

City of Albany Industrial Development Agency

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

Elizabeth Staubach, Chair
Lee Eck, Vice Chair
Darius Shahinfar, Treasurer
Anthony Gaddy, Secretary
Joseph Better
John Maxwell
Christopher Betts

Sarah Reginelli, Chief Executive Officer
Thomas Conoscenti, COO/Interim CFO
Andy Corcione, Project Services Director
Marisa Franchini, Agency Counsel
A. Joseph Scott, Special Counsel

To: Darius Shahinfar
Lee Eck
Anthony Gaddy
Christopher Betts

Joseph Better
Elizabeth Staubach
John Maxwell

CC: Sarah Reginelli
Marisa Franchini
Joe Scott
Emma Fullem

Thomas Conoscenti
Andy Corcione
Amy Horwitz

Date: March 3, 2023

IDA FINANCE COMMITTEE MEETING

PLEASE NOTE THAT A PUBLIC HEARING CONCERNING THE FOLLOWING PROJECT(S) WILL BE HELD at 12:00pm on Wednesday, March 8, 2023 at 21 Lodge St Albany NY, 12207.
Please refer to albanyida.com for participation instructions.

IndusPAD-Flair, LLC

A meeting of the Finance Committee of the City of Albany Industrial Development Agency will be held on **Wednesday, March 8th, 2023 at 12:15 pm** at 21 Lodge Street., Albany, NY 12207.

AGENDA

Roll Call, Reading & Approval of the Minutes of the Finance Committee Meeting of February 8, 2023

Report of Chief Financial Officer

A. None

Unfinished Business

A. None

New Business

- A. IndusPAD-Flair, LLC (38 Corporate Circle)
 - i. Discussion & Possible positive/negative recommendation for Approving Resolutions
- B. Conference Room IT Upgrade - ITS
 - i. Discussion & Possible positive/negative recommendation

Other Business

- A. Agency Update
- B. Compliance Update

Adjournment

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MINUTES OF IDA FINANCE COMMITTEEMEETING Wednesday, February 8, 2023

Attending: Darius Shahinfar, Elizabeth Staubach, John Maxwell, and Lee Eck

Absent: Christopher Betts, Joseph Better and Anthony Gaddy

Also Present: Sarah Reginelli, Tom Conoscenti, Andy Corcione, Emma Fullem,
Mike Bohne, Ashley Mohl, Amy Horwitz Joseph Scott, and
Marisa Franchini

Public Present: Catherine Kemp, Dan Hubbell and Eric Weatherwax

Chair Darius Shahinfar called the Finance Committee meeting of the IDA to order at 12:18 p.m. at 21 Lodge St., Albany, NY.

Roll Call, Reading and Approval of Minutes of the January 11, 2023 Finance Committee Meeting

A roll call of the Committee members present was held. Finance Committee Chair Darius Shahinfar reported that all Committee members were present with the exception of Chris Betts, and Anthony Gaddy. Since the minutes of the previous meeting had been distributed to the Committee in advance for review, Mr. Shahinfar asked for a motion to dispense with their reading and approve the minutes of the Finance Committee meeting of January 11, 2023. A motion was made by Elizabeth Staubach and seconded by Lee Eck to accept the minutes as presented. The motion to accept the minutes as presented was passed with all present members voting aye.

Report of Chief Financial Officer

None.

Unfinished Business

None.

New Business

IndusPAD-Flair, LLC (38 Corporate Circle)

Staff introduced the IndusPAD-Flair, LLC project and provided a brief background. Catherine Kemp of Whiteman, Osterman, and Hanna, LLP; presented on behalf of the applicant/owner, Jitender Makkar. The project is located at 38 Corporate Circle, off New Karner Road in Albany. This project involves the construction of a +/- 75,000 SF warehouse facility that will also include 5,000 SF of office space. The structure will serve as a distribution facility for FYE, the tenant. The project is requesting sales and use tax exemptions and a mortgage recording tax exemption the latter of which is expected to be realized at the conversion of the construction loan to a permanent financing. The applicant was present to answer

questions from the Committee. Staff and the committee discussed the merits of the project.

A motion was made by Elizabeth Staubach to positively recommend a Public Hearing Resolution to the IDA Board for the IndusPAD-Flair, LLC project and was seconded by Lee Eck. A vote being taken, the motion passed with all members voting aye.

Other Business

Agency Update

As mentioned previously, the Agency will be a sponsor at the NYS Economic Development Council's (NYSEDC) 2023 Annual Conference taking place in March at the Albany Hilton. Board members were encouraged to contact staff if they wish to attend.

Staff provided an overview of new and pending State legislation tracked by NYSEDC. One of the bills being tracked and awaiting the Governor's signature involves the notification of the taxing jurisdictions, notably the school board via the school board clerk of new projects receiving tax abatements. The required notification would be a read-receipt email. The Agency will proactively add the school board clerk to all notifications of project approvals going forward. The Agency will modify its notification policy to include this potentially new requirement.

An additional piece of pending legislation being tracked seeks to remove the ability of IDAs to abate school district taxes. Agency staff provided statistics pertaining to how this Agency's projects have positively impacted the revenue to the City's school district and the other taxing jurisdictions.

Staff provided an update on the City of Albany Inclusionary Housing policy, which was recently approved by the Common Council. The new policy would significantly increase the required percentage of affordable housing units to be set-aside in multi-family projects over 20 units. Staff provided testimony to the Common Council with concerns about the ability of projects to financially support these new levels based on data that was compiled. This new requirement will be factored in during the review of the Project Evaluation and Assistance Framework.

Staff updated the committee on Capitalize Albany's recently launched Small Business Building Improvement Grant Program (BIG). The deadline to submit the BIG Intake and Eligibility Form is on Friday, February 10th. Based on the interest and applications received to date, staff expects the program to be oversubscribed.

Compliance Update

Staff continues to work with the Project Beneficiaries to collect data for the 2022 Annual Compliance Reporting period. Currently, approx. 86% of projects have submitted at least a draft of the required compliance data. Of those projects that have reported data, 81% have met or exceeded at least 80% of the originally committed job creation and retention levels. In March, staff will provide a thorough overview of the jobs reporting data received to date.

There being no further business, Chair Shahinfar called for a motion to adjourn the meeting. Upon a motion made by Elizabeth Staubach and seconded by Lee Eck, the meeting of the Finance Committee was adjourned at 12:40 p.m.

Respectfully submitted,

Anthony Gaddy, Secretary

TO: City of Albany Industrial Development Finance Committee
FROM: City of Albany Industrial Development Agency Staff
RE: IndusPAD-Flair, LLC - IDA Application Summary
DATE: March 3, 2023

Applicant: IndusPAD-Flair, LLC

Managing Members (% of Ownership): Jitender Makkar (89.5%) and IndusPAD-The Awakening, LLC (10.5%).

Project Location: 38 Corporate Circle, Albany, NY

Project Description: The project involves the construction of a +/- 75,000 SF structure that will also include 5,000 SF of office space. The structure will serve as a distribution facility for FYE, the tenant.

Estimated Investment: \$11,206,638 (est)

Community Benefits: While this project is not requesting real property tax abatements through the IDA, the below community benefits of the project are highlighted for comparative purposes:

- *Identified Priority:* The proposed project is located on a vacant parcel(s) of land. The project supports multiple initiatives in the Albany 2030 Plan.
- *Identified Growth Area:* The proposed project is the construction of a manufacturing/distribution facility.
- *Job Creation:* The project is committing to the retention of 22 full time jobs, the creation of 13 permanent jobs and 49 construction jobs.
- *Investment:* The project is anticipating a project cost of more than \$11 million.

Employment Impact:

- Projected Permanent: 22 FTE jobs
- Projected Retained: 13 jobs
- Projected Construction: 49 jobs

Type of Financing: Straight Lease

Amount of Bonds Requested: None

Estimated Total Purchases Exempt from Sales Tax: \$3,200,000

Estimated Total Mortgage Amount: \$8,917,500

Requested PILOT: N/A

Estimated Value of Tax Exemptions:

- NYS Sales and Compensating Use Tax: \$256,000

- Mortgage Recording Taxes: \$89,175
- Real Property Taxes: N/A
- Other: N/A

Baseline Requirements:

- Application: Complete
- Meets NYS/CAIDA Requirements: Yes
- Albany 2030 Alignment:
 - Encourage investment in urban land and buildings for employment and housing.
- Planning Approval Status: Expected 1Q 2023
- Meets Project Use Definition: Yes
- Meets “But For” Requirement: Yes, affidavit signed.

Cost Benefit Analysis: See attached Exhibit A: Description of The Project Evaluation and Expected Public Benefits.

Estimated IDA Fee

- Fee amount: \$56,033.19

CAIDA 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.

One Commerce Plaza
Albany, New York 12260
518.487.7600

Daniel T. Hubbell
Partner
518.487.7692
dhubbell@woh.com

February 2, 2023

Via Federal Express and Electronic Mail

Elizabeth Staubach, Chair
City of Albany Industrial Development Agency
21 Lodge Street
Albany, New York 12207

RE: Request for IDA Assistance for 42 Corporate Circle Project

Dear Ms. Staubach:

This firm represents IndusPad-Flair, LLC (the "Applicant") with respect to the enclosed application (the "Application") to the City of Albany Industrial Development Agency (the "Agency") for financial assistance related to the Applicant's proposed project to be located at 42 Corporate Circle, Albany, New York 12203 (the "Property"). The project consists of the construction of a new 75,000± square foot building containing 5,000± square feet of office space and 70,000± square feet of warehouse space (the "Project") to be leased to 2428392, Inc. d/b/a FYE, as tenant. The Property is currently vacant. To assist in the Agency's review of the Project, the following additional documents are enclosed herewith:

- (1) Project Budget;
- (2) Operating Budget;
- (3) Development Schedule;
- (4) Site Plan;
- (5) Environmental Assessment Form;
- (6) Tenant Employee Job Descriptions;
- (7) Organizational Chart;
- (8) Renderings; and
- (9) Check in the amount of \$1,500.00.

The Property is currently owned by IndusPAD-The Awakening, LLC ("Seller"), an entity under common ownership and control with the Applicant. The Property forms a part of that certain real property commonly known as 38 Corporate Circle, Albany, New York 12203, and further identified as SBL No. 41.00-2-60 (the "Seller Property"). The Applicant's acquisition of the Property requires a subdivision of Seller Property. An application was submitted to the City of

Albany Planning Board (the "Planning Board") for subdivision and Site Plan approval on November 7, 2022.

FYE currently rents 45,000 square feet of warehouse space at 55 Commerce Avenue in the City of Albany ("55 Commerce"). While 55 Commerce is in good condition, FYE has outgrown the space. With the term its lease set to expire on October 31, 2023, FYE completed a comprehensive search for available warehouse space within a fifty-mile radius of 55 Commerce. FYE was unable to identify any available space suitable for its needs.

The proposed Project is located adjacent to FYE's corporate headquarters. FYE's tenancy at the Project preserves its competitive position in its industry by: (1) consolidating operations in the capital district and thereby facilitating financial and logistical efficiencies, and (2) increasing FYE's distribution and warehousing capacity in a new building built to its specifications.

As further described in the Application, the Applicant is seeking an exemption from Sales Tax and Mortgage Recording Tax. The Project is expected to create 49 construction jobs over the nine month construction period. Additionally, the Project is expected to retain 22 permanent full-time job positions and create 13 new permanent full-time job positions.

We look forward to introducing the Agency Board to the Project at its next meeting. In the interim, please do not hesitate to contact me with any questions regarding the Project.

