

# FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

## PROJECT APPLICATION

PROJECT TITLE : Spring Water  
Bottling Plant  
Town of Johnstown

APPLICANT : CG Roxane LLC

DATE : 5/22/12

# APPLICANT'S CHECKLIST

APPLICATION REQUIREMENT	(√) IF INCLUDED
1. Eight (8) copies of signed completed Application forms are included	✓
2. All fees are included	See Cover letter
3. Affidavits in Appendix A have been signed and dated	✓
4. Two (2) copies of a Site Plan per Appendix B	✓
5. <del>EAF in Appendix C is completed and signed</del> <i>Town of Johnstown Negative Declaration Appendix C</i>	✓
6. Appendix D is signed	✓
7. Appendix F is completed and signed	✓
8. Financial information is included if application requests issuance of IDA Bonds	N/A
9. Letter from Bond Counsel identifying each party to the project that Bond Counsel shall represent if project involves IDA Bonds	N/A
10. <i>Authority to Do Business in NY State Appendix G</i>	✓

Name :

:

*Page Beykpour*

Title :

:

*Executive Vice President*

Signature :

:

*[Signature]*

Date :

:

*6/12/12*

# IDA FEE SCHEDULE

## **I. IDA FEES:**

### **A. APPLICATION FEE:**

- Application Fee : \$1,600
- Application Fee shall be paid to IDA upon submission of Project Application.
- Application Fee is Non-Refundable.

### **B. ADMINISTRATIVE FEE:**

#### **1. Straight Lease Projects:**

- Administrative Fee : .25% of the Project's cost subject to Sales Tax
- Administrative Fee shall be paid to IDA prior to execution of lease documents.

#### **2. Bond Projects:**

- Administrative Fee :  
1% up to 1<sup>st</sup> \$5,000,000  
.75% over \$5,000,001
- Administrative Fee shall be paid to IDA prior to or at the bond closing.

### **C. PAYMENT IN LIEU OF TAX AGREEMENT (PILOT) FEE:**

- Administrative Fee : \$400/year.
- This Annual Fee shall be paid to the IDA by the Applicant by January 15<sup>th</sup> of each year a PILOT is in effect.

## **II. IDA COUNSEL FEES:**

### **A. STRAIGHT LEASE PROJECTS:**

- Applicant shall pay for all costs incurred by IDA Counsel in preparing Lease documents. Applicant shall receive invoice directly from IDA Counsel and remit payment directly to IDA Counsel within 30 days. Applicant shall submit copy of payment and invoice to IDA.

### **B. BOND PROJECTS:**

#### **1. IDA Counsel Fee:**

- 1% up to \$600,000.00 with minimum of \$4,500.00
- 1/2 of 1% for the amount between \$600,000.00 to \$1,500,000.00
- 1/4 of 1% for the amount between \$1,500,000.00 to \$3,000,000
- 1/8 of 1% for all in excess of \$3,000,000.00

- 2. In the event a transaction does not close, the Applicant shall pay all IDA's Counsel Fees for the time and disbursements expended and on the project.

3. Applicant shall receive invoice directly from IDA Counsel and submit within thirty (30) days of receipt of an invoice a payment directly to the IDA Counsel. The Applicant shall at the same time it issues a payment, forward a copy of the check issued and invoice to the Fulton County IDA.

**III. IDA BOND COUNSEL FEE FOR BOND PROJECTS:**

- A. Applicant is responsible for payment of fees and disbursements of Bond Counsel. Bond Counsel shall be selected by the IDA.
- B. Applicant shall submit to the IDA, at the time a payment is issued to Bond Counsel, a copy of the check issued and invoice.

**IV. NEW YORK STATE BOND ISSUANCE FEE:**

- A. Part X of Chapter 85 of the 2002 Laws of the State of New York established IDA bond issuance fees as follows:

Principal Amount of Bonds	Percentage Fee
\$1,000,000 or less	.14%
\$1,000,000 - \$5,000,000	.28%
\$5,000,001 - \$10,000,000	.42%
\$10,000,001 - \$20,000,000	.56%
More than \$20,000,000	.70%

- B. Applicant shall be responsible for paying all applicable State Bond Issuance Fees to New York State.

Adopted: 12/87  
Revised: 5/89  
Revised: 2/90  
Revised: 6/90  
Revised: 2/95  
Revised: 12/99  
Revised: 6/00  
Revised: 9/08

Name

:

Page Beykpour

Title

:

Executive Vice President

Signature

:

[Signature]

Date

:

5/22/12

## PROJECT APPLICATION

- All information submitted on and with this Project Application is subject to New York State's Freedom of Information Law (FOIL). If the Applicant believes any information submitted on or with this Project Application is confidential and proprietary, please identify all said information and the specific reasons why you feel it should not be subject to FOIL. This information should be submitted on a separate page(s) that would be attached to the Project Application. The IDA shall determine if said information is subject to FOIL.
- All IDA meetings at which this Project Application shall be discussed are subject to New York State's Open Meetings Law. The press/media is invited to all IDA meetings.

### 1. APPLICANT:

a. Company Name : CG Roxane LLC  
Address : 55 Francisco Street, Suite 410  
San Francisco, CA 94133  
Telephone # : 415-616-9590  
Fax # : 415-616-9595  
E-mail Address : p.beykpour@cgroxane.com  
Federal  
Employer ID# : 68-0207100  
Contact Person : Page Beykpour  
Title : Executive Vice President

b. Business Organization:  
☒ Corporation Year Incorp. 1998  
☐ Partnership Year Incorp. \_\_\_\_\_  
☐ Sole Proprietorship Year Estab. 1989  
State Incorp. CA

c. Officers:

	<u>Name</u>
President	<u>Ronan Papilland</u>
Vice President	<u>Page Beykpour</u>
Secretary	<u>Gwen Carion</u>
Treasurer	<u>Patrice Marquet</u>

Is Company publicly held? ☐ Yes ☒ No

f. Bank References:

<u>Name</u>	<u>Bank</u>	<u>Address</u>	<u>Phone #</u>
Damien Séjourne	Bank of The West	180 Montgomery Street, SF CA	94104
Lauren Downum	Wells Fargo Bank	420 Montgomery Street, SF CA	94104

g. Is Company currently involved in any litigation or proceeding which could have any effect on the Company's financial solvency?

