

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY
548 Broadway
Monticello, New York 12701
845-428-7576
APPLICATION FOR FINANCIAL ASSISTANCE

I. A. APPLICANT INFORMATION:

Company Name: SVG 26 LLC

Address: 1301 47th Street, Brooklyn, New York 11219

Phone No.: 609-208-8944 845-866-2899

Telefax No.: _____

Email Address: solmnelnr@gmail.com

Fed Id. No.: 85-1761203

Contact Person: Solomon Ellner

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

Principal Owners (Shareholders/Members/Owners): Solomon Ellner [100%]

Directors/Managers: _____

Officers: _____

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

Form of Entity:

_____ Corporation (Sub-s)

Date of incorporation: _____

State of incorporation: _____

_____ Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation: _____

Jurisdiction formation: _____

Limited Liability Company/Partnership (number of members _____)

Date of organization: July 6, 2020

State of organization: New York

Sole Proprietorship

If a foreign organization, is the Applicant authorized to do business in the State of New York? Yes ___ No ___ N/A (If so, please append Certificate of Authority.)

APPLICANT'S COUNSEL

Name: Shawn Law Offices, P.C.

Address: 30 North Street, Monticello, New York 12701

Phone No.: (845) 791-7676

Telefax No.: (845) 791-4680

Email Address: henrishawnlaw@gmail.com

II. REQUESTED FINANCIAL ASSISTANCE

	<u>Estimated Value</u>
Real Property Tax Abatement (estimated)	\$ <u>N/A</u>
Mortgage Tax Exemption	\$ <u>25,000</u>
Sales and Use Tax Exemption	\$ <u>N/A</u>
Issuance by the Agency of Tax Exempt Bonds	\$ <u>N/A</u>

III. PROJECT INFORMATION

A.) Project Location:

Project Address: 2037 State Route 17B, Bethel, New York 12720
Tax Map Number(s): see attached
Located in the Village of: N/A
Located in Town of Bethel
Located in the School District of Monticello
Located in Hamlet of Bethel

(i) Are Utilities on Site?

Water/Sewer No water/Yes Sewer Electric Yes
Gas No Storm Sewer No

(ii) Present legal owner of the site: County of Sullivan Industrial Development Agency (Project Land); Catskill Distilling Company, Ltd. (Additional Premises)

If other than Applicant, by what means will the site be acquired for this Project: Project Land and Additional Premises to be transferred to Applicant

(iii) Zoning of Project Site: Current: _____ Proposed: _____

(iv) Are any variances needed: No

(v) Principal Use of Project upon completion: Distillery, Restaurant, Art Gallery, Apartments

B.) Will the Project result in the removal of a plant or facility of the Applicant or a proposed Project occupant from one area of the State of New York to another area of the State of New York? No; If yes, please explain:

C.) Will the Project result in the abandonment of one or more Plants or facilities of the Applicant or a proposed Project occupant located in the State of New York? No; If yes, please explain:

D.) If the answer to either question B or C above is yes, you are required to indicate

whether any of the following apply to the Project:

1. Is the Project reasonably necessary to preserve the competitive position of the Applicant or such Project Occupant in its industry? Yes _____; No _____. If yes, please explain:

2. Is the Project reasonably necessary to discourage the Applicant 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 explain:

E.) Will the Project include facilities or property that will be primarily used in making retail sales of goods or provide services to customers who personally visit such facilities? NO; If yes, please contact the Agency for additional information.

F.) Please provide a narrative of the Project and the purpose of the Project (new build, renovations, and/or all equipment purchases). Identify specific uses occurring within the Project. Describe any and all tenants and any/all end users. Describe the proposed acquisitions, construction or reconstruction and a description of the costs and expenditures expected. Attach additional sheets, if necessary.
see attached

G.) COSTS AND BENEFITS OF THE PROJECT

Costs = Financial Assistance

Estimated Sales Tax Exemption	\$ <u>N/A</u>
Estimated Mortgage Tax Exemption	\$ <u>25,000</u>
Estimated Property Tax Abatement	\$ <u>N/A</u>
Estimated Interest Savings IRB Issue	\$ <u>N/A</u>

Benefits= Economic Development

Jobs created	\$ <u>N/A</u>
Jobs retained	\$ <u>N/A</u>
Private funds invested	\$ <u>N/A</u>
Other Benefits	\$ <u>N/A</u>

Estimate how many construction/permanent jobs will be created or retained as a result of this Project:

Construction:	<u> N/A </u>
Permanent:	<u> N/A </u>
Retained (at current facility):	<u> N/A </u>

Project Costs (Estimates)	
Land and Existing Buildings	\$ <u> N/A </u>
Soft Costs (5%)	\$ <u> N/A </u>
Other	\$ <u> N/A </u>
Total	\$ <u> N/A </u>

In addition to the above estimated capital costs of the project, which must include all costs of real property and equipment acquisition and building construction or reconstruction, you must include details on the amounts to be financed from private sector sources, an estimate of the percentage of project costs financed from public sector sources and an estimate of both the amount to be invested by the Applicant and the amount to be borrowed to finance the Project.

Transfer of assets following bankruptcy sale

In addition to the job figures provided above, please indicate the following:

- 1) The projected number of full time equivalent jobs that would be retained and that would be created if the request for financial assistance is granted.

