

APPLICATION OF AGENCY

ALBANY 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 Albany County Industrial Development Agency (the "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.

TO: ALBANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
112 State Street; Room 740  
Albany, New York 12207

This application by applicant respectfully states:

APPLICANT: Vista Real Estate Development LLC

APPLICANT'S ADDRESS: 302 Washington Avenue Extension

CITY: Albany STATE: NY PHONE NO.: 518-862-9133

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION: Brandon Stabler

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

NAME OF ATTORNEY: Debra J. Lambek

ATTORNEY'S ADDRESS: 302 Washington Avenue Extension

CITY: Albany STATE: NY PHONE NO.: 518-862-9133

NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 2 HEREOF BEFORE FILLING OUT THIS FORM.

## INSTRUCTIONS

1. The Agency will not approve any application unless in the judgment of the Agency said application contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application (the "Project").
3. If an estimate is given as the answer to a question, put "(est)" after the figure or answer which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return four (4) copies of this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of 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). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel to the Agency. The costs incurred by the Agency, including the Agency's general counsel and bond counsel, may be considered as a part of the project and included as a part of the resultant bond issue.
9. The Agency has established an application fee of Fifteen Hundred Dollars (\$1,500) to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. **THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.**

FOR AGENCY USE ONLY

1. Project Number	_____
2. Date application received by the Agency	_____, 20____
3. Date application referred to attorney for review	_____, 20____
4. Date copy of application mailed to members	_____, 20____
5. Date notice of Agency meeting on application posted	_____, 20____
6. Date notice of Agency meeting on application mailed	_____, 20____
7. Date of Agency meeting on application	_____, 20____
8. Date Agency conditionally approved application	_____, 20____
9. Date scheduled for public hearing	_____, 20____
10. Date Environmental Assessment Form ("EAF") received	_____, 20____
11. Date Agency completed environmental review	_____, 20____
12. Date of final approval of application	_____, 20____

## SUMMARY OF PROJECT

Applicant: Vista Real Estate Development LLC

Contact Person: Brandon Stabler

Phone Number: 518-862-9133

Occupant: Vista Real Estate Development LLC

Project Street Address: 125 Vista Boulevard

Approximate Size of Project Site: ±26 Acres

Description

Project: Acquisition of ±26 acres of land in the Town of Bethlehem and Town of New Scotland, County of Albany, State of New York. Construction of 350,000 sf building(s), a one-story 200,000 sf warehouse, two-story 50,000 sf office building and one-story 100,000 sf service building along with associated parking.

Type of Project:  Manufacturing  
 Commercial

Warehouse/Distribution  
 Other – Specify

Employment Impact: Existing Jobs: Full Time: 0 Part-Time: 0

New Jobs Full Time: 905 Part-Time: 0

Project Cost: \$ 54,884.781

Type of Financing:  Tax-Exempt  Taxable  Straight Lease

Amount of Bonds Requested: \$ 0

Estimated Value of Tax-Exemptions:

N.Y.S. Sales and Compensating Use Tax:	\$ 2,375,000
Mortgage Recording Taxes:	\$ 467,660
Real Property Tax Exemptions:	\$ See attached proposed PILOT
Other (please specify):	\$ 0

Provide estimates for the following:

Number of Full Time Employees at the Project Site before IDA Status:	0
Estimate of Jobs to be Created:	905
Estimate of Jobs to be Retained:	360
Average Estimated Annual Salary of Jobs to be Created:	\$ 57,300/year
Annualized Salary Range of Jobs to be Created:	\$ 57,300/year

Estimated Average Annual Salary of Jobs to be Retained: 57,300

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

A. Company Name: Vista Real Estate Development LLC

Present Address: 302 Washington Avenue Extension, Albany, NY

Zip Code: 12203

Employer's ID No.: \_\_\_\_\_

B. If the Company differs from the Applicant, give details of relationship: \_\_\_\_\_

C. Indicate type of business organization of Company:

1. \_\_\_\_\_ Corporation (If so, incorporated in what country? \_\_\_\_\_; What State? \_\_\_\_\_; Date Incorporated? \_\_\_\_\_; Type of Corporation? \_\_\_\_\_; Authorized to do business in New York? \_\_\_\_\_ yes \_\_\_\_\_ no).

