _____, 20__.

(Notary Public)

VERIFICATION

(If applicant is sole proprietor)

STATE OF _____)
) SS.:
COUNTY OF _____)

_____, deposes and says
(Name of Individual)

that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application.

Sworn to before me this
___ day of _____, 20__.

(Notary Public)

(If applicant is partnership)

012001.00025 Business 13638594v3

VERIFICATION

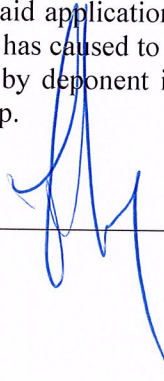
(If applicant is limited liability company)

STATE OF New York
) SS.:
COUNTY OF monroe

LEWIS NORRY, deposes and says
(Name of Individual)

that he is one of the members of the firm of BROADWAY ALBANY REALTY LLC,
(Partnership Name)

the partnership named in the attached application; that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his 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 duties as a member of and from the books and papers of said partnership.



Sworn to before me this
20th day of April, 2015

Deborah L. Cervini
(Notary Public)

DEBORAH L. CERVINI
Notary Public, State of New York
Qualified in Monroe County
No. 01CE6023322
My Commission Expires 4/19/19

NOTE: THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS THE HOLD
HARMLESS AGREEMENT APPEARING ON PAGE 22 IS SIGNED BY THE APPLICANT.

HOLD HARMLESS AGREEMENT

Applicant hereby releases City of Albany Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "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 (i) 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 issue of bonds requested therein are favorably acted upon by the Agency, and (ii) the Agency's financing of the Project described therein; 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 find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

(Applicant)

BY: _____

Sworn to before me this
20th day of April, 2015



(Notary Public)

DEBORAH L. CERVINI
Notary Public, State of New York
Qualified in Monroe County
No. 01CE6023322
My Commission Expires 4/19/19

TO: Project Applicants
FROM: City of Albany Industrial Development Agency
RE: Cost/Benefit Analysis

In order for the City of Albany Industrial Development Agency (the "Agency") to prepare a Cost/Benefit Analysis for a proposed project (the "Project"), the Applicant must answer the questions contained in this Project Questionnaire (the "Questionnaire") and complete the attached Schedules. This Questionnaire and the attached Schedule will provide information regarding various aspects of the Project, and the costs and benefits associated therewith.

Since we need this Questionnaire to be completed before we can finalize the Cost/Benefit Analysis, please complete this Questionnaire and forward it to us at your earliest convenience.

PROJECT QUESTIONNAIRE

1. Name of Project Beneficiary ("Company"):	<i>Broadway Albany Realty LLC</i>
2. Brief Identification of the Project:	<i>Rehab of 92,000 SF of Commercial Office Space, expansion and rehab of associated parking</i>
3. Estimated Amount of Project Benefits Sought:	
A. Amount of Bonds Sought:	\$ 0
B. Value of Sales Tax Exemption Sought	\$ 112,000
C. Value of Real Property Tax Exemption Sought	\$ 0
D. Value of Mortgage Recording Tax Exemption Sought	\$ 0

PROJECTED PROJECT INVESTMENT

A. Land-Related Costs	
1. Land acquisition	\$
2. Site preparation	\$
3. Landscaping	\$
4. Utilities and infrastructure development	\$ 1,000,000
5. Access roads and parking development	\$
6. Other land-related costs (describe)	\$
B. Building-Related Costs	
1. Acquisition of existing structures	\$
2. Renovation of existing structures	\$ 2,500,000
3. New construction costs	\$
4. Electrical systems	\$
5. Heating, ventilation and air conditioning	\$
6. Plumbing	\$
7. Other building-related costs (describe)	\$

C.	Machinery and Equipment Costs	
1.	Production and process equipment	\$ _____
2.	Packaging equipment	\$ _____
3.	Warehousing equipment	\$ _____
4.	Installation costs for various equipment	\$ _____
5.	Other equipment-related costs (describe)	\$ _____
D.	Furniture and Fixture Costs	
1.	Office furniture	\$ _____
2.	Office equipment	\$ _____
3.	Computers	\$ _____
4.	Other furniture-related costs (describe)	\$ _____
E.	Working Capital Costs	
1.	Operation costs	\$ _____
2.	Production costs	\$ _____
3.	Raw materials	\$ _____
4.	Debt service	\$ 40,000
5.	Relocation costs	\$ _____
6.	Skills training	\$ _____
7.	Other working capital-related costs (describe)	\$ _____
F.	Professional Service Costs	
1.	Architecture and engineering	\$ 100,000
2.	Accounting/legal	\$ 50,000
3.	Other service-related costs (describe) <i>3rd party commissions</i>	\$ 740,000
G.	Other Costs	
1.	_____	\$ _____
2.	_____	\$ _____
H.	Summary of Expenditures	
1.	Total Land-Related Costs	\$ 1,000,000
2.	Total Building-Related Costs	\$ 2,500,000
3.	Total Machinery and Equipment Costs	\$ NA
4.	Total Furniture and Fixture Costs	\$ NA
5.	Total Working Capital Costs	\$ 40,000
6.	Total Professional Service Costs	\$ 890,000
7.	Total Other Costs	\$ NA

