

TOWN OF GUILDERLAND INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION

IMPORTANT NOTICE: The answers to the questions contained in this application are necessary to determine your firm's eligibility for financing and other assistance from Town of Guilderland Industrial Development Agency. These answers will also be used in the preparation of papers in this transaction. Accordingly, all questions should be answered accurately and completely by an officer or other employee of your firm who is thoroughly familiar with the business and affairs of your firm and who is also thoroughly familiar with the proposed project. This application is subject to acceptance by the Agency.

TO: Town of Guilderland Industrial Development Agency
Guilderland Town Hall
Western Avenue, Route 20
P.O. Box 339
Guilderland, New York 12084
Attention: Chairman

This application by applicant respectfully states:

APPLICANT: A. Phillips Hardware

APPLICANT'S STREET ADDRESS: 6495 State Route 158

CITY: Altamont STATE: NY ZIP CODE: 12009

PHONE NO.: 518-459-2300 FAX NO.: _____ E-MAIL: jp.hardware@shopPhillips.com

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION: Jonathan Phillips

IF APPLICANT IS REPRESENTED BY AN ATTORNEY, COMPLETE THE FOLLOWING:

NAME OF FIRM: Goldman PLLC

NAME OF ATTORNEY: Paul Goldman

ATTORNEY'S STREET ADDRESS: 210 Washington Ave. Ext.

CITY: Albany STATE: NY ZIP CODE: 12203

PHONE NO.: 518-431-0941 FAX NO.: _____ E-MAIL: pgoldman@goldmanpllc.com

NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 2 BEFORE FILLING OUT THIS APPLICATION.

INSTRUCTIONS

1. The Agency will not approve any application unless, in the judgment of the Agency, said application and the summary contain sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application (the "Project").
3. If an estimate is given as the answer to a question, put "(est)" after the figure or answer which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return two (2) copies of this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project contemplated herein (to the extent such expenses are not paid out of the proceeds of the Agency's bonds issued to finance the project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel/special counsel to the Agency. The costs incurred by the Agency, including the Agency's general counsel and bond counsel, may be considered as a part of the project and included as a part of the resultant bond issue.
9. The Agency has established an application fee of Two Hundred Fifty Dollars (\$250) to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. **THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.**
10. The Agency has established a project fee for each project in which the Agency participates. **UNLESS THE AGENCY AGREES IN WRITING TO THE CONTRARY, THIS PROJECT FEE IS REQUIRED TO BE PAID BY THE APPLICANT AT OR PRIOR TO THE GRANTING OF ANY FINANCIAL ASSISTANCE BY THE AGENCY.**

FOR AGENCY USE ONLY

1. Project Number	
2. Date application Received by Agency	, 20
3. Date application referred to attorney for review	, 20
4. Date copy of application mailed to members	, 20
5. Date notice of Agency meeting on application posted	, 20
6. Date notice of Agency meeting on application mailed	, 20
7. Date of Agency meeting on application	, 20
8. Date Agency conditionally approved application	, 20
9. Date scheduled for public hearing	, 20
10. Date Environmental Assessment Form ("EAF") received	, 20
11. Date Agency completed environmental review	, 20
12. Date of final approval of application	, 20

Annualized Salary Range of Jobs to be Created: \$12,000 - \$35,000
Estimated Average Annual Salary of Jobs to be Retained: \$12,000 - \$35,000

I. INFORMATION CONCERNING THE PROPOSED OCCUPANT OF THE PROJECT (HEREINAFTER, THE "COMPANY").

A. Identity of Company:

1. Company Name: A. Phillips Hardware
 Present Address: 6495 State Route 158, Altamont, NY
 Zip Code: 12009
 Employer's ID No.: 14-1491134
2. If the Company differs from the Applicant, give details of relationship: N/A
3. Indicate type of business organization of Company:
 - a. Corporation. If so, incorporated in what country? USA; What State? New York; Date Incorporated 10/25/1965; Type of Corporation? Stock Corporation; Authorized to do business in New York? Yes X; No .
 - b. Partnership. If so, indicate type of partnership ; Number of general partners ; Number of limited partners .
 - c. Limited liability company. If so, formed in what State? ; Date formed: ; Authorized to do business in New York State? Yes ; No .
 - d. Sole proprietorship.
4. Is the Company a subsidiary or direct or indirect affiliate of any other organization(s)? If so, indicate name of related organization(s) and relationship: N/A

B. Management of Company:

1. List all owners, officers, members, directors and partners (complete all columns for each person):

NAME AND HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
Jonathan Phillips - 6545 Lainhart Rd, Altamont, NY, 12009	President	
Amy Phillips - 6545 Lainhart Rd, Altamont, NY, 12009	Vice President	
Abbott Phillips - 621 Sommerset Dr, Slingerlands, NY, 12159	Chief Financial Officer	

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2. Is the Company or management of the Company now a plaintiff or a defendant in any civil or criminal litigation? Yes ___; No X.
3. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes ___; No X.
4. Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt? Yes ___; No X.
5. If the answer to any of questions 2 through 4 is yes, please, furnish details in a separate attachment.

