

NCIDA

APPLICATION FOR ASSISTANCE

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Each applicant seeking assistance must complete the accompanying application material which includes the Application for Assistance and Environmental Assessment form. A non-refundable application fee of \$1,000.00 must be included with this application, payable to the Niagara County Industrial Development Agency. Every project seeking NCIDA assistance must use best efforts to use local labor for the construction of new, expanded or renovated facilities.

Please answer all questions. Use "none" or "not applicable" where necessary. Information in this application may be subject to public review under New York State Law, except for information that is considered deniable by the Freedom of Information Law. This form is available online at our web page at www.nccedev.com.

I. APPLICANT DATA

- A. **APPLICANT NAME** Sheikh R. Elahi, as Agent, CTBF
- ADDRESS 3080 Grand Island Blvd.
- CITY/STATE/ZIP Grand Island, NY 14072
- B. **APPLICANT'S OFFICER RESPONSIBLE FOR COMPLETING THIS APPLICATION**
- NAME Sheikh R. Elahi
- TITLE as Agent, CTBF
- MAILING ADDRESS 3080 Grand Island Blvd.
- CITY/STATE/ZIP 3080 Grand Island Blvd.
- TELEPHONE 716-773-3902
- FAX NA
- E-MAIL sheikh.elahi@gmail.com
- APPLICANT'S TAX
ID NUMBER To be provided

6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132
(716) 278-8760 Fax (716) 278-8769

- C. **BUSINESS TYPE**
- Sole Proprietorship
 - Partnership
 - Privately-held Corporation
 - Public Corporation
 - Not-for-Profit Corporation
 - LLC
 - Other _____

D. **STATE OF INCORPORATION:**

NY

E. **IS APPLICANT AUTHORIZED TO DO BUSINESS IN NEW YORK STATE?**

Yes No

F. **PRINCIPAL STOCKHOLDERS** (Owners of 20% or more of Stock Outstanding)

Name	%	Corporate Title
<u>Sheikh R. Elahi</u>	<u>70%</u>	<u>Managing Partner</u>
<u>Almas Begum</u>	<u>30%</u>	<u>Secretary Partner</u>
_____	_____	_____

G. **Has the Applicant (or any related entity) received previous NCIDA assistance?**

Yes No.

If yes, please give year(s) and project location

NA

H. **APPLICANT'S LEGAL COUNSEL**

FIRM NAME Damon Morey

ADDRESS 200 Delaware Ave. - Suite 1200

CITY/STATE/ZIP Buffalo, NY 14202

TELEPHONE 716-856-5500

ATTORNEY'S NAME Eric Bloom, Esq.

E-MAIL ebloom@damonmorey.com

II. PROJECT & OCCUPANCY DATA

A. LOCATION OF PROPOSED PROJECT FACILITY

ADDRESS 452 3rd Street
PRINCIPAL USE Vacant
SBL # 159.29-1-53
ZONING C-2A Traditional

B. INDICATE MUNICIPAL JURISDICTION

TOWN _____
VILLAGE _____
CITY Niagara Falls
SCHOOL DISTRICT _____

C. CURRENT OWNERSHIP OF PROPERTY

CURRENT OWNER Agnes Yuen Wah W
CURRENT ASSESSMENT \$100,000
CURRENT TAXES (ANNUAL) \$5,793

D. Who are the principal user(s) of the facility (the "Company")? If there are multiple users, please indicate on attached sheet. If same as Applicant indicate the "same" below.

COMPANY NAME Sheikh R. Elahi, as Agent
ADDRESS 3080 Grand Island Blvd.
CITY/STATE/ZIP Grand Island, NY 14072
CONTACT Sheikh R. Elah
TELEPHONE 716-773-3902
TAX ID NO. To be provided
% OF FACILITY TO BE OCCUPIED BY COMPANY 100%

E. **Are other facilities or related companies located within New York State:**

Yes No

LOCATION 3080 Grand Island Blvd.
Grand Island, NY 14072

If there are other company facilities within the State, will any of these close or be subject to reduced activity?

Yes No

F. **Has the company actively sought sites and/or facilities in another country or state?**

Yes No

If yes, please describe on separate sheet.

G. **Description of project (check one or more)**

- New Construction Sq. Footage 4,585
- Addition to existing facility Sq. Footage _____
- Renovation and modernization of existing facility
- Acquisition and modernization of existing facility
- New machinery and equipment Production Non-Production
- Other (specify) Acquisition and renovation of existing abandoned, 4,585 SF property

H. **Provide a general narrative description of the project, including history and background on user(s) of the facility. Provide information on (Appendix A) for user(s) of the facility. Describe reasons why this project is necessary and its effect it will have on Applicant. Include site plans, renderings, photos, etc.**

The 452 3rd Street Project (the :Project:) consists of the acquisition of an abandoned, two story, 4,585 SF, masonry structure located at 452 3rd Street in the City of Niagara Falls, New York (the "Property") by Sheikh R. Elahi, as Agent (the :Company"). The Company intends to design and renovate the site and structure, and operate the renovated property as an eleven room hotel.