Very truly yours,
/s/ Daniel T. Hubbell
Daniel T. Hubbell

Enclosures

DATED: JULY 18, 2019

City of Albany Industrial Development Agency

Application for Assistance

Date: 02/02/23

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

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

This application respectfully states:

APPLICANT:

Name: IndusPAD-Flair, LLC
Address: 46 Stafford Street
City: Lawrence State: MA Zip: 01941
Federal ID/EIN: 88-4105063 Website: https://induspad.com/
Primary Contact: Jitender Makkar
Title: Manager
Phone: (510) 396-2149 Email: jitender@induspad.com

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION:

Jitender Makkar, Aby Thunga and Applicant counsel listed below.

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

NAME OF ATTORNEY: Daniel T. Hubbell, Esq. and Catherine D. Kemp, Esq.

ATTORNEY'S ADDRESS: One Commerce Plaza, Albany, NY 12260

PHONE: (518) 487-7600 E-MAIL: dhubbell@woh.com, ckemp@woh.com

NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 3 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 one (1) copy of this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project contemplated herein (to the extent such expenses are not paid out of the proceeds of the Agency's bonds issued to finance the Project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel/special counsel to the Agency. The costs incurred by the Agency, including the Agency's general counsel and bond counsel, may be considered as a part of the Project and included as a part of the resultant bond issue.
9. The Agency has established an application fee of One Thousand Five Hundred Dollars (\$1,500) to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. **THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.**
10. The Agency has also established an administrative fee equal to (A) one percent (1%) of the cost of the Project in the case of an Agency Straight Lease Transaction, and (B) one percent (1%) of the aggregate principal amount of the bonds to be issued by the Agency in the case of an Agency Bond Transaction. The Agency has also established an administrative fee for the issuance of refunding bonds for Agency Bond Transactions. The formula for the calculation of the administrative fee for the issuance of refunding bonds is outlined in the Agency's Policy Manual. **THESE FEES ARE PAYABLE ON THE CLOSING DATE.**

SUMMARY OF PROJECT

Applicant: IndusPAD-Flair, LLC

Contact Person: Jitender Makkar

Phone Number: (510) 396-2149

Occupant: 2428392, Inc. d/b/a FYE

Project Location (include Tax Map ID): 42 Corporate Circle, Albany, NY 12203, SBL No. TBD

Approximate Size of Project Site: 3.53 acres

Description of Project: Construction of 75,000± square foot building consisting of 5,000± square feet of office space and 70,000± square feet of warehouse space.

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

Employment Impact: Existing FTE Jobs: 22
 Retained FTE Jobs: 22
 FTE Jobs Created: 13
 Construction Jobs Created: 49

Project Cost: \$11,206,638

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

Amount of Bonds Requested: \$0

Estimated Value of Tax-Exemptions:

N.Y.S. Sales and Compensating Use Tax:	\$256,000
Mortgage Recording Taxes:	\$89,175
Real Property Tax Exemptions: (auto-calculated)	\$0
Other (please specify):	\$0

Provide estimates for the following:

Average Estimated Annual Salary of Jobs to be Created:	\$32,240
Annualized Salary Range of Jobs to be Created:	\$31,000 to \$34,000
Estimated Average Annual Salary of Jobs to be Retained:	\$33,000

I. APPLICANT INFORMATION

A) Applicant:

Name: IndusPAD-Flair, LLC
Address: 46 Stafford Street
City: Lawrence State: MA Zip: 01941
Federal ID/EIN: 88-4105063 Website: https://induspad.com/
Primary Contact: Jitender Makkar
Title: Manager
Phone: (510) 396-2149 Email: jitender@induspad.com

B) Real Estate Holding Company (if different from Applicant):

Will a separate company hold title to/own the property related to this Project? If yes:

Name: N/A
Address:
City: State: Zip:
Federal ID/EIN: Website:
Primary Contact:
Title:
Phone: Email:

Describe the terms and conditions of the lease between the Applicant and the Real Estate Holding Company. If there is an option to purchase the property, provide the date option was signed and the date the option expires:

C) Current Project Site Owner (if different from Applicant or Real Estate Holding Company):

Name: IndusPAD–The Awakening, LLC
Title: N/A
Address: 46 Stafford Street
City: Lawrence State: MA Zip: 01941
Phone: (978) 682-4000 Email: jitender@induspad.com

D) Attorney:

Name: Daniel T. Hubbell, Esq. and Catherine D. Kemp. Esq.
Firm Name: Whiteman, Osterman & Hanna LLP
Address: One Commerce Plaza
City: Albany State: NY Zip: 12260
Phone: (518) 487-7600 Email: DHubbell@woh.com

E) General Contractor:

Name: Cody Dutcher
Firm Name: BBL Construction Services, LLC
Address: 302 Washington Avenue Extension
City: Albany State: NY Zip: 12203
Phone: (518) 452-8200 Email: cdutcher@bblinc.com

II. APPLICANT'S COMPANY OWNERSHIP & HISTORY**A) Company Organization:**

Year founded: Founded in which state: NAICS Code:

Type of ownership (e.g., C-Corp, LLC):

B) Company Management

Name	Office Held	Other Principal Business
Jitender Makkar	CEO	Real Estate Development

Company Ownership:

List all stockholders, members, or partners with ownership of greater than 5% and attach an organizational ownership chart with complete name, TIN, DOB, home address, office held, and other principal businesses (if applicable).

Name	Office Held	% of Ownership	% of Voting Rights
Jitender Makkar	CEO	89.5	89.5
IndusPAD - The Awakening LLC	NA	10.5	10.5

Is the Applicant or management of the company now a plaintiff or a defendant in any civil or criminal litigation?

☐ Yes ☒ No

If yes, describe:

Has any person listed above ever been a plaintiff or a defendant in any civil or criminal litigation?

☐ Yes ☒ No

If yes, describe:

Has any person listed above ever been charged with a crime other than a minor traffic violation?

☐ Yes ☒ No

If yes, describe:

Has any person listed above ever been convicted of a crime other than a minor traffic violation?

☐ Yes ☒ No

If yes, describe:

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

If yes, describe:

C) Company Description:

Describe in detail the Company's background, products, customers, goods and services:

IndusPAD - Flair LLC is an industrial/commercial real estate development and leasing company with international customers.

Existing Banking Relationship(s): Bank of America

Has the Company ever received incentives tied to job creation? ☐ Yes ☒ No

If yes, describe:

Were the goals met? ☐ Yes ☐ No ☒ N/A

If no, why not?

Additional sheets may be attached, if necessary.

III. PROJECT DESCRIPTION AND DETAILS

A) Assistance requested from the Agency:

Select all that apply:

- ☒ Exemption from Sales Tax
- ☒ Exemption from Mortgage Tax
- ☐ Exemption from Real Property Tax
- ☐ Taxable Bonds
- ☐ Tax-exempt Bonds (typically for non-for-profits or qualified manufacturers)
- ☐ Other, specify:

B) Project Description:

Attach a map, survey or sketch of the Project site, identifying all existing or new buildings/structures.

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

Construction of 75,000± square foot building consisting of 5,000± square feet of office space and 70,000± square feet of warehouse space.

Location of Proposed Project:

Street Address - Tax Map ID(s): 42 Corporate Circle, Albany, NY 12203, SBL No. TBD

Is the Applicant the present legal owner of the Project site? ☐ Yes ☒ No

If yes: Date of Purchase: TBD Purchase Price: \$1,260,000

If no:

1. Present legal owner of the Project site: IndusPAD–The Awakening, LLC

2. Is there a relationship, legally or by common control, between the Applicant and the present owner of the Project site? ☒ Yes ☐ No

If yes: Applicant and Owner have the same managing member.

3. Does the Applicant have a signed option to purchase the site? ☒ Yes ☐ No ☐ N/A

If yes: Date option signed: Nov 3, 2022 Date option expires: Mar 31, 2023

Is the Project site subject to any property tax certiorari? ☐ Yes ☒ No

DATED: JULY 18, 2019

Describe the Project including, scope, purpose (e.g., new build, renovations, and/or equipment purchases, equipment leases, etc.), timeline, and milestones. The Project scope must entail only future work, as the Agency's benefits are not retroactive:

How many units will the project encompass (include total of number of commercial and residential units)?

How many square feet of commercial space will the project entail?

New construction of 75,000± square foot building consisting of 5,000± square feet of office space and 70,000± square feet of warehouse space for sole tenant 2428392, Inc., d/b/a FYE. The Project will include new equipment, racking, packaging and fulfillment systems. The Applicant has retained the services of BBL Construction Services, LLC as general contractor. The applicant anticipates commencement of construction in March 2023 with completion of construction in December 2023. A copy of the project schedule and construction budget are attached hereto.

Would this Project be undertaken **but for** the Agency's financial assistance? ☐ Yes ☒ No

If yes, describe why the Agency's financial assistance is necessary and the effect the Project will have on the Applicant's business or operations:

C) Project Site Occupancy

Select Project type for all end-users at Project site (choose all that apply):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Industrial | <input type="checkbox"/> Service* |
| <input type="checkbox"/> Acquisition of existing facility | <input type="checkbox"/> Back-office |
| <input type="checkbox"/> Housing | <input type="checkbox"/> Mixed use |
| <input type="checkbox"/> Multi-tenant | <input type="checkbox"/> Facility for Aging |
| <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Civic facility (not-for-profit) |
| <input type="checkbox"/> Retail* | <input type="checkbox"/> Other |

** The term "retail sales" means (1) sales by a registered vendor under Article 28 of the Tax Law of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property, as defined in Section 1101(b)(4)(i) of the Tax Law, or (2) sales of a service to customers who personally visit the Project location. If "retail" or "service" is checked, complete the Retail Questionnaire contained in Section IV.*

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute.

List the name(s) of the expected tenant(s), nature of the business(es), and percentage of total square footage to be used by each tenant. Additional sheets may be attached, if necessary:

Company:	Nature of Business:	% of total square footage:
1. 2428392, Inc. d/b/a FYE	Distribution Center	100%
2.		
3.		

Are there existing buildings on project site? ☐ Yes ☒ No

a. If yes, indicate number and approximate size (in square feet) of each existing building:

b. Are existing buildings in operation? ☐ Yes ☐ No ☒ N/A
If yes, describe present use of present buildings:

c. Are existing buildings abandoned? ☐ Yes ☐ No ☒ N/A

About to be abandoned? ☐ Yes ☐ No ☒ N/A
If yes, describe:

d. Attach photograph of present buildings.

IV. RETAIL QUESTIONNAIRE

(Fill out if end users are "retail" or "service" as identified in Section III)

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or purchase services.

- A) Will any portion of the Project consist of facilities or property that will be primarily used in making sales of goods or services to customers who personally visit the Project site?¹ ☐ Yes ☒ No
- If yes, continue with the remainder of the Retail Questionnaire. If no, do not complete the remainder of the Retail Questionnaire.

- B) What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the Project?

