

Finger Lakes Economic Development Center
Application for Financial Assistance

1. Applicant Information

Company Name: Indus Elm Street, LLC
Address: 1000 Pittsford Victor Road, Suite 201
Pittsford, New York 14534
Phone No.: (585) 248-2440
Fax No.: (585) 248-3271
Email Address: j.mehta@indusdevelopment.com
Fed. Id. No.: 46-556697A
Contact Person: _____

Principal Owners/Officers/Directors:
(list owners with 15% or more in equity holdings with percentage ownership)

Goonjit Mehta
Hasit Mehta

Type of Business Assisting: hotel
NAICS Code: 721110

Corporate Structure (attach schematic if Applicant is a subsidiary or otherwise affiliated with another entity)

Form of Entity:

Corporation

Partnership (General _____ or Limited _____; number of general partners _____ and, if applicable, number of limited partners _____).

* Limited Liability Company/Partnership (number of members 2)

Sole Proprietorship

If a corporation, partnership, limited liability company/partnership:

What is the date of the establishment _____

Place of organization _____ and,

If a foreign organization, is the Applicant authorized to do business in the State of New York? _____

Applicant's Counsel:

Name: Stephen Hall, Esq.
Address: 36 West Main Street, Suite 400
Rochester, N.Y. 14614
Phone No.: (585) 546-3770
Fax No.: (585) 546-3776

2. Project Information

A) Detailed Description of Project:

Construction and operation of a four story limited service hotel with 77 guest rooms, break fast area, meeting room, fitness room and indoor swimming pool and spa

B) Project Address: 124 Elm Street
Penn Yan 14527

C) Current Assessed Value of Property \$360,000
Property Tax ID# 49.75-1-18.1
(not required if project is for equipment purchases only)

D) Are utilities on Site:
Water Y Electric Y
Gas Y Sanitary/Storm Sewer Y none _____

E) Present legal owner of site Indus Elm Street, LLC
If other than Applicant by what means will the site be acquired for this Project.

F) Zoning of Project Site: Current: Village Business Proposed: same

G) Are any variances Needed: no

H) Principal Use of Project upon completion: hotel

I) Will the Project result in the removal of a facility of the Applicant from one area of the State of New York to another? Yes No

Will the Project result in the removal of a facility of another proposed occupant of the Project from one area of the State of New York to another area of the State of New York? Yes No

Will the Project result in the abandonment of one or more facilities located in the State of New York? Yes No

J) If the answer to any of the questions in I were 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 on such Project Occupant in its industry? Yes No If yes, please provide detail: _____

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: _____

- K) Indicate below 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 (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 related positions should also indicate whether such positions are relocated from other project sites financed by obligations previously issued by the Agency

	PROPOSED & NEW TYPE OF EMPLOYMENT				TOTALS
	PROFESSIONAL OR MANAGERIAL	SKILLED	SEMI-SKILLED	UNSKILLED	
Present Full Time					0
Present Part Time					0
Present Seasonal					0
First Year Full Time	1	5	4		10
First Year Part Time	1	5	5		11
First Year Seasonal					0
Second Year Full Time	1	5	4		10
Second Year Part Time	1	5	6		12
Second Year Seasonal					0

- L) Estimate how many construction jobs will be created by this Project: 150

- M) Estimated Project Costs / Project Capital Investment.
 Land and Building \$ 355,000 (Purchase Value of land and/or building)
 Building Cost \$ 4,050,000 (New Building Construction cost or Existing building expansion construction costs including engineering and / or architect and blue print fees)
 Equipment \$ 550,000 (\$ Value of Production Equip, Furniture/Fixtures, Computers et. al.)
 Other \$ 445,000 describe Eng/Arch/Soft costs/Gen Cond.
 Tot. Cap Invest: \$ 5,400,000 (Sum all lines above)

"N" through "R" to be completed by FLEDC

- N) Type and amount of financial assistance being applied for:

Sale Leaseback or Lease Leaseback \$ 4,995,000 (5.4m - Soft Costs)
 Tax Exempt or Taxable Bonds \$ _____

