

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: April 14, 2021
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

Board of Directors:

___ **Mark A. Onesi**, Chairperson
___ **Jerald I. Wolfgang**, 1st Vice Chairperson
___ **Kevin McCabe**, 2nd Vice Chairperson
___ **William L. Ross**, Secretary
___ **Mary Lynn Candella**, Asst. Secretary
___ **Robert B. Cliffe**, Member
___ **Scott Brydges**, Member
___ **Clifford Scott**, Member
___ **Jason Krempa**, Member

Staff Members:

___ **Susan C. Langdon**, Executive Director
___ **Andrea Klyczek**, Assistant Director
___ **Michael S. Dudley**, Finance Manager
___ **Caroline Caruso**, Accounting Associate
___ **Susan Barone**, Project Manager
___ **Mark J. Gabriele**, Agency Counsel
___ **Julie Lamoreaux**, Administrative Assistant

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- 1.0 Meeting Called to Order – *M. Onesi*
 - 2.0 Roll Call – *S. Barone*
 - 3.0 Introduction of Guests – *M. Onesi*
 - 4.0 Pledge of Allegiance – *M. Onesi*
 - 5.0 Approval of Meeting Minutes
 - 5.1 Regular NCIDA/NCDC/NADC – March 10, 2021
 - 6.0 Finance & Audit Committee Reports – *K. McCabe*
 - 6.1 Agency Payables – March 31, 2021
 - 6.2 Budget Variance Report – March 31, 2021

7.0 Unfinished Business

- 7.1 AMP Real Estate Holdings of Erie County LLC – A. Klyczek**
 - 7.1.1 Final Resolution**

8.0 New Business

- 8.1 Enterprise Lumber & Silo, LLC– A. Klyczek**
 - 8.1.1 Preliminary Resolution**
 - 8.1.2 Authorize Public Hearing Date**

- 8.2 Rubberform Recycled Products, LLC – A. Klyczek**
 - 8.2.1 Preliminary Resolution**
 - 8.2.2 Authorize Public Hearing Date**

- 8.3 8297 Packard Road LLC – A. Klyczek**
 - 8.3.1 Preliminary Resolution**
 - 8.3.2 Authorize Public Hearing Date**

- 8.4 9745 Rochester Road LLC – A. Klyczek**
 - 8.4.1 Preliminary Resolution**
 - 8.4.2 Authorize Public Hearing Date**

- 8.5 Cataract Tourism Fund – A. Klyczek**
 - 8.5.1 Savarino Companies, LLC**
 - 8.5.2 Buffalo Niagara Hospitality Inc.**

- 8.6 NC Center for Economic Development – S. Barone**
 - 8.6.1 Award of Contract for Office Reconfiguration**

- 8.7 Young Men’s Christian Association of Buffalo Niagara – M. Gabriele**
 - 8.7.1 Amendment to Bond Purchase and Loan Agreement**

- 8.8 Vincent Properties, Inc. – M. Gabriele**
 - 8.8.1 Amendment to Bond Purchase and Loan Agreement**

9.0 Agency Counsel – M. Gabriele

10.0 Information Items

11.0 Any Other Matters the Board Wishes to Discuss

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: May 12, 2021
TIME: ** 9:00 a.m. **
PLACE: Niagara County Center for Economic Development

13.0 Adjournment - M. Onesi

5.1

March 10

MEETING

MINUTES

ANNUAL NCIDA/NCDC/NADC BOARD MEETING MINUTES

Meeting Date: Wednesday, March 10, 2021
Meeting Time: 9:00 a.m.
Meeting Place: Niagara County Industrial Development Agency
Conference Call 439-7740

1.0 Meeting Called to Order

The annual meeting of the Niagara County Industrial Development Agency was called to order by Chairperson Onesi at 9:02 a.m.

2.0 Roll Call

Mark A. Onesi, Chairperson	Present
Jerald I. Wolfgang, 1 st Vice Chairperson	Present
Kevin McCabe, 2 nd Vice Chairperson	Present
William L. Ross, Secretary	Present
Mary Lynn Candella, Assistant Secretary	Present
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present <i>Left meeting @ 9:15 am</i>
Scott Brydges, Member	Present
Jason Krempa, Member	Present

3.0 Mr. Onesi led the Pledge of Allegiance.

4.0 Introductions

Guests Present:

Anthony Pulli, AMP Real Estate Holdings of Erie County LLC

Staff Present:

Susan C. Langdon, Executive Director
Andrea Klyczek, Assistant Director
Michael S. Dudley, Finance Manager
Caroline Caruso, Accounting Associate
Susan Barone, Project Manager
Mark J. Gabriele, Agency Counsel

5.0 Approval of NCIDA Board Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC Minutes - February 10, 2021

Mr. Onesi motioned to approve the meeting minutes; Mr. Ross seconded the motion. The motion passed.

6.0 Committee Reports

6.1 Finance & Audit Committee

6.1.1 2020 Audit Report

Representatives from Lumsden & McCormick, Sara Dayton and Seth Hennard, joined the Audit Committee Meeting conference call earlier today to give an overview and summarization of the 2020 Annual Audits. The Committee Members were given copies of the presentation which summarized all of the Agency audits for FYE December 31, 2020.

Ms. Dayton summarized the audits and stated that all were clean and with no findings or material weaknesses. There were no findings which means the audit was unmodified which reflects fiscal responsibility on the part of the Agency.

Mr. Krempa made a motion to approve the 2020 Audit Report; Mr. Ross seconded the motion. The motion passed.

6.1.2 Agency Payables

Mr. McCabe stated that he reviewed the monthly payables and found them to be in order.

Mr. McCabe made a motion to approve the February 2021 monthly payables; Mr. Ross seconded the motion. The motion passed.

6.1.3 Budget Variance Reports

Mr. McCabe stated that he had reviewed all the budget variance reports and found them to be in order.

Mr. McCabe made a motion to approve the February 2021 budget variance; Mr. Brydges seconded the motion. The motion passed.

6.1 Governance Committee

6.2.1 Annual Board Evaluations

Mr. Gabriele explained that under the Public Authorities Accountability Act (PAAA) the Board of Directors of the Agency is required annually to complete a self-evaluation. Questionnaires were sent to all board members and then summarized. The Board Evaluations are filled out anonymously.

A summary of the evaluations was in the agenda packet for the Board Members' review. Responses were positive, therefore, no additional corrective action is necessary.

Mr. Wolfgang motioned to approve the Summary of the Annual Board Evaluations; Mr. Krempa seconded the motion. The motion passed.

7.0 Annual Meetings of the NCIDA, NCDC, and NADC

7.1 Election of Chairperson

The Chairperson turned the meeting over to Mark Gabriele, Agency Counsel. Mr. Gabriele stated that at this time the Agency would accept nominations for Chairperson of the NCIDA, NCDC and NADC.

Mr. Ross nominated Mark Onesi, Mr. McCabe seconded the nomination. After asking for any additional nominations, hearing none, Mr. Gabriele closed the nominations. Mr. Gabriele then requested that the Secretary cast one vote for Mr. Onesi as Chairperson.

7.2 Election of Officers

At this time, Chairman Onesi set forth a proposed slate of officers for the NCIDA, NCDC and NADC as below:

7.2.1	First Vice Chairperson	Jerald I. Wolfgang
7.2.2	Second Vice Chairperson	Kevin McCabe
7.2.3	Secretary	William L. Ross
7.2.4	Assistant Secretary	Mary Lynn Candella
7.2.5	Treasurer	Susan C. Langdon

Hearing no other nominations, Mr. Onesi then requested that the Secretary cast one vote for each officer set forth above.

7.0 Annual Meetings of the NCIDA, NCDC, and NADC (continued)

7.3 Appointment of Committee Members and Committee Chairpersons

Chairman Onesi then appointed the following Committee Members and Chairpersons.

7.3.1 Audit & Finance Committee

Chairperson Kevin McCabe
William L. Ross
Scott Brydges

7.3.2 Governance Committee

Chairperson Jerald Wolfgang
Clifford Scott
Robert B. Cliffe

7.3.3 NCDC Loan/Micro Grant Committee

Chairperson Jason Krempa, NCIDA Board Member
Mark Onesi, NCIDA Board Chairman
Lukas G. Woeppel, M & T Bank
Scott Cain, Accountant, Wittlin, Cain & Dry, LLP
Eric C. Tudor, Coldwell Bank Meridian
Rebecca Wydysh, Niagara County Legislative Chairman
Anthony J. Nemi, Legislator
Thomas J. Kammerer, General Manager, Voss Manufacturing, Inc.
Susan Langdon, NCIDA Executive Director
William Ross, NCIDA Board member

7.3.4 Cataract Grant Fund

Honorable Robert G. Ortt, NYS Senator – 62nd District
Honorable Angelo J. Morinello, NYS Assembly – 145th District
Mayor Robert Restaino, City of Niagara Falls
Mark Onesi, NCIDA Chairman
William L. Ross, NCIDA Board Member
Paul Brown, President, NC Building Trades Council
Susan C. Langdon, NCIDA Executive Director

7.4 Ratify Board Meeting Dates/Time

7.4.1 Second (2nd) Wednesday of the Month

Mr. Onesi stated the regular meeting day and time. Mr. Brydges made a motion to accept the regular Board Meeting dates, seconded by Mr. Krempa; the motion passed.

7.5 Reaffirm Committee Charters

7.5.1 Finance & Audit Committee Charter

Mr. Gabriele stated the Finance & Audit Committee has recommended the reaffirmation of the Finance & Audit Committee charter.

Mr. Krempa made a motion to accept the charter, Mr. Brydges seconded the motion. The motion passed.

7.5.2 Governance Committee Charter

Mr. Gabriele stated the Governance Committee has recommended the reaffirmation of the Governance Committee charter.

Mr. Brydges made a motion to accept the charter, Mr. Cliffe seconded the motion. The motion passed.

7.6 Reaffirm Mission Statement

Mr. Gabriele stated the Mission Statement has not changed in the last year.

Mr. Krempa made a motion to reaffirm the Mission Statement, Mr. Brydges seconded the motion. The motion passed.

7.7 Reaffirm Uniform Tax Exempt Policy

Mr. Gabriele explained the Board must annually reaffirm the Uniform Tax Exempt Policy.

Mr. Cliffe made a motion to reaffirm the Uniform Tax Exempt Policy, Mr. Krempa seconded the motion. The motion passed.

7.8 Niagara Industrial Incubator Associates (“NIIA”)

7.8.1 Appointment of Susan Langdon

Mr. Gabriele explained that this is an appointment by Chairman Onesi for the NIIA reappointment of Susan Langdon to represent the Agency's interest as a partner with the NFTA.

7.0 Annual Meetings of the NCIDA, NCDC, and NADC (continued)

7.9 Niagara Industrial Incubator Company ("NIIC")

7.9.1 Appointment of Susan Langdon

Mr. Gabriele explained that this is an appointment by Chairman Onesi for the NIIC reappointment of Susan Langdon to represent the Agency's interest as a partner with the NFTA for the property on Niagara Falls Boulevard.

7.10 Niagara Economic Development Fund ("NEDF")

7.10.1 Appointment of Susan Langdon

Mr. Gabriele explained that this is an appointment by Chairman Onesi for the NEDF reappointment of Susan Langdon to which the Agency as the Administrator and Trustee of that Fund.

7.11 Risk Assessment and Risk Management Letter

Mr. Dudley advised that a Risk Assessment and Management letter was provided to the Board as an annual disclosure requirement with PARIS reporting.

Mr. Krempa made a motion to accept the Risk Assessment and Risk Management letter; Mr. Brydges seconded the motion. The motion passed.

7.12 NCIDA Real Property Assessment

Mr. Dudley advised that an NCIDA Real Property Assessment was provided to the Board as an annual disclosure requirement with PARIS reporting.

Mr. Brydges made a motion to accept the Real Property Assessment; Mr. Krempa seconded the motion. The motion passed.

7.13 Annual Investment Reports

Mr. Dudley stated that Annual Investment Reports for NCIDA, NCDC and NADC were provided to the Board as an annual disclosure requirement with PARIS reporting.

Mr. Krempa made a motion to accept the Annual Investments Reports; Mr. Brydges seconded the motion. The motion passed.

7.0 Annual Meetings of the NCIDA, NCDC, and NADC (continued)

7.14 Reaffirm Administrative Policies for 2020

Mr. Gabriele explained the Board must reaffirm the Administrative Policies as required by PAAA. No changes have been made to these policies since last year.

Mr. Ross made a motion to reaffirm the Administrative Policies for 2020, Mr. Cliffe seconded the motion. The motion passed.

7.15 2020 Annual Report Summaries

Mr. Gabriele noted the NCIDA, NCDC, and NADC Annual Report Summaries for 2020 were included in the Board packet for review.

Motion to accept the annual report summaries was made by Mr. Krempa, seconded by Mr. Ross. Motion passed.

7.15 2020 Annual Measurement Reports

Mr. Gabriele stated the NCIDA, NCDC, and NADC Annual Measurement Reports for 2020 were included in the Board packet for review.

Motion to accept the annual measurement reports was made by Mr. Ross, seconded by Mr. Brydges. Motion passed.

8.0 Unfinished Business

8.1 Trek Inc.

Ms. Klyczek stated there was a public hearing on March 3, 2021 and there were no public comments. Mr. Gabriele stated that this project will not have PILOT benefits, only sales tax exemptions.

8.1.1 Final Resolution

Mr. Ross made a motion to approve the Final Resolution; Mr. Brydges seconded the motion.

8.1 Trek Inc. (Continued)

8.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF TREK INC. AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) NEGOTIATE AND EXECUTE AGENT AND FINANCIAL SERVICES AGREEMENT AND RELATED DOCUMENTS; AND (iii) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT.

The question of the approval of the Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott				X
Jason Krempa	X			

The Resolution was thereupon duly adopted.

8.2 Cerrone Estate Properties LLC

Ms. Klyczek stated there was a public hearing on March 3, 2021 and there were no public comments.

8.2.1 Final Resolution

Mr. Krempa made a motion to approve the Final Resolution; Mr. Ross seconded the motion.