C. Principal owners of Company:

1. Is Company publicly held? Yes ___; No X. If yes, please list exchanges where stock traded: _____
2. If no, list all stockholders having a 5% or more interest in the Company:

NAME	ADDRESS	PERCENTAGE OF HOLDING
Jonathan Phillips	6545 Lainhart Rd, Altamont, NY 12009	99

D. Company's principal bank(s) of account: SEFCU

II. DATA REGARDING PROPOSED PROJECT.

A. Description of the Project: (Please provide a brief narrative description of the Project.)
Build a new hardware store next to existing hardware store, then take down original hardware store and build a new convenience store with Dunkin and gas station.

B. Location of the Project:

1. Street Address: 6495 State Route 158
2. City of _____
3. Town of Altamont
4. Village of _____
5. County of Albany

C. Description of the Project site:

1. Approximate size (in acres or square feet) of the Project site: 12.5 acres. Is a map, survey or sketch of the Project site attached? Yes X; No _____.
2. Are there existing buildings on the Project site? Yes X; No _____.
 - a. If yes, indicate the number of buildings on the site: 1. Also, please briefly identify each existing building and indicate the approximate size (in square feet) of each such existing building: current hardware store: 7,000 sq. ft.

 - b. Are the existing buildings in operation? Yes X; No _____. If yes, describe present use of present buildings: retail hardware store

 - c. Are the existing buildings abandoned? Yes _____; No X. About to be abandoned? Yes _____; No X. If yes, describe: _____

 - d. Attach photograph of present buildings.

3. Utilities serving the Project site:

Water-Municipal:
Other (describe) _____
Sewer-Municipal:
Other (describe) _____
Electric-Utility: National Grid
Other (describe) _____
Heat-Utility: G.A. Bove Fuel - propane
Other (describe) _____

4. Present legal owner of the Project site: Phillips Family Realty Associates LLC

- a. If the Company owns the Project site, indicate date of purchase: 1984; purchase price: \$150,000 (est).
- b. If Company does not own the Project site, does Company have an option signed with the owner to purchase the Project site? Yes ___; No ___. If yes, indicate date option signed with the owner: _____, 20__; and the date the option expires: _____, 20__.
- c. If the Company does not own the Project site, is there a relationship legally or by common control between the Company and the present owner of the Project site? Yes ___; No ___. If yes, describe; _____

5. a. Zoning District in which the Project site is located: GB – General Business

- b. Are there any variances or special permits affecting the Project site? Yes ___; No X. If yes, list below and attach copies of all such variances or special permits:

D. Description of Proposed Construction:

1. Does part of the Project consist of the acquisition or construction of a new building or buildings? Yes X; No ___. If yes, indicate number and size of new buildings:
2 buildings – 1 hardware store; 15,000 sq. ft.
1 convenience store with Dunkin within the space; 5,000 sq ft

2. Does part of the Project consist of additions and/or renovations to existing buildings located on the Project site? Yes ___; No X. If yes, indicate the buildings to be

expanded or renovated, the size of any expansions and the nature of expansion and/or renovation: _____

3. Describe the principal uses to be made by the Company of the building or buildings to be acquired, constructed, or expanded: mixed use – commercial, (hardware retail), food service, gas service

E. Description of the Equipment:

1. Does a part of the Project consist of the acquisition or installation of machinery, equipment or other personal property (the "Equipment")? Yes X ; No ____ . If yes, describe the Equipment: gas station pumps, underground gas holding tanks

2. With respect to the Equipment to be acquired, will any of the Equipment be Equipment which has previously been used? Yes ____ ; No X . If yes, please provide detail:

3. Describe the principal uses to be made by the Company of the Equipment to be acquired or installed: gas station

F. Project Use:

1. What are the principal products to be produced at the Project? N/A

2. What are the principal activities to be conducted at the Project? Hardware retail, convenience retail, food service and gas service

3. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities? Yes X; No _____. If yes, please provide detail: hardware retail store, convenience retail store, food service and gas service
4. If the answer to question 3 is yes, what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project? 100 %
5. If the answer to question 3 is yes, and the answer to question 4 is more than 33.33%, indicate whether any of the following apply to the Project:
- Will the Project be operated by a not-for-profit corporation? Yes ____; No X. If yes, please explain: _____
 - Is the Project likely to attract a significant number of visitors from outside the economic development region in which the Project will be located? Yes ____; No X. If yes, please explain: _____
 - Would the Project occupant, but for the contemplated financial assistance from the Agency, locate the related jobs outside the State of New York? Yes ____; No X. If yes, please explain: _____
 - Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town, or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services? Yes X; No _____. If yes, please provide detail: it would provide local convenience for our good and services provided.

e. Will the Project be located in one of the following: (i) an area designed as an economic development zone pursuant to Article 18-B of the General Municipal Law; or (ii) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (x) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance, and (y) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates? Yes ___; No X. If yes, please explain: _____

6. If the answers to any of subdivisions c. through e. of question 5 is yes, will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? Yes X; No ___. If yes, please explain: We will hire more staff for the hardware store sine it is larger than our current store. Will need convenience store workers and Dunkin will hire their own staff. New hire estimates for gas/convenience store workers and Dunkin are 8 full time and 7 part time jobs