PROJECTED PROFIT

- I. Please provide projected profit as defined by earnings after income tax but before depreciation and amortization: *All construction costs are capitalized.*

YEAR	Without IDA benefits	With IDA benefits
1	\$ NA	\$ NA
2	\$	\$
3	\$	\$
4	\$	\$
5	\$	\$

PROJECTED CONSTRUCTION EMPLOYMENT IMPACT

- I. Please provide estimates of total construction jobs and the total annual wages and benefits of construction jobs at the Project:

Year	Number of Construction Jobs	Total Annual Wages and Benefits	Estimated Additional NYS Income Tax
Current Year		\$2,100,000	\$
Year 1		\$	\$
Year 2		\$	\$
Year 3		\$	\$
Year 4		\$	\$
Year 5		\$	\$

PROJECTED PERMANENT EMPLOYMENT IMPACT

- I. Please provide estimates of total number of existing permanent jobs to be preserved or retained as a result of the Project:

Year	Professional	Skilled	Semi-Skilled	Unskilled
Current Year	30	0	0	0
Year 1	30	0	0	0
Year 2	30	0	0	0
Year 3	30	0	0	0
Year 4	30	0	0	0
Year 5	30	0	0	0

II. Please provide estimates of total new permanent jobs to be created at the Project:

Year	Professional	Skilled	Semi-Skilled	Unskilled
Current Year				
Year 1	30	170	0	0
Year 2	0	200	0	0
Year 3	0	0	0	0
Year 4	0	0	0	0
Year 5	0	0	0	0

III. Please provide estimates for the following:

A. Creation of New Job Skills relating to permanent jobs. Please complete Schedule A.

IV. Provide the projected percentage of employment that would be filled by City of Albany residents:
 ___ *Will be determined by Tenant. Tenant will be informed of preference for City of Albany hiring.*

A. Provide a brief description of how the project expects to meet this percentage:

PROJECTED OPERATING IMPACT

I. Please provide estimates for the impact of Project operating purchases and sales: estimate sales tax on opex

Additional Purchases (1 st year following project completion)	\$___560,000
Additional Sales Tax Paid on Additional Purchases	\$ 44,800
Estimated Additional Sales (1 st full year following project completion)	NA
Estimated Additional Sales Tax to be collected on additional sales (1 st full year following project completion)	NA

II. Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes ("Pilot Payments"): NA. *Applicant is not seeking PILOT.*

Year	Existing Real Property Taxes (Without IDA involvement)	New Pilot Payments (With IDA)	Total (Difference)
Current Year			
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			
Year 6			
Year 7			
Year 8			
Year 9			
Year 10			

III. Please provide a brief description for the impact of other economic benefits expected to be produced as a result of the Project:

This Project will bring in a minimum of 400 new jobs to Downtown Albany. There will be increased retail activity in the Downtown Area, increased income and sales tax to the municipality and NYS, stabilized real property taxes for this property and a stabilized commercial office property. Parking will be enhanced in this area with the expansion of parking and landscaping improvements will enhance the immediate neighborhood.

CERTIFICATION

I certify that I have prepared the responses provided in this Questionnaire and that, to the best of my knowledge; such responses are true, correct, and complete.

I understand that the foregoing information and attached documentation will be relied upon, and constitute inducement for, the Agency in providing financial assistance to the Project. I certify that I am familiar with the Project and am authorized by the Company to provide the foregoing information, and such information is true and complete to the best of my knowledge. I further agree that I will advise the Agency of any changes in such information, and will answer any further questions regarding the Project prior to the closing.

Date Signed: APR 20, 2015

Name of Person Completing Project Questionnaire on behalf of the Company.

Name: Lewis Norry

Title: Managing Member

Phone Number: 585-281-4800

Address: 1465 Monroe Ave, Rochester NY 14618

Signature: 

SCHEDULE A

CREATION OF NEW JOB SKILLS

Please list the projected new job skills for the new permanent jobs to be created at the Project as a result of the undertaking of the Project by the Company.

[illegible]

Should you need additional space, please attach a separate sheet.