

Niagara County Industrial Development Agency

Niagara County Center for Economic Development • 6311 Inducon Corporate Drive, Ste. 1 • Sanborn, NY 14132

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: October 11, 2023
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
___ **Jason Krempa**, Second Vice Chairperson
___ **Clifford Scott**, Member
___ **William L. Ross**, Secretary
___ **Mark Berube**, Member
___ **Ryan J. Mahoney**, Member
___ **Anne E. McCaffrey**, Member
___ **David J. Masse**, Member
___ **William Fekete**, Member

Staff Members:

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

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- 1.0 Meeting Called to Order – *M. Onesi*
 - 2.0 Introduction of new Board Member – *M. Onesi*
 - 3.0 Roll Call – *J. Lamoreaux*
 - 4.0 Introduction of Guests – *M. Onesi*
 - 5.0 Pledge of Allegiance – *M. Onesi*
 - 6.0 Approval of Meeting Minutes – *W. Ross*
 - 6.1 Regular NCIDA/NCDC/NADC – September 13, 2023
 - 7.0 Finance & Audit Committee Reports – *J. Krempa*
 - 7.1 Agency Payables – September 30, 2023
 - 7.2 Budget Variance Report – September 30, 2023
 - 7.3 2024 Proposed Budgets
 - 8.0 Election of Officers- *M. Onesi*
 - 8.1 First Vice Chairperson
 - 8.2 Second Vice Chairperson
 - 8.3 Assistant Secretary

9.0 Unfinished Business

9.1 MHT Holdings Inc. – Brookside Commons – *J.Geartz*

9.1.1 Final Resolution

9.2 Vincent Properties, Inc. – *M. Gabriele*

9.2.2 Modification of Bond

10.0 New Business

10.1 Cityscape Property Management Inc. – 1304 & 1310 Payne, 325 Stenzil - *A.Klyczek*

10.1.1 Preliminary Resolution

10.1.2 Authorize Public Hearing

10.2 Cityscape Property Management Inc. – 83 Division Street- *A.Klyczek*

10.2.1 Preliminary Resolution

10.2.2 Authorize Public Hearing

10.3 NF Lockport LLC – *A.Klyczek*

10.3.1 Preliminary Resolution

10.3.2 Authorize Public Hearing

11.0 Agency Counsel – *M. Gabriele*

12.0 Information Items

13.0 Any Other Matters the Board Wishes to Discuss

14.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: November 8, 2023

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

PLACE: Niagara County Center for Economic Development

15.0 Adjournment - *M. Onesi*

6.1

Meeting Minutes

Niagara County Industrial Development Agency

Niagara County Center for Economic Development • 6311 Inducon Corporate Drive, Ste. 1 • Sanborn, NY 14132

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: September 13, 2023
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
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 Introduction of new Board Members

Mr. Onesi introduced and welcomed the new Board Members.

3.0 Roll Call

Mark A. Onesi, Chairperson	Present
Jason Krempa, 2 nd Vice Chairperson	Present
William L. Ross, Secretary	Present
Scott Brydges, Assistant Secretary	Excused
Clifford Scott, Member	Present
Mark Berube, Member	Present
Ryan Mahoney, Member	Present
Anne E. McCaffrey	Present
David J. Masse, Member	Present

4.0 Introduction of Guests

Jonathan Epstein, Buffalo News
Robert Creenan, Niagara Gazette
Kyle Brent, 9745 Rochester Road, LLC
Alan Hastings, Sun Commercial Real Estate
Mark Trammell, MHT Holdings

Staff Present

Susan Langdon, Executive Director
Andrea Klyczek, Assistant Director
Michael Dudley, Finance Manager
Caroline Caruso, Accounting Associate
Susan Barone, Grants & Operations Manager
Jeremy Geartz, Project Manager
Julie Lamoreaux, Administrative & HR Officer
Mark J. Gabriele, Agency Counsel

5.0 Pledge of Allegiance

Ms. Langdon led the Pledge of Allegiance.

6.0 Approval of Meeting Minutes

6.1 Regular NCIDA/NCDC/NADC – August 9, 2023

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

7.0 Finance & Audit Committee Reports

7.1 Agency Payables – August 31, 2023

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

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

7.2 Budget Variance Report – August 31, 2023

Mr. Onesi 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. Krempa seconded the motion. The motion passed.

