

CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

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

TO: CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY
37 CHURCH STREET
CORTLAND, NEW YORK 13045

APPLICANT: Hayen LLC or a related entity or entity to be formed owned by the same principals
APPLICANT'S STREET ADDRESS: 4287 N. Homer Ave

CITY: Cortland STATE: NY PHONE NO.: 315-423-8711

E-MAIL ADDRESS: StephWilling@SIRNY.com

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS
APPLICATION: Stephen T. Willinger

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

NAME OF FIRM: Baranello Law Firm

NAME OF ATTORNEY: James Baranello

ATTORNEY'S STREET ADDRESS: 39 Church Street

CITY: Cortland STATE: NY PHONE NO.: 315-758-8200

E-MAIL ADDRESS: James@baranellolaw.com

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

INSTRUCTIONS

1. The Agency will not approve any applications unless, in the judgment of the Agency, said application contains 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 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 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 Five Hundred Dollars (\$500) 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 Name or 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

I. APPLICANT INFORMATION-COMPANY TO RECEIVE BENEFITS (the "COMPANY")

A. Identity of Company: *Hagen LLC or a related entity or entity to be formed owned by the same principals*

1. Company Name: Formed Owned By the Same Principals
Present Address: 4287 N. Hanover Ave, Garfield NJ
Zip Code: 07023 Employer ID No.: 99-0314230

2. Indicate type of business organization of Company:

- a. Corporation. Incorporated in what country? _____
State: _____; Date Incorporated: _____
Authorized to do business in New York State? Yes _____ No _____
i. Is the Corporation Publicly Held? Yes _____ No _____. If yes, please list exchanges where stock is traded: _____
ii. If no, list all Stockholders having a 5% or more interest in the Company:

Name	Address	Percentage of Holding

- b. Partnership. General or Limited partnership? _____
Name all partners below:

Name	Address	General Partner	Limited Partner

- c. Limited Liability Company. Formed in what country USA;
 State: NY; Date of Formation: 2/22/2012;
 Authorized to do business in New York State? Yes Y No ;
 Name all members below:

Name	Address	Membership Percentage
Stephen Tewmiller	4287 N. Homer Ave CORTLAND NY 13045	50%
Jeffrey Tewmiller	4287 N. Homer Ave CORTLAND NY 13045	50%

- d. Sole proprietorship. Name of Sole Proprietor: _____
3. 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: _____

B. Management of Company:

List all officers/directors/managers (complete all columns for each person):

Name and Home Address	Office Held
Stephen Tewmiller 2917 Jeffrey Ln CORTLAND NY 13045	Managing Member
Jeffrey Tewmiller 125 Presente Haven View Ponte Vedra, FL 32087	Managing Member

C. Company/Management History:

1. Is the Company or management of the Company now a plaintiff or a defendant in any civil or criminal litigation? Yes No Y .
2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes No Y .
3. 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 Y .

If the answer to any of questions 1 through 3 is yes, please furnish details in a separate attachment.

II. PROPOSED PROJECT DATA

A. Description of the Project:

1. Please provide a narrative of the Project and the purpose of the Project (acquisition, construction, renovations and/or equipment purchases). Identify specific uses occurring with the Project. Describe any and all tenants and any/all end users (attach additional pages):

See Attachment #1

2. Describe the reasons why the Agency's Financial Assistance is necessary and the effect the Project will have on the Company's business or operations and any corresponding benefit to the Cortland County community (attach additional pages):

See Attachment #2

3. Is there a likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency:

Yes

No

4. If the Project could be undertaken without the Financial Assistance provided by the Agency, then provide a statement indicating why the Project should be undertaken by the Agency (attach additional pages):

B. Location of Project:

1. Street Address: 1208 Church Street, Owego Hill Road
2. City: CORTLAND
3. Town: VIRGIN
4. Village: _____
5. Is any portion of the Project located outside of Cortland County? If so, identify the other county: NIA
6. School District: CORTLAND CITY SCHOOLS
7. Tax Parcel Nos.: 1210.14-02-21.000, 1210.14-02-20.110

C. Description of the Project site:

1. Approximate size (in acres or square feet) of the Project site: 7.13 ACRES
Attach a map, survey or sketch of the Project site.

2. Are there existing buildings on the Project Site?

Yes X No _____. If yes,

- a. Indicate each existing building and indicate the approximate size (in square feet) of each building:

1 Building 26,158 Sq. ft.

- b. Are the existing buildings in operation? Yes ____ No Y.

If yes, describe the present use of each building in operation:

Vacant

- c. Are the existing buildings abandoned? Yes ____ No X;

About to be abandoned? Yes ____ No X. If yes,

describe:

- d. Attach photographs of existing buildings.

See Attached Pictures
See Attachment #1

3. Utilities Serving the Project Site:

Water: Municipal ___, Other X. If other, describe _____
PRIVATE WELL

Sewer: Municipal ___, Other Y. If other, describe _____
PRIVATE SEPTIC

Electric Utility Co.: NATIONAL GRID

Natural Gas Utility Co.: CORNING GAS

Other Utility Sources: _____

4. Present Legal Owner of the Project Site:

- a. If the Company owns the Project site, indicate: _____

Date of Purchase: _____

Purchase Price: _____

- b. If the Company does not own the Project site, does the Company have the contractual right to purchase the Project site?

Yes No _____. If yes, indicate:

Date Contract Signed: 11/21/22

Date Ability to Purchase Expires: Estimated CUSng 9/30/23

- c. If the Company does not own the Project site, is there a relationship legally or by common control between the Company and present owner of the Project site?

Yes No _____. If yes, describe:

Under Contract

5. Zoning District in which the Project is located: Neighborhood Residential

6. Are there any variances or special permits affecting the Project site now or which need to be obtained to complete the Project?

Yes _____. No . If yes, list below and attach copies of all variances or special permits:

Acquisition of Zoning Change Completed

D. Description of the Proposed Construction:

1. Does part of the Project consist of the acquisition or construction of a new building or buildings? Yes _____. No . If yes, indicate number of and size of new buildings:

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

a. The number of buildings to be expanded or renovated: 1

b. The size of any expansions: 15,000 +/-

c. The nature of expansion and/or renovation;
SEE Exhibit A Attach ment A

3. Describe the principal uses to be made by the Company of the building or buildings to be acquired, constructed or expanded:

See Narrative #1

E. Description of the Equipment:

1. Does part of the Project consist of the acquisition or installation of machinery, equipment or other personal property (the "Equipment")?