2. \_\_\_\_\_ Partnership (If so, indicate type of partnership \_\_\_\_\_, Number of general partners \_\_\_\_\_, Number of limited partners \_\_\_\_\_).

3.  Limited liability company (If so, formed in what State? \_\_\_\_\_, Date formed? \_\_\_\_\_, Authorized to do business in New York? \_\_\_\_\_).

4. \_\_\_\_\_ Sole proprietorship.

D. Is the Company a subsidiary or direct or indirect affiliate of any other organization(s)? If so, indicate name of related organization(s) and relationship: Various real estate development project.

**E. Management of Company:**

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

NAME (First, Middle, Last) HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
Joseph Nicolla	Member	N/A
Richard Rosen	Member	N/A
Stephen Obermayer	Member	N/A

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 or been adjudicated a bankrupt?  yes  no. If yes to any of the foregoing, furnish details in a separate attachment.

F. Principal owners of Company: Is 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	PERCENTAGE OF HOLDING
Joseph Nicolla	302 Washington Avenue Extension, Albany, NY 12203	60%
Richard Rosen	302 Washington Avenue Extension, Albany, NY 12203	20%
Stephen J. Obermayer	302 Washington Avenue Extension, Albany, NY 12203	20%

G. Company's Principal Bank(s) of account: N/A

II. Information concerning lease or sublease of the project. (Please complete the following section if the Company intends to lease or sublease the Project).

A. Does the Company intend to lease or sublease more than 10% (by area or fair market value) of the Project?  yes  no. If yes, please provide detail.  
100% of the Project will be leased to Plug Power

B. What percentage of the space intended to be leased or subleased is now subject to a binding written lease or sublease? 0%

C. 1. Sublessee name: Plug Power Inc.

Present Address: 968 Albany Shaker Road

City: Latham State: NY Zip: 12110

Employer's ID No.: \_\_\_\_\_

Sublessee is:  Corporation:  Partnership:  Sole Proprietorship

Relationship to Company: Unaffiliated

Percentage of Project to be leased or subleased: 100%

Use of Project intended by Sublessee: \_\_\_\_\_

Date of lease or sublease to Sublessee: \_\_\_\_\_

Term of lease or sublease to Sublessee: 15 Years

2. Sublessee name: \_\_\_\_\_

Present Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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: \_\_\_\_\_

3. Sublessee name: \_\_\_\_\_

Present Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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: \_\_\_\_\_

### III. Data regarding Proposed Project

A. Summary: (Please provide a brief narrative description of the Project.)  
Acquisition of ± 26 acres of land in the Town of Bethlehem and Town of New Scotland, County of Albany,  
State of New York. Construction of 350,000 sf building(s), a one-story 200,000 sf warehouse, two-story  
50,000 sf office building and one-story 100,000 sf service building along with associated parking.

B. Location of Proposed Project:

1. Street Address: 125 Vista Boulevard
2. City of \_\_\_\_\_
3. Town of Bethlehem and New Scotland
4. Village of \_\_\_\_\_
5. County of Albany

C. Project Site:

1. Approximate size (in acres or square feet) of Project site: ±26 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 existing building: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3. Are existing buildings in operation?  yes  no.  
If yes, describe present use of present buildings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Are existing buildings abandoned?  yes  no. About to be abandoned?  yes  no. Attach photograph of present buildings.

4. Utilities serving project site:

Water-Municipal: Municipal  
Other (describe) \_\_\_\_\_  
Sewer-Municipal: Municipal  
Other (describe) \_\_\_\_\_  
Electric-Utility: National Grid  
Other (describe) \_\_\_\_\_  
Heat-Utility: National Grid  
Other (describe) \_\_\_\_\_

5. Present legal owner of project site: Vista Development Group LLC  
\_\_\_\_\_.

If the Company owns project site, indicate date of purchase: N/A, 20  ; Purchase price: \$ \_\_\_\_\_.

If Company not owner, does Company have option signed with owner to purchase the project site?  yes  no. If yes, indicate date option signed with owner: November 1, 2021.

