

# Albany Industrial Development Agency

21 Lodge Street  
Albany, New York 12207  
Telephone: (518) 434-2532  
Fax: (518) 434-9846

Anthony J. Ferrara, *Chairman*  
Willard A. Bruce, *Vice-Chairman*  
Kathy Sheehan, *Treasurer*  
Susan Pedo, *Secretary*  
Martin Daley  
C. Anthony Owens  
John R. Vero

Michael Yevoli, *Chief Executive Officer*  
Erik J. Smith, *Chief Financial Officer*  
John Reilly, *Agency Counsel*

To: Anthony J. Ferrara      Mike Yevoli  
Willard A. Bruce      Erik Smith  
Kathy Sheehan      Joe Scott  
Susan Pedo      John Reilly  
Martin Daley      Brad Chevalier  
C. Anthony Owens  
John R. Vero

Date: May 25, 2012

## AGENDA

The regular meeting of the City of Albany Industrial Development Agency will be held on **Thursday, May 31, 2012 at 12:15PM** at the 21 Lodge Street, Albany, NY 12207 (Conference Room)

### Roll Call

Reading of Minutes of the Regular Meeting of March 26, 2012

Approval of Minutes of the Regular Meeting of March 26, 2012

### Reports of Committees

Report of Chief Executive Officer

Report of Chief Financial Officer

— Financial Report

### Communications

### Unfinished Business

### New Business

- 39 Sheridan Avenue Project Sales Tax Letter Extension Resolution
- Dilek, LLC Public Hearing Resolution
- Honest Weight Food Cooperative Inc. Public Hearing Resolution

### Other Business

### Adjournment

**\* The next regularly scheduled meeting will be held Thursday, June 21, at 21 Lodge Street, Albany, NY 12207**

Draft

# **Albany Industrial Development Agency**

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John Reilly, *Agency Counsel*

## **IDA MINUTES OF REGULAR MEETING Monday, March 26, 2012**

Attending: Tony Ferrara, Bill Bruce, Kathy Sheehan, Susan Pedo, Martin Daley, Anthony Owens & John Vero

Absent:

Also Present: Joe Scott, John Reilly, Mike Yevoli, Erik Smith, Brad Chevalier & Amy Gardner

Chairman Tony Ferrara called the regular meeting of the IDA to order at 12:15PM.

### **Roll Call**

Chairman Ferrara reported that all Board Members were present.

### **Reading of Minutes of the Regular Meeting of February 16, 2012 & the Annual Meeting of January 19, 2012**

Since the minutes of the previous meeting and the annual meeting had been distributed to Board members in advance for review, Chairman Ferrara made a proposal to dispense with the reading of the minutes.

### **Approval of Minutes of the Regular Meeting of February 16, 2012 & the Annual Meeting of January 19, 2012**

Chairman Ferrara made a proposal to approve the minutes of the Regular Board Meeting of February 16, 2012 & the Annual Meeting of January 19, 2012 as presented. A motion to accept the minutes, as presented, was made by Anthony Owens and seconded by Kathy Sheehan. A vote being taken, the minutes were accepted unanimously.

### **Reports of Committees**

None

### **Report of Chief Executive Officer**

Draft

None

## **Report of Chief Financial Officer**

Erik Smith reviewed the monthly financials with the Board. Mr. Smith reviewed to date projected inflows and outlays. Mr. Smith advised the Board that staff is continuing to refine the payment schedule associated with the Arbor Hill Community Center. At this time the IDA is projected to end the year with \$340,000.

## **New Business**

### **Albany Molecular Research, Inc. 2012 Mortgage Approval Resolution**

Keith Palmer of AMRI Global and Bob Wakeman, counsel for the Applicant, were present to answer any questions the Board had. Erik Smith advised the Board that AMRI is up to date with their employment reporting and that they have created seventy-seven (77) jobs. Susan Pedo asked about the number of layoffs that had occurred within the company. Keith Palmer responded that the reporting only reflects the building at 26 Corporate Circle and there were no layoffs at this location. Joe Scott reviewed the Resolution with the Board explaining that this is a straight lease transaction and the Applicant would like to change their bank to Wells Fargo and restructure their mortgage. Mr. Scott advised the Board that the mortgage recording tax exemption granted in 2005 will continue.

Chairman Ferrara presented the Albany Molecular Research, Inc. 2012 Mortgage Approval Resolution to the Board. A motion to adopt the Resolution was made by Anthony Owens and seconded by John Vero. A vote being taken, the resolution passed unanimously.

### **CAIDA/Capitalize Albany Corporation Professional Services Agreement Resolution-2012**

Erik Smith reviewed the Agreement with the Board. Mr. Smith advised the Board that the language in the agreement clearly illustrates the fact the IDA and CRC share the same Board. Schedule A of the Agreement outlines the services Capitalize Albany Corporation (“the CAC”) will provide the IDA and the CRC. For the services rendered the IDA and CRC will pay the CAC an amount not to exceed \$250,000. Kathy Sheehan asked whether the IDA and the CRC would be separately liable for the amount. Joe Scott advised the Board that a line could be added to the agreement that would limit the outside liability of both entities. Mr. Scott also advised the Board that the agreement can be terminated by either party with 30 days written notice. The Board requested that the language “and the CACRC” be deleted from the second line of Article 3 and the first line of Article 4.

Chairman Ferrara presented the CAIDA/Capitalize Albany Corporation Professional Services Agreement Resolution-2012 to the Board. A motion to adopt the Resolution as amended was made by Anthony Owens and seconded by Martin Daley. A vote being taken, the resolution as amended passed unanimously.

### **CAIDA/ Capitalize Albany Corporation Grant Agreement Resolution-2012**

Erik Smith reviewed the Grant Agreement between the IDA and the CAC with the Board. The amount of the grant is \$250,000. The money provided to the CAC must be spent in accordance with the mission statement of the IDA. The Board would like to know exactly what the money goes towards. The Board indicated a desire to have a representative from the IDA/CRC Board sit on the CAC Board. Staff indicated that it would look into the request.

## Draft

Chairman Ferrara presented the CAIDA/Capitalize Albany Corporation Grant Agreement Resolution-2012 to the Board. A motion to adopt the Resolution was made by Martin Daley and seconded by Bill Bruce. A vote being taken, the resolution passed unanimously.

A motion to appoint a member of the IDA/CRC Board to the CAC Board was made by Martin Daley and seconded by Bill Bruce. A vote being taken the motion passed unanimously.

### **Review of Draft 2011 Audited Financial Statements & Review of Draft 2011 Annual Report**

Susan Pedo, Chairman of the Audit Committee gave a brief update on the topics discussed at the meeting. She informed the Board that the draft financials were straight forward. Ms. Pedo advised the Board that Erik Smith will be working on revisions to the draft annual report that the Committee recommended. Ms. Pedo advised the Board that the Audit Committee recommends accepting the 2011 Audited Financial Statements and 2011 Annual report.

Chairman Ferrara presented the Draft 2011 Audited Financial Statements & Draft 2011 Annual Report to the Board. A motion to accept the 2011 Audited Financial Statements as presented and the 2011 Annual report with revisions was made by Susan Pedo and seconded by Anthony Owens. A vote being taken, the 2011 Audited Financial Statements and 2011 Annual Report were accepted unanimously.

## **Communications**

### **Update on CAIDA/CRC Website**

Ashley D'Antonio presented a working draft of the new website to the Board. The Board was pleased with the new site and recommended that staff continue moving forward.

## **Unfinished Business**

None

## **Other Business**

### **Update on Columbia 425 NS, LLC Project**

Brad Chevalier advised the Board that he spoke with Paul Tenan, a representative of Care for Life, and was informed that the project is moving forward as planned. The Certificate of Occupancy is expected to be received in the coming week. It is expected that the landscaping will be completed over the next 4-5 weeks. Employment opportunities are starting to be advertised and interviews for certain positions are expected to begin shortly. An official opening is expected in July.