Yes No If yes, describe the Equipment:

Gym Equipment See Attachment "C"

2. With respect to the Equipment to be acquired, will any of the Equipment be previously used Equipment?

Yes No If yes, please provide detail below:

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

Workout Space See Attachment "C"

F. Project Use:

1. What are the principal products to be produced at the Project site?

2. What are the principal activities to be conducted at the Project?

See Narrative Attachment #1

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 No X . If yes please provide detail:

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? %

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:

- a. Will the Project be operated by a not-for-profit corporation?
Yes No . If yes, please explain:

- b. Is the Project likely to attract a significant number of visitors from outside the economic development region (as established by Section 230 of the Economic Development Law) in which the Project will be located?

Yes No . If yes, please explain:

- c. Would the Project occupant, but for the contemplated Financial Assistance from the Agency, locate the related jobs outside of New York State?

Yes No . If yes, please explain:

- d. 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 No If yes, please provide detail:

55 and Older housing is in very
Short Supply in Area
See Attachment #1

- e. Will the Project be located in one of the following: (i) an area which was designed as an empire 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 (a) 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 (b) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?

Yes No If yes, please explain:

6. If the answers to any of subdivisions c. through e. of question 5 are 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 No If yes, please explain:

7. Will the completion of the Project result in the removal of an industrial or manufacturing plant 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 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 or a Project Occupant located in

the State of York?

Yes No . If yes, 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

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:

Under Contract, Pending CLOSING

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:

Currently Shipping Gym equipment

See Attachment C

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 the amount of funds expended on the Project by the Applicant in the past three (3) years and the purpose of such expenditures:

\$5,000.00 - Good Faith Deposit

III. INFORMATION CONCERNING LEASES OR SUBLICENSES OF THE PROJECT
(PLEASE COMPLETE THE FOLLOWING SECTION IF THE APPLICANT INTENDS
TO LEASE OR SUBLICENSE 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 No . If yes, please complete the following for each existing or proposed tenant or subtenant:

Sublessee Name: See Attachment 'D'

Present Address: _____

City: _____ State: _____ Zip: _____

Employer's ID No.: _____

Sublessee is: _____ Corporation; _____ Partnership; _____ Limited
Liability Company; _____ Sole Proprietor

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? _____ %

IV. EMPLOYMENT IMPACT

- A. Indicate below the number of people presently employed at the Project Site and the 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.

	Current # of Jobs at proposed Project location or to be relocated to Project location	If Financial Assistance is granted, estimate the number of FTE and PTE jobs to be Retained	If Financial Assistance is granted, estimate the number of FTE and PTE jobs to be <u>Created</u> by Two years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the retained and created FTE and PTE jobs Two years after Project completion**
Present Full Time	0			
Present Part Time				
First Year Full Time				
First Year Part Time				
Second Year Full Time				
Second Year Part Time				
Total:	0	0	0	0

**For purposes of the question, please estimate in the fourth column the number of FTE and PTE jobs, as indicated in the second and third columns, that will be filled by residents of the Labor Market Area. The Labor Market Area includes Cortland County as well as the counties of Cayuga, Onondaga, Tompkins, Broome and Chenango.

Category of Jobs to be Retained and Created	Estimated Average Salary or Range of Salary	Estimated Average Fringe Benefits or Range of Fringe Benefits
Management	N/A	
Professional		
Administrative		
Production		
Independent Contractors		
Other		

B. Please state the anticipated date of completion of the Project site and the anticipated date of occupancy of the Project site:

Project Site Completion Date: MARCH 1 APRIL 2024

Project Site Occupancy Date: JUNE 2024

V. PROJECT COST

A. 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 Acquisition	\$ 380,000
Building Construction	\$ —
Building Renovation	\$ 1,912,400
Machinery and equipment costs	\$ 50,000
Utilities, roads and appurtenant costs	\$ —
Architects and engineering fees	\$ 25,000
Costs of Bond issue (legal, financial and printing)	\$ —
Construction loan fees and interest (if applicable)	\$ 30,750
Other (specify)	\$ —
	\$ —
	\$ —
	\$ —
	\$ —
TOTAL PROJECT COSTS:	\$ 2,398,150

B. Have any of the above expenditures already been made by the Applicant?
Yes No . If yes, indicate particulars:

VI. FINANCIAL ASSISTANCE EXPECTED FROM THE AGENCY

A. Tax Benefits:

1. Is the Applicant requesting a real property tax exemption in connection with the Project from the Agency? Yes No .
2. Is the Applicant expecting to be appointed agent of the Agency for purposes of receiving an exemption from N.Y.S. Sales Tax or Compensating Use Tax? Yes No .
3. Is the Applicant requesting a mortgage recording tax exemption in connection with the Project from the Agency? Yes No .
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: \$ 70,000
b. Mortgage Recording Taxes: \$ 15,000
c. Real Property Taxes: \$ 136,278
(Please consult with the Agency in calculating the estimated value of the real property tax exemption)
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 . If yes, please explain how the request of the Applicant differs from the Agency's Uniform Tax-Exemption Policy:
We wish to freeze assessment of the purchase price for 5 years for property tax and increase actual assessment by 20% beginning in year 6 and concluding to 100% in year 10

B. Financing:

1. Is the Applicant requesting that the Agency issue bonds to assist in financing the Project? Yes No . If yes, indicate:
 - a. Principal Amount of Bonds Requested \$ _____
 - b. Maturity Requested _____ Years
 - c. Is the Interest on such bonds intended to be exempt from federal income taxation? Yes No .

2. What is the approximate amount of private sector financing to be obtained? \$ 1,500,000. Is the Applicant expecting that the private sector financing of the Project will be secured by one or more mortgages? Yes Y No .
If yes, what is the approximate amount of private sector financing to be secured? \$ 1,500,000.
3. Is the Applicant expecting that any of the financing of the Project will come from public sector sources? Yes No .
What is the approximate amount of public sector financing to be obtained? \$.
If yes, is the Company expecting that the public sector financing of the Project will be secured by one or more mortgages or grant agreements? Yes No Y.
If yes, what is the approximate amount of public sector financing to be secured? \$ N/A.
4. Please state the approximate amount to be invested in the Project (not borrowed or the subject of a grant) by the Applicant \$ 898,150.
5. Please state the approximate total amount of borrowed funds to be invested in the Project \$ 1,500,000.