8.0 Unfinished Business

8.1 9745 Rochester Road, LLC

Mr. Gabriele stated that a public hearing was conducted for 9745 Rochester Road, LLC on August 31, 2023 at 2:00 p.m. at the Royalton Town Hall. He noted that there were no comments at the Public Hearing.

8.1.1 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) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT.

Mr. Scott made a motion to approve the Final Resolution; Mr. Krempa seconded the motion. The motion passed.

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>
William L. Ross	x			
Jason Krempa	x			
Clifford Scott	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
Mark Onesi	x			
Scott Brydges				x

The Resolution was thereupon duly adopted.

8.2 Greenpac Mill

Mr. Gabriele stated that a Public Hearing was conducted for Greenpac Mill on August 29, 2023 at Niagara Falls City Hall. He added that there were no comments at the Public Hearing

8.2.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF GREENPAC MILL, 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) PROVIDE ADDITIONAL FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A MORTGAGE TAX EXEMPTION BENEFIT FOR REFINANCING RELATED TO THE PROJECT.

Mr. Scott made a motion to approve the Final Resolution; Mr. Ross seconded the motion. The motion passed.

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>
William L. Ross	x			
Jason Krempa	x			
Clifford Scott	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
Mark Onesi	x			
Scott Brydges				x

The Resolution was thereupon duly adopted.

8.3 MHT Holdings Inc. – Brookside Commons

Mr. Geartz stated that there was a Public Hearing held on August 30, 2023 at the Town of Niagara Town Hall. He added that there were comments and concerns expressed at the time. Mr. Trammell also submitted the information that was requested by the Board at the last meeting regarding the soft costs of the project.

The Board discussed the project and decided to table this project because of concerns raised about the project. Since there are several new Board members who are not yet familiar with the project it was felt that tabling the matter will give the new Board members time to develop a better understanding of the Agency role on this project.

8.3.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF MHT HOLDINGS INC. (BROOKSIDE COMMONS) 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.

Mr. Ross made a motion to Table the Final Resolution; Ms. McCaffrey seconded the motion. The motion passed.

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>
William L. Ross	x			
Jason Krempa	x			
Clifford Scott	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
Mark Onesi	x			
Scott Brydges				x

The Resolution was thereupon duly adopted.

8.4 MHT Holdings Inc. – Niagara Falls

Mr. Geartz stated that the Agency held a Public Hearing on August 29, 2023 at Niagara Falls City Hall. He noted that there were no comments at the Public Hearing.

8.4.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF MHT HOLDINGS INC (NIAGARA FALLS) 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.

Mr. Krempa made a motion to approve the Final Resolution; Mr. Berube seconded the motion. The motion passed.

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>
William L. Ross	x			
Jason Krempa	x			
Clifford Scott	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
Mark Onesi	x			
Scott Brydges				x

The Resolution was thereupon duly adopted.

9.0 New Business

9.1 Request for Micro Enterprise Grant Approval

Ms. Barone stated that the IDA staff applied on behalf of the County for additional Microenterprise grant funds from the NYS Office of Community Renewal. In May of 2023, the NCIDA Board approved an agreement between the NCDC and the Niagara County to administer the \$300,000 awarded amount. All applications are reviewed for eligibility and the grant funds will only be reimbursed to the applicant after they have provided sufficient receipts. The Agency held a NCDC Committee meeting on September 6, 2023 to review the following projects. At the meeting each project was reviewed and recommended approval by the Board.

9.1.1 Marcus the Barber

Ms. Barone stated that Marcus the Barber is a barber shop in Newfane that was started in the owner’s home and it is now expanded to a larger leased location in Newfane. The owner worked with SBDC to submit a business plan, and an application. The business is minority owned and the owner is a low-to-moderate income applicant. The business has requested \$25,000 from the Microenterprise Grant Program. The grant request was unanimously approved by the Committee for recommendation to the Board.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO MARCUS HAMILTON d/b/a MARCUS THE BARBER

Mr. Krempa made a motion to approve the Grant; Mr. Masse seconded the motion. The motion passed.

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>
William L. Ross	x			
Jason Krempa	x			
Clifford Scott	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
Mark Onesi	x			
Scott Brydges				x

The Resolution was thereupon duly adopted.