### **Update on Albany Hotel, Inc. Project**

Brad Chevalier advised the Board that he spoke with Neil Teplica, a representative for Albany Hotel, Inc. According to Mr. Teplica the project is continuing to move forward. The Applicant finalized a franchise agreement with Hilton Hotels in December 2011. However, the Hilton signs cannot be used until the guest rooms have been renovated. Bids for renovations of the guest rooms went out in mid January. The renovation of the rooms is expected to be completed sometime in July. It is expected that the bid for the renovation of the lobby and the common areas will go out shortly. The Applicant expects the entire project to be completed in November or December of 2012.



Draft

There being no further business, Chairman Ferrara adjourned the meeting at 1:00PM.

Respectfully submitted,

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Susan Pedo, Secretary

**City of Albany IDA**  
2012 Monthly Cash Position  
April 2012

	<b>ACTUAL</b>				<b>PROJECTED</b>								
	January	February	March	April	May	June	July	August	September	October	November	December	YTD Total
<b>Beginning Balance</b>	\$ 655,663	\$ 623,254	\$ 665,288	\$ 686,239	\$ 562,424	\$ 558,154	\$ 577,762	\$ 554,961	\$ 539,857	\$ 524,752	\$ 439,445	\$ 424,332	\$ 655,663
<b>Revenue</b>													
<b>Fee Revenue</b>													
Application Fee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Agency Fee	-	-	24,140	-	-	139,962	-	-	-	-	-	-	164,102
Administrative Fee	-	-	-	500	-	500	-	-	-	-	-	-	1,000
Modification Fee	-	7,663	-	1,500	-	-	-	-	-	-	-	-	9,163
<b>Subtotal - Fee Revenue</b>	\$ -	\$ 7,663	\$ 24,140	\$ 2,000	\$ -	\$ 140,462	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 174,265
<b>Other Revenue</b>													
Project Benefit Agreement	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100,000
Interest Income	57	49	60	51	47	47	48	46	45	44	37	35	566
CRC	-	-	-	37,500	21,667	10,833	10,833	10,833	10,833	10,833	10,833	10,833	135,000
NYS BIC	-	-	-	-	-	-	-	-	-	-	-	-	-
Misc	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Subtotal - Other Revenue</b>	\$ 57	\$ 100,049	\$ 60	\$ 37,551	\$ 21,714	\$ 10,880	\$ 10,881	\$ 10,880	\$ 10,878	\$ 10,877	\$ 10,870	\$ 10,869	\$ 235,566
<b>Total - Revenue</b>	\$ 57	\$ 107,712	\$ 24,200	\$ 39,551	\$ 21,714	\$ 151,342	\$ 10,881	\$ 10,880	\$ 10,878	\$ 10,877	\$ 10,870	\$ 10,869	\$ 409,831
<b>Expenditures</b>													
Management Contract	\$ -	\$ -	\$ -	\$ 83,333	\$ 20,833	\$ 20,833	\$ 20,833	\$ 20,833	\$ 20,833	\$ 20,833	\$ 20,833	\$ 20,833	\$ 250,000
APA Contract	5,250	-	-	5,250	-	-	7,700	-	-	7,700	-	-	25,900
Audits	-	-	3,100	-	-	-	-	-	-	-	-	-	3,100
Agency Counsel	-	-	-	-	-	42,000	-	-	-	-	-	42,000	84,000
ED Support	-	-	-	62,500	-	62,500	-	-	-	62,500	-	62,500	250,000
Sub-lease AHCC	-	65,527	-	12,061	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	117,588
NYS BIC	27,216	-	-	-	-	-	-	-	-	-	-	-	27,216
D & O Insurance	-	-	-	-	-	1,250	-	-	-	-	-	-	1,250
Misc.	-	150	149	223	150	150	150	150	150	150	150	150	1,722
Other Expenses	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total - Expenditures</b>	\$ 32,466	\$ 65,677	\$ 3,249	\$ 163,367	\$ 25,983	\$ 131,733	\$ 33,683	\$ 25,983	\$ 25,983	\$ 96,183	\$ 25,983	\$ 130,483	\$ 760,776
<b>Ending Balance</b>	\$ 623,254	\$ 665,288	\$ 686,239	\$ 562,424	\$ 558,154	\$ 577,762	\$ 554,961	\$ 539,857	\$ 524,752	\$ 439,445	\$ 424,332	\$ 304,717	\$ 304,717

# City of Albany IDA

Fee Detail by Month

April

2012

	Name	Application Fee	Agency Fee	Administration Fee	Modification Fee	TOTAL FEE
<i>January</i>		\$ -	\$ -	\$ -	\$ -	\$ -
		-	-	-	-	-
		-	-	-	-	-
	<b>TOTAL</b>	\$ -	\$ -	\$ -	\$ -	\$ -
<i>February</i>	Daughters of Sarah	\$ -	\$ -	\$ -	\$ 7,663	\$ 7,663
		-	-	-	-	-
		-	-	-	-	-
	<b>TOTAL</b>	\$ -	\$ -	\$ -	\$ 7,663	\$ 7,663
<i>March</i>	Penta on Braodway	\$ -	\$ 11,015	\$ -	\$ -	\$ 11,015
	4-6 Sheridan, LLC	-	13,125	-	-	13,125
	<b>TOTAL</b>	\$ -	\$ 24,140	\$ -	\$ -	\$ 24,140
<i>April</i>	Living Resources	\$ -	\$ -	\$ 500	\$ -	\$ 500
	AMRI				1,500	
	<b>TOTAL</b>	\$ -	\$ -	\$ 500	\$ 1,500	\$ 2,000
<i>May</i>		\$ -	\$ -	\$ -	\$ -	\$ -
		-	-	-	-	-
		-	-	-	-	-
	<b>TOTAL</b>	\$ -	\$ -	\$ -	\$ -	\$ -
<i>June</i>	Columbia Harriman 455	\$ -	\$ 91,212	\$ -	\$ -	\$ 91,212
	Sixty State Place, LLC	-	48,750	-	-	48,750
	Albany Institute of History & Art	-	-	500	-	500
		-	-	-	-	-
		-	-	-	-	-
	<b>TOTAL</b>	\$ -	\$ 139,962	\$ 500	\$ -	\$ 140,462

# City of Albany IDA

Fee Detail by Month

April

2012

	Name	Application Fee	Agency Fee	Administration Fee	Modification Fee	TOTAL FEE
<i>July</i>		\$ -	\$ -	\$ -	\$ -	\$ -
		-	-	-	-	-
		-	-	-	-	-
<i>August</i>	TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
		-	-	-	-	-
<i>September</i>	TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
		-	-	-	-	-
<i>October</i>	TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
		-	-	-	-	-
<i>November</i>	TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
		-	-	-	-	-
<i>December</i>	TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
		-	-	-	-	-
	TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -
		-	-	-	-	-
	2012 TOTAL	\$ -	\$ 164,102	\$ 1,000	\$ 9,163	\$ 174,265
		Application Fee	Agency Fee	Administration Fee	Modification Fee	TOTAL FEE