7. Will the completion of the Project result in the removal of a plant or facility of the Company or another proposed occupant of the Project (a "Project Occupant") from one area of the State of New York to another area of the State of New York? Yes ___; No X. If yes, please explain: _____

8. Will the completion of the Project result in the abandonment of one or more plants or facilities of the Company located in the State of New York? Yes ___; No X. If yes, please provide detail: _____

9. If the answer to either question 7 or question 8 is yes, indicate whether any of the following apply to the Project:

a. Is the Project reasonably necessary to preserve the competitive position of the Company or such Project Occupant in its industry? Yes ___; No ___. If yes, please provide detail: N/A

b. Is the Project reasonably necessary to discourage the Company or such Project Occupant from removing such other plant or facility to a location outside the State of New York? Yes ___; No ___. If yes, please provide detail: N/A

10. Will the Project be owned by a not-for-profit corporation? Yes ___; No X. If yes, please provide detail: _____

11. If the answer to question 10 is yes, indicate whether any of the following apply to the Project:

a. Is the Project a housing facility primarily designed to be occupied by individuals 60 years of age or older? Yes ___; No ___. If yes, please explain: N/A

b. Is the Project a dormitory for an educational institution? Yes ___; No ___. If yes, please explain: N/A

c. Is the Project a facility as defined in Article 28 of the Public Health Law? Yes ___; No ___. If yes, please explain: N/A

12. If the answer to any of the questions contained in question 11 is yes, indicate whether the cost of the Project will exceed \$20 million. Yes ___; No ___. If yes, please provide detail: N/A

13. Will the Project be sold or leased to a municipality? Yes ___; No X. If yes, please provide detail: _____

G. Project Status:

1. If the Project includes the acquisition of any land or buildings, have any steps been taken toward acquiring same? Yes ; No . If yes, please discuss in detail the approximate stage of such acquisition: N/A

2. If the Project includes the acquisition of any Equipment, have any steps been taken toward acquiring same? Yes ; No . If yes, please discuss in detail the approximate stage of such acquisition: _____

3. If the Project involves the construction or reconstruction of any building or other improvement, has construction work on any such building or improvement begun? Yes ; No . If yes, please discuss in detail the approximate extent of construction and the extent of completion. Indicate in your answer whether such specific steps have been completed as site clearance and preparation; completion of foundations; installation of footings; etc.: _____

4. Please indicate amount of funds expended on the Project by the Company in the past three (3) years and the purposes of such expenditures: \$175,000 (est)

5. Please indicate the date the applicant estimates the Project will be completed: Fall 2019.

I. Method of Construction after Agency Approval:

1. If the Agency approves the project which is the subject of this application, there are two methods that may be used to construct the project. The applicant can construct the project privately and sell the project to the Agency upon completion. Alternatively, the applicant can request to be appointed as "agent" of the Agency, in which case certain laws applicable to public construction may apply to the project. Does the

applicant wish to be designated as "agent" of the Agency for purposes of constructing the project? Yes X ; No _____.

2. If the answer to question 1 is yes, does the applicant desire such "agent" status prior to the closing date of the financing? Yes _____; No X .

III. INFORMATION CONCERNING LEASES OR SUBLEASES OF THE PROJECT.
(PLEASE COMPLETE THE FOLLOWING SECTION IF THE COMPANY INTENDS TO LEASE OR SUBLEASE ANY PORTION OF THE PROJECT).

A. Does the Company intend to lease or sublease more than 10% (by area or fair market value) of the Project? Yes X ; No _____. If yes, please complete the following for each existing or proposed tenant or subtenant:

1. Sublessee name: Route 158 Dunkin, Inc
Present Address: 1607 Route 146
City: Rexford State: NY Zip: 12148
Employer's ID No.: _____
Sublessee is: X Corporation: _____ Partnership: _____ Sole Proprietorship
Relationship to Company: None
Percentage of Project to be leased or subleased: 1,250 sq. ft. of 5,000 sq. ft. convenience store
Use of Project intended by Sublessee: food retail
Date of lease or sublease to Sublessee: pending building permit issuance
Term of lease or sublease to Sublessee: 10 years
Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes _____; No _____. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.

2. Sublessee name: _____
Present Address: _____
City: _____ State: _____ Zip: _____
Employer's ID No.: _____
Sublessee is: _____ Corporation: _____ Partnership: _____ Sole Proprietorship
Relationship to Company: _____
Percentage of Project to be leased or subleased: _____
Use of Project intended by Sublessee: _____
Date of lease or sublease to Sublessee: _____
Term of lease or sublease to Sublessee: _____
Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes _____; No _____. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.

3. Sublessee name: _____
 Present Address: _____
 City: _____ State: _____ Zip: _____
 Employer's ID No.: _____
 Sublessee is: _____ Corporation: _____ Partnership: _____ Sole Proprietorship
 Relationship to Company: _____
 Percentage of Project to be leased or subleased: _____
 Use of Project intended by Sublessee: _____
 Date of lease or sublease to Sublessee: _____
 Term of lease or sublease to Sublessee: _____
 Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes ___; No ___. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.

B. What percentage of the space intended to be leased or subleased is now subject to a binding written lease or sublease? 1,250 sq.ft.

