

Application For

Financial Assistance

Phase 3



State of New York
David A. Paterson, Governor

Empire State Development

Champlain Bridge Recovery Fund – Retail Assistance Grants

Phase 3 Application for Champlain Bridge Retail Assistance Grants

Empire State Development (ESD) has extended the Champlain Bridge Retail Assistance Grant Program through November 30, 2011. Phase 3 of the Retail Assistance program will compensate retail and service firms for losses in gross revenue of 15% or greater resulting from the bridge closure. Eligible firms must be in continuous operation in the Towns of Crown Point, Ticonderoga, Moriah, or the Village of Port Henry since October 2008.

Phase 3 grants will establish qualifying gross revenue loss on a quarter-by-quarter basis, using the quarterly periods established by the NYS Dept. of Taxation and Finance State and Local Quarterly Sales and Use Tax Return filings. A business may apply for each Post-Bridge-Closure quarter in which they demonstrate a loss of gross revenue of 15% or more when compared to gross revenue from the corresponding Pre-Bridge-Closure quarter.

Sales & Use Quarters	< COMPARED TO >	
	Post-Bridge Closure Quarter	Pre-Bridge Closure Quarter
1	December 1, 2009 – February 28, 2010	December 1, 2008 – February 28, 2009
2	March 1 – May 31, 2010	March 1 – May 31, 2009
3	June 1 – August 31, 2010	June 1 – August 31, 2009
4	September 1 – November 30, 2010	September 1 – November 30, 2008
5	December 1, 2010 – February 28, 2011	December 1, 2008 – February 28, 2009
6	March 1 – May 31, 2011	March 1 – May 31, 2009
7	June 1 – August 31, 2011	June 1 – August 31, 2009
8	September 1 – November 30, 2011	September 1 – November 30, 2008

Phase 3 grants will compensate eligible firms for 50% of the qualifying loss in each quarter, up to a maximum grant of \$10,000 per quarter. Applicants must provide signed copies of their quarterly ST-100 filings to the NYS Dept. of Taxation and Finance for each pre- and post-bridge-closure quarter for which they are establishing a qualifying loss. Applicants must also provide signed copies of their 2008 and 2009 Federal Tax Returns with their initial application, and will be required to submit copies of their 2010 and 2011 Federal Tax Returns when those are filed.

Grants will be disbursed by electronic transfer to applicant banks. An original voided check from the business account imprinted with the business name and address is required to process the first Phase 3 application. Subsequent applications will not require another voided check as long as the account information remains the same. The deadline for all Phase 3 applications is March 31, 2012. Applications postmarked after that date will not be considered for compensation.

A separate Phase 3 application should be printed out and completed for each quarter for which you are establishing an eligible loss. Electronic submittals will not be accepted. Mail or deliver applications to:

Empire State Development
Attn: Champlain Bridge Retail Assistance Grants
30 South Pearl Street
Albany, NY 12245

Any questions related to the completion of the application may be directed to 518/292-5340 or e-mailed to ChamplainBridge@empire.state.ny.us.

Section A – Business Information

1(a)	Business Name (Legal name of business)			
1(b)	d/b/a Company Name (if different)			
1(c)	Business Address on October 16, 2009		ZIP+4	
1(d)	Business Address (current)		ZIP+4	
1(e)	Mailing Address, if different from 1(d)			<input type="checkbox"/> Business <input type="checkbox"/> Residence
2(a)	Contact Person Name			
2(b)	Contact Person Telephone Number	()	Fax	()
2(c)	Contact Person E-mail Address			
3(a)	Federal Employer Identification Number			
3(b)	Business Certification	<input type="checkbox"/> Minority-owned Business <input type="checkbox"/> Neither <input type="checkbox"/> Woman-owned Business <input type="checkbox"/> Both		
3(d)	Brief Description of Business (e.g.: Wholesale Jewelry/Computer Consulting)			
3(e)	Business Structure/Ownership	<input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Self-Employed <input type="checkbox"/> Franchise <input type="checkbox"/> Other (explain):		

Section B – Eligible Assistance

New York State has allocated \$1,300,000 to assist business revenue loss due to the closing of the Champlain Bridge. Under the terms of this allocation, only revenue losses incurred as a result of the Champlain Bridge closure will be eligible for assistance.

Applicants must meet all of the following criteria to apply for Retail Assistance Grants:

- New York State retail or service business in operation on or before October 1, 2008 and continuing in operation at the time of application.
- For-profit business entity engaged in retail or service enterprise and filing taxes as a New York State business.
- Located in one of the following municipalities: Towns of Ticonderoga, Crown Point, Moriah or Village of Port Henry.
- Gross revenue loss of at least 15% established on a quarter-by-quarter basis by comparing quarterly gross revenue in the current quarter to the same quarter in the year prior to the bridge closure. The first, second, and third quarters of 2010 and 2011 are compared to the same quarters of 2009. The fourth quarter of 2010 and 2011 is compared to the same quarter of 2008.

