

August 28, 2022

Ms. Suzanne Loughlin, Chairperson and Member of the Board of Directors  
Walter Garigliano, Esq., Agency Counsel  
Jennifer Flad, Executive Director  
County of Sullivan Industrial Development Agency  
548 Broadway  
Monticello, New York 12701

**Re: Monticello Industrial Park LLC  
33 Plaza Drive, Monticello, NY 12701  
SBL 130.-1-19.2 (the “Property”)  
Monticello Industrial Park**

Dear Chairperson Loughlin, Mr. Garigliano, Ms. Flad and Members of the Board of Directors:

This firm represents Monticello Industrial Park LLC, (the “Applicant”)<sup>1</sup> regarding the Property referenced above. In April 2021, the Applicant entered an agreement to purchase the Property from the Sullivan County Funding Corporation. Since that time, the Applicant has expended considerable resources and effort to obtain approval from the Village of Monticello Planning Board to subdivide the entire 83-acre Property into 9 lots. The Applicant also obtained a special use permit and site plan approval to develop a 50,000 ft<sup>2</sup> warehouse (expandable to 100,000 ft<sup>2</sup>) including employee parking and loading docks on one of the subdivided lots.

The “Project” for purposes of this Application includes only the site roads and infrastructure for the entire 83-acre Property while the separate lots are being marketed to end users. Initially, the Applicant plans to complete site work and infrastructure improvements for the 24-acre parcel on the Property on which the Applicant has obtained site plan approval from the Village of Monticello for a 50,000 (expandable to 100,000 ft<sup>2</sup> warehouse). This initial work alone is expected to result in close to \$3M in investment and create between 10 and 20 construction jobs in Sullivan County while the Project is being constructed.

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<sup>1</sup> Monticello Industrial Park LLC or an entity to be formed, is anticipated to serve as the ‘Applicant’ to the Sullivan County Industrial Development Agency for financial assistance.

The Applicant is requesting financial assistance for the Project from the County of Sullivan Industrial Development Agency (the “Agency”) in the form of a limited real estate tax abatement, a sales and use tax exemption, and mortgage recording tax exemption (collectively, the “Financial Assistance”). The specifics of the Financial Assistance requested are set forth more particularly in the attached application (the “Application”), however, the requested Financial Assistance is necessary to bring this Project to fruition. Initially, the Applicant desires to utilize the Agency’s Commercial/Industrial Park Program (the “Program”) to invest and construct the necessary Project Site infrastructure without the burden of additional real estate taxes while the Monticello Industrial Park is under development. The Program is designed to encourage owners of land zoned for commercial or industrial uses to invest in roads and infrastructure without a concern about additional real estate taxes becoming a burdensome carrying cost while the commercial or industrial park land or lots are being marketed to end users. Consistent with the Program, the Applicant anticipates entering into a Master Development and Agency Agreement (“MDAA”) outlining the terms of the Financial Assistance. Going forward, and consistent with general industry practice, it is anticipated that persons or entities purchasing or leasing land (or the owner constructing improvements) will apply for tax abatements on projects to be constructed on the improved Property under the Agency’s general abatement program (or deviation therefrom), manufacturing or other abatement program available at the time.

In support of the instant Application, we bring the Agency’s attention to the following:

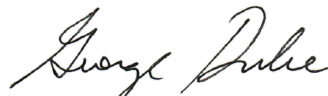
- a. The Project/Location – The Project includes the site roads and infrastructure for the entire 83-acre Property while the separate lots are being marketed to end users. The Project will initially include development of roads and infrastructure necessary to support the proposed development of the 50,000 ft<sup>2</sup> warehouse (and a future 50,000 ft<sup>2</sup> expansion) including employee parking and loading docks. Its location is within the East Broadway Gateway (EBG) zoning district in the Village of Monticello, which allows such a development under the Village of Monticello Zoning Law by special use permit. The Project is proposed on the southeastern portion of the Property which conforms to the Program’s location restriction and is within an area targeted for investment by the Agency.
- b. Private Investment - The anticipated capital investment in the Project alone will be approximately \$3M. This investment will lead to significant additional direct and indirect investments in the local economy.
- c. Job Creation – Notwithstanding that there are no minimum employment goals associated with the Program, the Project is expected to create an estimated 10-20 temporary construction jobs.
- d. Existing Approvals and Timely Completion – This Project relies on ‘speed to market’. The Village Planning Board and its consultants have cooperatively worked with the Project team to obtain the necessary local approvals and complete the necessary environmental review of the Project in accordance with SEQRA as thoroughly and expeditiously as possible. The Village Planning Board acting as lead agency has completed environmental review under SEQRA for the Project. On July 12<sup>th</sup>, 2022 the Village Planning Board determined that the Project will not have a significant adverse impact on the environment and issued a Negative Declaration. A subdivision, special use permit, and site plan approval was granted on August 9, 2022.

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The \$250.00 application fee and the \$5,000 up-front escrow deposit are being wired directly to the Agency.

We look forward to working with you on this Application. Should you require additional information in support of this Application, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "George Duke". The signature is written in black ink and is positioned above the printed name.

