

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: June 9, 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 – *J.Lamoreaux*
 - 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 – May 12, 2021
 - 6.0 Finance & Audit Committee Reports – *K.McCabe*
 - 6.1 Agency Payables – May 31, 2021
 - 6.2 Budget Variance Report – May 31, 2021

7.0 Unfinished Business

7.1 DLV Properties, LLC– *S. Barone*

7.1.1 Final Resolution

7.2 Bogart-Sinatra Development, LLC – *S.Barone*

7.2.1 Final Resolution

7.3 Niacet Corporation – *S.Barone*

7.3.1 Final Resolution

7.4 7920 JMD LLC – *S.Barone*

7.4.1 Final Resolution

8.0 New Business

8.1 TM Montante Development LLC – 500 3rd Street – *A.Klyczek*

8.1.1 Preliminary Resolution

8.1.2 Authorize Public Hearing Date

8.2 TM Montante Development LLC – 512 3rd Street – *A.Klyczek*

8.2.1 Preliminary Resolution

8.2.2 Authorize Public Hearing Date

8.3 Release of EDA’s Federal Interest in RLF Awards

#01-39-02728 and #01-39-02728.01– *A.Klyczek*

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: July 14, 2021

TIME: ** 9:00 a.m. **

PLACE: Niagara County Center for Economic Development

13.0 Adjournment - *M. Onesi*

5.1

May 12, 2021

MEETING

MINUTES

Niagara County Industrial Development Agency

REGULAR NCIDA/NCDC/NADC BOARD MEETING MINUTES

MEETING DATE: Wednesday, May 12, 2021
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
6311 Inducon Corporate Drive, Suite One
Sanborn, NY 14132

1.0 Meeting Called to Order

The regular meeting of the Niagara County Industrial Development Agency was called to order by Chairperson Onesi at 9:00 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	Excused
William L. Ross, Secretary	Present
Mary Lynn Candella, Assistant Secretary	Present
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present
Scott Brydges, Member	Present
Jason Krempa, Member	Present – Left at 9:52 a.m.

3.0 Introductions

Guests Present

Brianne Frawley, DLV Development LLC
Tom Celik, DLV Development LLC
Michael Sinatra, Bogart-Sinatra Development LLC
Eric Bogart, Bogart-Sinatra Development LLC
Salvatore D'Angelo, Niacet Corporation
Dean Hale, Niacet Corporation
Jerry Stadelman, Birch Machine 7920 JMD LLC
Mary Stadleman, Birch Machine, 7920 JMD LLC
Jim Fink, Business First
Mike Scheer, Investigative Post

Staff Present

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

4.0 Mr. Scott led the Pledge of Allegiance.

5.0 Approval of NCIDA Meeting Minutes

5.1 Meeting Minutes of April 14, 2021

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

6.0 Finance & Audit Committee Reports

6.1 Agency Payables

Mr. Ross stated that the monthly payables have been reviewed and found to be in order.

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

6.2 Budget Variance Report

Mr. Ross stated that the reports have been reviewed and found to be in order.

Mr. Ross made a motion to approve the reports; Mr. Ross seconded the motion. The motion passed.

7.0 Unfinished Business

7.1 Enterprise Lumber & Silo, LLC

Ms. Langdon stated that a public hearing was held on May 3, 2021 at Council Chambers, City Hall. In attendance was a representative from the Mayor's office. There were no comments.

7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF ENTERPRISE LUMBER & SILO, 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

7.1 .1 Final Resolution Enterprise Lumber & Silo, LLC (continued)

EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

Mr. Wolfgang made a motion to approve the Final Resolution; Ms. Candella seconded the motion.

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>
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	
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

7.2 Rubberform Recycled Products, LLC

Ms. Langdon stated that a public hearing was held on May 4, 2021 at the Legislative Chambers, Niagara County Courthouse. In attendance was the City Assessor, City Treasurer and Mr. Bill Robbins from Rubbberform Recycled Products, LLC. There were no comments.

7.2.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF RUBBERFORM RECYCLED PRODUCTS, 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

7.2.1 Final Resolution Rubberform Recycled Products, LLC (continued)

EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

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

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

7.3 8297 Packard Road, LLC

Ms. Langdon stated that a public hearing was held on May 3, 2021 at the Town of Niagara Town Hall. In attendance was Mr. John Shoemaker from Niagara County Real Property Tax Services. There were no comments.

7.3.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF 8297 PACKARD ROAD, 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

7.3.1 8297 Packard Road LLC (continued)

MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

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

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>
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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

7.4 9745 Rochester Road LLC

Ms. Langdon stated that a public hearing was held on May 4, 2021 at the Royalton Town Hall. There was nobody in attendance, and there were no comments.

7.4.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF 9745 ROCHESTER ROAD 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.

7.4 9745 Rochester Road, LLC (continued)

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

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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	
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

8.0 New Business

8.1 DLV Properties, LLC

Ms. Barone stated that the DLV Properties LLC project site is 1 acre of vacant property. On which the company will construct a 13,740 square foot mixed-use building consisting of 9 market-rate apartment units and two commercial spaces. The project is expected to bring 27 new jobs to the area, and give public access to the Niagara River waterfront. Ms. Brianne Frawley and Mr. Tom Celik were present to answer any questions.

Ms. Frawley informed the Board that the first floor will consist of two retail spaces along with three residential market-rate-apartment units. The second floor will consist of 6 residential market-rate apartment units.

Mr. Gabriele added that this property is a continuation of Rock One Development LLC approved by this Board approximately five years ago. This new project was part of the next phase that was anticipated at that time. The first phase of the project has been completed.

8.1.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF DLV PROPERTIES, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF DLV PROPERTIES, 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.

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

The question of 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>
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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

8.1.2 Authorize Public Hearing Date

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

8.2 Bogart-Sinatra Development, LLC

Ms. Barone stated that the principals of Bogart-Sinatra Development LLC are Eric Bogart, and Michael Sinatra. They have purchased a vacant parcel located at 428 Zimmerman Street in North Tonawanda and are planning to construct multi-tenant buildings comprised of 22 bays, totaling 22,000 square feet. The bays will be leased to various third-party businesses with contractors as the target sector. This project is projected to bring 25 new jobs to the area. Mr. Sinatra, and Mr. Bogart were present to answer any questions.

Eric Bogart informed the Board that this project is going to be warehouse space with 22 contractor bays. All the spaces will have a 14x14 garage door, floor drains, heat, hot water and cold water. The leases will be anywhere from one year to three year Term, depending on what the tenant is looking for.

Susan Langdon added that there is a need for this kind of space in the area because there is not a lot of clean spec space for people who want to start their own business.

8.2.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF BOGART-SINATRA DEVELOPMENT, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF BOGART-SINATRA DEVELOPMENT, 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.

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

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>
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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

8.2.2 Authorize Public Hearing Date

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

8.3 Niacet Corporation

Ms. Langdon stated that Niacet is a leading producer of organic salts, serving the pharmaceutical, food, feed and technical industries. The company currently has two long standing, fully automated manufacturing sites in Niagara Falls, and in Tiel, The Netherlands. Niacet wishes to construct a new 3,500 square foot building at the south end of their property in Niagara Falls to install new chemical processing equipment to produce Anhydrous Hydrogen Chloride for use in semiconductor, pharmaceutical and technical industries.

The project is going to result in the retention of 91 high paying jobs, and the creation of eight new jobs. Mr. Salvatore D'Angelo and Mr. Hale were present to answer any questions.

Mr. D'Angelo informed the Board that they are looking to expand their anhydrous hydrogen chloride production. Hydrogen Chloride is used as a semiconductor, which is a growing industry. The company is looking to retain its 91 positions, and add an additional eight positions to its workforce. Not only does Niacet have locations in Niagara Falls, and the Netherlands, they also have a location in Columbia. Niacet is a growing company and the corporate office is in WNY.

Mr. Scott questioned the environmental issues the company has on the surrounding area. Mr. D'Angelo explained that Niacet follows all OSHA guidelines, and they are also regulated by the Department of Homeland Security. They follow a strict Risk Management Process Safety Management Plan and they have not had a release of any chemical in the past 20 years. All the chemicals are transported safely in and out through rail using CSX.

