



## APPLICATION FOR ASSISTANCE

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

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.monroecountybusiness.org/application](http://www.monroecountybusiness.org/application).

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

## I. APPLICANT

### A. Applicant Information

Name:	Erie Station 241 LLC
Address:	75 Thruway Park Drive
City/State/Zip:	West Henrietta, NY 14586
Tax Id No.:	20-2840063
Contact Name:	Gary T. Izzo
Title:	Finance Director
Telephone:	(585) 334 -4110
E-Mail:	gizzo@konarproperties.com

## B. Applicant's Legal Counsel

Name:	Louis D'Amato
Firm:	Woods Oviatt Gilman LLP
Address:	1900 Bausch & Lomb Place
City/State/Zip:	Rochester, NY 14604
Telephone:	(585)445-2323
Email:	ldamato@woodsoviatt.com

**C. Owners of Applicant Company** (must total 100%). If an LLC, LP or similar, all members/partners must be listed

[illegible]

**II. PROJECT****A. Address of proposed project facility**180 and 230 Thruway Park DriveHenrietta, NY 14586Tax Map Parcel Number: 188.02-1-59.1 (230 Thruway Park Dr.)  
188.02-1-62-1 (180 Thruway Park Dr.)City/Town/Village: HenriettaSchool District: Rush Henrietta Central

Current Legal Owner of Property:

Thruway Industrial Park LP**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 ☒ NoCompany Name: CooperVision, Inc.Address: 180 Thruway Park DriveCity/State/Zip: Rochester, NY 14586Tax ID No: 16-0835158Contact Name: Mr. Michele BosaTitle: VP American Distribution

Telephone: \_\_\_\_\_

Email: michele.bosa@coopervision.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
CooperVision, Inc.	100%	publicly traded company
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**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: 3851

Erie Station 241 LLC owns the properties located at 180 and 230 Thruway Park Drive, Henrietta. The company proposes to renovate the approximately 241,000 square foot vacant facility located at 180 Thruway Park Drive together with the construction and equipping of an approximately 153,600 square foot facility at the 230 Thruway Park Drive property which is currently vacant.

Upon completion of the renovation and new construction, it is anticipated that CooperVision, Inc. will purchase the properties from Erie Station 241 for additional equipping to be used for packaging and distribution of contact lenses. The proposed CooperVision relocation to Henrietta will retain 537 jobs and create 73 new jobs in Monroe County.

## II. PROJECT (cont'd)

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

☒ Yes ☐ No

Location:

180 Thruway Park Drive, Henrietta NY, 711 North Road, Scottsville NY and 209 High Point Drive #100, Victor 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 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:

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

☐ Yes ☒ No

Please explain why financial assistance is necessary.

The total project costs are estimated at approximately \$24.5M. Acquisition of larger packaging and distribution space is needed for CooperVision's growth and competitive advantage. Assistance is needed to complete the needed facility renovation and expansion to complete with other relocation options.

### H. Project Timeline

Proposed Date of Acquisition: Konar owns property. Coopervision will assume ownership in Spring 2023

Proposed Commencement Date of Construction: March 2022

Anticipated Completion Date: Spring 2023

### I. Contractor(s)

The Nichols Group

### 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:

☒ **JOBSPPLUS**

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 53.

☐ **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 JOBSPPLUS**

Requirements:

- A minimum \$15 million investment **AND**
- A minimum of 100 new jobs

☐ **GREEN JOBSPPLUS**

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**

**IV. APPLICANT PROJECT COSTS**

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

**Building Construction or Renovation**

- a. Materials a. \$ 7,857,739  
b. Labor b. \$ 7,732,611

**Site Work**

- c. Materials c. \$ 736,560  
d. Labor d. \$ 856,800  
e. Non-Manufacturing Equipment e. \$ \_\_\_\_\_  
f. Manufacturing Equipment f. \$ \_\_\_\_\_  
g. Furniture and Fixtures g. \$ \_\_\_\_\_  
h. Land and/or Building Purchase h. \$ \_\_\_\_\_  
i. Soft Costs (Legal, Architect, Engineering) i. \$ 2,752,905

- Other (specify) j. \_\_\_\_\_ j. \$ \_\_\_\_\_  
k. \_\_\_\_\_ k. \$ \_\_\_\_\_  
l. \_\_\_\_\_ l. \$ \_\_\_\_\_  
m. \_\_\_\_\_ m. \$ \_\_\_\_\_

**Total Project Costs** \$ 19,936,615  
**(must equal Total Sources)**

- B. Sources of Funds for Project Costs:

- a. Tax-Exempt Industrial Revenue Bond a. \$ \_\_\_\_\_  
b. Taxable Industrial Revenue Bond b. \$ \_\_\_\_\_  
c. Bank Financing d. \$ 19,300,000  
d. Public Sources e. \$ \_\_\_\_\_

Identify each state and federal grant/credit

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

- e. Equity \$ 636,615

**TOTAL SOURCES** \$ 19,936,615  
**(must equal Total Project Costs)**

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

☒ Yes ☐ No

If yes, please specify bank, underwriter, etc.

