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TOWN OF LOCKPORT

JUL 06 2015

Revised  
7/31/15  
AKK

INDUSTRIAL DEVELOPMENT AGENCY

# TOWN OF LOCKPORT INDUSTRIAL DEVELOPMENT AGENCY

6560 Dysinger Road  
Lockport, NY 14094  
(716) 439-9535

## APPLICATION FOR INCENTIVES

Project Applicant: LACEY HEAVY EQUIPMENT, INC.

Project Title: 6621 DYSINGER RD.

Total Project Cost: \$ \_\_\_\_\_

Date of Application: 7/6/15 (D)

Type of Project\*:

- Acquisition of Existing Facility
- Civic Facility (Not for Profit)
- Commercial
- General Office
- Industrial/ Producer Services
- Life Care Community
- Multi-tenant Facility
- Research & Development
- Retail
- Other \_\_\_\_\_

Location of Project: 6621 DYSINGER RD. LOCKPORT, N.Y. 14094  
Bank: \_\_\_\_\_

\* All projects will be reviewed and approved in accordance with the provisions of Article 18A of the New York State General Municipal Law. In certain instances, project applicants may be required to complete a retail questionnaire supplement based on the information contained within this application. For the purposes of determining if an Applicant qualifies for Incentives offered by the Agency, this Application for Incentives serves as the Eligibility Questionnaire for such determination.

*For Office Use Only*

Date Application Received: 7/6/15 Project #: 29011502

Date of approval by IDA Board: \_\_\_\_\_

Date copy was forwarded to IDA Counsel: \_\_\_\_\_

Check Amount: \$1,000 Received on: 8/29/15 Date remitted to IDA CFO: 8/3/15

Revised 4/2015

The information listed on this form is necessary to determine the eligibility of the project applicant.

Please fill in all blanks, using "None" or "Not Applicable" where necessary. If an estimate is given, put "EST" after the figure. Attach additional sheets if necessary. This application may be used to determine the Applicant's eligibility for any of the benefit programs of the Town of Lockport IDA, an extension of the current benefits and/or an expansion of the Applicant's current project. In certain instances, additional information may be required.

**I. PROJECT APPLICANT**

A. Project Applicant: LACEY HEAVY EQUIPMENT INC.

B. Company Officer (Partner) completing this application:

Name: GEORGE LACEY

Title: President

Business Address: 6359 Riddle Rd.  
Lockport, N.Y. 14094

Telephone: (716) 433.3373

Email: laceyrepair@gmail.com

Website: www.laceyrepair.com

C. IRS Identification Number: 16-1517638

D. Is Applicant currently receiving assistance from the Town of Lockport IDA?  
   Yes  No

E. Business Organization:

- Company
- Corporation
- Joint Venture
- Limited Liability
- Partnership
- Sole Proprietorship
- Other (specify) \_\_\_\_\_

F. State of Incorporation or Organization: NEW YORK

G. Business Description: Heavy, off road equipment,  
rental, repair, parts

H. If Applicant is a corporation, is it publicly or privately held?  
 Public  
 Private

I. List officers, stockholders, members or partners in the Company \*\*

Name	Percentage	Home Address
George Lacey	50%	
Sheri Lacey	50%	

\*\* If the Company is publicly owned, it can answer this and other succeeding questions by reference to an attached copy of the company's most recent Form 10-K (Company means ultimate project occupant where known, otherwise the developer).

J. Is the Applicant/Company related, directly or indirectly, to any other entity by more than 50% common ownership? If so, indicate name of such entity and the relationship:

NO

K. If any of the persons or group of persons listed in the response to question J above owns more than 50% of the Company, list all other entities which are related to the company by virtue of such person (or group of persons) having more than a 50% interest in such other entities:

NO

L. Is the Applicant/Company affiliated with any other entity, directly or indirectly, other than as indicated in response to questions J & K above? If yes, indicate name and relationships of such other entity and the address thereof:

NO

M. Has the Applicant/Company (or any entity listed above) made a public offering or private placement of its stock within the last year? If so, please provide Offering Statement used.  Yes  No

N. Complete the following information:

Officers and Directors

Phone

Same as above. See I.