8.3.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF NIACET CORPORATION WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF NIACET CORPORATION FOR ITSELF OR ON BEHALF OF 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) PROVIDE SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO

8.3 Niacet Corporation Preliminary Resolution (*continued*)

THE CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (v) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

Mr. Wolfgang made a motion approve the Preliminary Resolution; Mr. Ross seconded the motion.

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>
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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

8.3.2 Authorize Public Hearing Date

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

8.4 7920 JMD LLC

Ms. Barone stated that 7920 JMD LLC is the holding company for Birch Machine & Tool, a small, local family-owned business. Currently, they operate in a leased space in Middleport. Since they have outgrown their space, they would like to construct a new 7,450 square foot building at 7920 Rochester Road in Royalton for a machine shop and manufacturing. Mr. Jerry Stadleman and Ms. Mary Stadleman were present from Birch Machine to answer any questions.

Mr. Stadleman and Ms. Stadleman stated that this is their fourth location. This new location is a bigger shop for the employees with 6,000 square foot of space. The company plans to hire 3 more employees, and wants to purchase more machines for business growth.

8.4.1 Preliminary Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF 7920 JMD, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF 7920 JMD, 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.

Mr. Brydges made a motion to approve the Preliminary Resolution; Ms. Candella seconded the motion.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

8.4.2 Authorize Public Hearing Date

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

8.5 Rupal Corporation

Mr. Gabriele stated that Rupal Corporation is a hotel in downtown Niagara Falls that this Board approved approximately a couple years ago. Rupal is completing its renovations and they are requesting for consent to the refinance of the existing mortgage. Rupal has not been able to pay its most recent pilot payment. However, in the negotiations and discussions with the company and their counsel, they are working on a refinance of their various properties. As a condition of our approval and consent, at the time of closing, the taxing jurisdictions will be made whole. Under those conditions, Rupal is asking for a

consent to the refinance.

8.5.1 Consent to Refinance

RESOLUTION AUTHORIZING THE CONSENT TO THE EXECUTION AND DELIVERY OF A MORTGAGE, MORTGAGE TAX BENEFIT AND OTHER DOCUMENTS WITH REGARD TO THE RUPAL CORPORATION PROJECT.

Mr. Wolfgang made a motion to approve the consent to refinance; Mr. Brydges seconded the motion.

The question of the approval of the Consent to Refinance was duly put to a vote on a roll call, which resulted as follows.

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

8.6 CJP Industries, LLC

Mr. Gabriele stated that CJP Industries, LLC also known as Jacobs Ladder is looking to refinance their existing mortgage. Staff received this request late so we request the Board to make a motion to add as a late item to the agenda.

Mr. Cliffe made a motion to add the Consent to Refinance as a late item; Mr. Ross seconded. The motion was passed.

8.6 CJP Industries, LLC – Consent to Refinance

Mr. Gabriele stated that CJP Industries, LLC, also known as Jacobs Ladder, is looking to refinance and modify their terms of the mortgage with M&T Bank. They are requesting that the agency consent to their refinance.

8.6.1 Consent to Refinance

RESOLUTION AUTHORIZING THE CONSENT TO THE EXECUTION AND DELIVERY OF A MORTGAGE WITH MORTGAGE TAX BENEFIT AND OTHER DOCUMENTS WITH REGARD TO THE CJP INDUSTRIES, LLC PROJECT.

Mr. Ross made a motion to approve the consent to refinance; Mr. Brydges seconded the motion.

The question of the approval of the Consent to Refinance was duly put to a vote on a roll call, which resulted as follows.

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

There were no comments from agency counsel at this time.

10.0 Information Items

In response to an inquiry from Mr. Wolfgang, Mr. Gabriele stated that the Hotel Niagara Inducement was not renewed. It is expected the project will proceed in the future.

Ms. Langdon stated that she will speak with Empire State Development to get an update on any progress.

11.0 Any Other Matters the Board Wishes to Discuss

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: June 9, 2021

TIME: ** 9:00 a.m. **

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motioned adjourn; Mr. Wolfgang seconded the motion. The meeting adjourned at 9:55 a.m.

Respectfully submitted:

Reviewed by:

Approved by:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary

6.1

AGENCY

PAYABLES

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
29261	5/4/21	360 PSG.com	10001.100	60.00
29262	5/4/21	Susan L. Barone	10001.100	52.64
29263	5/4/21	Caroline M. Caruso	10001.100	54.21
29264	5/4/21	Gabriele & Berrigan, P.C.	10001.100	5,000.00
29265	5/4/21	THE HARTFORD	10001.100	210.02
29266	5/4/21	Magavern Magavern Grimm LLP	10001.100	900.00
29267	5/4/21	National Grid	10001.100	483.51
29268	5/4/21	Niagara Gazette Lockport Union Sun	10001.100	367.66
29269	5/4/21	PRINTCRAFT MARKING DEVICES, INC	10001.100	27.98
29270	5/4/21	Safeguard Business Systems	10001.100	172.44
5/6/21	5/6/21	PAYCHEX, INC.	10001.100	73.77
5/7/21	5/7/21	NYS DEFERRED COMPENSATION PLAN	10001.100	943.83
29271	5/11/21	County of Niagara	10001.100	330.68
29272	5/11/21	First Choice Coffee Services	10001.100	102.76
29273	5/11/21	M&T Bank	10001.100	478.28
29274	5/11/21	Professional Janitorial Services, Inc.	10001.100	793.17
29275	5/18/21	County of Niagara	10001.100	188.25
29276	5/18/21	Guardian	10001.100	227.46
29277	5/18/21	PURCHASE POWER	10001.100	554.00
29278	5/18/21	SAM'S CLUB/SYNCHRONY BANK	10001.100	122.96
29279	5/18/21	Summit MSP, LLC	10001.100	88.79
5/20/21	5/20/21	PAYCHEX, INC.	10001.100	60.90
5/21/21	5/21/21	NYS DEFERRED COMPENSATION PLAN	10001.100	979.14
5/24/21	5/24/21	NEW YORK STATE AND LOCAL	10001.100	348.28
29280	5/25/21	Cintas Corporation LOC. 067P	10001.100	83.22
29281	5/25/21	Independent Health	10001.100	1,998.27
29282	5/25/21	Niagara Gazette Lockport Union Sun	10001.100	397.84
29283	5/25/21	STAPLES CONTRACT & COMMERCIAL	10001.100	341.53
29284	5/25/21	Time Warner Cable	10001.100	119.99
29285	5/25/21	NIAGARA GAZETTE	10001.100	206.54
1003	5/25/21	Niagara County Treasurer	10650.100	9,200.00
Total				24,968.12

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4491	5/4/21	Frontier	10001.600	185.65
4492	5/4/21	LARABA ENTERPRISES	10001.600	4,898.00
4493	5/4/21	National Grid	10001.600	386.54
4494	5/11/21	FIRE SAFETY SYSTEMS, INC.	10001.600	110.00
4495	5/11/21	Modern Disposal Services, Inc.	10001.600	164.10
4496	5/11/21	County of Niagara	10001.600	33.94
4497	5/11/21	Professional Janitorial Services, Inc.	10001.600	219.42
4498	5/18/21	H.W.BRYK & SONS, INC.	10001.600	210.00
4499	5/18/21	County of Niagara	10001.600	109.08
4500	5/18/21	Town of Wheatfield	10001.600	56.95
Total				<u><u>6,373.68</u></u>

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2990	5/4/21	LARABA ENTERPRISES	10001.600	2,948.00
2991	5/4/21	Niagara Falls Water Board	10001.600	617.00
2992	5/11/21	National Grid	10001.600	21.02
2993	5/18/21	VERIZON	10001.600	121.28
2994	5/25/21	DOYLE SECURITY SYSTEMS, INC.	10001.600	417.96
Total				<u><u>4,125.26</u></u>

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
185	5/4/21	Niagara Gazette Lockport Union Sun	10200-300	38.20
186	5/25/21	Niagara County Industrial Dev Agency	10200-300	<u>10,000.08</u>
Total				<u><u>10,038.28</u></u>

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1334	5/25/21	Niagara County Industrial	10001.100	9,267.00
Total				<u>9,267.00</u>

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2043	5/25/21	Niagara County Industrial	10004.400	9,999.96
Total				<u>9,999.96</u>