IV. EMPLOYMENT IMPACT.

A. Indicate the number of people presently employed at the Project site and the **additional** number that will be employed at the Project site at the end of the first and second years after the Project has been completed, using the tables below for (1) employees of the Applicant, (2) independent contractors, and (3) employees of independent contractors. (Do not include construction workers). Also indicate below the number of workers employed at the Project site representing newly created positions as opposed to positions relocated from other project sites of the applicant. Such information regarding relocated positions should also indicate whether such positions are relocated from other project sites financed by obligations previously issued by the Agency.

TYPE OF EMPLOYMENT					
Employees of Applicant					
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time		3			3
Present Part Time			1	1	2

		Hardware/convenience	Hardware/convenience	Hardware	
First Year Full Time		3 / 2	1 / 2		7
First Year Part Time			1 / 2		3
First Year Seasonal		1 /	1 /	1	3
Second Year Full Time		3 / 2	1 / 2		7
Second Year Part Time			1 / 2		3
Second Year Seasonal			1 /	1	2

TYPE OF EMPLOYMENT					
Independent Contractors					
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time	N/A				
Present Part Time					
Present Seasonal					
First Year Full Time					
First Year Part Time					
First Year Seasonal					
Second Year Full Time					
Second Year Part Time					

Second Year Seasonal					
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TYPE OF EMPLOYMENT					
Employees of Independent Contractors					
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time					
Present Part Time					
Present Seasonal					
First Year Full Time					
First Year Part Time					
First Year Seasonal					
Second Year Full Time					
Second Year Part Time					
Second Year Seasonal					

- B. Indicate below (1) the estimated salary and fringe benefit averages or ranges and (2) the estimated number of employees residing in the Capital Region Economic Development Region for all the jobs at the Project site, both retained and created, listed in the tables described in subsection A above for each of the categories of positions listed in the chart below.

RELATED EMPLOYMENT INFORMATION				
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled
Estimated Salary and Fringe Benefit Averages or Ranges		600/wk per ee 3,000/wk total	480/wk per ft ee 240/wk per pt ee 1,680/wk total	220/wk per ee 220/wk total
Estimated Number of Employees Residing in the Capital Region Economic Development Region ¹				

- C. Please describe the projected timeframe for the creation of any new jobs with respect to the undertaking of the Project: new jobs created at completion of constructions (est Fall 2019)
- D. Please prepare a separate attachment describing in detail the types of employment at the Project site. Such attachment should describe the activities or work performed for each type of employment.

¹ The Capital Region Economic Development Region consists of the following counties: Albany, Columbia, Greene, Saratoga, Schenectady, Rensselaer, Warren, and Washington.

V. PROJECT COST.

- A. Anticipated Project Costs. State the costs reasonably necessary for the acquisition of the Project site, the construction of the proposed buildings and the acquisition and installation of any machinery and equipment necessary or convenient in connection therewith, and including any utilities, access roads or appurtenant facilities, using the following categories:

<u>Description of Cost</u>	<u>Amount</u>
Land	\$ <u>500,000</u>
Buildings	\$ <u>3,401,000</u>
Machinery and equipment costs	\$ <u>355,000</u>
Utilities, roads and appurtenant costs	\$ <u>450,000</u>
Architects and engineering fees	\$ <u>220,000</u>
Costs of financing	\$ <u>150,000</u>
Construction loan fees and interest (if applicable)	\$ _____
Other (specify)	
<u>Construction Contingency</u>	\$ <u>150,000</u>
_____	\$ _____
_____	\$ _____
TOTAL PROJECT COSTS	\$ <u>5,226,000</u>

- B. Anticipated Project Financing Sources. State the sources reasonably necessary for the financing of the Project site, the construction of the proposed buildings and the acquisition and installation of any machinery and equipment necessary or convenient in connection therewith, and including any utilities, access roads or appurtenant facilities, using the following categories:

<u>Description of Sources</u>	<u>Amount</u>
Private Sector Financing	\$ 4,600,000
Public Sector	
Federal Programs	\$ _____
State Programs	\$ _____
Local Programs	\$ _____
Applicant Equity	\$ 795,000
Other (specify, e.g., tax credits)	
<u>True Value Contribution</u>	\$ 300,000
<u>Red-Kap Contribution</u>	\$ 100,000
	\$ _____
TOTAL AMOUNT OF PROJECT FINANCING SOURCES	\$ 5,795,000

C. Have any of the above expenditures already been made by the applicant?
Yes _____; No X. If yes, indicate particulars.

D. Amount of loan requested: \$ _____;

Maturity requested: _____ years.

E. Has a commitment for financing been received as of this application date, and if so, from whom?

Yes X; No _____. Institution Name: National Union Bank of Kinderhook

Provide name and telephone number of the person we may contact.

Name: Lee Carman, Senior Vice President Phone: (518) 669-5061

- F. The percentage of Project costs to be financed from public sector sources is estimated to equal the following: _____%
- G. The total amount estimated to be borrowed to finance the Project is equal to the following: \$ 4,600,000 .

