



APPLICATION TO
YONKERS INDUSTRIAL DEVELOPMENT AGENCY
FOR
FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION: DATE: 6 / 1 / 2015

Company Name: SDC Realty Acquisition LLC or related entity to be formed

Address: 1250 Waters Place , Bronx, NY 10461

Phone: 718.215.3000 Fax:

Contact Person: Guy Leibler

Email: gleibler@simdev.com

Federal ID No: 47-4119026

Principal Owners/Directors: (List owners with 15% or more in equity holdings with percentage ownership) See Exhibit A

Three sets of horizontal lines for listing principal owners/directors.

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

TYPE OF ENTITY (Please check one): [X] Taxable or [ ] Tax Exempt

Date of the establishment: 10 / 30 / 2014

Place of organization:

- [ ] Corporation
[ ] Partnership: [ ] General or [ ] Limited
[ ] Limited Liability Company/Partnership (number of members)
[ ] Sole Proprietorship

If a foreign organization, is the Applicant authorized to do business in the State of New York? [ ] Yes [ ] No

**APPLICANT'S COUNSEL**

Name: Janet Giris  
Address: 1 North Lexington Avenue, White Plains, NY  
Phone: 914.681.0200  
E-Mail: jig@ddw-law.com

**II. PROJECT INFORMATION**

Project Address: 1086 North Broadway  
Yonkers, NY  
Block(s) & Lot(s): Block 3455, Lot 66

A) Attach a narrative description of any proposed acquisitions, construction or reconstruction and a description of the costs and expenditures expected. See Exhibit B

**COST OF TOTAL PROJECT:** \$ 25,500,000.00

**CLIENT COSTS:**

Real Estate \$ 4,250,000  
Construction \$ 21,000,000  
Furnishings, Equip. & other  
Sales taxable \$ 250,000.00  
Not sales-taxable \$ \_\_\_\_\_  
Property Assessed Value \$ \_\_\_\_\_  
Mortgage Amount \$ 20,000,000.00

**COST BENEFIT ANALYSIS:**

*Costs = Financial Assistance*

Estimated Sales Tax Exemption \$ 724,438.00  
Estimated Mortgage Tax Exemption \$ 540,000.00  
Estimated Property Tax Abatement \$ TBD  
Estimated Interest Savings IRB Issue \$ \_\_\_\_\_

*Benefits = Economic Development*

Private funds invested: \$ \_\_\_\_\_  
Other Benefits: \$ \_\_\_\_\_

**B) Job Creation and Retention** (Please do not include construction jobs)

Current # FTE (Full Time Equivalents) at Project Location	Estimate # of FTEs Jobs to be Created	Estimate # of FTEs Jobs to be Retained
0	255 85,000 sf @ 3 per thousand employees sf	0

**C) Average estimated salary of jobs to be created:** \$ TBD

a) Annualized salary range of jobs to be created: \$ 50,000 to \$ 125,000

**D) Average estimated salary of jobs to be retained:** \$ N/A

**E) Estimate how many construction jobs will be created as a result of this project:** 80

**F) If the cost of the total project (in II A above) exceeds \$5,000,000 and involves: (i) construction of a new facility, (ii) construction of an addition to an existing facility, or (iii) renovations or alterations to an existing facility please complete the following (if not, please proceed to G below):**

- i. estimated cost of project construction contract(s): \$ 21.0 million
- ii. total cost attributable to materials: \$ 8.4 million
- iii. total cost attributable to labor: \$ 12.6 million

Estimated aggregate number of work hours of manual workers<sup>1</sup> to be employed in project construction: 256,000 (80 persons x 40 hr work week x 80 weeks)

Estimated length of project construction: 20 months

Will project construction be governed by a project labor agreement (“PLA”) with the Building and Construction Trades Council of Westchester and Putnam Counties, New York AFL-CIO (“Council”)<sup>2</sup>  Yes  No

*If you have answered YES to the preceding question, please attach a copy of the PLA; and you need not complete the remaining portions of this Section (but please see note below).*

<sup>1</sup> As defined in Section 190 of the Labor Law.