9.1.2 NAZ716, Inc.

Ms. Barone stated that NAZ716, Inc. is a business and cultural center located in the Town of Niagara that offers leased office spaces to a diversity of different businesses. They are planning to expand by offering a business training lab that provides the necessary resources and training for potential entrepreneurs. They are a women owned business, and the owner qualifies as low-to-moderate income. The owner intends to hire 2 part-time employees. The business has requested \$25,000 from the Microenterprise Grant Fund. This grant request was unanimously approved by the Committee for recommendation to the Board.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO NAZ716, INC.

Mr. Masse made a motion to approve the Grant; Mr. Krempa seconded the motion. The motion passed.

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>
William L. Ross	x			
Jason Krempe	x			
Clifford Scott	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
Mark Onesi	x			
Scott Brydges				x

The Resolution was thereupon duly adopted.

9.1.3 Bina & Gill

Ms. Barone Stated that Bina & Gill, Inc. is a start-up business that currently operates a wine vineyard on an 11 acre property in the Town of Cambria. The businesses plan is to grow organic, high-yield, high-profit produce in an aquaponics greenhouse. The business worked with SBDC to submit their business plan, and an application. They are a women and veteran owned business. They plan to hire one full time low-to-moderate income individual. The business is requesting \$25,000 from the Microenterprise Grant Program. This grant request was unanimously approved the by the committee for recommendation to the Board.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO BINA & GILL, INC.

Mr. Krempe made a motion to approve the Grant; Mr. Scott seconded the motion. The motion passed.

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>
William L. Ross	x			
Jason Krempa	x			
Clifford Scott	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
Mark Onesi	x			
Scott Brydges				x

The Resolution was thereupon duly adopted.

9.1.4 Wolf Equipment Repair, LLC

Ms. Barone stated that Wolf Equipment Repair LLC is located in Lewiston, NY. The business is a mobile heavy equipment repair service provider. The mobile aspect of the business is unique to the area. The business is experiencing significant growth. They worked with SBDC to submit their application. They are a women owned business and will be hiring one full time low-to-moderate income individual. The business is requesting \$24,000 from the Microenterprise Grant Fund. This grant request was unanimously approved by the committee for recommendation to the Board.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO WOLF EQUIPMENT REPAIR, LLC.

Mr. Krempa made a motion to approve the Grant; Mr. Mahoney seconded the motion. The motion passed.

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>
William L. Ross	x			
Jason Krempa	x			
Clifford Scott	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
Mark Onesi	x			
Scott Brydges				x

The Resolution was thereupon duly adopted.

9.1.5 Red Dragon’s Hoard LLC

Ms. Barone stated that Red Dragon’s Hoard LLC is a gaming store and facility on Military Road. The business sells hobby items related t gaming including customizable products. They also provide spaces for live gaming, contests, and gaming lessons. The expansion will include new services and products to diversify offerings and attract a wider customer base. They worked with SBDC to submit their application. The owner qualifies as a low-to-moderate income individual. The business is requesting \$25,000 from the Microenterprise Grant Program. This grant request was unanimously approved by the committee for recommendation to the Board.

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPROVING MICRO ENTERPRISE FUND GRANT TO RED DRAGON’S HOARD LLC

Mr. Krempa made a motion to approve the Grant; Mr. Masse seconded the motion. The motion passed.

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>
William L. Ross	x			
Jason Krempa	x			
Clifford Scott	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
Mark Onesi	x			
Scott Brydges				x

The Resolution was thereupon duly adopted.

9.2 Sale of 3.5 Acres in Vantage International Point

Ms. Klyczek stated that the Niagara County IDA has a vacant 7.68 acre parcel available in the business park. The Agency received an offer from Viatree USA Inc. They are a Canadian company that distributes vitamins and supplements. The company would like to purchase 3 and a half acres of land at \$24,285 per acre to build a warehouse.

9.2.1 Vitatree USA Inc.

Mr. Krempa made a motion to approve the sale; Ms. McCaffrey seconded the motion. The motion passed.

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>
William L. Ross	x			
Jason Krempa	x			
Clifford Scott	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
Mark Onesi	x			
Scott Brydges				x

The Resolution was thereupon duly adopted.

10.0 Agency Counsel

There were no comments from Agency Counsel.

11.0 Information Items

There were no information items at this time.

12.0 Any Other Matters the Board Wishes to Discuss

There were no other matters the Board wished to discuss.

