

# **NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

## **APPLICATION FOR FINANCIAL ASSISTANCE**

SUMMIT OUTLET, LP

(Applicant Name)

**Samuel M. Ferraro  
Executive Director**

6311 Inducon Corporate Drive, Suite One  
Sanborn, New York 14132

Phone: 716-278-8760 Fax: 716-278-8769

<http://niagaracountybusiness.com>

Updated August 2016

- I. Each applicant seeking financial assistance through the Niagara County Industrial Development Agency must complete and return the accompanying Application and Environmental Assessment forms. This information is necessary to determine project and/or applicant eligibility.
- II. Subject to the applicable statute, information provided by applicant will be treated as confidential until such time as the Agency takes action on the request. However, in accordance with Article 6 of the Public Officers Law, all records in possession of the Agency are open to public inspection and copy.
- III. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- IV. At the time of the project closing, project applicant is required to pay certain costs associated with the project. The applicant shall be responsible for the payment of an Agency fee in the amount of one percent (1.00%) of the total value of the project, together with Agency counsel fees as set forth in the Agency fee policy schedule, together with various related costs, including but not limited to public hearing expenses. Upon request, a fee summary will be provided to each applicant.
- V. One (1) original signed copy of the Application and Environmental Assessment form should be submitted with the Application for Assistance.

*The Niagara County Industrial Development Agency does not discriminate on the basis of race, color, religion, sex, sexual orientation, marital status, age, national origin, disability or status as a disabled or Vietnam Veteran or any other characteristic*

6311 Inducon Corporate Drive ■ Sanborn, NY 14132-9099 ■ 716-278-8760  
Fax 716-278-8769 ■ [www.niagaracountybusiness.com](http://www.niagaracountybusiness.com)

# NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

## APPLICATION FOR FINANCIAL ASSISTANCE

### I. APPLICANT INFORMATION

Company Name: SUMMIT OUTLET, LP \_\_\_\_\_

Mailing Address: 6929 WILLIAMS ROAD, NIAGARA FALLS, NY 14304 \_\_\_\_\_

Phone No.: 716-471-8277 \_\_\_\_\_

Fax No.: \_\_\_\_\_

Fed Id. No.: 35-2491578 \_\_\_\_\_

Contact Person: CYNTHIA POTTS \_\_\_\_\_

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):

Corporate Structure (*attach schematic if applicant is a subsidiary or otherwise affiliated with another entity*)

Form of Entity

**Corporation**

Date of Incorporation: \_\_\_\_\_

State of Incorporation: \_\_\_\_\_

**Partnership**

General \_\_\_\_\_ or Limited X \_\_\_\_\_

Number of general partners \_\_\_\_\_

If applicable, number of limited partners \_\_\_\_\_

Date of formation FEBURARY 2014 \_\_\_\_\_

Jurisdiction of Formation NYS \_\_\_\_\_

**Limited Liability Company/Partnership** (number of members \_\_\_\_\_)

Date of organization: \_\_\_\_\_

State of Organization: \_\_\_\_\_

**Sole Proprietorship**

If a foreign organization, is the applicant authorized to do business in the State of New York? YES

If any of the above persons, or a group of them, owns more than a 50% interest in the company, list all other organizations which are related to the company by virtue of such persons having more than a 50% interest in such organizations.

SUMMIT LP, TWO AND SUMMIT LP, THREE

Is the company related to any other organization by reason of more than 50% common ownership? If so, indicate name of related organization and relationship.

Has the company (or any related corporation or person) made a public offering or private placement of its stock within the last year? If so, please provide offering statement used.

N/A

**APPLICANT'S COUNSEL**

Name: DAVID HEIM

Address: 3060 NIAGARA FALLS BLVD., NORTH TONWANDA, NY 14120

Phone No.: 716-694-2800

Fax No.: \_\_\_\_\_

**II. PROJECT INFORMATION**

A) Project Address: 6929 WILLIAMS ROAD, NIAGARA FALL, NY 14304

Tax Map Number 161.00-1-13.1, 161.00-1-13.3, 161.00-1-13.4, 161.00-1-14, 161.00-1-15, 161.00-1.49, 161.00-1.49.2  
(Section/Block/Lot)

Located in City of \_\_\_\_\_

Located in Town of WHEATFIELD

Located in Village of \_\_\_\_\_

School District of NIAGARA WHEATFIELD

B) Are utilities on site?