0%

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute. Accordingly, please answer "yes" and insert "100%" if your project is a housing project. If the answer is less than 33.33% do not complete the remainder of the Retail Questionnaire. If the answer to Question A is Yes and the answer to Question B is greater than 33.33%, complete the remainder of the Retail Questionnaire:

1. Is the Project location or facility likely to attract a significant number of visitors from outside the Capital Region Economic Development Region (i.e., Albany, Schenectady, Rensselaer, Greene, Columbia, Saratoga, Warren, and Washington counties)? ☐ Yes ☒ No
2. Will the Project make available goods or services which are not currently reasonably accessible to the residents of the municipality within which the proposed Project would be located? ☐ Yes ☒ No
3. Will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? ☒ Yes ☐ No
If yes, explain:
4. Will the Project be located in an area designated as an economic development zone pursuant to Article 18-B of the General Municipal Law (Source: <https://esd.ny.gov/empire-zones-program>)? ☐ Yes ☒ No
If yes, explain:
5. Will the Project be in a "highly distressed" census tract (as defined by the United States Census Bureau <https://factfinder.census.gov/>) ☐ Yes ☒ No

If yes, explain:

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute. Accordingly, please answer "yes" and insert "100%" if your project is a housing project.¹

V. ENVIRONMENTAL REVIEW AND PERMITTING

The Applicant must comply with the State Environmental Quality Review Act (SEQRA) before the Agency can vote on proposed financial incentives. It is the Applicant's responsibility to provide a copy of the final SEQRA determination to the Agency.

Environmental Assessment Form: ☒ Short Form ☐ Long Form

Lead Agency: **City of Albany Planning Board**

Agency Contact: **Albert DeSalvo, Chair**

Date of submission: **11/07/2022**

Status of submission: **Planning Board approval expected at 2/23 meeting.**

Final SEQRA

determination: **TBD**

A) Site Characteristics:

Describe the present zoning and land use regulation: **Light Industrial**

Will the Project meet zoning and land use regulations for the proposed location? ☒ Yes ☐ No

Is a change in zoning and land use regulation is required? ☒ Yes ☐ No

If yes, specify the required change and status of the change request:

Variances received from USDO sidewalk, parking lot location and access width requirements.

If the proposed Project is located on a site where the known or potential presence of contaminants is complicating the development/use of the property, describe the potential Project challenge:

NA

Does part of the Project consist of a new building or buildings?

☒ Yes ☐ No

If yes, indicate number and size of new buildings:

New construction of one 75,000± square foot building.

Does part of the Project consist of additions and/or renovations to the existing buildings?

☐ Yes ☐ No

If yes, indicate the buildings to be expanded or renovated, the size of any expansions and the nature of expansion and/or renovation:

NA

VI. INTER-MUNICIPAL MOVE DETERMINATION

The Agency is required by State law to make a determination that, if completion of a Project benefiting from the Agency's financial assistance results in the removal of a plant of the Project occupant from one area of the State to another area of the State or in the abandonment of one or more plants or facilities of the Project occupant located within the State, Agency financial assistance is required to prevent the Project occupant from relocating out of the State, or it is reasonably necessary to preserve the Project occupant's competitive position in its respective industry.

Will the Project result in the removal of a plant of the Project occupant from one area of the State to another area of the State? ☐ Yes ☒ No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the State? ☒ Yes ☐ No

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

See below.

Does the Project involve relocation or consolidation of a Project occupant from another municipality?

Within New York State: ☒ Yes ☐ No

Within the City of Albany: ☒ Yes ☐ No

If yes, explain:

FYE currently rents 45,000 square feet of warehouse space at 55 Commerce Avenue in the City of Albany ("55 Commerce"). While 55 Commerce is in good condition, FYE has outgrown the space. With the term its lease set to expire on October 31, 2023, FYE completed a comprehensive search for available warehouse space within a fifty-mile radius of 55 Commerce. FYE was unable to identify any available space suitable for its needs.

The proposed Project is located adjacent to FYE's corporate headquarters. FYE's tenancy at the Project preserves its competitive position in its industry by: (1) consolidating operations in the capital district and thereby facilitating financial and logistical efficiencies, and (2) increasing FYE's distribution and warehousing capacity in a new building built to its specifications.

VII. EMPLOYMENT INFORMATION**A) Current and Projected Employee FTEs ("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):**

	Current FTEs	Projected FTEs			
		New Year 1- 20 ²³	New Year 2 - 20 ²⁴	New Year 3 - 20 ²⁵	Total Year 4-20 ²⁶
Full-time	22	8	5	0	35
Part-time	0	0	0	0	0
Seasonal	0	0	0	0	0

B) Employment Plan in FTE

Estimate the number of full-time equivalent (FTE) jobs that are expected to be retained and created as part of this Project. One FTE is equivalent to 35 hours of work per week or 1,820 hours per year. Convert part-time jobs into FTE by dividing the total number of hours for all part-time resources by 35 hours per week or 1,820 hours per year. ("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):

Attach a list that describes in detail the types of employment for this Project, including the types of activities or work performed and the projected timeframe for creating new jobs.

Occupation in Company	Current (Retained) Permanent FTE		Projected New Permanent FTE			
	Average Annual Salary or Hourly Wage ²	Number of Current FTE	FTE in Year 1 20 ²³	FTE in Year 2 20 ²⁴	FTE in Year 3 20 ²⁵	Total New FTE by Year 4 20 ²⁶
Professional/Management	58,000	1	0	0	0	0
Administrative	18.50	4	0	0	0	0
Sales		0	0	0	0	0
Services	15.85	17	8	5	0	13
Manufacturing		0	0	0	0	0
High-Skilled		0	0	0	0	0
Medium-Skilled		0	0	0	0	0
Basic-Skilled		0	0	0	0	0
Other (specify)		0	0	0	0	0
		0	0	0	0	0
Total (auto-calculated)		22	8	5	0	13

² Wages are defined as all remuneration paid to an employee. Remuneration means every form of compensation for employment paid by an employer to an employee; whether paid directly or indirectly by the employer, including salaries, commissions, bonuses, and the reasonable money value of board, rent, housing, lodging, or similar advantage received. Where gratuities are received from a person other than the employer, the value of such gratuities shall be included as part of the remuneration paid by the employer. Source: <https://labor.ny.gov>.

VIII. INDEPENDENT CONTRACTOR RESOURCES

Estimate the number of full-time equivalent (FTE) jobs that are contracted to independent contractors (e.g., contractors or subcontractors) that would be retained and created as part of this Project.

Attach a list that describes in detail the types of contract resources for this Project, including the types of activities or work performed and the projected timeframe for creating new contractor positions.

("Year One" will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):

	Current FTEs	Projected			
		New Year 1-20	New Year 2-20	New Year 3-20	Total Year 4-20
Full-time	0	0	0	0	0
Part-time	0	0	0	0	0
Seasonal	0	0	0	0	0

IX. CONSTRUCTION LABOR

**Construction Jobs are defined by the number of persons individually identified on the pay roll of the General Contractor/Subcontractor in relation to the project.*

Number of construction workers expected to be hired for this Project: 49

When does the applicant anticipate the start of construction? March 2023

When does the applicant anticipate the completion of construction? December 2023

What is the total value of construction contracts to be executed? \$7,465,500

Describe the general contractor's plans and selection process for using regional and/or City of Albany construction labor or regional and/or City of Albany sub-contractors:

The Applicant has procured a local general contractor, headquartered in Albany, to procure and manage the project. The general contractor will compile bid lists comprised of subcontractors in both the City of Albany and the Capital Region for each of the respective trades required to complete the project. A competitive bidding process will be used to determine the successful contractor for each scope. Having successfully completed projects in the Capital Region for 50 years, the general contractor is confident in its ability to identify and procure subcontractors from this region to complete the project.

X. PROJECT COSTS AND FINANCING

Attach additional

A) **Project Costs** Please see Exhibit 1 for complete Construction Budget.

Description of Cost	Amount
Land	\$1,260,000
Buildings	\$6,100,500
Machinery and Equipment Cost	\$0
Utilities, roads and appurtenant costs	\$1,365,000
Architects and engineering fees	\$145,150
Cost of Bond Issue (legal, financial and printing)	\$0
Construction loan fees and interest (if applicable)	\$117,075
Other (specify)	
Commissions	\$946,314
Reserves & Misc.	\$1,272,599
TOTAL PROJECT COST (auto-calculated)	\$11,206,638

Have any of the above costs been paid or incurred as of the date of this application? ☒ Yes ☐ No

If yes, describe: Legal, sub-division and engineering costs

B) Sources of Funds for Project Costs

Equity:

\$2,289,138

Bank Financing:

\$8,917,500

Tax Exempt Bond Issuance:

\$0

Taxable Bond Issuance

\$0

Public Sources (Include total of all State and Federal grants and tax credits):

Identify each State and Federal program:

\$0
\$0
\$0

Public Funds Total (auto-calculated):

\$0

Additional sheets may be attached, as necessary.

TOTAL: (auto-calculated)

\$11,206,638

Amount of total financing requested from lending institutions:

\$8,917,500

Amount of total financing related to existing debt refinancing:

\$0

Has a commitment for financing been received?

☒ Yes ☐ No

If yes:

Lending Institution: HomeTown Bank, N.A.

Contact: Jane Loranger

Phone: (508) 581-6257

XI. PROJECT EVALUATION AND ASSISTANCE FRAMEWORK

Project Evaluation and Assistance Framework. If applicable, complete the following Matrix that is part of the Agency's Project Evaluation and Assistance Framework.

Baseline Requirements (Must Achieve All)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Complete Application | <input checked="" type="checkbox"/> Albany 2030 Aligned | <input checked="" type="checkbox"/> Meet Project Use Definition |
| <input checked="" type="checkbox"/> Meets NYS/CAIDA Requirements | <input type="checkbox"/> Planning Approval (if applicant)
Approval Date: <input type="text"/> | <input checked="" type="checkbox"/> "But For" Requirement |

Community Benefit Metrics (Must Achieve 10)

- | | | |
|--|--|--|
| Revitalization
Target Geography
<input type="checkbox"/> Distressed Census Tract
<input type="checkbox"/> High Vacancy Census Tract
<input type="checkbox"/> Downtown
<input type="checkbox"/> BID
<input type="checkbox"/> Neighborhood Plan | Investment
Financial Commitment (cumulative)
<input checked="" type="checkbox"/> 2.5M - 10M
<input checked="" type="checkbox"/> 10.1 - 17.5M
<input type="checkbox"/> 17.6M - 25M | Employment
Permanent Jobs (cumulative)
<input checked="" type="checkbox"/> 3 - 40
<input type="checkbox"/> 41 - 80
<input type="checkbox"/> 81 - 120
<input type="checkbox"/> 121 - 180
<input type="checkbox"/> > 180 |
| Identified Priority
<input type="checkbox"/> Downtown Residential
<input checked="" type="checkbox"/> Tax Exempt/Vacant
<input type="checkbox"/> Identified Catalyst Site
<input type="checkbox"/> Historic Preservation
<input type="checkbox"/> Community Catalyst | Community Commitment
<input type="checkbox"/> MWBE/DBE Participation
<input type="checkbox"/> EEO Workforce Utilization
<input type="checkbox"/> Inclusionary Housing
<input type="checkbox"/> Regional Labor
<input type="checkbox"/> City of Albany Labor
<input type="checkbox"/> Apprenticeship Program | Retained Jobs (cumulative)
<input checked="" type="checkbox"/> 3 - 40
<input type="checkbox"/> 41 - 80
<input type="checkbox"/> 81 - 120
<input type="checkbox"/> 121 - 180
<input type="checkbox"/> > 180 |
| Identified Growth Area
<input checked="" type="checkbox"/> Manufacturing/Distribution
<input type="checkbox"/> Technology
<input type="checkbox"/> Hospitality
<input type="checkbox"/> Existing Cluster
<input type="checkbox"/> Conversion to Residential | | Construction Jobs (cumulative)
<input checked="" type="checkbox"/> 6 - 80
<input type="checkbox"/> 81 - 160
<input type="checkbox"/> 161 - 240
<input type="checkbox"/> > 240 |

XII. ESTIMATED VALUE OF INCENTIVES

A) Property Tax Exemption:

Agency staff will complete this section with the Applicant based on information submitted by the Applicant and the City of Albany Assessor. If you are requesting an exception to the PILOT schedule that cannot be accommodated by the UTEP or the CAIDA Project Evaluation and Assistance Framework, please provide additional sheets indicating the proposed PILOT payments.

