



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.growmonroe.org.

I. APPLICANT

A. **Name** _____
Address _____
City/State/Zip _____
Tax ID No. _____
Contact Name _____
Title _____
Telephone _____
E-Mail _____

B. **Owners of 20% or more of Applicant Company**
Name % Corporate Title

C. **Applicant's Legal Counsel**
Name _____
Firm _____
Address _____
City/State/Zip _____
Telephone _____
Fax _____
Email _____

II. PROJECT

A. **Address of proposed project facility**

Tax Map Parcel Number _____
City/Town/Village _____
School District _____
Current Legal Owner of Property _____

B. **Proposed User(s)/Tenant(s) of the Facility**
If there are multiple Users/Tenants, please attach additional pages.
Company Name _____
Address _____
City/State/Zip _____
Tax ID No. _____
Contact Name _____
Title _____
Telephone _____
E-Mail _____
% of facility to be occupied by company _____

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)

II. PROJECT (cont'd)

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

☐ Yes ☐ No

Location:

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**:

Financial Assistance is necessary
to provide the same level of services, maintain
affordable rental rates and still be competitive in providing a
professional level of student housing operation in this market.

This PILOT agreement is a requirement of the bank prior to
closing, ie. the project is not financible without the Agency's
assistance.

**To be completed with Agency assistance.

H. PROJECT TIMELINE

Proposed Date of Acquisition

Proposed Commencement Date of Construction

Anticipated Completion Date

I. Contractor(s)

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 _____.

☐ **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**

30 Year Payment Sched:

Year 1-2 x5%
Year 3 x6%
Year 4 x7%
Year 5 x8%
Year 6 x9%
Year 7-30 x10%

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. \$ 42,000,000
b. LABOR b. \$ 20,750,000

Site Work

- c. MATERIALS c. \$ 8,000,000
d. LABOR d. \$ 1,000,000
e. Non-Manufacturing Equipment e. \$
f. Furniture and Fixtures f. \$ 2,800,000
g. LAND and/or BUILDING Purchase g. \$ 7,000,000
h. Manufacturing Equipment h. \$
i. Soft Costs (Legal, Architect, Engineering) i. \$ 3,500,000
Other (specify) j. Contingency j. \$ 4,150,000
k. Finance k. \$ 4,100,000
l. Start-up l. \$ 750,000
m. test/fees/mis m. \$ 6,000,000

Total Project Costs \$ 100M

- B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ 0
b. Taxable Industrial Revenue Bond b. \$ 0
c. Tax-Exempt Civic Facility Bond c. \$
d. Bank Financing d. \$ 75,000,000
e. Public Sources e. \$ 0

Identify each state and federal grant/credit

\$ 0
\$ 0
\$ 0
\$ 0

- f. Equity \$ 25M
TOTAL SOURCES \$ 100M

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

☒ Yes ☐ No

If so, please specify bank, underwriter, etc.

Pending terms from M&T Bank, Citizens Bank,
Five Star Bank, Northwest 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 _____

- 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-Manufacturing Equipment c. \$
d. Furniture and Fixtures d. \$
Other (specify) e. \$
f. \$
g. \$
h. \$

Total \$

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)

User/Tenant Company _____

Signature _____, Title _____ Date _____

For Office Use Only	
Total Assessment Value	
Land	Building
Applicant 2602-	19-005-A
User/Tenant 2602-	
RM	

VI. Value of Incentives

Project name:

A. IDA PILOT Benefits: 10 Colony Manor

Current Land Assessment	7,406,000	Taxes on Land	\$221,069
Dollar Value of New Construction & Renovation	71,750,000		
Estimated New Assessed Value of Project Subject	79,156,000		

County Tax rate/\$1,000	8.49
Local Tax Rate* Tax Rate/\$	1.12
School Tax Rate /\$1,000	20.24
Total Tax Rate	29.85

PILOT Year	Gross Rent	Utilities	Net rent before vac	PILOT %	County	Town	School	PILOT Total
1	10,430,000	855,000	9,575,000	5%	137,085	18,084	323,580	478,750
2	10,742,900	880,650	9,862,250	5%	141,198	18,626	333,287	493,113
3	11,065,187	907,068	10,158,119	6%	174,520	23,022	411,943	609,487
4	11,397,143	934,281	10,462,862	7%	209,715	27,665	495,018	732,400
5	11,739,057	962,310	10,776,747	8%	246,865	32,566	582,707	862,140
6	12,091,229	991,179	11,100,050	9%	286,055	37,736	675,212	999,005
7	12,453,965	1,020,914	11,433,051	10%	327,374	43,187	772,743	1,143,305
8	12,827,585	1,051,542	11,776,043	10%	337,195	44,482	795,925	1,177,604
9	13,212,412	1,083,088	12,129,324	10%	347,311	45,817	819,803	1,212,932
10	13,608,784	1,115,581	12,493,203	10%	357,731	47,191	844,397	1,249,320
11	14,017,048	1,149,048	12,868,000	10%	368,463	48,607	869,729	1,286,800
12	14,437,559	1,183,519	13,254,040	10%	379,517	50,065	895,821	1,325,404
13	14,870,686	1,219,025	13,651,661	10%	390,902	51,567	922,695	1,365,166
14	15,316,807	1,255,596	14,061,211	10%	402,629	53,114	950,376	1,406,121
15	15,776,311	1,293,264	14,483,047	10%	414,708	54,708	978,887	1,448,305
16	16,249,600	1,332,062	14,917,538	10%	427,149	56,349	1,008,254	1,491,754
17	16,737,088	1,372,024	15,365,064	10%	439,964	58,040	1,038,502	1,536,506
18	17,239,201	1,413,184	15,826,017	10%	453,163	59,781	1,069,657	1,582,602
19	17,756,377	1,455,580	16,300,797	10%	466,758	61,574	1,101,746	1,630,080
20	18,289,068	1,499,247	16,789,821	10%	480,760	63,421	1,134,799	1,678,982
21	18,837,740	1,544,225	17,293,515	10%	495,183	65,324	1,168,843	1,729,352
22	19,402,872	1,590,551	17,247,189	10%	510,039	67,284	1,203,908	1,724,719
23	19,984,959	1,638,268	17,764,604	10%	525,340	69,302	1,240,025	1,776,460
24	20,584,507	1,687,416	18,297,543	10%	541,100	71,381	1,277,226	1,829,754
25	21,202,043	1,738,038	18,846,469	10%	557,333	73,523	1,315,543	1,884,647
26	21,838,104	1,790,180	19,411,863	10%	574,053	75,729	1,355,009	1,941,186
27	22,493,247	1,843,855	20,649,392	10%	591,276	78,001	1,395,662	2,064,939
28	23,168,044	1,899,202	21,268,842	10%	609,013	80,340	1,437,529	2,126,884
29	23,863,086	1,956,178	21,906,908	10%	627,283	82,751	1,480,655	2,190,691
30	24,578,978	2,014,863	22,564,115	10%	646,102	85,233	1,525,075	2,256,412