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") 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. **Local Workforce Development:** The Applicant understands and agrees that if the Project receives Financial Assistance from the Agency, except as provided by collective bargaining where practicable, the Applicant will increase the skill base of the local workforce through training, opportunities for professional development and career track advancement.
- D. **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.
- 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.
- 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 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:

- G. **Federal, State and Local Laws:** The Applicant/Owner/Occupant/Operator receiving the Financial Assistance understands and agrees that it must be, at all times, in compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H. **Environmental Matters:** The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide copies of any known environmental reports, including any existing Phase I Environmental Site Assessment Report(s) and/or Phase II Environmental Investigations. The Agency may require the Company and/or Owner of the Premises to prepare and submit an environmental assessment and audit report including, but not limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the Owner and/or the Applicant.

All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-13, and shall be conformed over to the Agency so that the Agency is authorized to use and rely on the reports. The Agency, however, does not adopt, ratify, confirm or assume any representation made with reports required herein.

- I. **Release:** The Applicant and/or Owner, and their successors and assigns, hereby release, defend and indemnify the Agency from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations, penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants' and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Agency resulting from or arising out of any inquiries and/or environmental assessments, investigations and audits performed on behalf of the Applicant and/or Owner pursuant hereto, including the scope, level of detail, contents or accuracy of any environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations and audits.
- J. **Hold Harmless Provision:** The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's bond/transaction counsel whether or not the Application, the proposed Project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and 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: (i) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (ii) the Agency's acquisition, construction and/or installation of the proposed Project described herein; and (iii) any further action taken by the Agency with respect to the proposed Project including, without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suit or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency, any mortgage recording tax exemption claimed by the Applicant and approved by the Agency, and/or any real property tax abatement claimed by the Applicant and approved by the Agency in connection with the Project, may be subject to recapture and/or termination by the Agency under such

terms and conditions as will be established by the Agency and set forth in transaction documents to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application including, without limitation, information regarding the amount of the New York State and local sales and use tax exemption benefit, the amount of the mortgage recording tax exemption benefit, and the amount of the real property tax abatement, if and as applicable, to the best of the Applicant's knowledge, is true, accurate and complete.

- K. False or Misleading Information.** The submission of any knowingly false or misleading information by the applicant 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.

REMAINDER OF PAGE INTENTIONALLY BLANK

VERIFICATION

(If Applicant is a Corporation, Limited Liability Company, General or Limited Partnership)

STATE OF New York)
COUNTY OF Cortland) ss.:

Stephen Truettiger deposes and says, under the penalties of perjury, that he/she is the Member/ manager (must be the chief executive officer, member, manager, general partner or such other individual duly authorized to bind the applicant) of AK Community LLC (name of applicant); that he/she has read the foregoing application and knows the contents thereof; and that the same is true, complete and accurate to the best of his/her knowledge; that the reason this verification is made by the deponent and not by the applicant is the applicant is a LLC (Corporation, Limited Liability Company, General or Limited Partnership). The grounds of deponent's belief relative to all matters in the 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 information acquired by deponent in the course of his/her duties as Manager of the applicant and from the books and records of the applicant.

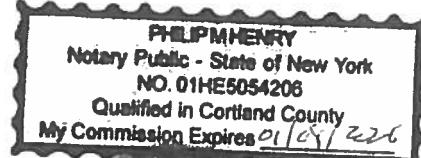
Signature: 

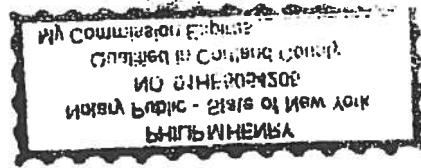
Print Name: Stephen Truettiger

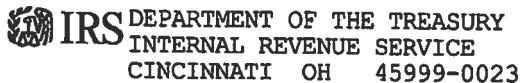
Sworn to before me this 5th
day of September, 20 22



Notary Public







Date of this notice: 08-29-2023

Employer Identification Number:
93-3128968

Form: SS-4

Number of this notice: CP 575 B

For assistance you may call us at:
1-800-829-4933

AK COMMUNITY LLC
JEFFREY TERWILLIGER MBR
4287 N HOMER AVE
CORTLAND, NY 13045

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 93-3128968. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for their business. Some taxpayers receive CP575 notices when another person has stolen their identity and are opening a business using their information. If you did not apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

Based on the information received from you or your representative, you must file the following forms by the dates shown.

Form 1065

03/15/2024

If you have questions about the forms or the due dates shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification (corporation, partnership, estate, trust, EPMF, etc.) based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2020-1, 2020-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you. You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.
- * Provide future officers of your organization with a copy of this notice.

Your name control associated with this EIN is AKCO. You will need to provide this information along with your EIN, if you file your returns electronically.

Safeguard your EIN by referring to Publication 4557, Safeguarding Taxpayer Data: A Guide for Your Business.

You can get any of the forms or publications mentioned in this letter by visiting our website at www.irs.gov/forms-pubs or by calling 800-TAX-FORM (800-829-3676).

If you have questions about your EIN, you can contact us at the phone number or address listed at the top of this notice. If you write, please tear off the stub at the bottom of this notice and include it with your letter.

Thank you for your cooperation.

Keep this part for your records.

CP 575 B (Rev. 7-2007)

Return this part with any correspondence
so we may identify your account. Please
correct any errors in your name or address.

CP 575 B

9999999999

Your Telephone Number Best Time to Call DATE OF THIS NOTICE: 08-29-2023
() - EMPLOYER IDENTIFICATION NUMBER: 93-3128968

FORM: SS-4 NOBOD

INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023
████████████████████████████████

AK COMMUNITY LLC
JEFFREY TERWILLIGER MBR
4287 N HOMER AVE
CORTLAND, NY 13045

Attachment #1**Narrative of Intent**

The overall intent of the proposal is to provide a senior housing facility (55 and older) along with a community facility that will serve all age groups from children to seniors for Virgil and surrounding area residence.