Date option expires: \_\_\_\_\_, 20\_\_\_\_\_. 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.

6. Zoning District in which the project site is located: MEDD

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:

Area variance for rear yard set back of building.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:  
Construction of 350,000 sf building(s), a one-story 200,000 sf warehouse, two-story 50,000 sf office building and one-story 100,000 sf service building along with associated parking.

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: \_\_\_\_\_

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

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

Office, manufacturing and warehouse for a technology company.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. Project Use:

1. What are the principal products to be produced at the Project? \_\_\_\_\_  
GenDrive Equipment

2. What are the principal activities to be conducted at the Project? Manufacturing, testing, warehouse, service and support operations for GenDrive product line.

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3. Will any portion of the Project be used for any of the following purposes: N/A

retail food and beverage services: Yes  No  
automobile sales or service: Yes  No  
recreation or entertainment: Yes  No  
golf course: Yes  No  
country club: Yes  No  
massage parlor: Yes  No  
tennis club: Yes  No  
skating facility (including roller skating, skateboard and ice skating):  
    Yes  No  
racquet sports facility (including handball and racquetball court):  
    Yes  No  
hot tub facility: Yes  No  
suntan facility: Yes  No  
racetrack: Yes  No

If the answer to any of the above questions is yes, please furnish details on a separate attachment. N/A

4. 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 provide detail:

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5. If the answer to question 4 is yes, what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project? 0 %

6. If the answer to question 4 is yes, and the answer to question 5 is more than 33.33%, indicate whether any of the following apply to the Project:

a. Will the Project be operated by a not-for-profit corporation?  
Yes        No       . N/A

b. Is the Project likely to attract a significant number of visitors from outside the economic development region in which the Project will be located? Yes \_\_\_\_; No \_\_\_\_\_. N/A

c. Would the project occupant, but for the contemplated financial assistance from the Agency, locate the related jobs outside the State of New York? Yes \_\_\_\_; No \_\_\_\_\_. N/A

d. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonable accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services? Yes \_\_\_\_; No \_\_\_\_\_. If yes, please provide detail. N/A

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e. Will the Project be located in one of the following: (a) an area designed as an economic development zone pursuant to Article 18-B of the General Municipal Law or (b) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (i) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance, and (ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates? Yes \_\_\_\_; No \_\_\_\_\_. N/A

7. If the answers to any of subdivisions c. through e. of question 6 is yes, will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? Yes \_\_\_\_ No \_\_\_\_\_. N/A If yes, please provide detail.

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8. 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:

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9. 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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

10. If the answer to either question 8 or question 9 is yes, indicate whether any of the following apply to the Project: N/A

a. Is the Project reasonably necessary to preserve the competitive position of the Company on such Project Occupant in its industry? Yes       ; No       . If yes, please provide detail:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

b. Is the Project reasonably necessary to discourage the Company or such Project Occupant from removing such other plant or facility to a location outside the State of New York? Yes       ; No       . N/A  
If yes, please provide detail:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

11. Will the Project be owned by a not-for-profit corporation? Yes       ; No ✓. If yes, please provide detail:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

12. If the answer to question 11 is yes, indicate whether any of the following apply to the Project: N/A

a. Is the Project a housing facility primarily designed to be occupied by individuals 60 years of age or older? Yes       ; No       . If yes, please explain:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

b. Is the Project a dormitory for an educational institution? Yes \_\_\_\_\_; No . If yes, please explain:

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

c. Is the Project a facility as defined in Article 28 of the Public Health Law? Yes \_\_\_\_\_; No . If yes, please explain:

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

13. If the answer to any of the questions contained in question 12 is yes, indicate whether the cost of the Project will exceed \$15 million. Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please provide detail:

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

14. Will the Project be sold or leased to a municipality? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please provide detail:

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

F. Construction Status:

1. Has construction work on this project begun? \_\_\_\_\_ Yes;  No. If yes, please discuss in detail the approximate extent of construction and the extent of completion. Indicate in your answer whether such specific steps have been completed as site clearance and preparation; completion of foundations; installation of footings; etc.:

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

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: N/A

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

3. Please indicate the date the applicant estimates the Project will be completed: July 2022

**G. Method of Construction after Agency Approval:**

1. 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.