NIAG ECONOMIC DEV FUND

Check Register

For the Period From May 1, 2021 to May 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1329	5/20/21	Huron Sprinklers, Inc. and AMP Real	10000-200	240,000.00
Total				<u>240,000.00</u>

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

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1190	5/4/21	Blue Ox Roofing	10000.100	1,167.00
1191	5/4/21	H.W. Bryk & Sons, Inc.	10000.100	390.00
1192	5/4/21	Laraba Enterprises	10000.100	3,337.50
1193	5/4/21	National Fuel	10000.100	217.55
1194	5/4/21	National Grid	10000.100	242.04
1195	5/4/21	Niagara Falls Water Board	10000.100	2,839.52
1196	5/11/21	M&T Bank	10000.100	106.83
1197	5/18/21	National Grid	10000.100	22.70
Total				8,323.14

6.2

BUDGET

VARIANCE

REPORTS

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BUDGET VARIANCE REPORT AS OF May 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	\$ 14,849.13	\$ 58,235.00	\$ 427,149.13	\$ 192,980.00	234,169.13	\$ 543,976.00
Project Application Fees	3,000.00	1,000.00	10,250.00	5,000.00	5,250.00	12,000.00
NEDF RLF Administrative Fee	4,166.67	4,166.67	20,833.35	20,833.35	0.00	50,000.00
Administratve Fees - Other	0.00	0.00	7,400.00	7,400.00	0.00	42,668.00
Interest Earnings	53.07	148.92	444.11	744.60	(300.49)	1,787.00
Training Room Income	0.00	11.67	0.00	58.35	(58.35)	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	22,068.87	63,562.26	466,076.59	227,016.30	239,060.29	980,571.00
Operating Expenses						
Salaries	25,847.86	25,453.92	129,600.32	139,996.56	(10,396.24)	330,901.00
Benefits	3,070.92	3,329.25	15,122.82	16,646.25	(1,523.43)	39,951.00
Retirement Benefits	5,331.42	5,331.42	26,657.10	26,657.10	0.00	63,977.00
Payroll Taxes	2,029.43	1,950.52	10,105.93	10,713.47	(607.54)	25,314.00
Unemployment Taxes	70.91	18.86	1,116.87	443.00	673.87	443.00
Consultants	2,500.00	2,500.00	12,500.00	12,500.00	0.00	30,000.00
Assisstant Director	5,412.00	5,412.00	27,060.00	27,060.00	0.00	64,944.00
Legal Services	5,000.00	5,000.00	47,975.80	25,000.00	22,975.80	60,000.00
Accounting Services	0.00	0.00	18,500.00	18,800.00	(300.00)	18,800.00
Accounting Services - NADC	0.00	0.00	2,100.00	2,100.00	0.00	2,100.00
Marketing	60.00	1,833.33	1,752.73	9,166.65	(7,413.92)	22,000.00
Printing	88.79	125.00	88.79	625.00	(536.21)	1,500.00
Office Supplies	260.75	208.33	664.42	1,041.65	(377.23)	2,500.00
Postage	554.00	100.00	1,552.42	1,844.00	(291.58)	3,344.00
Telephone & Fax	91.88	91.67	412.89	458.35	(45.46)	1,100.00
Internet Service	152.67	231.67	1,077.89	1,158.35	(80.46)	2,780.00
Common Area Charges	680.00	623.08	3,400.00	3,115.40	284.60	7,477.00
Energy	1,152.32	1,088.00	6,823.40	6,902.00	(78.60)	15,140.00
Conference & Travel	0.00	250.00	402.12	1,250.00	(847.88)	3,000.00
Employee Training	0.00	83.33	400.00	416.65	(16.65)	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	7,400.00	7,901.25	(501.25)	18,963.00
Library & Membership	518.54	87.27	2,103.54	1,934.08	169.46	2,545.00
General Office	652.70	824.33	2,526.70	4,121.65	(1,594.95)	9,892.00
Repairs & Maintenance	842.92	1,188.67	4,487.95	5,943.35	(1,455.40)	14,264.00
Computer Support	0.00	666.67	0.00	3,333.35	(3,333.35)	8,000.00
Public Hearings	0.00	16.67	0.00	83.35	(83.35)	200.00
Furniture & Equipment Purchase	0.00	166.67	0.00	833.35	(833.35)	2,000.00
Other Expense	0.00	83.33	20.06	416.65	(396.59)	1,000.00
Total Operating Expenses	55,797.11	58,244.24	323,851.99	330,461.46	(6,609.47)	753,135.00
Net Operating Income/<Loss>	(33,728.24)	5,318.02	142,224.60	(103,445.16)	245,669.76	227,436.00
Non-Operating Revenue & Expense						
Grants Rev.	9,200.00	0.00	9,200.00	0.00	9,200.00	0.00
Grant Rev- City NF Initiative	0.00	0.00	370,000.00	370,000.00	0.00	1,796,250.00
Grant to Subrecipient	9,200.00	0.00	9,200.00	0.00	9,200.00	0.00
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>	(\$ 33,728.24)	\$ 5,318.02	\$ 142,224.60	(\$ 103,445.16)	245,669.76	\$ 227,436.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet

May 31, 2021

ASSETS

Current Assets		
Cash - Checking	\$	216,616.49
Petty Cash		300.00
Mmkt Acct. - M&T Bank		1,587,835.77
Cash - First Response		65,800.82
Cash - City of N.F.		827.03
Mmkt Acct. - Cataract Tourism		4,002,485.24
Accts Rec - Public Hearings		2,089.18
Accounts rec. - Fees/Var.		174,244.13
Accounts Rec. EDA - RLF		4,166.65
Due To/From Micro RLF		4,166.65
Accounts Rec - NEDF		20,833.35
Due To/From VIP - MTF		438,950.81
Due From NCDL CDBG/HUD		4,166.70
Due To/Due From NADC		406.56
Due To/From MTF Operating		128,290.95
Prepaid Insurance		<u>11,694.68</u>
Total Current Assets		6,662,875.01
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><u>7,212,827.01</u></u>

LIABILITIES AND NET ASSETS

Current Liabilities		
Accrued Retirement	\$	26,657.10
Deferred Rev. - First Repsonse		65,800.82
Def. Rev. - City of N.F.		4,003,312.27
Accounts Payable		17,762.00
Acct. Payable - Niag. County		<u>27,060.00</u>
Total Current Liabilities		4,140,592.19
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		4,369,503.19
Net Assets		
Fund Balance - Operating Fund		2,701,099.22
Net Income		<u>142,224.60</u>
Total Net Assets		<u>2,843,323.82</u>
Total Liabilities & Net Assets	\$	<u><u>7,212,827.01</u></u>

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

Vendor ID Vendor	Invoice #	Amount Due
BUFNEW THE BUFFALO NEWS	6/15/21-12/14/21	312.00
GABRIELE Gabriele & Berrigan, P.C.	May 2021 Engagement	5,000.00
M&TBUS M&T Bank	May 2021	32.68
NATGRID National Grid	39004 5/21	602.32
Report Total		<u>5,947.00</u>

Adjusting Journal Entries

Estimated Apr 2021 Legal Fees	5,000.00
Estimated May 2021 Legal Fees	5,000.00
Estimated Apr 2021 Copier usage	250.00
Estimated May 2021 Copier usage	250.00
Estimated Apr-May 2021 Telephone	60.00
Estimated May 2021 Niagara County Electric	250.00
Estimated May 2021 Niagara County Gas	300.00
Estimated May 2021 Cleaning service	705.00
	<u>17,762.00</u>

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

6/2/2021

**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	42,000	4/19/21	-	4/5/21	
AMP Real Estate Holdings of Erie County, LLC	L/L Back	522,913	509,913	5,099	1,000	6,099	6/1/21	-	5/20/21	
8297 Packard Road, LLC	L/L Back	1,000,000	975,000	9,750	1,000	10,750	6/1/21	-	5/20/21	
TOTAL				<u>427,149</u>	<u>8,250</u>	<u>276,004</u>		<u>-</u>		
				Fees received in prior year	-	-				
				Total fees received to date in 2021	<u>427,149</u>					
				Total 2021 Budgeted Fees	<u>543,976</u>					
				Balance of Budgeted Fees	<u>116,827</u>					