George C. D. Duke

**COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY**  
**548 Broadway**  
**Monticello, New York 12701**  
**845-428-7575**  
**APPLICATION FOR FINANCIAL ASSISTANCE**

I. APPLICANT INFORMATION:

Company Name: Monticello Industrial Park LLC

Address: 171 East Industry Court, Deer Park, New York 11729

Phone No.: 516-860-6001

Telefax No.: \_\_\_\_\_

Email Address: cono@appleice.com

Fed Id. No.: 86-3174623

Contact Person: Cono Cimino

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

Principal Owners (Shareholders/Members/Owners): \_\_\_\_\_  
Cono Cimino, Sole Member

Directors/Managers: \_\_\_\_\_

Officers: \_\_\_\_\_

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

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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 1)

Date of organization: 04/12/2021  
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: Connell Foley LLP c/o George Duke / Fogel Brown, P.C. - Steven Vegliante

Address: 875 3rd Avenue, 21st Floor, New York, NY 10022 / 449 Broadway, Monticello, NY 12701

Phone No.: 212-542-3772 / 845-434-6688

Telefax No.: 212-542-3790

Email Address: gduke@connellfoley.com svegliante@fogelbrown.com

### II. REQUESTED FINANCIAL ASSISTANCE

#### Estimated Value

Real Property Tax Abatement (estimated)	\$ TBD
Mortgage Tax Exemption	\$ <del>5,000</del> <u>4,000</u> (CW) 3/12/22
Sales and Use Tax Exemption	\$ <u>102,000</u>
Issuance by the Agency of Tax Exempt Bonds	\$ <u>N/A</u>

III. PROJECT INFORMATION

A.) Project Location:

Project Address: 33 Plaza Drive, Monticello, NY  
Tax Map Number(s): SBL No. 130.-1-19.2  
Located in the Village of: Monticello  
Located in Town of Town of Thompson  
Located in the School District of Monticello  
Located in Hamlet of N/A

(i) Are Utilities on Site?

Water/Sewer	<u>To be constructed as part of Project</u>	Electric	<u>To be constructed as part of Project</u>
Gas	<u>no</u>	Storm Sewer	<u>To be constructed as part of Project</u>

(ii) Present legal owner of the site: Sullivan County Funding Corporation

If other than Applicant, by what means will the site be acquired for this Project:  
Site is under contract for purchase by the applicant pursuant to Option Agreement dated April 19, 2021

(iii) Zoning of Project Site: Current: EBG East Broadway Gateway Proposed: \_\_\_\_\_

(iv) Are any variances needed: N

(v) Principal Use of Project upon completion: Industrial/Manufacturing

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? \_\_\_\_\_; If yes, please explain:

No  
\_\_\_\_\_  
\_\_\_\_\_

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? \_\_\_\_\_; If yes, please explain:

No  
\_\_\_\_\_  
\_\_\_\_\_

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: N/A

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: N/A

\_\_\_\_\_

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 Attachment B - Project Description

\_\_\_\_\_

G.) COSTS AND BENEFITS OF THE PROJECT

Costs = Financial Assistance

Estimated Sales Tax Exemption	\$ 102,000
Estimated Mortgage Tax Exemption	\$ <del>5,000</del> 4,000 ⑦ 3/22
Estimated Property Tax Abatement	\$ TBD
Estimated Interest Savings IRB Issue	\$ N/A

Benefits= Economic Development

Jobs created	20 construction
Jobs retained	0
Private funds invested	\$3,692,000
Other Benefits	\$ _____

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

Construction:	<u>20</u>
Permanent:	<u>N/A</u>
Retained (at current facility):	<u>N/A</u>

Project Costs (Estimates)	\$2,130,000
Land and Existing Buildings	<u>\$ 625,000</u>
Soft Costs (5%)	<u>\$ 511,000</u>
Other	<u>\$ 426,000</u>
Total	<u>\$ 3,692,000</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.



65%  
80%

80% of land purchase price to be secured by mortgage and construction loan from Jeff Bank.

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.

N/A

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

Construction anticipated to take 6-12 months

- 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.

\$1,117,376.00 based on 26 weeks of construction and \$2,234,752.00 if extrapolated to 1 year.

- 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)

1,433,386

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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 The IDA Benefits are an essential part of this Project as the transaction was entered in anticipation of participating in the IDA's Commercial/Industrial Park policy program. As typical in the industry, it is anticipated that any future tenants/owners of individual lots will make participation in an IDA program a condition of tenancy/ownership.

#### 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) 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.

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.

Monticello Industrial Park LLC


  
By: Cono Cimino, Managing Member

Date: 8/25/22

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

Cono Cimino, being first duly sworn, deposes and says:

1. That I am the Managing Member of Monticello Industrial Park 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.

 8/25/22

Subscribed and affirmed to me under penalties of perjury  
this 25 day of August, 20 22

  
\_\_\_\_\_  
(Notary Public)

Steven Vegliante  
Notary Public of the State of New York  
County of Sullivan #2307  
My Commission expires 7/5/2026

**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 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 the Agency with 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.

Monticello Industrial Park LLC

By: [Signature] 25/22  
Con firm ino, Managing Member

Date: 25/22

Sworn to before me this

25 day of August, 2022

[Signature]  
Notary Public

Steven Vegliante  
Notary Public of the State of New York  
County of Sullivan #2307  
My Commission expires 7/5/2026

## **Attachment B- Project Description**

The Project includes the construction of site roads and infrastructure for the newly subdivided 83-acre property located in the East Broadway Gateway District while the nine separate lots are being marketed to end users. This property is located directly behind the former Apollo mall and is bounded to the West by the Sullivan County landfill and the East by Rose Valley Road. Initially, the Applicant plans to complete site work and infrastructure improvements for the 24-acre parcel on the Property on which the Applicant has obtained site plan approval from the Village of Monticello for a 50,000 (expandable to 100,000 ft<sup>2</sup> warehouse). This initial work alone is expected to result in close to \$3M in investment and create between 10 and 20 construction jobs in Sullivan County while the Project is being constructed.

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