**City of Albany CRC**  
2012 Monthly Cash Position  
April 2012

	<b>ACTUAL</b>				<b>PROJECTED</b>									
	January	February	March	April	May	June	July	August	September	October	November	December		YTD Total
<b>Beginning Balance</b>	\$ 142,598	\$ 142,610	\$ 142,621	\$ 142,633	\$ 100,642	\$ 78,984	\$ 68,157	\$ 57,329	\$ 46,501	\$ 35,671	\$ 24,841	\$ 14,010		\$ 142,598
<b>Revenue</b>														
<b>Fee Revenue</b>														
Application Fee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -
Agency Fee	-	-	-	-	-	-	-	-	-	-	-	-		-
Administrative Fee	-	-	-	-	-	-	-	-	-	-	-	-		-
Modification Fee	-	-	-	-	-	-	-	-	-	-	-	-		-
<b>Subtotal - Fee Revenue</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -
<b>Other Revenue</b>														
Interest Income	\$ 12	\$ 11	\$ 12	\$ 9	\$ 8	\$ 7	\$ 6	\$ 5	\$ 4	\$ 3	\$ 2	\$ 1		80
Misc	-	-	-	-	-	-	-	-	-	-	-	-		-
<b>Subtotal - Other Revenue</b>	\$ 12	\$ 11	\$ 12	\$ 9	\$ 8	\$ 7	\$ 6	\$ 5	\$ 4	\$ 3	\$ 2	\$ 1		80
<b>Total - Revenue</b>	\$ 12	\$ 11	\$ 12	\$ 9	\$ 8	\$ 7	\$ 6	\$ 5	\$ 4	\$ 3	\$ 2	\$ 1		80
<b>Expenditures</b>														
Management Contract	\$ -	\$ -	-	37,500	21,667	10,833	10,833	10,833	10,833	10,833	10,833	10,833		\$ 135,000
Audits	-	-	-	4,500	-	-	-	-	-	-	-	-		4,500
D & O Insurance	-	-	-	-	-	-	-	-	-	-	-	1,364		1,364
Misc.	-	-	-	-	-	-	-	-	-	-	-	-		-
<b>Total - Expenditures</b>	\$ -	\$ -	\$ -	\$ 42,000	\$ 21,667	\$ 10,833	\$ 10,833	\$ 10,833	\$ 10,833	\$ 10,833	\$ 10,833	\$ 12,197		\$ 140,864
<b>Ending Balance</b>	\$ 142,610	\$ 142,621	\$ 142,633	\$ 100,642	\$ 78,984	\$ 68,157	\$ 57,329	\$ 46,501	\$ 35,671	\$ 24,841	\$ 14,010	\$ 1,813		\$ 1,813

**SALES TAX LETTER EXTENSION RESOLUTION  
39 SHERIDAN AVENUE PROJECT**

A regular meeting of City of Albany Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 21 Lodge Street in the City of Albany, Albany County, New York on May 31, 2012 at 12:15 p.m., local time.

The meeting was called to order by the Chairman of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Anthony J. Ferrara	Chairman
Willard A. Bruce	Vice Chairman
Susan Pedo	Secretary
Hon. Kathy Sheehan	Treasurer
Martin Daley	Member
C. Anthony Owens	Member
John R. Vero	Member

**ABSENT:**

**THE FOLLOWING PERSONS WERE ALSO PRESENT:**

Michael J. Yevoli	CEO - Capitalize Albany Corporation
Erik Smith	CFO - Capitalize Albany Corporation
Bradley Chevalier	Economic Development Specialist, Capitalize Albany Corporation
Amy Gardner	Administrative Assistant, Capitalize Albany Corporation
John J. Reilly, Esq.	Agency Counsel
A. Joseph Scott, III, Esq.	Bond Counsel

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

**RESOLUTION APPROVING THE DELIVERY OF A REVISED SALES TAX  
LETTER FOR THE 39 SHERIDAN REALTY, LLC PROJECT**

WHEREAS, City of Albany Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 325 of the 1974 Laws of New York, as amended, constituting Section 903-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, pursuant to a resolution duly adopted by the members of the Agency on March 18, 2010 (the "Approval Resolution"), the Agency agreed to assist 39 Sheridan Realty, LLC, a New York limited liability company (the "Company") in undertaking a project (the "Project") consisting of the following: (A) (1) the acquisition of an interest in an approximately 1.30 acre parcel of land located on 49 Sheridan Avenue in the City of Albany, Albany County, New York (the "Land"), together with an existing 86,490 square foot, four story building located thereon (collectively, the "Facility"), (2) the demolition of an approximately 30,533 square feet portion of the Facility, (3) the renovation of the remaining 55,957 square feet of the Facility and (4) the acquisition and installation thereon and therein of certain machinery and equipment (collectively, the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to be owned by the Company and leased to various tenants for use by the tenants as commercial office space and other directly and indirectly related activities; (B) the granting of "financial assistance" (within the meaning of the Act) with respect to the foregoing, including potential exemptions from certain sales taxes, real estate transfer taxes, mortgage recording taxes and real property taxes (the "Financial Assistance"); and (C) the lease (with the obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, the Company has submitted a letter to the Agency (the "Company Letter"), a copy of same is attached as Schedule A, indicating that its initial estimates of the completion date of the Project were not accurate and that the sales tax letter originally delivered by the Agency to the Company will expire prior to the completion of the Project; and

WHEREAS, the Company has requested that the Agency deliver a revised sales tax letter which reflects an extended completion date for the Project,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency has reviewed the Company Letter and, based upon the representations made by the Company to the Agency in the Company Letter, based thereon, the Agency hereby makes the following findings and determinations with respect to the Project:

(A) The Project constitutes a "project" within the meaning of the Act; and

(B) The Project does not differ from the Project approved by the Agency pursuant to the Approval Resolution and as described in the Agency Documents (as defined in the Approval Resolution); and

(C) The granting of the Financial Assistance by the Agency with respect to the Project, will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of the City of Albany, New York and the State of New York and improve their standard of living, and thereby serve the public purposes of the Act; and

(D) The completion of the Project will serve the public purposes of the Act by preserving permanent, private sector jobs or increasing the overall number of permanent, private sector jobs in the State of New York; and

(E) Upon compliance with the provisions of the Act, the Agency would then be authorized under the Act to undertake the Project in order to promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of the City of Albany, New York and the State of New York and improve their standard of living.

Section 2. In consequence of the foregoing, the Agency hereby determines to execute and deliver a revised sales tax letter (the "Revised Sales Tax Letter") to reflect the new completion date of the Project, subject to the following conditions: (A) the payment of the Agency's administrative fee, (B) evidence satisfactory to the Agency and its staff that the Company is in compliance with the Agency's policies relating to the Project; (C) the payment of the fees and expenses of the Agency Counsel and Agency Bond Counsel, (D) the execution and delivery of documents prepared by Agency Bond Counsel to provide for the extension of the sales tax letter, and (E) the following additional conditions:

Section 3. The Chairman (or Vice Chairman) of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Revised Sales Tax Letter, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Revised Sales Tax Letter and the Agency Documents, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Revised Sales Tax Letter and the Agency Documents binding upon the Agency.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Anthony J. Ferrara	VOTING	_____
Willard A. Bruce	VOTING	_____
Susan Pado	VOTING	_____
Hon. Kathy Sheehan	VOTING	_____
Martin Daley	VOTING	_____
C. Anthony Owens	VOTING	_____
John R. Vero	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.



STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF ALBANY                    )

I, the undersigned (Assistant) Secretary of City of Albany Industrial Development Agency (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on May 31, 2012 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of such proceeding so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_\_ day of May, 2012.

(SEAL)

\_\_\_\_\_  
(Assistant) Secretary

**SCHEDULE A**  
**COMPANY LETTER**

**39 Sheridan Realty, LLC  
646 Plank Road, Suite 205  
Clifton Park, New York 12065**

**May 15, 2012**

**Mike Yevoli  
City of Albany Industrial Development Agency  
c/o Department of Economic Development  
21 Lodge Street  
Albany, New York 12207**


**RE: Tax Exempt Letter Extension**

**Dear Mike:**

**We are in need of an extension to the May 15, 2012 expiration date of our current New York State Sales or Use Tax exemption to December 31, 2012 as the project experienced delays in the planning phase of our construction.**

**The project itself and the costs associated with said project remain unchanged.**

**Thank you for your consideration.**



**Marc H. Paquin  
Managing Member**

**TO:** City of Albany Industrial Development Agency Board

**FROM:** City of Albany Industrial Development Agency Staff

**RE:** Dilek, LLC - IDA Application Summary

**DATE:** May 25, 2012

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**Applicant:** Dilek, LLC

**Managing Members (% of Ownership):** Yusuf Dincer (51%), Ayse Dincer (49%)

**Project Location:** 423-425 Madison Avenue

**Project Description:** This building, located prominently on the northeast corner of Lark Street and Madison Avenue, has been vacant for over a year. The applicant proposes demolishing the existing one story structure and constructing a new three story, 7,000 sq.ft. mixed-use structure. The building will house 6 market rate apartments (one bedroom) on floors 2-3 and 2,500 sq.ft. of restaurant space on the first floor. The proposed building provides a scale and identity that had been previously present and eventually removed. The proposed restaurant will add texture and vibrancy on this highly visible corner while the apartment units will expand residential capacity within the district. The project has received support from various neighborhood stakeholders, including the Hudson/ Park Neighborhood Association.