VI. FINANCIAL ASSISTANCE EXPECTED FROM THE AGENCY.

A. Financing

1. Is the applicant requesting that the Agency issue bonds to assist in financing the project? Yes ___; No X . If yes, indicate:
 - a. Amount of loan requested: _____ Dollars;
 - b. Maturity requested: _____ Years.
2. If the answer to question 1 is yes, is the interest on such bonds intended to be exempt from federal income taxation? Yes ___; No ___.
3. If the answer to question 2 is yes, will any portion of the Project be used for any of the following purposes:
 - a. retail food and beverage services: Yes ___; No ___
 - b. automobile sales or service: Yes ___; No ___
 - c. recreation or entertainment: Yes ___; No ___
 - d. golf course: Yes ___; No ___
 - e. country club: Yes ___; No ___
 - f. massage parlor: Yes ___; No ___
 - g. tennis club: Yes ___; No ___
 - h. skating facility (including roller skating, skateboard and ice skating): Yes ___; No ___
 - i. racquet sports facility (including handball and racquetball court): Yes ___; No ___
 - j. hot tub facility: Yes ___; No ___
 - k. suntan facility: Yes ___; No ___
 - l. racetrack: Yes ___; No ___
4. If the answer to any of the above questions contained in question 3 is yes, please furnish details on a separate attachment.

B. Tax Benefits.

1. Is the applicant requesting any real property tax exemption in connection with the Project that would not be available to a project that did not involve the Agency? Yes X ; No ___ . If yes, is the real property tax exemption being sought consistent with the Agency's Uniform Tax Exemption Policy? Yes ___; No X . RPTL 485-b Benefit

2. Is the applicant expecting that the financing of the Project will be secured by one or more mortgages? Yes X ; No _____. If yes, what is the approximate amount of financing to be secured by mortgages? \$ 4,600,000.
3. Is the applicant expecting to be appointed agent of the Agency for purposes of avoiding payment of N.Y.S. Sales Tax or Compensating Use Tax? Yes X ; No _____. If yes, what is the approximate amount of purchases which the applicant expects to be exempt from the N.Y.S. Sales and Compensating Use Taxes? \$ 2,355,000.
4. What is the estimated value of each type of tax-exemption being sought in connection with the Project? Please detail the type of tax-exemption and value of each exemption.

a. N.Y.S. Sales and Compensating Use Taxes:	\$ <u>188,400</u>
b. Mortgage Recording Taxes:	\$ <u>40,310</u>
c. Real Property Tax Exemptions:	\$ <u>86,875</u>
d. Other (please specify):	
_____	\$ _____
_____	\$ _____

5. Are any of the tax-exemptions being sought in connection with the Project inconsistent with the Agency's Uniform Tax-exemption Policy? Yes ____; No X. If yes, please explain how the request of the applicant differs from the Agency's Uniform Tax-Exemption Policy: RPTL 485-b benefit through a PILOT Agreement with the IDA

C. Project Benefit Information. Complete the attached Cost/Benefit Analysis so that the Agency can perform a cost/benefit analysis of undertaking the Project. Such information should consist of a list and detailed description of the benefits of the Agency undertaking the Project (e.g., number of jobs created, types of jobs created, economic development in the area, etc.). Such information should also consist of a list and detailed description of the costs of the Agency undertaking the Project (e.g., tax revenues lost, buildings abandoned, etc.).

VII. REPRESENTATIONS BY THE APPLICANT. The applicant understands and agrees with the Agency as follows:

A. Job Listings. In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA"), as replaced by the Workforce Investment Act of 1998 (Public Law 105-220), in which the Project is located.

B. First Consideration for Employment: In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.

C. Annual Sales Tax Filings: In accordance with Section 874(8) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant.

D. Annual Employment Reports. The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the Project site, including (1) the NYS-45 – Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return – for the quarter ending December 31 (the "NYS-45"), and (2) the US Dept. of Labor BLS 3020 Multiple Worksite report if applicable.

E. Uniform Agency Project Agreement. The applicant agrees to enter into a project benefits agreement with the Agency where the applicant agrees that (1) the amount of Financial Assistance to be received shall be contingent upon, and shall bear a direct relationship to the success or lack of success of such project in delivering certain described public benefits (the "Public Benefits") and (2) the Agency will be entitled to recapture some or all of the Financial Assistance granted to

the applicant if the project is unsuccessful in whole or in part in delivering the promised Public Benefits.

F. Representation of Financial Information. Neither this Application nor any other agreement, document, certificate, project financials, or written statement furnished to the Agency or by or on behalf of the applicant in connection with the project contemplated by this Application contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements contained herein or therein not misleading. There is no fact within the special knowledge of any of the officers of the applicant which has not been disclosed herein or in writing by them to the Agency and which materially adversely affects or in the future in their opinion may, insofar as they can now reasonably foresee, materially adversely affect the business, properties, assets or condition, financial or otherwise, of the applicant.

G. Agency Financial Assistance Required for Project. The Project would not be undertaken but for the Financial Assistance provided by the Agency or, if the Project could be undertaken without the Financial Assistance provided by the Agency, then the Project should be undertaken by the Agency for the following reasons:

H. Compliance with Article 18-A of the General Municipal Law: The Project, as of the date of this Application, is in substantial compliance with all provisions of article 18-A of the General Municipal including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862; and the provisions of subdivision one of Section 862 of the General Municipal Law will not be violated if Financial Assistance is provided for the Project.