- O) Cost Analysis:

Estimated Financial Assistance

Estimated Sales Tax Exemption (8%) \$ 206,000
 [To be provided upon board approval for term of construction project]

Estimated Mortgage Tax Exemption (1.00%) \$ 39,640 (based on \$ 3,964,000 mtg)
 [To be provided upon board approval based on mortgage amount]

Estimated Property Tax Abatement \$ 533,318 (based on increased assessed value of 1.5m)
 [To be provided upon board approval via PILOT Contract - see below]

Describe nature of Property Tax Abatement (PILOT)

Proposed PILOT structure:

10 yr Schedule: 100% abatement yr. 1 reducing 10% every year there after

PILOT Applicable to:

- Increase in assessed value of land and/or buildings (pre-project value of land and/or buildings excluded) Raise Value: \$360,000
- Pre-project value of land and/or buildings, plus added value of land and/or buildings that results from project improvements (total taxable value)

Tax Map # 49.75-1-181

Estimated Interest Savings IRB Issue \$ _____

P) Fees to be Paid by the Applicant:

Finger Lakes EDC \$ 49,550.00 (The FLEDC will collect a 1% fee if this transaction was consummated through direct interaction between the Applicant and FLEDC. The FLEDC will collect its participation fee at the time of closing, based on the capital investment costs stated in this application. (Should the actual costs exceed those estimates by more than 25%, an additional fee will apply.))

Hodgson Russ, LLP \$ 12,000 (Estimated fee for legal services required in connection with the financial assistance provided by the Finger Lakes Economic Development Center)

3. **Representations by the Applicant**

The Applicant understands and agrees with the FLEDC as follows: *Please initial each item where indicated*

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 FLEDC, 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) ("JPTA") in which the Project is located

TT Applicant's Initials

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 FLEDC, 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 JPTA Entities for new employment opportunities created as a result of the Project. TT Applicant's Initials

Annual Sales Tax Filings - In accordance with Section 874(8) of the 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 FLEDC, 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, an Annual Report of Sales and Use Tax Exemptions (Form ST-340) by the last day of February following applicable calendar year (with a copy to the Finger Lakes Economic Development Center), describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant. TT Applicant's Initials

Employment Reports - The Applicant understands and agrees that, if the Project receives any Financial Assistance from the FLEDC, the Applicant agrees to file, or cause to be filed, with the FLEDC, on quarterly basis, copies of form NYS-45-MN Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Returns filed with the Department of Labor applicable to the project site. TT Applicant's Initials

Absence of Conflicts of Interest - The Applicant has received from the FLEDC a list of the members, officers, and employees of the FLEDC. No member, officers or employee of the FLEDC has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described: AV Applicant's Initials

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that:

- A) The FLEDC will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.
- B) Failure of the Applicant to file appropriate Sales Tax and Employment reports will result in the revocation of tax benefits and require repayment of benefits previously claimed.

AV

(Applicant)

By: boonjit (Jett) Mehta
Name: Indus Elm Street, LLC
Title: Member

This Application should be submitted with:

- A) A \$250 Application fee to: Finger Lakes Economic Development Center
One Keuka Business Park
Penn Yan, New York 14527
(Attn: CEO).
- B) A certificate of insurance as follows:
 - 1. Worker's Compensation Insurance (FLEDC named as additional insured). *(To Follow)*
 - 2. General Liability Insurance with limits not less than \$1,000,000 per occurrence /accident and a blanket excess liability not less than \$3,000,000 (FLEDC named as additional insured). *(To Follow)*
 - 3. Insurance against loss/damage by fire, lightning or other casualties with a uniform standard extended coverage endorsement in an amount not less than the full replacement value of the Facility. (FLEDC named as named insured). *(To Follow)*

The FLEDC encourages the use of Yates County contractors/suppliers and asks that they be allowed to bid your project!