Phase 3: Calculation of business revenue loss

Business revenue loss caused by the bridge closure will be established by comparing the following quarterly periods.

Circle the quarter for which you are requesting compensation.

Sales & Use Quarters	< COMPARED TO >	
	Post-Bridge Closure Quarter	Pre-Bridge Closure Quarter
1	December 1, 2009 – February 28, 2010	December 1, 2008 – February 28, 2009
2	March 1 – May 31, 2010	March 1 – May 31, 2009
3	June 1 – August 31, 2010	June 1 – August 31, 2009
4	September 1 – November 30, 2010	September 1 – November 30, 2008
5	December 1, 2010 – February 28, 2011	December 1, 2008 – February 28, 2009
6	March 1 – May 31, 2011	March 1 – May 31, 2009
7	June 1 – August 31, 2011	June 1 – August 31, 2009
8	September 1 – November 30, 2011	September 1 – November 30, 2008

Provide gross revenue for the quarter you are applying for.

Line #		
1	Gross Revenue for Pre-Bridge closure quarter	\$
2	Gross Revenue for Post-Bridge closure quarter	\$
3	Gross Revenue Loss for the quarter (Subtract Line 2 from Line 1)	\$
4	Business interruption insurance*	\$
5	Net revenue loss for the quarter (Subtract Line 4 from Line 3)	\$

*List insurance carrier(s) from Line 4 above as applicable:

Line 3 – Gross Revenue loss for this quarter		Line 1 – Gross Revenue for Pre-Bridge closure quarter		Percent of revenue loss for this quarter
\$	÷	\$	=	%

If revenue loss is less than 15 percent you are not eligible for compensation for this quarter. You may, however, be eligible for other quarters covered under Phase 3.

If revenue loss is 15 percent or more, you are eligible for a Phase 3 Grant of 50% of the net revenue loss for this quarter (Line 5 above) up to a cap of \$10,000.

Eligible Phase 3 grant amount for this quarter

Line 5 – Net revenue losses for this quarter		Grant limited to 50% of net revenue loss		Phase 3 Grant capped at \$10,000 for the quarter
\$	X	.5 (50%)	=	\$

NOTE: Phase 2 grants provided compensation for December 2009. The first quarterly period of Phase 3 is December 1, 2009 – February 28, 2010. Therefore, if you received a separate Phase 2 grant, your compensation for the first quarter of Phase 3 will be reduced by one-third to adjust for the compensation you already received for December 2009. This adjustment does not apply to applicants that did not receive Phase 2 grants, and will not impact subsequent quarters going forward.

Section C – Documentation

Phase 3 grant applications must be submitted to Empire State Development on a quarterly basis. Documentation will be required with each submission. All documents will become property of Empire State Development and will not be returned.

Submit the following documents with your first application:

- An original **voided check** for the business bank account imprinted with the business name and address
NOTE: All grant funds will be deposited electronically into this account.
- An original completed Internal Revenue Service Form W-9 (form attached)
- An original completed application
- Copies of your signed ST-100 filed with NYS Department of Taxation and Finance for the Post- and Pre-Bridge Closure quarters for which you are requesting compensation.* (Filings should reflect the comparison quarters specified in the chart on page 4.)
- A copy of your signed 2008 Federal Tax Return
- A copy of your signed 2009 Federal Tax Return
- Verification of business location – copy of deed or lease
- Documentation from insurance carrier verifying coverage or ineligibility of your business revenue loss

Submit the following documents with all subsequent applications:

- An original completed application
- Copies of your signed ST-100 filed with NYS Department of Taxation and Finance for the Post- and Pre-Bridge Closure quarters for which you are requesting compensation.* (Filings should reflect the comparison quarters specified in the chart on page 4.)

The following documents must be submitted at the appropriate time:

- A copy of your signed 2010 Federal Tax Return must be provided to ESD after it is filed, but no later than June 30, 2011
- A copy of your signed 2011 Federal Tax Return must be provided to ESD after it is filed, but no later than June 30, 2012

* If you are exempt or not required to file State and Local Quarterly Sales and Use Tax Returns (ST-100) with the NYS Department of Taxation and Finance, please sign the following statement.

I, _____, applicant on behalf of _____
(print name) (print name of business)

hereby attest that this business is not required to file State and Local Quarterly Sales and Use Tax Returns (ST-100) with the NYS Department of Taxation and Finance. I authorize NYS Tax and Finance to release information to Empire State Development to confirm my statement. Furthermore, I understand and agree that if my statement is fraudulent, Empire State Development will deem my application ineligible and no further applications will be considered.

