

Niagara County Industrial Development Agency
6311 Inducon Corporate Dr. - Sanborn, New York 14132
(716) 278-8760 Fax (716) 278-8769

Application for Assistance

Please answer all questions on the Niagara County Industrial Development Agency Application and Environmental Assessment Form. Information submitted as part of this application will not be made public prior to the passage of an Official Action Resolution by the Agency. After such action, this information may be subject to disclosure under the New York State Freedom of Information Act.

Prior to application submission, this project was reviewed with _____ of the Niagara County Industrial Development Agency and assigned Project Number _____.

I. Company Data

A. Company Name: SAL LODGE INC, LLC
Address: 2821 Niagara Falls Blvd.
Niagara Falls, NY 14304

Telephone: 716-998-8850 Fax: 716-695-6161
Email: rickyapatel@yahoo.com Website: NA
IRS Identification No.: _____

Company official completing this application and authorized to respond on behalf of the company:

Name: RICKY A. PATEL Title: MANAGING PARTNER

B. Company Owners, Officers, Directors and Partners: List name and home address, title and other principal business affiliations.

C. Legal Counsel: _____
Address: _____
Telephone: _____ Fax: _____
Email: _____

D. Accountant (Firm): BROWN & COMPANY
Address: 4992 SWEET HOME RD., NIAGARA FALLS, NY 14305
Telephone: 716-298-8000 Fax: _____
Email: _____

E. Principal Bank of Account: H S B C

F. Type of Business Corporation Sub Chapter S Partnership
 Sole Proprietorship Other LLC

G. Is Company authorized to do business in New York State? Yes No

H. Principal Stockholders with 5% or more of stock outstanding in the company:

| <u>Name</u> | <u>Address</u> | <u>% of Holding</u> |
|-------------|----------------|---------------------|
|-------------|----------------|---------------------|

| | | |
|-------------------------------|--|--|
| <u>SEE ATTACHED EXHIBIT A</u> | | |
| | | |
| | | |

I. List subsidiary, associate, and/or affiliated companies of applicant.

| | | |
|-------------------------------|--|--|
| <u>SEE ATTACHED EXHIBIT B</u> | | |
| | | |
| | | |

J. Is the Company or management of the Company now a plaintiff or a defendant in any civil or criminal litigation? Yes No

Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes No

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

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

K. Identify the assistance being requested of the Agency:

- (1) Bond financing for new project; estimated amount \$ _____
- (2) Bond/project refinancing; estimated amount \$ _____
- (3) Lease/sale back
- (4) Assignment of lease
- (5) Exemption from Sales Tax; estimated benefit \$ _____
- (6) Exemption from Mortgage Tax; estimated benefit \$ _____
- (7) Exemption from Real Property Tax; estimated benefit \$ _____

If you have selected (5),(6) or (7), indicate whether you are seeking a deviation from the Agency's uniform tax exemption policy: Yes ; No . If the answer is yes, please furnish details in a separate attachment.

(8) Other (please furnish details in a separate attachment)

II. Business Data

A. Company Background

1. Describe when and where was the company established?

FORMED 09/10/2008 NEW YORK LIMITED LIABILITY COMPANY (SEE EXHIBIT C)

2. Describe the type of business

HOTEL DEVELOPMENT, CONSTRUCTION AND MANAGEMENT

3. Description of Present Facilities:

Lot size: 1.04 ACRES Number of buildings: NONE

Square footage of facilities: NONE

Owns OR Rents present facilities

4. What is the present employment of the company?

Full Time 1 # Part Time 0

Estimated annual payroll: \$ 0

5. Approximate annual sales: \$ 0

6. Describe primary markets.

TOURISTS, CONVENTION ATTENDEES AND BUSINESS TRAVELERS

7. Provide a brief description of the company and its history.

THE COMPANY IS A STARTUP ENTITY FORMED FOR THE EXPRESS PURPOSE OF DEVELOPING, CONSTRUCTING AND OPERATING A LODGING FACILITY ON ITS SITE. THE PRINCIPALS CURRENTLY OWN AND OPERATE LODGING FACILITIES AS SET FORTH IN EXHIBIT B

B. Provide types of business activity and approximate square feet of each for company's present facility:

| | Square Feet |
|--------------------------|-------------|
| Manufacturing/Processing | 0 |
| Warehousing | 0 |
| Research & Development | 0 |
| Commercial | 0 |
| Retail* | 0 |
| Office | 0 |
| Other (specify) HOTEL | 44,985 |

* A retail business activity shall mean (i) sales by a registered vendor under article twenty-eight of the New York tax law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section eleven hundred one of the tax law; or (ii) sales of a service to such customers.