Yes                      X No

If yes, please describe \_\_\_\_\_

## 2. PROJECT OWNERSHIP:

a. Information on Project Owner:

Name of Project Owner : 5 CG Roxane LLC

Address : Same as above

Contact Person : Page Beykpour

Phone # : 415-616-9590

Fax # : 415-616-9595

E-Mail : p.beykpour@cgroxxone.com

Federal ID# : 68-0207100

b. Will Project Owner be :

- ☒ Existing Company  
☐ Subsidiary  
☐ New Company

c. Will Project be leased or subleased:

Leased

Subleased

A. Land ☐ yes ☒ no

B. Building ☐ yes ☒ no

☐ yes ☒ no

☐ yes ☒ no

d. Describe all leasehold relationships that will exist with Project: Project owner will lease groundwater from the Village of Canajoharie.

e. Information on Lessee:

Name of Lessee : Village of Canajoharie

Address : 75 Erie Blvd.  
Canajoharie, NY 13317

Contact Person : Mayor Francis Avery

Phone : 518-673-5512

Fax : \_\_\_\_\_

E-Mail : \_\_\_\_\_

Federal Employer ID# : \_\_\_\_\_

f. Information on Sublessee:

Name of Sublessee : N/A

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

Contact Person : \_\_\_\_\_  
Phone : \_\_\_\_\_  
Fax : \_\_\_\_\_  
E-Mail : \_\_\_\_\_  
Federal Employer ID# : \_\_\_\_\_

g. Lease term:

Commencement date : 2012  
Expiration date : 2111

3. **PROJECT DESCRIPTION:**

- a. Project Name: Spring Water Bottling Plant  
b. Project Address: 325 Watershed Road  
Town of Johnstown, New York

c. Lot Description:

1. Lot # : 146.-1-31
2. Lot Size: 76.32 acres
3. Lot Dimensions: \_\_\_\_\_
4. Has lot been surveyed: ☒ Yes ☐ No  
If yes, attach copy of survey map of lot and legal description.

d. Current legal owner of lot:

CG Roxane LLC

e. Current zoning of lot:

Residential-Agricultural (R-A)

f. Describe intended use:

Manufacturing of Bottled Spring water  
Products in multi-packages.

g. Building Description:

1. Gross square foot of floor space
2. Number of stories
3. Building height
4. Exterior finishes

Phase 1: 176,757 SF

Phase 2: 65,945 SF

1

30.21' Building - 22.00' utility height

Metal Frame

4. **SITE PLAN:**

- a. Two copies of a Site Plan prepared by a licensed Professional Engineer shall be submitted to the IDA. The Site Plan shall contain all of the information identified in Appendix A.

5. **BUILDING PLANS:**

- a. Two copies of Building Plans prepared by a licensed Engineer/Architect shall be submitted to the IDA. Building Plans shall include:

1. Building Elevations: North, East, 7

South and West



2. Floor Plans
3. Exterior wall sections
4. Exterior wall finishes

6. **PROPOSED EMPLOYMENT:**

A. Summary:

	PRESENT	TOTAL EMPLOYEES PROJECTED AT END OF 1ST YR.	TOTAL EMPLOYEES PROJECTED AT END OF 2ND YR.	TOTAL EMPLOYEES PROJECTED AT END OF 5 <sup>TH</sup> YR.
Full-Time	0	13	13	19
Part-Time	0	20	20	32
TOTAL	0	33	33	51
Average Hourly Wage	\$ N/A	\$ 11. <sup>50</sup> per hr.	\$ 11. <sup>50</sup> per hr.	\$ 11. <sup>50</sup> per hr.
Annual Payroll	\$ N/A	\$ 620,797	\$ 620,797	\$ 838,075

B. Job Classifications:

1. Provide listing of all new job classifications to be created as a part of this Project:

Job Classification	#	Hourly Rate/Salary
Lab QC Inspector	1	\$10. <sup>00</sup> - \$13. <sup>00</sup> per hr.
Shipping Coordinator	1	\$9. <sup>75</sup> - \$12. <sup>00</sup> per hr.
Operators - machinery	28	\$9. <sup>00</sup> - \$14. <sup>00</sup> per hr.
Human Resource Manager	1	\$10. <sup>00</sup> - \$13. <sup>00</sup> per hr.

2. Provide list of all existing jobs to be retained due to this Project:

Job Classification	#	Hourly Rate/Salary
Plant Manager	1	\$80,000 per year
Production Technician/ Maintenance	1	\$20. <sup>00</sup> - \$22. <sup>00</sup> per hr.

7. **PROJECT COSTS:**

Land	\$ 860,000.00
Buildings	\$ 11,000,000.00
Legal	\$ 30,000.00
Engineering	\$ 1,200,000.00
Financial Charges	\$ N/A
Construction Loan Fees & Interest	\$ N/A
Equipment	\$ 10,079,748.00
Other (Specify) _____	\$ 2,100,000.00

**TOTAL PROJECT COSTS** \$ 25,269,748.00

8. **IDA BENEFITS BEING REQUESTED:**

Please check all that apply.

☒ Sales Tax Exemption  
☐ Mortgage Recording Tax Exemption  
☒ PILOT  
☐ IDA Financing  
☐ None

9. **PROJECT FINANCING:**

IDA Bonds(if applicable) \$ N/A

Tax Exempt : \_\_\_\_\_  
 Taxable : \_\_\_\_\_  
 Civil Facility : \_\_\_\_\_

State/Federal Grant/Loan: \$ N/A

Name	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____

Company Equity: \$ \_\_\_\_\_

Other: (specify) *Company Financed* \$ 25,265,748.00

**TOTAL** \$ \_\_\_\_\_

10. **PROJECT SCHEDULE:**

Complete Design	: June 2012
Complete Financing	: June 2012
Obtain Permits	: July 2012
Start Construction	: July 2012
Complete Construction	: October 2012
Certificate of Occupancy	: <sup>9</sup> October 2012



11. ABANDONMENT:

- A. Will the completion of the Project result in the removal of a plant or facility of the applicant or any other proposed occupant of the Project from one area of the State of New York to another area of the State of New York? ☐ Yes ☒ No
- B. Will the completion of the Project result in the abandonment of one or more plants or facilities of the applicant or any other proposed occupant of the Project located in the State of New York? ☐ Yes ☒ No
- C. If the answers to either Question A or Question B is yes, is the Project reasonably necessary to preserve the competitive position of the applicant or such other proposed occupant of the Project in its industry? ☐ Yes ☐ No N/A
- D. If the answer to either Question A or Question B is yes, is the Project reasonably necessary to discourage the applicant or such other proposed occupant of the Project from removing such other plant or facility to a location outside the State of New York? ☐ Yes ☐ No N/A
- E. If the answers to any of the foregoing questions is yes, please furnish details in separate attachment.

