

**COLUMBIA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**APPLICATION**

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

***NOTE:** Please read the instruction on page 2 hereof before filling out this form.*

**TO: Columbia County Industrial Development Agency  
444 Warren Street  
Hudson, New York 12534**

***This application by applicant respectfully states:***

<b>APPLICANT: 2990 ROUTE 9 REALTY CORPORATION</b>
<b>APPLICANT'S ADDRESS: 836 GRAND BOULEVARD</b>
<b>CITY: DEER PARK STATE: NEW YORK 11720 PHONE #: 631.254.0071</b>

**NAME OF PERSON (S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION: Cono Cimino/Paul J. Goldman**

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

**NAME OF ATTORNEY: Paul J. Goldman, Esq., Segel, Goldman, Mazzotta & Siegel, P.C.**

**ATTORNEY'S ADDRESS: 9 Washington Square, Albany, New York 12205, Phone #: 518.452.0941**

## INSTRUCTIONS

1. *The Agency will not approve any application unless in the judgment of the Agency said application contains significant 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 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 the 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.) Except as limited by the Internal Revenue Code) which applies to certain federally tax exempt bonds), 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 TWO HUNDRED FIFTY DOLLARS (\$250.00) to cover the 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.*

**I. Proposed occupant of Project (hereinafter, the "Company").**

a) Company Name: COLUMBIA ICE AND COLD STORAGE CORPORATION  
 Present Address: 839 Grand Boulevard, Deer Park, New York 11720  
 Employer's ID #: 26-1167036

b) If the Company differs from the Applicant, give details of relationship: related entities

c) Indicate type of business organization of Company:

**Corporation** - If so, incorporated in what:

Country: USA Date incorporated: September 27, 2007  
 State: New York Type of corporation: domestic business corporation  
 Authorized to do business in New York?  Yes  No

**Partnership** - If so, indicate: Type of partnership: \_\_\_\_\_  
 Number of general partners: \_\_\_\_\_ Number of limited partners: \_\_\_\_\_

**Sole Proprietorship**

d) Is the Company a subsidiary, or direct or indirect affiliate of any other organization(s)? No.  
 If so, indicate name of related organization(s) and relationship:

e) Management of Company:

1. List all owners, officers, directors and partners (complete all columns for each person):

NAME (First, middle, last) HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
Cono Cimino 92 Grandview Lane Smithtown NY 11787	President/Secretary/Treasurer	

2. Is the Company or management of the Company now a plaintiff or a defendant in any civil or criminal litigation?  
 Yes       No
3. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)?  
 Yes       No
4. Has any person listed above or any concern with whom such person has been connected ever been in receivership of been adjudicated a bankrupt?  
 Yes       No  
*(If yes to any of the foregoing, furnish details on a separate attachment).*

f) Principal owners of Company: Is the Company publicly held?  Yes  No  
*If yes, list exchanges where stock traded:* \_\_\_\_\_

*If no, list all stockholders having a 5% or more interest in the Company:*

NAME	ADDRESS	% OF HOLDING
Cono Cimino	92 Grandview Lane Smithtown NY 11787	100%

g) Company's Principal Bank(s) of account: M&T Bank  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**II. Data regarding Proposed Project**

- a) Location of Proposed Project:
1. Street Address: 10.6 Acre portion of 2990 Route 9
  2. City/Town/Village: Town of Livingston  
County of Columbia

b) Summary: (Please provide a brief narrative description of the Project): Applicant is purchasing a portion (50%) of an existing 24 acre parcel with two (2) 55,000 square foot warehouse facilities, currently owned by Columbia IDA pursuant to Deed dated 11/15/01 and recorded in the Columbia County Clerk's Office on 1/11/02 in Liber 392 cp 1766, which parcel is leased by the IDA to Apple Partners, LLC.

c) Project Site:

1. Approximate size (in acres or square feet) of Project site: 10.6 acres.

Is a map, survey or sketch of the project site attached?  Yes  No

2. Are there existing buildings on project site?  Yes  No

*If yes, indicate number and approximate size (in square feet) of each building:*

# of buildings	sq. ft.
1	55,000

3. Are existing buildings in operation?  Yes  No

*If yes, describe present use of present buildings:*

Applicant is purchasing a 10.6 acre parcel and the 55,000 sq. ft. warehouse facility located thereon.