Hold Harmless Agreement

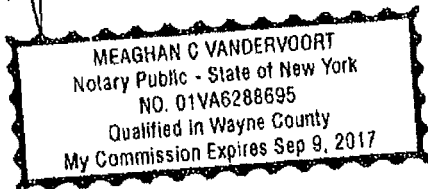
Applicant hereby releases Finger Lakes Economic Development Center and the members, officers, servants, agents and employees thereof (the "FLEDC") from, agrees that the FLEDC shall not be liable for and agrees to indemnify, defend and hold the FLEDC harmless from and against any and all liability arising from or expense incurred by (A) the FLEDC'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 FLEDC, (B) the FLEDC's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the FLEDC 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 FLEDC or the Applicant are unable to reach final agreement with the respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the FLEDC, its agents or assigns, all costs incurred by the FLEDC in the processing of the Application, including attorneys' fees, if any.

(Applicant)

By: _____
Name:
Title:

Sworn to before me this
11th day of June, 2007

Notary Public



Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Indus Elm Street, Inc.	2. PROJECT NAME Penn Yan Microtel
3. PROJECT LOCATION: Municipality Village of Penn Yan County Yates County	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 124 Elm Street in Central Business District and across the street from the Village Hall	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Construction of a four story limited service hotel with 77 guest rooms, breakfast area, meeting room, fitness room, and indoor swimming pool and spa.	
7. AMOUNT OF LAND AFFECTED: Initially <u>1.17</u> acres Ultimately <u>1.17</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: Downtown business district.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: Village of Penn Yan. See attached Site Plan Approval Letter	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Kip Finley, PE, Development Manager, Indus Companies</u> Date: <u>6/11/14</u> Signature: <u><i>Kip Finley</i></u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? Yes No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

6/11/14

Name of Lead Agency

Date

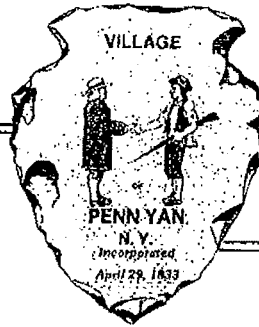
Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Village of Penn Yan



on Keuka Lake

Mayor Robert J. Church
Trustee William J. Allison
Trustee D. Christine Christensen
Trustee Michael J. Christensen
Trustee David Reeve
Trustee Richard D. Stewart
Trustee Bart Winslow
Clerk-Treasurer Gary Meeks

P.O. Box 426 111 Elm Street
PENN YAN, NEW YORK 14527
Phone: 315-536-3015
Fax: 315-536-4685
TDD: (800) 662-1220
www.villageofpennyan.com

December 3, 2013

Kip Finley, PE
Indus Group, Inc.
1170 Pittsford-Victor Rd
Pittsford, NY 14534

Re: 124 Elm Street Hotel Site Plan Approval

Dear Mr. Finley:

We are pleased to inform you that the Village of Penn Yan Planning Board has granted FINAL APPROVAL of the revised site plan for the proposed Microtel at 124 Elm Street, Penn Yan.

Please send 4 copies of the final plans reflecting the accepted changes to the site, façade, and utilities, for Chairman Orr to sign. Once signed, you will receive one set of plans via certified mail.

Also, it was mutually agreed upon that The Indus Group and Roger Brown, of the Rochester Regional Community Design Center, would continue to collaborate on final, minute, material and design details (i.e. brick size/color, sign and façade design/colors, tree count and placement, etc.).

Please note: As these final finishing touches are determined, they must be communicated to the Planning Board and the Code Enforcement Officer for incorporation in the final site plans for accuracy.

By copy of this letter, a written statement of approval will be filed with the Village of Penn Yan Clerk along with the Code Enforcement Officer who will be authorized to issue the necessary permits as he deems appropriate.

Thank you for your patience through the entire approval process and your cooperation in designing a site that reflects the future plan of our Village Center.

This site plan approval expires one year from the date of this letter pursuant to §162-26 of the Village Code, if there has been no progress on this project.

Respectfully,

(YH)
Cliff Orr

Cliff Orr, Chairman of the Board
Village of Penn Yan Planning Board

Cc: Bruce Lyon - Code Officer
Roger Brown - RRCDC