

Each applicant seeking assistance must complete this application and provide required supplemental forms/documentation.

Please send completed application via email to EconomicDevelopment@monroecounty.gov. A **non-refundable** application fee of \$350.00 is required. Please see page 10 for additional information on costs and fees.

A. Applicant Information

Name:	3453 Union Street, LLC
Address:	3457 Union St
City/State/Zip:	North Chili
Tax Id No.:	86-1883844
Contact Name:	Michael Erne
Title:	Asst Vice President
Telephone:	585-295-1883
E-Mail:	merne@cmforwarding.com

Name:	Steve Tierney
Firm:	Woods Oviatt
Address:	1900 Bausch & Lomb Place
City/State/Zip:	Rochester, NY 14624
Telephone:	585-987-2839
Email:	stierney@woodsoviatt.com

[illegible]

II. PROJECT

A. Address of proposed project facility

3453 Union St

North Chili, NY 14514

Tax Map Parcel Number: 262200 144.02-2-2.2

City/Town/Village: North Chili, NY 14514

School District: Churchville Chili CSD

Current Legal Owner of Property:

Kevin A Daley

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

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

Are the user and owner related entities? ☒ Yes ☐ No

Company Name: C&M Forwarding Co., Inc.

Address: 3457 Union St

City/State/Zip: North Chili, NY 14514

Tax ID No: 16-0869065

Contact Name: Michael Erne

Title: Assistant Vice President

Telephone: 585-295-1883

Email: merne@cmforwarding.com

% of facility to be occupied by user/tenant 100%

C. Owners of User/Tenant Company (must total 100%)

If an LLC, LP or similar, all members/partners must be listed

Name	%	Corporate Title
Kevin A Daley	100	President

D. Benefits Requested (Check all that apply)

☒ Sales Tax Exemption

☒ Mortgage Recording Tax Exemption

☒ Real Property Tax Abatement

☐ Industrial Revenue Bond Financing

E. Description of project (check all that apply)

☒ New Construction

☐ Existing Facility

☐ Acquisition

☐ Expansion

☐ Renovation/Modernization

☐ Acquisition of machinery/equipment

☐ Other (specify) _____

DESCRIPTION OF THE PROJECT AND BACKGROUND ON USER(S) OF THE FACILITY

NAICS Code: 493110

This new facility will be a new business venture for the tenant, C&M Forwarding. This building is being planned for the activation of temperature moderated/controlled space, in addition to a food grade warehouse/distribution center. We anticipate a new segment of storage and service offerings to be available to our customer base starting at the completion of the project. In reference to the Phase I new facility at 3457 Union St, the incentives provided allowed C&M to build the optimal facility to accommodate market requirements vs the most cost effective option. Having incentives in place allows us to explore all opportunities and not those that are most readily available due to pending taxes, etc. The savings via sales tax and taxes through COMIDA give greater flexibility in truly building the optimal facility (additional concrete, additional warehouse racking, expanded office space, etc).

II. PROJECT (cont'd)

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

☒ Yes ☐ No

Location:

3457 Union St

North Chili, NY 14514

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 the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Applicant or User's competitive position in its respective industry:

G. Would the project be undertaken without financial assistance from the Agency?

☐ Yes ☒ No

Please explain why financial assistance is necessary.

The assistance of this program is crucial to allow the investment of employees, infrastructure, technology for long term sustained growth and success. Without this program, this project would not be feasible.

H. Project Timeline

Proposed Date of Acquisition: Land is Owned

Proposed Commencement Date of Construction: 5/1/2021

Anticipated Completion Date: 6/30/2022

I. Contractor(s)

Taylor, The Builders

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).

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:

- Applicant 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 1.

☐ **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 **AND**
- A minimum of 100 new jobs

☐ **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 RENT**

For student housing or affordable housing projects.

☐ **Local Tax Jurisdiction Sponsored PILOT**

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

V. COMPLETE FOR EACH USER/TENANT
THAT IS SEEKING SALES TAX
EXEMPTIONS USER(S)/TENANT(S)
PROJECT COSTS

- Use additional sheets as necessary

Company Name C&M Forwarding Co., Inc.