12. FINANCIAL INFORMATION FOR APPLICATIONS REQUESTING ISSUANCE OF IDA BONDS:

If this application includes a request for the issuance of IDA Bonds, the following information shall be attached to the Application:

N/A

- a. Financial statements for the last three (3) fiscal years;  
b. Pro forma balance sheet, as part of operations at project site;  
c. Projected profit and loss statements for the first two (2) years of operation at project site;  
d. Projected "cash flow" statement, by quarters, for first year of operation at project site.

Page  
Name : ~~Reza~~ Beykpour  
Title : Executive Vice President  
Signature : [Signature]  
Date : 5/22/12

## **APPENDIX A**

### **APPLICANT AFFIDAVITS**

APPENDIX A

APPLICANT AFFIDAVITS

1. To ensure strict compliance with General Municipal Law Section 854(4), the Applicant hereby certifies that

"The Project is and will be wholly located within the boundaries of Fulton County, and no portion of the project is or will be located outside the boundaries of Fulton County."

2. To ensure strict compliance with General Municipal Law Section 854(B), the Applicant hereby certifies that

"No portion of the Project includes or will include a road, building, water system, sewer system, or any public facility for use by a municipality in the performance of its governmental functions."

3. To ensure strict compliance with General Municipal Law Section 854(13), the Applicant hereby certifies that

"Excepting for portions of the Project constituting a habilitation center or a hospice, no portion of the Project includes or will include a convention center, a housing facility, a dormitory for an educational institution, or a medical facility predominantly used for the delivery of medical services."

4. To ensure strict compliance with General Municipal Law Section 862(2), the Applicant shall complete each of the following questions:

- A. Will any portion of the Project consist of facilities or property that are or will be primarily used in making retail sales of goods to customers who personally visit the Project?

   YES X NO

- B. If the answer to question A is yes, will the applicant or any other project occupant be a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the "retail sale of tangible personal property" (as defined in Section 1101(b)(4)(i) of the Tax Law)?

   YES    NO N/A

- C. Will any portion of the Project consist of facilities or property that are or will be primarily used in making retail sales of services to customers who personally visit the Project?

   YES X NO

- D. If the answer to question A or question C 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?   % N/A

- E. If the answer to question A or question C is yes, and the answer to question D is more than 33.33%, indicate whether any of the following apply to the Project: N/A

(1) Will the Project be operated by a not-for-profit corporation    YES X NO

- (2) 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
- (3) Would the project occupant, but for the contemplated financial assistance from the IDA, locate the related jobs outside the State of New York? ☒ YES ☐ NO
- (4) Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably 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
- (5) Will the Project be located in one of the following: (a) the City of New York; (b) an area designed as an economic development zone pursuant to Article 18-B of the General Municipal Law; or (c) 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

F. If the answers to any of subdivision (3) through (5) of question E 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

If yes, please furnish details in a separate attachment.

G. If the answer to any of subdivisions (1) through (5) of question E is yes, please furnish details in a separate attachment.

5. To ensure strict compliance with General Municipal Law Section 862(2), the Applicant hereby certifies that

"The Project does not constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities or property constitute more than one-third of the total cost of the Project."

6. To ensure strict compliance with General Municipal Law Section 862(1), the Applicant hereby certifies that

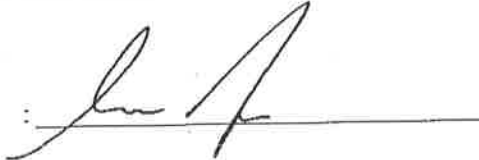
A. The completion of the Project will not result in the removal of a plant or facility of the applicant or any other proposed occupant of the Project from one area of the State of New York to another area of the State of New York or in the abandonment of one or more plants or facilities of the applicant or any other proposed occupant of the Project located in the State of New York. ✓

B. The Completion of the Project will not result in the removal of a plant or facility of the applicant or any other proposed occupant of the Project from one area of the State of New York to another area of the State of New York or in the abandonment of one or more plants or facilities of the applicant or any other proposed occupant of the Project located in the State of New York; and, although the completion of the Project may result in the abandonment of one or more plants or facilities of \_\_\_\_\_ (Name of Company) located in the State of New York, such abandonment is reasonably necessary to preserve our competitive position of in the industry." ✓

7. To ensure strict compliance with General Municipal Law Section 858-b(2), the Applicant hereby certifies that

"The applicant acknowledges Section 858-b of the General Municipal Law, which requires that the applicant list new employment opportunities created as a result of the Project with the following entities (hereinafter, the "JTPA Entities"): (a) the New York State Department of Labor Community Services Division and (b) the administrative entity of the service delivery area created by the federal job training partnership act (P.L. No. 97-300) in which the Project is located. The applicant agrees, where practicable, to first consider for such new employment opportunities persons eligible to participate in federal job training partnership programs who shall be referred by the JTPA Entities."