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
Enterprise Lumber & Silo, LLC	L/L Back	3,082,826	2,069,156	20,692	1,000	1,000	4/14/21	20,692	5/31/22
Rubberform Recycled Products, LLC	L/L Back	2,955,000	2,860,000	28,600	1,000	1,000	4/5/21	28,600	5/31/22
9745 Rochester Road LLC (Brent Industries)	L/L Back	12,625,000	11,050,000	110,500	1,000	1,000	4/14/21	110,500	5/31/22
DLV Properties, LLC	L/L Back	2,907,700	1,966,700	19,667	1,000	1,000	5/10/21	19,667	
Bogart-Sinatra Development, LLC	L/L Back	1,530,000	1,420,000	14,200	1,000	1,000	5/12/21	14,200	
Niacet Corporation	L/L Back	13,250,000	8,525,000	70,000	1,000			71,000	
7920 JMD LLC	L/L Back	795,500	725,000	7,250	1,000	1,000	5/18/21	7,250	
TOTAL				<u>392,129</u>	<u>10,000</u>	<u>9,000</u>		<u>393,129</u>	<u>0</u>
TOTAL - Projected Income 2021				<u>819,278</u>	<u>18,250</u>	<u>285,004</u>		<u>393,129</u>	<u>159,395</u>

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				<u>0</u>	<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>

* 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
Savarino Companies, LLC	155,000	155,000	4/14/2021	To Be Disbursed	0	9/30/2022	Rehabilitation of 4,000 square feet of commercial/retail storefront space.
Buffalo Niagara Hospitality Inc.	25,000	25,000	4/14/2021	To Be Disbursed	0	11/30/2021	Business expansion to include purchase of electric scooters and bikes and tandem bi
To Date Sub-Total	<u>2,665,381</u>	<u>1,976,250</u>			<u>689,131</u>		

Grant Fund Cash Balance as of 5/31/2021

4,003,312.27

Less: Outstanding Awards

(1,976,250.00)

Available for awarding grants

2,027,062.27

Grant Fund Balance

1,600,000.00

1,440,000.00

1,600,000.00

52,486.53

(43.26)

(689,131.00)

Grant Fund Balance

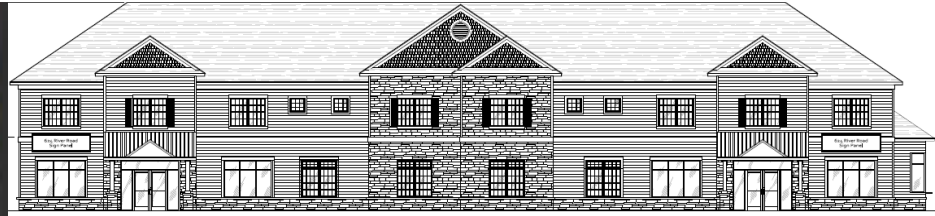
4,003,312.27

7.1

DLV

Properties, LLC

PROJECT SUMMARY
DLV Properties LLC



Applicant:	DLV Properties LLC	
Project Location:	624 River Road North Tonawanda, NY 14120	
Assistance:	10 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>The project site is 1 acre of vacant property which will need Brownfield remediation. The plan is to develop and construct a 13,740 square foot mixed- use building with both retail and residential space.</p> <p>The first floor will consist of two retail spaces along with three residential market-rate apartment units. The second floor will consist of 6 residential market-rate apartment units. The retail space will occupy approximately 27% of the building and will be leased to Dental Wellness (2,000 sf) and a restaurant TBD (1,680 sf).</p> <p>This project will provide more opportunities for individuals to live in the Niagara County/North Tonawanda area, bring new jobs to the area and give public access to the Niagara River waterfront.</p>	
Project Costs:	Acquisition	\$ 0
	Construction/Improvements	\$ 1,886,700
	Furniture, Fixtures & Equipment	\$ 80,000
	Soft costs	\$ 441,000
	Other – Site Remediation	\$ 500,000
	TOTAL	\$ 2,907,700
Employment:	Current jobs in Niagara County:	0
	New Jobs in Niagara County within 3 years:	27
	Estimated Annual Payroll for New Jobs:	\$395,000
	Skills: Management, Retail, Food Service, Maintenance	
Evaluative Criteria:	Brownfields area, Regional Wealth Creation, Alignment with local planning and development efforts.	

REGIONAL ECONOMIC IMPACT ANALYSIS
DLV Properties, LLC

Estimated Project Benefits / Incentives Analysis

Total Project Benefits	\$ 997,866
Total Project Incentives	\$ 467,526
Community Benefit to Cost Ratio	2:1
Projected Employment	
Total Employment	40
Direct**	17
Indirect***	0
Temporary Construction (Direct and Indirect)	23

Estimated Project Benefits

Total Project Benefits	\$ 997,866
Income Tax Revenue	\$ 195,000
Property Tax Revenue	\$ 730,866
Sales Tax Revenue	\$ 72,000

Estimated Project Incentives

Total Project Incentives	\$ 467,526
Property Tax	\$ 351,898
Sales Tax	\$ 101,868
Mortgage Tax	\$ 13,760

** 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.

PUBLIC HEARING DLV
Properties and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be
formed on its behalf

Public Hearing to be held on June 1, 2021 at 2:00 p.m.
at North Tonawanda City Hall

Andrea Klyczek: *Welcome. This public hearing is now open; it is 2:01 p.m. My name is Andrea Klyczek, I am the Assistant Director of the Niagara County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. Notice of this public hearing was published in the Niagara Gazette.*

We are here to hold the public hearing on DLV Properties and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project.

The proposed project (the "Project") includes the construction of 13,740 square foot mixed use building with both commercial and residential space. The project application and project summary are posted on the Agency's website at niagaracountybusiness.com and I have copies with me today.

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits and mortgage recording tax exemption benefits (in compliance with Agency's uniform tax exemption policy).

If you have a written comment to submit for the record, you may do so. Written comments may also be delivered to Agency at 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132 until the comment period closes on June 4, 2021.

If anyone is interested in making a comment, please, state your name and address; if you are representing a company, please identify the company.

*Hearing no comments, I will now adjourn the meeting. It is now
2:03 p.m. Thank you.*

**SIGN IN SHEET
PUBLIC HEARING**

June 1, 2021 at 2:00 p.m.
North Tonawanda City Hall

regarding:

**DLV Properties LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies)
formed or to be formed on its behalf**

Name	Company and/or Address	X box to speak/ comment
<i>Barbara W. Klenke, Assessor</i>	<i>CNT 216 Payne Ave., N.T. NY 14120</i>	
<i>JOHN SHOENITZER</i>	<i>NCRPTS</i>	

7.2

**Bogart-Sinatra
Development,
LLC**

PROJECT SUMMARY
Bogart-Sinatra Development, LLC

**Bogart-Sinatra
 Development, LLC**



Applicant:	Bogart-Sinatra Development, LLC	
Project Location:	428 Zimmerman St. North Tonawanda, New York	
Assistance:	10 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>The principals are Michael Sinatra and Eric Bogart. They have purchased a vacant parcel located on Zimmerman Street in North Tonawanda and are planning to construct a spec multi-tenant building comprised of 22 bays, totaling 22,000 square feet.</p> <p>The entire space will be leased to various third-party business owners, with contractors as a target business sector. This facility will contribute to the attraction and/or expansion of a significant number of new businesses to Niagara County.</p>	
Project Costs:	Acquisition	\$ 85,000
	Construction/Improvements	\$1,400,000
	Furniture, Fixtures & Equipment	\$ 20,000
	Soft costs	<u>\$ 25,000</u>
	TOTAL	\$1,530,000
Employment:	Current jobs in Niagara County	0
	New FTE Jobs in Niagara County within 3 years:	25
	Job Categories:	Labor, Foreman, Mechanic, Production
Evaluative Criteria:	Regional wealth creation, in region purchases	

REGIONAL ECONOMIC IMPACT ANALYSIS

Bogart-Sinatra Development, LLC

Estimated Project Benefits / Incentives Analysis

Total Project Benefits	\$ 1,158,257
Total Project Incentives	\$ 325,407
Community Benefit to Cost Ratio	3.6:1
Projected Employment	
Total Employment	50
Direct**	25
Indirect***	11
Temporary Construction (Direct and Indirect)	14

Estimated Project Benefits

Total Project Benefits	\$1,158,257
Income Tax Revenue	\$ 720,000
Property Tax Revenue	\$ 211,257
Sales Tax Revenue	\$ 227,000

Estimated Project Incentives

Total Project Incentives	\$ 325,407
Property Tax	\$ 257,157
Sales Tax	\$ 57,600
Mortgage Tax	\$ 10,650

** 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.

**PUBLIC HEARING Bogart-Sinatra
Development, LLC and/or Individual(s) or
Affiliate(s), Subsidiary(ies), or Entity(ies)
formed or to be formed on its behalf**

Public Hearing to be held on June 1, 2021 at 2:15 p.m.
at North Tonawanda City Hall

Andrea Klyczek: *Welcome. This public hearing is now open; it is 2:15 p.m. My name is Andrea Klyczek, I am the Assistant Director of the Niagara County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. Notice of this public hearing was published in the Niagara Gazette.*

We are here to hold the public hearing on Bogart-Sinatra Development LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project.