It is no secret that the need for senior housing in New York State is growing quickly. In fact, studies show that senior population is growing 20% every ten years!. This fact is true throughout the country but even more in the Upstate New York area. Even Governor Hochul has acknowledged the housing shortage in New York State, especially for seniors, and has recently signed legislation to pave the way for more senior housing in New York State. Locally, Virgil and surrounding residence are wanting to stay in the area but do not have the ability to maintain a home that they once did. We currently have a waiting list for seniors wanting to live at the facility.

The plan for the property is to be renovated into apartments and a community center for the town while maintaining the architectural integrity of the building.

Additionally, it is our intent to keep the exterior of the property as original as possible. Other than some additional parking there is no immediate plan to change the exterior appearance of the building. Of course, the existing playground, walking trail, sports fields, basketball court and picnic area will remain. Some other outdoor activities that are being considered are outdoor concerts, car/tractor shows, farmers markets, community arts and craft shows just to name a few.

The proposal currently before the Town of Virgil would include a total of 19 -1 and 2 bedroom apartments intended for 55 and older adult living(See (See Attachment A). The average age of the inhabitants of the Town of Virgil has increased over the years and has created a market of people that want to remain in the Virgil Community, but without having to maintain their home.

Additionally, we will be partnering with the Homer Center for Performing Arts of which the partnership would include such things as: stage performances, dance/music lessons, exercise classes, sports events both indoor/outdoor, painting, sculpture, ceramics, cooking, acting/directing and craft classes, just to name a few. The Centers plan is to occupy mostly the gymnasium, stage and some of the lower floor classrooms for classes and lessons. They will occupy approximately 6000 to 7000 square feet on as needed basis. (See Attachment 1A and 1B)

We are also looking to host all Senior events in the town such as senior card night, board games, Senior dinners/luncheons/parties and other events that might be needed.

Of course the building will still serve as the Towns Emergency Evacuation Site as has been the case for years.

Additionally, we plan to partner with a medical facility to serve not only the inhabitants but the local community, with their medical needs. At some point we would also like to make available a hairdresser/nail salon, and possibly a massage therapist.

In the interior, other than where the apartments are going to be located, it is our intent to retain the historical integrity of the building including the gymnasium, stage, kitchen, cafeteria including all built-in cabinetry, original chalkboards.

In the future we would consider the existence of a small coffee shop/sandwich shop, exercise room, gift shop/commissary, just to name a few.

Our vision is to bring what was once a very thriving center of Town of Virgil facility back to its original stature. The Virgil Elementary School building is the undeniable epicenter of Virgil and we wish to bring it to its original glory.

Attach #1 A



The Center for the Arts of Homer is a community of artists, art lovers, music makers, and creators. The Center for the Arts, a 501c3 not-for-profit institution is well known for hosting national music concerts, but we also feature film screenings, a community theater program (Center Players) and showcase artwork by regional, national, and international visual artists in the art gallery. The Center also hosts classes, workshops and programs throughout the year, and adds to the economic vitality of Central New York.

72 S. Main St.
Homer, NY 13077
www.Center4Art.org

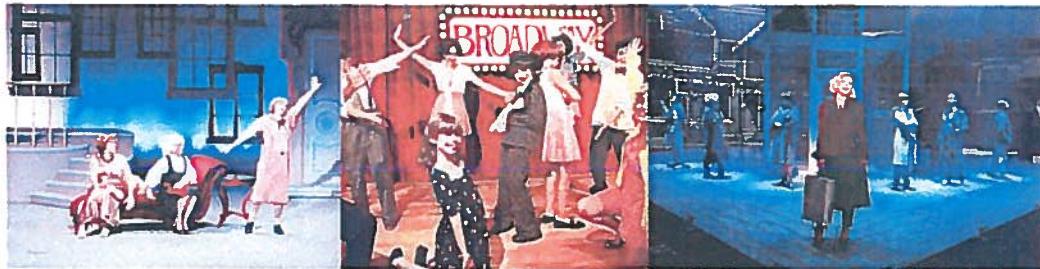
Proposal for partnership with SVR Realty for use of The Virgil School facility.

The Center for the Arts of Homer wishes to partner with SVR Realty regarding community based arts programming at the Virgil School. Below is an exploration of programs that could be well suited in the facility.



Community Based Art/Music classes & programs:

Offering weekly, monthly, and "one time" classes, workshops and programs for Seniors, Adults, and Children in a variety of arts based forums will bring the already successful Center for the Arts educational programs to Virgil, New York to enrich community learners through arts education. From instrument lessons (guitar, piano, drums, voice) to painting and drawing, sculpture and ceramics, dance, cooking, and more, a rotating class schedule will see the facility being utilized on a daily basis, and to serve the Virgil community and beyond with affordable and creative arts education experiences.



Community Theater Offerings:

Presenting quality, live theater productions at affordable prices approximately 4 –6 times a year by and for community members, and providing a Virgil based venue hosting an experience for people interested in live theater to patronize, practice and explore the craft. Well known plays and musicals suited for the auditorium and the community will help create opportunities for learning through acting, directing, writing, and technical aspects of live theater, and give Virgil residents and beyond the opportunity to watch live theater performances.

Attachment #1 B



Live Music Opportunities:

Live music featuring local and regional musicians and bands from different genres would provide “special” performances throughout the year for all ages. Utilizing the auditorium, music from high school bands, seasoned performers, and open microphone opportunities would serve the community with the experience of live music from performing to listening. Country and bluegrass, symphonic and choral, pop and rock, and “dancing under the stars” nights in warmer months would create an uplifting community gathering space.



Endless Opportunity:

Beyond the outlined arts and performance opportunities that the Virgil School affords, other ideas include: family movie nights, senior yoga and exercise classes, weddings, banquets, birthday parties, and private events, and more, with the focus being on serving the community.

With Senior, Adult, and Youth programs, the Center for the Arts would be serving our community outreach goals through use of the Virgil School, and allow our not-for-profit organization to expand programming for our “southerly” neighbors, and beyond, which is part of our mission:

The Center for the Arts is a 501(c)3 not-for-profit organization whose mission is to enhance the quality of life for the people of Central New York by engaging them in a broad offering of arts education and entertainment that preserves and enriches local culture, and provides stewardship for a historically significant site.