13.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: October 11, 2023

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

PLACE: Niagara County Center for Economic Development

14.0 Adjournment

Mr. Krempa made a motion to adjourn; Ms. McCaffrey seconded the motion. The meeting adjourned at 9:37 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary

7.1

Agency Payables

Niagara County Industrial Devel. Agency
Check Register
For the Period From Sep 1, 2023 to Sep 30, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
29896	9/1/23	THE HARTFORD	10001.100	305.62
29897	9/5/23	Caroline M. Caruso	10001.100	69.17
29898	9/5/23	M&T Bank	10001.100	830.43
29899	9/5/23	National Grid	10001.100	575.02
29900	9/5/23	Niag Cnty Dept of Economic Development	10001.100	106.04
9/7/23	9/7/23	PAYCHEX, INC.	10001.100	97.88
9/8/23	9/8/23	NYS DEFERRED COMPENSATION PLAN	10001.100	1,316.42
29901	9/12/23	360 PSG.com	10001.100	60.00
29902	9/12/23	Dawn M. Sifers	10001.100	478.00
29903	9/19/23	County of Niagara	10001.100	437.79
29904	9/19/23	First Choice Coffee Services	10001.100	235.99
29905	9/19/23	Guardian	10001.100	388.33
29906	9/19/23	PURCHASE POWER	10001.100	300.00
9/20/23	9/20/23	PAYCHEX, INC.	10001.100	138.24
9/21/23	9/21/23	PAYCHEX, INC.	10001.100	81.37
9/22/23	9/22/23	NYS DEFERRED COMPENSATION PLAN	10001.100	1,226.42
9/30/23	9/22/23	NEW YORK STATE AND LOCAL	10001.100	538.88
29907	9/26/23	Charter Communications	10001.100	129.99
29908	9/26/23	Gabriele & Berrigan, P.C.	10001.100	9,420.87
29909	9/26/23	Independent Health	10001.100	3,853.40
29910	9/26/23	Niag Cnty Dept of Economic Development	10001.100	132.94
29911	9/30/23	Cintas Corporation LOC. 067P	10001.100	93.05
Total				20,815.85

NCIDA VIP-MTF Operating
Check Register
For the Period From Sep 1, 2023 to Sep 30, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4807	9/5/23	Frontier	10001.600	229.99
4808	9/5/23	National Grid	10001.600	494.43
4809	9/12/23	H.W.BRYK & SONS, INC.	10001.600	440.00
4810	9/19/23	H.W.BRYK & SONS, INC.	10001.600	165.00
4811	9/19/23	Modern Disposal Services, Inc.	10001.600	174.10
4812	9/19/23	Niagara County Treasurer	10001.600	2,610.32
4813	9/19/23	County of Niagara	10001.600	452.99
4814	9/26/23	FH Land Services	10001.600	1,670.13
Total				<u><u>6,236.96</u></u>

NCIDA - MTF - Operating Fund
Check Register
For the Period From Sep 1, 2023 to Sep 30, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3130	9/12/23	H.W. Bryk & Sons, Inc.	10001.600	295.00
3131	9/12/23	National Grid	10001.600	61.78
3132	9/12/23	VERIZON	10001.600	123.85
3133	9/26/23	FH Land Services	10001.600	885.78
Total				<u>1,366.41</u>

Niagara Industrial Incubator Associates
Check Register
For the Period From Sep 1, 2023 to Sep 30, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1368	9/5/23	Grove Roofing Services, Inc.	10000.100	1,044.25
1369	9/12/23	H.W. Bryk & Sons, Inc.	10000.100	155.00
1370	9/12/23	Grove Roofing Services, Inc.	10000.100	726.90
1371	9/12/23	National Grid	10000.100	247.97
1372	9/19/23	Grove Roofing Services, Inc.	10000.100	1,965.20
1373	9/19/23	Town of Wheatfield	10000.100	42.18
1374	9/26/23	Gabriele & Berrigan, P.C.	10000.100	270.00
Total				4,451.50