Does your project meet the definition of "large project" as defined in the Framework (\$25 Million, 15 Total Acres or Full Service Hotel)? ☐ Yes ☐ No

Current assessed full assessed value of the property **before** Project improvements or the **purchase price of the property**, whichever is higher:

Estimated new assessed full value of property **after** Project improvement based on letter from the City of Albany Assessor:

Estimated real property 2019 tax rate per dollar of full assessment (auto-calculated): **\$47.96**

**assume 2% annual increase in tax rate*

Estimated Completed Assessed Value per Unit based on letter from the City of Albany Assessor:

DATED: JULY 18, 2019

PILOT Year	Existing Real Property Taxes	Estimated Real Property Taxes on Improved Value Without PILOT ³	Estimated Total Without PILOT	PILOT Abatement % based on Framework schedule Abatement percentages must be entered in decimals	*Estimated PILOT Payments
1				0%	
2				0%	
3				0%	
4				0%	
5				0%	
6				0%	
7				0%	
8				0%	
9				0%	
10				0%	
11				0%	
12				0%	
13				0%	
14				0%	
15				0%	
16				0%	
17				0%	
18				0%	
19				0%	
20				0%	
			\$ 0		\$ 0

**PILOT payments may not to fall short of \$675 per door or .97 per Square Foot as applicable from Framework*

Please note that after year twelve (12) of any Multi-Family Commercial PILOT, a bifurcated structure commences whereby projects shall pay the greater of: (a) scheduled pilot payments as stated by assistance schedule or (b) 11.5% of gross revenue.

Notwithstanding anything herein to the contrary, if the project consists of an **affordable housing project**, the applicant shall make annual payments in lieu of property taxes pursuant to the PILOT Agreement with respect to the project as follows: (i) An amount equal to ten percent (10%) of the shelter rents (rents, excluding the component thereof, if any, attributable to energy and utility costs paid by the applicant) payable by the tenants in connection with the housing project.

If the applicant is requesting assistance that is a deviation from the Agency's UTEP, please refer to the Agency's Project Evaluation and Assistance Framework to determine the appropriate, potential standard deviation abatement schedule: <http://albanyida.com/wp-content/uploads/2012/03/CAIDA-PILOT-Program-Board-Revised-1.pdf>

³ The figures in this column assume that the Project is completed as described in the Application and without the involvement of the Agency and, therefore, subject to real property taxes. However, as provided in this Application, the Applicant has certified that it would not undertake the Project without the financial assistance granted by the Agency. Accordingly, this column is prepared solely for the purpose of determining the estimated amount of the real property tax abatement being granted by the Agency.

DATED: JULY 18, 2019

If the Applicant is requesting assistance that is greater than the Agency's standard UTEP deviations identified in the Project Evaluation and Assistance Framework, describe the incentives and provide a justification for this PILOT request:

N/A

B) Sales and Use Tax Benefit:

Note: The figures below will be provided to the New York State Department of Taxation and Finance and represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to the application.

Costs for goods and services that are subject to State and local sales and use tax⁴:

\$3,200,000

Estimated State and local sales and use tax benefit (sales tax amount multiplied by 8.0% plus additional use tax amounts):

\$256,000

C) Mortgage Recording Tax Benefit:

Mortgage amount (include construction, permanent, bridge financing or refinancing):

\$8,917,500

Estimated mortgage recording tax exemption benefit (mortgage amount multiplied by 1%)⁵:

\$89,175

D) Percentage of Project Costs Financed from Public Sector:

Percentage of Project costs financed from public sector: 4%
(Total B + C + D + E below / A Total Project Cost)

A. Total Project Cost:

\$11,206,638

B. Estimated Value of PILOT (auto-filled):

\$0

C. Estimated Value of Sales Tax Incentive:

\$256,000

D. Estimated Value of Mortgage Tax Incentive:

\$89,175

E. Total Other Public Incentives (tax credits, grants, ESD incentives, etc.):

\$0

⁴ Sales and use tax (sales tax) is applied to: tangible personal property (unless specifically exempt); gas, electricity, refrigeration and steam, and telephone service; selected services; food and beverages sold by restaurants, taverns, and caterers; hotel occupancy; and certain admission charges and dues. For a definition of products, services, and transactions subject to sales tax see the following links:
<https://www.tax.ny.gov/bus/st/subject.htm> and
https://www.tax.ny.gov/pubs_and_bulls/tg_bulletins/st/quick_reference_guide_for_taxable_and_exempt_property_and_services.htm.

⁵ The Mortgage Recording Tax in Albany County is equal to 1.25%. However, the Agency is authorized under the IDA Statute to exempt only 1.00%.

XIII. COST BENEFIT ANALYSIS

In order for the City of Albany Industrial Development Agency (the "Agency") to prepare a Cost/Benefit Analysis for a proposed project (the "Project"), the Applicant must answer the questions contained in this Project Questionnaire (the "Questionnaire"). 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, community benefits (including community commitment as described in the Agency's Project Evaluation and Assistance Framework), 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.).

This Questionnaire must 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"):	IndusPad-Flair, LLC	
2. Brief Identification of the Project:	42 Corporate Circle	
3. Estimated Amount of Project Benefits Sought:	\$ 345,175	
A. Amount of Bonds Sought:	\$0	
B. Value of Sales Tax Exemption Sought	\$256,000	
C. Value of Real Property Tax Exemption Sought	\$0	
D. Value of Mortgage Recording Tax Exemption Sought	\$89,175	
4. Likelihood of accomplishing the Project in a timely fashion (please explain):	<input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No	
<div style="border: 1px solid black; padding: 5px;"> The Applicant's engineering and construction team are prepared to commence construction immediately following closing. </div>		

DATED: JULY 18, 2019

PROJECTED PROJECT INVESTMENT

Please see Exhibit 1 for a complete Project Budget. Note that broker commissions are based on both land value and lease value.

A. Land-Related Costs	
1. Land acquisition	\$ 1,260,000
2. Site preparation	\$ 1,365,000
3. Landscaping	
4. Utilities and Infrastructure development	
5. Access roads and parking development	
6. Other land-related costs (describe) Closing Costs	\$ 117,075
B. Building-Related Costs	
1. Acquisition of existing structures	\$ 0
2. Renovation of existing structures	\$ 0
3. New construction costs	\$ 6,100,500
4. Electrical systems	\$ 0
5. Heating, ventilation and air conditioning	\$ 0
6. Plumbing	\$ 0
7. Other building-related costs (describe)	\$ 0
C. Machinery and Equipment Costs	
1. Production and process equipment	\$ 0
2. Packaging equipment	\$ 0
3. Warehousing equipment	\$ 0
4. Installation costs for various equipment	\$ 0
5. Other equipment-related costs (describe)	\$ 0
D. Furniture and Fixture Costs	
1. Office furniture	\$ 0
2. Office equipment	\$ 0
3. Computers	\$ 0
4. Other furniture-related costs (describe)	\$ 0
E. Working Capital Costs	
1. Operation costs	\$ 277,182
2. Production costs	\$ 0
3. Raw materials	\$ 0
4. Debt service	\$ 0
5. Relocation costs	\$ 0
6. Skills training	\$ 0
7. Other working capital-related costs (describe) Project Management	\$ 463,530
F. Professional Service Costs	
1. Architecture and engineering	\$ 145,150
2. Accounting/legal	\$ 0
3. Other service-related costs (describe)	\$ 0
G. Other Costs	
1. Broker Commissions	\$ 946,314
2. Reserves	\$ 531,887
H. Summary of Expenditures	
1. Total Land-Related Costs	\$ 2,742,075
2. Total Building-Related Costs	\$ 6,100,500
3. Total Machinery and Equipment Costs	\$ 0
4. Total Furniture and Fixture Costs	\$ 0
5. Total Working Capital Costs	\$ 740,712
6. Total Professional Service Costs	\$ 145,150
7. Total Other Costs	\$ 1,478,201
	\$ 11,206,638

PROJECTED NET OPERATING INCOME

- I. Please provide projected Net Operating Income:

YEAR	Without IDA benefits	With IDA benefits
1	\$ 483,476	\$ 828,651
2	\$ 828,651	\$ 828,651
3	\$ 828,651	\$ 828,651
4	\$ 828,651	\$ 828,651
5	\$ 828,651	\$ 828,651

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	49	4,587,273.00	225,966.00
Year 1	0		
Year 2	0		
Year 3	0		
Year 4	0		
Year 5	0		

PROJECTED PERMANENT EMPLOYMENT IMPACT

- I. Estimates of the total number of existing permanent FTE jobs to be preserved or retained as a result of the Project are described in the tables in Section VII of the Application.
- II. Estimates of the total new permanent FTE jobs to be created at the Project are described in the tables in Section VII of the Application.
- III. Please provide estimates for the following:
- A. Creation of New Job Skills relating to permanent jobs. Please complete Schedule A.

PROJECTED OPERATING IMPACT

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

Additional Purchases (1 st year following project completion)	\$ 0
Additional Sales Tax Paid on Additional Purchases	\$ 0
Estimated Additional Sales (1 st full year following project completion)	\$ 0
Estimated Additional Sales Tax to be collected on additional sales (1 st full year following project completion)	\$ 0

II. Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes ("Pilot Payments"): If you are requesting an exception that cannot be accommodated by the auto-calculated fields, please provide additional sheets indicating the proposed PILOT payments.

Year	Existing Real Property Taxes (Without Project)	New Pilot Payments (With IDA)	Total (Difference)
Current Year	\$0	\$0	\$0
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			
Year 6			
Year 7			
Year 8			
Year 9			
Year 10			
Year 11			
Year 12			
Year 13			
Year 14			
Year 15			
Year 16			
Year 17			
Year 18			
Year 19			
Year 20			
			\$ 0

ADDITIONAL COMMUNITY BENEFITS

The City of Albany Industrial Development Agency is supportive of inclusionary development practices. Please indicate which of the below described community benefits (as defined in the Agency's Project Evaluation and Assistance Framework) will be provided as a result of the Project, and please provide a detailed description of such benefits, together with any other economic benefits and community benefits expected to be produced as a result of the Project (attach additional pages as needed for a complete and detailed response). Examples of these benefits include:

- | | |
|--------------------------------|---------------------------------|
| (A) MWBE/DBE Participation; | (L) Downtown Residential; |
| (B) EEO; | (M) Tax Exempt/Vacant Property; |
| (C) Workforce Utilization; | (N) Identified Catalyst Site; |
| (D) Inclusionary Housing; | (O) Historic Preservation; |
| (E) Regional Labor; | (P) Community Catalyst; |
| (F) City of Albany Labor; | (Q) Manufacturing/Distribution; |
| (G) Apprenticeship Program; | (R) Technology; |
| (H) Distressed Census Tract; | (S) Hospitality; |
| (I) High Vacancy Census Tract; | (T) Existing Cluster; and |
| (J) Downtown BID; | (U) Conversion to Residential. |
| (K) Neighborhood Plan; | |

The project will include the following benefits:

1. Manufacturing/Distribution

The Applicant has procured a local general contractor, headquartered in Albany, to procure and manage the project. The general contractor will compile bid lists comprised of subcontractors in both the City of Albany and the Capital Region for each of the respective trades required to complete the project. A competitive bidding process will be used to determine the successful contractor for each scope. Having successfully completed projects in the Capital Region for 50 years, the general contractor is confident in its ability to identify and procure subcontractors from this region to complete the project.