Water YES

Electric YES/TBD

Gas YES

Sanitary/Storm Sewer YES

C) Present legal owner of the site ZORAN COCOV

If other than from applicant, by what means will the site be acquired for this project? \_\_\_\_\_

D) Zoning of Project Site: Current: COMMERCIAL Proposed: \_\_\_\_\_

E) Are any variances needed? NATIONAL GRID

F) Furnish a copy of any environmental application presently in process of completion concerning this project, providing name and address of the agency, and copy all pending or completed documentation and determinations.

G) Statement describing project (i.e. land acquisition, construction of manufacturing facility, etc.):

In April 2014, Mr. Cocov purchased the mostly vacant mall and did extensive research on how to repurpose the existing structure, by phasing in projects over the next 5-10 years. The first phase would include the erection of two 96,000 sf sports domes, (soccer, baseball, volleyball, basketball), on the east side of the existing mall in the rear parking area. These domes would also be used during the off season for trade shows and conventions to continue to bring traffic into the area. The project will also include renovating and repurposing approximately 48,540 sf of the existing area inside the mall, where it originally housed movie theaters and York Steak House Restaurant. This entire area would be built out for supporting programs to the domes, including locker rooms, pool area, health club, personal training and fitness, batting cages/pitching mound. All access to the domes/supporting programs would require entering into the mall at the original main entrance off of Williams Road, passing thru the food court area and into the sports area.

OTHER FUTURE PHASES COULD INCLUDE:

- FOOD COURT/VENDORS
- SPORTS BAR/RESTAURANT
- TEACHING BREWERY (BREWING, BOTTLING/MANUFACTURING)

H) Principal use of project upon completion:

- |  |  |                                   |                                      |
|--|--|-----------------------------------|--------------------------------------|
| <input type="checkbox"/> manufacturing       | <input type="checkbox"/> warehousing           | <input type="checkbox"/> research | <input type="checkbox"/> offices     |
| <input type="checkbox"/> industrial          | <input checked="" type="checkbox"/> recreation | <input type="checkbox"/> retail   | <input type="checkbox"/> residential |
| <input checked="" type="checkbox"/> training | <input type="checkbox"/> data process          | <input type="checkbox"/> other    |                                      |

If other, explain: \_\_\_\_\_

I) Estimated Project Costs, including:

Value of property to be acquired: \$ \_\_\_\_\_ N/A \_\_\_\_\_

Value of improvements: \$6,500,000 \_\_\_\_\_

Value of equipment to be purchased: \$500,000 \_\_\_\_\_

Estimated cost of engineering/architectural services: \$300,000 \_\_\_\_\_

Other: \$500,000 UNDERGROUND ELECTRIC RELOCATION

Total Capital Costs: \$7,000,000

Project refinancing; estimated amount  
(for refinancing of existing debt only) \$ \_\_\_\_\_

Sources of Funds for Project Costs:

Bank Financing:	\$ _____
Equity (excluding equity that is attributed to grants/tax credits)	\$ 6,000,000.00
Tax Exempt Bond Issuance (if applicable)	\$ _____
Taxable Bond Issuance (if applicable)	\$ _____
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ 750,000 WLDC

Identify each state and federal grant/credit:

WHEATFIELD LOCAL DEVELOPMENT CORP.	\$ 750,000.00
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Sources of Funds for Project Costs:	\$ _____

J) Inter-Municipal Move Determination

Will the project result in the removal of a plant or facility of the applicant from one area of the State of New York to another?

Yes or  No

Will the project result in the removal of a plant or facility of another proposed occupant of the project from one area of the State of New York to another area of the State of New York?

Yes or  No

Will the project result in the abandonment of one or more plants or facilities located in the State of New York?

Yes or  No

If Yes to any of the questions above, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

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

Project Data

1. Project site (land)

(a) Indicate approximate size (in acres or square feet) of project site.

192,000 SF

(b) Are there buildings now on the project site?  Yes  No

(c) Indicate the present use of the project site.

LIMITED RETAIL (BONTON, SAVE A LOT, SEARS) \_\_\_\_\_

(d) Indicate relationship to present user of project.