ESL Federal Credit Union  
\_\_\_\_\_  
\_\_\_\_\_

**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 CooperVision, 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. \$ 2,530,000  
d. Manufacturing Equipment d. \$ 1,000,000  
e. Furniture and Fixtures d. \$ 250,000

- Other (specify): e. relocation exp. e. \$ 550,000  
f. soft costs f. \$ 300,000  
g. \_\_\_\_\_ g. \$ \_\_\_\_\_  
h. \_\_\_\_\_ h. \$ \_\_\_\_\_

**Total Project Costs** \$ 4,630,000

## VI. Value of Incentives

Project name:

Erie Station 241 LLC/Coopervision Inc.

### A. IDA PILOT Benefits:

Current Assessment	11,599,300	Current Taxes	328,840
Dollar Value of New Construction & Renovation Costs	8,594,299		
Estimated New Assessed Value Subject to IDA	20,193,599		

County Tax rate/\$1,000	8.05
Local Tax Rate* Tax Rate/\$1,000	1.21
School Tax Rate /\$1,000	19.09
Total Tax Rate	28.35

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%	16,256	2,443	38,550	57,249	901,329	515,240
2	80%	32,512	4,887	77,099	114,498	901,329	457,991
3	70%	48,768	7,330	115,649	171,747	901,329	400,742
4	60%	65,023	9,774	154,198	228,995	901,329	343,493
5	50%	81,279	12,217	192,748	286,244	901,329	286,244
6	40%	97,535	14,661	231,297	343,493	901,329	228,995
7	30%	113,791	17,104	269,847	400,742	901,329	171,747
8	20%	130,047	19,547	308,397	457,991	901,329	114,498
9	10%	146,303	21,991	346,946	515,240	901,329	57,249
10	0%	162,558	24,434	385,496	572,489	901,329	0
Total		894,072	134,388	2,120,227	3,148,687	9,013,287	2,576,198

\* Local Tax Rate for Town/City/Village

### B. Sales Tax Exemption Benefit:

Estimated value of Sales Tax exemption:	\$909,943.92	Landlord 687543.92
Estimated duration of Sales Tax exemption:	6/30/23	Tenant 222400
		909943.92

### C. Mortgage Recording Tax Exemption Benefit:

Estimated Value of Mortgage Recording Tax exemption:	\$144,750
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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:	\$3,630,892.31	14.78%
Sources of Funds (Section IV.B.)	\$24,566,615.00	

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

**VII. PROJECTED EMPLOYMENT**

Complete for each Applicant or User/Tenant

**Company Name:** CooperVision, Inc.**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 <b>RETAINED</b>	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)	537	537	73	70
Part Time (PTE)	0	0	0	0
Total	537 .	537	73	70

\*\* 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** Erie Station 241 LLC and CooperVision, Inc.

**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.**

Erie Station 241 LLC

(APPLICANT COMPANY)

CooperVision, Inc.

(TENANT COMPANY)

DocuSigned by:

*Michele Boss*

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VP Americas Distribution 12/29/2021

Signature, Title, Date

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.

Erie Station 241 LLC

(APPLICANT COMPANY)

CooperVision, Inc.

(TENANT COMPANY)

DocuSigned by:

Michele Boss

VP America's Division

D5413195054E453

Signature, Title, Date

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

Erie Station 241 LLC

Signature, Title Date

### TENANT COMPANY

CopperVision, Inc.

Designed by:

Michele Boss

VP Americas Distribution 12/23/2021

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Signature, Title Date

## **ERIE STATION 241 LLC ORGANIZATION DESCRIPTION**

Erie Station 241 LLC was created to construct, own and operate a 241,600 square foot warehouse, distribution and office facility for CooperVision, Inc. The facility will be located in Erie Station Business Park, 180 Thruway Park Drive, West Henrietta, NY.

The ownership structure of Erie Station 241 LLC is as follows:

1. Konar Holding Corporation (C-Corp) (ownership % to be determined)
  - a. William B. Konar-100% Preferred shareholder
  - b. Howard Konar-50% Common shareholder
  - c. Rachel Gettenberg-50% Common shareholder
2. Thruway Industrial Park, LP (ownership % to be determined)
  - a. Konar Development Corporation (S-Corp)-1% General partner
    - (i) Howard Konar-76% owner
    - (ii) Rachel Guttenberg-24% owner
  - b. Alex Konar Trust-19.8% Limited partner
  - c. Jeremy Konar Trust-19.8% Limited partner
  - d. Miranda Konar Trust-19.8% Limited partner
  - e. Daniele Guttenberg Trust-19.8% Limited partner
  - f. Brittany Guttenberg Trust-19.8% Limited partner