The proposed project (the "Project") includes the construction of a spec multitenant building comprised of 22 bays, totaling 22,000 square feet. The project application and project summary are posted on the Agency's website at niagaracountybusiness.com and I have copies with me today.

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits and mortgage recording tax exemption benefits (in compliance with Agency's uniform tax exemption policy).

If you have a written comment to submit for the record, you may do so. Written comments may also be delivered to Agency at 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132 until the comment period closes on June 4, 2021

If anyone is interested in making a comment, please, state your name and address; if you are representing a company, please identify the company.

*Hearing no comments, I will now adjourn the meeting. It is now
2:18 p.m. Thank you.*

**SIGN IN SHEET
PUBLIC HEARING**

June 1, 2021 at 2:15 p.m.
North Tonawanda City Hall

regarding:

**Bogart-Sinatra Development LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies)
formed or to be formed on its behalf**

Name	Company and/or Address	X box to speak/ comment
<i>Barbara W. Klenke, Assessor</i>	<i>CNT 216 Payne Ave., N.T. NY 14120</i>	
<i>JOHN SHOEMAKER</i>	<i>NCRPTS</i>	

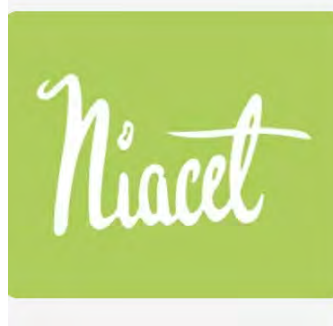
7.3

Niacet

Corporation

PROJECT SUMMARY

Niacet Corporation



Applicant:	Niacet Corporation	
Project Location:	400 47 th Street Niagara Falls	
Assistance:	15 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>Niacet is a leading producer of organic salts, including propionates and acetates, serving the Pharmaceutical, Food, Feed and Technical industries. The company has two longstanding and fully automated manufacturing sites, located in Niagara Falls, NY USA, and Tiel, The Netherlands which represent over 85 years of chemical manufacturing experience.</p> <p>Niacet wishes to construct a new, approximately 3,500 square foot building at the south end of its property in Niagara Falls and to install new chemical processing equipment to produce Anhydrous Hydrogen Chloride (AHCL) for use in the semiconductor, pharmaceutical and technical industries.</p>	
Project Costs:	Construction/Improvements Equipment Soft costs <div style="text-align: right;">TOTAL</div>	\$ 8,000,000 \$ 3,500,000 <u>\$ 1,750,000</u> \$13,250,000
Employment:	Current jobs in Niagara County: 91 New Jobs in Niagara County within 3 years: 8 Skills: Supervisory, Production	
Evaluative Criteria:	Brownfields area, Regional Wealth Creation, Alignment with local planning and development efforts.	

REGIONAL ECONOMIC IMPACT ANALYSIS
Niacet Corporation

Estimated Project Benefits / Incentives Analysis

Total Project Benefits	\$ 35,574,452
Total Project Incentives	\$ 1,189,720
Community Benefit to Cost Ratio	29:1
Projected Employment	
Total Employment	592
Direct**	99
Indirect***	414
Temporary Construction (Direct and Indirect)	79

Estimated Project Benefits

Total Project Benefits	\$ 35,574,452
Income Tax Revenue	\$ 26,171,000
Property Tax Revenue	\$ 2,188,452
Sales Tax Revenue	\$ 7,215,000

Estimated Project Incentives

Total Project Incentives	\$ 1,189,720
Property Tax	\$ 299,720
Sales Tax	\$ 845,000
Mortgage Tax	\$ 45,000

** 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.

**PUBLIC HEARING Niacet Corporation
and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be
formed on its behalf**

Public Hearing to be held on June 2, 2021 at 2:00 p.m.
at Niagara Falls City Hall

Susan Langdon: *Welcome. This public hearing is now open; it is 2:00 p.m. My name is Susan Langdon, I am the Executive Director of the Niagara County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. Notice of this public hearing was published in the Niagara Gazette.*

We are here to hold the public hearing on Niacet Corporation and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project.

The proposed project (the "Project") includes the construction of an approximately 3,500 square foot building and the installation of new chemical processing equipment. The project application and project summary are posted on the Agency's website at niagaracountybusiness.com and I have copies with me today.

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits and mortgage recording tax exemption benefits (in compliance with Agency's uniform tax exemption policy).

If you have a written comment to submit for the record, you may do so. Written comments may also be delivered to the Agency at 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132 until the comment period closes on June 4, 2021.

If anyone is interested in making a comment, please, state your name and address; if you are representing a company, please identify the company.

Does anyone wish to make a comment? Hearing no comments, I will now adjourn the meeting. It is now 2:01 p.m. Thank you.

**SIGN IN SHEET
PUBLIC HEARING**

June 2, 2021 at 2:00 p.m.
Niagara Falls City Hall

regarding:

**Niacet Corporation and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies)
formed or to be formed on its behalf**

Name	Company and/or Address	X box to speak/ comment
JOHN STOEMAYER	NCRPTS	

7.4

7920 JMD LLC

PROJECT SUMMARY
7920 JMD LLC

7920 JMD LLC (Birch Machine)

Applicant:	7920 JMD LLC	
Project Location:	7920 Rochester Rd., Gasport, NY 14067 Town of Royalton	
Assistance:	15 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	7920 JMD LLC is the holding company for Birch Machine. Birch Machine is a small, local family owned business that operates in a leased space in Gasport, New York. Birch Machine has outgrown its space and is seeking assistance to build its own 7,500 sq. ft. facility on Rochester Road in Royalton, New York.	
Project Costs:	Acquisition	\$ 45,260
	Construction/Improvements	\$ 700,000
	Furniture, Fixtures & Equipment	\$ 25,000
	Soft costs	\$ 25,240
	TOTAL	\$ 795,500
Employment:	Current jobs in Niagara County	6
	New Jobs in Niagara County within 3 years:	3
	Estimated Annual Payroll for New Jobs:	450,000
	Skills: Machinist, administrative, management	
Evaluative Criteria:	Regional Wealth, Retention, Workforce Access	

**REGIONAL ECONOMIC IMPACT ANALYSIS
7920 JMD LLC**

Estimated Project Benefits / Incentives Analysis

Total Project Benefits	\$ 939,931
Total Project Incentives	\$ 133,360
Community Benefit to Cost Ratio	7:1
 Projected Employment	
Total Employment	27
Direct**	9
Indirect***	11
Temporary Construction (Direct and Indirect)	7

Estimated Project Benefits

Total Project Benefits	\$ 939,931
Income Tax Revenue	\$ 662,000
Property Tax Revenue	\$ 73,931
Sales Tax Revenue	\$ 204,000

Estimated Project Incentives

Total Project Incentives	\$ 133,360
Property Tax	\$ 98,647
Sales Tax	\$ 30,000
Mortgage Tax	\$ 4,713

** 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.

**PUBLIC HEARING 7920 JMD LLC
and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be
formed on its behalf**

Public Hearing to be held on June 3, 2021 at 2:00 p.m.
at Royalton Town Hall

Andrea Klyczek: *Welcome. This public hearing is now open; it is 2:16 p.m. My name is Andrea Klyczek, I am the Assistant Director of the Niagara County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. Notice of this public hearing was published in the Union Sun & Journal.*

We are here to hold the public hearing on 7920 JMD LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project.