I. Compliance with Federal, State, and Local Laws. The applicant is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

J. False or Misleading Information. The applicant understands 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 exemptions claimed by reason of Agency involvement in the Project.

K. Absence of Conflicts of Interest. The applicant acknowledges that the members, officers and employees of the Agency are listed on the Agency's website. No member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

L. Additional Information. Additional information regarding the requirements noted in this Application and other requirements of the Agency is included on the Agency's website which can be accessed at http://www.townofguilderland.org/pages/guilderlandNY_ida/index.

VERIFICATION

(If Applicant is a Corporation)

STATE OF)
) SS.:
COUNTY OF)

JONATHAN PHILLIPS deposes and says that he is the
(Name of officer of applicant)
PRESIDENT of A. PHILLIPS HARDWARE, INC.
(Title) (Company Name)

the corporation named in the attached application; that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. Deponent further says that the reason this verification is made by the deponent and not by said Company is because the said Company is a corporation. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from the books and papers of said corporation.

Jonathan H. Phillips
(officer of applicant)

Sworn to before me this 18th
day of January, 2019.

Jean J. Cataldo
Notary Public



JEAN J. CATALDO
Notary Public, State of New York
Qualified in Albany County
No. 4722978
Commission Expires July 31, 2022

HOLD HARMLESS AGREEMENT

Applicant hereby releases Town of Guilderland Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "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, the attached Application, regardless of whether or not the application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein 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. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

A. PHILLIPS HARDWARE, INC.

(Applicant)

BY: Jonathan H. Phillips

Sworn to before me this 18th
day of January, 2019.

Jean J. Cataldo
Notary Public



JEAN J. CATALDO
Notary Public, State of New York
Qualified in Albany County
No. 4722878
Commission Expires July 31, 2022

TO: Project Applicants
 FROM: Town of Guilderland Industrial Development Agency
 RE: Cost/Benefit Analysis

In order for the Town of Guilderland Industrial Development Agency (the "Agency") to prepare a Cost/Benefit Analysis for a proposed project (the "Project"), the Applicant must answer the questions contained in this Project Questionnaire (the "Questionnaire") and complete the attached Schedules. This Questionnaire and the attached Schedule will provide information regarding various aspects of the Project, and the costs and benefits associated therewith.

This Questionnaire must be completed before we can finalize the Cost/Benefit Analysis, please complete this Questionnaire and forward it to us at your earliest convenience.

PROJECT QUESTIONNAIRE

1. Name of Project Beneficiary ("Company"); A. Phillips Hardware, Inc.
2. Brief Identification of the Project: Hardware store, gas station, and convenience store construction
3. Estimated Amount of Project Benefits Sought:

A. Amount of Bonds Sought:	\$ - 0 -
B. Value of Sales Tax Exemption Sought	\$ 188,400
C. Value of Real Property Tax Exemption Sought	\$ - 0 -
D. Value of Mortgage Recording Tax Exemption Sought	\$ 40,310
4. Likelihood of accomplishing the Project in a timely fashion: High

PROJECTED PROJECT INVESTMENT

- A. Land-Related Costs

1. Land acquisition	\$ 500,000
2. Site preparation	\$ 1,051,000
3. Landscaping	\$
4. Utilities and infrastructure development	\$
5. Access roads and parking development	\$
6. Other land-related costs (describe)	\$
- B. Building-Related Costs

1. Acquisition of existing structures	\$
2. Renovation of existing structures	\$
3. New construction costs	\$ 2,150,000
4. Electrical systems	\$
5. Heating, ventilation and air conditioning	\$
6. Plumbing	\$
7. Other building-related costs (describe)	\$

C. Machinery and Equipment Costs		
1.	Production and process equipment	\$ 75,000
2.	Packaging equipment	
3.	Warehousing equipment	
4.	Installation costs for various equipment	\$ 450,000
5.	Other equipment-related costs (describe)	

D. Furniture and Fixture Costs		
1.	Office furniture	
2.	Office equipment	
3.	Computers	
4.	Other furniture-related costs (describe)	\$ 280,000

Store Equipment

E. Working Capital Costs		
1.	Operation costs	
2.	Production costs	
3.	Raw materials	
4.	Debt service	
5.	Relocation costs	
6.	Skills training	
7.	Other working capital-related costs (describe)	

F. Professional Service Costs		
1.	Architecture and engineering	\$ 220,000
2.	Accounting/legal	\$ 150,000
3.	Other service-related costs (describe)	

G. Other Costs		
1.	<u>Inventory</u>	\$ 350,000
2.		

H. Summary of Expenditures		
1.	Total Land-Related Costs	\$ 1,551,000
2.	Total Building-Related Costs	\$ 2,150,000
3.	Total Machinery and Equipment Costs	\$ 525,000
4.	Total Furniture and Fixture Costs	\$ 280,000
5.	Total Working Capital Costs	
6.	Total Professional Service Costs	\$ 370,000
7.	Total Other Costs	\$ 350,000

PROJECTED CONSTRUCTION EMPLOYMENT IMPACT

I. Please provide estimates of total construction jobs and the total annual wages and benefits of construction jobs at the Project:

Year	Number of Construction Jobs	Total Annual Wages and Benefits	Estimated Additional NYS Income Tax
Current Year (2019)	15	\$ 2,300,000	\$
Year 1		\$	\$
Year 2		\$	\$
Year 3		\$	\$
Year 4		\$	\$
Year 5		\$	\$

PROJECTED PERMANENT EMPLOYMENT IMPACT

I. Estimates of the total number of existing permanent jobs to be preserved or retained as a result of the Project are described in the tables in Section IV of the Application.