O. Applicant Counsel: \_\_\_\_\_

1. Name of Attorney: DAN SEAMAN
2. Name of Firm: SEAMAN, NORRIS LLP
3. Address: 744 DAVIDSON RD. LOCKPORT NY
4. Telephone Number 434.3311 Fax: 14094
5. Email: \_\_\_\_\_

P. Applicant Accountant: \_\_\_\_\_

- 1. Name of Accountant: HAICK
- 2. Name of Firm: HAICK ACCOUNTING
- 3. Address: 716 NIA FALLS BLVD N. TON, NY
- 4. Telephone Number: 695.9542 Fax: 14120
- 5. Email: \_\_\_\_\_
- 6. Principal Bank: KEY BANK

Q. Is the Applicant and/or any person listed in item I:

- 1. Now a plaintiff or a defendant in any civil or criminal litigation?  
 Yes  No
- 2. Ever been convicted of a crime (other than a minor traffic violation)?  
 Yes  No
- 3. Been declared bankrupt within the last 10 years?  Yes  No
- 4. Delinquent in the payment of any state or municipal property taxes?  
 Yes  No
- 5. Delinquent in the payment of any income tax obligation?  Yes  No
- 6. Delinquent in the payment of any loans?  Yes  No
- 7. Currently in default on any of its loans?  Yes  No
- 8. The subject of any unsatisfied judgment?  Yes  No

*If the answer to any of the questions in Section Q is Yes, please furnish details in a separate attachment.*

**II. DESCRIPTION OF PROJECT OCCUPANT**

A. Applicant/Company History

- 1. Location of current facility:  
Address: 6359 RIDDLE RD.  
City: LOCKPORT State: N.Y. Zip: 14094  
Telephone: 716.433.3373 Fax: 716.434.2432
- 2. NAICS Code: \_\_\_\_\_
- 3. Description of current facility: \_\_\_\_\_  
\_\_\_\_\_  
Number of buildings: 1  
Square footage of facilities: 4600  
 Own or  Rent present facilities

4. Is the facility currently receiving property tax abatement?  Yes  No  
If Yes, at what date does this abatement expire: BIEC

5. Does the project involve the relocation of a company(s) from another municipality within Niagara County?  Yes  No

6. If Yes, has the Supervisor / Mayor been notified?  
 Yes  No (Please provide additional information if necessary)

B. Principal product / service: repair, sales, parts  
heavy off road equipment

C. Percentage of Gross Revenue (from products & services) derived from sales outside of Niagara County: 50 - 75 %

D. Market served: \_\_\_\_\_

### III. ELIGIBILITY

A. What effect will this project have on your business (why is it necessary)?  
We have outgrown our current facility  
no room to add staff or take in more jobs.

B. Is Agency participation necessary for this project to proceed?  
no

C. Is the project occupant moving its entire operation to this proposed facility or a Division thereof?  Yes  No  
Does the project involve the consolidation of existing facilities?  Yes  No

D. Is this project necessary to prevent the Applicant/Company from moving out of Niagara County and / or New York State and / or to remain competitive with its industry? yes

E. What are the current market conditions which necessitate the construction of this project? demand for services is increasing rapidly.  
We need more space to keep up with demand.