The proposed project (the "Project") includes the construction of 7,500 square foot machine shop for Birch Machine. The project application and project summary are posted on the Agency's website at niagaracountybusiness.com and I have copies with me today.

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits and mortgage recording tax exemption benefits (in compliance with Agency's uniform tax exemption policy).

If you have a written comment to submit for the record, you may do so. Written comments may also be delivered to Agency at 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132 until the comment period closes on June 4, 2021

If anyone is interested in making a comment, please, state your name and address; if you are representing a company, please identify the company.

Hearing no comments, I will now adjourn the meeting. It is now 2:18 p.m. Thank you.

**SIGN IN SHEET
PUBLIC HEARING**

June 3, 2021 at 2:00 p.m.
Royalton Town Hall

regarding:

7920 JMD LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies)

formed or to be formed on its behalf

7920 JMD LLC

Name	Company and/or Address	X box to speak/ comment
JOHN SHOEMAKER	NCRPTS	

8.1

**TM Montante
Development LLC
500 3rd Street**

PROJECT SUMMARY
TM Montante Development LLC
500 3rd Street



Applicant:	TM Montante Development LLC	
Project Location:	500 3 rd Street, Niagara Falls, NY 14301	
Assistance:	10 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>TM Montante (TMMD) was selected by Empire State Development as the Preferred Developer for 500, 512, and 518 Third Street, as well as 503 Main Street. The project will be centered around the reuse of both buildings, located at 500 & 512 3rd St.</p> <p>TMMD intends an adaptive reuse of 500 3rd Street into a vibrant conference and event space on the ground floor and commercial/office space above. The conference and event space will also have dedicated outdoor space located on a portion of the alleyway. It is expected that this conference and event space will be highly desirable year-round to the growing conference and event market in downtown Niagara Falls.</p>	
Project Costs:	Construction/Improvements Furniture, Fixtures & Equipment Soft costs Other <p style="text-align: right;">TOTAL</p>	\$2,059,941 \$0 \$627,060 \$0 <hr/> \$ 2,687,002
Employment:	Current jobs in Niagara County: 0 New Jobs in Niagara County within 3 years: 8 Estimated Annual Payroll for New Jobs: Skills: Management, operations, administrative, and food service	
Evaluative Criteria:	Distressed Census Tract, Elimination of Slum and Blight, Building Vacancy, Redevelopment Aligns with Local Development Plan, Regional Wealth, Tourism Attraction, In Region Purchases	

REGIONAL ECONOMIC IMPACT ANALYSIS
TM Montante Development LLC
500 3rd Street

Estimated Project Benefits / Incentives Analysis

Total Project Benefits	\$ 337,539
Total Project Incentives	\$ 277,235
Community Benefit to Cost Ratio	1:1
Projected Employment	32
Total Employment	
Direct**	8
Indirect***	4
Temporary Construction (Direct and Indirect)	20

Estimated Project Benefits

Total Project Benefits	\$ 337,539
Income Tax Revenue	\$ 189,000
Property Tax Revenue	\$ 80,539
Sales Tax Revenue	\$ 68,000

Estimated Project Incentives

Total Project Incentives	\$ 277,235
Property Tax	\$ 187,924
Sales Tax	\$ 82,398
Mortgage Tax	\$ 6,913

** 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

TM Montante Development 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: TM Montante Development LLC

Mailing Address: 2760 Kenmore Avenue

City/Town/Village & Zip code: Tonawanda, NY 14150

Phone: (716) 876-8899

Website: www.TMMontante.com

Fed Id. No.: 26-2909311

Contact Person, and Title: Wesley Walker

Email: wwalker@montante.com

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

Matthew Montante (33.3%), Daniel Montante (33.3%), and Kevin Montante (33.3%)

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 ³ _____)

Date of organization: 6/27/2008

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 Counsel

Company Name: Lippes Mathias Wexler Friedman LLP

Contact Person, and Title: Blaine Schwartz, Partner

Mailing Address: 50 Fountain Plaza, Suite 1700

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

Email: bschwartz@lippes.com

Phone: (716) 218-7578

Fax No.: (716) 853-5199

II. PROJECT INFORMATION

A) Project Address: 500 3rd Street

Tax Map Number (SBL) 159.29-1-46
(Section/Block/Lot)
SWIS Number 291100
Located in City of Niagara Falls
Located in Town of N/A
Located in Village of N/A
School District of Niagara Falls

B) Current Assessment of Property:

Land \$ 0
Total \$ 0

C) Present legal owner of the site USA Niagara Development

If other than from applicant, by what means will the site be acquired for this project?
Selected as preferred developer through RFP enabling pending acquisition.

D) Describe the project:

500 3rd Street will be an adaptive reuse of a vacant building into a conference and convention space on the ground floor and offices above.

1. Project site (land)

(a) Indicate approximate size (In acres or square feet) of project site.
13,068 sq ft or 0.30 acres

(b) Indicate the present use of the project site.
Vacant commercial building

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
One building comprising 12,710 SF built in 1930

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

4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation.
Yes, complete renovation of existing vacant 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.
Conference/Convention-6,808 sf; Lease offices-4,338 sf; Courtyard-4,940 sf

6. List principal items/categories of equipment to be acquired as part of the project.
Construction related items such as finishes, fixtures, and mechanical equipment.

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	\$ 0
Construction (Improvements)	\$ 2,059,941
Equipment Purchases/Fixtures/Furnishings	\$ 0
Soft costs (i.e. engineering, architectural)	\$ 627,060
Other (describe)	\$ 0
TOTAL USES OF FUNDS	\$ 2,687,002

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

Bank Financing	\$ 921,741
Equity	\$ 624,560
Grants/Tax Credits	\$ 1,140,701
Taxable or Tax Exempt Bond	\$ 0
Other	\$ 0
TOTAL SOURCES OF FUNDS	\$ 2,687,002

C) Identify each state and federal grant/credit:

Cataract Tourism Fund	\$ 352,335
State & Federal Historic Tax Credits	\$ 788,366
	\$
	\$
TOTAL PUBLIC FUNDS	\$ 1,140,701

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) ("JPTA") 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.:

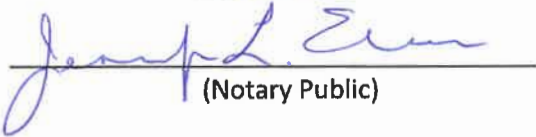
CHRISTIAN CAMPOS, being first duly sworn, deposes and says:

1. That I am the PRESIDENT (Corporate Office) of TM MONTANTE DEVELOPMENT (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 2nd day of June, 2021



(Notary Public)

Jennifer L. Elmer
Notary Public, State of New York
Registration No. 01EL6005664
Qualified in Niagara County
Commission Expires April 20, 2022

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: CHRISTIAN CAMPOS

Name: TIM MONTANTE DEVELOPMENT

Title: PRESIDENT


(Notary Public)

Sworn to before me this 2nd day

of June, 2021

[stamp]

Jennifer L. Elmer
Notary Public, State of New York
Registration No. 01EL6005664
Qualified in Niagara County
Commission Expires April 20, 2022

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
\$2,059,941	\$400,000	9.480380	38.077144	19.558232

*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	10%	\$ 379	\$ 1,523	\$ 782	\$ 2,685	\$ 26,846	\$ 24,162
2	10%	\$ 379	\$ 1,523	\$ 782	\$ 2,685	\$ 26,846	\$ 24,162
3	20%	\$ 758	\$ 3,046	\$ 1,565	\$ 5,369	\$ 26,846	\$ 21,477
4	20%	\$ 758	\$ 3,046	\$ 1,565	\$ 5,369	\$ 26,846	\$ 21,477
5	30%	\$ 1,138	\$ 4,569	\$ 2,347	\$ 8,054	\$ 26,846	\$ 18,792
6	30%	\$ 1,138	\$ 4,569	\$ 2,347	\$ 8,054	\$ 26,846	\$ 18,792
7	40%	\$ 1,517	\$ 6,092	\$ 3,129	\$ 10,739	\$ 26,846	\$ 16,108
8	40%	\$ 1,517	\$ 6,092	\$ 3,129	\$ 10,739	\$ 26,846	\$ 16,108
9	50%	\$ 1,896	\$ 7,615	\$ 3,912	\$ 13,423	\$ 26,846	\$ 13,423
10	50%	\$ 1,896	\$ 7,615	\$ 3,912	\$ 13,423	\$ 26,846	\$ 13,423
TOTAL		\$ 11,376	\$ 45,693	\$ 23,470	\$ 80,539	\$ 268,463	\$ 187,924

*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>82,398</u>	New Jobs Created Permanent <u>8</u> Temporary _____
		Existing Jobs Retained Permanent <u>0</u> Temporary <u>0</u>
Estimated Mortgage Tax Exemption	\$ <u>6,913</u>	Expected Yearly Payroll \$ <u>308,000</u>
Estimated Property Tax Abatement	\$ <u>187,924</u>	Additional Revenues to School Districts \$ <u>23,470</u>
		Additional Revenues to Municipalities County: \$ <u>11,376</u> City: \$ <u>45,693</u>
		Other Benefits _____
Estimated Interest Savings IRB Issue	\$ _____	Private Funds invested \$ <u>2,687,002</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 12).