12,465,784	1,644,470	29,424,556	43,234,820
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B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption for faculty construction:	4,000,000
Estimated Sales Tax exemption for fixtures and equipment:	224,000
Estimated duration of Sales Tax exemption:	33 months

C. Mortgage Recording Tax Exemption Benefit:

Estimated Value of Mortgage Recording Tax exemption:	562,500
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D. Industrial Revenue Bond Benefit

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

Total Value of Incentives:	48,021,320	48.00%
Sources of Funds (Section IV.B.)	100,050,000	

**** All estimates are based on current tax rates.**

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: _____

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)				
Part Time (PTE)				
Total				

** 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, 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 prior to beginning construction. 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.

(APPLICANT or USER/TENANT COMPANY)

Signature, Title Date
Tom George Developer 2/12/2019

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.

(APPLICANT or USER/TENANT COMPANY)

Signature

Tom George

, Title

Developer

Date

2/12/2019

X. CERTIFICATION

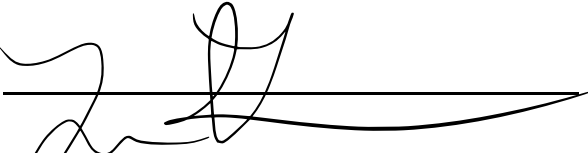
The undersigned company officer and/or user/tenant officer each hereby certifies, on behalf of the company and/or user/tenant, respectively (each singularly and together, the "Applicant"), as follows:

- 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 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 County of Monroe Industrial Development Agency ("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



Signature, Title Date

Tom George Developer 2/12/2019

USER/TENANT COMPANY

Signature, Title Date

10 Colony Manor, LLC is a 50/50 joint venture development entity owned by Dave Christa and The Michaels Organization, led locally by Tom George, an experienced student housing developer, and operated by University Student Living, a national operator of student housing with 15,000 beds under management.

Colony Manor is currently owned and operated by Rochester Institute of Technology(RIT) as a 600+ bed dormitory and is under contract to be purchased and redeveloped into 935 privately owned student beds. Colony Manor was originally built in 1967 as private market-rate apartments. RIT purchased the property in the mid-1980's to operate as undergraduate student housing. This property has been off the tax roles for more than 30 years with few major capital improvements and offering no amenities or common gathering place for its tenants.

After an extensive national RFP process conducted by RIT, 10 Colony Manor, LLC was selected to purchase the property with the commitment to redevelop the 14-acre property into a 300-unit/935-bed(445,000sf) modern student housing facility. The new construction project will be a 7-story student housing building featuring 14,000sf of modern amenities available 24/7 to its residents.

The \$100M project is projected to create 15 new employees over the next three years and over 350 temporary construction jobs.

Abatement, Demolition, New Build:

The existing 16 building structures on site are passed their useful life as originally constructed and will be demolished. These structures were also constructed with asbestos contained materials and require extensive remediation prior to demolition. The new 300-unit building will be constructed for the single purpose of housing undergrad and graduate students at RIT. The development and continued operation of student housing is extremely labor intensive starting 12-18 months prior to opening. Unlike conventional apartment operations, purpose-built student housing carries an early financial burden by employing a management staff one year prior to any rental income being received.

As an on-going operation, managing student residents requires almost 24/7 oversight and usually requires anywhere from 6-10 FTE's depending on project size. For example, the recently developed Lodge project employs 4 full-time and 8 part-time with at least two staff being residents.

Student housing is also considered transitional housing as in most cases this is our residents first time living independently and becoming responsible for all the expenses of living off-campus. As such we try to provide a turn-key, per-bed rental rate, similar to living on-campus, where all major utilities, furniture and operating costs are included in a single bill for each individual.

The services and costs included in one's rent:

- Utilities:
 - Electric
 - Water
 - Gas
 - Internet
 - Trash
- Fully furnished:
 - Dining room
 - Living room
 - Bedroom
- Internet infrastructure and speeds up to 1gigibit
- Resident programming
- Package service
- Shuttle service (requirement of Town approvals)

Lastly, with student housing being a temporary option while in school, most residents do not lease for multiple years and such facilities typically experience a 75% turn-over annually. Compared to conventional apartment housing which sees annual turnover of less than 30%, this requires a continuous year-around leasing staff and programing to maintain occupancy year-over-year.