Are existing buildings abandoned?  Yes  No

About to be abandoned?  Yes  No

Attach photograph of present buildings.

4. Utilities serving project site:

Water-Municipal: NYS DEC Regulated

Other (describe) \_\_\_\_\_

Sewer-Municipal: NYS DEC Regulated

Other (describe) \_\_\_\_\_

Electric-Utility: National Grid

Other (describe) \_\_\_\_\_

Heat-Utility: National Grid

Other (describe) \_\_\_\_\_

5. Present legal owner of project site: Apple Partners, LLC owns a leasehold interest in the property pursuant to Lease Agreement dated as of November 1, 2001 by and between Apple Partners, LLC and the Columbia County IDA, which lease is being assigned by Apple Partners, LLC to the Applicant. The Columbia County IDA owns the fee interest in the property.

If Company *owns* project site, indicate:

Date of purchase: \_\_\_\_\_, 19\_\_

Purchase Price: \$ \_\_\_\_\_

If Company is *not owner*, does Company have option signed with owner to purchase the project site?  Yes  No

If yes, indicate date option signed with owner: \_\_\_\_\_, 19\_\_

Date option expires: \_\_\_\_\_, 19\_\_

If the Company does *not own* the project site, is there a relationship legally or by common control between the Company and the present owners of the project site?

Yes  No

If yes, describe in detail on separate attachment. The Company is under contract to purchase a leasehold interest in the Project from Apple Partners, LLC.

6. Zoning District in which the project site is located: Light Industrial / Agricultural Development.

Are there any variances or special permits affecting the site?  Yes  No

If yes, list below and attach copies of all such variances or special permits:

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d) Buildings:

1. Does part of the project consist of a new building or buildings?  Yes  No

If yes, indicate number and size of new buildings:

# of buildings	sq. ft.

2. Does part of the project consist of additions and/or renovations to the existing buildings?  Yes  No

If yes, indicate nature of expansion and/or renovation: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

e) PROJECT USE: The Project shall be used as an ice manufacturing facility.

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

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

f) CONSTRUCTION STATUS:

1. Has construction work on this project begun? Construction is Complete.

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 foundation; installation of footings; etc:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Please indicate amount of funds expended on this project by the Company in the past three (3) years and the purposes of such expenditures:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

g) METHOD OF CONSTRUCTION AFTER AGENCY APPROVAL:

If the Agency approves the project which is the subject of this application, there are two methods that may be used to construct the project. The applicant can construct the project privately and sell the project to the Agency upon completion. Alternatively, the applicant can request to be appointed as "agent" of the Agency, in which case certain laws applicable to public construction may apply to the project. Does the applicant wish to be designated as "agent" of the Agency for purposes of constructing the project?  Yes  No

**II. 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).

TYPE OF EMPLOYMENT				
	PROFESSIONAL MANAGERIAL	UNSKILLED OR SKILLED	SEMI-SKILLED	TOTALS
Present Full Time	0	0	0	0
Present Part Time				
Present Seasonal				
First Year Full Time	1	1	4	6
First Year Part Time				
First Year Seasonal			10-12	10-12
Second Year Full Time	1	1	4	6
Second Year Part Time				
Second Year Seasonal			12-15	12-15

TOTAL JOBS (full time and seasonal)	PRESENT 0
	YEAR 1 18
	YEAR 2 21

- b) 1. Will the completion of the project which is the subject of this application result in the removal of a commercial, industrial or manufacturing plant or facility of the Company from one area of the State of New York to another area of the State of new York?  Yes  No
2. Will the completion of the project result in the abandonment of one ore more plants or facilities of the Company located in the State of New York?  Yes  No



3. If yes to either 1 or 2, is this project reasonably necessary to preserve the Company's competitive position in its industry?  Yes  No Not applicable
4. If yes to either 1 or 2, is this project reasonably necessary to discourage the Company from removing such other plant or facility to a location outside the State of New York?  Yes  No Not Applicable
5. If yes to either 3 or 4, please furnish details in separate attachment.