#### H. Other Involved Agencies:

1. Please indicate all other local agencies, boards, authorities, districts, commissions or governing bodies (including any city, county and other political subdivision of the State of New York and all state departments, agencies, boards, public benefit corporations, public authorities or commissions) involved in approving or funding or directly undertaking action with respect to the Project. For example, do you need a municipal building permit to undertake the Project? Do you need a zoning approval to undertake the Project? If so, you would list the appropriate municipal building department or planning or zoning commission which would give said approvals. Town of New Scotland Town Board, Town of Bethlehem & New Scotland Planning Boards - Site Plan & Subdivision Approval, Town of Bethlehem and New Scotland ZBA - Area Variance, Town of Bethlehem and New Scotland Building Permits, Town of Bethlehem IDA - Funding, Albany County IDA, NYSDEC SPDES, NYS DOT, Empire State Development, OPRHP, NYSERDA.
2. Describe the nature of the involvement of the federal, state, or local agencies described above; Issuing various approvals, permits and potential funding for the project.

IV. Employment Impact

A. Indicate the number of people presently employed at the Project site and the additional number that will be employed at the Project site at the end of the first and second years after the Project has been completed, using the tables below for (1) employees of the Applicant, (2) independent contractors, and (3) employees of independent contractors. (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. Such information regarding relocated positions should also indicate whether such positions are relocated from other project sites financed by obligations previously issued by the Agency.

TYPE OF EMPLOYMENT Employees of Applicant					
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time	See attached				
Present Part Time	See attached				
Present Seasonal	See attached				
First Year Full Time	See attached				
First Year Part Time	See attached				
First Year Seasonal	See attached				
Second Year Full Time	See attached				
Second Year Part Time	See attached				
Second Year Seasonal	See attached				

TYPE OF EMPLOYMENT Independent Contractors					
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time	See attached				
Present Part Time	See attached				
Present Seasonal	See attached				
First Year Full Time	See attached				
First Year Part Time	See attached				
First Year Seasonal	See attached				
Second Year Full Time	See attached				
Second Year Part Time	See attached				
Second Year Seasonal	See attached				

TYPE OF EMPLOYMENT Employees of Independent Contractors					
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time	See attached				
Present Part Time	See attached				

Present Seasonal	See attached				
First Year Full Time	See attached				
First Year Part Time	See attached				
First Year Seasonal	See attached				
Second Year Full Time	See attached				
Second Year Part Time	See attached				
Second Year Seasonal	See attached				

B. Indicate below (1) the estimated salary and fringe benefit averages or ranges and (2) the estimated number of employees residing in the Capital Region Economic Development Region for all the jobs at the Project site, both retained and created, listed in the tables described in subsection A above for each of the categories of positions listed in the chart below.

RELATED EMPLOYMENT INFORMATION				
	Professional or Managerial	Skilled	Semi-Skilled	Un-Skilled
Estimated Salary and Fringe Benefit Averages or Ranges	See attached			
Estimated Number of Employees Residing in the Capital Region Economic Development Region <sup>1</sup>	See attached			

C. Please describe the projected timeframe for the creation of any new jobs with respect to the undertaking of the Project: Job creation will start immediately upon Rent Commencement

<sup>1</sup> The Capital Region Economic Development Region consists of the following counties: Albany, Schenectady, Rensselaer, Greene, Columbia, Saratoga, Warren, and Washington.

D. Please prepare a separate attachment describing in detail the types of employment at the Project site. Such attachment should describe the activities or work performed for each type of employment. See attached

V. Project Cost

A. Anticipated Project Costs. State the costs reasonably necessary for the acquisition of the Project site, the construction of the proposed buildings and the acquisition and installation of any machinery and equipment necessary or convenient in connection therewith, and including any utilities, access roads or appurtenant facilities, using the following categories:

<u>Description of Cost</u>	<u>Amount</u>
Land	\$2,500,000
Buildings	\$ 47,500,000
Machinery and equipment costs	\$ _____
Utilities, roads and appurtenant costs	\$ _____
Architects and engineering fees	\$ _____
Costs of Bond Issue (legal, financial and printing) Commissions, agency fees, lender fees	\$ 4,299,781
Construction loan fees and interest (if applicable)	\$ 585,000
Other (specify)	\$ _____ \$ _____ \$ _____
<b>TOTAL PROJECT COSTS</b>	<b>\$54,884,781</b>

B. Anticipated Project Financing Sources. State the sources reasonably necessary for the financing of the Project site, the construction of the proposed buildings and the acquisition and installation of any machinery and equipment necessary or

convenient in connection therewith, and including any utilities, access roads or appurtenant facilities, using the following categories:

C. Have any of the above expenditures already been made by the applicant?  
Yes       ; No ✓. If yes, indicate particulars.

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D. Amount of loan requested: \$ N/A ;  
Maturity requested: N/A years.

E. Has a commitment for financing been received as of this application date, and if so, from whom? **N/A**

Provide name and telephone number of the person we may contact.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

F. The percentage of Project costs to be financed from public sector sources is estimated to equal the following: 0 %

G. The total amount estimated to be borrowed to finance the Project is equal to the following: \$ 46,766,053

VI. Benefits expected from the Agency

A. Is the applicant requesting that the Agency issue bonds to assist in financing the project? Yes  No.

B. Is the interest on such bonds intended to be exempt from federal income taxation? Yes  No.

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

D. 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? \$ 46,766,053.

E. 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? \$ 2,375,000.

F. 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 the exemption.

1. N.Y.S. Sales and Compensating Use Taxes: 2,375,000
2. Mortgage Recording Taxes: 467,060
3. Real Property Tax Exemptions: see attached proposed PILOT
4. Other (please specify): \_\_\_\_\_

G. Please list the affected taxing jurisdictions for the Project.

1. Village (if any): \_\_\_\_\_
2. Town: New Scotland and Bethlehem
3. City (if any): \_\_\_\_\_
4. School District: Bethlehem CSD

H. 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. see attached PILOT Request

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I. **Project Benefit Information.** Complete the attached Cost/Benefit Analysis so that the Agency can perform a cost/benefit analysis of undertaking the Project. Such information should consist of a list and detailed description of the benefits of the Agency undertaking the Project (e.g., number of jobs created, types of jobs created, economic development in the area, etc.). Such information should also consist of a list and detailed description of the costs of the Agency undertaking the Project (e.g., tax revenues lost, buildings abandoned, etc.).

VII. **Agreements by 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 "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA"), as replaced by the Workforce Investment Act of 1998 (Public Law 105-220), 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, including (1) the NYS-45 – Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return – for the quarter ending December 31 (the “NYS-45”), and (2) the US Dept. of Labor BLS 3020 Multiple Worksite report if applicable.

E. Uniform Agency Project Agreement. The applicant agrees to enter into a project benefits agreement with the Agency where the applicant agrees that (1) the amount of Financial Assistance to be received shall be contingent upon, and shall bear a direct relationship to the success or lack of success of such project in delivering certain described public benefits (the “Public Benefits”) and (2) the Agency will be entitled to recapture some or all of the Financial Assistance granted to the applicant if the project is unsuccessful in whole or in part in delivering the promised Public Benefits.

F. Representation of Financial Information. Neither this Application nor any other agreement, document, certificate, project financials, or written statement furnished to the Agency or by or on behalf of the applicant in connection with the project contemplated by this Application contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements contained herein or therein not misleading. There is no fact within the special knowledge of any of the officers of the applicant which has not been disclosed herein or in writing by them to the Agency and which materially adversely affects or in the future in their opinion may, insofar as they can now reasonably foresee, materially adversely affect the business, properties, assets or condition, financial or otherwise, of the applicant.