8.2 Cerrone Estate Properties LLC (continued)

8.2.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF CERRONE ESTATE PROPERTIES, LLC AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT, PILOT MORTGAGE AND RELATED DOCUMENTS: AND (iv) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

The question of the approval of the Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott				X
Jason Krempa	X			

The Resolution was thereupon duly adopted.

9.0 New Business

9.1 AMP Real Estate Holdings of Erie County LLC

Ms. Klyczek noted that the applicant, AMP Real Estate Holdings of Erie County LLC, purchased vacant property on Schenk Street for the expansion of its operating company, Huron Sprinklers Inc. Huron Sprinklers is currently located at 299 Payne Avenue in North Tonawanda and they have outgrown this existing facility. Huron Sprinklers does lawn sprinkler systems, professional landscaping and lighting.

9.1 AMP Real Estate Holdings of Erie County LLC (continued)

They plan to move to the Schrenk Street property where they will be constructing a 10,000 sq ft facility that will house Huron Sprinklers operations. Mr. Anthony Pulli is the owner of Huron Sprinklers and AMP Real Estate Holdings.

Mr. Pulli stated he is excited to move ahead with this project since he has been waiting since 2004 to proceed. He looks forward to expanding the business in the community where it started and also to the continued growth and success of the company.

9.1.1 Preliminary Resolution

Mr. Krempa made a motion to approve the Preliminary Resolution; Mr. Cliffe seconded the motion.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF AMP REAL ESTATE HOLDINGS OF ERIE COUNTY, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF AMP REAL ESTATE HOLDINGS OF ERIE COUNTY, LLC OR AN ENTITY FORMED OR TO BE FORMED; (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO TAKE CERTAIN ACTIONS UNDER ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW IN CONNECTION WITH THE PROJECT; (iv) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

The question of the approval of the Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott				X
Jason Krempa	X			

The Resolution was thereupon duly adopted.

9.1 AMP Real Estate Holdings of Erie County LLC (continued)

9.1.2 Authorize Public Hearing

Mr. Krempa motioned to authorize the Public Hearing; Mr. Cliffe seconded the motion. The motion passed.

10.0 Agency Counsel

Mr. Gabriele stated he is in the process of working with Iskalo in respect to the project in the City of Lockport. There was some confusion in the application from September 2020 regarding the financing, in which he used the permanent financing number instead of the construction financing number of \$6,000,000. The application and resolution were based on the permanent financing number, whereby the Company is requesting a revision to the final resolution to reflect the \$6,000,000 construction financing number.

10.1 Resolution to add Iskalo 1 East Avenue Amendment to Board Agenda as a late item

Mr. Krempa made a motion to add to the Board Agenda an Amendment of the Final Resolution for Iskalo 1 East Avenue LLC project as a late item. The motion was seconded by Mr. Cliffe. The motion passed unanimously.

10.2 Iskalo 1 East Avenue Amendment to Final Resolution

Mr. Cliffe made a motion to approve the Amendment to the Final Resolution for Iskalo 1 East Avenue, Mr. Krempa seconded the motion.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF ISKALO 1 EAST AVENUE LLC AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT, PILOT MORTGAGE AND RELATED DOCUMENTS: AND (iv) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

10.2 Iskalo 1 East Avenue Amendment to Final Resolution (continued)

The question of the approval of the Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	X			
Jerald I. Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella	X			
Robert B. Cliffe	X			
Scott Brydges	X			
Clifford Scott				X
Jason Krempa	X			

The Resolution was thereupon duly adopted.

11.0 Information Items

Mr. Gabriele noted that when the Board approved 3% raises for Agency staff there was an understanding by the Board that Ms. Langdon was included in the raise. Because she is a contractual employee, the Board would need to approve a separate 3% raise for the Executive Director.

Mr. Krempa made a motion to approve a 3% raise effective January 1, 2021 for the Executive Director. Mr. Brydges seconded the motion. The motion passed.

12.0 Any Other Matters the Board Wishes to Discuss

13.0 Next: NCIDA/NCDC/NADC Board Meeting:

DATE: Wednesday, April 14, 2021

TIME: 9:00 a.m.

PLACE: Niagara County Center for Economic Development

14.0 Adjournment

Mr. Ross made a motion to adjourn; Mr. Brydges seconded the motion. The meeting adjourned at 9:31 a.m.

Respectfully submitted:

Reviewed by:

Approved by:

Susan L. Barone
Project Manager

Susan C. Langdon
Executive Director

William L. Ross
Secretary

6.1

AGENCY

PAYABLES

Niagara County Industrial Devel. Agency
Check Register
For the Period From Mar 1, 2021 to Mar 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3/1/21	3/1/21	NEW YORK STATE AND LOCAL	10001.100	250.02
29216	3/2/21	Caroline M. Caruso	10001.100	59.14
29217	3/2/21	Cintas Corporation LOC. 067P	10001.100	87.64
29218	3/2/21	THE HARTFORD	10001.100	208.05
29219	3/2/21	Lumsden & McCormick, LLP	10001.100	7,000.00
29220	3/2/21	National Grid	10001.100	518.82
29221	3/2/21	Time Warner Cable	10001.100	123.85
29222	3/9/21	360 PSG.com	10001.100	60.00
29223	3/9/21	Gabriele & Berrigan, P.C.	10001.100	5,000.00
29224	3/9/21	SUSAN C. LANGDON	10001.100	86.13
29225	3/9/21	M&T Bank	10001.100	135.28
29226	3/9/21	Professional Janitorial Services, Inc.	10001.100	705.00
3/11/21	3/11/21	PAYCHEX, INC.	10001.100	67.35
3/12/21	3/12/21	NYS DEFERRED COMPENSATION PLAN	10001.100	932.03
29227	3/16/21	CoStar Realty Information, Inc.	10001.100	217.31
29228	3/16/21	County of Niagara	10001.100	1,168.30
29229	3/16/21	First Choice Coffee Services	10001.100	120.61
29230	3/16/21	Independent Health	10001.100	1,998.27
29231	3/16/21	PURCHASE POWER	10001.100	150.00
29232	3/23/21	Guardian	10001.100	227.46
29233	3/23/21	Niag Cnty Dept of Economic Development	10001.100	140.20
3/25/21	3/25/21	PAYCHEX, INC.	10001.100	60.90
3/26/21	3/26/21	NYS DEFERRED COMPENSATION PLAN	10001.100	945.83
3/27/2021	3/27/21	NEW YORK STATE AND LOCAL	10001.100	250.02
Total				20,512.21

NCIDA - MTF - Operating Fund
Check Register
For the Period From Mar 1, 2021 to Mar 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2984	3/2/21	LARABA ENTERPRISES	10001.600	2,742.00
2985	3/9/21	DAVIS-ULMER Sprinkler Co.	10001.600	160.00
2986	3/9/21	National Grid	10001.600	21.02
2987	3/16/21	VERIZON	10001.600	120.58
Total				3,043.60

NCIDA VIP-MTF Operating
Check Register
 For the Period From Mar 1, 2021 to Mar 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4471	3/2/21	H.W.BRYK & SONS, INC.	10001.600	1,080.00
4472	3/2/21	Frontier	10001.600	184.68
4473	3/2/21	LARABA ENTERPRISES	10001.600	4,542.00
4474	3/2/21	National Grid	10001.600	284.87
4475	3/9/21	National Grid	10001.600	70.17
4476	3/9/21	Professional Janitorial Services, Inc.	10001.600	195.00
4477	3/16/21	Blue Ox Roofing	10001.600	191.00
4478	3/16/21	H.W.BRYK & SONS, INC.	10001.600	165.00
4479	3/16/21	Modern Disposal Services, Inc.	10001.600	164.10
4480	3/16/21	County of Niagara	10001.600	751.73
4481	3/23/21	Modern Electrical Construction Inc.	10001.600	88.50
Total				<u>7,717.05</u>

NCDC - CDBG/HUD - RLF
Check Register
For the Period From Mar 1, 2021 to Mar 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
182	3/2/21	Lumsden & McCormick, LLP	10200-300	1,174.40
183	3/23/21	Niagara Gazette Lockport Union Sun	10200-300	41.80
Total				<u><u>1,216.20</u></u>

Niag. Cnty Dev. Corp. - EDA RLF
Check Register
For the Period From Mar 1, 2021 to Mar 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1330	3/2/21	Lumsden & McCormick, LLP	10001.100	2,274.51
1331	3/16/21	Niagara County Development Corp	10001.100	1,773.37
Total				<u><u>4,047.88</u></u>

Niag. Cnty Dev. Corp. - Micro RLF
Check Register
For the Period From Mar 1, 2021 to Mar 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2041	3/2/21	Lumsden & McCormick, LLP	10004.400	<u>551.09</u>
Total				<u><u>551.09</u></u>

NIAG ECONOMIC DEV FUND
Check Register
For the Period From Mar 1, 2021 to Mar 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1325	3/2/21	Lumsden & McCormick, LLP	10000-200	2,000.00
Total				2,000.00

Niagara Industrial Incubator Associates
Check Register
For the Period From Mar 1, 2021 to Mar 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1173	3/2/21	Laraba Enterprises	10000.100	3,087.50
1174	3/2/21	Lumsden & McCormick, LLP	10000.100	2,000.00
1175	3/9/21	M&T Bank	10000.100	11.15
1176	3/9/21	National Fuel	10000.100	368.84
1177	3/9/21	National Grid	10000.100	505.86
1178	3/16/21	Blue Ox Roofing	10000.100	648.00
1179	3/16/21	Town of Wheatfield	10000.100	47.50
1180	3/23/21	Modern Electrical Construction Inc.	10000.100	4,925.00
Total				<u><u>11,593.85</u></u>

6.2

BUDGET

VARIANCE

REPORTS

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BUDGET VARIANCE REPORT AS OF March 31, 2021
UN-AUDITED STATEMENT FOR INTERNAL MANAGEMENT USE ONLY

	Current Month Actual	Current Month Budget	Year To Date Actual	Year To Date Budget	Year To Date Variance	Total Budget
Operating Revenues						
Project Administrative Fees	\$ 30,000.00	\$ 26,080.00	\$ 371,300.00	\$ 99,311.00	271,989.00	\$ 543,976.00
Project Application Fees	1,000.00	1,000.00	3,250.00	3,000.00	250.00	12,000.00
NEDF RLF Administrative Fee	4,166.67	4,166.67	12,500.01	12,500.01	0.00	50,000.00
Administrative Fees - Other	0.00	0.00	7,400.00	7,400.00	0.00	42,668.00
Interest Earnings	107.87	148.92	315.35	446.76	(131.41)	1,787.00
Training Room Income	0.00	11.67	0.00	35.01	(35.01)	140.00
Distrib From Niag. Ind. Suites	0.00	0.00	0.00	0.00	0.00	100,000.00
Distributions From Affiliates	0.00	0.00	0.00	0.00	0.00	80,000.00
Distribution from VIP MTF	0.00	0.00	0.00	0.00	0.00	150,000.00
Total Operating Revenues	35,274.54	31,407.26	394,765.36	122,692.78	272,072.58	980,571.00
Operating Expenses						
Salaries	23,044.16	25,453.92	78,673.83	89,088.72	(10,414.89)	330,901.00
Benefits	3,408.95	3,329.25	8,979.02	9,987.75	(1,008.73)	39,951.00
Retirement Benefits	5,331.42	5,331.42	15,994.26	15,994.26	0.00	63,977.00
Payroll Taxes	1,792.01	1,950.52	6,105.92	6,812.43	(706.51)	25,314.00
Unemployment Taxes	36.20	52.44	283.25	389.07	(105.82)	443.00
Consultants	2,500.00	2,500.00	7,500.00	7,500.00	0.00	30,000.00
Assistant Director	5,412.00	5,412.00	16,236.00	16,236.00	0.00	64,944.00
Legal Services	3,094.20	5,000.00	38,227.40	15,000.00	23,227.40	60,000.00
Accounting Services	12,500.00	12,800.00	18,500.00	18,800.00	(300.00)	18,800.00
Accounting Services - NADC	1,100.00	1,100.00	2,100.00	2,100.00	0.00	2,100.00
Marketing	418.11	1,833.33	1,632.73	5,499.99	(3,867.26)	22,000.00
Printing	0.00	125.00	0.00	375.00	(375.00)	1,500.00
Office Supplies	188.11	208.33	226.12	624.99	(398.87)	2,500.00
Postage	169.58	69.00	659.00	1,175.00	(516.00)	3,344.00
Telephone & Fax	91.56	91.67	274.68	275.01	(0.33)	1,100.00
Internet Service	272.35	231.67	644.12	695.01	(50.89)	2,780.00
Common Area Charges	680.00	623.08	2,040.00	1,869.24	170.76	7,477.00
Energy	1,217.94	1,351.00	4,472.57	4,657.00	(184.43)	15,140.00
Conference & Travel	86.13	250.00	295.27	750.00	(454.73)	3,000.00
Employee Training	0.00	83.33	0.00	249.99	(249.99)	1,000.00
Depreciation Expense	0.00	0.00	0.24	0.00	0.24	0.00
Insurance Expense	1,480.00	1,580.25	4,440.00	4,740.75	(300.75)	18,963.00
Library & Membership	0.00	87.27	1,585.00	1,759.54	(174.54)	2,545.00
General Office	498.86	824.33	1,194.02	2,472.99	(1,278.97)	9,892.00
Repairs & Maintenance	931.09	1,188.67	2,713.94	3,566.01	(852.07)	14,264.00
Computer Support	0.00	666.67	0.00	2,000.01	(2,000.01)	8,000.00
Public Hearings	0.00	16.67	0.00	50.01	(50.01)	200.00
Furniture & Equipment Purchase	0.00	166.67	0.00	500.01	(500.01)	2,000.00
Other Expense	0.00	83.33	0.00	249.99	(249.99)	1,000.00
Total Operating Expenses	64,252.67	72,409.82	212,777.37	213,418.77	(641.40)	753,135.00
Net Operating Income/<Loss>	(28,978.13)	(41,002.56)	181,987.99	(90,725.99)	272,713.98	227,436.00
Non-Operating Revenue & Expense						
Grant Rev- City NF Initiative	0.00	0.00	370,000.00	370,000.00	0.00	1,796,250.00
Grant Sub-City NF Initiative	0.00	0.00	370,000.00	370,000.00	0.00	1,796,250.00
Net Non-Operating Income/<Loss>	0.00	0.00	0.00	0.00	0.00	0.00
Total Net Income/<Loss>	(\$ 28,978.13)	(\$ 41,002.56)	\$ 181,987.99	(\$ 90,725.99)	272,713.98	\$ 227,436.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet

March 31, 2021

ASSETS

Current Assets		
Cash - Checking	\$ 247,620.22	
Petty Cash	300.00	
Mmkt Acct. - M&T Bank	1,587,707.01	
Cash - First Response	74,999.57	
Cash - City of N.F.	827.02	
Mmkt Acct. - Cataract Tourism	4,002,160.67	
Accts Rec - Public Hearings	1,423.34	
Accounts rec. - Fees/Var.	159,395.00	
Accounts Rec. EDA - RLF	10,933.66	
Due To/From Micro RLF	11,666.62	
Accounts Rec - NEDF	12,500.01	
Due To/From VIP - MTF	440,475.98	
Due From NCDC CDBG/HUD	11,666.76	
Due To/Due From NADC	406.56	
Due To/From MTF Operating	128,290.95	
Prepaid Insurance	<u>14,851.02</u>	
Total Current Assets		6,705,224.39
Other Assets		
Deferred Outflows	207,452.00	
Investment in NIIA	<u>342,500.00</u>	
Total Other Assets		549,952.00
Fixed Assets		
Furniture & Equipment	199,360.75	
Furn & Fixtures - Fed purchase	5,861.08	
Accum Dep. - Furn & Equip	(199,360.75)	
Accum Dep. - F&F Fed Purch	<u>(5,861.08)</u>	
Total Fixed Assets		0.00
Total Assets		<u>\$ 7,255,176.39</u>

LIABILITIES AND NET ASSETS

Current Liabilities		
Accrued Retirement	\$ 15,994.26	
Deferred Rev. - First Repsonse	74,999.57	
Def. Rev. - City of N.F.	4,002,987.69	
Accounts Payable	32,960.66	
Acct. Payable - Niag. County	<u>16,236.00</u>	
Total Current Liabilities		4,143,178.18
Long-Term Liabilities		
Pension Liability	204,072.00	
Deferred Inflows of Resources	<u>24,839.00</u>	
Total Long-Term Liabilities		<u>228,911.00</u>
Total Liabilities		4,372,089.18
Net Assets		
Fund Balance - Operating Fund	2,701,099.22	
Net Income	<u>181,987.99</u>	
Total Net Assets		<u>2,883,087.21</u>
Total Liabilities & Net Assets		<u>\$ 7,255,176.39</u>

**Niagara County Industrial
Development Agency
Aged Payables
As of March 31, 2021**

Vendor ID Vendor	Invoice #	Amount Due
cin Cintas Corporation #782	8018156;9323976	83.22
HART The Hartford	LDNY72598 Jan-Mar 21	623.27
LUM Lumsden & McCormick, LLP	177200 177201	1,100.00 12,500.00
M&TBUS M&T Bank	Mar 2021	308.88
NATGRID National Grid	39004 3/21	517.94
NIAGLOCKPORT Niagara Gazette Lockport Union	281237	88.02
STAPLES STAPLES CONTRACT & COMMERCIAL	8061657729	188.11
tim Time Warner Cable	Mar 2021	123.85
Report Total		<u>15,533.29</u>

Adjusting Journal Entries

Estimated Jan 2021 Legal Fees	4,770.00
Estimated Feb 2021 Legal Fees	3,324.20
Estimated Mar 2021 Legal Fees	5,000.00
Estimated Mar 2021 Copier usage	250.00
Estimated Jan-Mar 2021 Telephone	90.00
Estimated Mar 2021 Niagara County Electric	200.00
Estimated Mar 2021 Niagara County Gas	500.00
Estimated Mar 2021 Cleaning service	793.17
Estimated Mar 2021 Consulting	2,500.00
	<u>32,960.66</u>

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

4/7/2021

**Project Income - 2021
Lease/Lease Back and Bonds**

Closed 2021	Project Type	Total Project Amount	IDA Project Amount	Fees	Application Fee	Amount Received to Date	Date Received	Balance Due	Date Closed	
	Vincent Properties, Inc.	L/L Back	6,650,000	6,100,000	61,000	1,000	62,000	1/12/21	-	1/4/2021
	DLC Diversified Holdings, LLC(Dominick Cili	L/L Back	2,500,000	2,230,000	21,550	1,000	22,550	1/19/21	-	1/14/21
	Hotel Niagara Development, LLC	No assistance provided.				1,000	1,000	6/4/18	-	
	Olcott Yacht Club Inc.	Sales Tax & Mtg Tax Only	456,000	450,000	0	250	250	2/16/21	-	2/10/21
	Stavatti Aerospace Ltd.	L/L Back	25,875,000	10,600,000	258,750	1,000	130,355	3/3/21	129,395	2/18/21
	Trek Inc.	Sales Tax Only	8,235,000	6,500,000	30,000	1,000	1,000	2/16/21	30,000	3/10/21
	Iskalo 1 East Avenue LLC	L/L Back	6,057,760	4,100,000	41,000	1,000	1,000	7/28/20	41,000	4/4/21

TOTAL

412,300 6,250 218,155 -

Fees received in prior year - -

Total fees received to date in 2021 412,300

Total 2021 Budgeted Fees 543,976

Balance of Budgeted Fees 131,676

Projected 2021	Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration	
	Merani Hotel Group	Sales Tax Only	22,500,000	20,286,000	75,000	1,000	1,000	3/13/19	75,000	11/30/21
	The Niagara Club	L/L Back	3,036,700	2,872,000	28,720	1,000	1,000	1/3/19	28,720	8/31/21
	Cerrone Estate Properties, LLC	L/L Back	1,780,000	1,750,000	17,500	1,000	1,000	2/3/21	17,500	3/31/22
	AMP Real Estate Holdings of Erie County, LLC	L/L Back	522,913	509,913	5,099	1,000	1,000	3/15/21	5,099	

TOTAL

126,319 4,000 4,000 126,319 0

TOTAL - Projected Income 2021

538,619 10,250 222,155 126,319 200,395

Projected 2022	Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration

TOTAL

0 0 0 0 0

* Pending Board Approval

Cataract Tourism Fund Grant Program

Grantee Name	Grant Awards	Outst'd'g Awards	Approval Date	Disbursement Date	Disbursement Amount	Offer Expiration	Project Description
Niagara County Dept of Economic Development	37,667	0	10/11/2017	1/23/2018	37,667		Feasibility study for Niagara Falls area multi-use facility
Niagara Aquarium Foundation	88,147	0	2/14/2018	7/15/2019	88,147		Jellyfish exhibit and equipment
The Tourism Research Entrepreneurship Center (TReC)	176,600	0	8/8/2018	6/2/2020	176,600		Buildout, audio/visual equipment and network connectivity hardware
Niagara Aquarium Foundation	16,717	0	2/12/2020	10/21/2020	16,717		Renovations to second floor event room
Niagara Aquarium Foundation	370,000	0	8/14/2019	2/9/2021	370,000		Interactive touch pools adjacent to main entrance of the Aquarium
Niagara Falls Center for Tourism LLC	1,000,000	1,000,000	6/12/2019	To Be Disbursed	0	11/30/2021	Construction of an indoor family entertainment center and outdoor improvements
Red Star Builders, LLC (The Niagara Club)	523,250	523,250	7/10/2019	To Be Disbursed	0	8/1/2021	Rooftop bar and lounge, banquet space, virtual entertainment lounge & Spot Coffee
The Center for Kashmir, Inc.	273,000	273,000	8/12/2020	To Be Disbursed	0	2/28/2022	Renovations to vacant church for a museum of art and culture for Kashmir
To Date Sub-Total	<u>2,485,381</u>	<u>1,796,250</u>			<u>689,131</u>		

Grant Fund Cash Balance as of 3/31/2021 4,002,987.69

Less: Outstanding Awards (1,796,250.00)

Available for awarding grants 2,206,737.69

Grant Fund Balance -

Grant Funding from NYS 11/22/2016 1,600,000.00

Grant Funding from NYS 10/16/2017 1,440,000.00

Grant Funding from NYS 10/12/2018 1,600,000.00

Bank Interest 52,161.95

Bank Fees (43.26)

Grant Disbursements (689,131.00)

Grant Fund Balance 4,002,987.69

7.1

AMP Real Estate Holdings of Erie County, LLC

PROJECT SUMMARY

AMP Real Estate Holdings of Erie County, LCC



Applicant:	AMP Real Estate Holdings of Erie County, LLC (Huron Sprinklers, Inc.)	
Project Location:	95 Schenck Street North Tonawanda, NY 14120	
Assistance:	10 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	Huron Sprinklers Inc., which is currently located at 299 Payne Ave., North Tonawanda, designs, sells and installs lawn sprinkler systems as well as professional landscaping and lighting. Huron Sprinklers has outgrown their existing 2,000 sq. ft. facility. The company owner has purchased vacant property at 95 Schenck Street for the purposes of constructing a 10,000 sq. ft. facility. The expanded space will contain office space and storage for inventory, tools, and machinery. The site will also provide 30-35 parking spaces to accommodate the company's fleet of work trucks and equipment.	
Project Costs:	Construction/Improvements Furniture, Fixtures & Equipment Soft costs & other <div style="text-align: right;">TOTAL</div>	\$ 464,913 \$ 45,000 <u>\$ 13,000</u> \$ 522,913
Employment:	Current jobs in Niagara County 14.5 New Jobs in Niagara County within 3 years: 7 Total Annual Payroll for New Jobs: \$ 114,192 Skills: Management, Administrative, Laborer	
Evaluative Criteria:	Supports Local Business, Retention, Regional Wealth Creation	

REGIONAL ECONOMIC IMPACT ANALYSIS
Huron Sprinklers

Estimated State & Regional Benefits / Estimated Project Incentives Analysis

Total State and Regional Benefits	\$ 652,257
Total Project Incentives	\$ 45,352
Community Benefit to Cost Ratio	14:1
Projected Employment	
Total Employment	35
Direct**	21
Indirect***	10
Temporary Construction (Direct and Indirect)	4

Estimated State & Regional Benefits

Total State and Regional Benefits	\$ 652,257
Income Tax Revenue	\$ 462,000
Property Tax Revenue	\$ 27,257
Sales Tax Revenue	\$ 163,000

Estimated Project Incentives

Total Project Incentives	\$ 45,352
Property Tax	\$ 21,655
Sales Tax	\$ 22,197
Mortgage Tax	\$ 1,500

* Figures over 15 years and discounted by 3.49%

** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

**** Induced - The recipient of IDA assistance by adding to and/or retaining payroll stimulates household spending that is new to the regional economy and/or saved from being lost to competitors outside the region.

Utilizing informANALYTICS modeling software, an economic impact analysis was conducted to measure new investment and employment for the project. This software is a widely accepted and an industry standard for economic impact modeling measuring employment and salary impacts and facility output on the community for a given project.

8.1

**Enterprise
Lumber &
Silo, LLC**

PROJECT SUMMARY
Enterprise Lumber & Silo, LLC



Applicant:	Enterprise Lumber & Silo, LLC	
Project Location:	211 Main Street North Tonawanda, NY 14120	
Assistance:	10 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>Enterprise Lumber & Silo LLC is a real property holding company owned by the principals of KCB Architecture, P.C. and Joy Kuebler Landscape Architect, P.C. The project involves the adaptive reuse of a historic lumber warehouse at 211 Main Street in the City of North Tonawanda. The building was condemned in 2015 due to years of neglect and lack of maintenance.</p> <p>The new structure will be composed of 6,120 sq ft of Class A professional office space. The principals will occupy 40% of the building and 40% will be available for lease to other professional firms along with common areas. The existing heavy timber framing and foundations will be preserved in the new building.</p>	
Project Costs:	Acquisition/Construction/Improvements	\$ 1,996,559
	Furniture, Fixtures & Equipment	\$ 72,597
	Soft costs	\$ 166,672
	Other: Site Remediation	\$ 846,998
	TOTAL	\$ 3,082,826
Employment:	Current jobs in Niagara County:	9 FTE
	New Jobs in Niagara County within 3 years:	4 FTE
	Total Annual Payroll for New Jobs:	\$173,200
	Skills: Professional, Administrative, Marketing	
Evaluative Criteria:	Age of Structure, Building Vacancy, Redevelopment supports local development plans, Environmental and Safety issues, Building has historic designation.	

REGIONAL ECONOMIC IMPACT ANALYSIS
Enterprise Lumber & Silo LLC

Estimated Project Benefits / Estimated Project Incentives Analysis

Total Project Benefits	\$ 944,255
Total Project Incentives	\$ 322,797
Community Benefit to Cost Ratio	3:1
Projected Employment	
Total Employment	44
Direct**	13
Indirect***	12
Temporary Construction (Direct and Indirect)	19

Estimated Project Benefits

Total Project Benefit	\$ 994,255
Income Tax Revenue	\$ 655,000
Property Tax Revenue	\$ 144,255
Sales Tax Revenue	\$ 195,000

Estimated Project Incentives

Total Project Incentives	\$ 322,797
Property Tax	\$ 198,605
Sales Tax	\$ 114,950
Mortgage Tax	\$ 9,242

** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

Utilizing informANALYTICS modeling software, an economic impact analysis was conducted to measure new investment and employment for the project. This software is a widely accepted and an industry standard for economic impact modeling measuring employment and salary impacts and facility output on the community for a given project.

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

ENTERPRISE LUMBER & SILO, LLC

(Applicant Name)

6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132
Phone: 716-278-8760 Fax: 716-278-8769
<http://niagaracountybusiness.com>

Updated 2020

- I. 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.
- II. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- III. 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.
- IV. 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 protected by law.