**IV. Project Cost**

a) State the costs reasonably necessary for the acquisition of the project site and the construction of the proposed project including the acquisition and installation of any machinery and equipment necessary or convenient in connection therewith, and including any utilities, access road or appurtenant facilities, using the following categories:

<u>Description of Cost</u>	<u>Amount</u>
Land / Buildings	\$1,450,000.00
Machinery and equipment costs	\$ _____
Utilities, roads and appurtenant costs	\$ _____
Architects and engineering fees	\$ _____
Costs of Bond issue (legal, financial & printing)	\$ _____
Construction loan fees and interest (if applicable)	\$ _____
Other (specify)	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
<b>TOTAL PROJECT COST</b>	<b>\$1,450,000.00</b>

b) Have any of the above expenditures already been made by applicant?  Yes  No  
*(If yes, indicate particular.)* Deposit on Contract - \$145,000  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

c) 1. Amount of loan requested: \$1,305,000 approximately- M&T Bank  
 2. Maturity requested: 20 years

**V. Benefits expected from the Agency**

a) Is the applicant requesting that the Agency issue bonds, the interest on which is partially or wholly exempt from federal income tax?  Yes  No

b) Is the applicant requesting any real property tax exemption that would not be available to a project that did not involve the Agency?  Yes  No

c) Is the applicant expecting that the financing of the Project will be secured by one or more mortgages?  Yes  No

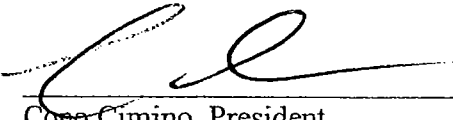
*If yes, what is the approximate amount of financing to be secured by mortgages?*  
\$\$1,305,000 approximately.

d) Is the applicant expecting to be appointed agent of the Agency for purposes of avoiding payment of N.Y.S. Sales Tax or Compensating Use Tax?  Yes  No

*If yes, what is the approximate amount of purchases which the applicant expects to be exempt from the N.Y.S. Sales and compensating Use Taxes? \$\_\_\_\_\_.*

**APPLICANT:**

2990 ROUTE 9 REALTY CORPORATION

BY:   
\_\_\_\_\_  
Cono Cimino, President

**NOTE:** *Applicant must complete the appropriate verification appearing on Pages 11 through 13 hereof before a notary public and must sign and acknowledge the Hold Harmless Agreement appearing on page 14.*

VERIFICATION

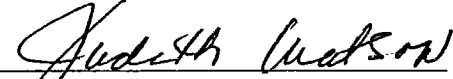
(If Applicant is a Corporation)

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

Cono Cimino, deposes and says that he is the President of 2990 ROUTE 9 REALTY CORPORATION, the corporation named in the attached application; that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. Deponent further says that the reason this verification is made by deponent and not by said company is because the said company is a corporation. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his 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 duties as an officer of and from the books and papers of said corporation.

  
\_\_\_\_\_  
Cono Cimino

Sworn to before me this 3rd day of  
October, 2007:

  
\_\_\_\_\_  
Notary Public

**JUDITH WATSON**  
Notary Public, State of New York  
No. 01WA6150259  
Qualified in Suffolk County  
Commission Expires 7/24/20 12





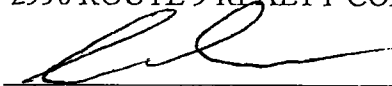
**HOLD HARMLESS AGREEMENT**

Applicant hereby releases the Columbia County Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "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 (i) any Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the applicant the project described herein or the issue of bonds requested therein are favorably acted upon by the Agency, and (ii) 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 find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred by the Agency in the processing of the Application, including attorney's fees, if any.

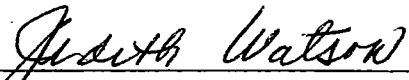
APPLICANT:

2990 ROUTE 9 REALTY CORPORATION

BY:

  
\_\_\_\_\_  
Cono Cimino, President

Sworn to before me this 3<sup>rd</sup> day of  
October, 2007:

  
\_\_\_\_\_  
Notary Public

**JUDITH WATSON**  
Notary Public, State of New York  
No. 01WAG150259  
Qualified in Suffolk County  
Commission Expires 7/24/2010