F. Describe any unique features / effects that this project will have on the area:  
Beautification, improvement of site.  
We are moving into. New job creations

#### IV. PROJECT INFORMATION

##### A. Summary of Project: (Identify each element of the project)

Does the project consist of (check appropriate categories):

	Yes	No
1. Acquisition of vacant land	Partial	
2. Land Lease		X
3. Construction of a new building If Yes, indicate number and size addition plus new	X	
4. Renovations to an existing building If Yes, indicate nature of renovations yes	secure structure & put on addition	
5. Construction of an addition to an existing building If Yes, indicate nature of expansion	yes - see above	
6. Acquisition of an existing building If Yes, indicate number and size of buildings	yes - see above	
7. Acquisition, installation of machinery and/or equipment	yes - currently Crane system but more expected	
8. Equipment lease	X	

##### B. Site Plan Approval

1. Have site plans been submitted to the Town Planning Department for approval?

Yes \_\_\_ No Date of submittal and current status: \_\_\_\_\_

If Yes, state date of submittal and current status, also include one set of plans/  
renderings with this application.

2. Have any plans been submitted to the US Army Corps of Engineers and the NYS  
Department of Environmental Conservation for approval?

\_\_\_ Yes \_\_\_ No

If YES, date of submittal and current status: \_\_\_\_\_

3. Identify school district pertaining to Project location: Lockport

4. Utilities and services presently serving site. Provide name of utility provider.

Gas	? NO	Size
Electric	yes	Power
Water	yes	Size
Sewer	yes	Size
Other (Specify)		

**C. Project Site**

1. Are there buildings now on the project site?  Yes \_\_\_ No
2. Indicate the present use of the project site: under construction
3. Indicate present owner(s) of project site: George + Sheri Lacey
4. If the Applicant/Company now owns the project site, indicate:
  - a. Date of purchase: 2013
  - b. Purchase price: \$65,000.00
5. Has the Applicant/Company entered into a contract and/or option to purchase the site? N/A Yes \_\_\_ No
6. If the Applicant/Company is **not** the owner of the project site, does the Applicant/Company now lease the site or any buildings on the site? N/A Yes \_\_\_ No
7. Is there a relationship legally or by virtue of common control or ownership between the Applicant/Company and the seller of the project: \_\_\_ Yes  No  
If Yes, describe the relationship: \_\_\_\_\_
8. Is the proposed Project Site located on a site where the known, or potential presence of, a contaminant is complicating the development/use of the property? \_\_\_ Yes  No
9. If so, is this a "Brownfield" project? N/A Yes \_\_\_ No
10. Has a Phase I Environmental Assessment been prepared or will one be prepared with respect to the property?  Yes \_\_\_ No
11. Have any other studies or assessments been undertaken with respect to the proposed Project Site that indicate the known or suspected presence of contamination that would complicate the site's development? \_\_\_ Yes  No
12. If any space in the project is to be leased to third parties, indicate total gross square footage of the project, percent and square feet to be leased to each tenant, and proposed use by each tenant (attach signed leases, if any) \_\_\_\_\_

13. List principal items or categories of equipment to be acquired as part of the project: crane, ofc. furniture,  
ofc. equipment, shop machines

14. Has any of the above equipment been ordered or purchased?  Yes  No

If Yes, indicate items: \_\_\_\_\_

15. Total Estimated Project Costs

<u>Description of Costs</u>	<u>Allocations of Costs</u>
Land + <u>current Building</u>	\$ <u>65,000.00</u>
Building(s)	\$ <u>62,000.00</u>
Renovation	\$ <u>172,000.00</u>
Equipment	\$ <u>500,000.00</u>
Site Work & Preparation	\$ <u>included in reno. cost</u>
Installation	\$ <u>included in reno. cost</u>
Interest during Construction	\$
Engineering Fees	\$ <u>11,000.00</u>
Architectural Fees	\$ <u>5,000.00</u>
Agency Fees	\$
Legal Fees	\$ <u>10,000.00</u>
<b>TOTAL</b>	\$ <u>825,000.00</u>

16. Have any of these expenditures already been made by the Company?

Yes  No If Yes, indicate particulars: \_\_\_\_\_

17. Project Schedule: Indicate the estimated date for:

a. Commencement of construction: June 5, 2015

b. Completion of construction: October 31, 2016

18. Is this a single phase or multi-phase project?  Single  Multi

Phase I Activities: \_\_\_\_\_

Phase II Activities: \_\_\_\_\_

Phase III Activities: \_\_\_\_\_

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**D. Project Employment Information**