6311 Inducon Corporate Drive ■ Sanborn, NY 14132-9099 ■ 716-278-8760
Fax 716-278-8769 ■ www.niagaracountybusiness.com

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: Enterprise Lumber & Silo, LLC

Mailing Address: 62 Webster Street, Second Floor

City/Town/Village & Zip code: North Tonawanda, New York 14120

Phone: (716) 216-4165

Website: https://www.211mainstreetnt.com

Fed Id. No.: 81-3194880

Contact Person, and Title: Kelley Culp-Burton, President

Email: kcburton@kcb-architecture.com

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

Kelley Culp-Burton (Manager and 88% Owner); Joy Kuebler (Manager and 12% Owner)

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 _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members 2)

Date of organization: July 11, 2016

State of Organization: New York

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

APPLICANT'S COUNSELCompany Name: Law Office of Terry C. Burton, P.C.Contact Person, and Title: Terry C. Burton, Esq.Mailing Address: 62 Webster Street, Second FloorCity/Town/Village & Zip code: North Tonawanda, New York 14120Email: tburtonlaw@outlook.comPhone: (716) 525-7474

Fax No.: _____

II. PROJECT INFORMATION**A)** Project Address: 211 Main Street, North Tonawanda, New York 14120Tax Map Number (SBL) 185.05-1-80.21
(Section/Block/Lot)SWIS Number 291200Located in City of North Tonawanda

Located in Town of _____

Located in Village of _____

School District of North Tonawanda**B)** Current Assessment of Property:Land \$36,700.00Total \$90,000.00**C)** Present legal owner of the site Enterprise Lumber & Silo, LLC (Applicant)If other than from applicant, by what means will the site be acquired for this project?

_____**D)** 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.

E) Describe the project:

The building is currently vacant and has been condemned by the City of North Tonawanda.

Our project will save and reuse a historic lumber warehouse, create new jobs in professional

fields, and advance the North Tonawanda downtown development master plan by

remediating a brownfield site and introducing new professional office space.

F) Estimated Project Costs:

Property Acquisition		\$	115,000
Construction (Improvements)		\$	1,881,559
Equipment Purchases/Fixtures/Furnishings		\$	72,597
Soft costs (i.e., engineering, architectural)		\$	166,672
Other (describe)	Site remediation & finance costs	\$	846,998
TOTAL USES OF FUNDS		\$	3,082,826

G) Sources of Funds for Project Costs (Must match Total uses of Funds):

Bank Financing	SBA Permanent Loan	\$	1,232,211
Equity	Owners' Equity	\$	115,000
Grants/Tax Credits	Grants & Brownfield Tax Credits	\$	1,185,615
Taxable or Tax Exempt Bond		\$	
Other	NC Browfield Development Loan	\$	550,000
TOTAL SOURCES OF FUNDS		\$	3,082,826

Identify each state and federal grant/credit:

	Restore New York Grant	\$	300,000
		\$	
		\$	
		\$	
TOTAL PUBLIC FUNDS		\$	300,000

H) 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.

6,120 sq. ft. building on a 0.6 acre lot

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

Vacant warehouse, abandoned and condemned

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
18,000 sq. ft. two-story building, constructed in the 1920s

3. Does the project consist of the construction of a new building or buildings?
If yes, indicate number and size (in square feet) of new buildings.
Yes, the existing structure will be used in the construction of 6,120 sq. ft. of new space

4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation.
The existing heavy timber framing & foundations will be preserved in the new building

5. 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.
Of the 6,120 sq. ft. of space, 2,570 sq. ft. will be leased to third-party tenants

6. List principal items/categories of equipment to be acquired as part of the project.
Heat pumps for a geothermal heating/cooling system, and movable framed glass office
_____ and conference room partitions.

7. Has construction work on this project begun?
No.

III. FINANCIAL ASSISTANCE REQUESTED

A) Benefits Requested:

Sales Tax Exemption

Mortgage Recording Tax Exemption

Real Property Tax Abatement (PILOT)

B) Value of Incentives:

Property Tax Exemption (To be estimated by NCIDA Staff. See Page 14)

Estimated duration of Property Tax exemption: 10 years

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction \$ 109,142

Estimated value of Sales Tax exemption for fixtures and equipment: \$ 5,808

Estimated duration of Sales Tax exemption: 1 year

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 9,242

C.) Financial Assistance Determination:

If financial incentives are not provided by NCIDA, is the project financially viable?

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:

The project is not financially viable without the assistance being requested from the Niagara

County Industrial Development Agency.

IV. **EMPLOYMENT PLAN**

	# of Retained Jobs	Retained Jobs Average Annual Salary	# of Created Jobs <i>(3 yrs after project completion)</i>	Created Jobs Average Annual Salary
Full Time (FTE)	KCB Arch - 5 JKLA - 3	\$77,090 \$74,500	KCB Arch - 2 JKLA - 1	\$41,600 \$45,000
Part time (PTE)	JKLA - 1	\$12,000	KCB Arch - 1 JKLA - 1	\$25,000 \$20,000
TOTAL	KCB Arch Joy Kuebler LA	\$385,450 \$235,500	KCB Architect Joy Kuebler LA	\$108,200 \$ 65,000

Annual Salary Range of Jobs to be Created: \$ 20,000 to \$ 45,000

Category of Jobs to be Retained and Created:

Job Categories (ie. Management, Administrative, Production, etc.)

Entry level and junior level architectural design and production, community engagement facilitation, marketing and administrative personnel.

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 Fillings: 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.

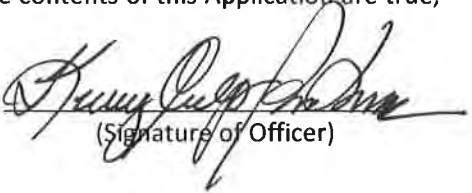
- G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.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

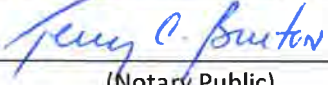
Kelley Culp-Burton, being first duly sworn, deposes and says:

1. That I am the President (Corporate Office) of Enterprise Lumber & Silo, LLC (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 17TH day of MARCH, 2021



Terry C. Burton
(Notary Public)

TERRY C. BURTON
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires JUNE 29, 2023

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.

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.

ENTERPRISE LUMBER & SILO, LLC

(Applicant Signature)

By:

Kelley Culp-Burton

Name:

President

Title:

(Notary Public)

Sworn to before me this 17TH day

[stamp]

of MARCH, 2021

TERRY C. BURTON
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires JUNE 29, 2023

Real Property Tax Benefits (Detailed):

** This section 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

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

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	15%	\$ 939	\$ 1,405	\$ 2,423	\$ 4,767	\$ 31,777	\$ 27,010
2	20%	\$ 1,252	\$ 1,873	\$ 3,230	\$ 6,355	\$ 31,777	\$ 25,421
3	25%	\$ 1,565	\$ 2,342	\$ 4,038	\$ 7,944	\$ 31,777	\$ 23,833
4	30%	\$ 1,878	\$ 2,810	\$ 4,845	\$ 9,533	\$ 31,777	\$ 22,244
5	35%	\$ 2,191	\$ 3,278	\$ 5,653	\$ 11,122	\$ 31,777	\$ 20,655
6	40%	\$ 2,504	\$ 3,747	\$ 6,460	\$ 12,711	\$ 31,777	\$ 19,066
7	45%	\$ 2,817	\$ 4,215	\$ 7,268	\$ 14,300	\$ 31,777	\$ 17,477
8	50%	\$ 3,130	\$ 4,683	\$ 8,075	\$ 15,888	\$ 31,777	\$ 15,888
9	55%	\$ 3,443	\$ 5,151	\$ 8,883	\$ 17,477	\$ 31,777	\$ 14,300
10	60%	\$ 3,756	\$ 5,620	\$ 9,691	\$ 19,066	\$ 31,777	\$ 12,711
TOTAL		\$ 23,473	\$ 35,124	\$ 60,566	\$ 119,163	\$ 317,768	\$ 198,605

*Estimates provided are based on current property tax rates and assessment value

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	\$ <u>114,950</u>	New Jobs Created Permanent <u>4</u> Temporary <u>0</u>
		Existing Jobs Retained Permanent <u>9</u> Temporary <u>0</u>
Estimated Mortgage Tax Exemption	\$ <u>9,242</u>	Expected Yearly Payroll \$ <u>794,150</u>
Estimated Property Tax Abatement	\$ <u>198,605</u>	Additional Revenues to School Districts \$ <u>16,151</u>
		Additional Revenues to Municipalities County: \$ <u>6,260</u> City: \$ <u>9,366</u>
		Other Benefits \$ <u>0</u>
Estimated Interest Savings IRB Issue	\$ <u>0</u>	Private Funds invested \$ <u>3,082,826</u>
		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).

\$ 1,436,875 (to be used on the NYS ST-60)

UPDATED 2021

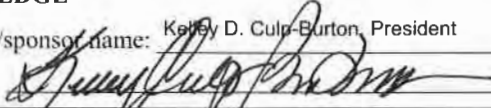
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Appendix B
Short Environmental Assessment Form

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.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
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	YES
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:			NO	YES
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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 type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<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"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Kelsey D. Culp-Burton, President</u>	Date: <u>March 17, 2021</u>	
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 type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input 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 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?		
11. Will the proposed action create a hazard to environmental resources or human health?		

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.

- 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.
- 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.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

8.2

Rubberform

Recycled

Products, LLC

PROJECT SUMMARY
Rubberform Recycled Products, LLC



Applicant:	Rubberform Recycled Products, LLC	
Project Location:	75 Michigan Street Lockport, NY 14094	
Assistance:	Sales Tax Abatement Property Tax Abatement Mortgage Recording Tax	
Description:	RubberForm Recycled Products leases their space in the City of Lockport. Rubberform is seeking to purchase the space they currently occupy and significantly upgrade the entire property. The company will repair the warehouse space, floors, high-bay building brick, replace windows, add skylights, and repair the roof. The parking lot will be resurfaced and enlarged, offices will undergo renovations, and additional offices will be built out. The company will add roof top solar or wind technology to reduce power costs and the entire building façade will be insulated and refaced.	
Project Costs:	Acquisition	\$ 810,000
	Construction/Improvements	\$ 1,500,000
	Furniture, Fixtures & Equipment	\$ 550,000
	Soft costs & other	\$ 95,000
	TOTAL	\$ 2,955,000
Employment:	Current jobs in Niagara County	19 FTE
	New Jobs in Niagara County within 3 years:	10 FTE
	Estimated Annual Payroll End Year 3:	\$1,292,000
	Skills: Management, professional production (engineering & manufacturing), Administrative	
Evaluative Criteria:	15 year Industrial - Regional Wealth Creation, Research and Development Activities, Retention, Workforce Access.	

REGIONAL ECONOMIC IMPACT ANALYSIS
Rubberform Recycled Products, LLC

Estimated Project Benefits / Estimated Project Incentives Analysis

Total Project Benefits	\$ 2,596,640
Total Project Incentives	\$ 784,911
Community Benefit to Cost Ratio	3:1
Projected Employment	
Total Employment	63
Direct**	29
Indirect***	23
Temporary Construction	11

Estimated Project Benefits

Total Project Benefits	\$ 2,596,640
Income Tax Revenue	\$ 1,652,000
Property Tax Revenue	\$ 439,640
Sales Tax Revenue	\$ 505,000

Estimated Project Incentives

Total Project Incentives	\$ 784,911
Property Tax	\$ 659,461
Sales Tax	\$ 104,000
Mortgage Tax	\$ 21,450

** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

Utilizing informANALYTICS modeling software, an economic impact analysis was conducted to measure new investment and employment for the project. This software is a widely accepted and an industry standard for economic impact modeling measuring employment and salary impacts and facility output on the community for a given project.

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

Rubberform Recycled Products, LLC

(Applicant Name)

6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132
Phone: 716-278-8760 Fax: 716-278-8769
<http://niagaracountybusiness.com>

Updated 2020

- I. 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.
- II. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- III. 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.
- IV. 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 protected by law.

6311 Inducon Corporate Drive ■ Sanborn, NY 14132-9099 ■ 716-278-8760
Fax 716-278-8769 ■ www.niagaracountybusiness.com

**NIAGARA COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: Rubberform Recycled Products, LLC

Mailing Address: 75 Michigan Street

City/Town/Village & Zip code: Lockport, NY 14094

Phone: (716) 478-0404

Website: www.rubberform.com

Fed Id. No.: 20-2632537

Contact Person, and Title: William J Robbins, Sr. Member

Email: Bill@RubberForm.com

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

William J. Robbins, Sr., Member - President & Founder

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 _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members 1)

Date of organization: April 2005

State of Organization: New York State

Sole Proprietorship

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

APPLICANT'S COUNSEL

Company Name: Lippes Mathias Wexler Friedman LLP

Contact Person, and Title: Vincent M. Miranda

Mailing Address: 50 Fountain Plaza - Suite 1700

City/Town/Village & Zip code: Buffalo NY 14202

Email: vmiranda@lippes.com

Phone: (716) 218-7569

Fax No.: (716) 853-5199

II. PROJECT INFORMATION

A) Project Address: 75 Michigan Street, Lockport, NY

Tax Map Number (SBL) 108.16-2-4
(Section/Block/Lot)

SWIS Number _____

Located in City of Lockport

Located in Town of _____

Located in Village of _____

School District of Lockport

B) Current Assessment of Property:

Land 63,800

Total 153,000

C) Present legal owner of the site David Ulrich, Clear Opportunities Properties, LP

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

Applicant only



D) 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.

E) Describe the project:

Building purchase; warehouse upgrade-floor repair-high bay building brick and window repair.

Add 3 to 4 new loading docks. New paved employee parking lot and employee entrance.

Day lighting - sky lights. Solar Panels and or wind power. Roof Repair.

Office renovations and additional offices. Exterior metal skin upgrade and insulation.

F) Estimated Project Costs:

Property Acquisition	\$	810,000
Construction (Improvements)	\$	1,500,000
Equipment Purchases/Fixtures/Furnishings	\$	550,000
Soft costs (i.e., engineering, architectural)	\$	95,000
Other (describe) Renovations will be Phased over years	\$	
TOTAL USES OF FUNDS	\$	2,955,000

G) Sources of Funds for Project Costs (Must match Total uses of Funds):

Bank Financing TBD-Evans Bank Supports our project	\$	2,705,000
Equity Down-payment on Building purchase, +	\$	250,000
Grants/Tax Credits TBD	\$	
Taxable or Tax Exempt Bond TBD	\$	
Other TBD	\$	
TOTAL SOURCES OF FUNDS	\$	2,955,000

Identify each state and federal grant/credit:

	TBD	\$	
	TBD	\$	
	TBD	\$	
	TBD	\$	
TOTAL PUBLIC FUNDS		\$	0

H) 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.