C. Describe principal goods, products and/or services of the company:

HOTEL ROOMS

III. Project Data

A. Location of Proposed Project:

1. Physical Address of proposed Project Site:

Address: 643 RAINBOW BLVD.
 City, ~~Town~~ Village: NIAGARA FALLS
 County: NIAGARA

2. New York State Empire Zone Tax Incentives.

In addition to financial incentives that the Niagara County Industrial Development Agency can provide with respect to the proposed Project, the Project may also be eligible for New York State tax benefits (sales tax, income tax, and real property tax benefits and credits) under the New York State Empire Zone Program. Empire Zone tax benefits can be utilized concurrently with Niagara County Industrial Development Agency benefits and incentives.

Is the proposed Project Site located in an Empire Zone?

Yes No Unsure

3. New York State Brownfield Cleanup Program Tax Incentives

New York State provides for significant refundable New York State tax credits with respect to cleanup and construction (buildings and equipment) costs, real property tax expenses, and insurance costs related to remediating and developing a Brownfield/contaminated property. In addition, New York State provides for a release of liability with respect to such contamination located in, on or emanating from the Brownfield Site. New York State Brownfield Cleanup Program tax credits can be utilized concurrently with Niagara County Industrial Development Agency benefits and incentives.

Under the New York Brownfield Cleanup Program, a Brownfield or a Brownfield Site is any real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous waste, petroleum, pollutant, or contaminant (collectively, "contaminants").

Is the proposed Project Site located on a site where the known or potential presence of a contaminant(s) is complicating the development/use of the property?

Yes No Unsure

Has a Phase I Environmental Assessment been prepared or will one be prepared with respect to the proposed Project Site?

Yes No Unsure

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 Unsure

B. Existing Project Facilities:

1. Parcel Size: 1.04 Acres OR ft. x ft.

2. Are there existing buildings on the Project site? Yes ; No

a. If yes, indicate the number of buildings on the site: _____. Also, please briefly identify each existing building and indicate the approximate size (in square feet) of each such existing building:

| Building Description | Size |
|----------------------|------|
| | |
| | |
| | |
| | |

b. Are the existing buildings in operation? Yes ; No . If yes, describe present use of present buildings:

| Building | Use |
|----------|-----|
| | |
| | |
| | |
| | |

c. Are the existing buildings abandoned? Yes ; No . About to be abandoned? Yes ; No . If yes, describe:

d. Attach photograph of present buildings.

3. Identify present landowner. SAI LODGING, LLC

4. Present zoning of site: DOWNTOWN COMMERCIAL DISTRICT

Are there any variances or special permits affecting the Project site?

Yes No . (SEE EXHIBIT D)

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

5. Provide Tax Map (section/block/lot) number(s):

6. List current assessed value: \$ _____
List current annual property tax payment: \$ _____

7. Identify school district pertaining to Proposed Project location:
NIAGARA FALLS

C. Proposed Project Facility and Equipment

1. Does part of the Project consist of the acquisition or construction of a new building or buildings? Yes No

If yes, indicate number and size of new buildings:

ONE, FIVE STORY, BUILDING OF APPROXIMATELY
44,985 SF

2. Does part of the Project consist of additions and/or renovations to existing buildings located on the Project site? Yes No

3.

If yes, indicate the buildings to be expanded or renovated, the size of any expansions and the nature of expansion and/or renovation:

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

HOTEL ROOMS AND ASSOCIATED FACILITIES

4. Will machinery and equipment be acquired and installed?

New: No Yes Type HVAC, ELEVATOR & RELATED

Used: No Yes Type _____

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

HVAC SYSTEMS, ELEVATORS AND OTHER MECHANICAL
EQUIPMENT

5. Project Use

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

NA

6. Project Use

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

| | % | | % |
|--------------|---|------------------------|-------------|
| Warehousing | | Manufacturing | |
| Processing | | Pollution control | |
| Office | | Research & Development | |
| Retail* | | Commercial | |
| Recreational | | Other: <u>LOGGING</u> | <u>100%</u> |

* A retail business activity shall mean (i) sales by a registered vendor under article twenty-eight of the New York tax law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section eleven hundred one of the tax law; or (ii) sales of a service to such customers.

c. 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 .