LANDLORD \_\_\_\_\_

2. Does the project involve acquisition of an existing building or buildings? If yes, indicate number, size and approximate age of buildings:

N/A

3. Does the project consist of the construction of a new building or buildings? If yes, indicate number and size of new buildings:

2 - 96,000 SF INFLATABLE DOMES

4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation:

YES, RENOVATE 48, 540 SF OF EXISTING AREA IN THE REAR OF THE MALL FOR SUPPORTING PROGRAMS FOR THE DOMES INCLUDING HEALTH CLUB, PERSONAL TRAINING AND BATTING CAGES.

5. What will the building or buildings to be acquired, constructed or expanded be used for by the company? (Include description of products to be manufactured, assembled or processed, and services to be rendered. . .

2 INFLATABLE DOMES WILL BE MANUFACTURED OFF SITE, SHIPPED TO THE LOCATION AND ASSEMBLED ON SITE, INFLATED AND FINISHED INSIDE WITH FLOORING, TURF, WALKWAYS, LIGHTING, SCOREBOARDS, NETTING.

. . . including the percentage of building(s) to be used for office space and an estimate of the percentage of the functions to be performed at such office not related to the day-to-day operations of the facilities being financed.)

ALL OFFICE AREA INSIDE THE HEALTH CLUB AREA WILL BE SPECIFIC TO THE DOME AND HEALTH CLUB ADMINISTRATION.

6. If any space in the project is to be leased to third parties, indicate total square footage of the project amount to be leased to each tenant and proposed use by each tenant.

PERSONAL TRAINING: 9,955 sf

7. List principal items or categories of equipment to be acquired as part of the project.

FLOORING (TURF, HARD COURT AREAS, WALKWAYS), NETTING, BENCHES, BACKBOARDS, GOALS, PITCHING MACHINES, NETS, (CARIOUS), PROTECTIVE SCREENS, SCOREBOARDS, BASEBALL MACHINES/MARKERS, WEIGHT MACHINES, LOCKERS/EQUIPMENT STORAGE, LIGHTING, ELECTRONICS, (VIDEO SYSTEMS, SECURITY)

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8. Has construction work on this project begun?

Complete the following

(a) site clearance	_____ Yes	<u>X</u> No	_____ % complete
(b) foundation	_____ Yes	<u>X</u> No	_____ % complete
(c) footings	_____ Yes	<u>X</u> No	_____ % complete
(d) steel	_____ Yes	<u>X</u> No	_____ % complete
(e) masonry work	_____ Yes	<u>X</u> No	_____ % complete
(f) other (describe below)	_____ Yes	<u>X</u> No	_____ % complete

*[Remainder of this Page Intentionally Left Blank]*



III. **FINANCIAL ASSISTANCE REQUESTED**

A) Benefits Requested:

Sales Tax Exemption     IRB     MRT Exemption     Real Property Agreement

B.) Value of Incentives:

IDA PILOT Benefit: Agency staff will indicate the amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit year and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted under the heading "Real Property Tax Benefit (Detailed)" of the Application.

Estimated duration of Property Tax exemption: 10 YEARS

Sales and Use Tax:

Estimated value of Sales Tax exemption for facility construction: \$240,000.00

Estimated Sales Tax exemption for fixtures and equipment: \$40,000.00

Estimated duration of Sales Tax exemption: 1 YEAR

Mortgage Recording Tax Exemption Benefit:

Estimated value of Mortgage Recording Tax exemption: \$ 0

IRB Benefit:

IRB inducement amount, if requested: \$ N/A

Is a purchaser for the Bonds in place?

Yes or  No

Percentage of Project Costs financed from Public Sector sources:

Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon Sources of Funds for Project Costs as depicted above under the heading "Estimated Project Costs" (Section II(I)) of the Application.

C.) Likelihood of Undertaking Project without Receiving Financial Assistance

Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?

Yes or  No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

Unfortunately, the property has sat mostly vacant since 2009, and during the early years, and in the interim, had been vandalized, including being stripped of 85% of the Roof Top HVAC Units and 80% of it's electrical wiring. Bringing the transformers back to the site to re-energizing the building is very costly, although we are close to completing what we need for the domes and the interior supporting areas. We are seeking assistance and tax abatement help with erecting the domes, which we believe is the first step to begin the revitalization and repurposing of the mall. Without financial assistance, it will take years for the domes to be erected, operating and sustaining themselves, driving the resurgence of the mall and new opportunities within. We are hoping to continue to phase in different projects over the next 5-10 years, to create a community center destination for local familys as well as bringing in sports programs from other areas. Any support the county may offer will help move the project(s) along faster, and help the long overdue renaissance begin, will be greatly appreciated.