<sup>2</sup> This may be either a PLA already in effect with the landlord of the Project facility, or a PLA made (or to be made) between the Applicant and the Council directly in connection with Project Construction.

For each Contractor or Subcontractor currently known or reasonably expected to be involved in Project Construction, please state (attach additional pages as necessary):

Name: MCG Construction

Address<sup>3</sup>: 1250 Waters Place, Bronx, NY 10461

(a) Is this contractor Union or Open Shop (if union identify local)?

Open shop

(b) Will contract require local (i.e. Westchester County) hiring?  Yes  No

If YES, what percentage of manual workers will be local: TBD %  
Will use commercially reasonable efforts to use local goods & services

(c) If Non-Union, will contract require payment of Prevailing Wage<sup>4</sup>?

Yes  No

If the answer to question “(b)” or “(c)” above is NO, explain omission:

Open shop- will pay market rates to employ labor

If some or all of the Contractor(s) or Subcontractor(s) to be involved in Project construction cannot reasonably be identified at this time, please state whether it is Applicant’s intention to require the following in its contract(s) for Project construction:

(a) Local (i.e. Westchester County) hiring?  Yes  No TBD %  
If YES, what percentage of manual workers will be local \_\_\_\_\_ %

(b) Union labor?  Yes  No

(c) If Non-Union, will contract require payment of Prevailing Wage?

Yes  No

(d) If the Applicant believes the information requested in this Section II is not presently ascertainable, please check here and explain omission:

If the answer to question “(a)” “(b)” or “(c)” above is NO, explain omission:

Open shop-will pay market rates to employ labor.

***NOTE: If Applicant has indicated herein that Project Construction will involve a PLA, union labor, local hiring, and/or payment of Prevailing Wage, the Agency reserves the right to include such requirements in the Project Documentation as conditions for the extension and retention of tax benefits.***

<sup>3</sup> If a contractor and/or subcontractor has a permanent location in or around Westchester County from which the contract will be administered, please use that address.

<sup>4</sup> For purposes of this Application, “Prevailing Wage” shall mean the “prevailing rate of wage” as defined in Article 8 of the New York Labor Law.

**G) Are Utilities on Site? (Yes/No)**

Water  Electric  Gas  Sanitary/Storm Sewer

**H) Present legal owner of the site:** City of Yonkers

*If other than Applicant, by what means will the site be acquired for this project:*

Fee simple

**I) Zoning of Project Site:** Current: IP District Proposed: No change

**J) Are any variances needed:** All required approvals have been retained.

**K) Principal Use of Project upon completion:** Commerical mixed use

Will the project result in the removal of a plant or facility of the Applicant from one area of the State of New York to another?  Yes  No

If YES, please detail: \_\_\_\_\_

Will the project result in the removal of a plant or facility of another proposed occupant of the Project from one area of the State of New York to another area of the State of New York?  Yes  No

If YES, please detail: \_\_\_\_\_

Will the project result in the abandonment of one or more plants or facilities located in the State of New York?  Yes  No

If YES, please detail: \_\_\_\_\_

**L) Financial Assistance being applied for and enter the Estimated Value**

- Sales and Use Tax Exemption \$ 724,438.00
- Mortgage Tax Exemption \$ 540,000.00
- Real Property \$ TBD
- Tax Exempt Industrial Revenue Bonds \$ TBD

## **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 and Financial Assistance from the Agency, except 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 Employ – In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives and Financial Assistance from the Agency, except otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
  
- C) Annual Sales Tax Filings – In accordance with the Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the Annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
  
- D) Annual Employment Reports – The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency on an annual basis, reports regarding the number of people employed at the project site including corresponding payroll records for the year ending.
  