**Estimated Project Cost:** \$1,944,415 (estimated amount spent to date \$352,293)

**Type of Financing:** Straight Lease

**Amount of Bonds Requested:** None

**Estimated Total Purchases Exempt from Sales Tax:** \$800,000 (includes both building and restaurant up-fit)

**Estimated Total Mortgage Amount:** \$1,200,000 (for building only)

**Current Assessment:** \$225,700 (will be reduced to approximately \$24,400 upon demolition of existing building per discussion with Commissioner of Assessment & Taxation)

**Estimated Improved Assessment:** \$360,000 (per discussion with Commissioner of Assessment & Taxation)

**Requested PILOT:** Agency URTIP PILOT which equates to 100% abatement on the increased assessment value for the first 7 years. At which time the abatement on the increased assessment value decreases at 25% per year for the following 3 years. Full assessment will be paid in Year 11 and every year thereafter.

**Estimated Value of Total PILOT Payments:**

- Total PILOT Payments: \$41,149 (over 10 year PILOT period)

**Estimated Value of Tax Exemptions:**

- NYS Sales and Compensating Use Tax: \$64,000
- Mortgage Recording Taxes: \$15,000
- Real Property Taxes: \$142,665 (over 10 year PILOT period)
- Other: N/A

**Employment Impact:**

- Projected Permanent: (19) new FTEs via restaurant staff
- Projected Construction: (14) new FTE jobs

**Other Economic Impacts:**

- Adds to the supply of residential rental to help meet the demand for such living options in the area
- Increases consumer base to support Lark Street businesses
- Offers another option to Lark Street dining that will likely attract consumers outside of the neighborhood
- Increases local sales tax revenues
- Increases Lark Street BID revenues that will be used to further the betterment of the district

**Strategic Initiatives:**

- Albany 2030
  - Furthers the plan's vision to provide safe, livable neighborhoods that include walkable streets, housing choices, mixed-use neighborhood centers, and access to downtown.
  - Provides architectural compatibility between new and existing development.
  - Targets blighting influences.
  - Enhances, promotes, and strengthens the neighborhood centers by supporting small, local businesses.
- Park South Urban Renewal
  - Project is located just outside renewal plan area, but will assist in strengthening the northeast corner of plan area.

**Planning Board Actions:**

- Issued a Negative Declaration for this Type 1 Action as per the provisions of SEQR on 1/19/12
- Approved the site plan on 1/19/12 with the following conditions:
  - The applicant shall obtain final approval from the Department of Water & Water Supply.
  - The applicant shall obtain final approval from the Traffic Engineering Unit.

**Estimated IDA Fee**

- Fee amount: \$19,445

**Mission**

- The purpose of the Industrial Development Agency is to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research and recreation facilities. The Agency aims to protect and promote the health of the inhabitants of the City of Albany by the conservation, protection and improvement of the natural and cultural or historic resources and environment and to control land, sewer, water, air, noise or general environmental pollution derived from the operation of industrial development.

## Dilek, LLC: PILOT Analysis

Calendar Year	Project Year	Tax Rate <sup>(2)</sup>	Status Quo		Proposed Project					
			Current Tax		Normal Tax			Requested PILOT		
			Current Assessment <sup>(3)</sup>	Current Tax <sup>(4)</sup>	Base Assessment <sup>(5)</sup>	Total Improved Assessment <sup>(6)</sup>	Tax w/o PILOT <sup>(7)</sup>	URTIP PILOT Payment <sup>(8)</sup>	Abatement Savings <sup>(9)</sup>	% of Abatement on Improved Assessment <sup>(10)</sup>
2012	0	\$43.242300	\$225,700	\$9,760	\$225,700	\$225,700	\$9,760	\$9,760	\$0	0%
2013	1	\$44.539569	\$225,700	\$10,053	\$24,400	\$360,000	\$16,034	\$1,087	\$14,947	100%
2014	2	\$45.875756	\$225,700	\$10,354	\$24,400	\$360,000	\$16,515	\$1,119	\$15,396	100%
2015	3	\$47.252029	\$225,700	\$10,665	\$24,400	\$360,000	\$17,011	\$1,153	\$15,858	100%
2016	4	\$48.669590	\$225,700	\$10,985	\$24,400	\$360,000	\$17,521	\$1,188	\$16,334	100%
2017	5	\$50.129677	\$225,700	\$11,314	\$24,400	\$360,000	\$18,047	\$1,223	\$16,824	100%
2018	6	\$51.633568	\$225,700	\$11,654	\$24,400	\$360,000	\$18,588	\$1,260	\$17,328	100%
2019	7	\$53.182575	\$225,700	\$12,003	\$24,400	\$360,000	\$19,146	\$1,298	\$17,848	100%
2020	8	\$54.778052	\$225,700	\$12,363	\$24,400	\$360,000	\$19,720	\$5,932	\$13,788	75%
2021	9	\$56.421393	\$225,700	\$12,734	\$24,400	\$360,000	\$20,312	\$10,844	\$9,468	50%
2022	10	\$58.114035	\$225,700	\$13,116	\$24,400	\$360,000	\$20,921	\$16,045	\$4,876	25%
2023 <sup>(1)</sup>	11 <sup>(1)</sup>	\$59.857456	\$225,700	\$13,510	\$24,400	\$360,000	\$21,549	\$21,549	\$0	0%
Total				\$115,242			\$183,815	\$41,149	\$142,665	

Notes:

(1) Full assessment value will be paid (End of Proposed PILOT)

(2) Assumed a tax rate of \$43.2423 (does not include BID tax that is still payable under PILOT) in 2012 w/ estimated escalation of 3% thereafter

(3) *Current assessment as per City of Albany tax roll and discussions with Commissioner of Assessment & Taxation*

(4) Current assessment divided by 1,000 multiplied by appropriate tax rate

(5) *Base assessment (i.e. land assessment value) as per Applicant's discussion with Commissioner of Assessment & Taxation*

(6) Improved assessment as per Applicant's discussion with Commissioner of Assessment & Taxation

(7) Improved assessment (includes base assessment) divided by 1,000 multiplied by appropriate tax rate

(8) URTIP PILOT - 7 years of 100% abatement then decreases at 25% thereafter until full assessment in Year 11

(9) *Difference of URTIP PILOT Payment from Tax w/o PILOT*

(10) Percent abatement on increased assessment via URTIP PILOT requested by Applicant





NYS 2011 Orthoimagery provided by NYS CSCIC

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City of Albany

**425 MADISON AVENUE**



**CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY**

**APPLICATION**

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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.  
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**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: DILEK LLC**

**APPLICANT'S ADDRESS: 26 TEASDALE DRIVE**

**CITY: Slingerlands STATE: NY ZIP CODE: 12159**

**PHONE NO.: 518-577-9089 FAX NO.: 518-459-6196 E-MAIL: ageoftrue@aol.com**

**NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO  
THIS APPLICATION: Scott Townsend  
3tarchitects  
418 Broadway  
Albany, NY 12207  
Ph: 518.618.0900 x 108**

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

**NAME OF ATTORNEY: Henry Nahal**

**ATTORNEY'S ADDRESS: 80 State Street**

**CITY: Albany STATE: NY ZIP CODE: 12207**

**PHONE NO.: 518-434-2163 FAX NO.: 518-427-3462 E-MAIL: hnahal@hiscockbarclay.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 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.

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: **Dilek LLC**

Contact Person: **Scott Townsend**

Phone Number: **518-618-0900 x 108**

Occupant: **Not Applicable**

Project Location: **423-25 Madison Avenue, Albany, NY**

Approximate Size of Project Site:

**See the narrative below.**

### Description of Project:

The project includes demolition of an existing structure and erection of a new three story mixed-use building with a partial (2/3 +/-) basement. It is an urban infill project intended to maximize the commercial and residential capacities of the site while also enhancing revenue potential for the property owner and the neighborhood itself. The proposed uses comply with the C-1 district's Principal Permitted Uses. The first floor commercial space has 2,415 gsf. The dwelling units will be located on the second and third floors with three units on each floor, totaling 6 units. The apartments range from 627 to 750 square feet for a total of 2,241 gross square feet per floor.

Total Gross Floor area of the building is 6,897 square feet, not including the basement.

