



## APPLICATION FOR ASSISTANCE

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

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

### I. APPLICANT

A. Name LeFrois Development LLC  
 Address 1020 Lehigh Station Road  
 City/State/Zip Henrietta, NY 14467  
 Tax ID No. 16-1559695  
 Contact Name Eric Jones  
 Title Property Management  
 Telephone (585) 334-1122  
 E-Mail ejones@lefrois.com

B. Owners of 20% or more of Applicant Company

Name	%	Corporate Title
<u>LeFrois Associates, L</u>	<u>100%</u>	<u>Member</u>

C. Applicant's Legal Counsel

Name Mitchell Nusbaum  
 Firm Woods Oviatt Gilman LLP  
 Address 1900 Bausch & Lomb Place  
 City/State/Zip Rochester, NY 14604  
 Telephone (585) 987-2800  
 Fax (585) 445-2374  
 Email m nusbaum@woodsoviatt.com

### II. PROJECT

A. Address of proposed project facility  
875 Publishers Parkway  
Webster, NY 14580  
 Tax Map Parcel Number Portion of 079.06-1-32.122  
 City/Town/Village Town of Webster  
 School District Webster  
 Current Legal Owner of Property  
Morgan Publisher Apartments, LLC & Saint Gell

B. Proposed User(s)/Tenant(s) of the Facility

If there are multiple Users/Tenants, please attach additional pages.

Company Name University of Rochester  
 Address 135 Corporate Woods, Suite 160  
 City/State/Zip Rochester, NY 14623  
 Tax ID No. 16-0743209  
 Contact Name Betty Dudman  
 Title Director of Real Estate Services  
 Telephone (585) 784-2910  
 E-Mail Betty\_Dudman@URMC.Rochester.  
 % of facility to be occupied by company 100%

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

Name	%	Corporate Title

D. Benefits Requested (Check all that apply)

Sales Tax Exemption  
 Industrial Revenue Bond Financing  
 Mortgage Recording Tax Exemption  
 Real Property Tax Abatement

E. Description of project (check all that apply)

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

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

We are excited to develop this unique project for the University of Rochester. This project will consist of construction of a 32,000 SF, single story building on 5.65 acres of land to be purchased on Publishers Parkway in Webster, NY. The University of Rochester will occupy the entire building with approximately 22,000 SF dedicated to Medical Oncology and Radiation Oncology and the balance of approximately 10,000 SF will be dedicated to Ophthalmology. There will be approximately 600 SF of retail space within the Ophthalmology practice. The University of Rochester has elected to expand its Medical and Radiation Oncology services at this new location which will allow the U of R to serve patients in eastern Monroe County, northern Wayne County and beyond. A 2,000 SF Linear Accelerator vault will be constructed as part of this project and this oncology practice will be subject to inspection and subsequent approval by the NYS Department of Health. The University of Rochester expects to create 33 new FTE jobs as a result of this project and the services provided will positively impact Webster and the surrounding area. The existence of these unique services in the Webster NY area will be of benefit to employment in the Imagine Monroe focus area and improve the health and well-being of the residents in the region.

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

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

Yes       No

Location:

Ophthalmology offices on 2000 Empire Blvd and  
603 Old Ridge Road to be relocated to this build

Will the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?

Yes       No

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

Yes       No

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

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

G. Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?

Yes       No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken with the Financial Assistance to be provided by the Agency\*\*:

If the University were to own this building there  
would not be any sales tax or property tax  
collected.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*To be completed with Agency assistance.

**H. PROJECT TIMELINE**

Proposed Date of Acquisition

04/01/2020

Proposed Commencement Date of Construction

04/15/2020

Anticipated Completion Date

09/30/2020

I. Contractor(s)

Russell P. LeFrois Builder, Inc.

J. State Environmental Quality Review (SEQR) Act Compliance

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

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

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

NO

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

Check One:

**JOBSPLUS**

**Requirements:**

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

**LEASEPLUS**

**Requirements:**

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

**ENHANCED JOBSPLUS**

**Requirements:**

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

**GREEN JOBSPLUS**

**Requirements:**

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

**SHELTER RENTS**

for student housing or affordable housing projects.

**Local Tax Jurisdiction Sponsored PILOT**

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

**IV. APPLICANT PROJECT COSTS**

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

**Building Construction or Renovation**

- a. MATERIALS a \$ 2,395,500
- b. LABOR b \$ 1,597,000

**Site Work**

- c. MATERIALS c. \$ 863,100
  - d. LABOR d \$ 575,400
  - e. Non-Manufacturing Equipment e. \$ \_\_\_\_\_
  - f. Furniture and Fixtures f. \$ \_\_\_\_\_
  - g. LAND and/or BUILDING Purchase g \$ 1,050,000
  - h. Manufacturing Equipment h. \$ \_\_\_\_\_
  - i. Soft Costs (Legal, Architect, Engineering) i \$ 215,000
  - Other (specify) j. Interest j \$ 275,000
  - k. Commission k. \$ 275,000
  - l. \_\_\_\_\_ l. \$ \_\_\_\_\_
  - m. \_\_\_\_\_ m. \$ \_\_\_\_\_
- Total Project Costs** \$ 7,246,000

B. Sources of Funds for Project Costs

- a. Tax-Exempt Industrial Revenue Bond a. \$ \_\_\_\_\_
- b. Taxable Industrial Revenue Bond b. \$ \_\_\_\_\_
- c. Tax-Exempt Civic Facility Bond c. \$ \_\_\_\_\_
- d. Bank Financing d. \$ 5,800,000
- e. Public Sources e. \$ \_\_\_\_\_

Identify each state and federal grant/credit

- \_\_\_\_\_ \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_

- f. Equity \$ 1,446,000
- TOTAL SOURCES** \$ 7,246,000

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

Yes  No

If so, please specify bank, underwriter, etc.

