

WYOMING COUNTY INDUSTRIAL DEVELOPMENT AGENCY
APPLICATION FOR LEASE/LEASEBACK ASSISTANCE

Applicant Information

Company Name Park Warner LLC
Address 7406 Rt 98 Arcade NY 14009
Phone number 585-492-2780
Fax number 585-492-2787
Contact Person Lois Rupp
E-mail of contact lois@empiredistributing.net
Federal ID 20-3716649
Type of Business: Distribution
NAICS Code: 423220

Incentives Applying for: ☒ Sales Tax ☐ Mortgage Recording ☒ Real Property (Check all that apply)

Corporate Structure

☒ Corporation

☐ Partnership: general ☐ limited ☐

Number of general partners _____ and, if applicable,

Number of limited partners _____

☐ Limited Liability Company /Partnership

Number of members/partners _____

☐ Sole Proprietorship

Date of establishment/incorporation 9/3/2007 Place of organization Arcade, NY

Is the applicant authorized to do business in the State of New York? yes

Names and titles of principal officers and owners:

Michael Rupp, President
Jason Rupp, V. President
Lois Rupp, Secretary
Jeremy Rupp, Treasurer

Applicant's Counsel

Name Thomas Burton
Address 403 main St, Suite 716
Buffalo NY 14203
Phone number 716-759-1052 e-mail: tbortman@aol.com

Project Information

PROJECT TYPE

- ☒ New building and/or equipment
- ☐ Refinancing
- ☐ Transfer
- ☐ Additional facility
- ☐ Amendment
- ☐ Second mortgage
- ☐ Other _____

Describe the proposed acquisition, construction or reconstruction, purchase of equipment and other project items. Explain the reason for the project and the benefits for the applicant.

Explain how the project will be used. (Attach an additional page if necessary.)

Construction of this Warehouse is to accomodate overflow of inventory from our main Warehouse, which in turn will open up space in the primary warehouse to facilitate office expansion.

Project Address: 7406 Rt 98 Arcade NY 14009

Municipalities and school district: Pioneer School District

Tax map number: 562089 Current assessed value: 35,000.00

Present record owner of the site: Park Warner LLC

Proposed record owner of the site: Park Warner LLC

Site zoning: Current Commercial Proposed _____

Necessary variances: _____

Principal use of project upon completion: auxiliary warehouse space

Size of building/addition: 108' x 185'

Type of building: Pole Barn

If project site is not presently owned, is it under purchase contract/option? _____

Explain: Site is owned.

Will the project be subleased? YES If so, please attach a copy of such sublease, if available.

Please explain, including relationship of sublessee to applicant:

sublease is to Empire Distributing with same ownership.

Is there likelihood that the project would not be undertaken but for the financial assistance provided by the Agency? YES or NO

If "No" and project could be undertaken without financial assistance provided by the Agency include a statement indicating why the project should be undertaken by the Agency

Will the project result in the removal of a plant or facility of the applicant's or another proposed occupant of the project from one area of New York to another area of the state? NO

Will the project result in the abandonment of one or more plants or facilities of the applicant or other occupant of the project located in New York State? NO

If the answer to either of the proceeding two questions was "yes", please answer the following two questions:

1. Has the applicant or another proposed occupant of the project considered removing such other plant or facility to a location outside of New York State?

If yes, please explain in detail:

2. Is the project reasonably necessary to preserve the competitive position of the applicant or another proposed occupant of the project in its respective industry? _____

If yes, please explain in detail:

Does the project include facilities or property which will be primarily used in making the following sales to customers who personally visit such facilities: (i) sales of personal property which are subject to sales tax or (ii) sales of services? NO If the answer is "yes", is the cost of the facilities or property more than one-third (1/3) of the total project cost? _____

If the answer to both questions was "yes", please answer the following two questions:

1. Is the project a "tourism destination" which is likely to attract a significant number of visitors from outside the region? _____

If yes, please explain in detail:

2. Is the predominate purpose of the project to make available goods or services which would not otherwise be reasonably accessible to residents of the municipality in which the project is located? _____

If yes, please explain in detail: _____

Employment Information

Estimate the number of jobs to be created by this project, and the annual payroll, over the next three years.

	Jobs	Annual Payroll / <i>new jobs</i>
A.) Current in County:	_____	\$ <u>41</u>
Project: Year 1 in County	<u>2</u>	\$ <u>110,000</u>
Year 2 in County	<u>2</u>	\$ <u>160,000</u>
Year 3 in County	<u>9</u>	\$ <u>250,000</u>

B.) Projected Employment: Applicant or principal user(s) must complete Appendix A: (attached)

Project Costs and Financing and Estimated Exemptions Sought

A. Estimate the costs necessary for the construction. Acquisition, rehabilitation, improvement and/or equipping of the project by the applicant:

Estimated Costs Eligible for Sales Tax Exemption Benefits

Building Construction or Renovation	\$ <u>1,200,000</u>
Site-work	\$ _____
Non-manufacturing equipment	\$ <u>250,000</u>
Furniture, Fixtures	\$ <u>25,000</u>
Other: (Specify) _____	\$ _____
Subtotal:	\$ <u>1,475,000.⁰⁰</u>

Estimated Costs Not Subject to Sales Tax

Land and/or building purchase	\$ <u>—</u>
Manufacturing Equipment	\$ <u>—</u>
Soft costs:	
Engineering	\$ <u>20,000</u> ⁰⁰
Architect	\$ <u>—</u>
Fees/permits	\$ <u>—</u>
Other : Specify _____	\$ <u>—</u>
TOTAL PROJECT COST	\$ <u>1,495,000.⁰⁰</u>

* Total Cost does not include WCIDA Administrative and/or Legal Fees.