Five (5)

- 2) The projected timeframe for the creation of new jobs.

Summer 2021

- 3) The estimated salary and fringe benefit averages or ranges for categories of the jobs that would be retained or created if the request for financial assistance is granted.

Distiller

Cooks

Servers

Bartenders

- 4) An estimate of the number of residents of the economic development region as established pursuant to section two hundred thirty of the Economic Development Law, in which the project is located that would fill such jobs. The labor market area defined by the agency (Mid-Hudson Economic Development Region)

H.) State whether there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency, or, if the project could be undertaken without financial assistance provided by the Agency, a statement indicating why the project should be undertaken by the Agency Agency involvement necessary for project to be transferred.

IV. 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") 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) Intentionally omitted.
- 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.
- E) Absence of Conflicts of Interest. The Applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described.
- F.) The Applicant represents 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.

- G.) 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.
- H.) 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.
- I.) The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

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

SVG 26 LLC

Solomon Ellner
By: Solomon Ellner, Managing Member

Date: May 3, 2021

STATE OF NEW YORK)
COUNTY OF SULLIVAN) ss.:

Solomon Ellner, being first duly sworn, deposes and says:

1. That I am the Managing Member of SVG 26 LLC (collectively, the, "Applicant") and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

Solomon ELLNER
(NAME)

Subscribed and affirmed to me under penalties of perjury
this 3 day of May, 2021

Faina Bershinsky
(Notary Public)

FAINA BERSHINSKY
Notary Public, State of New York
No. 0195028153
Qualified in Kings County
Commission Expires July 28, 2022

ATTACHMENT TO APPLICATION FOR FINANCIAL ASSISTANCE

SVG 26 LLC

III.A.) Tax Map Numbers

Project Land

26.-1-6

22.-1-62

Additional Premises

22.-1-56

22.-1-59

22.-1-60

III.F.) Narrative

On or about August 12, 2009, Catskill Distilling Company, Ltd ("CDC"), Redford, LLC ("Redford") and the Agency entered into a sale/leaseback transaction wherein the Agency acquired a fee interest in certain real property in the Town of Bethel ("Town"), County of Sullivan ("County"), State and identified on the Town tax map as Section 26, Block 1, Lot 6 and Section 22, Block 1, Lot 62 ("Project Land") to facilitate the construction and equipping of a distillery, office, barrel storage house and restaurant/saloon ("Project").

The Agency took title to Bethel Section 22, Block 1, Lot 62 by Bargain and Sale Deed from Redford to the Agency dated August 12, 2009, which Deed was recorded in the Office of the Clerk of Sullivan County on August 14, 2009 in Deed Liber 3603 at page 365.

The Agency took title to Bethel Section 26, Block 1, Lot 6 by Bargain and Sale Deed from Redford to the Agency dated August 12, 2009, which Deed was recorded in the Office of the Clerk of Sullivan County on August 14, 2009 in Deed Liber 3603 at page 371.

On or about May 1, 2018, Redford merged into CDC.

On November 19, 2019, CDC filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, initiating a bankruptcy proceeding in the United States Bankruptcy Court for the Southern District of New York ("Bankruptcy Proceeding").

On July 31, 2020, CDC and the Applicant entered into an Asset Purchase Agreement pursuant to the terms of which the Project Land and other assets of CDC were to be acquired by the Applicant ("APA").

The Applicant hereby requests that the Agency consider (i) the continuation of financial assistance to the Applicant on the same terms as contemplated by the various agreements in place between the Agency and CDC at the time of commencement of the Bankruptcy Proceeding and (ii) the Agency enter into a lease/leaseback involving three (3) additional parcels of property which were required to be mortgaged by the lender providing financing to the Applicant to complete the transactions contemplated by the APA ("Additional Premises").

The Applicant seeks the Agency's financial assistance to purchase and operate the Project.

HOLD HARMLESS AGREEMENT

Applicant hereby releases the COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof ("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 falls, 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 the respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

SVG 26 LLC

Solomon Ellner
By: Solomon Ellner, Managing Member

Date: April, 2021

may, 3, 2021

Sworn to before me this may
5, 3 day of April, 2021.

D. Bystrova
Notary Public

DINA BERSHANSKY
Notary Public, State of New York
No. 01385026160
Qualified in Kings County
Commission Expires July 28, 2021

THIS APPLICATION SHALL BE SUBMITTED WITH (I) TWO CHECKS: ONE COVERING A \$250.00 APPLICATION FEE AND THE SECOND COVERING A \$5,000.00 UP-FRONT ESCROW DEPOSIT; AND (II) APPLICANT'S FORMATION DOCUMENTS (IE: IF A CORPORATION: ITS CERTIFICATE OF INCORPORATION AND BYLAWS; IF A LIMITED LIABILITY COMPANY: ITS ARTICLES OF ORGANIZATION AND OPERATING AGREEMENT; IF A LIMITED PARTNERSHIP: ITS CERTIFICATE OF LIMITED PARTNERSHIP AND LIMITED PARTNERSHIP AGREEMENT; OR IF A PARTNERSHIP: ITS PARTNERSHIP AGREEMENT TO:

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY
Executive Director
548 Broadway
Monticello, New York 12701