\$ 1,029,975 (to be used on the NYS ST-60)

UPDATED 2021

617.20
Appendix B
Short Environmental Assessment Form

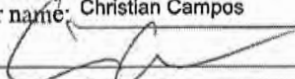
Instructions for Completing

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				
Name of Action or Project: 500 3rd Street				
Project Location (describe, and attach a location map): City of Niagara Falls; northwestern corner of 3rd Street and Ferry Avenue				
Brief Description of Proposed Action: 500 3rd Street will be an adaptive reuse of a vacant building into a conference and convention space on the ground floor and offices above.				
Name of Applicant or Sponsor: TM Montante Development LLC		Telephone: 716-876-8899		
		E-Mail: wwalker@montante.com		
Address: 2760 Kenmore Avenue				
City/PO: Tonawanda		State: NY	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	YES
			<input checked="" type="checkbox"/>	<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: Site plan approval and building permit is required by City of Niagara Falls.			NO	YES
			<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 0.30 acres		
b. Total acreage to be physically disturbed?		_____ 0.30 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 0.30 acres		
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input 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 checked="" type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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 service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" 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: _____	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 site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input 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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	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? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

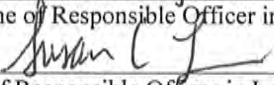
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of 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: _____ An adjoining property (503 Main Street) will be receiving minor remediation as part of a larger rehabilitation project.	NO	YES
_____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: Christian Campos	Date: 6/2/2021	
Signature: 		

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

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

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

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

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
NCIDA	6/3/21
Name of Lead Agency	Date
S LANGDON	ED
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

8.2

**TM Montante
Development LLC
512 3rd Street**

PROJECT SUMMARY
TM Montante Development LLC
512 3rd Street



Applicant:	TM Montante Development LLC	
Project Location:	512 3 rd Street, Niagara Falls, NY 14	
Assistance:	10 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>TM Montante (TMMD) was selected by Empire State Development as the Preferred Developer for 500, 512, and 518 Third Street, as well as 503 Main Street. The project will be centered around the reuse of both buildings, located at 500 & 512 3rd St.</p> <p>TMMD intends to convert 512 3rd Street into a new brewery and restaurant. Because of the number of tourists that visit Niagara Falls each year, and the lack of an established brewery in the downtown core, it's expected to be a great opportunity to add a tremendous amount of pedestrian activity and vibrancy.</p>	
Project Costs:	Construction/Improvements	\$ 550,000
	Furniture, Fixtures & Equipment	\$ 0
	Soft costs	\$ 143,001
	Other	\$ 0
	TOTAL	\$ 693,001
Employment:	Current jobs in Niagara County:	0
	New Jobs in Niagara County within 3 years:	6
	Estimated Annual Payroll for New Jobs:	231,000
	Skills: Management, administration, operations, and food service	
Evaluative Criteria:	Distressed Census Tract, Elimination of Slum and Blight, Building Vacancy, Redevelopment Aligns with Local Development Plan, Regional Wealth, Tourism Attraction, In Region Purchases	

REGIONAL ECONOMIC IMPACT ANALYSIS
TM Montante Development LLC
512 3rd Street

Estimated Project Benefits / Incentives Analysis

Total Project Benefits	\$ 258,445
Total Project Incentives	\$ 179,736
Community Benefit to Cost Ratio	1:1
Projected Employment	14
Total Employment	
Direct**	6
Indirect***	3
Temporary Construction (Direct and Indirect)	5

Estimated Project Benefits

Total Project Benefits	\$ 258,445
Income Tax Revenue	\$ 141,000
Property Tax Revenue	\$ 66,445
Sales Tax Revenue	\$ 51,000

Estimated Project Incentives

Total Project Incentives	\$ 179,736
Property Tax	\$ 155,037
Sales Tax	\$ 22,000
Mortgage Tax	\$ 2,699

** 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

TM Montante Development 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: TM Montante Development LLC

Mailing Address: 2760 Kenmore Avenue

City/Town/Village & Zip code: Tonawanda, NY 14150

Phone: (716) 876-8899

Website: www.TMMontante.com

Fed Id. No.: 26-2909311

Contact Person, and Title: Wesley Walker

Email: wwalker@montante.com

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

Matthew Montante (33.3%), Daniel Montante (33.3%), and Kevin Montante (33.3%)

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 ³ _____)

Date of organization: 6/27/2008

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 Counsel

Company Name: Lippes Mathias Wexler Friedman LLP

Contact Person, and Title: Blaine Schwartz, Partner

Mailing Address: 50 Fountain Plaza, Suite 1700

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

Email: bschwartz@lippes.com

Phone: (716) 218-7578

Fax No.: (716) 853-5199

II. PROJECT INFORMATION

A) Project Address: 512 3rd Steet (518 3rd Street, 503 Main Street)

Tax Map Number (SBL) 159.29-1-45 (159.29-1-44, 159.29-1-66)
(Section/Block/Lot)
SWIS Number 291100
Located in City of Niagara Falls
Located in Town of N/A
Located in Village of N/A
School District of Niagara Falls

B) Current Assessment of Property:

Land \$0
Total \$0

C) Present legal owner of the site USA Niagara Development

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

Selected as preferred developer through RFP enabling pending acquisition.

D) Describe the project:

512 3rd Street will be rehabilitated into a brewery with a restaurant as well as an adjacent outdoor beer garden. 503 Main Street will be rehabilitated into a functioning parking lot.

1. Project site (land)

(a) Indicate approximate size (In acres or square feet) of project site.
28,332 sq ft or 0.65 acres

(b) Indicate the present use of the project site.
One vacant commercial building and adjacent vacant parking lot.

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
One building comprising 9,165 SF built in 1930

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

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

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.
Brewery/restaurant: 9,165 sq ft; Parking lot: 17,339 sq ft

6. List principal items/categories of equipment to be acquired as part of the project.
Construction related items such as finishes, fixture, and mechanical equipment.

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	\$ 0
Construction (Improvements)	\$ 550,000
Equipment Purchases/Fixtures/Furnishings	\$ 0
Soft costs (i.e. engineering, architectural)	\$ 143,001
Other (describe)	\$ 0
TOTAL USES OF FUNDS	\$ 693,001

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

Bank Financing	\$ 359,873
Equity	\$ 229,178
Grants/Tax Credits	\$ 103,950
Taxable or Tax Exempt Bond	\$ 0
Other	\$ 0
TOTAL SOURCES OF FUNDS	\$ 693,001

C) Identify each state and federal grant/credit:

Cataract Tourism Fund	\$ 103,950
	\$
	\$
	\$
TOTAL PUBLIC FUNDS	\$ 103,950

IV. 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: \$22,000

Estimated value of Sales Tax exemption for fixtures and equipment: \$0

Estimated duration of Sales Tax exemption: 1 year

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 2,699

C.) Financial Assistance Determination:

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

Yes

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)	0	\$ 0	2	\$ 50,000
Part time (PTE)	0	\$ 0	8	\$ 27,000
TOTAL	0	\$ 0	10	\$ 77,000

Annual Salary Range of Jobs to be Created: \$ 27,000 to \$ 50,000

Category of Jobs to be Retained and Created:

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

Management, operations, administration, and food services (cooks, waiters, bartenders, etc.).