(Signature)

(Printed Name)

(Official Title held at business)

(Date)

Section D – Personal History

Answer the following questions. If you answer "yes" to any of the questions, provide an explanation in the space below.

1. Is the applicant delinquent on any New York State, federal or local tax obligation? Yes No
2. Has the applicant ever defaulted on an obligation to the New York State Urban Development Corporation or any other agency or public benefit corporation of the State of New York? Yes No
3. Is the applicant presently the subject of any litigation, or in any litigation threatened, which would have material adverse effect on the Company's financial condition? Yes No

If you answered "yes" to any of the above questions, provide an explanation below.

Section E – Notices

- According to Internal Revenue Code § 61 (a) payments that are made as compensation for lost income are "income" and held to be taxable income. **Therefore, all Champlain Bridge retail Assistance Grants will be reported to the IRS and you will receive 1099 forms for each year assistance funds are received.**
- Submit original documents where specified and copies of all other documentation. Documents will become property of Empire State Development and will not be returned.
- This application is a request for compensation and does not convey any award of funds.
- All calculations in the application are subject to review and adjustment. Under no circumstance do the calculations imply final award of funds. Award may be adjusted or rescinded if warranted upon comparison of all documentation.
- You will be notified of your award determination.
- Empire State Development reserves the right to modify the requirements of this application and to require additional information from the applicant. Empire State Development, acting in its sole discretion, may reject any application that it deems incomplete, ineligible for assistance or inappropriate for funding. All award decisions are final.
- Empire State Development reserves the right to reallocate funds according to the need of relief assistance.
- Applicants failing to submit their 2010 Federal Tax Return by June 30, 2011 are not eligible to receive additional compensation and will be required to repay any assistance provided hereunder together with interest.
- Applicants failing to submit their 2011 Federal Tax Return by June 30, 2012 will be required to repay any assistance provided hereunder together with interest.
- In the event the applicant has made any material misrepresentation in this application, in addition to any other remedies that the Empire State Development may have under law, Empire State Development may require the applicant to repay any assistance provided hereunder together with interest.
- Program funding is limited. Applications will be considered in the order that they are received. The deadline for Phase 3 applications is March 31, 2012. Phase 3 applications postmarked after the deadline will not be considered for compensation.
- Empire State Development's non-discrimination and affirmative action policies and programs, which are grounded in both public policy and applicable law, mandate that Empire State Development take affirmative action when implementing projects, to ensure that Minority and Women-owned Business Enterprise (MWBE), minority group members and women participate in the economic benefits generated by Empire State Development's participation in projects or initiatives. Empire State Development's non-discrimination and affirmative action policies and programs will apply to this initiative wherever applicable.

Section F – Certification of Applicant

The undersigned does solemnly affirm, acknowledge and agree that:

- (i) He/she is authorized to execute this application on behalf of the applicant and that to the best of his/her knowledge, information and belief, all statements in the application, including all attachments hereto and any affidavits, certifications or supplementation information provided herewith, are true and accurate;
- (ii) The applicant business has been in operation since at least October 1, 2008 and continues to operate at the premises described in 1(c) on Page 3 of this Application, and is located in the Town of Crown Point, Ticonderoga, Moriah or the Village of Port Henry;
- (iii) The financial information provided in this application and the documentation submitted with this application reflect revenues, related solely to operations derived from the premises indicated in 1(c) on Page 3 of this Application;
- (iv) The applicant agrees to submit a signed copy of their 2010 Federal Tax Return when they file it, but no later than June 30, 2011.
- (v) The applicant agrees to submit a signed copy of their 2011 Federal Tax Return when they file it, but no later than June 30, 2012.
- (vi) The applicant is in compliance with all federal, state and local laws and is not delinquent on any tax obligations except as disclosed to Empire State Development;
- (vii) The applicant agrees to comply with the Champlain Bridge Retail Assistance Grants Guidelines in this application and, as published on <http://esd.ny.gov/ChamplainBridge.html>;
- (vii) The receipt of any grants made under this Program is subject to the approval of the program by the ESDC Board of Directors;
- (viii) The application is subject to audit prior to and for up to three years from the date of the making of the grant;
- (ix) In the event the applicant fraudulently represents any information in the application or supporting documentation, Empire State Development may exercise any and all remedies available to it under law and shall refer the matter to the appropriate authorities for prosecution.

(Signature)

(Printed Name)

(Official Title held at business)

(Date)

If you have any questions, call 518/292-5340 or email ChamplainBridge@empire.state.ny.us