B. Indicate how the project will be financed

Bank Financing (Name of Bank) _____	\$ _____
Equity	\$ <u>✓</u>
Public Financing	\$ _____
Tax Exempt Bond	\$ _____

TOTAL SOURCES \$ 1,495,000

Expected mortgage, if any, necessary to finance this project: \$ —

C. Estimated Value of Exemptions Sought

Sales and Use Tax

\$

Real Property Tax (to be provided by the Agency)

\$

Mortgage Tax

\$

70,000.00
202,193.00
—

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, then 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 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) (or any successor legislation) in which the project is located.
- B) First Consideration for Employment.** In accordance with Section 858-b(2) of the New York State General Municipal Law, the Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, then except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in Workforce Investment Board (WIB) programs who shall be referred by the WIB 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 State 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, the Applicant will 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 the sales tax exemptions claimed by the Applicant and all consultants or sub contractors retained by the Applicant. In addition, the Applicant shall be required to report to the Agency, at such times as the Agency may require (or as otherwise prescribed by the Department of Taxation and Finance), the value of all sales tax exemptions claimed by the Applicant and all consultants and subcontractors retained by the Applicant. If the Applicant claims an exemption from sales taxes for property or services not approved by the Agency, or for Project Costs in excess of the costs approved by the Agency, or fails to comply with the terms of any agreements entered into with the Agency, the Applicant will be required to pay the Agency the New York State portion of any sales tax for which an exemption was improperly claimed.
- D) New York State Department of Taxation and Finance Form ST-60.** In accordance with Section 874(9) of the New York General Municipal Law, the Applicant understands that the Applicant and each agent, subagent, contractor and/or sub contractor appointed by the Applicant and claiming a sales tax exemption in connection with the Project must complete a New York State Department of Taxation and Finance Form ST-60. Original copies of each completed Form St-60 must be delivered to the Agency within five (5) days of the appointment of the Applicant or any such agent, subagent, contractor and/or subcontractor as agent of the Agency for purposes of completing the Project. Failure to comply with these requirements may result in loss of sales tax exemptions for the Project.

E) Annual Employment Reports. The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant will 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 job categories and average annual salaries with benefits.

F) Absence of Conflicts of Interest. The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No members, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction completed by the Applicant, except as hereinafter described:

G) State Environmental Quality Review Act Compliance. The Agency, in granting financial assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act ("SEQR") and must complete necessary determinations required thereunder. Consequently, the Applicant has completed and attached hereto appropriate Environmental Assessment Forms, with respect to the Project. The Applicant understands that, at its sole expense, it is required to take all necessary action in order for the Agency to comply with the requirements of SEQR, and including through a lead agency other than the Agency in the case of a coordinated review.

The Applicant and, if applicable, the individual executing this Application on behalf of the Applicant, acknowledges 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 material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading. The Applicant 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 any part of any tax exemptions claimed by reason of involvement of the Agency in the Project.

The Applicant certifies that the Applicant and any proposed occupant of the Project or other party receiving financial assistance in connection with the Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental law, rules and regulations.

This Application is subscribed and affirmed by the Applicant under penalties of perjury.

By: Luis Rupp
(Applicant) Name: Luis Rupp
Title: Owner

This application should be submitted to the Wyoming County Industrial Development Agency, 36 Center Street, Suite D, Warsaw, New York 14569.

NOTE: PLEASE DO NOT SIGN THE FOLLOWING CERTIFICATION UNTIL THE WCIDA STAFF HAS VERIFIED THAT THE APPLICATION IS COMPLETE.

Certification

Lois Rupp (name of representative of entity submitting application, or name of individual submitting application) deposes and says that she/he (choose and complete one of the following two options) (i) is a/the owner (title) of Park Warner LLC (company name), the entity named in the attached application, or (ii) is the individual named in the attached application; that she/he has read the foregoing application and knows the contents thereof; and that the same is true to his/her knowledge.

Deponent further says that s/he is duly authorized to make this certification on behalf of her/himself or on behalf of the entity named in the attached application. The grounds of deponent's belief relative to all matters in said application which are not stated upon his/her own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as, if deponent is not an individual applicant, information acquired by deponent in the course of his/her duties in connection with said entity and from the books and papers of said entity.