Attachment A

Apartment Configuration

The addition of apartments to the facility will include 19 total apartments strictly for 55 and older tenants. The makeup of the apartments will be as follows. 6- 2-bedroom apartments, 12 1-Bedroom apartments and 1 Studio. The rear wing of the school will house 9 -1-bedroom apartments and 3- 2-bedroom Apartments. (See Exhibit A) The upstairs (Original section of the school) will house 3-2-bedroom apartments 3 1-bedroom apartments and 1-studio. (See Exhibit B). In the rear wing section of the school (Exhibit A) classrooms which are now divided by masonry (block) walls will be divided in half to create the apartments. In the upper section (original section of the school) rooms will be divided from the former library, science lab and former classrooms to create additional apartments. (Exhibit B). Of course, the second floor apartments are serviced by an elevator.

Apartment Sizing

The approximate square footage of the apartments are 600 plus for 1 bedrooms, 800 plus for 2 bedrooms and 400 for the studio.

Apartment Finishes

Our intent is to maintain the oak cabinetry that was in the original building. We also plan to retain all of the original slate chalkboards that still exist in the apartments. Aside from that, each apartment will be brand new providing safe and comfortable environment for our tenants. Each apartment will have new sheetrock, painted walls and drop ceilings. The floors will be fitted with attractive vinyl waterproof planking(wood look) which will lend itself for longevity and be resistant to spills. Each kitchen will be fitted with wood cabinets, and hard surface countertops. The matching appliances will consist of cooking stove/over, refrigerator(with freezer) dishwasher and microwave. The bathrooms will be ADA adaptable with appropriate grab bars etc. All light and plumbing fixtures will be easy to use brands. The overall fit and finish of the apartments will be a bright, cheery and highly assessable to the inhabitants.

Apartment Inclusions

At one price, all apartments will be provided with heat, electricity, high speed internet, parking, and trash service. Other services may be provided on an "as needed basis" through third party such as hairdressers, barbers, housekeeping, food service, and companion programs.

Attachment C

Exercise facility and Equipment

The exercise room will be housed in a former locker room off the main gymnasium. It will consist of approximately 600

square feet and will feature the following equipment:

2 Treadmills

1 full set of dumbbells free weights

1 Weight bench

1 Stair climber

1 multi-actions weight machine featuring 6 different movements.

All equipment will be purchased new and maintained by maintenance staff.

A disinfectant station will be made available in the space for users to disinfect themselves and equipment before and after use.

Principal use

The principal use of the equipment is a tenant amenity. We feel that exercise is a vital part of staying healthy for seniors.

Attachment #2

This Virgil School Project is based on being financially able (from the Senior Apartment Revenue) to afford allowing the rest of the facility to become a community center.

Previous proposals for the use of the school, included more apartments (24) to utilize all of the space including the gym, stage, cafeteria, and extra classrooms with nothing being lent towards space for a community center. Essentially, if we are not able to get the financial assistance from the Cortland County IDA we will have to severely squelch or eliminate the community part of the project. It may render part of the facility as empty space. We need the Agency's Financial Assistance to be able reach our goal. Many things such as walking trail, playground, sports grounds and the interior activities will cause more expenses with maintenance, insurance cost, utilities etc. without the benefit of the offsetting revenue.

In summary, since the 1930's, this building has been the community center of the Town of Virgil. It would be a shame and great loss to the community to not continue the "community" part of this project.

Attachment D

Leasing Narrative

We currently lease to students and for market rate tenants. We will be developing a specific lease for this facility, but it has not been completed to date. Prices will be approximately \$1,300 per month for one bedrooms, and \$1,600 per month for 2 bedrooms.

Our intent is to have a minimum lease period of one year but will lease for longer periods depending on specific needs of the senior tenants.

We are yet to negotiate a lease with the Center for Performing Arts but will be using a revised commercial lease that will be prepared by our attorney James Baranello.

Property Description Report For: 1208 Church St,
Municipality of Virgil



Total Acreage/Size:	4.60
Land Assessment:	2023 - \$23,600
Full Market Value:	2023 - \$2,020,294
Equalization Rate:	2023 - 78.00%
Deed Book:	159
Grid East:	924658

Status:	Active
Roll Section:	Wholly Exem
Swis:	114600
Tax Map ID #:	126.14-02-21.000
Property Class:	612 - School
Site:	COM 1
In Ag. District:	No
Site Property Class:	612 - School
Zoning Code:	-
Neighborhood Code:	04602
School District:	Cortland City
Total Assessment:	2023 - \$1,373,800
Property Desc:	
Deed Page:	599
Grid North:	914342

Owners

School Cortland City
1208 Church St
Cortland NY 13045

Sales

No Sales Information Available

Utilities

Sewer Type: Private **Water Supply:** Private
Utilities: Electric

Inventory

Overall Eff Year Built: 0 **Overall Condition:** Normal
Overall Grade: Average **Overall Desirability:** 3

Buildings

AC%	Sprinkler%	Alarm%	Elevators	Basement Type	Year Built	Condition	Quality	Gross Floor Area (sqft)	Stories
0	0	0	0		1975	Normal	Average	26158	2

Improvements

Structure	Size	Grade	Condition	Year	Replacement Cost
Porch-enclsd	4 x 15	Average	Normal	1960	\$4,004

Special Districts for 2023

Description	Units	Percent	Type	Value
FD010-Virgil Fire	0	0%		0

Exemptions

Year	Description	Amount	Exempt %	Start Yr	End Yr	V Flag	H Code	Own %
2023	SCHOOL DIS	\$1,373,800	0	1976				0

Taxes

Year	Description	Amount
------	-------------	--------

*** Taxes reflect exemptions, but may not include recent changes in assessment.**

Property Description Report For: Owego Hill Rd, Municipality of Virgil

No Photo Available

Total Acreage/Size:	3.13
Land Assessment:	2023 - \$17,100
Full Market Value:	2023 - \$25,147
Equalization Rate:	2023 - 78.00%
Deed Book:	221
Grid East:	924503

Status:	Active
Roll Section:	Wholly Exem
Swis:	114600
Tax Map ID #:	126.14-02-20.110
Property Class:	314 - Rural vac<10
Site:	RES 1
In Ag. District:	No
Site Property Class:	314 - Rural vac<10
Zoning Code:	04
Neighborhood Code:	04602
School District:	Cortland City
Total Assessment:	2023 - \$17,100
Property Desc:	
Deed Page:	560
Grid North:	913992

Area

Living Area:	0 sq. ft.
Second Story Area:	0 sq. ft.
Additional Story Area:	0 sq. ft.
Finished Basement:	0 sq. ft.
Finished Rec Room	0 sq. ft.