M&T Bank

\_\_\_\_\_

\_\_\_\_\_

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

Use additional sheets as necessary

Company Name University of Rochester (Tax Exempt)

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

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

- a. MATERIALS a. \$ 4,293,000
  - b. LABOR b. \$ 2,869,000
  - c. Non-Manufacturing Equipment c. \$ \_\_\_\_\_
  - d. Furniture and Fixtures d. \$ 1,157,000
  - Other (specify) e. \_\_\_\_\_ e. \$ \_\_\_\_\_
  - f. \_\_\_\_\_ f. \$ \_\_\_\_\_
  - g. \_\_\_\_\_ g. \$ \_\_\_\_\_
  - h. \_\_\_\_\_ h. \$ \_\_\_\_\_
- Total** \$ 8,319,000

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

(Above Amounts for Information Purposes Only)

User/Tenant Company

F. Durdman, Esq. Dir. Real Estate  
 Signature Title Date 2/28/20

For Office Use Only	
Total Assessment Value	
Land	Building
Applicant 2602- <u>20-016 A</u>	
User/Tenant 2602-	
RM	

**VI. Value of Incentives**

A. IDA PILOT Benefit: Agency staff will indicate the amount of PILOT, sales and mortgage recording tax benefits (the "PILOT Benefit") based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT Benefit year and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted below.

\*\* This section of this Application will be: (i) **completed by IDA Staff** based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.

PILOT Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000

\*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
TOTAL							

\*Estimates provided are based on current property tax rates and assessment values

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption for facility construction: \$ \_\_\_\_\_

Estimated Sales Tax exemption for fixtures and equipment: \$ \_\_\_\_\_

Estimated duration of Sales Tax exemption: \_\_\_\_\_

C. Mortgage Recording Tax Exemption Benefit:

Estimated value of Mortgage Recording Tax exemption: \$ \_\_\_\_\_

D. Industrial Revenue Bond Benefit:

IRB inducement amount, if requested: \$ \_\_\_\_\_

E. Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon Sources of Funds for Project Costs as depicted above under Section IV.B.

**VII. PROJECTED EMPLOYMENT**

Complete for each Applicant or User/Tenant

Company Name: University of Rochester

Applicant:  or User/Tenant:

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

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	30.0	30.0	31.0	31.0
Part Time (PTE)			4.5	4.5
Total	30.0	30.0	35.5	35.5

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

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Salary and Fringe Benefits for Jobs to be Retained and/or Created\*:

Category of Jobs to be Retained and Created	Average Annual Salary or Range of Salary	Average Annual Fringe Benefits or Range of Fringe Benefits (stated as a percentage)
Management	52,000	35.7%
Professional	206,800	21.75%
Administrative	50,000	35.7%
Production		
Independent Contractor		
Other	50,000	35.7%

Estimated Annual Salary of NEW jobs

AVERAGE	90,000	*
HIGH	450,000	
LOW	28,250	

This information constitutes a "trade secret" and/or "information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise", and, is thereby exempt from disclosure pursuant to New York Freedom of Information Law.

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VIII. LOCAL LABOR

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

Company Name LeFrois Development LLC  
Applicant:  or User/Tenant:

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


Imagine Monroe understands that at certain times local labor may not be available within the local area. Under this condition, applicants are required to complete a waiver request of the All-Local Labor requirement 45 days in advance of commencing work. Contractors do not have to be local companies as defined herein, but must employ local people to qualify under the All-Local Labor criterion.

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

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

LeFrois Development LLC

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

 , Title Member Date 2-27-20

**IX. FEES**

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

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

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

- (a) For tax-exempt IRB bond issues, the fee shall be one percent (1%) of the project amount. For projects that utilize a Payment In Lieu of Taxes (PILOT) agreement, an additional one-quarter percent (1/4%) will be added.
  - (b) For lease/leaseback transactions and taxable bond issues, the fee shall be one-half percent (1/2%) of the project amount. For projects that utilize a Payment In Lieu of Taxes (PILOT) agreement, an additional one-quarter percent (1/4%) will be added.
  - (c) For refunding outstanding COMIDA bond issues, the fee shall be one-quarter percent (1/4%) of the new issuance amount.
3. If a sales tax letter is required prior to closing, a non-refundable twenty-five percent (25%) of the Administrative Fee and Agency Counsel fee is payable at that time. This amount will be applied towards the Administrative fee and Agency Counsel Fee. The Sales Tax Letter shall only be for a three (3) month period. If the project does not have a formal closing within three (3) months of the sales tax letter being issued, and an extension is not granted, the balance of the Administrative fee and Agency Counsel fee become immediately due and payable.
4. Agency Counsel fee is one-third (1/3) of the Agency's Administrative fee, with a minimum fee for a lease/leaseback transaction of \$4,000.00.
5. Designated Bond Counsel fee is based on the complexity and amount of the transaction.

LeFrois Development LLC

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

  
Signature

, Title

Date

## X. CERTIFICATION


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

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of Imagine Monroe benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which own a minimum of 20% of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:  
  
§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- D. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- E. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- F. Recapture: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- G. Applicant hereby releases the Imagine Monroe ("Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, this Application, regardless of whether or not this Application or the Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, renovation and/or equipping of the Project described herein; and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this

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

**APPLICANT COMPANY**

LeFrois Development LLC

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

**USER/TENANT COMPANY**

University of Rochester

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

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

**APPLICANT COMPANY**

LeFrois Development LLC

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

**USER/TENANT COMPANY**

University of Rochester

\_\_\_\_\_  
Signature, Title Date  
E. Sudman, Exec. Dir. Real Estate  
2/28/20