*NOTE: Please calculate full time equivalent employees (approximately two part time employees equals one full time employee). Report information for the Town of Lockport Facility only.*

1. Will Niagara County contractors and/or sub-contractors be utilized for the Construction project?  Yes  No
2. What is the estimated number of construction jobs to be created at the project site  
from: Niagara County 15-20 Erie County \_\_\_\_\_ Other areas \_\_\_\_\_
3. What is the present number of employees of the Applicant/Company before IDA Status? # Full Time Equivalent Employees: 9.5  
Estimated Annual Salary: \_\_\_\_\_
4. Estimate how many full time/ part time jobs will be retained as a result of this project over the next three years:  
Full Time 7 Part Time 5  
Estimated annual salary range of jobs to be retained  
From \$ 2,800.00 to \$ 52,500.00
5. Estimate how many full time/ part time jobs will be created as a result of this project over the next three years:  
Full Time 3-5 Part Time 1-3  
Estimated annual salary range of jobs to be created  
From \$ 2,800.00 to \$ 52,500.00
6. Approximate Annual Applicant/Company Sales for previous year:  
1.1 million

**V. PROJECT FINANCING**

**A. Financial and Feasibility Data**

Provide any marketing, economic, business plan or feasibility studies that have been developed particularly for this facility. The Agency may also require financial statements for the last three (3) years.

**B. Financial Assistance Requested from the Agency**

1. Is the Applicant requesting a real property/tax abatement (payment in lieu of taxes agreement)?  Yes  No

2. Is the Applicant expecting to be appointed agent of the Agency for purposes of being exempt from payment of NYS Sales and Use Tax Abatement?  Yes  No

If Yes, what is the approximate amount of purchases which the Applicant expects to be exempt from the NYS Sales and Use Taxes?  
\$ \_\_\_\_\_

3. Is the Applicant expecting to be appointed agent of the Agency for purposes of being exempt from payment of Mortgage Tax Abatement?  Yes  No

4. 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? \$ \_\_\_\_\_

## CERTIFICATION

(to be executed by the principal of the Applicant)

I. George Lacey affirms under penalty of perjury he/ she is the President of Lacey Heavy Equip. named in the attached Application (the "Applicant"); ~~that~~ he/she has read the foregoing Application and knows the content thereof, and that the same is true to his/her knowledge, upon information and belief.

II. As an officer of the Applicant, deponent acknowledges and agrees that the Applicant shall be and is responsible for all cost incurred by the Agency and all legal counsel for the Agency, including its general counsel and/or 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 be held harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the 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, (B) the Agency's acquisition, construction and/or installation of the proposed project described herein, and (C) any further action taken by the Agency with respect to the proposed project.

III. By executing and submitting this Application, the Applicant covenants and agrees to pay the fee to the Agency and the Agency's general counsel and the Agency's transaction counsel, as well as fees of other consultants, if any, retained by the Agency in connection with the proposed project.

IV. By executing and submitting this Application, and in the event the closing does not occur, the Applicant further covenants and agrees to pay the fees of the Agency and the Agency's general counsel and the Agency's transaction counsel incurred and to forego the application fee.

V. By executing and submitting this Application, the Applicant covenants and agrees to comply with the reporting requirements as required of or determined by the Agency, from time to time.

The Applicant is aware and acknowledges that according to the New York Public Officer's Law, Article 6, Freedom of Information Act, the public has the right to request information about the project and the Applicant, and that in accordance with Public Officer's Law Article 7, all meetings of the Agency are open to the public.

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application and, if applicable, made in related Addenda, when acting hereon and hereby represents that the statements made herein and therein do not contain any untrue statements of material fact and do not omit to state a material fact necessary to make the statements contained herein or therein misleading.

Company/Applicant: LACEY HEAVY EQUIPMENT

Name/Title (print): GEORGE LACEY, President

Signature: 