II. Estimates of the total new permanent jobs to be created by the Project are described in the tables in Section IV of the Application.

III. Please provide estimates for the following:

A. Creation of New Job Skills relating to permanent jobs. Please complete Schedule A.

IV. Provide the projected percentage of employment that would be filled by Town of Guilderland residents: 80-90%

A. Provide a brief description of how the project expects to meet this percentage: Positions filled primarily through word of mouth in local market.

PROJECTED OPERATING IMPACT

I. Please provide estimates for the impact of Project operating purchases and sales:

Additional Purchases (1 st year following project completion)	\$ 770,000
Additional Sales Tax Paid on Additional Purchases	\$ 61,000
Estimated Additional Sales (1 st full year following project completion)	\$
Estimated Additional Sales Tax to be collected on additional sales (1 st full year following project completion)	\$

II. Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes ("Pilot Payments"):

Year	Existing Real Property Taxes (Without IDA involvement)	New Pilot Payments (With IDA)	Total (Difference)
Current Year			
Year 1	See attached spreadsheets	for estimated	net benefit of
Year 2	PILOT Agreement		
Year 3			
Year 4			
Year 5			
Year 6			
Year 7			
Year 8			
Year 9			
Year 10			

III. Please provide a detailed description for the impact of other economic benefits and all anticipated community benefits expected to be produced as a result of the Project (attach additional pages as needed for a complete and detailed response):

CERTIFICATION

I certify that I have prepared the responses provided in this Questionnaire and that, to the best of my knowledge; such responses are true, correct, and complete.

I understand that the foregoing information and attached documentation will be relied upon, and constitute inducement for, the Agency in providing financial assistance to the Project. I certify that I am familiar with the Project and am authorized by the Company to provide the foregoing information, and such information is true and complete to the best of my knowledge. I further agree that I will advise the Agency of any changes in such information, and will answer any further questions regarding the Project prior to the closing.

I affirm under penalty of perjury that all statements made on this application are true, accurate, and complete to the best of my knowledge.

Date Signed: <u>JAN 18</u> , 2019.	Name of Person Completing Project Questionnaire on behalf of the Company. Name: <u>JONATHAN PHILLAS</u> Title: <u>PRESIDENT</u> Phone Number: <u>518-459-2500</u> Address: <u>645 STATE ROUTE 158</u> <u>ALTAMONT, NY 12009</u> Signature: _____
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**Phillips Hardware Project
Town of Guilderland IDA**

Estimate of Financial Assistance (RPTL 485-b Exemption Schedule)

Building Value **FMV Estimate 2019 Eq. Rate Estimated AV**

Building 1 Hardware Store	15,000 \$	85	\$ 1,275,000	77.90%	\$ 993,225
Building 2 Convenience Store	4000 \$	100	\$ 400,000	77.90%	\$ 311,600
Total Projected Assessed Value					\$ 1,304,825

Land Assessed Value SBL # 38-1-19	\$ 67,000
Land Value SBL # 38-1-26.3	\$ 80,000

Total Land Assessment (Actual) \$ 147,000

Difference (i.e. Base Exemption Amount) \$ 1,157,825

Escalated Tax Rates at 2% Per Annum

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Guilderland CSD and Library	\$ 24,2445	\$ 24,7294	\$ 25,2240	\$ 25,7285	\$ 26,2430	\$ 26,7679	\$ 27,3032	\$ 27,8493	\$ 28,4063	\$ 28,9744
County Tax	\$ 4,5584	\$ 4,6496	\$ 4,7426	\$ 4,8374	\$ 4,9342	\$ 5,0329	\$ 5,1335	\$ 5,2362	\$ 5,3409	\$ 5,4477
Town Exclusive Ambulance & Fire	\$ 1,4360	\$ 1,4647	\$ 1,4940	\$ 1,5239	\$ 1,5544	\$ 1,5855	\$ 1,6172	\$ 1,6495	\$ 1,6825	\$ 1,7162
Total Tax Rate	\$ 30,2389	\$ 30,8437	\$ 31,4606	\$ 32,0898	\$ 32,7316	\$ 33,3862	\$ 34,0539	\$ 34,7350	\$ 35,4297	\$ 36,1383

Financial Assistance Estimate with 2% Escalation

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Exemption Percentage	50%	45%	40%	35%	30%	25%	20%	15%	10%	5%
Financial Assistance Base	\$ 578,913	\$ 521,021	\$ 463,130	\$ 405,239	\$ 347,348	\$ 289,456	\$ 231,565	\$ 173,674	\$ 115,783	\$ 57,891