Sheikh R. Elahi currently owns and operates a 32 room motel located at 3080 Grand Island Blvd., Grand Island, New York and has over ten years experience in owning and operating motel properties.

The development of this Project will place a property located in the heart of the Third Street retail district that has been vacant for over five years back in use, on the tax rolls, and generating both sales tax and bed tax for the community.

III. COMPANY EMPLOYMENT INFORMATION

A. **Total current employment within Niagara County is**

0 Full-Time 0 Part-Time

**Current Annual Payroll
Including benefits** \$ _____

B. **Projected Employment:** **2 FTE & 2 PTE (4 FTE)**

Applicant or principal user(s) must complete Appendix A.

IV. EMPLOYMENT IMPACT

Every project seeking NCIDA assistance must use best efforts to use Niagara County labor for the construction of new, expanded or renovated facilities. This requirement includes all project employees of the General Contractor, Subcontractor or sub to a Subcontractor, working on the project. Applicant agrees and understands the obligations herein, and agrees to transmit and convey in a timely fashion this requirement to all applicable contractors, subcontractors, suppliers and materialmen.

A. Will Niagara County contractors and/or subcontractors be utilized for the construction project?

Yes No

B. What is the estimated number of construction jobs to be created at the project site from

Niagara County: 10 Erie County: 10 Other Areas 0

V. APPLICANT PROJECT COSTS AND FINANCING

A. **Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipping of the project by the applicant.**

Estimated Costs Eligible for Sales Tax Exemption Benefit

a.	Building Construction or Renovation Costs	a.	\$ <u>315,000</u>
b.	Sitework	b.	\$ <u>15,000</u>
c.	Non-manufacturing Equipment	c.	\$ <u>0</u>
d.	Furniture, Fixtures	d.	\$ <u>44,000</u>
e.	Other (specify)	e.	\$ <u>0</u>
f.	Subtotal	f.	\$ <u>374,000</u>

Estimated Costs Not Subject to Sales Tax

g.	Land and/or Building Purchase	g.	\$ <u>155,000</u>
h.	Manufacturing Equipment	h.	\$ <u>0</u>
i.	Soft Costs (Legal, Architect, Engineering)	i.	\$ <u>15,000</u>
j.	Other (specify) Financing & startup	j.	\$ <u>51,000</u>
k.	Subtotal	k.	\$ <u>221,000</u>

Total Project Costs **f + k** \$ 595,000

B. **Indicate how the project will be financed**

a.	Tax-Exempt IRB	a.	\$ <u>0</u>
b.	Tax-Exempt Bond	b.	\$ <u>0</u>
c.	Taxable Industrial Revenue Bond	c.	\$ <u>0</u>
d.	Bank Financing	d.	\$ <u>375,000</u>
e.	Public Financing	e.	\$ <u>120,000</u>
f.	Equity	f.	\$ <u>100,000</u>

TOTAL SOURCES \$ 495,000

Estimated Amount of Mortgage \$ 375,000

C. **If applicant expects the Tax-Exempt IRB to exceed \$1,000,000, what is the dollar value of “capital expenditures” that the applicant and company, or any related company or person, has expended within the last three years in the municipality in which the proposed project is to be located and expects to expend in that municipality three years after the bond issue?**

NA

D. **Has the applicant made any arrangements for the financing of the project?**

Yes No

If so, please specify bank, underwriter, etc.

Applications are in process for bank financing, to USA Niagara Development Corporation for a \$100,000 grant, and will be made to the City of Niagara Falls Department of Community Development for a \$20,000 façade grant on acquisition of the Property.

VI. PROJECT CONSTRUCTION INFORMATION

A. What is the proposed commencement date of construction or acquisition of the project?

Acquisition of the Property in July 2013, commence of construction in October 1, 2013

B. Outline the timetable for the project, indicating when project will be in full use.

March, 2014

VII. 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 Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") 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 New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C. Annual Sales Tax Filings: In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- D. Annual Employment Reports: The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.
- E. 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, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described: None.
- F. Local Labor: The Applicant understands that the residents of Niagara County will be providing assistance to the project. The Applicant further understands that every project seeking NCIDA assistance must use best efforts to use Niagara County labor for the construction of new, expanded or renovated facilities. This requirement includes all project employees of the General Contractor, Subcontractor or sub to a Subcontractor, working on the project. Applicant agrees and understands the obligations herein, and agrees to transmit and convey in a timely fashion this requirement to all applicable contractors, subcontractors, suppliers and materialmen.

VIII. ENVIRONMENTAL ASSESSMENT

New York State law requires that an Environmental Assessment Form (EAF) must be completed and submitted along with this application. Attach the EAF which was submitted to the municipality.

Name of Applicant's Officer Responsible for Completing Application:

(Please Print) Sheikh R. Elahi

Signature  _____

Date of Application _____

CERTIFICATION

Sheikh R. Elahi, as Agent for a CTBF

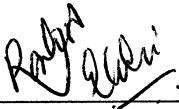
Name of chief executive of the company submitting application

Deposes and says that he/she is the Agent of a Limited Liability Company to be formed, the corporation named in the attached application; that he/she has read the foregoing application and knows the contents thereof; that the same is true to his/her knowledge. Deponent further says the reason this verification is made by the deponent and not by a limited liability Company to be formed, (company name) is because the said company is a corporation. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his/her 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/her duties as an officer of and from the books and papers of said corporation.