XIV. OTHER

Is there anything else the Agency's board should know regarding this Project?

Please see complete project budget attached as an exhibit hereto.


DATED: JULY 18, 2019

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.

I affirm under penalty of perjury that all statements made on this application are true, accurate and complete to the best of my knowledge.

Date Signed: <input type="text" value="10/27/23"/>	Name of Person Completing Project
	Questionnaire on behalf of the Company.
	Name: <input type="text" value="Jitender Makkar and Applicant c"/>
	Title: <input type="text" value="Manager"/>
	Phone Number: <input type="text" value="(978) 682-4000"/>
	Address: <input type="text" value="46 Stafford Street
Lawrence, MA 01941"/>
Signature: 	

REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION

[Jitender Makkar and Applicant] (name of CEO or another authorized representative of Applicant) confirms and says that he/she is the [Manager] (title) of [IndusPAD-Flair, LLC] (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. Job Listings. Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA"), as replaced by the Workforce Investment Act of 1998 (Public Law 105-220), in which the Project is located.
- B. First Consideration for Employment. In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C. City Human Rights Law. The applicant has reviewed the provisions of Chapter 48, Article III of the City Code, entitled "The Omnibus Human Rights Law" and agrees to comply with such provisions to the extent that such provisions are applicable to the applicant and the Project.
- D. Annual Sales Tax Filings. In accordance with Section 874(8) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant.
- E. Annual Employment Reports. The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the Project site, including (1) the NYS-45 – Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return – for the quarter ending December 31 (the "NYS-45"), and (2) the US Dept. of Labor BLS 3020 Multiple Worksite report if applicable. The applicant also agrees, whenever requested by the Agency, to provide and certify or cause to be provided and certified such information concerning the participation of individuals from minority groups as employees or applicants for employment with regard to the project.
- F. Local Labor Information. The applicant is aware of and understands the provisions of Part 24 of the Policy Manual of the Agency. Pursuant to Part 24 of the Policy Manual of the Agency, the applicant agrees to provide information, in form and substance satisfactory to the Agency, relating to construction activities for projects; specifically: (i) the Company's contact person responsible and accountable for providing information about the bidding for and awarding of construction contracts relative to this Application and the Project, (ii) the

nature of construction jobs created by the Project, including the number, type, and duration of construction positions; and (iii) submit to the Agency a "Construction Completion Report" listing the names and business locations of prime contractors, subcontractors, and vendors who were engaged in the construction phase of the Project.

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

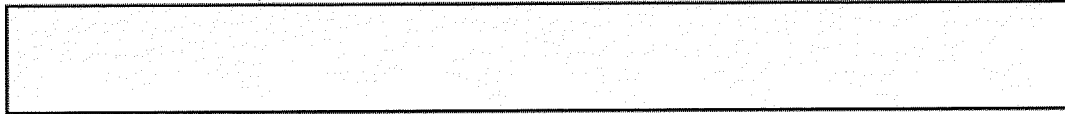
H. Uniform Agency Project Agreement. The applicant agrees to enter into a uniform agency project agreement with the Agency where the applicant agrees that (1) the amount of Financial Assistance to be received shall be contingent upon, and shall bear a direct relationship to the success or lack of success of such project in delivering certain described public benefits (the "Public Benefits") and (2) the Agency will be entitled to recapture some or all of the Financial Assistance granted to the applicant if (a) the project is unsuccessful in whole or in part in delivering the promised Public Benefits, (b) certain "recapture events" occur (e.g., failure to complete the Project, sale or transfer of the Project, failure to make the estimated investment, failure to maintain job employment levels and failure to make annual reporting filings with the Agency).

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

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

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

L. Agency Financial Assistance Required for Project. The Project would not be undertaken but for the Financial Assistance provided by the Agency or, if the Project could be undertaken without the Financial Assistance provided by the Agency, then the Project should be undertaken by the Agency for the following reasons:



M. Compliance with Article 18-A of the General Municipal Law: The Project, as of the date of this Application, is in substantial compliance with all provisions of Article 18-A of the General Municipal including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862; and the provisions of subdivision one of Section 862 of the General Municipal Law will not be violated if Financial Assistance is provided for the Project.

N. Compliance with Federal, State, and Local Laws. The applicant is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

O. False or Misleading Information. The applicant understands that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of Agency involvement in the Project.

P. Absence of Conflicts of Interest. The applicant acknowledges that the members, officers and employees of the Agency are listed on the Agency's website. 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:



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

R. Onsite Visits. The applicant acknowledges that under the Agency's Policy Manual regarding monitoring and administration of projects, the Project is subject to periodic onsite visits by Agency staff.

S. Change in Control of Project Applicant. In connection with any Agency Straight Lease Transaction or Agency Bond Transaction, the Agency may grant to the applicant certain exemptions from mortgage recording taxes, sales and use taxes and real property taxes. The applicant understands that the grant of such exemptions by the Agency is intended to benefit the applicant. Subsequently, if the applicant determines to enter into a merger, sale of the entity, consolidation or sale of ownership interests of the project applicant, the applicant understand that any such merger, sale of the entity, consolidation or sale of ownership interests of the applicant is subject to review and consent by the Agency, together with the satisfaction of any conditions that may be imposed by the Agency.

DATED: JULY 18, 2019

STATE OF ~~NEW YORK~~ IL)
) SS.:
COUNTY OF ~~ALBANY~~ Cook)

Jitender Makkar, being first duly sworn, deposes and says:

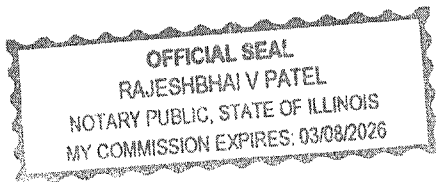
1. That I am the Manager/CEO (Corporate Office) of IndusPAD-Elegance, LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate, and complete.


(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury.

This 27th day of January, 2023

Rajeshbhai V. Patel
(Notary Public)



DATED: JULY 18, 2019

HOLD HARMLESS AGREEMENT

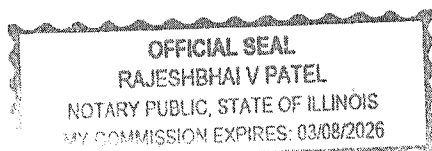
Applicant hereby releases City of Albany Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless 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
27th day of Jan, 2023


(Notary Public)



DATED: JULY 18, 2019

SCHEDULE A

CREATION OF NEW JOB SKILLS

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

[illegible]

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

**NEW YORK STATE FINANCIAL REPORTING
REQUIREMENTS FOR INDUSTRIAL DEVELOPMENT AGENCIES**

Be advised that the New York General Municipal Law imposes certain reporting requirements on IDAs and recipients of IDA financial assistance. Of importance to IDA Applicants is Section 859 (<https://www.nysenate.gov/legislation/laws/GMU/859>). This section requires IDAs to transmit financial statements within 90 days following the end of an Agency's fiscal year ending December 31, prepared by an independent, certified public accountant, to the New York State Comptroller, and the Commissioner of the New York State Department of Economic Development. These audited financial statements shall include supplemental schedules listing the following information:

1. All straight-lease ("sale-leaseback") transactions and whether or not they are obligations of the Agency.
2. All bonds and notes issued, outstanding or retired during the period and whether or not they are obligations of the Agency.
3. All new bond issues shall be listed and for each new bond issue, the following information is required:
 - a. Name of the Project financed with the bond proceeds.
 - b. Whether the Project occupant is a not-for-profit corporation.
 - c. Name and address of each owner of the Project.
 - d. The estimated amount of tax exemptions authorized for each Project.
 - e. The purpose for which the bond was issued.
 - f. The bond interest rate at issuance and, if variable, the range of interest rates applicable.
 - g. Bond maturity date.
 - h. Federal tax status of the bond issue.
 - i. Estimate of the number of jobs created and retained for the Project.
4. All new straight lease transactions shall be listed and for each new straight lease transaction, the following information is required:
 - a. Name of the Project.

DATED: JULY 18, 2019

- b. Whether the Project occupant is a not-for-profit corporation.
- c. Name and address of each owner of the Project.
- d. The estimated amount of tax exemptions authorized for each Project.
- e. The purpose for which each transaction was made.
- f. Method of financial assistance utilized for each Project, other than the tax exemptions claimed by the Project.
- g. Estimate of the number of jobs created and retained for the Project.

Sign below to indicate that you have read and understood the above.

Signature:



Name:

Jitender Makkar

Title:

Manager

Company:

IndusPad-Flair, LLC

Date:

11/23/2022

EXHIBIT 1

PROJECT COSTS
42 CORPORATE CIRCLE

Construction Price	\$6,100,500
Site Improvements	\$1,365,000
Design Fees	\$82,650
Engineering Fees	\$62,500
Land Costs	\$1,260,000
Commissions – Bert Sanders	\$633,314
Commission – Jim Cozza	\$250,000
Commission - OHomez	\$63,000
Closing Costs	\$117,075
Project Management	\$463,530
Carrying Costs during Construction	\$277,182
Reserves	\$531,887
TOTAL	\$11,206,638

EXHIBIT 2

Property	38 Corporate	42 Corporate
SF		75,000.00
Revenue		
CAM/NNN Recoverables		
Total Revenue		\$1,397,366.90
	Current	Estimate
General Administrative		
Electric		
Gas		
Water & sewer		
Telephone		
Trash		
Internet		
Insurance		
Real Estate Taxes		
Repairs and Maintenance		
Legal & Professional		
Other Misc Operating Cost		
Ladscaping		
Housekeeping		
Snow Removal		
Security		
Travel and Food		
Subscription and IT Supplies		
Mangement Expenses		
Total Expenses		
NOI		
First Mortgage		
Second Position Debt/Capital		
Total Debt Cost		
TOTAL CASHFLOW		

