

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 <u>www.monroecountvida.org</u>.

I. APPLICANT

A.	Name	300 TF	RADE	COURT HOLDINGS LL
	Address	300 Tr	ade Co	ourt
	City/State/Zip	Roche	ster/NY	//14624
	Tax ID No.	85-397	7847	
	Contact Name	Robert	Ander	son
	Title	CEO		
	Telephone	(585) 6	622-229	06
	E-Mail	bob@r	nowave	.com
В.	Owners of App	licant Com	ipany (mi	ist total 100%)
	Name		%	Corporate Title
	Robert And	erson	40	President
	<u>Douglas S</u>	iraci	40	Vice-President
	Kyle Shea		10	Member
	Frank Bona	lifde	10	Member
C.	Applicant's Leg	al Counse	I	
	Name	Christia	n Love	lace
	Firm	Lippes	Mathia	5
	Address	50 Four	ntain Pl	aza
	City/State/Zip	Buffalo/	'NY/142	202
	Telephone	(716) 2	18-757	1
	Fax	(716) 853-5199		
	Email	clovelad	ce@lipp	Des.com

Kenneth Gregory 2% Member

П. PROJECT A. Address of proposed project facility 300 Trade Court Rochester, NY 14624 Tax Map Parcel Number 147.01-1-8.12 City/Town/Village Town of Chili School District Gates Chili Current Legal Owner of Property **Rochester Cornerstone Group** Proposed User(s)/Tenant(s) of the Facility В. If there are multiple Users/Tenants, please attach additional pages. Company Name NOWAVE 350 Buell Road Address Rochester, NY 14624 City/State/Zip 83-2815047 Tax ID No. Robert Anderson Contact Name CEO Title (585) 622-2296 Telephone bob@nowave.com E-Mail % of facility to be occupied by company 100% Owners of User/Tenant Company (must total 100%) C. Name % Corporate Title 36 Robert Anderson President Doug Suraci 36 Vice President 14 Kyle Shea Member 12 Frank Bonafide Member D. Benefits Requested (Check all that apply) Z 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)

NOWAVE was established in 2018.

Located in Rochester, NY and a licensed New York State hemp processor, NOWAVE is a CGMP certified hemp processing facility specializing in hemp cannabis extractions, producing premium quality isolates, broad/full spectrum distillates & water solubles using proprietary extraction methods. Partnered with local farms, all of our hemp is pesticide free, heavy metal free and organically grown right here in the New York State.

Specializing in ethanol extraction with capabilities of processing up to 1,000 lbs of biomass per day. We process hemp biomass into winterized crude, full/broad spectrum distillate, isolates and water soluble extracts. NOWAVE is considering relocating their current operations from 350 Buell Road in Gates to a new, state of the art, 27,000 SF building located on 13.95 acres in the Town of Chili. The new facility will allow NOWAVE to increase production along their spectrum of products which is expected to increase employment by 25% over the next 3 years.

NOWAVE is pleased to provide customers across the United States with white label hemp products.

II. <u>PROJECT (cont'd)</u>

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

√C)Yes 🗆 No

Location: 350 Buell Road, Rochester, NY

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**:

NOWAVE is currently renting the facility on

Buell Road. Will be moving to 300 Trade Court

upon completion of construction. The building

has a lot of issues including roof and sewage problems.

This new building is going to be larger in size and is built

out to exactly what we need currently and has the

potential for expansion.

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?

v⊈)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^{**}:

COMIDA's financial assistance will allow the

Applicant and Tenant to make the necessary

investments to allow NOWAVE to continue to

grow and expand. Most importantly it will allow

NOWAVE to hire additional employees.

**To be completed with Agency assistance.

H. PROJECT TIMELINE

Proposed Date of Acquisition 01/22/2021 Proposed Commencement Date of Construction 02/01/2021 Anticipated Completion Date 11/01/2021

- I. Contractor(s) Russell P. LeFrois Builder, Inc.
- J. State Environmental Quality Review (SEQR) Act Compliance

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

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

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

□ NO

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

Check One:

JOBSPLUS

Requirements:

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

□ LEASEPLUS

Requirements:

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

□ ENHANCED JOBSPLUS

Requirements:

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

□ GREEN JOBSPLUS

Requirements:

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

□ SHELTER RENTS

for student housing or affordable housing projects.