3.1 acres land, 54,000 square foot building

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

Manufacturing/industrial

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
54,000 - 1890 - High bay building and addition - 1960.

3. Does the project consist of the construction of a new building or buildings?
If yes, indicate number and size (in square feet) of new buildings.
No. upgrades to existing building/structure in phase one.

4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation.
Yes, see page 5 and attached.

5. 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.
Currently there is a lease till 12/22/2022 - 20,000 sq. ft., will not be renewed.

6. List principal items/categories of equipment to be acquired as part of the project.
Profile extrusion line with profile dies. Injection molding equipment, injection molds.

Upgrades to compression molding equipment. Warehouse racking, tow motors, packing.

Molding production automation and fabrication automation equipment.

7. Has construction work on this project begun?
No

III. **FINANCIAL ASSISTANCE REQUESTED**

A) Benefits Requested:

Sales Tax Exemption

Mortgage Recording Tax Exemption

Real Property Tax Abatement (PILOT)

B) Value of Incentives:

Property Tax Exemption (To be estimated by NCIDA Staff. See Page 13)

Estimated duration of Property Tax exemption: 15 Years

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ 60,000

Estimated value of Sales Tax exemption for fixtures and equipment: \$ 44,000

Estimated duration of Sales Tax exemption: 1 year

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 11,625

C.) Financial Assistance Determination:

If financial incentives are not provided by NCIDA, is the project financially viable?

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:

Rubberform is not willing to make undertake these large investments, purchasing the building,
 building renovations, office and manufacturing equipment due to New York States excessive
 regulations such as; various employee mandates - hourly rates, PTO requirements, sales taxes
 income tax, and property taxes.

IV. EMPLOYMENT PLAN

	# of Retained Jobs	Retained Jobs Average Annual Salary	# of Created Jobs <i>(3 yrs after project completion)</i>	Created Jobs Average Annual Salary
Full Time (FTE)	19	\$ 45,864	10+	\$ 42,000
Part time (PTE)				
TOTAL	19	\$ 45,864	10+	\$ 42,000

Annual Salary Range of Jobs to be Created: \$ 34,000 to \$ 49,000

Category of Jobs to be Retained and Created:

Job Categories (ie. Management, Administrative, Production, etc.)
 Management, sales professional, engineering, administrative, plant production,
 and shipping/warehouse.

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 Fillings: 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.

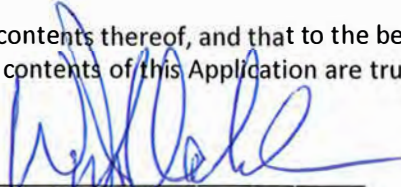
- G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.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

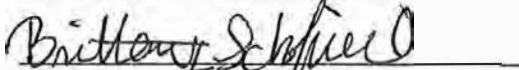
STATE OF NEW YORK)
COUNTY OF Niagara) ss.:

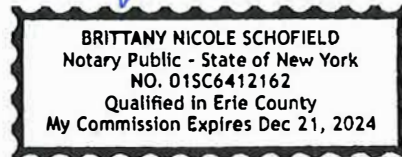
William J. Robbins, Sr., being first duly sworn, deposes and says:

1. That I am the Member/President (Corporate Office) of RubberForm Recycled Products, LLC (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 31 day of March, 2021


(Notary Public)

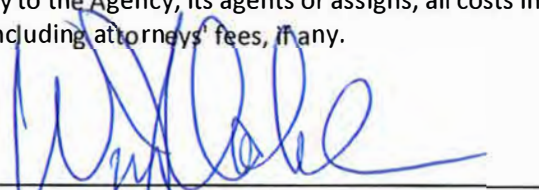


This Application should be submitted to the Niagara County Industrial Development Agency, 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132.

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

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.

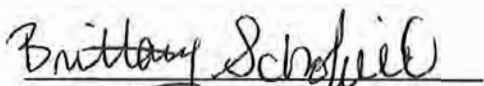


(Applicant Signature)

By: William. J. Robbins, Sr.

Name: William. J. Robbins, Sr.

Title: Member/President & Founder



(Notary Public)

Sworn to before me this 30~~th~~ day

of March, 2021

[stamp]



Real Property Tax Benefits (Detailed):

** This section 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

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
\$1,500,000	\$1,300,000	8.677701	18.667600	29.018851

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	20%	\$ 2,256	\$ 169,875	\$ 7,545	\$ 179,676	\$ 73,273	\$ (106,403)
2	20%	\$ 2,256	\$ 4,854	\$ 7,545	\$ 14,655	\$ 73,273	\$ 58,619
3	30%	\$ 3,384	\$ 7,280	\$ 11,317	\$ 21,982	\$ 73,273	\$ 51,291
4	30%	\$ 3,384	\$ 7,280	\$ 11,317	\$ 21,982	\$ 73,273	\$ 51,291
5	40%	\$ 4,512	\$ 9,707	\$ 15,090	\$ 29,309	\$ 73,273	\$ 43,964
6	40%	\$ 4,512	\$ 9,707	\$ 15,090	\$ 29,309	\$ 73,273	\$ 43,964
7	40%	\$ 4,512	\$ 9,707	\$ 15,090	\$ 29,309	\$ 73,273	\$ 43,964
8	40%	\$ 4,512	\$ 9,707	\$ 15,090	\$ 29,309	\$ 73,273	\$ 43,964
9	40%	\$ 4,512	\$ 9,707	\$ 15,090	\$ 29,309	\$ 73,273	\$ 43,964
10	50%	\$ 5,641	\$ 12,134	\$ 18,862	\$ 36,637	\$ 73,273	\$ 36,637
11	50%	\$ 5,641	\$ 12,134	\$ 18,862	\$ 36,637	\$ 73,273	\$ 36,637
12	50%	\$ 5,641	\$ 12,134	\$ 18,862	\$ 36,637	\$ 73,273	\$ 36,637
13	50%	\$ 5,641	\$ 12,134	\$ 18,862	\$ 36,637	\$ 73,273	\$ 36,637
14	50%	\$ 5,641	\$ 12,134	\$ 18,862	\$ 36,637	\$ 73,273	\$ 36,637
15	50%	\$ 5,641	\$ 12,134	\$ 18,862	\$ 36,637	\$ 73,273	\$ 36,637
TOTAL		\$ 67,686	\$ 310,629	\$ 226,347	\$ 604,662	\$ 1,099,101	\$ 494,439

*Estimates provided are based on current property tax rates and assessment value

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	\$ <u>104,000</u>	New Jobs Created Permanent <u>10</u> Temporary _____
		Existing Jobs Retained Permanent <u>19</u> Temporary _____
Estimated Mortgage Tax Exemption	\$ <u>21,450</u>	Expected Yearly Payroll \$ <u>1,291,416</u>
Estimated Property Tax Abatement	\$ <u>659,461</u>	Additional Revenues to School Districts \$ <u>37,725</u>
		Additional Revenues to Municipalities County: \$ <u>11,281</u> City: \$ <u>24,268</u>
		Other Benefits _____
Estimated Interest Savings IRB Issue	\$ _____	Private Funds invested \$ <u>2,955,000</u>
		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).

\$ 1,300,000 (to be used on the NYS ST-60)

UPDATED 2021

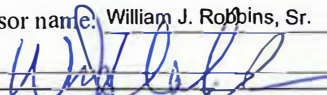
617.20
Appendix B
Short Environmental Assessment Form

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.

Part 1 - Project and Sponsor Information			
RubberForm Recycled Products, LLC			
Name of Action or Project: Building purchase and plant renovations to 75 Michigan Street, Lockport, NY			
Project Location (describe, and attach a location map): 210 South Niagara Street/ 75 Michigan Street, Lockport, NY 14094			
Brief Description of Proposed Action: Building purchase; warehouse upgrade-floor repair-high bay building brick and window repair. Add 3 to 4 new loading docks. New paved employee parking lot and employee entrance. Day lighting - sky lights. Solar Panels and or wind power. Roof Repair. Office renovations and additional offices. Exterior metal skin upgrade and insulation.			
Name of Applicant or Sponsor: William J. Robbins, Sr.		Telephone: 716-478-0404	
		E-Mail: bill@rubberform.com	
Address: 75 Michigan Street			
City/PO: Lockport		State: NY	Zip Code: 14094
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 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:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 3.1 acres	
b. Total acreage to be physically disturbed?		_____ 0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 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 checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<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"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>William J. Robbins, Sr.</u>	Date: <u>March 26, 2021</u>	
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:		
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 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.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

8.3

**8297 Packard
Road, LLC**

PROJECT SUMMARY
8297 Packard Rd., LLC



Applicant:	8297 Packard Road, LLC (aka Scott Lawn Yard)	
Project Location:	8401 Packard Rd. Niagara Falls, NY 14224	
Assistance:	10 Year PILOT Sales Tax Abatement Mortgage Recording Tax	
Description:	Scott Lawn Yard provides a wide variety of services including earthwork, water and sewer line installation, building foundation preparation, parking lot and roadway construction, landscaping and FEMA disaster response. Scott Lawn Yard created, Landscape Associates of WNY, Inc, (LAWNY), which is a maintenance division of the company. Over the past two years LAWNY has tripled its revenue and currently operates from three different locations. This project will allow for LAWNY to consolidate into one location and allow room for expansion. LAWNY will also pursue the purchasing of its own equipment rather than renting equipment.	
Project Costs:	Acquisition/Construction/Improvements	\$ 860,000
	Furniture, Fixtures & Equipment	\$ 115,000
	Soft costs & other	\$ 25,000
	TOTAL	\$ 1,000,000
Employment:	Current jobs in Niagara County:	16 FTE
	New Jobs in Niagara County within 3 years:	0 FTE
	Estimated Annual Payroll End Year 3:	\$709,000
	Skills: laborer, administrative, superintendent, foreman	
Evaluative Criteria:	Regional Wealth Creation, Supports Local Business, Retention	

REGIONAL ECONOMIC IMPACT ANALYSIS
8297 Packard Rd., LLC

Estimated Project Benefits / Incentives Analysis

Total Project Benefits	\$ 747,581
Total Project Incentives	\$ 177,987
Community Benefit to Cost Ratio	4:1
Projected Employment	33
Total Employment	
Direct**	16
Indirect***	9
Temporary Construction	8

Estimated Project Benefits

Total Project Benefits	\$ 747,581
Income Tax Revenue	\$ 470,000
Property Tax Revenue	\$ 129,581
Sales Tax Revenue	\$ 148,000

Estimated Project Incentives

Total Project Incentives	\$ 177,987
Property Tax	\$ 129,581
Sales Tax	\$ 42,400
Mortgage Tax	\$ 6,000

** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

Utilizing informANALYTICS modeling software, an economic impact analysis was conducted to measure new investment and employment for the project. This software is a widely accepted and an industry standard for economic impact modeling measuring employment and salary impacts and facility output on the community for a given project.

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

8297 Packard Road, LLC.

(Applicant Name)

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

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

<http://niagaracountybusiness.com>

Updated 2021

- I. 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.
- II. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- III. 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.
- IV. 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 protected by law.

6311 Inducon Corporate Drive, Suite One ■ Sanborn, NY 14132-9099 ■ 716-278-8760
Fax 716-278-8769 ■ www.niagaracountybusiness.com

**NIAGARA COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: 8297 Packard Road, LLC.

Mailing Address: 3305 Haseley Drive

City/Town/Village & Zip code: Niagara Falls, NY 14304

Phone: (716) 731-6415

Website: n/a

Fed Id. No.: 85-2063695

Contact Person, and Title: Christine Miller, Manager

Email: christine@scottlawnyard.com

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

Scott Miller President 100% 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 _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members 1)

Date of organization: July 20, 2020

State of Organization: New York State

Sole Proprietorship

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

Applicant's Counsel

Company Name: Brian Lewandowski

Contact Person, and Title: Brian Lewandowski

Mailing Address: 721 Center Rd.

City/Town/Village & Zip code: West Seneca, NY 14224

Email: blewandowski@lewandowskiandassoc.com

Phone: (716) 674-4710

Fax No.: _____

II. PROJECT INFORMATION

A) Project Address: 8401PAckard Rd. Niagara Falls, NY 14304

Tax Map Number (SBL) 146.005-001-003.000000
(Section/Block/Lot)

SWIS Number _____

Located in City of _____

Located in Town of Niagara

Located in Village of _____

School District of Niagara Wheatfield

B) Current Assessment of Property:

Land approximately \$30,000

Total _____

C) Present legal owner of the site 8297 Packard Rd, LLC

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

D) Describe the project:

Construction of a 10,640 sq. ft. commercial building, consisting of 2,200 sq. ft.

front office, connected to 8,400 sq. ft. metal sided building for commercial

product and vehicle storage. Site development will include an 18,000 sq. ft.

parking lot, exterior lighting, exterior fencing, lawn & landscape installation.

1. Project site (land)

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

.98 acres

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

vacant lot

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
n/a

3. Does the project consist of the construction of a new building or buildings?
If yes, indicate number and size (in square feet) of new buildings.
yes- 1 building, +/- 10,640 sq. ft.

4. Does the project consist of additions and/or renovations to existing buildings? If yes,
indicate nature of expansion and/or renovation.
no

5. 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.
100%- landscape associates of WNY, Inc. for storage and office

6. List principal items/categories of equipment to be acquired as part of the project.
office equipment, office furniture, shop fixtures, shop equipment, landscape material

site material: stone, asphalt, concrete, fencing

7. Has construction work on this project begun?
no

E) 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:

- 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.