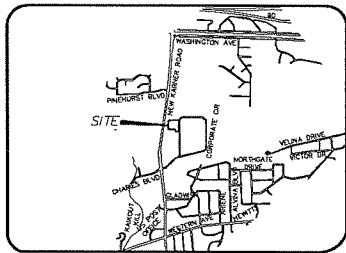
EXHIBIT 3

Draft Development Schedule

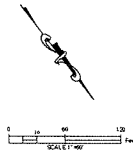
ID	Task Name	Duration	Start	Finish	Predecessor	% Complete	3rd Quarter			4th Quarter			1st Quarter			2nd Quarter			3rd Quarter			4th Quarter		
							Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	
1	38 Corporate Circle	311 days	Fri 8/19/22	Fri 10/27/23		21%																		
2	Pre-Construction	179 days	Fri 8/19/22	Wed 4/26/23		31%																		
3	Municipal Approval	71 days	Mon 8/22/22	Mon 11/28/22		72%																		
4	Procure Civil Engineer	0 days	Mon 8/22/22	Mon 8/22/22		100%																		
5	Develop Site Plan Drawings for Submission	0 days	Mon 8/22/22	Mon 8/22/22	4	100%																		
6	Submit Sketch Plan to City of Albany PB	1 day	Mon 8/22/22	Mon 8/22/22	5	100%																		
7	Submit Concept Plans to City of Albany PB	1 day	Mon 8/22/22	Mon 8/22/22	6	100%																		
8	Prepare and Submit Prelim Final Plans to PB	30 days	Tue 8/23/22	Mon 10/3/22	7	100%																		
9	PB Meeting	20 days	Tue 10/4/22	Mon 10/31/22	8	100%																		
10	Prepare and Submit Prelim Final Second Submission to PB	20 days	Tue 11/1/22	Mon 11/28/22	9	0%																		
11	Prepare Concept Budget	3 days	Fri 8/19/22	Tue 8/23/22		100%																		
12	Prepare Pre-Construction Agreement	10 days	Mon 8/29/22	Fri 9/9/22	11	100%																		
13	Execute Pre-con Agreement	21 days	Mon 9/12/22	Mon 10/10/22	12	100%																		
14	Confirm Architectural Space Program	10 days	Tue 10/11/22	Mon 10/24/22	13	100%																		
15	Prepare Architectural Schematic Design Documents & Rendering	20 days	Tue 10/25/22	Mon 11/21/22	14	60%																		
16	Schematic Plan Sign-Off	1 day	Tue 11/22/22	Tue 11/22/22	15	0%																		
17	Complete Geotechnical Analysis and Report	10 days	Wed 11/23/22	Tue 12/6/22	16	0%																		
18	Quote PEMB	10 days	Wed 11/23/22	Tue 12/6/22	16	0%																		
19	Release PEMB	1 day	Wed 12/7/22	Wed 12/7/22	18,10	0%																		
20	Receive Drawings and Calculations for PEMB	15 days	Tue 11/22/22	Mon 12/12/22	15	0%																		
21	Structural Design Documents	15 days	Tue 12/13/22	Mon 1/2/23	20	0%																		
22	MEP Design Documents	20 days	Wed 11/23/22	Tue 12/20/22	16	0%																		
23	Architectural Construction Documents	20 days	Wed 11/23/22	Tue 12/20/22	16	0%																		
24	Material Procurement (PEMB Lead Time)	100 days	Thu 12/8/22	Wed 4/26/23	19	0%																		
25	Permit Submission/Review	20 days	Tue 1/3/23	Mon 1/30/23	21,22	0%																		
26	Construction	135 days	Mon 3/27/23	Fri 9/29/23		0%																		
27	Sitework Demo/Prep	10 days	Mon 3/27/23	Fri 4/7/23		0%																		
28	Building Foundations	30 days	Mon 4/10/23	Fri 5/19/23	27	0%																		
29	PEMB Delivery & Erection	50 days	Mon 5/22/23	Fri 7/28/23	28,24	0%																		
30	Interior Fit Up	45 days	Mon 7/31/23	Fri 9/29/23	29	0%																		
31	Owner Fixture, Furniture, Equipment Installations	20 days	Mon 9/4/23	Fri 9/29/23	30FS-20 days	0%																		
32	Completion	20 days	Fri 9/29/23	Fri 10/27/23		0%																		
33	Substantial Completion	0 days	Fri 9/29/23	Fri 9/29/23	30	0%																		
34	Certificate of Occupancy	0 days	Fri 9/29/23	Fri 9/29/23	33	0%																		
35	Punchlist	20 days	Mon 10/2/23	Fri 10/27/23	33	0%																		
36	Final Completion	0 days	Fri 10/27/23	Fri 10/27/23	35	0%																		

Project: IndusPAD - The Awakening Date: November 4, 2022	Task	Inactive Task	Manual Summary Rollup	External Milestone	Manual Progress
Split	Inactive Milestone	Manual Summary	Deadline		
Milestone	Inactive Summary	Start-only	Critical		
Summary	Manual Task	Finish-only	Critical Split		
Project Summary	Duration-only	External Tasks	Progress		

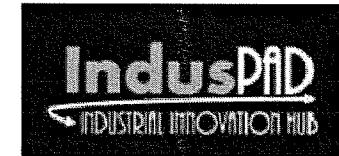
EXHIBIT 4



VICINITY MAP
MAP NOT TO SCALE



CITY OF ALBANY PROPOSED SITE PLAN No.38 CORPORATE CIRCLE APPLICANT: IndusPAD



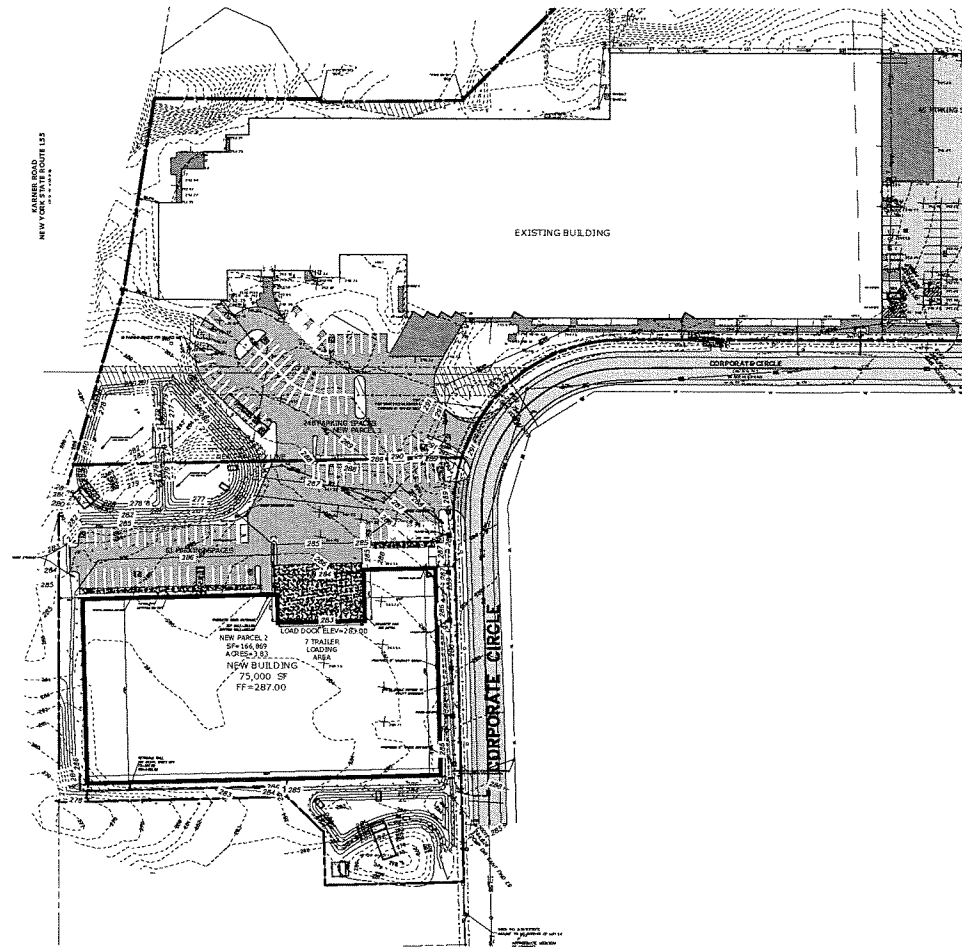
HERSHBERG & HERSHBERG
Consulting Engineers
and Land Surveyors
18 Locust Street
Albany, New York 12203

ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR IS ILLEGAL.



DATE	REVISIONS
10/26/2012	GENERAL REVISIONS
10/26/2012	GENERAL REVISIONS
11/27/2012	GENERAL REVISIONS
11/27/2012	GENERAL REVISIONS
11/27/2012	GENERAL REVISIONS
11/27/2012	GENERAL REVISIONS

DRAWING INDEX	
DRAWING INDEX	SHEET NAME
C	COVER SHEET
C1	EXISTING CONDITIONS PLAN
C2	DEMOLITION PLAN
C3	SITE PLAN
C4	EROSION AND SEDIMENT CONTROL PLAN
C5	EROSION AND SEDIMENT CONTROL DETAILS
C6	WATER PLAN AND PROFILE WITH DETAILS
C7	SANITARY SEWER PLAN AND PROFILE WITH DETAILS
C8	STORM SEWER PLAN AND PROFILE WITH DETAILS
C9	STORM SEWER PLAN AND PROFILE WITH DETAILS
C10	SITE DETAILS
C11	LANDSCAPING PLAN
C12	PHOTOMETRIC PLAN



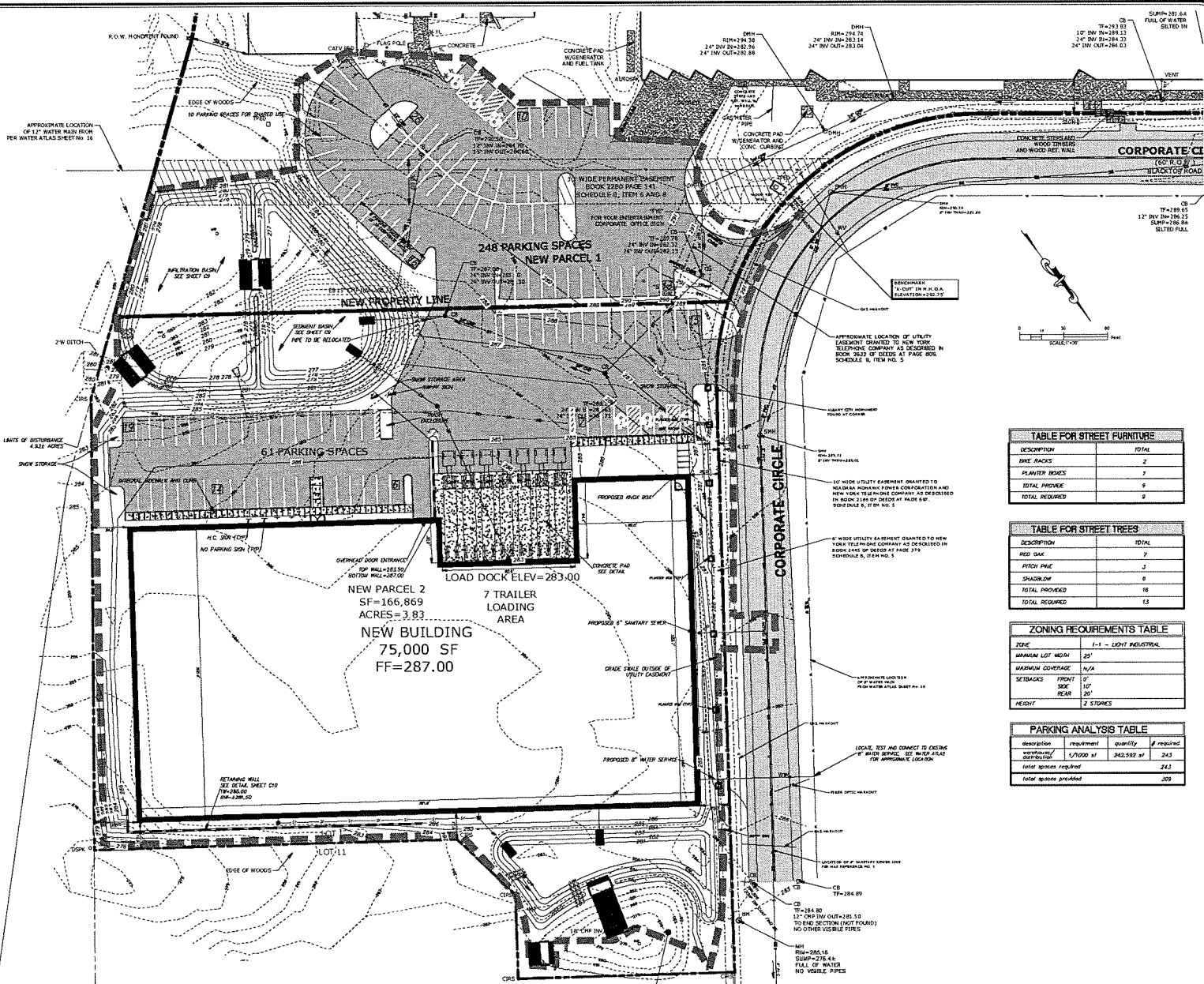
FOR MUNICIPAL APPROVAL ONLY-NOT INTENDED FOR CONSTRUCTION

TITLE SHEET
No.38 CORPORATE CIRCLE
CITY OF ALBANY STATE OF NEW YORK
SCALE: 1"=40'
DATE: 11-27-2012
CITY: ALBANY
CITY ENGINEER: [Signature]
CITY SEAL: [Seal]