IV. **EMPLOYMENT PLAN**

	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon THREE Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE Years after Project Completion **
Full time (FTE)	2	2	14	14
Part Time (PTE)	0	0	60	60
<b>Total Payroll</b>	\$80,000	\$80,000	\$1,140,000	\$1,140,000

\*\* For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Local Labor Marker Area, in the fourth column. The Local Labor Marker Area includes Niagara County, Erie County, Chautauqua County, Cattaraugus County, Allegany County, Wyoming County, Genesee County, and Orleans County.

Salary and Fringe Benefits for Jobs to be Retained and/or Created:

Category of Jobs to be Retained and Created	Number of Jobs Per Category	Average Salary or Range of Salary	Average Fringe Benefits or Range of Fringe Benefits
Management	12	\$40,000	\$480,000
Operation	30	\$20,000	\$600,000
Administrative	2	\$30,000	\$60,000
Production			
Independent Contractor			
Other			

III. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed 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 proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the project is located.
- B. First Consideration for Employment In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must 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 proposed project.
- C. A liability and contract liability policy for a minimum of three million dollars will be furnished by the Applicant insuring the Agency.
- D. Annual Sales Tax Filings In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed 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.

E. Annual Employment Reports The applicant understands and agrees that, if the proposed 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.

F. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

H. False and Misleading Information: The Applicant confirms and acknowledges 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 exemption claimed by reason of the Agency's involvement the Project.

I. Recapture: Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.

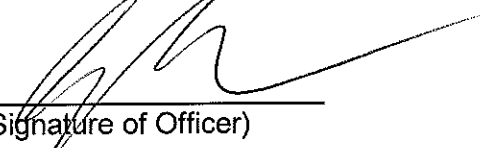
J. Absence of Conflicts of Interest The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described.

The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF NEW YORK )  
COUNTY OF ) ss.:

ZORAN COCOV, being first duly sworn, deposes and says:

1. That I am the OWNER (Corporate Office) of SUMITOMO L.P. (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

  
\_\_\_\_\_  
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury  
this 23rd day of February, 2017.

Barbara A. Gill  
\_\_\_\_\_  
(Notary Public)

BARBARA A. GILL  
Notary Public, State of New York  
Qualified in Niagara County  
Commission #01GI6072710  
My Commission Expires 4/8/2018

This Application should be submitted to the Niagara County Industrial Development Agency,  
6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132.


Attach copies of preliminary plans or sketches of proposed construction or rehabilitation or both.

Attach the following Financial Information of the Company

1. Financial statements for last two fiscal years (unless included in company's Annual Reports).
2. Company's annual reports (or Form 10-K's) for the two most recent fiscal years.
3. Quarterly reports (Form 10Q's) and current reports (Form 8-K's) since the most recent Annual Report, if any.
4. In addition, please attach the financial information described above in items 1, 2 and 3 of any expected Guarantor of the proposed bond issue, if different from the company.

**HOLD HARMLESS AGREEMENT**

Applicant hereby releases the NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (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 (A) 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 tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) 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 reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in processing of the Application, including attorneys' fees, if any.



(Applicant Signature)

By: SUMMIT OUTLET L.P.

Name: ZORAN COCOV

Title: DWNER



(Notary Public)

Sworn to before me this 23rd day  
of February, 2017

[stamp]

BARBARA A. GILL  
Notary Public, State of New York  
Qualified in Niagara County  
Commission #01616972710  
My Commission Expires 4/8/2018

**Section V: Estimate of Real Property Tax Abatement Benefits\*\*\* and Percentage of Project Costs financed from Public Sector sources**

**\*\* Section V of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.**

**PILOT Estimate Table Worksheet – Summit Outlet, LP**

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
6,500,000	1,950,000	11.583165	0	35.316502

\*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	20	10,598	32,314	42,913	91,453	48,540
2	25	11,728	35,757	47,485	91,453	43,968
3	30	12,857	39,201	52,058	91,453	39,395
4	35	13,986	42,644	56,631	91,453	34,823
5	40	15,116	46,087	61,203	91,453	30,250
6	45	16,245	49,531	65,776	91,453	25,677
7	50	17,375	52,974	70,348	91,453	21,105
8	55	18,504	56,417	74,921	91,453	16,532
9	60	19,633	59,861	79,494	91,453	11,959
10	65	20,763	63,304	84,066	91,453	7,387
Total		156,805	478,090	634,895	914,531	279,635