This project lies within the Hudson/Park Historic District. The proposed building provides a scale and identity that had been previously present and eventually removed. This new building returns to its former physical composition that attempts to contextually fit within the district's historic urban fabric. The three stories is congruent and in scale with the existing buildings of the area particularly at the juncture of Lark Street and Madison Avenue. The proposed restaurant is intended to add texture, vibrancy and an anchor to the neighborhood and, specifically, this highly visible corner. The apartment units expand the residential capacity and mixed use characteristics found within the district, a desire currently listed within the City Comprehensive Plan. Lot coverage is similar to the surrounding properties with a small fenced-in open space and expanded building footprints.

Type of Project: ☐ Manufacturing ☐ Warehouse/Distribution

☒ Commercial **Apartments (6)** ☐ Not-For-Profit

☒ Other-Specify **Restaurant** (first floor & partial basement)

Employment Impact: Existing Jobs **0**

New Jobs **19 Full Time Equivalent (First Year)**  
**Increase each subsequent year.**  
**This does not include new construction jobs.**

Project Cost: **\$ 1,944,415 +/- (est.) – total project costs (see pages 14 & 22)**

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

Amount of Bonds Requested: **Not Applicable**

Estimated Value of Tax-Exemptions:

N.Y.S. Sales and Compensating Use Tax:	\$ <u><b>64,000 +/-</b></u>
Mortgage Recording Taxes:	\$ <u><b>15,000 +/-</b></u>
Real Property Tax Exemptions:	\$ <u><b>131,095 +/-</b></u>
Other (please specify):	\$ <u><b>N.A.</b></u>

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

A. **Identity of Company:**

1. Company Name: **Dilek, LLC**  
Present Address: **26 Teasdale Dr., Slingerlands, NY**  
Zip Code: **12159**  
Employer’s ID No.: **27-2856805**
2. If the Company differs from the Applicant, give details of relationship:  
**Not Applicable**
3. Indicate type of business organization of Company:
  - a. **X** Corporation (If so, incorporated in what country? **Albany**  
What State? **New York**  
Date Incorporated **6-21-2010**  
Type of Corporation? **Limited Liability Corp.**  
Authorized to do business in New York? Yes **X** ; No
  - b. **N/A** Partnership (if so, indicate type of partnership \_\_\_\_\_,  
Number of general partners \_\_\_\_, Number of limited partners \_\_\_\_).
  - c. **X** Limited liability company,  
Date created? **6-21-2010**
  - d. **N/A** Sole proprietorship
4. Is the Company a subsidiary or direct or indirect affiliate of any other organization(s)? If so, indicate name of related organization(s) and relationship:  
**No**

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
<b>YUSUF M DINCER</b> <b>26 TEASDALE DR</b> <b>SLINGERLANDS, NY 12159</b>	<b>PRESIDENT</b>	<b>HEALTHCARE</b>
<b>AYSE D DINCER</b> <b>26 TEASDALE DR</b> <b>SLINGERLANDS, NY 12159</b>	<b>MEMBER</b>	<b>HEALTHCARE</b>

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 \_\_\_\_; No **X**. (If yes to any of the foregoing, furnish details in a separate attachment).
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
YUSUF M DINCER	26 TEASDALE DR SLINGERLANDS, NY 12159	51%
AYSE D. DINCER	26 TEASDALE DR SLINGERLANDS, NY 12159	49%

- D. Company's Principal Bank(s) of account:  
**CITIZENS BANK**

II. DATA REGARDING PROPOSED PROJECT

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

The project includes demolition of an existing structure and erection of a new three story mixed-use building with a partial (2/3 +/-) basement. The first floor commercial space, which will house the restaurant that is part of this application, has 2,415 gsf. The dwelling units will be located on the second and third floors with three units on each floor, totaling 6 units. The apartments range from 627 to 750 square feet for a total of 2,241 gross square feet per floor.

Total Gross Floor area of the building is 6,897 square feet, not including the basement.

- B. Location of Proposed Project:

1. Street Address **423-25 Madison Ave., Albany, NY**
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:  
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:  
  
**There is a one story building on site that will be removed to allow for the proposed new building. The existing building is 1,730 SF +/-.**
  - b. Are existing buildings in operation? Yes \_\_\_\_; No **X**.  
If yes, describe present use of present buildings:

- c. Are existing buildings abandoned? Yes \_\_\_\_; No **X**. About to be abandoned? Yes \_\_\_\_; No \_\_\_\_\_. If yes, describe:
- d. Attach photograph of present buildings. **See Attached**
3. Utilities serving project site: **Refer to the attached drawings for details**
- Water-Municipal: **City of Albany Water**  
Other (describe)
- Sewer-Municipal: **City of Albany (combined) sewer**  
Other (describe)
- Electric-Utility: **National Grid, 7 separate meters**  
Other (describe)
- Heat-Utility: **Separate Heating & Cooling provided for each tenant space, 7 units total.**  
Other (describe)
4. Present legal owner of project site:
- a. If the Company owns project site, indicate date of purchase: **8-6-2010**; Purchase price: **\$ 280,000**
- 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: \_\_\_\_\_; and the date the option expires: \_\_\_\_\_.
- 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 \_\_\_\_; No \_\_\_\_\_. If yes, describe:
5. a. Zoning District in which the project site is located: **C-1**
- b. Are there any variances or special permits affecting the site? Yes **X**; No \_\_\_\_\_. If yes, list below and attach copies of all such variances or special permits:

**Refer to the Attached Documents for all approval and special uses permits obtained to date as well as the one pending decision for the restaurant.**

D. Buildings:

1. Does part of the project consist of a new building or buildings? Yes **X**; No \_\_\_\_\_. 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 \_\_\_\_; No **X**. If yes, indicate the buildings to be expanded or renovated, the size of any expansions and the nature of expansion and/or renovation:



3. Describe the principal uses to be made by the Company of the building or buildings to be acquired, constructed or expanded:

**The company that has acquired the building and the site and will be completing the project and operating it is a privately held LLC. The organization's sole purpose is to create a project that adds depth and richness to the community and is done in an economically viable way. The building will include 6 apartments which will add residences to the area. Additionally, the first floor and the basement will house a restaurant that will add employment to the area and vibrancy to the neighborhood.**

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, plumbing, appliances as well as restaurant equipment, see the attached documents.**
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 provided detail:
3. Describe the principal uses to be made by the Company of the Equipment to be acquired or installed: **Cooking Food in the restaurant as well as creating 6 habitable apartments for the residents.**

F. Project Use:

1. What are the principal products to be produced at the Project?  
**Food for public consumption (on 1<sup>st</sup> floor restaurant) and the creation of 6 habitable residential units on the 2<sup>nd</sup> and 3<sup>rd</sup> floors.**
2. What are the principal activities to be conducted at the Project?  
**The upper two floors will house six, one bedroom apartments and the lower floor, including the partial basement will house a restaurant that is open to the public.**
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 X; No \_\_\_\_\_. If yes, please provide detail: **The first floor, which opens up on grade at a busy City of Albany intersection, will house a restaurant that will serve food and contains grab-n-go items as well as containing indoor seating of 49 +/- seats.**
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? **35% +/-**
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:

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

**Even though the restaurant's intent is to be seen as a neighborhood business, it is hoped that the quality level of the product and atmosphere will bring in patrons that are not residing within the Hudson/Park &/or Center Square areas.**

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 X\_\_\_\_. 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 reasonable 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 X\_\_\_\_. 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 X\_\_\_\_. 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 X\_\_\_\_; No \_\_\_\_\_. If yes, please explain:

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: **Not Applicable**
- 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 X\_. 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: Board of Zoning Appeals**  
**City of Albany: Planning Board**  
**City of Albany: Historic Resources Commission**  
**City of Albany: Building Department**

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

**The project was broken down into two separate components to ascertain approvals from the various City departments and boards. The first component was for the overall new construction building design to house a first floor commercial tenant space and six, one-bedroom apartments on the top two floors. All board approvals (BZA, HRC and Planning Board) for this portion of the project have been ascertained. The only approval pending is the building permit which will be sought in May of 2012.**

**The second component of the project consists of obtaining a BZA approval for the first floor (and partial basement) commercial tenant, which is a restaurant. The approval sought for this occupant is a Special Use permit from the City of Albany's Board of Zoning Appeals. The hearing for this portion of the project is scheduled to be heard on May 25, 2012. Once obtained, this portion of the project will also be submitted a building permit in conjunction with the overall building.**

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:

<b>The total expended funds for the project to date is</b>	<b>\$</b>	<b>352,293 +/-</b>
<b>The breakdown of the expended funds is as follows:</b>		
<b>Property Purchase</b>	<b>\$</b>	<b>280,000</b>
<b>Professional Fees</b>	<b>\$</b>	
<b>Arch. &amp; Eng, incl. agency approvals</b>	<b>\$</b>	<b>58,000 +/-</b>
<b>Legal</b>	<b>\$</b>	<b>1,200 +/-</b>
<b>Property maintenance, incl. taxes</b>	<b>\$</b>	<b>10,588</b>
<b>Insurance</b>	<b>\$</b>	<b>2,505</b>

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 \_\_\_\_; No X.