G. Agency Financial Assistance Required for Project. The Project would not be undertaken but for the Financial Assistance provided by the Agency or, if the Project could be undertaken without the Financial Assistance provided by the Agency, then the Project should be undertaken by the Agency for the following reasons:

- H. Compliance with Article 18-A of the General Municipal Law: The Project, as of the date of this Application, is in substantial compliance with all provisions of article 18-A of the General Municipal including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862; and the provisions of subdivision one of Section 862 of the General Municipal Law will not be violated if Financial Assistance is provided for the Project.
- I. Compliance with Federal, State, and Local Laws. The applicant is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.
- J. False or Misleading Information. The applicant understands that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of Agency involvement in the Project.
- K. Absence of Conflicts of Interest. The applicant acknowledges that the members, officers, and employees of the Agency are listed on the Agency's website. 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:

L. Additional Information. Additional information regarding the requirements noted in this Application and other requirements of the Agency are included in the Agency's Additional Documents which can be accessed at:  
<http://www.albanycounty.com/Businesses/ACIDA/ACIDA-Documents.aspx> .

I affirm under penalty of perjury that all statements made on this application are true, accurate, and complete to the best of my knowledge.

VISTA REAL ESTATE  
DEVELOPMENT LLC

By:

Applicant

Title:

Joseph R. Nicolla, Authorized Person

NOTE: APPLICANT MUST COMPLETE THE APPROPRIATE VERIFICATION APPEARING ON PAGES 26 THROUGH 29 HEREOF BEFORE A NOTARY PUBLIC AND MUST SIGN AND ACKNOWLEDGE THE HOLD HARMLESS AGREEMENT APPEARING ON PAGE 30.

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## VERIFICATION

(If Applicant is a corporation)

\_\_\_\_ deposes and says that he is the  
(Name of chief executive of applicant) *of*

of \_\_\_\_\_  
(Title) \_\_\_\_\_ (Company Name)  
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 the 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.

Sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Notary Public)

## VERIFICATION

(If applicant is a limited liability company)

STATE OF NEW YORK )  
 )SS.:  
COUNTY OF ALBANY )

Joseph L. Nicollas, deposes and says  
(Name of Individual)  
that he is one of the members of the firm of VISTA REAL ESTATE DEVELOPMENT LLC,  
(Limited Liability Company)

the limited liability company 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. 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 a member of and from the books and papers of said limited liability company.

Joseph R. Nicolla

Sworn to before me this  
1<sup>st</sup> day of Dec., 20<sup>21</sup>.

Margaret M Lanni  
(Notary Public)  
MARGARET M LANNI  
Notary Public, State of New York  
No. 01LA4920641  
Qualified In Schenectady County  
Commission Expires Feb. 16, 2002

## VERIFICATION

(If applicant is sole proprietor)

, deposes and says that he has read

(Name of Individual)

(Name of Individaul)

the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. 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.

Sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(Notary Public)

## VERIFICATION

(If applicant is partnership)

, deposes and says that he is one of  
(Name of Individual)  
the members of the firm of \_\_\_\_\_, the partnership named  
(Partnership Name)  
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. 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 a member of and from the books and papers of said partnership.

Sworn to before me this  
day of \_\_\_\_\_, 20\_\_\_\_.

(Notary Public)

NOTE: THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS THE HOLD HARMLESS AGREEMENT APPEARING ON PAGE 30 IS SIGNED BY THE APPLICANT.

### HOLD HARMLESS AGREEMENT

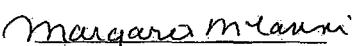
Applicant hereby releases Albany County Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (i) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the application or the project described therein or the issuance of bonds requested therein are favorably acted upon by the Agency, (ii) the Agency's financing of the Project described therein; and (iii) any further action taken by the Agency with respect to the Project, including without 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 attorneys' fees, if any.

VISTA REAL ESTATE DEVELOPMENT LLC  
(Applicant)

BY:

  
Joseph R. Nicolla, Authorized Person

Sworn to before me this  
15<sup>th</sup> day of Dec., 2021.

  
(Notary Public)  
MARGARET M LANNI  
Notary Public, State of New York  
No. 01LA4920641  
Qualified in Schenectady County  
Commission Expires Feb. 16, 2022

TO: Project Applicants  
FROM: Albany County Industrial Development Agency  
RE: Cost/Benefit Analysis

In order for the Albany County Industrial Development Agency (the "Agency") to prepare a Cost/Benefit Analysis for a proposed project (the "Project"), the Applicant must answer the questions contained in this Project Questionnaire (the "Questionnaire") and complete the attached Schedules. This Questionnaire and the attached Schedule will provide information regarding various aspects of the Project, and the costs and benefits associated therewith.