III. **SOURCES & USES OF FUNDS**

A) Estimated Project Costs:

Property Acquisition	\$	30,000
Construction (Improvements)	\$	830,000
Equipment Purchases/Fixtures/Furnishings		115,000
Soft costs (i.e. engineering, architectural)	\$	25,000
Other (describe)	\$	0
TOTAL USES OF FUNDS	\$	1,000,000

B) Sources of Funds for Project Costs *(Must match above Total Uses of Funds)*:

Bank Financing	\$	800,000
Equity	\$	200,000
Grants/Tax Credits	\$	0
Taxable or Tax Exempt Bond	\$	0
Other	\$	0
TOTAL SOURCES OF FUNDS	\$	1,000,000

C) Identify each state and federal grant/credit:

	\$	
	\$	
	\$	
	\$	
TOTAL PUBLIC FUNDS	\$	

IV. ASSISTANCE REQUESTED

A.) Benefits Requested:

- Sales Tax Exemption
 Mortgage Recording Tax Exemption
 Real Property Tax Abatement (PILOT)

B.) Value of Incentives:

Property Tax Exemption (To be estimated by NCIDA Staff. See Page 14)

Estimated duration of Property Tax exemption: 10 years

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ 33,200

Estimated value of Sales Tax exemption for fixtures and equipment: \$ 9,200

Estimated duration of Sales Tax exemption: 12 months

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 6,000

C.) Financial Assistance Determination:

If financial incentives are not provided by NCIDA, is the project financially viable?

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:

V. EMPLOYMENT PLAN

	# of Retained Jobs	Retained Jobs Average Annual Salary	# of Created Jobs <i>(3 yrs after project completion)</i>	Created Jobs Average Annual Salary
Full Time (FTE)	15	\$ 42,000	0	\$ 0
Part time (PTE)	1	\$ 0	0	\$ 0
TOTAL	16	\$ 42,000	0	0

Annual Salary Range of Jobs to be Created: \$ 32,000 to \$ 85,000

Category of Jobs to be Retained and Created:

Job Categories (ie. Management, Administrative, Production, etc.) laborers, administrative, project management, supervisor

VI. 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.

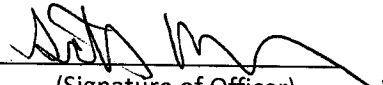
- G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.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

Scott Miller, being first duly sworn, deposes and says:

1. That I am the Member (Corporate Office) of 8297 Packard Road LLC (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 18 day of April, 2021

Christine Falbo
(Notary Public)

CHRISTINE FALBO
Notary Public, State of New York
No. 01FA631079
Qualified in Erie County
Commission Expires July 03, 2021

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.

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.

8297 Packard Rd, LLC.
(Applicant Signature)

By: [Signature]

Name: Scott Miller

Title: Member

Christine Falbo
(Notary Public)

Sworn to before me this 1st day

[stamp]

of April, 2021

CHRISTINE FALBO
Notary Public, State of New York
No. 01FA631079
Qualified in Erie County
Commission Expires July 03, 2021

Real Property Tax Benefits (Detailed):

** This section 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

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
\$830,000	\$406,700	12.720142	4.510217	38.181207

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	20%	\$ 1,035	\$ 367	\$ 3,106	\$ 4,507	\$ 22,536	\$ 18,029
2	25%	\$ 1,293	\$ 459	\$ 3,882	\$ 5,634	\$ 22,536	\$ 16,902
3	30%	\$ 1,552	\$ 550	\$ 4,658	\$ 6,761	\$ 22,536	\$ 15,775
4	35%	\$ 1,811	\$ 642	\$ 5,435	\$ 7,888	\$ 22,536	\$ 14,648
5	40%	\$ 2,069	\$ 734	\$ 6,211	\$ 9,014	\$ 22,536	\$ 13,522
6	45%	\$ 2,328	\$ 825	\$ 6,988	\$ 10,141	\$ 22,536	\$ 12,395
7	50%	\$ 2,587	\$ 917	\$ 7,764	\$ 11,268	\$ 22,536	\$ 11,268
8	55%	\$ 2,845	\$ 1,009	\$ 8,541	\$ 12,395	\$ 22,536	\$ 10,141
9	60%	\$ 3,104	\$ 1,101	\$ 9,317	\$ 13,522	\$ 22,536	\$ 9,014
10	65%	\$ 3,363	\$ 1,192	\$ 10,093	\$ 14,648	\$ 22,536	\$ 7,888
TOTAL		\$ 21,986	\$ 7,796	\$ 65,995	\$ 95,778	\$ 225,359	\$ 129,581

*Estimates provided are based on current property tax rates and assessment value

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	\$ <u>42,400</u>	New Jobs Created Permanent <u>0</u> Temporary <u>0</u>
		Existing Jobs Retained Permanent <u>16</u> Temporary <u>0</u>
Estimated Mortgage Tax Exemption	\$ <u>6,000</u>	Expected Yearly Payroll \$ <u>709,000</u>
Estimated Property Tax Abatement	\$ <u>129,581</u>	Additional Revenues to School Districts \$ <u>15,528</u>
		Additional Revenues to Municipalities County: \$ <u>5,173</u> City: \$ <u>1,834</u>
		Other Benefits _____
Estimated Interest Savings IRB Issue	\$ _____	Private Funds invested \$ <u>1,000,000</u>
		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).

\$ 600,000 (to be used on the NYS ST-60)

UPDATED 2021

Short Environmental Assessment Form

Part 1 - Project Information

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.

Part 1 – Project and Sponsor Information			
PACKARD ROAD COMMERCIAL PROJECT - 8297 PACKARD ROAD, LLC			
Name of Action or Project: SITE PLAN APPROVAL			
Project Location (describe, and attach a location map): PACKARD ROAD & HASELEY DRIVE (SOUTHWEST CORNER)			
Brief Description of Proposed Action: The project entails the construction of a commercial building project consisting of a front office building connected to a metal sided building proposed for commercial product and vehicle storage use. Green space and landscape will be implemented for attractive features and provide screening from the street. The building project will be single story, concrete slab on grade with architectural masonry wainscot facade material on the office portion and seamed metal sided and roof panels for the rear storage facility. The storage building portion will have semi-heated spaces (including unconditioned garage bays) and cold storage spaces. One small office and restroom (H.C.) shall be provided along the rear wall. A group 'S-1' (Moderate Hazard Storage) will be used to determine the more restrictive type for Code analysis for the storage building.			
Name of Applicant or Sponsor: Thomas H. Shelberg R.A. -Architect		Telephone: 716-983-1434 E-Mail: delresource@verizon.net	
Address: 183 BATHURST DRIVE			
City/PO: TONAWANDA		State: NEW YORK	Zip Code: 14150
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 type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		7.37 +/- acres	
b. Total acreage to be physically disturbed?		< 0.98 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		7.37 +/- acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" 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):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: ENERGY EFFICIENT MEP UNITS AND WATER SAVING FIXTURES IN NEW BUILDING _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

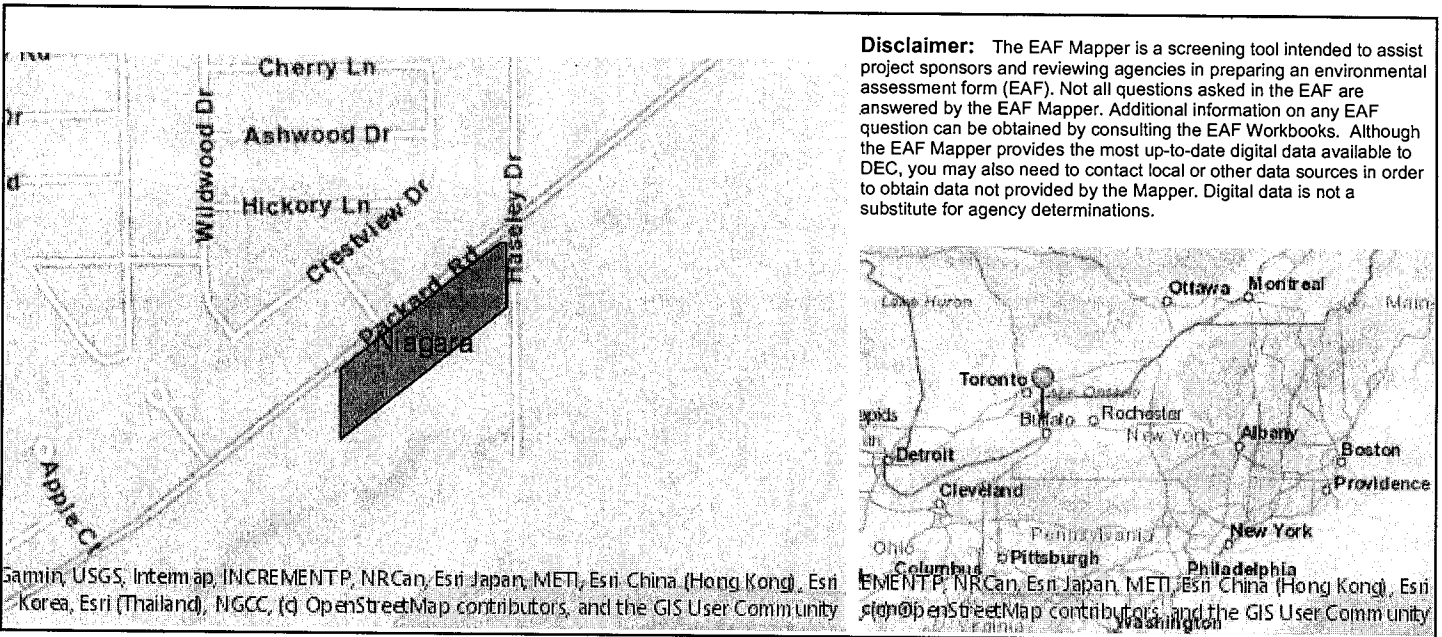
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
Short-eared Owl	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
ROOF DRAINS, PARKING LOT AND LAWN AREA TO BE COLLECTED IN GRASS SWALES, YARD DRAINS AND CATCH BASINS AND DIRECTED TO A DETENTION BASIN THAT OUTLET TO ROADSIDE DITCH @ HASELEY DRIVE.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<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?	NO	YES
If Yes, describe:	<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?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TOTAL PARCEL (7.37 ACRE) INCLUDES A FORMER AUTO SALES BUILDING WITH SHOP PREPAIR BAYS.		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>8297 Packard Rd LLC</u> Date: <u>4-1-21</u>		
Signature: <u><i>Christine Apple</i></u> Title: <u>Manager</u>		

	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 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.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Short-eared Owl
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

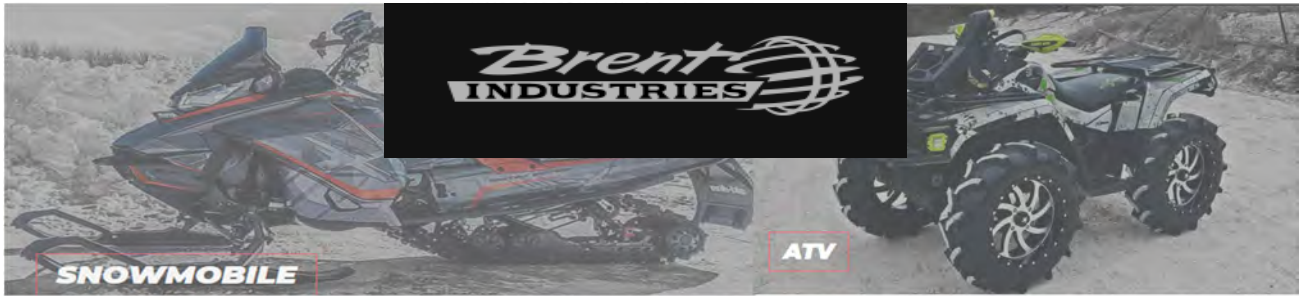
8.4

9745

Rochester

Road, LLC

PROJECT SUMMARY
9745 Rochester Road LLC



Applicant:		
Project Location:	9745 Rochester Rd. Middleport, NY 14105	
Assistance:	15 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>Brent Industries is the home of two large online retail stores, KJM Motorsports and Outdoor Furnace Supply. Both entities are large worldwide e-commerce distributors that supply parts to the powersport, outdoor boiler, solar and geothermal industries. Brent Industries, (9745 Rochester Road LLC), has outgrown their existing space and will be constructing a new 107,500 facility for distribution and assembly at Roberts Way / 9745 Rochester Rd., Middleport, NY.</p> <p>The facility will have 30' clear height in the warehouse, fulfillment, assembly space, with a relatively small showroom (2,500 sq. ft.) and office space (7,500 sq. ft.). Significant site and construction work will be required to complete the project due to its overall size and scale. Targeted completion and occupancy is mid 2022.</p>	
Project Costs:	Acquisition	\$ 100,000
	Construction/Improvements	\$ 9,000,000
	Furniture, Fixtures & Equipment	\$ 1,950,000
	Other	\$ 1,575,000
	TOTAL	\$12,625,000
Employment:	Current jobs in Niagara County:	27 FTE
	New Jobs in Niagara County within 3 years:	12 FTE
	Estimated Annual Payroll for New Jobs:	\$1,933,000
	Skills: Management, office/sales professional, production	
Evaluative Criteria:	Regional Wealth Creation, Retention	

REGIONAL ECONOMIC IMPACT ANALYSIS
9745 Rochester Road LLC

Estimated Project Benefits / Incentives Analysis

Total Project Benefits	\$ 3,374,339
Total Project Incentives	\$ 1,418,573
Community Benefit to Cost Ratio	2:1
Projected Employment	77
Direct**	39
Indirect***	31
Temporary Construction (Direct and Indirect)	7

Estimated Project Benefits

Total Project Benefits	\$ 3,374,339
Income Tax Revenue	\$ 2,133,000
Property Tax Revenue	\$ 582,339
Sales Tax Revenue	\$ 659,000

Estimated Project Incentives

Total Project Incentives	\$ 1,418,573
Property Tax	\$ 819,042
Sales Tax	\$ 516,000
Mortgage Tax	\$ 83,531

** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

Utilizing informANALYTICS modeling software, an economic impact analysis was conducted to measure new investment and employment for the project. This software is a widely accepted and an industry standard for economic impact modeling measuring employment and salary impacts and facility output on the community for a given project.

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

9745 Rochester Road LLC

(Applicant Name)

6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132
Phone: 716-278-8760 Fax: 716-278-8769
<http://niagaracountybusiness.com>

Updated 2020

- I. 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.
- II. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- III. 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.
- IV. 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 protected by law.