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: **Mel's Pie & Burgers**  
Present Address: **423 Madison Avenue (1<sup>st</sup> Floor)**  
City: **Albany** State: **NY** Zip: \_\_\_\_\_  
Employer's ID No.: \_\_\_\_\_  
Sublessee is: \_\_\_\_ Corporation: **X** Partnership: \_\_\_\_ Sole Proprietorship  
Relationship to Company: \_\_\_\_\_  
Percentage of Project to be leased or subleased: **35% +/-**  
Use of Project intended by Sublessee: **Restaurant**  
Date of lease or sublease to Sublessee: **Upon completion of construction**

Term of lease or sublease to Sublessee: **10 year with 10 year option**

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 **X** ; 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? **None, pending construction & financing approval. It will be binding once construction is completed.**

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.

TYPE OF EMPLOYMENT					
	PROFESSIONAL MANAGERIAL	SKILLED	SEMI- SKILLED	UNSKILLED	TOTALS
Present Full Time	0	0	0	0	0
Present Part Time	0	0	0	0	0
Present Seasonal	0	0	0	0	0
First Year Full Time	4	4	2	2	12
First Year Part Time	0	8	2	2	12
First Year Seasonal	0	2	3	1	6
Second Year Full Time	4	4	2	2	12
Second Year Part Time	0	8	6	2	16
Second Year Seasonal	0	2	3	1	6

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. **See Attached**

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	\$ 280,000 +/-
Buildings	\$1,197,900 +/-
Machinery and equipment costs	\$ 197,015 +/-
Utilities, roads and appurtenant costs	\$ 0 +/-
Architects and engineering fees	\$ 80,000 +/-
Costs of Bond issue (legal, financial and printing)	\$ NA
Construction loan fees and interest (if appl.)	\$ 11,500 +/-
Other (specify)	
Furniture & Fixtures	\$ 95,000 +/-
Other Professional Fees	\$ 70,000 +/-
Maintenance, upkeep & taxes	\$ 13,000 +/-
<b>TOTAL PROJECT COST</b>	<b>\$ 1,944,415 +/-</b>

B. Have any of the above expenditures already been made by applicant?  
Yes X; No \_\_\_\_\_. (If yes, indicate particular.)

<b>The total expended funds for the project to date is</b>	<b>\$ 352,293 +/-</b>
<b>The breakdown of the expended funds is as follows:</b>	
<b>Property Purchase</b>	<b>\$ 280,000</b>
<b>Professional Fees</b>	<b>\$</b>
<b>Arch. &amp; Eng, incl. agency approvals</b>	<b>\$ 58,000 +/-</b>
<b>Legal</b>	<b>\$ 1,200 +/-</b>
<b>Property maintenance, incl. taxes</b>	<b>\$ 10,588</b>
<b>Insurance</b>	<b>\$ 2,505</b>

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 \_\_\_\_; No **X**.
3. If the answer to question 2 is yes, will any portion of the Project be used for any of the following purposes: **Not Applicable**
- 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. **Not Applicable**
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 **X**; No \_\_\_\_.
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?

**See the attached letter from Pioneer Bank**

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? **\$ 800,000 +/- (Construction materials & restaurant equipment)**

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:	\$ <u>64,000 +/-</u>
b.	Mortgage Recording Taxes:	\$ <u>15,000 +/-</u>
c.	Real Property Tax Exemptions:	\$ <u>131,095 +/-</u>
d.	Other (please specify):	<u>NA</u>
		\$ _____
		\$ _____

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 X; No \_\_\_\_\_. If yes, please explain.

**If this project does not qualify for a URTIP then the applicant will be requesting a PILOT deviation that match the URTIP benefits.**

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") 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.

F. 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.

G. 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:

(Applicant)

BY: \_\_\_\_\_



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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  
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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 limited liability company)

STATE OF New York  
COUNTY OF Albany SS.:

YUSUF M. DJAKER deposes and says  
(Name of Individual)

that he is one of the members of the firm of DILEN, 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.

[Signature]

Sworn to before me this  
11th day of May, 2012

Gloria J. Vandyke-Dean  
(Notary Public)

GLORIA J. VANDYKE-DEAN  
Notary Public, State of New York  
Com. No. 01VA6007216  
Commission Expires May 18, 2014

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

17th day of May, 2012

  
(Notary Public)

GLORIA J. VANDYKE-DEAN  
Notary Public, State of New York  
Qualified in Albany Co. No. 01VA6007216  
Commission Expires May 18, 2014

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

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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”):	<b>DILEK LLC</b>
2. Brief Identification of the Project:	<b>New 3 story building with 6 apartments &amp; a restaurant</b>
3. Estimated Amount of Project Benefits Sought:	
A. Amount of Bonds Sought:	\$ <u>NA</u>
B. Value of Sales Tax Exemption Sought	\$ 64,000
C. Value of Real Property Tax Exemption Sought	\$131,095
D. Value of Mortgage Recording Tax Exemption Sought	\$ 15,000

### **PROJECTED PROJECT INVESTMENT**

A. Land-Related Costs	
1. Land acquisition	\$280,000
2. Site preparation	\$
3. Landscaping	\$
4. Utilities and infrastructure development	\$
5. Access roads and parking development	\$
6. Other land-related costs (describe)	\$
B. Building-Related Costs	See attached estimates
1. Acquisition of existing structures	\$
2. Renovation of existing structures	\$
3. New construction costs	\$1,087,900
4. Electrical systems	\$
5. Heating, ventilation and air conditioning	\$
6. Plumbing	\$
7. Other building-related costs (Restaurant Fit Up)	\$110,000

C.	Machinery and Equipment Costs	
1.	Production and process equipment	\$ 197,015
2.	Packaging equipment	NA
3.	Warehousing equipment	NA
4.	Installation costs for various equipment	NA
5.	Other equipment-related costs (describe)	NA
D.	Furniture and Fixture Costs	
1.	Office furniture	\$ 5,000 (est.)
2.	Office equipment	\$10,000 (est.)
3.	Computers	\$30,000 (est.)
4.	Other furniture-related costs (Restaurant Seating)	\$50,000 (est.)
E.	Working Capital Costs	
1.	Operation costs	\$1,633,512
2.	Production costs	\$ 524,000
3.	Raw materials	\$ _____
4.	Debt service	\$ _____
5.	Relocation costs	\$ _____
6.	Skills training	\$ _____
7.	Other working capital-related costs (describe)	\$ _____
F.	Professional Service Costs	
1.	Architecture and engineering	\$70,000
2.	Accounting/legal	\$40,000
3.	Other service-related costs (Marketing & Web Services)	\$40,000
G.	Other Costs	
1.	_____	\$ _____
2.	_____	\$ _____
H.	Summary of Expenditures	
1.	Total Land-Related Costs	\$ 280,000
2.	Total Building-Related Costs	\$1,197,900
3.	Total Machinery and Equipment Costs	\$ 197,015
4.	Total Furniture and Fixture Costs	\$ 95,000
6.	Total Professional Service Costs	\$ 150,000
7.	Total Other Costs	\$ 24,500
	Total Project Cost	\$1,944,415

