

TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY
APPLICATION FOR CONSENT TO SUBLEASE

APPLICATION OF: _____ (“Company”)

FOR CONSENT TO SUBLEASE TO

_____ (“Subtenant”)

FACILITY/PROJECT: _____

DATE: _____

Please respond to all items either by filing in blanks, by attachment (by marking space “see attachment number 1”, etc.) or by N.A., where not applicable.

Application must be filed in one (1) original and one (1) electronic form.

A \$750.00 non-refundable application fee made payable to the Town of Brookhaven Industrial Development Agency is required at the time of submission to the Agency.

Information provided herein will not be made public by the Agency prior to the passage of an official Resolution but may be subject to disclosure under the New York State Freedom of Information Act.

Please write or call:

Town of Brookhaven Industrial Development Agency
One Independence Hill
Farmingville, New York 11738

(631) 406-4244

I. Company Data

A. Company: _____
Contact: _____
Title/Position: _____
Address: _____
Phone: _____
Federal Employer I.D.: _____

B. Related User of the Facility:

Name	Relationship
_____	_____
_____	_____
_____	_____

C. Company Counsel

Firm Name: _____
Individual Attorney: _____
Address: _____
Phone: _____

II. Project/Facility Data

A. Location of Project: _____
Address: _____
S.C. Tax Map:
District _____ Section _____ Block _____ Lot _____

B. Current Occupants, Area Occupied, and Uses

Current Occupant	Area Occupied (Sq. Ft.)	Use	Current # of FTEs
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

III. Proposed Subtenant

A. Name of Subtenant: _____

B. Address: _____

C. Contact: _____

 Name: _____

 Phone: _____

D. Affiliates Names and Addresses: _____

E. Current Location: _____

F. Subtenant Counsel: _____

 Firm Name: _____

 Individual Attorney: _____

 Address: _____

 Phone: _____

G. Will the completion of the project or the subleasing to the Subtenant result in the removal of any facility or facilities of the Subtenant or Applicant from one area of the State to another OR in the abandonment of any facility or facilities of the Subtenant or Applicant located within the State?

YES _____ NO _____

i. If no, explain how current facilities will be utilized

ii. If yes, please indicate whether the subleasing of the Facility to the Subtenant is reasonably necessary for the Subtenant to maintain its competitive position in its industry or remain in the State and explain in full:

H. Principal stockholders, members, or partners, if any, of Subtenant:

Name and Address	Percent Owned
_____	_____
_____	_____
_____	_____

I. Has the Subtenant, or any subsidiary or affiliate of the Subtenant, or any stockholder, partner, member, officer, director, or other entity with which any of these individuals is or has been associated with:

i. Ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding?

YES _____ NO _____

1. If yes, please explain

ii. Been convicted of a felony, or misdemeanor, or criminal offense (other than a motor vehicle violation)?

YES _____ NO _____

1. If yes, please explain

J. Relationship of Subtenant to Company (e.g., affiliate, arm's-length tenant, etc.)

K. Proposed area of the facility to be occupied by the Subtenant (Sq. Ft.) _____

L. Describe the specific operations of the Subtenant or other users to be conducted at the project site:

M. Does the proposed use and occupancy of the Subtenant conform with all applicable zoning, planning, building and Environmental Laws, ordinances, rules and regulations of governmental authorities having jurisdiction over the Facility?

YES _____ NO _____

i. If no, please explain

IV. Proposed Sublease Agreement Terms

A. **Attach a copy of Executed Sublease Agreement (may be conditioned upon Agency approval)**

Term: _____

Commencement Date: _____

Guarantors: _____

Base Rent: _____

Base Rent Increases and Intervals: _____

Common Area Rent: _____

B. **Improvements to Proposed Demised Area to be Made by Company**

Description: _____

Cost: _____

Source of Payment: _____

C. **Improvements to Proposed Demised Area to be Made by Subtenant**

Description: _____

Cost: _____

Source of Payment: _____

D. Fair Market Rent Evaluation

Is rent to be charged Fair Market? YES _____ NO _____

How was Fair Market rent determined? (Attach supporting documentation)

E. Does or will any of the “Financial Assistance” provided by the Agency, including Real Estate Tax Exemption, Sales and Use Tax Exemption, benefit the Subtenant in any manner?

YES _____ NO _____

If yes, explain

F. How many Full-Time Equivalent Employees (FTEs) are there presently at the subtenant’s current location: _____

How many additional FTEs are to be expected at the Facility regarding this application: _____

G. Salary and Fringe Benefits by Subtenant

Jobs To be Created:

	Average Salary	Average Fringe Benefits
Salary Wage Earners	_____	_____
Commission Wage Earners	_____	_____
Hourly Wage Earners	_____	_____
1099/Contract Workers	_____	_____

What is the annualized salary range of jobs to be created?

\$ _____ to \$ _____

What is the number of construction jobs created as a result of this Subtenant Application? _____ (FTEs)

V. Mortgagees

Have the Holders of all mortgages or record consented to the proposed sublease?

YES _____ NO _____

If yes, attach evidence thereof.

COMPANY CERTIFICATION

_____ [Insert name of Chief Executive Officer/Manager/Partner of proposed Company] deposes and says that s/he is the

_____ [insert title] of _____ [insert name of Company], the company named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by

_____ [insert name of Company] is because the said company is a _____ [insert type of entity]. The grounds of deponent’s belief relative to all matters in the said application which are not stated upon her/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 books and papers of said company.

As an _____ [insert position, e.g., officer, member, manager, partner] of said company (hereinafter referred to as the “applicant”), deponent acknowledges and agrees that applicant shall be and is responsible for all costs incurred by the Town of Brookhaven Industrial Development Agency (hereinafter referred to as the “Agency”) in connection with this application and all matters relating to the proposed sublease, including the Agency’s attorneys’ fees, regardless of whether or not the applicant fails to conclude or consummate necessary negotiations or fails to act 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 applicant is unable to consummate the sublease for any reason. upon presentation of invoices, applicant shall pay to the agency, its agents or assigns, all costs incurred with respect to the application, including fees to counsel for the agency and fees of general counsel for the agency.

Chief Executive Officer/Member/Manager/Partner of Company

Sworn to before me this _____ day of _____

NOTARY PUBLIC

SUBTENANT CERTIFICATION

_____ [Insert name of Chief Executive Officer/Manager/Partner of proposed Subtenant] deposes and says that s/h e is the _____ [insert title] of _____ [insert name of Subtenant], the proposed subtenant named in the attached application; that s/he has read the foregoing application and knows the contents thereof; that the same is true to her/his knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by _____ [insert name of Subtenant] is because the said proposed subtenant is a _____ [insert type of entity]. The grounds of deponent's belief relative to all matters in the said application which are not stated upon her/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 books and papers of said proposed subtenant.

Chief Executive Officer/Member/Manager/Partner of Subtenant

Sworn to before me this _____ day of _____

NOTARY PUBLIC