6311 Inducon Corporate Drive ■ Sanborn, NY 14132-9099 ■ 716-278-8760
Fax 716-278-8769 ■ www.niagaracountybusiness.com

NIAGARA COUNTY
INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: Brent Industries LLC

Mailing Address: 9952 Mountain Rd. Middleport, NY 14105

Phone: (716) 772-4082

Website: brentindustriesllc.com

Fed Id. No.: 27-0463147

Contact Person: Kyle Brent Member

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

Kyle Brent (100%)

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 _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members 1)

Date of organization: 5/12/09

State of Organization: New York

Sole Proprietorship

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

APPLICANT'S COUNSELName: Richard DayAddress: 200 Delaware Ave # 1200 Buffalo, NY 14202Phone: (716) 566-1422Fax No.: (716) 566-4002**II. PROJECT INFORMATION**A) Project Address: 9745 Rochester Rd. Middleport, NY 14105Tax Map Number 85.00-3-30 (to be subdivided)
(Section/Block/Lot)

Subdivision plat attached

Swiss Number 293689

Located in City of _____

Located in Town of _____

Located in Village of MiddleportSchool District of Royalton-HartlandB) Current Assessment:
Land 29,400 (to be subdivided)
Total 53,200C) Present legal owner of the site Barden & Robeson Corporation
If other than from applicant, by what means will the site be acquired for this project?Site is currently under contract and working towards a closing.

D) 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.

E) Describe the project:

New State of the art 107,500 sqft Distribution & Assembly facility located at Roberts Way / 9745 Rochester Rd. Middleport, NY. Predominantly comprised of 30' clear height warehouse, fulfillment and assembly space, with a relatively small showroom (2,500sqft) and office space (7,500sqft). Significant site and construction work will be required to complete the project due to its overall size and scale. Targeted completion and occupancy is mid 2022.

F) *Estimated Project Costs:*

Property Acquisition	\$ 100,000/year (land lease)
Construction (Improvements)	\$ 9,000,000
Equipment Purchases/Fixtures/Furnishings	\$ 1,950,000
Soft costs (i.e., engineering, architectural)	\$ 150,000
Other (describe) Manufacturing/Production Exempt Equipment	\$ 1,425,000
TOTAL USES OF FUNDS	\$ 12,625,000

G) *Sources of Funds for Project Costs (Must match Total uses of Funds):*

Bank Financing	\$ 11,137,500 (90% Construction+Equipment)
Equity	\$ 1,487,500 (10% Construction+Equip+All)
Grants/Tax Credits	\$
Tax Exempt Bond	\$
Taxable Bond	\$
TOTAL SOURCES OF FUNDS	\$ 12,625,000

Identify each state and federal grant/credit:

	\$
	\$
	\$
	\$
TOTAL PUBLIC FUNDS	\$

H) 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

14 acres

(b) Indicate the present use of the project site

Vacant Land

2. Indicate number, size and approximate age of existing buildings on site

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

Yes, one building totaling 107,500 total sqft.

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

N/A

5. 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.

N/A

6. List principal items/categories of equipment to be acquired as part of the project.

Material Handling & Storage Equipment (Forklifts, conveyor, specialty lifts, racking, storage bins) Assembly Equipment Packaging Equipment
--

8. Has construction work on this project begun?

No, targeting a mid 2021 construction start

III. **FINANCIAL ASSISTANCE REQUESTED**

A) Benefits Requested:



Sales Tax Exemption



Mortgage Recording Tax Exemption



Real Property Tax Abatement (PILOT)

B.) Value of Incentives:

Property Tax Exemption (To be estimated by NCIDA Staff. See Page 14)

Estimated duration of Property Tax exemption: 15 Years

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ 360,000 (9,000,000/2 *.08)

Estimated value of Sales Tax exemption for fixtures and equipment: \$ 156,000 (1,950,000*.08)

Estimated duration of Sales Tax exemption: 3 years

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 83,531 (11,137,500 *.0075)

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:

Project could not proceed as intended (current design and size) without financial assistance.

IV. **EMPLOYMENT PLAN**

	Current # of jobs at proposed project location or to be relocated to project location	If financial assistance is granted, what is the number of Full Time Equivalent (FTE) jobs to be RETAINED	If financial assistance is granted, what is the number of Full Time Equivalent (FTE) 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)	25	25	12	12
Part Time (PTE)	2	2	0	0
Total Payroll	27	27	12	12

** 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 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	1	60,000-100,000	5,400-21,000
Professional	3	65,000	5,750-17,400
Administrative			
Production	8	40,000	3,650-15,400
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 Fillings: 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 Niagara) ss.:

Kyle Brent, being first duly sworn, deposes and says:

1. That I am the Member (Corporate Office) of 9745 Rochester Road LLC (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.

Kyle Brent
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 1st day of April, 2021

Patricia A. Hinds
(Notary Public)

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.

PATRICIA A. HINDS
Notary Public, State of New York
No. 01HI6026014
Qualified in Niagara County
Commission Expires June 7, 2023

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.

Kyle Brent
(Applicant Signature)

By: 9745 Rochester Road LLC

Name: Kyle Brent

Title: Member

Patricia A Hinds
(Notary Public)

Sworn to before me this 1st day

of April, 2021

[stamp]

PATRICIA A. HINDS
Notary Public, State of New York
No. 01HI6026014
Qualified in Niagara County
Commission Expires June 7, 2023

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	\$ <u>516,000</u>	New Jobs Created Permanent <u>12</u> Temporary _____
		Existing Jobs Retained Permanent <u>27</u> Temporary _____
Estimated Mortgage Tax Exemption	\$ <u>83,531</u>	Expected Yearly Payroll \$ <u>1,933,000</u>
Estimated Property Tax Abatement	\$ <u>819,042</u>	Additional Revenues to School Districts \$ <u>290,073</u>
		Additional Revenues to Municipalities County: \$ <u>99,941</u> City: \$ <u>30,759</u> Village: \$ <u>125,255</u>
		Other Benefits _____
Estimated Interest Savings IRB Issue	\$ _____	Private Funds invested \$ <u>12,625,000</u> Likelihood of accomplishing proposed project within three (3) years <input type="checkbox"/> Likely or <input checked="" 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).

\$ 6,450,000 (to be used on the NYS ST-60)

UPDATED 2021

Real Property Tax Benefits (Detailed):

** This section 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

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
\$9,000,000	\$2,000,000	8.328383	13.001197	24.172745

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	City PILOT Amount	Village PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	20%	\$ 3,331	\$ 1,025	\$ 4,175	\$ 9,669	\$ 18,201	\$ 91,005	\$ 72,804
2	20%	\$ 3,331	\$ 1,025	\$ 4,175	\$ 9,669	\$ 18,201	\$ 91,005	\$ 72,804
3	30%	\$ 4,997	\$ 1,538	\$ 6,263	\$ 14,504	\$ 27,301	\$ 91,005	\$ 63,703
4	30%	\$ 4,997	\$ 1,538	\$ 6,263	\$ 14,504	\$ 27,301	\$ 91,005	\$ 63,703
5	40%	\$ 6,663	\$ 2,051	\$ 8,350	\$ 19,338	\$ 36,402	\$ 91,005	\$ 54,603
6	40%	\$ 6,663	\$ 2,051	\$ 8,350	\$ 19,338	\$ 36,402	\$ 91,005	\$ 54,603
7	40%	\$ 6,663	\$ 2,051	\$ 8,350	\$ 19,338	\$ 36,402	\$ 91,005	\$ 54,603
8	40%	\$ 6,663	\$ 2,051	\$ 8,350	\$ 19,338	\$ 36,402	\$ 91,005	\$ 54,603
9	40%	\$ 6,663	\$ 2,051	\$ 8,350	\$ 19,338	\$ 36,402	\$ 91,005	\$ 54,603
10	50%	\$ 8,328	\$ 2,563	\$ 10,438	\$ 24,173	\$ 45,502	\$ 91,005	\$ 45,502
11	50%	\$ 8,328	\$ 2,563	\$ 10,438	\$ 24,173	\$ 45,502	\$ 91,005	\$ 45,502
12	50%	\$ 8,328	\$ 2,563	\$ 10,438	\$ 24,173	\$ 45,502	\$ 91,005	\$ 45,502
13	50%	\$ 8,328	\$ 2,563	\$ 10,438	\$ 24,173	\$ 45,502	\$ 91,005	\$ 45,502
14	50%	\$ 8,328	\$ 2,563	\$ 10,438	\$ 24,173	\$ 45,502	\$ 91,005	\$ 45,502
15	50%	\$ 8,328	\$ 2,563	\$ 10,438	\$ 24,173	\$ 45,502	\$ 91,005	\$ 45,502
TOTAL		\$ 99,941	\$ 30,759	\$ 125,255	\$ 290,073	\$ 546,028	\$ 1,365,070	\$ 819,042

*Estimates provided are based on current property tax rates and assessment value

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.

Part 1 - Project and Sponsor Information			
Name of Action or Project: 9745 Rochester Road Building			
Project Location (describe, and attach a location map): 9745 Rochester Road, Royalton, New York			
Brief Description of Proposed Action: Applicant proposes 100,000 SF building with associated parking, loading dock area, stormwater management, and future potential addition.			
Name of Applicant or Sponsor: Brent Industries LLC		Telephone: (716) 772-4075	
		E-Mail: kyle@brentindustriesllc.com	
Address: 9952 Mountain Road			
City/PO: Middleport		State: NY	Zip Code: 14105
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 Royalton Site Plan and Zoning Board approvals, NYSDOT permit, USACE permit			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		+/-13 acres	
b. Total acreage to be physically disturbed?		+/-11 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		+/-13 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 checked="" 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): _____			
<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: _____ 1 acre stormwater management pond. _____	NO	YES
	<input type="checkbox"/>	<input checked="" 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"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>M. JANDA - BME ASSOCIATES</u> Date: <u>11/11/20</u>		
Signature: <u>M. Janda</u> (AGENT FOR BRENT INDUSTRIES)		

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 type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input 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 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 type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input 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 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.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

8.5

Cataract

Tourism Fund

Cataract Fund Project Summary

Applicant: Savarino Companies, LLC

Project Location: 324 Niagara Street, Niagara Falls, NY 14303

Project Name: 324 Niagara Street Landlord, LLC

Project Description: The proposed project is a mixed-use historic rehabilitation of two pre-1910 commercial row buildings fronting Niagara Street in downtown Niagara Falls. It aims to catalyze economic development within the City's Tourism Target Zone by adding residential density—a mix of 10 one-and-two-bedroom market rate apartments ranging in size from 690 to 1,090 square feet—and 4,000 square feet of highly visible commercial/retail storefront space.

The project was initially proposed in 2016 and has suffered some delays, as outlined within the application. The company remains committed to the project and have been engaged in ongoing discussions regarding lease options with small businesses to bring local WNY food and beverage retail to downtown Niagara Falls. The company wishes to reapply to the organizations that have previously approved incentives for this project and reengage public support.

Project readiness (items listed below have been accomplished/secured):

- Site plan approval.
- Resubdivision approval (to combine tax parcels).
- Encroachment of public right-of-way (to allow storefront patio).
- Backflow permit.
- NYSDOT work permit (to permit utility work within NYSDOT right-of-way).
- State Historic Preservation Office and National Park Service approval of Historic Preservation Certification Applications Part 1 and 2 (to claim federal and state historic tax credits).
- The project is in compliance with the City's zoning ordinance.
- The City Assessor has approved the use of Section 485-a of the Real Property Tax Law for real estate tax exemptions.
- The initial building code enforcement plan review has been previously completed. The revised project plans will be resubmitted for permit issuance during the construction loan closing process.
- A bank financing commitment letter for construction and permanent financing has been tendered.

Total Project Cost: \$3,449,150

Fund Amount Requested: \$155,000 (4.5%)

Other Sources of Funds: NFC Microenterprise grant, equity, USA Niagara, bank financing

Employment: 10-15 jobs are anticipated to fill in the retail space

Estimated Project Completion Date: 5/31/21

Project Notes:

This board previously recommended the approval of these funds to the NCIDA Board, which approved the grant on 10/11/2017. The offer expired 1/31/2019.

Cataract Fund Project Summary

Applicant: Buffalo Niagara Hospitality Inc.

Project Location: 524 30th Street, Niagara Falls, NY 14301

Project Name: Sight See Rentals

Project Description: This project is a continuation and expansion of a rental company that started in 2014 on Old Falls Street. Buffalo Niagara Hospitality Inc., dba Sight See Rentals, has expanded its operation onto Third Street and is looking to grow a rental location at the Gateway Corridor of Niagara Falls. With opening of the bike paths along the upper gorge and a newly paved road, Whirlpool Street, which gives a direct route to Whirlpool State Park, as well as a new bike path that connects the upper Escarpment with the Village of Lewiston, Sight See Rentals is looking to expand with new and more rental equipment for visitors and locals alike.

Sight See Rentals wish to purchase 40 new fun and easy to ride electric scooters, four electric bikes, and four tandem bicycles. Sight See Rentals will be able to provide an entertaining way for visitors to explore and navigate downtown Niagara Falls, and the Niagara Gorge. Four electric bikes will be rented to the more adventurous, where they can make it to the Village of Lewiston and back, and potentially to Fort Niagara. Tandem bicycles will be ideal for couples, so they can explore together.

Sight See Rentals has established a relationship with the Hyatt Place Hotel to supply rentals to hotel guests. The company is also in the process of establishing additional partnerships with other hoteliers to expand this service.