If yes, please see Addendum A attached hereto.

d. Will the completion of the Project result in the removal of a plant or facility 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:

e. Will the completion of the Project result in the abandonment of one or more plants or facilities of the Company located in the State of New York? Yes No

If yes, please provide detail:

i. If the answer to either question (d) or question (e) is yes, indicate whether any of the following apply to the Project:

(1) 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:

2) 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:

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

Phase I Activities: CONSTRUCTION

Phase II Activities: NA

Phase III Activities: NA

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

| | | | |
|------------------|------------|--------|--|
| Gas: | <u>YES</u> | Size: | |
| Electric: | <u>YES</u> | Power: | |
| Water: | <u>YES</u> | Size: | |
| Sewer: | <u>YES</u> | Size: | |
| Other (specify): | | | |

E. What is your project timetable? (Provide dates)

1. Start date: acquisition or construction of facilities: JAN. 2010
 2. Completion of project facilities: MAR. 2011
 3. Project occupancy – starting date of operations: APR. 2011

F. Have any contracts or purchases been made, committed and/or executed toward the project? No Yes,

If yes, please provide detail:
LAND ACQUISITION

G. Has any work toward the completion of the project been initiated? No Yes,

If yes, please provide detail:
DEMOLITION OF EXISTING BUILDINGS

H. Will the project require any government actions, permits or clearances (other than IDA requirements)? If yes, please provide the following details:

| Action | Issuing Agency | Date of Issuance |
|--------------------------|-----------------------|------------------|
| BUILDING PERMIT | CITY OF NIAGARA FALLS | TO BE ISSUED |
| CERTIFICATE OF OCCUPANCY | CITY OF NIAGARA FALLS | TO BE ISSUED |
| | | |
| | | |

I. Include any site plans, drawings or blueprints that have been developed.

J. 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: _____
Present Address: _____
Address: _____
Employer's ID No.: _____

Sublessee is: Corporation Partnership Sole Proprietorship

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 III(D)(6)(c) through (f) with respect to each such sublessee.

K. Describe the reasons why this project is necessary and what effect it will have on your company:

IV. Employment Impact

A) Will Niagara County contractors and / or sub contractors be utilized for the construction project? Yes No .

B) What is the estimated number of construction jobs to be created at the project site from:

Niagara County: , Erie County , Other Areas ,

C) Indicate below the number of people presently employed at the Project site and the number that will be employed at the Project site at 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.

| TYPE OF EMPLOYMENT | | | | |
|-----------------------|----------------------------------|--------------------------------|-----------|--------|
| | PROFESSIONAL OR MANAGERIAL | SKILLED OR SEMI- SKILLED | UNSKILLED | TOTALS |
| Present Full Time | | | | |
| Present Part Time | | | | |
| Present Seasonal | | | | |
| First Year Full Time | | | | |
| First Year Part Time | | | | |
| First Year Seasonal | | | | |
| Second Year Full Time | | | | |
| Second Year Part Time | | | | |
| Second Year Seasonal | | | | |

V. Project Cost Data

A. Give breakdown of project costs:

| | |
|--------------------------------------|---------------------|
| Land | 840,000 \$ |
| Buildings: Acquisition | \$ |
| Renovation | \$ |
| New Construction | 4,350,000 \$ |
| Demolition | \$ |
| Utilities and Road | \$ |
| Site work and preparation | \$ |
| Acquisition of machinery & equipment | 600,000 \$ |
| Installation | \$ |
| Architectural and engineering fees * | \$ |
| Legal fees * | \$ |
| Interest during construction * | \$ |
| Other * ALL OTHER | 210,000 \$ |
| TOTAL | 6,000,000 \$ |

Have any of these expenditures been incurred to date? No Yes If yes, identify:

LAND ACQUISITION AND BUILDING DEMOLITION AND
ENGINEERING FEES

B. Summary of Financing

| | | |
|---------------------------------------|-----------|----|
| Total Project Costs | | \$ |
| Amount of Bond or Leaseback financing | | \$ |
| Amount of Conventional financing | 4,500,000 | \$ |
| Equity | 1,500,000 | \$ |

C. Will any part of the project be financed with funds of the company? No Yes, If yes, please provide detail:

| | |
|---------------------|---------|
| Item | \$ |
| LAND ACQUISITION | 840,000 |
| CONSTRUCTION (PART) | 660,000 |

D. Will other forms of government financing be used to undertake the project: No Yes If yes, please provide detail:

| Program | Amount | Status |
|---------|------------|-------------------|
| SBA 504 | #2,000,000 | TO BE APPLIED FOR |
| | | |