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

Estimated Costs Eligible for Sales Tax Exemption Benefit

- | | |
|--------------------------------|------------------|
| a. Materials | a. \$ _____ |
| b. Labor | b. \$ _____ |
| c. Non-Manufacturing Equipment | c. \$ _____ |
| d. Manufacturing Equipment | d. \$ _____ |
| d. Furniture and Fixtures | d. \$ 300,000.00 |

Other (specify): e. Whse Rack e. \$ \$ 250,000.00

f. Sonitrol	f. \$	\$ 150,000.00
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q. IT Infrastructure q. \$ \$ 100,000.00

h. _____ h. \$ _____

Total Project Costs	\$ \$ 800,000.00
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- | | |
|---------------------------------------|----------------------------|
| a. Tax-Exempt Industrial Revenue Bond | a. \$ _____ |
| b. Taxable Industrial Revenue Bond | b. \$ _____ |
| c. Bank Financing | d. \$ <u>\$ 22,900,000</u> |
| d. Public Sources | e. \$ _____ |

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

e. Equity	\$
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TOTAL SOURCES	\$ \$ 22,900,000
(must equal Total Project Costs)	

- ☐ Yes ☒ No

We intend to complete financing options in the next 4-6 weeks. The financing is currently out to bid.

VI. Value of Incentives

Project name: **3453 Union Street, LLC**

A. IDA PILOT Benefits:

Current Land Assessment	1,595,630	Taxes on Land	56,023
Dollar Value of New Construction & Renovation Costs	22,700,000		
Estimated New Assessed Value of Project Subject to IDA	24,295,630		

County Tax rate/\$1,000	8.34
Local Tax Rate* Tax Rate/\$1,000	3.95
School Tax Rate /\$1,000	22.82
Total Tax Rate	35.11

PILOT Year	% Abatement	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT Amount	Full Tax Payment w/o PILOT	Net Exemption
1	90%	20,263	9,597	55,443	85,302	909,042	767,718
2	80%	40,525	19,194	110,885	170,604	909,042	682,416
3	70%	60,788	28,790	166,328	255,906	909,042	597,114
4	60%	81,050	38,387	221,771	341,208	909,042	511,812
5	50%	101,313	47,984	277,213	426,510	909,042	426,510
6	40%	121,575	57,581	332,656	511,812	909,042	341,208
7	30%	141,838	67,177	388,098	597,114	909,042	255,906
8	20%	162,100	76,774	443,541	682,416	909,042	170,604
9	10%	182,363	86,371	498,984	767,718	909,042	85,302
10	0%	202,626	95,968	554,426	853,020	909,042	0
Total		1,114,441	527,823	3,049,345	4,691,608	9,090,421	3,838,588

* Local Tax Rate for Town/City/Village

B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption:	780,000
Estimated duration of Sales Tax exemption:	6/30/2022

C. Mortgage Recording Tax Exemption Benefit:

Estimated Value of Mortgage Recording Tax exemption:	\$171,750
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D. Industrial Revenue Bond Benefit

IRB inducement amount, if required:	\$0
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E. Percentage of Project Costs financed from Public Sector sources:

Total Value of Incentives:	\$4,790,338.06	20.21%
Sources of Funds (Section IV.B.)	\$23,700,000.00	

** All estimates are based on current tax rates.

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: 3453 Union Street, LLC

Applicant: ☐ or User/Tenant: ☐

Applicant/Tenant creating jobs must submit most recent NYS-45 or equivalent.

	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)	0	0	1	1
Part Time (PTE)	0	0	0	0
Total	0.00	0.00	1.00	1.00

** 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 3453 Union Street, LLC

Applicant: ☒ and/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.

3453 Union Street, LLC

(APPLICANT COMPANY)

KLADy President 2-19-21

Signature

, Title

Date

C&M Forwarding Co., Inc.