Signature



Name (Print)

Title

Company

Date

: Page Beykpar  
: Executive Vice President  
: CG Roxane LLC  
: 5/22/12



## **APPENDIX B**

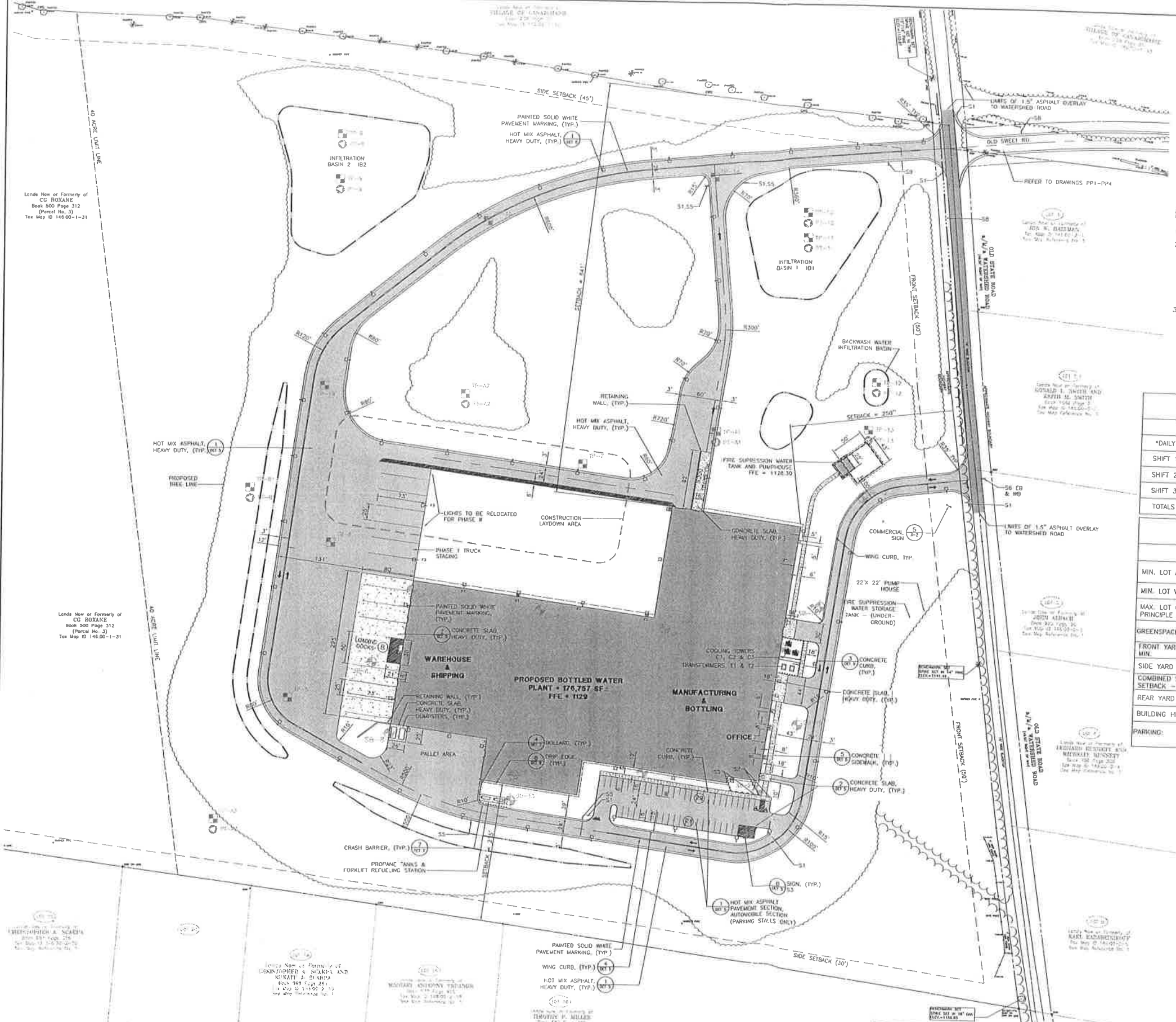
### **SITE PLAN**

Lands Now or Formerly of  
CG ROXANE  
Book 500 Page 312  
(Parcel No. 3)  
Tax Map ID 146-00-1-31

Lands Now or Formerly of  
CG ROXANE  
Book 500 Page 312  
(Parcel No. 3)  
Tax Map ID 146-00-1-31

CAD DWG FILE NAME: 12-2031-SITE PLAN.DWG

"ONLY COPIES OF THIS MAP SIGNED BY THE ARCHITECT AND ENGRAVED WITH THE SEAL OF AN OFFICER OF C.T. MALE ASSOCIATES, P.E. ON A DESIGNATED REPRESENTATIVE SHALL BE CONSIDERED TO BE A VALID TRUE COPY."



**SITE PLAN NOTES:**

1. REFER TO DRAWING CN FOR LEGEND AND NOTES.
2. THE FOLLOWING TABULATION SUMMARIZES THE REQUIRED PARKING SPACES FOR A COMMERCIAL AGRICULTURAL PROCESSING PLANT PER THE TOWN OF JOHNSTOWN'S ZONING ORDINANCE, CHAPTER 84, APPENDIX C: PARKING SCHEDULE.  
PHASE 1 OFFICE AREA = 4,805 SF @ 4 SPACES/1,000 SF = 20 SPACES  
PHASE 1 PRODUCTION/WAREHOUSE AREA = 171,952 SF @ 1 SPACE/1,000 SF = 173 SPACES  
PHASE 2 WAREHOUSE AREA = 65,545 SF @ 1 SPACE/1,000 SF = 66 SPACES  
TOTAL REQUIRED PARKING SPACES = 239 SPACES
3. ZONING ORDINANCE, ARTICLE 5, SECTION 24-14, PART K.1 ENABLES THE PLANNING BOARD, AT ITS DISCRETION, TO ALLOW FEWER PARKING SPACES THAN WHAT IS REQUIRED PER THE ZONING ORDINANCE. THIS APPLICATION PRESENTS THE FOLLOWING JUSTIFICATION FOR PARKING SPACES PROVIDED:  
MAX SHIFT OVERLAP OCCURS AT 2pm WHEN DAILY. SHIFT 1 AND SHIFT 2 PERSONNEL ARE ON SITE = 36 CARS REQUIRED (<50 STALLS PROVIDED).  
VISITORS = 5 SPACES TOTAL = 50 SPACES (INCLUDES 2 ACCESSIBLE SPACES PER ICC REQUIREMENTS)

**EMPLOYEE STATISTICS**

	PHASE 1	PHASE 2	TOTAL
*DAILY	3	3	6
SHIFT 1	10	5	15
SHIFT 2	10	5	15
SHIFT 3	10	5	15
TOTALS	33	18	51

\*NOTE: "DAILY PEOPLE" = LAB TECHNICIAN, PLANT MANAGER & SHIPPING MANAGER

SHIFT SCHEDULE:  
FIRST SHIFT = 6:00 am - 2:00 pm  
SECOND SHIFT = 2:00 pm - 10:00 pm  
THIRD SHIFT = 10:00 pm - 6:00 am