- E) Absence of Conflicts of Interest – The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officers or employees of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described:

N/A

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### **Hold Harmless and Other Agreement**

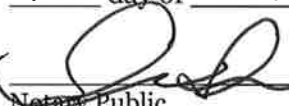
Applicant hereby releases City of Yonkers Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, and agrees that the Agency shall not be liable for and the applicant agrees to indemnify, defend, pay and hold the Agency harmless from and against any and all liability arising from or expense incurred by the Agency concerning (A) the Agency's costs and expenses in the examination and processing of, as well as action pursuant to or upon, the attached Application, as well as verification of assertions in the application or other applicant submittals or applicant claims made now or in the future, regardless of whether or not the application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's costs and expenses in reviewing any acquisition, construction and/or installation of the Project described therein and (C) and further action, costs and expenses taken by the Agency – with respect to the project; including without limiting the generality of the foregoing, all causes of action and fees and expenses for Agency attorneys, accountants, economists, engineers, architects or other professionals or consultants incurred regarding any part of the application or the review and/or approval and/or monitoring of compliance by the applicant with all laws, rules and regulations and/or in defending any suits or actions which may arise as a result or any for the foregoing. If, for any reason, the applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the applicant are unable to reach final agreement with the respect to the Project, then, in the event, upon presentation of an invoice itemizing the same, the applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including fees and expenses for Agency attorneys, accountants, economists, engineers architects or other professionals or consultants, if any.

Applicant upon approval shall be responsible for any reasonable costs incurred by the Agency to verify employment or use of benefits received by the YIDA or other information required under the Public Authorities Accountability Act or other law, rule or regulation otherwise at the time said Verification is required.

This Indemnity and Hold Harmless Agreement shall survive any closing or other transaction in which benefits are sought or received by the applicant and shall continue for a period of time up to and including three years after the last benefit is received by the applicant from the City of Yonkers Industrial Development Agency.

The applicant and the individual executing this application on behalf of the applicant acknowledge that the Agency will rely on the representations made herein when acting on this application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

SDC Realty Acquisition LLC  
 (Applicant)  
 By:   
 (Signature of Applicant or Representative)  
 Name: H. Guy Leibler  
 Title: Authorized Signatory

Sworn to before me this  
15<sup>th</sup> day of JUNE, 2015  
  
 Notary Public

MARIANNE MARRONE  
 NOTARY PUBLIC - STATE OF NEW YORK  
 NO. 01MA5048674  
 QUALIFIED IN BRONX COUNTY  
 COMMISSION EXPIRES AUGUST 28, 2017

This Application should be submitted with a \$600.00 Application fee to:

**City of Yonkers Industrial Development Agency**  
 470 Nepperhan Avenue, Suite 200  
 Yonkers, New York 10701  
 Attention: Ken Jenkins, President

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NOTES: The Agency will collect an Agency Fee at the time of closing. Fees are based on the type of Financial Transactions.

<u>AGENCY FEE TYPE</u>	<u>FEE</u>
Bond Transactions	1 %
Straight Lease Transactions	.5 %

The Agency will collect an Annual Administrative Fee based on your project type and amount. This fee will be due annually on Feb 28th, after IDA benefits are provided to the project. (see below)

<b>Bonds</b>	Annual Fee
up to \$10M	\$ 1,000
over \$10M	\$ 2,000
<b>Straight Lease</b>	Annual Fee
up to \$10M	\$ 500
over \$10M	\$ 1,000



## EXHIBIT B

### BOYCE THOMPSON CENTER

### DEVELOPMENT NARRATIVE

SIMONE DEVELOPMENT COMPANIES IS EXCITED TO HAVE BEEN SELECTED TO REDEVELOP THE SITE OF THE FORMER BOYCE THOMPSON INSTITUTE FOR PLANT RESEARCH BY THE CITY OF YONKERS. THE BUILDING OPENED IN 1924 AND HAD MANY PRODUCTIVE YEARS. HOWEVER, THE PROPERTY HAS BEEN DORMANT FOR DECADES AND IN NEED OF REPAIR AND REUSE TO ONCE AGAIN BE PRODUCTIVE AND SERVE THE COMMUNITY BY PROVIDING SERVICES, CREATING JOBS AND GENERATING TAX REVENUE.