As officer of said corporation (hereinafter referred to as the "applicant") deponent acknowledges and agrees that applicant shall be and is responsible for all costs incurred by the nonprofit Niagara County Industrial Development Agency (hereinafter referred to as the "Agency") acting on behalf of the attached application whether or not the application, the project it describes, the attendant negotiations and ultimately the necessary issue of bonds and/or completion of the lease/leaseback transaction are ever carried to successful conclusion. If, for any reason whatsoever, the applicant fails to act within a reasonable or specified period of time to take reasonable, proper, or requested actions or withdraws, abandons, cancels, or neglects the application or if the Agency or applicant are unable to identify buyers willing to purchase the total bond issue required or facilitate the lease/leaseback transaction, then upon presentation of invoice, applicant shall pay to the Agency, its agents, or assigns all actual costs involved in conduct of the application, up to that date and time, including but not necessarily limited to fees of bond counsel for the Agency and fees of general counsel for the Agency. Upon successful conclusion and sale of the required bond issue or completion of the lease/leaseback transaction, the applicant shall pay to the Agency an administrative fee set by the Agency. The cost incurred by the Agency and paid by the applicant, including bond counsel and the Agency's general counsel's fees and the administrative fee, may be considered as a cost of the project and included as part of the resultant bond issue or lease/leaseback transaction.

Sheikh R. Elahi

Print Name of Chief Executive



Signature

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PROJECTED EMPLOYMENT*

	Full-Time		Part-Time		Total		Total Payroll*
Total number of employees within Niagara County at the date of application	<u>0</u>	+	<u>0</u>	=	<u>0</u>		<u>0</u>
Total number of employees to be directly <u>IMPACTED</u> by the project:	<u>0</u>	+	<u>0</u>	=	<u>0</u>		<u>\$0.00</u>
ADD: Number of new jobs to be created During the first year after completion:	<u>2</u>	+	<u>4</u>	=	<u>6</u>		<u>\$77,440</u>
Total end of first year:	<u>2</u>	+	<u>4</u>	=	<u>6</u>		<u>\$77,440.00</u>
ADD: Number of new jobs to be created During the second year after completion:	<u>0</u>	+	<u>0</u>	=	<u>0</u>		<u>\$0.00</u>
Total end of second year:	<u>2</u>	+	<u>4</u>	=	<u>6</u>		<u>\$80,150.00</u>
ADD: Number of new jobs to be created During the third year after completion:	<u>0</u>	+	<u>0</u>	=	<u>0</u>		<u>\$0.00</u>
Total end of third year:	<u>2</u>	+	<u>4</u>	=	<u>6</u>		<u>\$82,955.00</u>

Estimated average annual salary of new jobs to be created: \$12,907.00

Expected high salary of new jobs to be created: \$25,000.00

Expected low salary of new jobs to be created: \$9,360.24;(\$0.0)

List types of jobs (i.e. production, managerial, clinical, engineering, etc.) to be created.

*Applicant or principal user(s) as noted in Section III B of application (includes benefits)

Sheikh R. Elahi



Print Name

Signature

Date

PROJECT ID NUMBER

617.20
APPENDIX C

SEQR

STATE ENVIRONMENTAL QUALITY REVIEW

SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR Sheikh R. Elahi, as Agent, CTBF	2. PROJECT NAME
3. PROJECT LOCATION: City of Niagara Falls Municipality	Niagara County
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map 452 3rd Street	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY: Acquisition of an abandoned, two story, 4,585 square foot, masonry structure (the "Property") and the design and renovation (the "Project"), and operation of the completed Project as an eleven room hotel.	
7. AMOUNT OF LAND AFFECTED: Initially 0.12 acres Ultimately 0.12 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, describe briefly: The use of the property will comply with existing zoning except for parking. The Applicant/Sponsor has made application to the City Zoning Board of Appeals for a variance from the 9 car parking requirement to 6 on site spaces.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: NCIDA, C/O Niagara Falls Department of Community Development, and USA Niagara Development Corp	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit / approval:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant / Sponsor Name Sheikh R. Elahi, as Agent Date: June 18, 2013 Signature _____	

**If the action is a Coastal Area, and you are a state agency,
complete the Coastal Assessment Form before proceeding with this assessment**

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 None

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 None

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:
 None

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:
 Yes No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:
 Yes No

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- 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 AND provide, on attachments as necessary, the reasons supporting this determination.


Cith of Niagara Falls +
 Name of Lead Agency

06/18/2013 +
 Date

Alan B. Nusbaum +
 Print or Type Name of Responsible Officer in Lead Agency

Environmental/GIS Coordinator +
 Title of Responsible Officer

Signature of Responsible Officer in Lead Agency


 Signature of Preparer (If different from responsible officer)