**SITE STATISTICS**

ZONING: RESIDENTIAL AGRICULTURAL (R-A)				
	REQUIRED	EXISTING	PROPOSED PH I	PROPOSED PH I & II
MIN. LOT AREA	43,560 SF 1.0 AC.	3,159,969± SF (72.543± AC.)	3,159,969± SF (72.543± AC.)	3,159,969± SF (72.543± AC.)
MIN. LOT WIDTH	150 LF	1381.34 LF	1381 LF	1381 LF
MAX. LOT COVERAGE BY PRINCIPLE STRUCTURE	40.0% (29.05 AC)	-	176,757 SF (4.06 AC.) 5.6%	242,302 SF (5.6 AC.) 7.7%
GREENSPACE	NA	3,159,969± SF (72.543 AC.) 100.0%	2,726,927 SF (62.7 AC.) 86.4%	2,663,362.54 SF (61.1 AC.) 84.3%
FRONT YARD SETBACK - MIN.	50 FT.	-	250 FT.	250 FT.
SIDE YARD SETBACK - MIN.	30 FT.	-	E=215 FT. W=641 FT.	E=215 FT. W=641 FT.
COMBINED SIDE YARD SETBACK - MIN.	75 FT.	-	856 FT.	856 FT.
REAR YARD SETBACK - MIN.	30 FT.	-	1511 FT.	1511 FT.
BUILDING HEIGHT - MAX.	50 FT.	-	32 FT.	32 FT.
PARKING:	137 9'x18' SPACES SEE NOTE #2	-	50 9'x18' SPACES - SEE NOTE #3	50 9'x18' SPACES - SEE NOTE #3

FOR MUNICIPAL REVIEW PURPOSES ONLY  
NOT FOR CONSTRUCTION

DATE: 1/15/2012  
P.L. 085550

DATE	REVISIONS, RECORD/DESCRIPTION	DRAWN	CHECK	APP'D	APPROVED
1/15/12	PLANNING BOARD SUBMISSION	MLG	JRB	DTT	
1/16/12	CLIENT REVISIONS FOR PLANNING BOARD	MLG	CKK	DTT	
1/16/12	PLANNING BOARD SUBMISSION	MLG	JRB	DTT	

DESIGNED: MLG/DTT  
DRAWN: MLG  
CHECKED: DTT  
PROJ. NO: 12-2031  
SCALE: 1"=60'  
DATE: 3/6/2012

**SITE PLAN**  
**PHASE I**

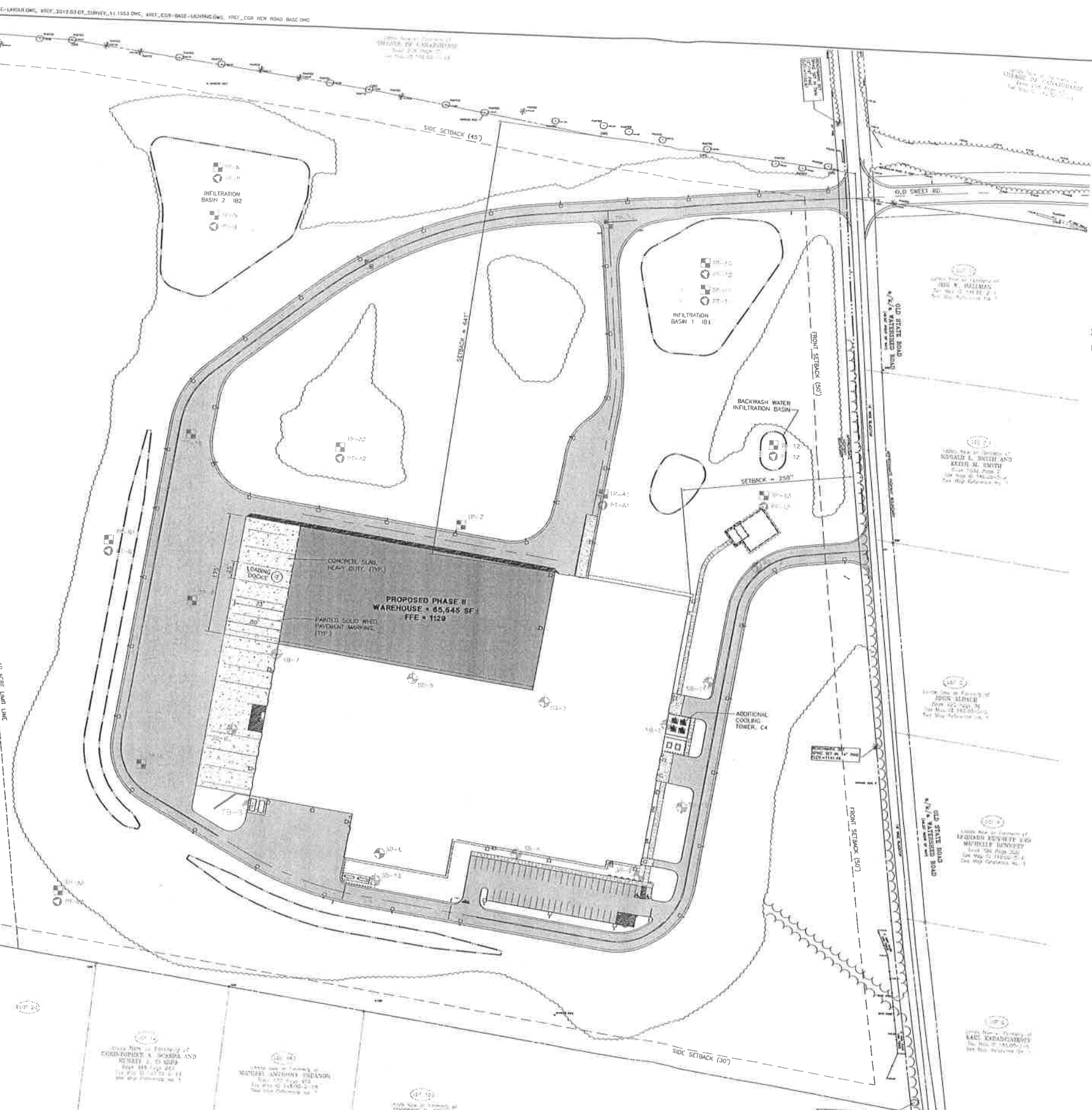
**SPRING WATER BOTTLING PLANT**  
**CG ROXANE JOHNSTOWN PLANT - 325 WATERSHED ROAD**  
TOWN OF JOHNSTOWN, FULTON COUNTY, NEW YORK