First Story Area:	0 sq. ft.
Half Story Area:	0 sq. ft.
3/4 Story Area:	0 sq. ft.
Number of Stories:	0
Finished Area Over Garage	0 sq. ft.

Structure

Building Style:	0	Bathrooms (Full - Half):	0 - 0
Bedrooms:	0	Kitchens:	0
Fireplaces:	0	Basement Type:	0
Porch Type:	0	Porch Area:	0.00
Basement Garage Cap:	0	Attached Garage Cap:	0.00 sq. ft.
Overall Condition:	0	Overall Grade:	
Year Built:			

Owners

**School Cortland City
1 Valley View Dr
Cortland NY 13045-3297**

Sales

No Sales Information Available

Utilities

Sewer Type: None **Water Supply:** None
Utilities: Electric **Heat Type:** 0
Fuel Type: 0 **Central Air:** No

Improvements

Structure **Size** **Grade** **Condition** **Year** **Replacement Cost**

Special Districts for 2023

Description	Units	Percent	Type	Value
FD010-Virgil Fire	0	0%		0

Exemptions

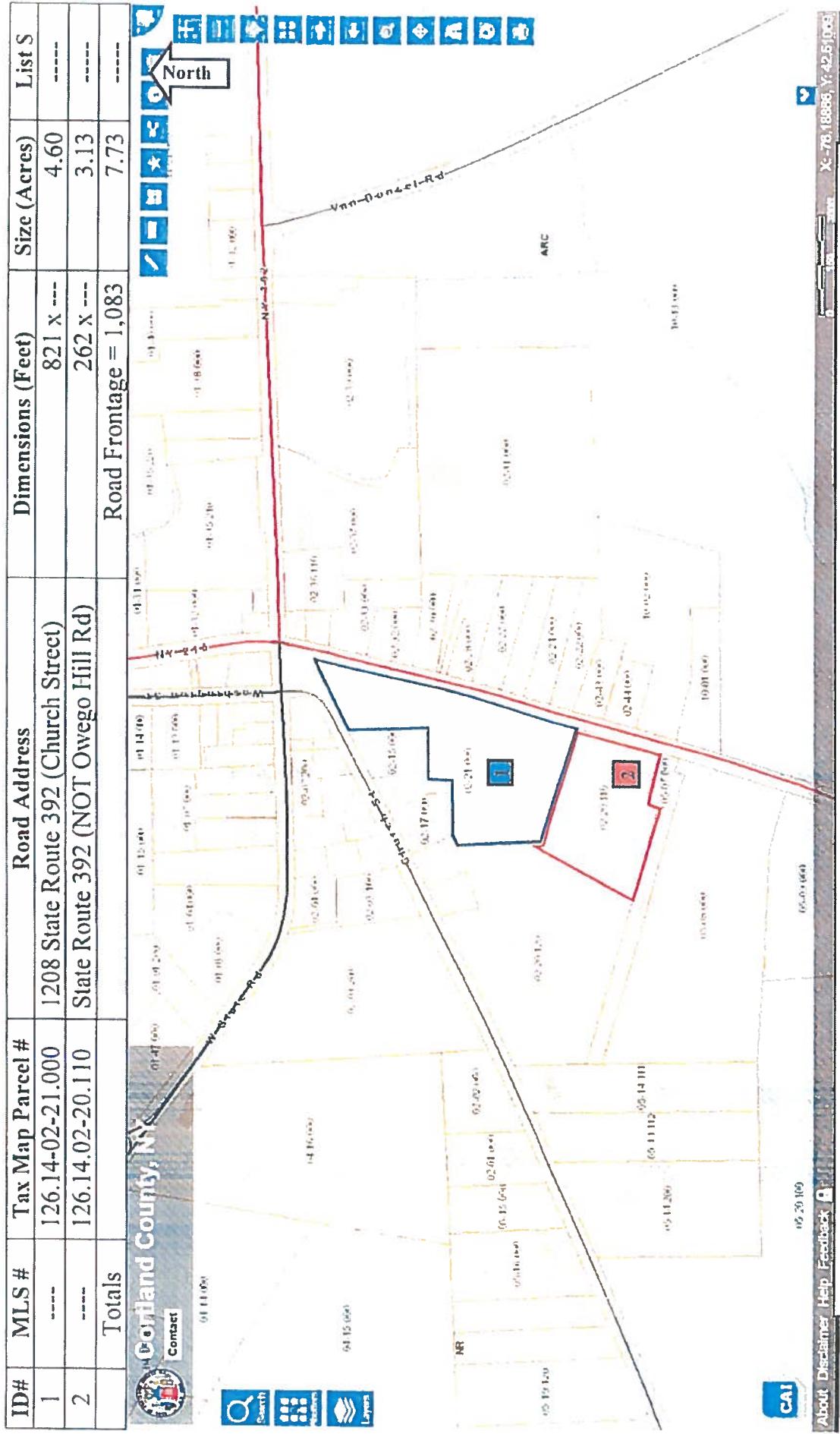
Year	Description	Amount	Exempt %	Start Yr	End Yr	V Flag	H Code	Own %
2023	SCHOOL DIS	\$17,100	0	1994				0