**\*\*\* Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff**

**Cost Benefit Analysis:**

**To be completed/calculated by AGENCY**

	<u>Costs =</u> <u>Financial Assistance</u>	<u>Benefits =</u> <u>Economic Development</u>
*Estimated Sales Tax Exemption	\$ 280,000	New Jobs Created Permanent <u>42</u> Temporary _____
		Existing Jobs Retained Permanent <u>2</u> Temporary _____
Estimated Mortgage Tax Exemption	\$ 0	Expected Yearly Payroll \$1,140,000 _____
Estimated Property Tax Abatement	\$ 279,635	Expected Gross Receipts \$ _____ Additional Revenues to School Districts <u>478,090</u> _____ _____
		Additional Revenues to Municipalities <u>156,805</u> _____ _____
		Other Benefits _____
Estimated Interest Savings IRB Issue	\$ _____	Private Funds invested \$6,800,000 Likelihood of accomplishing proposed project within three (3) years  <input checked="" type="checkbox"/> Likely or <input type="checkbox"/> Unlikely

\* Estimated Value of Goods and Services to be exempt from sales and use tax as a result of the Agency's involvement in the Project. PLEASE NOTE: These amounts will be verified and there is a potential for a recapture of sales tax exemptions (see "Recapture" on page 11).

\$ 280,000 (to be used on the NYS ST-60)



**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

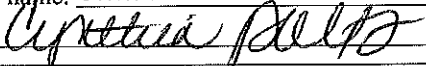
**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
SUMMIT OUTLET, LP			
Name of Action or Project: NISE (NIAGARA INTERNATIONAL SPORT & ENTERTAINMENT) COMPLEX			
Project Location (describe, and attach a location map): 6929 WILLIAMS ROAD, NIAGARA FALL, NY 14304 (SUMMIT PARK MALL) ALONG PLAZA DR. BETWEEN LANCELOT DR. & SAWYER DR.			
Brief Description of Proposed Action: CONSTRUCTION OF TWIN 96,000 SF AIR SUPPORTED STRUCTURES FOR MULTI-PURPOSE SPORTS FIELDS AND COURTS (192,000 SF TOTAL, 75' MAX HEIGHT EACH). THE PROPOSED STRUCTURES WILL BE LOCATED IN THE EXISTING PARKING AREA ON THE EAST SIDE OF THE SUMMIT MALL AND WILL HAVE A DIRECT CONNECTION INTO THE EXISTING MALL THROUGH A PROPOSED 920 SF MASONRY STRUCTURE. RESTROOM FACILITIES FOR THE NEW AIR-STRUCTURE WILL BE PROVIDED WITHIN THE MALL. WITH THE EXCEPTION OF AN UNDERGROUND ELECTRICAL SUPPLY, THE EXISTING UNDERGROUND UTILITIES AND OTHER SITE INFRASTRUCTURE WILL REMAIN IN THEIR CURRENT LOCATIONS. SOME NEW INFRASTRUCTURE, INCLUDING NEW STORM DRAINAGE FACILITIES WILL BE PROVIDED AS REQUIRED.			
Name of Applicant or Sponsor: SUMMIT OUTLET, LP		Telephone: 716-471-8277	
		E-Mail: Cocov@rogers.com	
Address: 6929 WILLIAMS ROAD			
City/PO: NIAGARA FALLS		State: NY	Zip Code: 14304
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: TOWN OF WHEATFIELD -ZONING BAROD OF APPEALS - (HEIGHT VARIANCE), PLAN.BOARD - (SITE PLAN), BLDG DEPT (PERMIT), NC PB - HEIGHT VAR & SITE PLAN, FAA - OBSTRUCTION EVAL., USACOE - WETLAND DETERM			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 70 acres	
b. Total acreage to be physically disturbed?		_____ 8 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 70 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): AIRPORT _____ <input type="checkbox"/> Parkland			



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: CYNTHIA POTTS	Date: 2/20/17	
Signature: 		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>NYDA</u>	<u>2/27/17</u>
Name of Lead Agency	Date
<u>S. Lamy</u>	<u>DPC</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>[Signature]</u>	<u>[Signature]</u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**