**PROJECTED PROFIT**

- I. Please provide projected profit as defined by earnings after income tax but before depreciation and amortization:

YEAR	Without IDA benefits	With IDA benefits
1	\$4,801	\$19,748
2	\$5,492	\$20,887
3	\$6,263	\$22,120
4	\$7,115	\$23,448
5	\$8,052	\$24,875

**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	10 (F/T Eq.)	\$ 350,000 +/-	\$ 22,575
Year 1	4+ (F/T Eq.)	\$ 150,000 +/-	\$ 9,675
Year 2		NA	NA
Year 3		NA	NA
Year 4		NA	NA
Year 5		NA	NA

**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: **Not Applicable**

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

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	4	13	4	4
Year 2	4	14	5	4
Year 3	4	14	5	5
Year 4	4	15	6	5
Year 5	4	15	6	6

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:

75% +

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

**There will be advertising via on-site and neighborhood bulletin boards, word of mouth (local), times union advertising, Craig's list, etc. All of the venues will be geared towards letting the local neighborhood know as well as the City at large.**

### **PROJECTED OPERATING IMPACT**

I. Please provide estimates for the impact of Project operating purchases and sales: **NA**

Additional Purchases (1 <sup>st</sup> year following project completion)	(taxable items only) \$ 40,000 +/-
Additional Sales Tax Paid on Additional Purchases	\$ 3,200 +/-
Estimated Additional Sales (1 <sup>st</sup> full year following project completion)	(additional gross revenue projection) \$ 238,972 +/-
Estimated Additional Sales Tax to be collected on additional sales (1 <sup>st</sup> full year following project completion)	(not all items are taxable) \$ 80,000 +/-

II. Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes ("Pilot Payments"):



Year	Existing Real Property Taxes (Without IDA involvement)	New Pilot Payments (With IDA)	Total (Difference)
Current Year	\$ 9,760	\$ 9,760	\$ 0
Year 1	\$ 16,034	\$ 1,087	\$ 14,947
Year 2	\$ 16,515	\$ 1,119	\$15,396
Year 3	\$ 17,011	\$ 1,153	\$15,858
Year 4	\$ 17,521	\$ 1,188	\$16,334
Year 5	\$ 18,047	\$ 1,223	\$16,824
Year 6	\$ 18,588	\$ 1,260	\$17,328
Year 7	\$ 19,146	\$ 1,298	\$17,848
Year 8	\$ 19,720	\$ 5,932	\$13,788
Year 9	\$ 20,312	\$10,844	\$9,468
Year 10	\$ 20,921	\$16,045	\$4,876


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

**It is the hope of the owner/operator that this project will enhance the neighborhood by transforming a long neglected corner into a vibrant location of sophisticated apartments and a new restaurant anchor. The building itself will act as a gateway coming into or leaving the community. There is not a more highly visible site in these neighborhoods. With the completion of this project, it is hoped that property values in the immediate vicinity will increase, the disposable income of the new tenants will help other local businesses and it will spur upkeep investments in the immediate area of the project.**

### 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.

<b>Date Signed:</b> <u>5/11</u> , 20 <u>12</u>	<b>Name of Person Completing Project Questionnaire on behalf of the Company.</b>  <b>Name:</b> <u>Scott Townsend</u> <b>Title:</b> <u>Principal / 3rd</u> <b>Phone Number:</b> <u>518-618-0900 x108</u> <b>Address:</b> <u>418 Broadway, Albany</u>  <b>Signature:</b> 
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## 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.

**See the next page, previously completed charts and Mel's Business Plan for specific details.**

**This does not include seasonal positions which will be additional servers.**

Tim(Owner/operator)	\$ 78,000	\$ 78,000	\$ 78,000
Assistant	\$ 44,000	\$ 47,080	\$ 49,434
Chef	\$ 52,000	\$ 55,640	\$ 58,422
Cooks (3)	\$ 100,000	\$ 107,000	\$ 112,350
Dishwashers (2)	\$ 50,000	\$ 53,500	\$ 56,175
Night Manager	\$ 48,000	\$ 51,360	\$ 53,928
Mobile Kitchen	\$ 40,000	\$ 42,800	\$ 44,940
Delivery (3-4)	\$ 52,000	\$ 55,640	\$ 58,422
Servers (3-4)	<u>\$ 60,000</u>	<u>\$ 64,200</u>	<u>\$ 67,410</u>
	\$524,000	\$555,220	\$579,081

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#### Types of Employment at the Project Site

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##### Operating Partner:

*Oversees day to day operations staffing, training, ordering, promotion.*

##### Floor Manager:

*Makes sure operation run according to guidelines set by owners, handle customers, staff, scheduling and inventory.*

##### Assistant:

*Bookkeeping, social media, permits schedule for operating partner.*

##### Chef:

*Handle back of the house operation, food cost, labor, food preparation including daily specials.*

##### Cook Positions:

*To prepare foods.*

##### Wait staff and counter people:

*To handle customers.*

Dishwashers and cleaning people:

*To clean the space.*

---

Portion of the project be used for retail food and beverage services

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Facility:

-Will be serving food from:

Monday – Wednesday	6:00AM – 12:00AM
Thursday – Saturday	24 hours
Sunday	6:00AM – 9:00PM

-Menu consists of:

English Muffin Burgers  
Breakfast  
Gourmet Soup Pizza  
Fresh Baked Goods  
Frozen Custard

-Will also be seeking a Beer and Wine License serving chart local bottled beer.

**CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY**

**APPLICATION FOR URBAN REINVESTMENT TAX  
INCENTIVE PROGRAM**

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IMPORTANT NOTICE: The answers to the questions contained in this application are necessary to determine your firm's eligibility for the City of Albany Industrial Development Agency's Urban Reinvestment Tax Incentive Program. 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.  
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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: **DILEK LLC**

APPLICANT'S ADDRESS: **26 TEASDALE DRIVE**

CITY: **Slingerlands** STATE: **NY** ZIP CODE: **12159**

PHONE NO.: **518-577-9089** FAX NO.: **518-459-6196** E-MAIL: **ageoftrue@aol.com**

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION: **Scott Townsend**  
**3tarchitects**  
**418 Broadway**  
**Albany, NY 12207**  
**Ph: 518-618-0900 x108**

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

NAME OF ATTORNEY: **Henry Nahal**

ATTORNEY'S ADDRESS: **80 State Street**

CITY: **Albany** STATE: **NY** ZIP CODE: **12207**

PHONE NO.: **518-434-2163** FAX NO.: **518-427-3462** E-MAIL: **hnahal@hiscockbarclay.com**

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NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 2 HEREOF BEFORE FILLING OUT THIS FORM.  
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## 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 twelve (12) copies of this application to the Agency at the address indicated on the first page of this application.
6. 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.
7. 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 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.

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 of Agency meeting on application	_____, 20__
6. Date Agency conditionally approved application	_____, 20__

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

A. Identity of Company:

1. Company Name: **Dilek LLC**  
Present Address: **423 – 25 Madison Avenue, Albany, NY**  
Zip Code: **12210**  
Employer's ID No.: **27-2856805**
2. If the Company differs from the applicant, give details of relationship:

II. INFORMATION CONCERNING THE AGENCY'S INVOLVEMENT WITH THE PROJECT

A. Agency Application

1. Attach a copy of the Application previously submitted by the Company to the Agency requesting the Agency to grant the Company financial assistance for the proposed project.
2. Indicate the date the Application was submitted to the Agency: **May 18, 2012**

B. Status of Application

1. Describe the current status of the transaction in which the Company is seeking financial assistance from the Agency: **Has been submitted and will be heard by the IDA Board on May 31, 2012.**
2. Indicate the estimated closing date for the transaction: **Should application be approved, it would be as soon as possible after that.**

III. INFORMATION REGARDING QUALIFICATION FOR THE AGENCY'S URBAN REINVESTMENT TAX INCENTIVE PROGRAM.

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

**The project includes demolition of an existing structure and erection of a new three story mixed-use building with a partial (2/3 +/-) basement. It is an urban infill project intended to maximize the commercial and residential capacities of the site while also enhancing revenue potential for the property owner and the neighborhood itself. The first floor commercial space has 2,415 gsf. The dwelling units will be located on the second and third floors with three units on each floor, totaling 6 units. The apartments range from 627 to 750 square feet for a total of 2,241 gross square feet per floor.**



B. Location of Proposed Project:

1. Street Address: **423-25 Madison Avenue**
2. City of: **Albany**
3. Town of:
4. Village of
5. County of: **Albany**

C. Is the site of the proposed project located in one of the following: (1) business improvement district, (2) economic development zone or (3) a project which qualifies for Community Development Block Grant Assistance? Yes **X** ; No \_\_\_\_\_. If yes, please describe in more detail: **The project is located within the Lark Street BID. This project could possibly qualify for a Community Development Block Grant, but it is not the intention of the project team to pursue it, should it be available.**

D. Will the completion of the proposed project result in an increase of the assessed valuation of project site by at least fifty percent? Yes **X** ; No \_\_\_\_\_. If yes, please attach a copy of an appraisal or other documents satisfactory to the Agency confirming this answer.