(TENANT COMPANY)

KLADy President 2-19-21

Signature

, Title

Date

IX. FEES

Transaction Type	Fees
Lease/Leaseback including any/all of the following: 1. PILOT Agreement 2. Sales and Tax Exemption 3. Mortgage Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.75% of the total project cost Legal Fee: 0.33% of the IDA fee. Minimum fee of \$4,000.
Sales Tax Exemption* and/or Mortgage Recording Tax Exemption	Application Fee: Non-refundable \$350.00 IDA Fee: 0.50% of the total project cost Legal Fee: 0.33% of the IDA fee. Minimum fee of \$750
Bond: Taxable or Tax-Exempt with Lease/Leaseback Including any/all of the following: 1. PILOT Agreement 2. Sales Tax Exemption 3. Mortgage Tax Exemption	Application fee: Non-refundable \$350 IDA Fee: 1.25% of the total project cost Legal Fee: 0.33% of IDA fee Designated Bond Counsel fee is based on the complexity and amount of the transaction
Bond: Taxable or Tax-Exempt	Application fee: Non-refundable \$350 IDA Fee: 1.00% of the total project cost Legal fee: 0.33% of the IDA fee Designated Bond Counsel fee is based on the complexity and amount of the transaction.

If the sales tax benefits are required prior to closing, a non-refundable twenty-five percent (25%) of the IDA fee and Legal fees are payable at that time. This amount will be applied towards the IDA fee and Legal fee.

3453 Union Street, LLC
(APPLICANT COMPANY)

CTM Forwarding Co., Inc.
(TENANT COMPANY)

1/KAOLy President 2-29-21
Signature , Title Date

1/KAOLy President 2-19-21
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 COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which have ownership 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. Pay Equity: The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- H. 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

3453 Union Street, LLC

1/6/21 President 2-19-21
Signature , Title Date

TENANT COMPANY

C&M Forwarding Co., Inc.

1/6/21 President 2-19-21
Signature , Title Date

Cost-Benefit Analysis for 3453 Union Street, LLC

Prepared by COMIDA using InformAnalytics

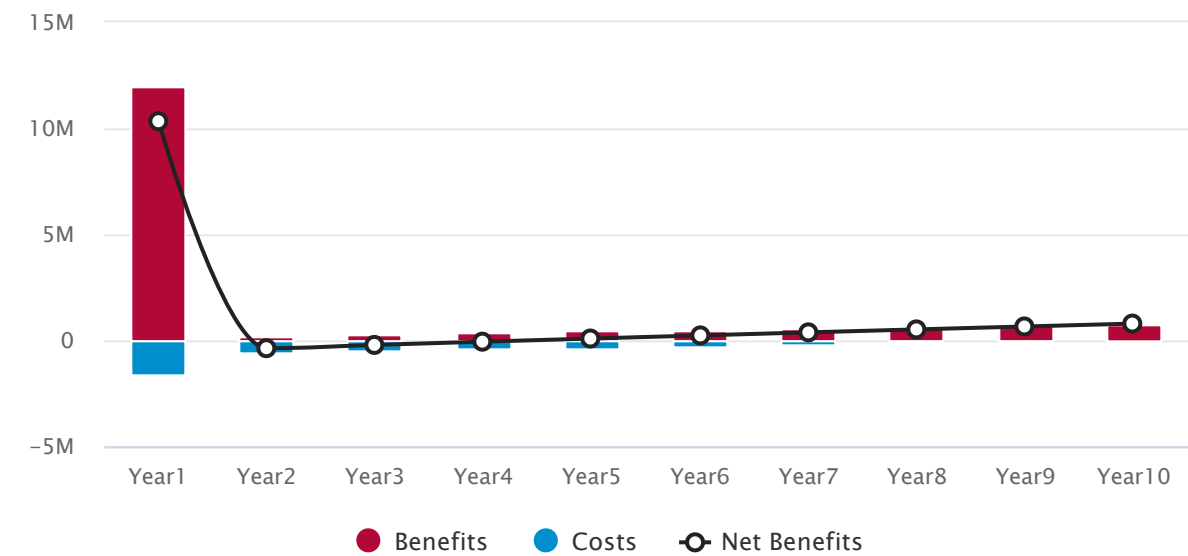
Executive Summary

INVESTOR	TOTAL INVESTED	LOCATION	TIMELINE
3453 Union Street, LLC	\$23.7 Million	3453 Union Street, North Chili, NY 14514	10 Years