Total Project Cost: \$25,000.00

Fund Amount Requested: \$3,750.00 (15%)

Other Sources of Funds: NFC Microenterprise Grant, Cash equity

Employment: Existing- 1 full time
Creating- 2 full time and 3 part time

Estimated Project Completion Date: 5/31/20

8.6

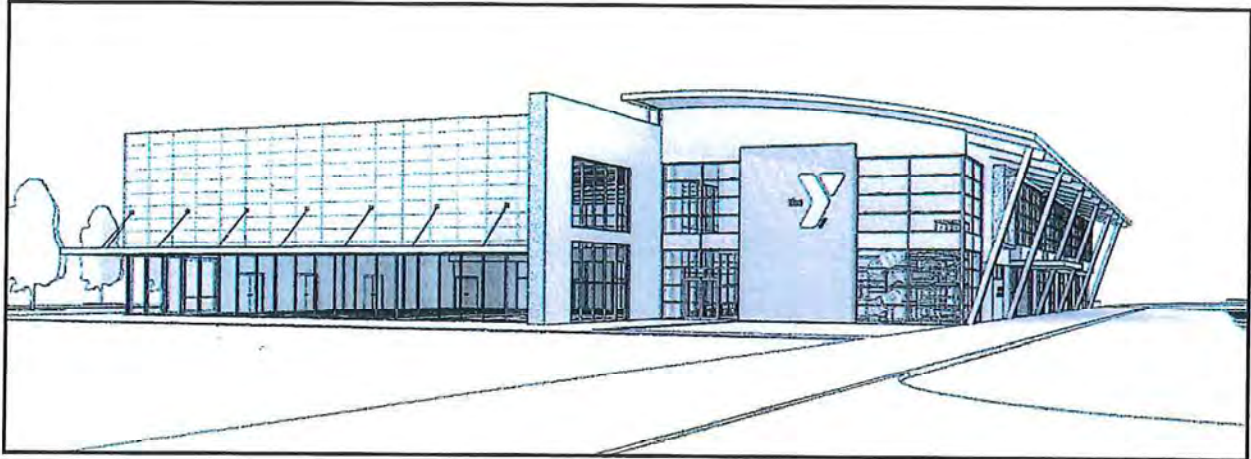
**NC Center for
Economic
Development
(Under Separate Cover)**

8.7

**Young Men's
Christian
Association of
Buffalo Niagara**

PROJECT SUMMARY

Young Men's Christian Association Buffalo Niagara (YMCA Buffalo Niagara)



Applicant:	Young Men's Christian Association Buffalo Niagara (YMCA Buffalo Niagara)	
Project Location:	100 Locust Street Extension, Town of Lockport	
Assistance:	Tax Exempt Bonds Mortgage Recording Tax Abatement	
Description:	<p>In order to remain financially viable and meet the current needs of Lockport and the surrounding communities, the YMCA needs to replace the 90+ year old YMCA building on East Avenue in the City of Lockport with a new, fully accessible facility with the capacity to serve large numbers of individuals of all ages. The building will be used to provide traditional YMCA membership and program services such as fitness activities for people of all ages, swim lessons, youth sports, after school programs, summer day camp, preschool education, etc.</p> <p>The facilitation of a tax-exempt bond issue will enable the YMCA to finance the large capital investment necessary to construct such a facility. Without low cost, tax-exempt financing, the interest expense associated with more traditional forms of commercial financing would be too burdensome for the operation of the facility.</p>	
Project Costs:	New construction Equipment Soft costs Other <p style="text-align: right;">TOTAL</p>	\$13,800,000 \$ 870,000 \$ 890,000 \$ 1,440,000 \$17,000,000
Employment:	Existing jobs New jobs Skills: Administrative, Maintenance, Professional, Service	23 19 FTE's

REGIONAL ECONOMIC IMPACT ANALYSIS
Young Men's Christian Association Buffalo Niagara (YMCA Buffalo Niagara)

Estimated State & Regional Benefits / Estimated Project Incentives Analysis		
Total State and Regional Benefits	\$1,666,651	
Total Project Incentives	\$1,135,036	
Benefit to Cost Ratio	1.5:1	
Projected Employment	State	Region
Total Employment	206	206
Direct*	42	42
Indirect**	14	14
Induced***	12	12
Temporary Construction (Direct and Indirect)	137	137

Estimated State and Regional Benefits	
Total State and Regional Benefits	\$1,655,651
Income Tax Revenue	\$ 969,184
Sales Tax Revenue	\$ 686,467

Estimated Project Incentives	
Total Project Incentives	\$1,135,036
Mortgage Tax	\$ 33,750
Bond Interest	\$ 1,101,286

** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

*** Induced - The recipient of IDA assistance by adding to and/or retaining payroll stimulates household spending that is new to the regional economy and/or saved from being lost to competitors outside the region.

Utilizing InformANALYTICS modeling software, an economic impact analysis was conducted to measure new investment and employment for the project. This software is a widely accepted and an industry standard for economic impact modeling measuring employment and salary impacts and facility output on the community for a given project.

RESOLUTION

(Young Men's Christian Association Buffalo Niagara Project)

A regular meeting of the Niagara Area Development Corporation (the "Issuer") was convened in public session at the Vantage Center, Suite One, 6311 Inducon Corporate Drive, Sanborn, New York 14132 on the 14th day of April, 2021, at 9:00 a.m., local time.

PRESENT:

ABSENT:

ALSO PRESENT:

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to the execution of a certain bond modification agreement related to the \$9,700,000 Niagara Area Development Corporation Revenue Bonds (Young Men's Christian Association Buffalo Niagara), Series 2017.

The following resolution was duly moved, seconded, discussed and adopted with the following members voting:

	Aye	Nay	Abstain	Absent
Mark Onesi	[]	[]	[]	[]
Kevin McCabe	[]	[]	[]	[]
Jerald I. Wolfgang	[]	[]	[]	[]
William L. Ross	[]	[]	[]	[]
Robert B. Cliff	[]	[]	[]	[]
Scott Brydges	[]	[]	[]	[]
Mary Lynn Candella	[]	[]	[]	[]
Clifford Scott	[]	[]	[]	[]
Jason Krempa	[]	[]	[]	[]

RESOLUTION AUTHORIZING THE EXECUTION OF A BOND MODIFICATION AGREEMENT RELATED TO THE \$9,700,000 NIAGARA AREA DEVELOPMENT CORPORATION REVENUE BONDS (YOUNG MEN'S CHRISTIAN ASSOCIATION BUFFALO NIAGARA), SERIES 2017 (THE "BONDS")

WHEREAS, pursuant to the purposes and powers contained within Section 1411 of the Not-for-Profit Corporation Law ("N-PCL") of the State of New York (the "State"), as amended (hereinafter collectively called the "Act"), and pursuant to its certificate of incorporation filed on January 12, 2011 (the "Certificate"), the **NIAGARA AREA DEVELOPMENT CORPORATION** (the "Issuer") was established as a not-for-profit local development corporation of the State to relieve and reduce unemployment, to promote and provide for additional and maximum employment, to better and maintain job opportunities, to instruct or train individuals to improve or develop their capabilities for jobs, to carry on scientific research for the purpose of aiding the community of Niagara County by attracting industry to the community and by encouraging the development of, or retention of, industry in the community, and to lessen the burdens of government and act in the public interest; and

WHEREAS, on or about September 11, 2017, the Issuer issued the Bonds pursuant to a Bond Purchase and Loan Agreement by and among Young Men's Christian Association Buffalo Niagara (the "Company") and Key Government Finance, Inc. (the "Lender") and the Issuer (the "Bond Purchase Agreement"); and

WHEREAS, the Company has requested and the Issuer and the Lender have agreed, to amend certain financial covenants set forth in the Bond Purchase Agreement; and

WHEREAS, the Issuer desires to authorize its Chair and/or President/CEO, each acting individually, to execute a Bond Modification Agreement on behalf of the Issuer, together with

such other documents, instruments and/or certificates as are necessary to cause the Bonds to be modified.

NOW, THEREFORE, BE IT RESOLVED by the Niagara Area Development Corporation as follows:

Section 1. The Issuer authorizes its Chair and/or President/CEO, each acting individually, to execute a Bond Modification Agreement on behalf of the Issuer, together with such other documents, instruments or certificates as the Issuer may be advised by counsel to the Issuer and/or Bond Counsel to be necessary or desirable to effectuate the foregoing, such approval to be conclusively evidenced by the execution of such agreements, documents or certificates by the Chair and/or President/CEO of the Issuer, subject to a condition that all costs incurred by the Issuer related to this bond modification be paid by the Company.

Section 2. This Resolution shall take effect immediately.

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8.8

**Vincent
Properties, Inc.**

PROJECT SUMMARY
DePaul Adult Care Communities, Inc./Wheatfield Commons



Applicant:	DePaul Adult Care Communities, Inc./Wheatfield Commons	
Project Location:	3920 Forest Parkway, Town of Wheatfield	
Assistance:	Tax Exempt Bonds Mortgage Recording Tax Abatement	
Description:	<p>This project consists of the development and construction of a new 114-bed facility, which will include 80 assisted living and 34 memory care beds. The single-story, approximately 57,300 square foot building will be located on Forest Parkway in the Town of Wheatfield.</p> <p>The need for memory care services is escalating as the target population of 65 or older increases. However, there are no adult care facilities in the Town of Wheatfield and there are only 585 licensed adult care beds in Niagara County. Approximately 16% of the population of Niagara County fits into the target population for possible assisted living candidacy. This indicates a ratio of 79 individuals for every one assisted living bed.</p> <p>By obtaining tax-exempt financing through the Agency, the company is able to lower debt service costs, which allows more resources for its mission of providing affordable, stable long-term housing for seniors and memory care individuals.</p>	
Project Costs:	Land acquisition	\$ 576,020
	New construction	\$ 9,125,377
	Soft costs	\$ 2,558,354
	Construction contingency	\$ 456,269
	TOTAL	\$ 12,140,000
Employment:	Existing jobs in Niagara County	0
	New jobs	37 FTE's
	Skills: Administrative, Maintenance, Resident Care, Janitorial, Dietary	

REGIONAL ECONOMIC IMPACT ANALYSIS
DePaul Adult Care Communities, Inc./Wheatfield Commons

Estimated State & Regional Benefits / Estimated Project Incentives Analysis		
Total State and Regional Benefits	\$1,630,763	
Total Project Incentives	\$1,371,128	
Benefit to Cost Ratio	1.2:1	
Projected Employment	State	Region
Total Employment	138	138
Direct*	37	37
Indirect**	2	2
Induced***	8	8
Temporary Construction (Direct and Indirect)	91	91

Estimated State and Regional Benefits	
Total State and Regional Benefits	\$1,630,763
Voluntary PILOT payments to Town (not through NCIDA)	\$ 547,903
Income Tax Revenue	\$ 616,603
Sales Tax Revenue	\$ 466,257

Estimated Project Incentives	
Total Project Incentives	\$1,486,328
Mortgage Tax	\$ 115,200
Bond Interest	\$ 1,371,128

** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

*** Induced - The recipient of IDA assistance by adding to and/or retaining payroll stimulates household spending that is new to the regional economy and/or saved from being lost to competitors outside the region.

Utilizing informANALYTICS modeling software, an economic impact analysis was conducted to measure new investment and employment for the project. This software is a widely accepted and an industry standard for economic impact modeling measuring employment and salary impacts and facility output on the community for a given project.

RESOLUTION

(Vincent Properties, Inc. Project)

A regular meeting of the Niagara Area Development Corporation (the "Issuer") was convened in public session at the Vantage Center, Suite One, 6311 Inducon Corporate Drive, Sanborn, New York 14132 on the 14th day of April, 2021, at 9:00 a.m., local time.

PRESENT:

ABSENT:

ALSO PRESENT:

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to the execution of a certain bond modification agreement related to the \$11,520,000 Niagara Area Development Corporation Tax-Exempt Revenue Bonds (Vincent Properties, Inc.), Series 2016.

The following resolution was duly moved, seconded, discussed and adopted with the following members voting:

	Aye	Nay	Abstain	Absent
Mark Onesi	[]	[]	[]	[]
Kevin McCabe	[]	[]	[]	[]
Jerald I. Wolfgang	[]	[]	[]	[]
William L. Ross	[]	[]	[]	[]
Robert B. Cliff	[]	[]	[]	[]
Scott Brydges	[]	[]	[]	[]
Mary Lynn Candella	[]	[]	[]	[]
Clifford Scott	[]	[]	[]	[]
Jason Krempa	[]	[]	[]	[]

RESOLUTION AUTHORIZING THE EXECUTION OF A BOND MODIFICATION AGREEMENT RELATED TO THE \$11,520,000 NIAGARA AREA DEVELOPMENT CORPORATION TAX-EXEMPT REVENUE BONDS (VINCENT PROPERTIES, INC. PROJECT), SERIES 2016 (THE "BONDS")

WHEREAS, pursuant to the purposes and powers contained within Section 1411 of the Not-for-Profit Corporation Law ("N-PCL") of the State of New York (the "State"), as amended (hereinafter collectively called the "Act"), and pursuant to its certificate of incorporation filed on January 12, 2011 (the "Certificate"), the **NIAGARA AREA DEVELOPMENT CORPORATION** (the "Issuer") was established as a not-for-profit local development corporation of the State to relieve and reduce unemployment, to promote and provide for additional and maximum employment, to better and maintain job opportunities, to instruct or train individuals to improve or develop their capabilities for jobs, to carry on scientific research for the purpose of aiding the community of Niagara County by attracting industry to the community and by encouraging the development of, or retention of, industry in the community, and to lessen the burdens of government and act in the public interest; and

WHEREAS, on or about December 9, 2016, the Issuer issued the Bonds pursuant to a Bond Purchase and Loan Agreement by and among Vincent Properties, Inc. (the "Company"), KeyBank National Association (the "Bank") and the Issuer (the "Bond Purchase Agreement"); and

WHEREAS, the Company has requested and the Issuer and the Bank have agreed, to amend certain financial and related covenants set forth in the Bond Purchase Agreement; and

WHEREAS, the Issuer desires to authorize its Chair and/or President/CEO, each acting individually, to execute a Bond Modification Agreement on behalf of the Issuer, together with such other documents, instruments and/or certificates as are necessary to cause the Bonds to be

modified.

NOW, THEREFORE, BE IT RESOLVED by the Niagara Area Development Corporation as follows:

Section 1. The Issuer authorizes its Chair and/or President/CEO, each acting individually, to execute a Bond Modification Agreement on behalf of the Issuer, together with such other documents, instruments or certificates as the Issuer may be advised by counsel to the Issuer and/or Bond Counsel to be necessary or desirable to effectuate the foregoing, such approval to be conclusively evidenced by the execution of such agreements, documents or certificates by the Chair and/or President/CEO of the Issuer, subject to a condition that all costs incurred by the Issuer related to this bond modification be paid by the Company.

Section 2. This Resolution shall take effect immediately.

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