Taxes

Year	Description	Amount
------	-------------	--------

*** Taxes reflect exemptions, but may not include recent changes in assessment.**

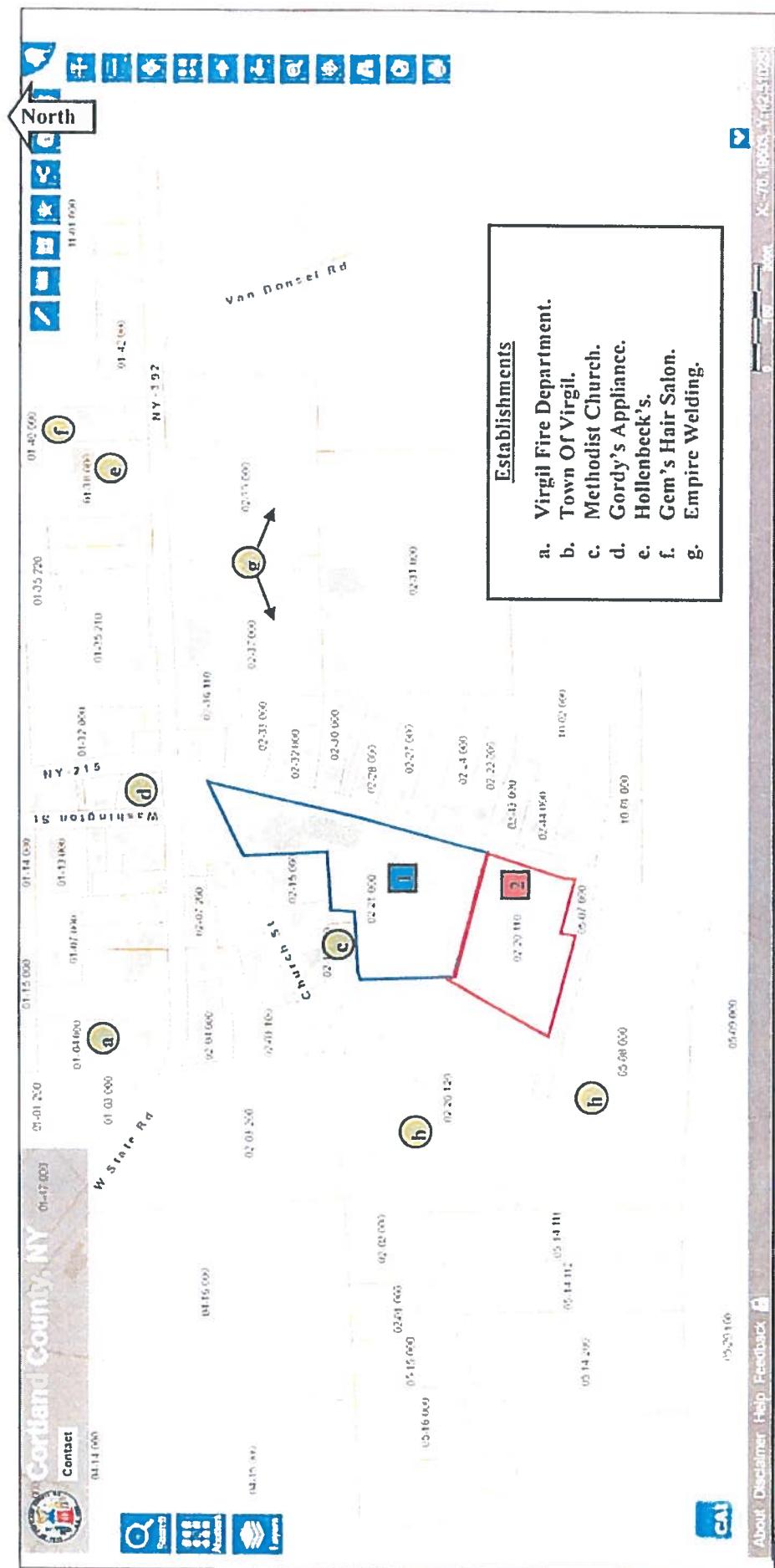
SVR Realty LLC
 Properties Of Virgil School Development
 Cortland County GIS Map #1aZ - State Route 392, Town Of Virgil



SVR Realty LLC

Properties Of Virgil School Development
Cortland County GIS Map #1aZ – State Route 392, Town Of Virgil

ID#	MLS #	Tax Map Parcel #	Road Address	Dimensions (Feet)	Size (Acres)	List \$
1	---	126.14-02-21.000	1208 State Route 392 (Church Street)	821 X ---	4.60	-----
2	---	126.14-02-20.111	State Route 392 (NOT Owego Hill Rd)	262 X ---	3.13	-----
	Totals			Road Frontage = 1,083	7.73	-----