- □ Local Tax Jurisdiction Sponsored PILOT
- □ NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT

IV. <u>APPLICANT PROJECT COSTS</u>

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. \$ 2,107,000 a. MATERIALS 1,404,000 b. LABOR b. \$_ Site Work 302,600 c. MATERIALS c. \$ 302,600 LABOR d. d. \$ e. Non-Manufacturing Equipment e. \$_ f. Furniture and Fixtures f. \$ 400,000 LAND and/or BUILDING Purchase g. \$____ g. h. Manufacturing Equipment h. \$____ Soft Costs (Legal, Architect, Engineering) i. \$ i. Other (specify) ____ j \$_____ ŀ_ k. k. \$ ____ I. \$_ m. m. \$ 4,516,200 **Total Project Costs** \$ Sources of Funds for Project Costs: a. Tax-Exempt Industrial Revenue Bond a. \$_____ Taxable Industrial Revenue Bond b. b. \$ Tax-Exempt Civic Facility Bond C. c. \$_ 4,300,000 d. Bank Financing d. \$ Public Sources e. e. \$_ Identify each state and federal grant/credit \$_____ \$_____ \$____ 216,200 f. Equity 4,516,200 TOTAL SOURCES \$ Has the applicant made any arrangements for the financing of this project? **√**⊇Yes 🗆 No If so, please specify bank, underwriter, etc.

B.

C.

V. <u>COMPLETE FOR EACH USER/TENANT THAT</u> <u>IS SEEKING SALES TAX EXEMPTION</u> <u>USER(S)/TENANT(S) PROJECT COSTS</u> Use additional sheets as necessary

Company Name Will seek exemption at later date

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

Estimated Costs Eligible for Sales Tax Exemption Benefit

a.	MATERIALS		a. \$
b.	LABOR		b. \$
C.	Non-Manufacturi	ing Equipment	c. \$
đ.	Furniture and Fix	tures	d. \$
	Other (specify)	e	e. \$
		f	f. \$
		g	g \$
		h	h \$
Tot	al		\$ 0

١

A non-refundable fee of ½% on TOTAL(e) above is due and payable upon issuance of a Sales Tax Letter to User(s)/Tenant(s)

User/Tenant Company

Signature , Title Date

For Office Use	Only		
Total Assessm	ent Value		
Land	Buildir	ıg	·
Applicant 2602	2-		
User/Tenant 20	602-		
RM			

M&T Bank

5

VI. Value of Incentives

Project name: 300 Trade Court Holdings LLC

A. IDA PILOT Benefits:

Current Land Assessment	299,200 Taxes on Land	11,501
Dollar Value of New Construction & Renovation Costs	4,116,200	
Estimated New Assessed Value of Project Subject to IDA	4,415,400	

County Tax rate/\$1,000	8.33
Local Tax Rate* Tax Rate/\$1,000	3.97
School Tax Rate /\$1,000	26.14
Total Tax Rate	38.44

PILOT Year	% Abatement	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT	Net Exemption
1	1 90%	3,67	8 1,753	11,542	16,973	181,229	152,755
2	2 80%	5 7,35	6 3,506	23,084	33,946	181,229	135,782
Э	3 70%	5 11,03	4 5,259	34,626	50,918	181,229	118,810
Z	4 60%	5 14,71	2 7,012	46,167	67,891	181,229	101,837
5	5 50%	5 18,39	0 8,765	57,709	84,864	181,229	84,864
e	5 40%	5 22,06	8 10,517	69,251	101,837	181,229	67,891
7	7 30%	5 25,74	6 12,270	80,793	118,810	181,229	50,918
8	3 20%	5 29,42	4 14,023	92,335	135,782	181,229	33,946
9	9 10%	33,10	2 15,776	103,877	152,755	181,229	16,973
10	0%	36,78	0 17,529	115,419	169,728	181,229	0
	Total	202,29	2 96,410	634,802	933,504	1,812,292	763,776

* Local Tax Rate for Town/City/Village

 B. Sales Tax Exemption Benefit: Estimated value of Sales Tax exemption 	otion:	192,768
Estimated duration of Sales Tax exe	emption:	12/31/2021
C. Mortgage Recording Tax Exemption Bene	efit:	
Estimated Value of Mortgage Reco	rding Tax exemption:	\$32,250
D. Industrial Revenue Bond Benefit IRB inducement amount, if required	d:	\$0
E. Percentage of Project Costs financed from	n Public Sector sources:	
Total Value of Incentives: Sources of Funds (Section IV.B.)	\$988,793.89 \$4,516,200.00	21.89%

** All estimates are based on current tax rates.

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: ______

Applicant: 🛛

User/Tenant:

You <u>must</u> 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

or

	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)	28.0	28.0	7.0	7.0
Part Time (PTE)	0.0	0.0	0.0	0.0
Total	28.0	28.0	7.0	7.0

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

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VIII. LOCAL LABOR

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

Company Name _____

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.