E. Have financial institutions or potential bond purchasers been approached? No Yes

If yes, please provide detail:

SUMMARY REPORTS AND PRELIMINARY DATA HAVE BEEN SUBMITTED

F. List capital expenditures of the company:

| | Past 3 years | Next 3 years |
|---------------|--------------|--------------|
| Real Property | \$ 0 | \$ |
| Buildings | \$ 0 | \$ |
| Equipment | \$ 0 | \$ |

VI. Financial and Feasibility Data

A. Describe the need or demand for the product or services to be provided as a result of the project:

THE PROJECT WILL PROVIDE ADDITIONAL HOTEL ROOMS TO ASSIST IN MEETING THE DEMAND FOR HOTEL/MOTEL ROOMS FOR CONVENTIONS AND DURING THE TOURIST SEASON

B. Has the company utilized bond financing before? No Yes.

If yes, describe when, where and amount:

C. Provide any marketing, economic and/or feasibility studies that have been developed, particularly for tourist destination facilities.

D. The following information will be required by the Agency and returned once an action of the Agency has been taken:

1. Financial statements for the last three (3) years;
2. Projections for the next three (3) years including Balance Sheets, Profit and Loss Statements, Cash Flow Statements by quarters, etc.

VII. Financial Assistance Expected From The Agency

A. Tax Benefits.

1. Is the applicant requesting any real property tax exemption in connection with the Project that would not be available to a project that did not involve the Agency?
Yes No

If yes, is the real property tax exemption being sought consistent with the Agency's Uniform Tax Exemption Policy? Yes No

2. 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?
\$ _____

3. 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? \$ _____

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: \$ _____
- b. Mortgage Recording Taxes: \$ _____
- c. Real Property Tax Exemptions: \$ _____
- 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: _____

VIII. 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. **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.
- 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.

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, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

NONE

NYS Department of State

Division of Corporations

Entity Information

Selected Entity Name: SAI LODGING LLC

Selected Entity Status Information

Current Entity Name: SAI LODGING LLC

Initial DOS Filing Date: SEPTEMBER 10, 2008

County: NIAGARA

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

RICKY PATEL
2821 NIAGARA FALLS BLVD.
NIAGARA FALLS, NEW YORK, 14304

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of a limited liability company.

*Stock Information

| # of Shares | Type of Stock | \$ Value per Share |
|--------------------------|---------------|--------------------|
| No Information Available | | |

*Stock information is applicable to domestic business corporations.

Name History

| Filing Date | Name Type | Entity Name |
|--------------|-----------|-----------------|
| SEP 10, 2008 | Actual | SAI LODGING LLC |

City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

DEPARTMENT OF INSPECTIONS
TELEPHONE NO. (716) 286-4450

August 20, 2008

Ricky Patel
General Manager
Days Inn & Suites
2821 Niagara Falls Boulevard
Niagara Falls, NY 14304

**RE: Meeting of August 19, 2008
627 – 649 Rainbow Boulevard**

Dear Mr. Patel:

This communication is sent predicated upon your inquiry that a hotel/motel use be allowed within the Downtown Commercial District.

Chapter 1315 of the current Zoning Ordinances of the City of Niagara Falls and specifically 1315.01 "**Permitted Uses**" allows the hotel/motel use by right and without the requirement of a special permit provided:

- **All other currently applicable statutes and mandates contained within the Niagara Falls Zoning Ordinance pursuant to the use together with any other mandates or statues that may be applicable be complied with. Such mandates are inclusive of but not limited to:**

Complete and total compliance with the New York States Uniform Fire Prevention and Building Code, proper permits filed inclusive of but not limited to plumbing, electrical, mechanical, sign, and curb cut.

- **Additionally, any and all prior approvals shall be obtained from any required board inclusive of but not limited to the Niagara Falls Planning Board and Zoning Board of Appeals.**
- **All demolitions must be properly conducted with proper permits filed pursuant to any and all current regulations inclusive of local and state.**
- **All other Departments that must approve the application and/or plans submitted therewith pursuant to this same hotel/motel use duly approved.**

If you have any questions regarding this communication, please feel free to contact the undersigned at (716) 286-4450.