**The applicant's agent, Scott Townsend of 3tarchitects, spoke to Keith McDonald, the City's assessor to ascertain the assessed value of the project at inception and during the tax abatement period and then upon the completion of the URTIP tax benefit program (10 years), which will be the full assessed value. The project will be assessed at \$24,400 at the project's inception and throughout the tax relief portion of the program. After 10 years, it will be assessed at approximately \$360,000. This represents an increase of 1,475%.**

**Again, this was ascertained from the City of Albany's assessor and verified by the City's IDA staff.**

E. 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 on a separate attachment 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.

**The number of persons employed on site, not including construction workers, for the first and second years are as set forth below:**

TYPE OF EMPLOYMENT					
	PROFESSIONAL MANAGERIAL	SKILLED	SEMI- SKILLED	UNSKILLED	TOTALS
Present Full Time	0	0	0	0	0
Present Part Time	0	0	0	0	0

Present Seasonal	0	0	0	0	0
First Year Full Time	4	4	2	2	12
First Year Part Time	0	8	2	2	12
First Year Seasonal	0	2	3	1	6
Second Year Full Time	4	4	2	2	12
Second Year Part Time	0	8	6	2	16
Second Year Seasonal	0	2	3	1	6

Please note that these are NEWLY created positions since no jobs are currently present on site.

Please see Attachment A for additional information related to expenditures and job descriptions.

F. Please attach a copy of your correspondence addressed to the City of Albany Department of Youth and Workforce Services describing the jobs to be created and the jobs to be retained (as described in III.E. above).

We have not attached a correspondence since one has not been written. Nonetheless, the owners are willing to provide appropriate opportunities for the City of Albany's Dept. of Youth & Workforce Services to advertise positions available. We will work with appropriate staff members to offer job opportunities accordingly.

G. What is the estimated value of each type of tax-exemption being sought in connection with the proposed project? Please detail the type of tax-exemption and value of the exemption.

- a. N.Y.S. Sales and Compensating Use Taxes: \$ 64,000 +/-
- b. Mortgage Recording Taxes: \$ 15,000 +/-
- c. Real Property Tax Exemptions (assuming qualification for Urban Reinvestment Tax Incentive Program): \$131,095 +/-
- d. Other (please specify): NA

H. 1. Will the completion of the proposed project result in the creation or retention of at least one job for every \$1,000 of average tax abatement described in III.G. above? Yes \_\_\_\_; No X. If yes, please provide details:

**This project will create 19, full time equivalent, positions when completed. Again, this does not include construction positions. It is anticipated that this number will increase as the business increases over time.**

2. Are the jobs described in III.E. and III.H.1 retained jobs (as opposed to new jobs)? Yes ☐; No ☒. If yes, would the Company have relocated from the proposed project site to a project site located outside the City of Albany but for the assistance provided by the Urban Reinvestment Tax Incentive Program? **N/A**. If yes, please attach an affidavit from an authorized officer of the Company confirming this answer.

3. Are the jobs described in III.G. and III.H.1 new jobs? Yes ☒; No ☐. If yes, please attach an affidavit from an authorized officer of the Company describing the employment plan of the Company with respect to the proposed project.

**This form is signed at the end and the formal IDA application is also attached, both of which verify and attest to the fact that the information in this URTIP application and the IDA application.**

I. Please attach an economic impact analysis prepared by or on behalf of the Company which describes and assesses the relative costs and benefits associated with the granting by the Agency of the financial assistance requested by the Company. Include in the analysis the real property tax abatement to be provided by the Urban Reinvestment Tax Incentive Program. The factors that should be included as potential benefits described in the economic impact analysis should include the following:

1. Sales tax;
2. Employee payroll;
3. Payroll tax;
4. Property values (both of the project and adjacent sites); and
5. Related economic development spin-off (e.g., uses of other services such as janitorial services, lunchtime trade, etc.).

Prior to preparing the economic impact analysis, the Company should consult with the Agency's staff to discuss the scope of the analysis and the factors that will be included as potential costs and benefits. **Please see Attachment B**

IV. REPRESENTATIONS BY THE APPLICANT. The Company understands and agrees with the Agency as follows:

A. 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 City Department of Administrative Services and Workforce Development and the Albany Department of Social Services.

B. The Company understands and agrees that, if the Project receives any Financial Assistance from the Agency, subject to the provisions of Section 858-b of the General Municipal

Law and except as otherwise provided by collective bargaining agreements, the Company will first consider persons residing in the area where the project is located for new employment opportunities created as a result of the Project.

C. Where the proposed jobs are jobs that will be created, the Company will execute a first source job agreement in form acceptable to the Agency describing the Company's employment plan.

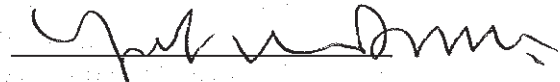
D. The Company will file annually on or before December 31 of each year during the term of the PILOT Agreement an executed copy of the affidavit described in Appendix F to the Agency's Uniform Tax Exemption Policy. Such affidavit is intended to demonstrate continuing compliance with the Urban Reinvestment Tax Incentive Program. Where the proposed project consists of the construction or reconstruction of a building for lease by the Company to a tenant or tenants, the Company will require the tenant or tenants to comply with the Urban Reinvestment Tax Incentive Program.

E. The Company understands and agrees that failure by the Company to comply with the terms of the Agency's Urban Reinvestment Tax Incentive Program, including, but not limited to, the filing of the annual affidavits described in (D) above or the creation or retention of the jobs described in this Application, may result, in the discretion of the Agency, in termination of the real property tax abatement provide under the Program and the conveyance of the project from the Agency to the Company. Upon such conveyance, the Company will then be responsible for the payment of normal real property taxes with respect to the project.

F. The Company will otherwise comply with all requirements contained in the Agency's Policy Manual and Article 18-A of the General Municipal Law.

**DILEK, LLC**

BY: Dr. Yusuf Dincer



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NOTE: APPLICANT MUST ALSO COMPLETE THE APPROPRIATE VERIFICATION  
APPEARING ON PAGES 10 THROUGH 13 HEREOF BEFORE A NOTARY PUBLIC AND MUST  
SIGN AND ACKNOWLEDGE THE HOLD HARMLESS AGREEMENT APPEARING ON PAGE 13  
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VERIFICATION

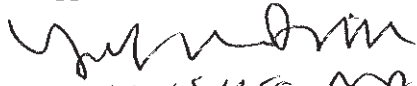
(If Applicant is a Limited Liability Company)

STATE OF NY )  
 ) SS.:  
COUNTY OF ALBANY

JUSUK M NOVERA deposes and says that he is the  
(Name of chief executive of applicant)  
President of ODLEN LLC  
(Title) (Company Name)

the limited liability company 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 limited liability company. 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 limited liability company.

(officer of applicant)

  
JUSUK M NOVERA

Sworn to before me this  
21 day of May, 2012

  
(Notary Public)

BETH BOBEL  
Notary Public, State of New York  
No. 4989793  
Qualified in Rensselaer County  
Commission Expires December 16, 2013

NOTE: THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS THE HOLD  
HARMLESS AGREEMENT APPEARING ON PAGE 14 IS SIGNED BY THE APPLICANT.