COMIDA understands that at certain times local labor may not be available within the local area. Under this condition, applicants are required to complete a waiver request of the All-Local Labor requirement 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 COMIDA, in a prominent, easily accessible location, identifying the project as a recipient of COMIDA assistance and the local labor requirements associated with this assistance.

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

NOWAVE LLC

(APPLICANT or USER/TENANT COMPANY) 1212310000 CEO Signature Title Date

IX. <u>FEES</u>

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.

NOWAVE LLC

(APPLICANT or USER/TENANT COMPANY) CEO 12123120000 Signature , Title Date

X. <u>CERTIFICATION</u>

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

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which own a minimum of 20% of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. <u>Compliance with N.Y. GML Sec. 862(1)</u>: 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. <u>Compliance with Applicable Laws:</u> 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. <u>False and Misleading Information</u>: 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. <u>Recapture</u>: 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 COMIDA ("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

USER/TENANT COMPANY

300 Trade Court Holdings LLC

(EO 1212312020 Śignature , Title Date

NOWAVE LLC

1212512030 CEO Signature , Title Date

Cost-Benefit Analysis for 300 Trade Court Holdings LLC

Prepared by COMIDA using InformAnalytics



300 Trade Court Holdings LLC | Cost Benefit Analysis | Inform Analytics | Powered by CGR

Executive Summary



Proposed Investment

300 Trade Court Holdings LLC proposes to invest \$4.5 million at 300 Trade Court, Rochester, NY 14624 over 10 years. COMIDA staff summarize the proposed with the following: New building in the Town of Chili



4 FIGURE 4

Location of Investment

Proposed Investments

all Rd Description Amount Harris See Lifetime Assistance CONSTRUCTION SPENDING DRIP Labs ade Ct New facility \$4,116,000 alco 🧲 **XPO Logistics OTHER SPENDING** Land \$400,000 ell Plastics, Inc 🜑 **Total Investments** \$4,516,000 **Discounted Total (2%)** \$4,516,000 Google RMap data ©2021

May not sum to total due to rounding.

Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by COMIDA. The report calculates the costs and benefits for specified local taxing districts over the first 10 years, with future returns discounted at a 2% rate.

T2 TABLE 2

Estimated Costs or Incentives

COMIDA is considering the following incentive package for 300 Trade Court Holdings LLC.

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$666,000	\$632,000
Sales Tax Exemption	\$189,000	\$189,000
Mortage Recording Tax Exemption	\$32,000	\$32,000
Total Costs	\$887,000	\$854,000

May not sum to total due to rounding.

* Discounted at 2%

T3 TABLE 3

State & Regional Impact (Life of Project)

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
REGIONAL BENEFITS	\$5,894,000	\$11,226,000	\$17,120,000
To Private Individuals	\$5,018,000	\$11,088,000	\$16,106,000
Temporary Payroll	\$1,518,000	\$480,000	\$1,998,000
Ongoing Payroll	\$3,500,000	\$10,608,000	\$14,108,000
To the Public	\$876,000	\$138,000	\$1,014,000
Property Tax Revenue	\$814,000	N/A	\$814,000
Temporary Sales Tax Revenue	\$19,000	\$6,000	\$25,000
Ongoing Sales Tax Revenue	\$44,000	\$132,000	\$176,000
STATE BENEFITS	\$299,000	\$682,000	\$982,000
To the Public	\$299,000	\$682,000	\$982,000
Temporary Income Tax Revenue	\$68,000	\$23,000	\$91,000
Ongoing Income Tax Revenue	\$168,000	\$519,000	\$687,000
Temporary Sales Tax Revenue	\$19,000	\$6,000	\$25,000
Ongoing Sales Tax Revenue	\$44,000	\$134,000	\$179,000
Total Benefits to State & Region	\$6,194,000	\$11,909,000	\$18,102,000
Discounted Total Benefits (2%)	\$5,879,000	\$10,954,000	\$16,833,000

May not sum to total due to rounding.



Benefit to Cost Ratio

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$15,924,000	\$747,000	21:1
State	\$909,000	\$106,000	9:1
Grand Total	\$16,833,000	\$854,000	20:1

May not sum to total due to rounding.

* Discounted at 2%

CGR has exercised reasonable professional care and diligence in the the production and design of the InformAnalytics[™] tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.