Very truly yours,


Guy A. Bax

Acting Building Commissioner

GB:jmk

CERTIFICATION

(to be executed by the principal of the applicant and acknowledged by a notary public)

- I. RILKY A. PATEL (name of chief executive officer or other authorized representative of applicant) deposes and says that he/she is the MANAGING PARTNER (title) Of _____ (name of corporation or other entity) named in the attached Application (the "Applicant"); that he/she has read the foregoing Application and knows the contents thereof, and that the same is true to his/her knowledge.
- II. The grounds for 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 the Application, as well as information acquired by deponent in the course of his/her duties as an officer of and from the books and papers of said corporation or other entity.
- III. As an officer of the Applicant deponent acknowledges and agrees that the Applicant shall be and is responsible for all costs 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 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 (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; including without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing.
- IV. By executing and submitting this Application, the Applicant covenants and agrees to pay the following fees to the Agency and the Agency's general counsel and/or the Agency's bond/transaction counsel, the same to be paid at the times indicated:
- (a) The sum of \$ 1,000.00 as a non-refundable processing fee, plus the sum of \$ NO if Agency assistance in retaining professionals is requested, to be paid upon submission of the Application;
 - (b) Unless otherwise agreed to by the Agency, an amount equal to _____ of the total project costs to be paid at transaction closing;
 - (c) All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel and/or the

Agency's bond/transaction counsel, thus note that the Applicant is entitled to receive a written estimate of fees and costs of the Agency's general counsel and the Agency's bond/transaction counsel; and (2) other consultants retained by the Agency in connection with the proposed project; with all such charges to be paid by the applicant at the closing.

- V. By executing and submitting this Application, and in the event the closing does not occur, the Applicant further covenants and agrees to pay the following fees to the Agency and the Agency's general counsel and/or the Agency's bond/transaction counsel:
- (a) If the Applicant fails to conclude or consummate the 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, the Applicant shall pay to the Agency, its agents, or assigns, upon presentation of an invoice, a sum of one and one quarter percent (1.25%) of (i) the amount of bond financing requested; or (ii) the amount on which the financial assistance for the proposed project was determined, and upon presentation of an invoice, all actual costs involved with respect to the Application, including but not necessarily limited to fees of the Agency's general counsel and/or the Agency's bond/transaction counsel; or
 - (b) If the Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback transaction, then upon presentation of an invoice, all actual costs involved with respect to the Application, up to that date and time, incurred by the Agency including but not necessarily limited to fees of the Agency's general counsel and/or the Agency's bond/transaction counsel.
- VI. The Applicant acknowledges and agrees that all payment liabilities to the Agency and the Agency's general counsel and/or the Agency's bond and/or transaction counsel as expressed in Sections IV and V are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
- VI. The cost incurred by the Agency and paid by the Applicant, including bond/transaction counsel fees and the Agency's general counsel's fees and the processing fees, may be considered as a costs of the project and included in the financing of costs of the proposed project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.
- VI. The Applicant is aware and acknowledges that according to the New York Public Officer's Law, Article 6, Freedom of Information, 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 Applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application and, if applicable, made in Addendum A, when acting hereon and hereby represents that the statements made herein and therein 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 or therein not misleading.

SAI LODGING, LLC

(name of corporation or entity)

BY: _____

(name of officer)

RICKY A. PATEL

(title) MANAGING PARTNER

NOTARY

Sworn to before me this ___ day of _____, 20__

(Signature)

SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

PROJECT ID NUMBER

PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

| | |
|--|-----------------|
| 1. APPLICANT / SPONSOR SAI LODGING, LLC | 2. PROJECT NAME |
| 3. PROJECT LOCATION: Municipality C/O NIAGARA FALLS | County NIAGARA |
| 4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map 643 RAINBOW BLVD. | |
| 5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration | |
| 6. DESCRIBE PROJECT BRIEFLY: CONSTRUCTION OF A 79 ROOM LODGING FACILITY | |
| 7. AMOUNT OF LAND AFFECTED: Initially 1.04 acres Ultimately 1.04 acres | |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly: | |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe) | |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: NIAGARA COUNTY - HEALTH PERMIT C/O NIAGARA FALLS - BUILDING PERMIT & CERTIFICATE OF OCCUPANCY | |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: DEMOLITION | |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE | |
| Applicant / Sponsor Name SAI LODGING, LLC | Date: |
| Signature | |

If the action is a Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 NONE

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:
 NONE

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:
 Yes No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:
 Yes No

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

 Name of Lead Agency

 Date

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (If different from responsible officer)