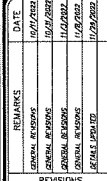
LEGEND

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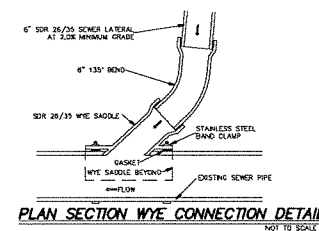
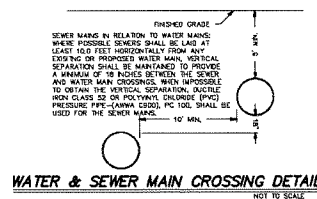
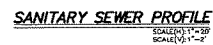
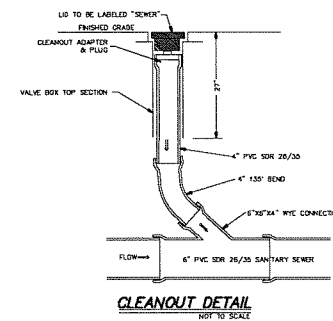
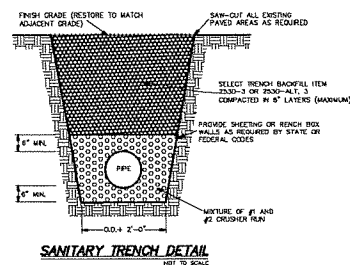
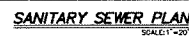
description	a.l	acres	%
building area	75,000	1.72	43.0
concrete area	7,246	0.17	4.3
pavement area	31,227	0.72	16.7
green area	51,398	1.23	32.0
impervious area	82,246	1.89	49.3
barren area	64,625	1.94	50.7
total area	166,869	3.63	100.0

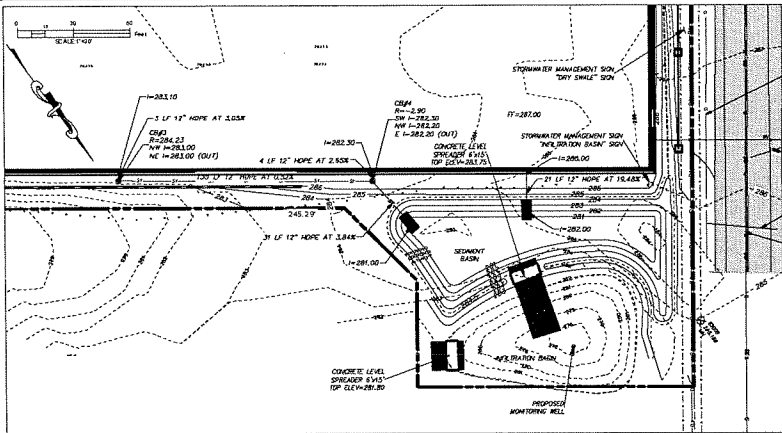
[illegible]

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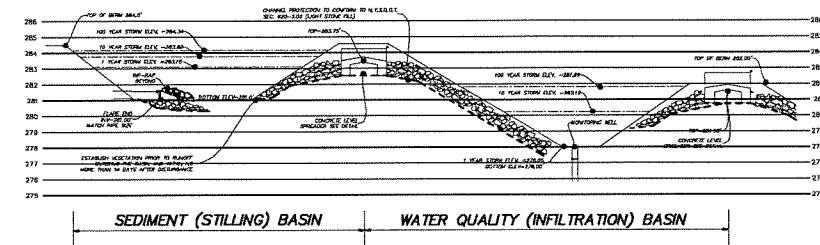


description	requirement	quantity	# required
warehouse/ distribution	1/1000 sq ft	242,592 sq ft	243
total spaces required			243
total spaces provided			309

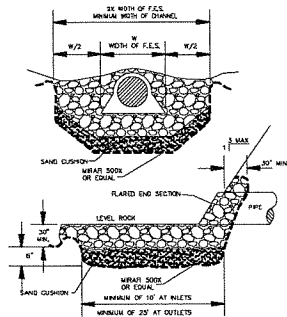




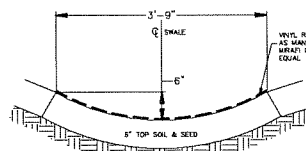
STORM SEWER PLAN
SCALE 1"=30'



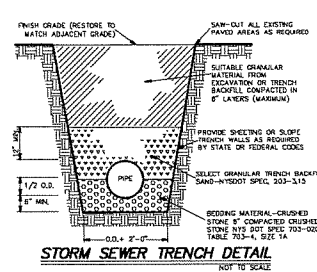
STORMWATER POLLUTION PROTECTION INFILTRATION BASIN #1 DETAIL SECTION
NOT TO SCALE



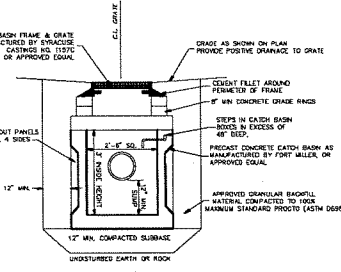
FLARE END SECTION DETAIL
NOT TO SCALE



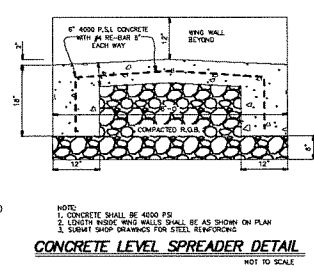
GRASS SWALE DETAIL
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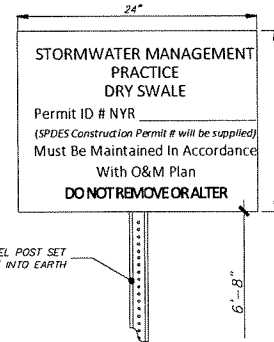
STORM SEWER TRENCH DETAIL
NOT TO SCALE



CATCH BASIN DETAIL
NOT TO SCALE

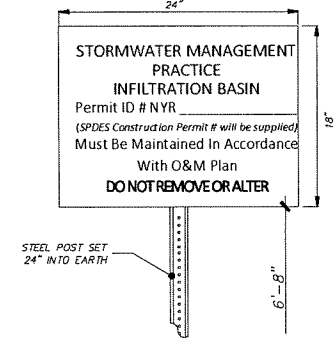


CONCRETE LEVEL SPREADER DETAIL
NOT TO SCALE



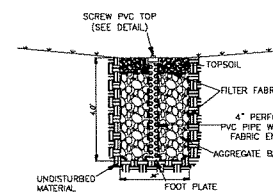
STEEL POST SET
24" INTO EARTH

**STORMWATER MANAGEMENT PRACTICE SIGN
(AT DRY SWALE LOCATION)**
NOT TO SCALE



STEEL POST SET
24" INTO EARTH

**STORMWATER MANAGEMENT PRACTICE SIGN
(AT INFILTRATION BASIN LOCATION)**
NOT TO SCALE



MONITORING WELL DETAIL
NOT TO SCALE

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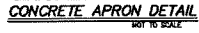
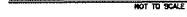
HERSHBERG & HERSHBERG
Consulting Engineers
and Land Surveyors
18 Locust Street
Albany, New York 12203

ALTERATION OF THIS
DOCUMENT EXCEPT BY A
LICENSED PROFESSIONAL
ENGINEER OR LAND
SURVEYOR, IS ILLEGAL

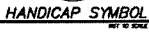


DATE	BY	REVISIONS
11/10/2021	11/10/2021	11/10/2021
11/10/2021	11/10/2021	11/10/2021
11/10/2021	11/10/2021	11/10/2021
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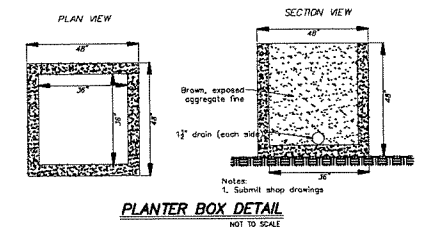
STORM SEWER PLAN AND PROFILE WITH DETAILS
No.38 CORPORATE CIRCLE
CITY OF ALBANY STATE OF NEW YORK



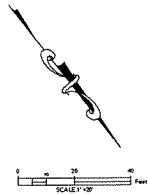
- ROADWAY
POROUS PAVEMENT



-180000



Notes:
1. FIXTURE TYPE SL1 IS SHOWN POLE MOUNTED AT 25' ABOVE FINISHED GRADE (25' POLE, 2' ABOVE GRADE BASE).
2. FIXTURE TYPE WP1 IS SHOWN WALL MOUNTED AT 20' ABOVE FINISHED GRADE.



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 HERSHBERG & HERSHBERG Consulting Engineers and Land Surveyors 16 Locust Street Albany, New York 12203				
ALTERATION OF THE DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR IS ILLEGAL.				
				
DATE	10/4/2002 10/17/2002 10/17/2002 10/17/2002 10/17/2002 10/17/2002			
REMARKS	NOC REPAIRING LADDER CORRECTION OF DISCREPANCY CORRECTION OF DISCREPANCY CORRECTION OF DISCREPANCY CORRECTION OF DISCREPANCY CORRECTION OF DISCREPANCY			
REVISIONS	INITIALS / DATE INITIALS / DATE INITIALS / DATE INITIALS / DATE INITIALS / DATE			
PHOTOMETRIC PLAN No. 38 CORPORATE CIRCLE CITY OF ALBANY STATE OF NEW YORK				
FILE: 200004-1	SCALE: 1"=50'	GUT: 500'	DATE: 1-13-2002	200004-1-0006
C12				