**C.T. MALE ASSOCIATES**  
Engineering, Surveying, Architecture & Landscape Architecture, P.E.  
50 CENTURY HILL DRIVE, LATHAM, NY 12110  
518.786.7400 • FAX 518.786.7299

**SP1**  
SHEET 3 OF 32  
DWG. NO. 12-0162

FULTON COUNTY, NEW YORK

SP2



### INFORMATION TO BE INCLUDED ON SITE PLAN

1. The title of the drawing, including name and address of applicant and person responsible for preparing said plan.
2. The Site Plan shall be a 1" = 50' scale, with 2' contours. Both existing and final contours shall be shown. The Plan shall show the topography of the lot and areas within 100' of the lot.
3. The surveyed location, area, dimensions, and street frontage of the lot including any existing or proposed public or private easements or rights of way.
4. The location of all storm drainage, including the type, size and surveyed elevations of all culverts and drain pipe as well as rim and inverts for all catchbasins. The Plan shall identify the quantity of runoff to be generated from the lot from a 25 year storm.
5. Plans for grading, landscaping, and screening; including a planting schedule and a description of plant types and size proposed to be utilized.
6. The location of all parking facilities, including the limits of paving, the number and size of spaces and backing area and the access into and out of the property. Identify total area of all parking roads and other paved or concrete areas.
7. The location and size of all loading docks.
8. Key spot elevations, including center line of pavement and edges of pavement at 50' stations.
9. The location and height of all buildings and structures including the location of outdoor storage areas, if any. Identify finished floor elevation of all buildings to be constructed on the property. Identify location and elevations of all utilities (gas and electric) servicing all buildings.
10. The principal and accessory uses proposed for each building and the floor area occupied by each.
11. The location, design and construction materials of sanitary sewers or sewage disposal system. Identify quantity and quality of wastewater to be generated on an average daily and a maximum daily basis.
12. The location, design and construction materials of new water lines and/or location of groundwater well to service the project. If applicable, identify projected water pressure and volume needed on a daily basis for domestic/production and fire flow purposes.
13. The location of fire hydrants on site, if any.
14. The location of all utilities, including electric, gas, phone and others.
15. Provisions for pedestrian access, if any.
16. The location, size and design and construction materials of all signs.

## **APPENDIX C**

### **TOWN OF JOHNSTOWN NEGATIVE DECLARATION**

State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

**Date:** May 8, 2012

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

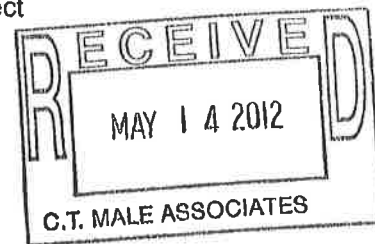
The Town of Johnstown Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Proposed CG Roxane Water Bottling Plant Project

**SEQR Status:** Type 1 ☒

Unlisted ☐

**Conditioned Negative Declaration:** ☐ Yes  
☒ No



**Description of Action:**

CG Roxane is proposing to construct and operate a water bottling facility on a 72-acre parcel of land located at 325 Watershed Road in the Town of Johnstown, Fulton County, New York. This facility will be constructed in two (2) phases. Phase 1 will consist of the construction and operation of a 176,557 sq. ft. building and two (2) production lines. Phase 2 is a future phase that would include the construction of a 65,545+/- sq. ft. warehouse building and a third production line. CG Roxane has entered into a long-term lease agreement with the Village of Canajoharie to withdraw approximately 310,000 gallons per day (gpd) of spring water from the Village of Canajoharie's water supply system under the terms of the Village's water supply permit from the NYS Department of Environmental Conservation (NYSDEC).

The Water Bottling Plant will produce both 0.5 liter and 1 gallon bottles. The spring water to be utilized in the facility will be piped from two (2) wells along Watershed Road to the Plant.

The project includes the redevelopment of Old Sweet Road as a Town Road. Approximately 4,900 linear feet of Old Sweet Road will be redeveloped. This road will be redeveloped by CG Roxane to the Town of Johnstown's specifications and standards. Once the road is completed to the Town's standards, CG Roxane will deed a right-of-way over to the Town.

The proposed plant will operate initially with two (2) shifts with approximately 10 employees per shift and then expand to a third shift. In addition to the shift employees, the plant will employ a Plant Manager, Quality Manager and Shipping Manager. For Phase 1, it is estimated that Plant operations would employ approximately 33 people when operating with three (3) shifts. For Phase 2, a third production line would be added bringing total employment to approximately 51.

Construction is projected to start in June of 2012 and take approximately 10 months to complete.

The total private capital investment is estimated to be between \$20-\$25 million.

**Location:** 325 Watershed Road, Town of Johnstown, Fulton County, NY

**Reasons Supporting This Determination:**

The Town of Johnstown Planning Board has reviewed all information submitted by CG Roxane and C.T. Male Associates, the Part 1 and Part 2 Full Environmental Assessment Forms, the Application for Site Plan Review, information and input received from Involved Agencies and public input. Based upon its review of this information, the Town of Johnstown Planning Board, as SEQR Lead Agency, determined that:

1. This Negative Declaration was prepared in accordance with Article 8 of the Environmental Conservation Law.
2. The requirements of Article 8 of the Environmental Conservation Law and the implementing of regulations, 6 NYCRR Part 617(SEQR) have been met.
3. The Town of Johnstown Planning Board has identified and considered all relevant environmental impacts, facts and conclusions disclosed in the Full EAF Parts 1 and 2, with expanded narratives, and all other project information.
4. The Town of Johnstown Planning Board has identified and evaluated all potential environmental impacts the proposed project could create.
5. To the greatest extent practicable, mitigative measures have been stipulated to address all potential environmental impacts the Project could create.
6. To the greatest extent practical, changes to the Site/Grading/Utility/Lighting/Landscaping/Stormwater Plans have been made by CG Roxane to address potential environmental impacts and other issues and concerns raised during the coordinated SEQR process.
7. The Town Planning Board has prepared and approved an Environmental Assessment Report that summarizes all information reviewed, the Mitigative Measures stipulated by the Planning Board and the changes CG Roxane made to its Project Plans to address all potential environmental impacts this Project may create. This Report shall be attached to and be a part of this Negative Declaration.