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) ("JPTA") 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 JPTA 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.:

CHRISTIAN CAMPOS, being first duly sworn, deposes and says:

1. That I am the PRESIDENT (Corporate Office) of TM MONTANTE DEVELOPMENT (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 2nd day of June, 2021.



(Notary Public)

Jennifer L. Elmer
Notary Public, State of New York
Registration No. 01EL6005664
Qualified in Niagara County
Commission Expires April 20, 2022

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.

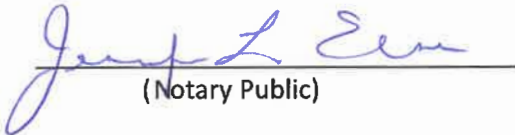


(Applicant Signature)

By: CHRISTIAN CAMPOS

Name: TIM MONTANTE DEVELOPMENT

Title: PRESIDENT


(Notary Public)

Sworn to before me this 2nd day

[stamp]

of June, 2021

Jennifer L. Elmer
Notary Public, State of New York
Registration No. 01EL6005664
Qualified in Niagara County
Commission Expires April 20, 2022

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
\$550,000	\$330,000	9.480380	38.077144	19.558232

*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	10%	\$ 313	\$ 1,257	\$ 645	\$ 2,215	\$ 22,148	\$ 19,933
2	10%	\$ 313	\$ 1,257	\$ 645	\$ 2,215	\$ 22,148	\$ 19,933
3	20%	\$ 626	\$ 2,513	\$ 1,291	\$ 4,430	\$ 22,148	\$ 17,719
4	20%	\$ 626	\$ 2,513	\$ 1,291	\$ 4,430	\$ 22,148	\$ 17,719
5	30%	\$ 939	\$ 3,770	\$ 1,936	\$ 6,644	\$ 22,148	\$ 15,504
6	30%	\$ 939	\$ 3,770	\$ 1,936	\$ 6,644	\$ 22,148	\$ 15,504
7	40%	\$ 1,251	\$ 5,026	\$ 2,582	\$ 8,859	\$ 22,148	\$ 13,289
8	40%	\$ 1,251	\$ 5,026	\$ 2,582	\$ 8,859	\$ 22,148	\$ 13,289
9	50%	\$ 1,564	\$ 6,283	\$ 3,227	\$ 11,074	\$ 22,148	\$ 11,074
10	50%	\$ 1,564	\$ 6,283	\$ 3,227	\$ 11,074	\$ 22,148	\$ 11,074
TOTAL		\$ 9,386	\$ 37,696	\$ 19,363	\$ 66,445	\$ 221,482	\$ 155,037

*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>22,000</u>	New Jobs Created Permanent <u>6</u> Temporary _____
		Existing Jobs Retained Permanent <u>0</u> Temporary <u>0</u>
Estimated Mortgage Tax Exemption	\$ <u>2,699</u>	Expected Yearly Payroll \$ <u>231,000</u>
Estimated Property Tax Abatement	\$ <u>155,037</u>	Additional Revenues to School Districts \$ <u>19,363</u>
		Additional Revenues to Municipalities County: \$ <u>9,386</u> City: \$ <u>37,696</u>
		Other Benefits _____
Estimated Interest Savings IRB Issue	\$ _____	Private Funds invested \$ <u>693,001</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 12).

\$ 275,000 (to be used on the NYS ST-60)

UPDATED 2021

617.20
Appendix B
Short Environmental Assessment Form

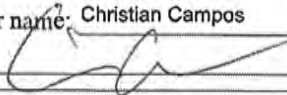
Instructions for Completing

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				
Name of Action or Project: 512 3rd Street				
Project Location (describe, and attach a location map): City of Niagara Falls; northwestern corner of 3rd Street and Ferry Avenue.				
Brief Description of Proposed Action: 512 3rd Street will be rehabilitated into a brewery with restaurant as well as an adjacent outdoor beer garden. 503 Main Street will be rehabilitated into a functioning parking lot.				
Name of Applicant or Sponsor: TM Montante Development LLC		Telephone: 716-876-8899		
		E-Mail: wwalker@montante.com		
Address: 2760 Kenmore Avenue				
City/PO: Tonawanda		State: NY	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	YES
			<input checked="" type="checkbox"/>	<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: Site plan approval and building permit is required by City of Niagara Falls.			NO	YES
			<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 0.65 acres		
b. Total acreage to be physically disturbed?		_____ 0.65 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 0.65 acres		
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input 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 checked="" type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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 service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" 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: _____ _____	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 site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	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 type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input 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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	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? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

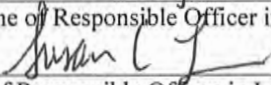
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of 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: _____ An adjoining property (503 Main Street) will be receiving minor remediation as part of a larger rehabilitation project.	NO	YES
_____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: Christian Campos	Date: 6/2/2021	
Signature: 		

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

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

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

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

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
NCIDA Name of Lead Agency	6/3/21 Date
_____	_____
S LANGDON Print or Type Name of Responsible Officer in Lead Agency	ED Title of Responsible Officer
_____	_____
 Signature of Responsible Officer in Lead Agency	 Signature of Preparer (if different from Responsible Officer)

PRINT

8.3

Release of EDA's Federal Interest in RLF Awards

RESOLUTION

A regular meeting of Niagara County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 6311 Inducon Corporate Drive, Suite One, Sanborn, New York on the 9th day of June, 2021 at 9:00 a.m., local time.

The meeting was called to order by the Chairperson and, upon roll being called, the following members of the Agency were:

PRESENT:

ABSENT:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

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

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. _____

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION TO RELEASE FEDERAL INTEREST IN EDA AWARD FUNDS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 569 of the Laws of 1972 of the State of New York (the "Act"), **NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to own, lease and sell property and to issue its bonds as authorized by the Act; and

Whereas, the Agency, through the Niagara County Development Corporation (the "NCDC") entered into an agreement with the United States Department of Commerce, Economic Development Administration (EDA) whereby the EDA, pursuant to its authority under the Public Works and Economic Development Act of 1965 (PWEDA) (42 U.S.C. § 3121 et seq.), awarded to the NCDC one or more grants to capitalize a Revolving Loan Fund (RLF) bearing EDA award number(s) 01-39-02728 and 01-39-02728.01 (the Award); and

Whereas, the EDA retains a federal interest in the Award and the NCDC has submitted a written request that EDA release its federal interest in the Award consistent with the requirements of the Reinvigorating Lending for the Future Act (Pub. L. 116-192); and

Whereas, the EDA and NCDC agree that the current value of the RLF capital base is \$1,328,960.46, the federal investment rate is 61.76%, and the federal share of the RLF capital base is \$820,765.98 (the Award Funds); and

Whereas, 1) more than seven years have passed since the final EDA disbursement to the NCDC of funds under the Award, 2) NCDC has complied with the terms and conditions of the Award, and 3) NCDC proposes to use the Award Funds for one or more activities that continue to carry out the economic development purposes of PWEDA; and

Whereas, the NCDC is requesting that the EDA release its federal interest in the Award and the NCDC will agree to use Award Funds for one or more activities that continue to carry out the economic development purposes of PWEDA.

NOW THEREFORE, BE IT RESOLVED:

Section 1 The Agency, through its component unit the NCDC is hereby authorized to enter into an agreement with the EDA setting forth the terms by which the EDA will release its federal interest in the Award Funds, the form of which is attached.

Section 2. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 3. These Resolutions shall take effect immediately upon adoption.

The question of the adoption of the foregoing 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	[]	[]	[]	[]
Kevin McCabe	[]	[]	[]	[]
Jerald I. Wolfgang	[]	[]	[]	[]
William L. Ross	[]	[]	[]	[]
Robert B. Cliff	[]	[]	[]	[]
Scott Brydges	[]	[]	[]	[]
Mary Lynn Candella	[]	[]	[]	[]
Clifford Scott	[]	[]	[]	[]
Jason Krempa	[]	[]	[]	[]

The Resolution was thereupon duly adopted.

STATE OF NEW YORK)
) SS.:
COUNTY OF NIAGARA)

I, William Ross, the undersigned Secretary of Niagara County Industrial Development Agency (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on June 9, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 9th day of June, 2021.

[SEAL]

William Ross , Secretary