OUR PLANS CALL FOR THE REPOSITIONING OF THE 52,000 SQUARE FOOT CORE BUILDING WHICH WILL BE RESTORED AND IMPROVED WITH AN 18,000 SQUARE FOOT BUILDING ADDITION ON THE SOUTH SIDE OF THE EXISTING STRUCTURE. A FREE STANDING 15,000 SQUARE FOOT BUILDING WILL ALSO BE DEVELOPED AT THE NORTHEAST CORNER OF THE SITE AS PART OF THE PROGRAM.

CONSTRUCTION HAS COMMENCED WITH COMPLETION PROJECTED WITHIN TWO YEARS. WITH THE OPENING OF THE BUILDINGS, WE ANTICIPATE MORE THAN 300 NEW JOBS BEING CREATED ALONG WITH TAX REVENUES GENERATED THROUGH EMPLOYMENT, SALES, USE AND REAL ESTATE LEVIES.

THE DESIGN WILL PRESERVE THE INTEGRITY OF THE HISTORIC MAIN BUILDING AND ADD MODERN FEATURES MAKING THE BOYCE THOMPSON CENTER AN IMPORTANT NEW COMMUNITY DESTINATION FOR THE NORTHWEST YONKERS COMMUNITY. HOWEVER, THE

VAIBILITY OF THE PROJECT IS DEPENDENT ON BENEFITS FROM THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY IN THE FORM OF EXEMPTIONS OF SALES AND USE TAX, MORTGAGE RECORDING TAX AND REAL PROPERTY TAX.

# RESTORING THE PAST AND BUILDING FOR THE FUTURE

Historic Boyce Thompson site to be transformed into mixed-use complex



Courtyard view of Boyce Thompson Center.

Yonkers is home to many architecturally distinctive buildings that are part of the city's industrial past. Today some of those buildings have been redeveloped into modern office space—most notably the former Otis Elevator Plant, which is now iPark and the former Alexander Smith Carpet Mills building on Nepperhan Avenue.

The latest historic building in Yonkers slated for redevelopment is the former Boyce Thompson property on Executive Boulevard. Built in the early 1900s, the property was once the home of the Boyce Thompson Institute, a horticulture research center which moved to Cornell University in the 1970s.

The complex, which has been abandoned for many years, is being redeveloped by Simone Development Companies into an 85,000-square-foot mixed-use center. Simone was recently designated by the City of Yonkers as the developer of the

\$35 million project.

Simone's plan for the property includes offices for business and medical use on the upper floor of the building with the front and rear grade levels housing medical offices, retail stores, banking, and two restaurants. The Boyce Thompson building will be restored to its original character using materials to match or offset the period architecture. An addition will be attached at the south end to resemble the existing structure. A glass "greenhouse" connecting

**The existing 52,000-square-foot building will be increased to 70,000 square feet with the freestanding building totaling 15,000 square feet. The parking areas will be paved, landscaped, and illuminated using state-of-the-art materials selected to complement the architecture.**

the new building with the existing building will house an information gallery honoring the Boyce Thompson legacy.

As a nod to the property's historic greenhouses, a dramatic two-level freestanding glass and aluminum building will be

constructed at the corner of Executive Drive and Executive Plaza for either office, medical, and/or retail use. The plan includes a public space with a clock or fountain.

"Our development plan restores the Boyce Thompson Institute property, acknowledging its illustrious past and embracing its exciting future," says Joseph Simone, President of Simone Development Companies. "Taking cues from the heavy masonry of the main structure and the light open feel of the original glass greenhouses, our design will blend these elements together in a unique manner while still maintaining the character of the existing building."

Adds Simone, "We are very excited by the changing business character in Yonkers with emerging technology and biotech companies bringing new ideas and people to the city. It is our desire to make the Boyce Thompson Center a place that attracts a diversity of new and traditional businesses working together to further economic

growth in the city." He notes that the site's close proximity to St. John's Riverside Hospital on North Broadway makes the Boyce Thompson Center an excellent location for physician practices and ambulatory services. >>



The Boyce Thompson Center will feature a dramatic two-level freestanding glass office building, illuminated at night.