**For Further Information:**

**Contact Person:** James E. Mraz, Planning Director

**Address:** Fulton County Planning Department  
1 East Montgomery Street  
Johnstown, NY 12095

**Telephone Number:** (518) 736-5660

**A Copy of this Notice shall be filed with:**

1. Chief Executive Officer : Town of Johnstown

2. Involved Agencies :

Village of Canajoharie  
Town of Johnstown Town Board  
City of Johnstown  
NYS Department of Health  
NYS Department of Environmental Conservation  
NYS Department of Transportation  
State Historic Preservation Office

3. Applicant : CG Roxane

4. Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750



## **APPENDIX D**

# **ANNUAL REPORTING REQUIREMENTS**

**APPLICANT'S CERTIFICATION TO FULLY COMPLY WITH THE REPORTING REQUIREMENTS TO  
THE FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

CG Roxane LLC hereby understands and agrees to comply with the following reporting requirements of the Fulton County Industrial Development Agency. Failure to comply with any of these Reporting Requirements may subject CG Roxane LLC to the suspension or termination of any and all exemptions and PILOT granted to it by the Fulton County Industrial Development Agency. These Reporting Requirements shall remain in effect until such time as the ownership of "The Project" is transferred back to CG Roxane LLC:

1. By January 15th of each year, the Applicant shall complete, sign and submit to the Fulton County Industrial Development Agency a "Summary Report of Payments Made to Local Taxing Jurisdictions under Payment in Lieu of Tax Agreement" (PILOT). A sample copy of this Summary Report is shown on pages 29 and 30 of this Project Application.
2. In accordance with General Municipal Law, Section 874(8), by January 15th of each year, the Applicant shall prepare, sign and submit to the New York State Department of Taxation & Finance a statement identifying the value of all Sales Tax Exemptions claimed by the Applicant for the preceding year. A copy of this Annual Statement shall be forwarded to the Fulton County Industrial Development Agency at the same time it is sent to the New York State Department of Taxation and Finance.
3. By January 15th of each year, the Applicant shall prepare, sign and submit to the Fulton County Industrial Development Agency a statement identifying the number of full and part time persons employed by the Applicant as of December 31st.
4. By January 15th of each year, the Applicant shall prepare, sign and submit to the Fulton County Industrial Development Agency a statement identifying the amount of any exemption claimed to the Mortgage Recording Tax.

6/12/12

DATE

  
SIGNATURE  
Page Beykpour

## **APPENDIX F**

# **APPLICATION FOR TAX EXEMPTION**

# APPLICATION FOR TAX EXEMPTION

## APPLICANT:

Company : CG Roxane, LLC

Address : 55 Francisco Street, Suite 410  
San Francisco, CA 94133

Telephone # : 415-616-9590

Fax # : 415-616-9595

E-Mail : p.beykpour@cgroxane.com

Contact Person : Page Beykpour

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## I. PROJECT DESCRIPTION:

- A. Project Title : Spring Water Bottling Plant
- B. Address : 325 Watershed Road  
Town of Johnstown, New York
- C. If new Building :
- Building Size : 176-757 sq. ft. in Phase I : Phase 2: 65,545 sq. ft.
- Lot Size : 76 Acres
- D. If Addition to Existing Building:
- Existing Building Size : \_\_\_\_\_ sq. ft.
- New Building Size : \_\_\_\_\_ sq. ft.
- Lot Size : \_\_\_\_\_ Acres
- E. Estimated Date Construction to Commence: July, 2012
- F. Estimated Date Construction to be Completed: October, 2012

**V. PAYMENT IN LIEU OF TAX AGREEMENT:**

A. Pilot Model being requested:

  X   485B  
      485E  
      Hybrid

B. Projected Land and Building Assessed Valuations:

Land : \$ 860,000  
Building : \$11,000,000

**Total : \$11,860,000**

C. Projected Local Property Taxes Due if No PILOT:

Year	Land Assessed Value	Town of Johnstown		Fulton County		Johnstown School District		Total Taxes
		Tax Rate*	Total	Tax Rate*	Total	Tax Rate*	Total	
2013	\$860,000	\$ 1.13	\$ 971.80	\$ 11.51	\$ 9,898.60	\$19.623430	\$16,876.15	\$27,746.55
2014	\$860,000	\$ 1.15	\$ 989.00	\$ 11.74	\$10,096.40	\$20.0158	\$17,213.59	\$28,298.99
2015	\$860,000	\$ 1.17	\$1,006.20	\$ 11.97	\$10,294.20	\$20.4161	\$17,557.85	\$28,858.25
2016	\$860,000	\$ 1.19	\$1,023.40	\$ 12.20	\$10,492.00	\$20.8244	\$17,908.98	\$29,424.38
2017	\$860,000	\$ 1.21	\$1,040.60	\$ 12.44	\$10,698.40	\$21.2408	\$18,267.09	\$30,006.09
2018	\$860,000	\$ 1.23	\$1,057.80	\$ 12.68	\$10,904.80	\$21.6656	\$18,632.41	\$30,595.01
2019	\$860,000	\$ 1.25	\$1,075.00	\$ 12.93	\$11,119.80	\$22.0989	\$19,005.05	\$31,199.85
2020	\$860,000	\$ 1.27	\$1,092.20	\$ 13.18	\$11,334.80	\$22.5408	\$19,385.09	\$31,812.09
2021	\$860,000	\$ 1.29	\$1,109.40	\$ 13.44	\$11,558.40	\$22.9916	\$19,772.78	\$32,440.58
2022	\$860,000	\$ 1.31	\$1,126.60	\$ 13.70	\$11,782.00	\$23.4514	\$20,168.20	\$33,076.80

\* Project 2% annual increase of tax rate from current year.