This Questionnaire must be completed before we can finalize the Cost/Benefit Analysis, please complete this Questionnaire and forward it to us at your earliest convenience.

**PROJECT QUESTIONNAIRE**

1. Name of Project Beneficiary ("Company"):	Vista Real Estate Development LLC
2. Brief Identification of the Project:	125 Vista Boulevard
3. Estimated Amount of Project Benefits Sought:	
A. Amount of Bonds Sought:	\$ 0.00
B. Value of Sales Tax Exemption Sought	\$ 2,375,000.00
C. Value of Real Property Tax Exemption Sought	\$ see attached Proposed PILOT
D. Value of Mortgage Recording Tax Exemption Sought	\$ 467,660.00
4. Likelihood of accomplishing the Project in a timely fashion:	excellent

**PROJECTED PROJECT INVESTMENT**

A. Land-Related Costs	
1. Land acquisition	\$ 2,500,000.00
2. Site preparation	\$
3. Landscaping	\$
4. Utilities and infrastructure development	\$
5. Access roads and parking development	\$
6. Other land-related costs (describe)	\$
B. Building-Related Costs	
1. Acquisition of existing structures	\$
2. Renovation of existing structures	\$
3. New construction costs	\$ 47,500,000.00

4. Electrical systems	\$
5. Heating, ventilation and air conditioning	\$
6. Plumbing	\$
7. Other building-related costs (describe)	\$
<b>C. Machinery and Equipment Costs</b>	
1. Production and process equipment	\$
2. Packaging equipment	\$
3. Warehousing equipment	\$
4. Installation costs for various equipment	\$
5. Other equipment-related costs (describe)	\$
<b>D. Furniture and Fixture Costs</b>	
1. Office furniture	\$
2. Office equipment	\$
3. Computers	\$
4. Other furniture-related costs (describe)	\$
<b>E. Working Capital Costs</b>	
1. Operation costs	\$
2. Production costs	\$
3. Raw materials	\$
4. Debt service	\$
5. Relocation costs	\$
6. Skills training	\$
7. Other working capital-related costs (describe)	\$
<b>F. Professional Service Costs</b>	
1. Architecture and engineering	\$
2. Accounting/legal	\$
3. Other service-related costs (describe)	\$
<b>G. Other Costs</b>	
1. Commissions, Agency Fees, Lender Fees	\$ 4,299,781.00
2. Construction loan fees and interest	\$ 585,000.00
<b>H. Summary of Expenditures</b>	
1. Total Land-Related Costs	\$ 2,500,000.00
2. Total Building-Related Costs	\$47,500,000.00
3. Total Machinery and Equipment Costs	\$
4. Total Furniture and Fixture Costs	\$
5. Total Working Capital Costs	\$
6. Total Professional Service Costs	\$
7. Total Other Costs	\$ 4,884,781.00

### **PROJECTED CONSTRUCTION EMPLOYMENT IMPACT**

I. Please provide estimates of total construction jobs and the total annual wages and benefits of construction jobs at the Project:

Year	Number of Construction Jobs	Total Annual Wages and Benefits	Estimated Additional NYS Income Tax
Current Year		\$	\$
Year 1		\$	\$
Year 2		\$	\$
Year 3		\$	\$
Year 4		\$	\$
Year 5		\$	\$

### **PROJECTED PERMANENT EMPLOYMENT IMPACT**

I. Estimates of the total number of existing permanent jobs to be preserved or retained as a result of the Project are described in the tables in Section IV of the Application.

II. Estimates of the total new permanent jobs to be created at the Project are described in the tables in Section IV of the Application.