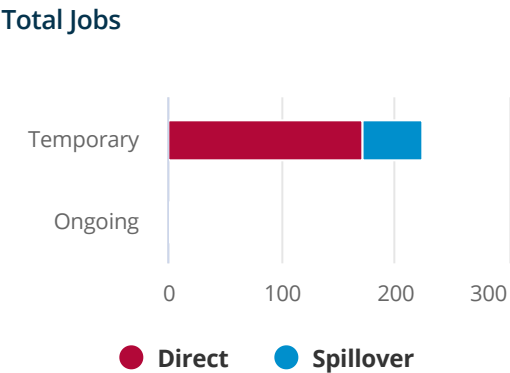
F1 FIGURE 1

Discounted* Net Benefits for 3453 Union Street, LLC by Year

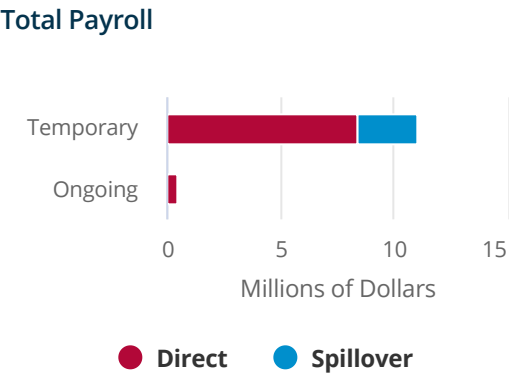
Total Net Benefits: \$12,338,000



F2 FIGURE 2



F3 FIGURE 3



Proposed Investment

3453 Union Street, LLC proposes to invest \$23.7 million at 3453 Union Street, North Chili, NY 14514 over 10 years. COMIDA staff summarize the proposed with the following: New building

T1 TABLE 1

Proposed Investments

Description	Amount
CONSTRUCTION SPENDING	
New Building	\$22,700,000
OTHER SPENDING	
FF&E	\$200,000
FF&E (tenant)	\$300,000
wholesale rack	\$250,000
Sonitrol	\$150,000
IT infrastructure	\$100,000
Total Investments	\$23,700,000
Discounted Total (2%)	\$23,700,000

May not sum to total due to rounding.

F4 FIGURE 4

Location of Investment



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 3453 Union Street, LLC.

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$3,322,000	\$3,154,000
Sales Tax Exemption	\$763,000	\$763,000
Mortgage Recording Tax Exemption	\$172,000	\$172,000
Total Costs	\$4,257,000	\$4,090,000

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	\$12,967,000	\$2,838,000	\$15,805,000
To Private Individuals	\$8,797,000	\$2,803,000	\$11,600,000
Temporary Payroll	\$8,372,000	\$2,648,000	\$11,020,000
Ongoing Payroll	\$425,000	\$155,000	\$580,000
To the Public	\$4,170,000	\$35,000	\$4,205,000
Property Tax Revenue	\$4,061,000	N/A	\$4,061,000
Temporary Sales Tax Revenue	\$104,000	\$33,000	\$137,000
Ongoing Sales Tax Revenue	\$5,000	\$2,000	\$7,000
STATE BENEFITS	\$505,000	\$170,000	\$675,000
To the Public	\$505,000	\$170,000	\$675,000
Temporary Income Tax Revenue	\$375,000	\$127,000	\$502,000
Ongoing Income Tax Revenue	\$19,000	\$7,000	\$26,000
Temporary Sales Tax Revenue	\$106,000	\$34,000	\$140,000
Ongoing Sales Tax Revenue	\$5,000	\$2,000	\$7,000
Total Benefits to State & Region	\$13,472,000	\$3,008,000	\$16,480,000
Discounted Total Benefits (2%)	\$13,434,000	\$2,994,000	\$16,428,000

May not sum to total due to rounding.

T4 TABLE 4

Benefit to Cost Ratio

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

Description	Benefit*	Cost*	Ratio
Region	\$15,756,000	\$3,647,000	4:1
State	\$672,000	\$442,000	2:1
Grand Total	\$16,428,000	\$4,090,000	4:1

May not sum to total due to rounding.
* Discounted at 2%

CGR has exercised reasonable professional care and diligence in 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.