As (i) the representative of said entity, or (ii) the individual applicant (such entity or individual applicant hereinafter referred to as the "Applicant"), deponent acknowledges and agrees that the Applicant shall be and is responsible for all costs incurred by the Wyoming County Industrial Development Agency (hereinafter referred to as the "Agency") acting on behalf of the Applicant in connection with this application and all matters relating to the provision of financial assistance to which this application relates. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels or neglects the application, then upon presentation of an invoice, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred with respect to the application up to that date and time, including fees to transaction counsel for the Agency and fees of general counsel for the Agency. Upon the successful conclusion of the transaction contemplated herein, the Applicant shall pay to the Agency an administrative fee set by the Agency in accordance with its fee schedule in affect of the date of the foregoing application, which amount is payable at closing.

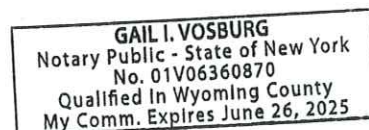
Name: Lois Rupp

Title: Owner

Sworn to before me this 13 day of July, 2022. Gail Vosburg
Notary Public

(seal)

State of New York
County of Wyoming



	Full Time	Part Time	Total	Total Payroll
CURRENT EMPLOYMENT				
Number of employees within Wyoming County at the date of application	<u>39</u>	<u>2</u>	= <u>41</u>	\$ <u>2,511,423</u>
PROPOSED EMPLOYMENT				
ADD: Number of jobs created within Wyoming County during first year after completion	<u>2</u>	<u>-</u>	= <u> </u>	
Total end of First Year	<u>41</u>	<u>2</u>	= <u>43</u>	\$ <u>2,621,423</u>
ADD: Number of jobs created within Wyoming County during second year after completion	<u>2</u>	<u>-</u>	= <u> </u>	
Total end of Second Year	<u>43</u>	<u>2</u>	= <u>45</u>	\$ <u>2,781,423</u>
ADD: Number of jobs created within Wyoming County during _____ after completion	<u>3</u>		= <u> </u>	third year
Total end of Third Year	<u>46</u>	<u>2</u>	= <u>48</u>	\$ <u>3,031,423</u>

Current Job Categories: Positions within Wyoming County at the date of application

# Management jobs <u>5</u>	Average annual salary Including benefits	\$ <u>140,000</u>
# Non- management jobs <u>36</u>	Average annual salary Including benefits	\$ <u>58,000</u>
# Other category <u>-</u>	Average annual salary Including benefits	\$ <u>-</u>

Job Categories to be Created: Positions created after Agency involvement

# Management jobs <u>2</u>	Estimated Average annual salary Including benefits	\$ <u>155,000⁰⁰</u> ea
# Non- management jobs <u>5</u>	Estimated Average annual salary Including benefits	\$ <u>63,500⁰⁰</u> ea
# Other category <u>-</u>	Estimated Average annual salary Including benefits	\$ <u>-</u>

Expected High Salary of NEW jobs created: 140,000
 Expected Low Salary of NEW jobs created: 45,000

Please indicate the expected percentage of positions to be filled by residents within a 50 mile radius of your project location: 100 %

Applicant or Principal user(s)

Lois Rupp
 Print Name

Lois Rupp
 Signature

7/11/22
 Date

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <div style="font-family: cursive; font-size: 1.2em;">Park Warner LLC</div>			
Project Location (describe, and attach a location map): <div style="font-family: cursive; font-size: 1.2em;">7406 Route 98, Arcade NY 14009</div>			
Brief Description of Proposed Action: <div style="font-family: cursive; font-size: 1.2em;">Construction of a warehouse to accomodate overflow of inventory from our main warehouse which in turn will open up space in the primary warehouse to facilitate office expansion</div>			
Name of Applicant or Sponsor: <div style="font-family: cursive; font-size: 1.2em;">Lois, Mike or Jeremy Rupp</div>		Telephone: 585-736-4043 E-Mail: lois@empiredistributing.net	
Address: <div style="font-family: cursive; font-size: 1.2em;">7406 Route 98</div>			
City/PO: <div style="font-family: cursive; font-size: 1.2em;">Arcade</div>		State: <div style="font-family: cursive; font-size: 1.2em;">NY</div>	Zip Code: <div style="font-family: cursive; font-size: 1.2em;">14009</div>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: <div style="font-family: cursive; font-size: 1.2em;">Wyoming County Bldg Permit</div>		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<div style="font-family: cursive; font-size: 1.2em;">40</div> acres <div style="font-family: cursive; font-size: 1.2em;">3/4</div> acres <div style="font-family: cursive; font-size: 1.2em;">40</div> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Urban</div> <div style="width: 50%;"><input type="checkbox"/> Rural (non-agriculture)</div> <div style="width: 50%;"><input type="checkbox"/> Industrial</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Commercial</div> <div style="width: 50%;"><input type="checkbox"/> Residential (suburban)</div> <div style="width: 50%;"><input type="checkbox"/> Forest</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Agriculture</div> <div style="width: 50%;"><input type="checkbox"/> Aquatic</div> <div style="width: 50%;"><input type="checkbox"/> Other(Specify):</div> <div style="width: 50%;"><input type="checkbox"/> Parkland</div> </div>			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: <u>warehouse, no</u> <u>water needed</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Lois Rupp</u> Date: <u>7/11/22</u> Signature: <u>Lois Rupp</u> Title: <u>Owner</u>		