Financial Assistance Benefit

Guilderland CSD and Library	\$ 14,035.44	\$ 12,884.54	\$ 11,681.98	\$ 10,426.17	\$ 9,115.45	\$ 7,748.13	\$ 6,322.48	\$ 4,836.69	\$ 3,288.95	\$ 1,677.37
County of Albany	\$ 2,638.92	\$ 2,422.53	\$ 2,196.43	\$ 1,960.31	\$ 1,713.87	\$ 1,456.79	\$ 1,188.74	\$ 909.39	\$ 618.38	\$ 315.38
Town of Guilderland	\$ 831.32	\$ 763.15	\$ 691.93	\$ 617.54	\$ 539.91	\$ 458.92	\$ 374.48	\$ 286.48	\$ 194.81	\$ 99.35
Total Savings	\$ 82,017.20									

Total Financial Assistance \$ 102,295.84

County of Albany Did Not Opt Out of RPTL Section 485-b \$ 15,420.74

Net Financial Assistance \$ 86,875.10

Phillips Hardware Project
Town of Guilderland IDA

Tax Parcels
Existing AV
SBL #38-1-19 \$ 234,800
SBL #38-1-26.3 \$ 52,100
Total \$ 286,900

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Existing Assessment	\$ 286,900	\$ 286,900	\$ 286,900	\$ 286,900	\$ 286,900	\$ 286,900	\$ 286,900	\$ 286,900	\$ 286,900	\$ 286,900	\$ 286,900
Combined Tax Rate	30.238918	30.84369636	31.46057029	32.08978169	32.73157733	33.38620887	34.05393305	34.73501171	35.42971195	36.13830618	36.13830618
Estimate Existing Taxes	\$ 8,675.55	\$ 8,849.06	\$ 9,026.04	\$ 9,206.56	\$ 9,390.69	\$ 9,578.50	\$ 9,770.07	\$ 9,965.47	\$ 10,164.78	\$ 10,368.08	\$ 94,994.80

Projected Taxes with RPTL 485-b Exemption

Total Projected Assessment	\$ 1,304,825	\$ 1,304,825	\$ 1,304,825	\$ 1,304,825	\$ 1,304,825	\$ 1,304,825	\$ 1,304,825	\$ 1,304,825	\$ 1,304,825	\$ 1,304,825	\$ 1,304,825
Land Assessment	\$ 147,000	\$ 147,000	\$ 147,000	\$ 147,000	\$ 147,000	\$ 147,000	\$ 147,000	\$ 147,000	\$ 147,000	\$ 147,000	\$ 147,000
Amount Available for Exemption	\$ 1,157,825	\$ 1,157,825	\$ 1,157,825	\$ 1,157,825	\$ 1,157,825	\$ 1,157,825	\$ 1,157,825	\$ 1,157,825	\$ 1,157,825	\$ 1,157,825	\$ 1,157,825
Exemption Percentage	50%	55%	60%	65%	70%	75%	80%	85%	90%	95%	
Amount Not Subject to Exemption	\$ 578,913	\$ 636,804	\$ 694,695	\$ 752,586	\$ 810,478	\$ 868,369	\$ 926,260	\$ 984,151	\$ 1,042,043	\$ 1,099,934	\$ 1,099,934
Taxable Amount	\$ 725,913	\$ 783,804	\$ 841,695	\$ 899,586	\$ 957,478	\$ 1,015,369	\$ 1,073,260	\$ 1,131,151	\$ 1,189,043	\$ 1,246,934	\$ 1,246,934
Combined Tax Rate	30.238918	30.84369636	31.46057029	32.08978169	32.73157733	33.38620887	34.05393305	34.73501171	35.42971195	36.13830618	36.13830618
Estimated New Taxes	\$ 21,950.81	\$ 24,175.40	\$ 26,480.20	\$ 28,867.53	\$ 31,339.75	\$ 33,899.31	\$ 36,548.72	\$ 39,290.55	\$ 42,127.43	\$ 45,062.07	\$ 329,741.79

Estimated Additional Real Estate Taxes after RPTL 485-b Exemption

\$ 234,746.99

**Phillips Hardware Project
Town of Guilderland IDA**

Schedule of Additional Benefits

Value of Exemptions			
NYS Sales and Use Taxes			\$ 188,400.00
Mortgage Recording Taxes			\$ 40,310.00
Real Property Taxes			<u>\$ 86,875.00</u>

Value of Exemptions \$ 315,585.00

**Benefits of the Project
Sales Taxes of the Project**

Annual Sales Taxes Hardware Store			\$ 61,000.00
Annual Sales Taxes Convenience Store	\$ 500,000	8.25%	<u>\$ 41,250.00</u>

Annual Sales Tax Benefits \$ 102,250.00

Years 10

Total Sales Tax Benefit \$ 1,022,500

Construction Payroll (Estimated) \$ 2,300,000

Estimated Existing Payroll (3 FTE and 2 PTE)

FTE	\$ 35,000	5	\$ 175,000
PTE	\$ 15,000	5	\$ 75,000

Total Payroll \$ 250,000

Years 10

Total Payroll \$ 2,500,000

Additional Real Estate Taxes \$ 234,747

Total Benefits from the Project \$ 6,057,247

Net Benefit of the Project \$ 5,741,661.99