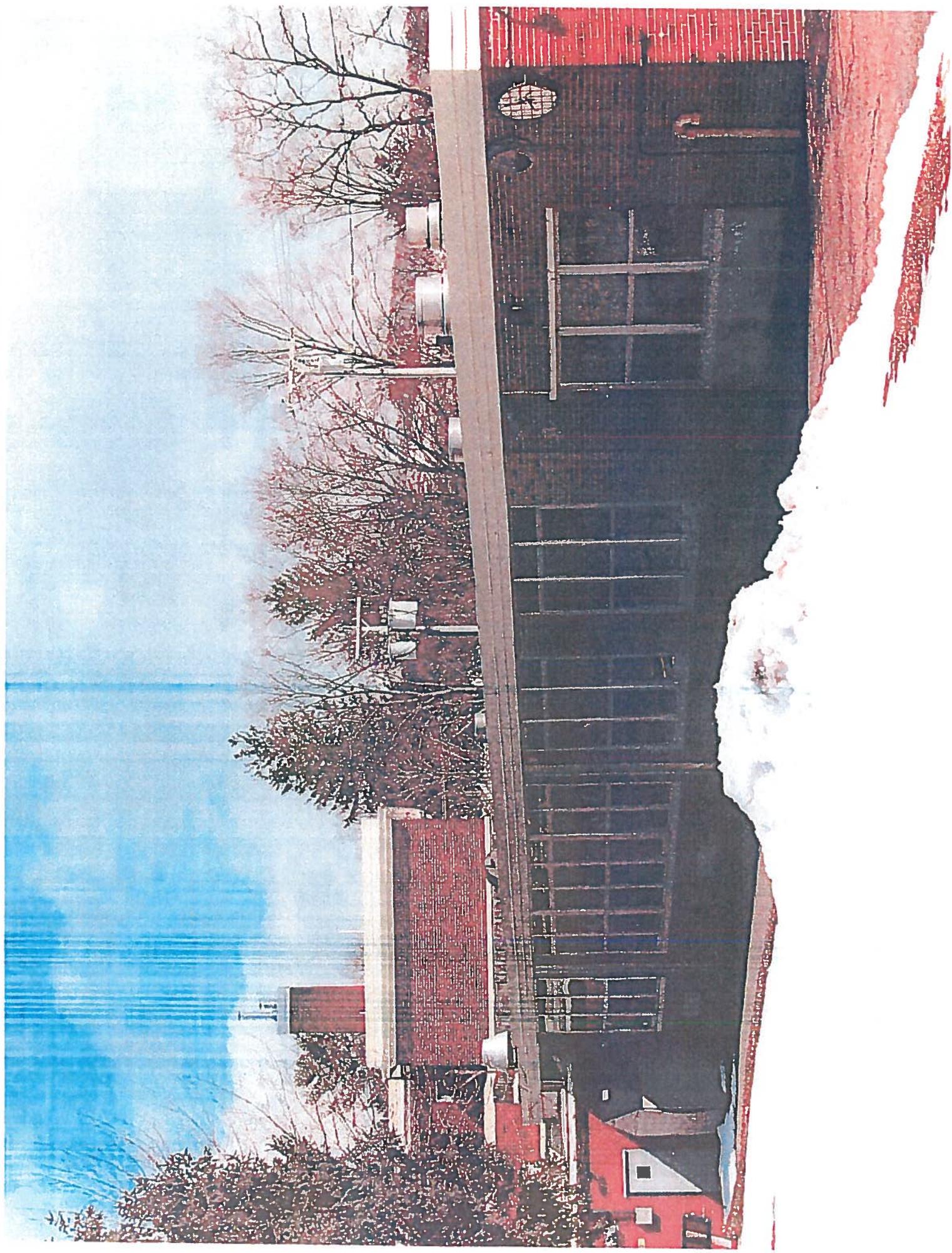


1. The property's *approximate* boundaries as shown on the Cortland County GIS are outlined in black.
 2. The property's dimensions were either taken from its Cortland County tax map or were measured using the County's GIS.
 3. The boundaries and their dimensions are *subject to confirmation* by a survey performed by a New York State licensed surveyor.

Notes









602-642-5500 MCWILMINGENGINEERINGANDARCHITECTURE.COM
PO BOX 127, 5 PARK STREET
NEWARK VALLEY, NEW YORK 13811
602-642-5500 MCWILMINGENGINEERINGANDARCHITECTURE.COM
PO BOX 127, 5 PARK STREET
NEWARK VALLEY, NEW YORK 13811

McClellan Engineering
FIRST FLOOR WING PLAN

06 JUN 23

SHEET 2 OF 3

CORTLAND COUNTY, NEW YORK

TOWN OF VIRGIL
CHURCH STREET

VIRGIL SENIOR LIVING CENTER

DATE

SHOWN

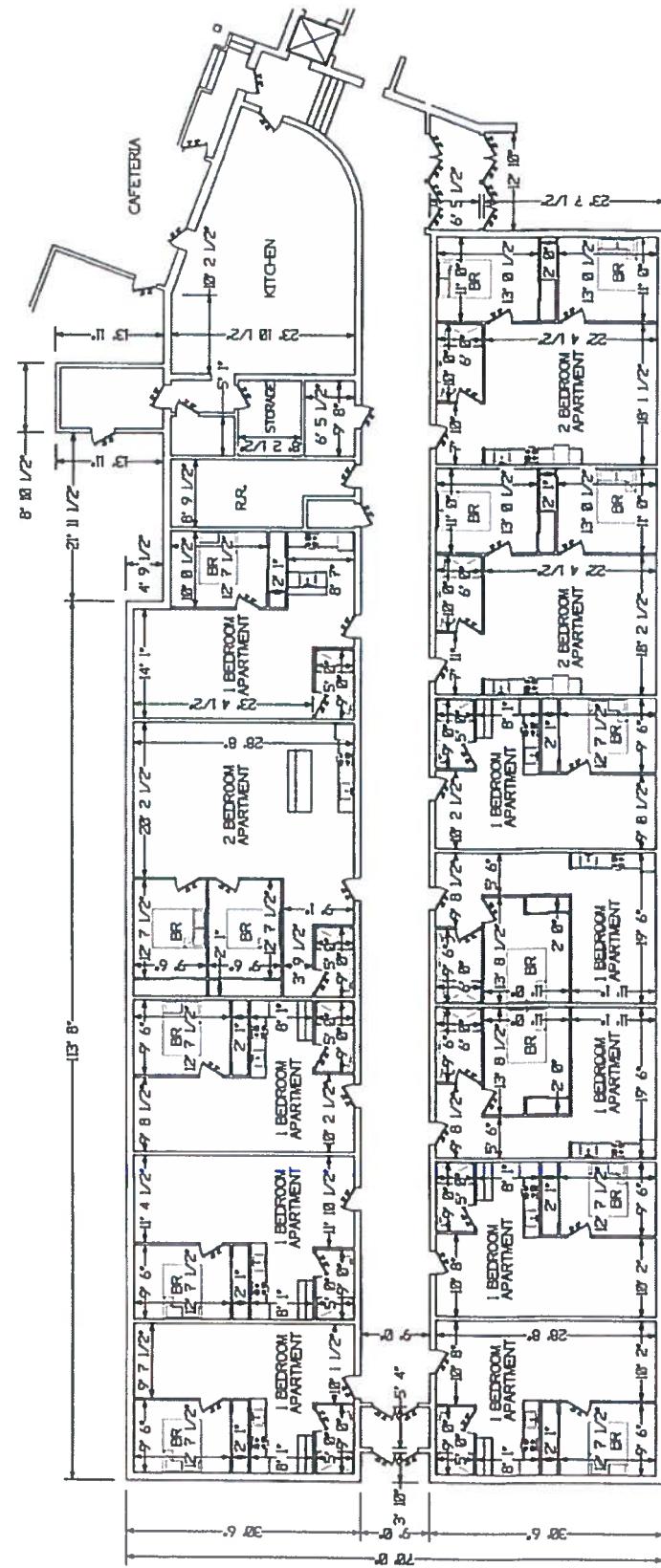
DRAWN BY

REV'D BY

23029

23029

REV'D BY



FIRST FLOOR WING
SCALE 1" = 15'

PRELIMINARY DRAWING
NOT FOR CONSTRUCTION

GENERAL NOTES

UNAUTHORIZED ALTERATION OR ADDITION TO A DRAWING REQUIRES A LICENSED ENGINEER'S SEAL. IT IS A VIOLATION OF NY'S EDUCATION LAW §23, SECTION 2A. SUPERVISOR'S 2

1. THIS DRAWING AND DESIGN ARE THE PROPERTY OF MCWILMING ENGINEERING AND ARCHITECTURE. PROTECTED BY LAW. MCWILMING ENGINEERING AND ARCHITECTURE, INC. MAINTAINS A DESIGNER'S SEAL. THE STAMP AND SIGNATURE MUST CONTRAST IN COLOR FROM THE DRAWING. DO NOT ALTER A DRAWING FROM THE DRAWING. FOR THIS TO SEE AN OFFICIAL DESIGN.