EXHIBIT 5

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

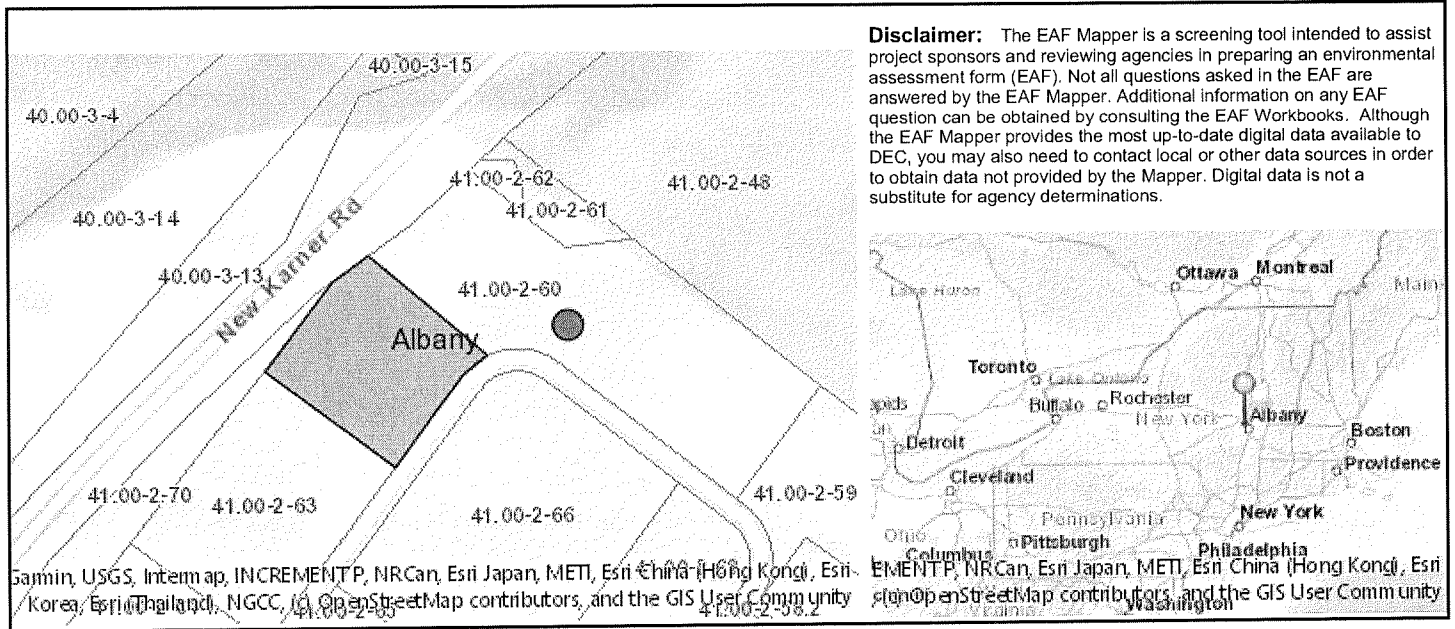
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: 42 Corporate Circle Warehouse			
Project Location (describe, and attach a location map): The southerly portion of #38 Corporate Circle (portion of existing 41.00-2-60)			
Brief Description of Proposed Action: The applicant proposes to construct a 75,000 GSF Storage and Wholesale Distribution operation with 7 loading docks and parking for 60 cars.			
Name of Applicant or Sponsor: IndusPAD Att: Jitender Makkar		Telephone: 978-682-400 x 201 E-Mail: jitender@induspad.com	
Address: 46 Stafford St,			
City/PO: Lawrence	State: MA 01841	Zip Code: 01841	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: COA Build Dept-Permit: BZA-Variance;PB- Site Plan; NYSDEC-SPDESGP#0-20-0001: Albany Water Dept.-Sewer & Water Connect		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		3.83 acres	
b. Total acreage to be physically disturbed?		2.90 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		13.68 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Albany Pine Bush Preserve <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Karner Blue, Frosted Elfin	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 40px;"> a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? </div> If Yes, briefly describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>IndusPAD</u> Att: <u>Hershberg & Hershberg</u> Date: <u>6/20/2022; 11/7/22;12/13/22</u> Signature: _____ Title: <u>Consulting Engineer for Applicant</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Karner Blue, Frosted Elfin
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

EXHIBIT 6

Position Description

Identification Information

Position Title:	Everest Processing Clerk
Current Associate:	
Department:	Everest
# Of Associates in Position:	
Supervisor's Title:	Everest Supervisor/Manager

Position Description <i>Describe the main function of the position and what differentiates it from others in the department.</i>
Proper processing of items to ship to Amazon facilities - processing includes - inspection, labeling, bagging and packing for shipment. Responsible to ensure 100% accuracy and quality of all work performed.

<div><div>Primary Responsibilities</div><div><i>In order of importance (most to least), briefly describe 5-8 primary responsibilities of the position and approximate the percentage of time spent on each. (Must equal 100%)</i></div></div>		
#	% Of Time	Primary Responsibility
Example:		
X	40%	Provide technical, customer relations and personnel management for major programs and projects.

#	% Of Time	Primary Responsibility
1	80%	Inspect items to ensure it is defect free and process using guidelines provided by the traveler (this could include bagging, applying AISN label, bubble wrapping, covering original UPC Code, etc.). Follow all instructions given by lead Associates.
2	10%	Provide accurate quantity of every item handled and each process it went thru to ready it for shipment - (this could include bagging, applying AISN label, bubble wrapping, covering original UPC Code, etc.)
3	10%	Maintaining a clean, neat work environment.
4		
	100%	



Discretion and Decision Making Authority

List the most important decisions within the position holder's discretion and made fully independently:

No decisions are made independently for this position.

List the most important decisions made by position holder, but requires the review and approval of other individuals or supervisors. (Include the reviews and approvals required):

Accuracy of processing including proper use of bubble wraps and bag size. Approval for all decisions at this level will come from lead processor.

Qualifications: List the minimum and preferred levels of Education, Experience, and Special Skills needed to perform the responsibilities of the position.

Education	Minimum Required:	Preferred Level:
Degrees & Certificates		High School Diploma or GED
Experience	Minimum Required:	Preferred Level:
Years & Type of proficiency		1-2 years previous warehouse experience.
Skills	Minimum Required:	Preferred Level:
Type & proficiency	Basic math, computer skills, good written & verbal communication skills and attention to detail.	Mid-level computer skills.

Scope Information

Provide the following information regarding the management authority of the position.

	Direct	Indirect
Employees Managed:	N/A	N/A
Expense Budget Managed:	N/A	N/A
Revenue Generating Responsibility:	N/A	N/A

Other Information

Provide any other information that you think would help us further define the nature and scope of this position.

Safety is the number one priority in the Distribution Center. All Associates are required to participate in safety training, follow all safety policies and procedures, wear PPE as required and maintain a safe and clean work environment. All Associates may be required to assist in other departments as needed based on business needs. Most jobs require the ability to stand and/or walk for an entire shift, maneuver packages of any weight up to 50lbs including lifting, pushing and pulling.



Exemption Status Questionnaire

Please answer yes or no to each question in the space provided.

Y/N	Status Category
N	Is the employee's primary duty managing a customarily recognized department or subdivision of the company? <div style="text-align: center;">AND</div>
N	Does the employee regularly direct the work of at least two full-time employees? <div style="text-align: center;">AND</div>
N	Does the employee have authority to hire or fire other employees, or are the employee's suggestions and recommendations on hiring, firing, advancement and promotion relied upon? <div style="text-align: center;">OR</div>
N	Is the employee's primary duty the performance of office or non-manual work <u>directly related to</u> the management or general business operations of the company or the company's customers? <div style="text-align: center;">AND</div>
N	Does the employee's primary duty include the exercise of discretion and independent judgment on matters of significance? <div style="text-align: center;">OR</div>
N	Is the employee's primary duty the performance of work which is predominately intellectual in character and requires the constant exercise of discretion and judgment? <div style="text-align: center;">AND</div>
N	Is the advanced knowledge acquired by a prolonged course of specialized intellectual instruction? <div style="text-align: center;">OR</div>
N	Is the employee's primary duty the performance of work requiring invention, imagination, originality or talent in an artistic field? <div style="text-align: center;">OR</div>
N	Does the employee's primary duty consist of applying systems analysis techniques and procedures including consulting with users to determine hardware, software or system specifications? <div style="text-align: center;">OR</div>
N	Does the employee's primary duty consist of the design, development, documentation, analysis, creation, testing or modification of systems or programs, including prototypes, based on and related to user system design specifications? <div style="text-align: center;">OR OR</div>
N	Does the employee's primary duty consist of a combination of the aforementioned duties, the performance of which requires the same level of skills? <div style="text-align: center;">OR</div>
N	Does the employee's primary duty consist of the design, documentation, testing, creation or modification of computer programs related to machine operating systems? <div style="text-align: center;">AND</div>
N	Is the employee paid a salary of \$1045.60 a week (<u>or \$23,660 per year</u>) or more?



EXHIBIT 7

ORGANIZATIONAL CHART
INDUSPAD-FLAIR, LLC

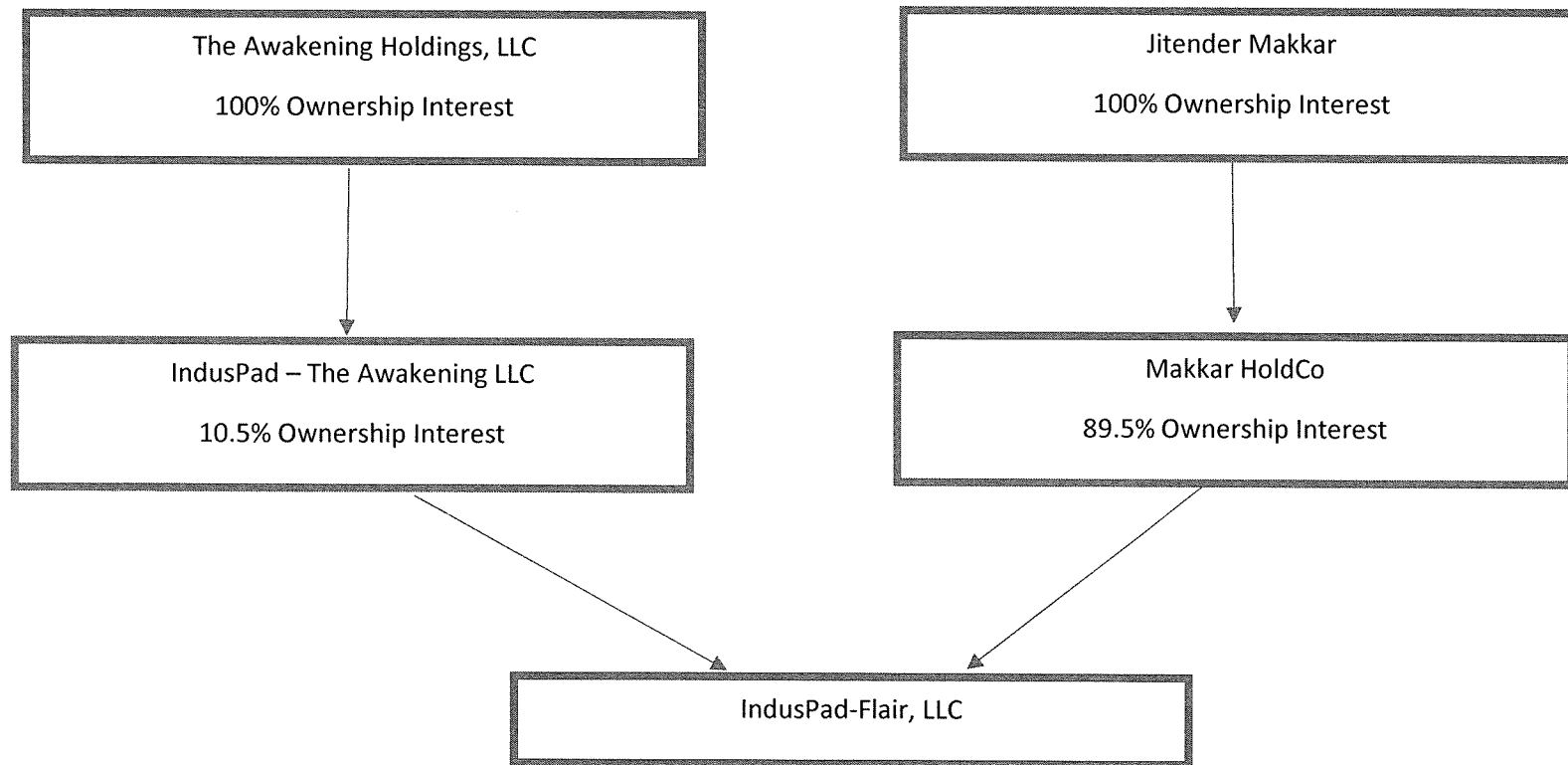


EXHIBIT 8





EXHIBIT 9