III. Please provide estimates for the following:

A. Creation of New Job Skills relating to permanent jobs. Please complete Schedule A.

IV. Provide the projected percentage of employment that would be filled by Albany County residents: \_\_\_\_\_

A. Provide a brief description of how the project expects to meet this percentage:

### **PROJECTED OPERATING IMPACT**

I. Please provide estimates for the impact of Project operating purchases and sales:

Additional Purchases (1 <sup>st</sup> year following project completion)	\$
Additional Sales Tax Paid on Additional Purchases	\$
Estimated Additional Sales (1 <sup>st</sup> full year following project completion)	\$
Estimated Additional Sales Tax to be collected on additional sales (1 <sup>st</sup> full year following project completion)	\$

II. Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes ("Pilot Payments"):

Year	Existing Real Property Taxes (Without involvement)	IDA	New Pilot Payments (With IDA)	Total (Difference)
<u>Current Year</u>				
Year 1				
Year 2				
Year 3				
Year 4				
Year 5				
Year 6				
Year 7				
Year 8				
Year 9				
Year 10				

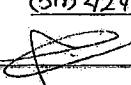
III. Please provide a detailed description for the impact of other economic benefits and all anticipated community benefits expected to be produced as a result of the Project (attach additional pages as needed for a complete and detailed response):

### CERTIFICATION

I certify that I have prepared the responses provided in this Questionnaire and that, to the best of my knowledge; such responses are true, correct, and complete.

I understand that the foregoing information and attached documentation will be relied upon, and constitute inducement for, the Agency in providing financial assistance to the Project. I certify that I am familiar with the Project and am authorized by the Company to provide the foregoing information, and such information is true and complete to the best of my knowledge. I further agree that I will advise the Agency of any changes in such information, and will answer any further questions regarding the Project prior to the closing.

I affirm under penalty of perjury that all statements made on this application are true, accurate, and complete to the best of my knowledge.

Date Signed: <u>December 1, 2021.</u>	Name of Person Completing Project Questionnaire on behalf of the Company.  Name: <u>Joseph R. Nicolla</u> Title: <u>Authorized Person</u> Address: <u>302 Washington Ave Ext, Albany, NY 12203</u> Phone Number: <u>(518) 424-5495</u>  Signature: 
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**SCHEDULE A**  
**CREATION OF NEW JOB SKILLS**

Please list the projected new job skills for the new permanent jobs to be created at the Project as a result of the undertaking of the Project by the Company. SEE ATTACHED

Should you need additional space, please attach a separate sheet.

PLUG POWER GENDRIVE FACILITY AT VISTA TECH PARK - NET NEW FTE JOBS

12/3/21

Manufacturing	2022	2023	2024	2025	2026
Production GenDrive	250	320	400	475	467
Test GenDrive	42	38	45	60	80
<b>Total Manufacturing Workers</b>	<b>292</b>	<b>358</b>	<b>445</b>	<b>535</b>	<b>547</b>
Warehousing					
Warehouse 001	24	31	35	73	161
Service Shipping	15	60	94	140	210
Warehouse 002	8	10	12	24	54
Prep to ship	5	6	7	15	33
Warehouse H2	8	32	50	75	112
<b>Total Warehouse Workers</b>	<b>60</b>	<b>140</b>	<b>198</b>	<b>327</b>	<b>570</b>
Leadership Support					
Team Leaders	24	36	48	67	94
Supervisors	14	20	24	26	30
Managers/Support	8	10	12	20	24
<b>Total Leadership</b>	<b>46</b>	<b>66</b>	<b>84</b>	<b>113</b>	<b>148</b>
<b>Total Net New Facility Staff</b>	<b>398</b>	<b>564</b>	<b>727</b>	<b>975</b>	<b>1,265</b>
Existing Relocated from Latham HQ	360	360	360	360	360
<b>TOTAL STAFF AT VISTA SITE</b>	<b>758</b>	<b>924</b>	<b>1107</b>	<b>1335</b>	<b>1625</b>

NOTE: Jobs shown are cumulative and only reflect jobs at the Vista Tech Park facility.

Pilot Savings

<u>Year</u>	<u>Abatement on Improvements</u>
Year 1	*Pilot Payment in Year 1 will be lesser of \$0.01 psf for land and improvements or 100% abatement on improvements
Year 2	100%
Year 3	90%
Year 4	80%
Year 5	70%
Year 6	60%
Year 7	50%
Year 8	40%
Year 9	30%
Year 10	20%
Year 11	10%
Year 12	0%

\*\$0.01 psf is the existing vacant land taxes [excluding special assessments] for proposed 350,000 sf facility