Year	Building Assessed Valuation	Town of Johnstown		Fulton County		Johnstown School District		Total Taxes
		Tax Rate*	Total	Tax Rate*	Total	Tax Rate*	Total	
2013	\$11,000,000	\$ 1.13	\$12,430.00	\$ 11.51	\$126,610.00	\$19.623430	\$215,857.73	\$354,897.73
2014	\$11,000,000	\$ 1.15	\$12,650.00	\$ 11.74	\$129,140.00	\$20.0158	\$220,173.80	\$361,963.80
2015	\$11,000,000	\$ 1.17	\$12,870.00	\$ 11.97	\$131,670.00	\$20.4161	\$224,577.10	\$369,117.10
2016	\$11,000,000	\$ 1.19	\$13,090.00	\$ 12.20	\$134,200.00	\$20.8244	\$229,068.40	\$376,358.40
2017	\$11,000,000	\$ 1.21	\$13,310.00	\$ 12.44	\$136,840.00	\$21.2408	\$233,648.80	\$383,798.80
2018	\$11,000,000	\$ 1.23	\$13,530.00	\$ 12.68	\$139,480.00	\$21.6656	\$238,321.60	\$391,331.60
2019	\$11,000,000	\$ 1.25	\$13,750.00	\$ 12.93	\$142,230.00	\$22.0989	\$243,087.90	\$399,067.90
2020	\$11,000,000	\$ 1.27	\$13,970.00	\$ 13.18	\$144,980.00	\$22.5408	\$247,948.80	\$406,898.80
2021	\$11,000,000	\$ 1.29	\$14,190.00	\$ 13.44	\$147,840.00	\$22.9916	\$252,907.60	\$414,937.60
2022	\$11,000,000	\$ 1.31	\$14,410.00	\$ 13.70	\$150,700.00	\$23.4514	\$257,965.40	\$423,075.40

\* Project 2% annual increase of tax rate from current year.

D. Real Property Tax Exemptions Requested Through PILOT:

- Real Property Tax Exemptions only apply to improvements.
- Real Property Tax Exemptions do not apply to the assessed valuation of land.

***STATE OF NEW YORK***  
***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of  
the Department of State, at the City of  
Albany, on December 2, 2011.

A handwritten signature in black ink, appearing to read "Daniel E. Shapiro".

Daniel E. Shapiro  
First Deputy Secretary of State

111201000

050

New York State  
Department of State  
Division of Corporations, State Records  
and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Ave.  
Albany, NY 12231  
www.dos.state.ny

**APPLICATION FOR AUTHORITY  
OF  
CG ROXANE LLC**

*(Insert name of Foreign Limited Liability Company)*

Under Section 802 of the Limited Liability Company Law

**FIRST:** The name of the limited liability company is:

CG ROXANE LLC

If the name does not contain a required word or abbreviation pursuant to Section 204 of the Limited Liability Company Law, the following word or abbreviation is added to the name for use in this state:

(Do not complete this section unless the limited liability company's true name is not available pursuant to §204 of the Limited Liability Company Law.) The fictitious name under which the limited liability company will do business in New York is:

**SECOND:** The jurisdiction of organization of the limited liability company is: California  
The date of its organization is: January 1, 1998

**THIRD:** The county within this state in which the office, or if more than one office, the principal office of the limited liability company is to be located is: Fulton County

(A county in New York State must be stated. Please note that the limited liability company is not required to have an actual physical office in this state.)

**FOURTH:** The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The address within or without this state to which the Secretary of State shall mail a copy of any process served against him or her is:

CG Roxane LLC -- Attn: Page Beykpour  
55 Francisco Street, Suite 410  
San Francisco, CA 94133

FIFTH: (Complete the statement that applies)

The address of the office required to be maintained in the jurisdiction of its formation is:

If no office is required to be maintained in the jurisdiction of its formation, the address of the principal office of the limited liability company is:

55 Francisco Street, Suite 410  
San Francisco, CA 94133

SIXTH: The foreign limited liability company is in existence in its jurisdiction of formation at the time of filing of this application.

SEVENTH: The name and address of the Secretary of State or other authorized official in its jurisdiction of organization where a copy of its articles of organization is filed is:

State of California Secretary of State  
1500 11th Street  
Sacramento, CA 95814

X   
(Signature)

Ronan Papillaud, President & CEO

(Type or print name)

Authorized Person

(Title or capacity of signer)

Please Note: A certificate of existence or, if no such certificate is issued by the jurisdiction of formation, a certified copy of the articles of organization of the limited liability company and all subsequent amendments therefore, or if no articles of organization have been filed, a certified copy of the certificate filed as its organizational base and all amendments thereto, **must be attached** to the application for authority when submitted for filing. If such certificate or certified copy is in a foreign language, a translation in English thereto under oath of the translator shall be attached.



**State of California**  
**Secretary of State**

**CERTIFICATE OF STATUS**

**ENTITY NAME:** CG ROXANE LLC

**FILE NUMBER:** 199800110139  
**FORMATION DATE:** 01/01/1998  
**TYPE:** DOMESTIC LIMITED LIABILITY COMPANY  
**JURISDICTION:** CALIFORNIA  
**STATUS:** ACTIVE (GOOD STANDING)

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

The records of this office indicate the entity is authorized to exercise all of its powers, rights and privileges in the State of California.

No information is available from this office regarding the financial condition, business activities or practices of the entity.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of November 29, 2011.

*Debra Bowen*

**DEBRA BOWEN**  
Secretary of State

111201000

D50

APPLICATION FOR AUTHORITY  
OF

CG ROXANE LLC

*(Insert name of Foreign Limited Liability Company)*

Under Section 802 of the Limited Liability Company Law

Filed by: BOND, SCHOENECK & KING, PLLC  
*(Name)*  
111 Washington Ave. Drawdown 42  
*(Mailing address)*  
Albany, NY 12210 Mailbox 92  
*(City, State and Zip code)*

STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED

DEC -1 2011

TAX \$

BY: 

NOTE: This form was prepared by the New York State Department of State for filing an application for authority for a foreign limited liability company to conduct business in New York State. It does not contain all optional provisions under the law. You are not required to use this form. You may draft your own form or use forms available at legal supply stores. The Department of State recommends that legal documents be prepared under the guidance of an attorney. The certificate must be submitted with a \$250 filing fee made payable to the Department of State.

*(For office use only.)*

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