7.2

Budget Variance Reports

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

BUDGET VARIANCE REPORT AS OF September 30, 2023

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	\$ 97,725.00	\$ 25,614.00	\$ 737,853.20	\$ 385,323.00	352,530.20	\$ 536,108.00
Project Application Fees	3,000.00	1,000.00	13,000.00	9,000.00	4,000.00	12,000.00
NEDF RLF Administrative Fee	4,166.67	4,166.67	37,500.03	37,500.03	0.00	50,000.00
Administratve Fees - Other	0.00	0.00	8,560.00	8,560.00	0.00	245,135.00
Interest Earnings	3,740.14	224.42	24,652.06	2,019.78	22,632.28	2,693.00
Miscellaneous Income	2,676.84	5.00	34,663.80	45.00	34,618.80	60.00
Distrib From Niag. Ind. Suites	0.00	0.00	0.00	0.00	0.00	100,000.00
Distribution from VIP MTF	0.00	0.00	0.00	0.00	0.00	150,000.00
Total Operating Revenues	111,308.65	31,010.09	856,229.09	442,447.81	413,781.28	1,095,996.00
Operating Expenses						
Salaries	35,008.84	33,500.00	326,430.06	318,250.00	8,180.06	435,500.00
Benefits	5,705.57	4,871.75	45,663.39	43,845.75	1,817.64	58,461.00
Retirement Benefits	3,661.58	3,661.58	32,954.22	32,954.22	0.00	43,939.00
Payroll Taxes	2,704.09	2,604.93	25,177.97	24,707.29	470.68	33,785.00
Unemployment Taxes	0.00	0.00	1,675.09	1,550.00	125.09	1,550.00
Consultants	2,500.00	2,500.00	22,500.00	22,500.00	0.00	30,000.00
Assisstant Director	6,250.00	6,250.00	56,250.00	56,250.00	0.00	75,000.00
Legal Services	5,833.33	5,833.33	49,867.29	52,499.97	(2,632.68)	70,000.00
Accounting Services	0.00	0.00	19,600.00	20,110.00	(510.00)	20,110.00
Accounting Services - NADC	0.00	0.00	1,400.00	2,100.00	(700.00)	2,100.00
Marketing	827.61	1,833.33	11,698.54	16,499.97	(4,801.43)	22,000.00
Printing	0.00	125.00	144.88	1,125.00	(980.12)	1,500.00
Office Supplies	0.00	208.33	938.79	1,874.97	(936.18)	2,500.00
Postage	300.00	91.00	2,256.30	2,723.00	(466.70)	3,650.00
Telephone & Fax	106.66	88.92	827.38	800.28	27.10	1,067.00
Internet Service	169.99	208.33	1,660.71	1,874.97	(214.26)	2,500.00
Common Area Charges	870.00	723.67	7,830.00	6,513.03	1,316.97	8,684.00
Energy	1,325.86	1,777.00	11,483.44	18,519.00	(7,035.56)	24,518.00
Conference & Travel	0.00	166.67	4,380.35	1,500.03	2,880.32	2,000.00
Employee Training	0.00	416.67	1,950.00	3,750.03	(1,800.03)	5,000.00
Insurance Expense	1,644.86	1,643.17	14,803.74	14,788.53	15.21	19,718.00
Library & Membership	0.00	148.18	2,858.21	2,685.44	172.77	3,130.00
General Office	2,192.88	798.83	8,469.66	7,189.47	1,280.19	9,586.00
Repairs & Maintenance	944.25	1,098.00	8,291.45	9,882.00	(1,590.55)	13,176.00
Computer Support	0.00	583.33	0.00	5,249.97	(5,249.97)	7,000.00
Public Hearings	0.00	25.00	166.35	225.00	(58.65)	300.00
Furniture & Equipment Purchase	0.00	166.67	1,760.22	1,500.03	260.19	2,000.00
Other Expense	0.00	83.33	0.00	749.97	(749.97)	1,000.00
Total Operating Expenses	70,045.52	69,407.02	661,038.04	672,217.92	(11,179.88)	899,774.00
Net Operating Income/<Loss>	41,263.13	(38,396.93)	195,191.05	(229,770.11)	424,961.16	196,222.00
Non-Operating Revenue & Expense						
Grant Rev- City NF Initiative	0.00	0.00	442,080.94	0.00	442,080.94	900,000.00
Grant Sub-City NF Initiative	0.00	0.00	442,080.94	0.00	442,080.94	900,000.00
Net Non-Operating Income/<Loss>	0.00	0.00	0.00	0.00	0.00	0.00
Total Net Income/<Loss>	\$ 41,263.13	(\$ 38,396.93)	\$ 195,191.05	(\$ 229,770.11)	424,961.16	\$ 196,222.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet
September 30, 2023

ASSETS

Current Assets	
Cash - Checking	\$ 507,755.24
Petty Cash	300.00
Mmkt Acct. - M&T Bank	1,822,136.13
Cash - First Response	66,031.67
Cash - City of N.F.	792.07
Mmkt Acct. - Cataract Tourism	2,962,745.80
Accts Rec - Public Hearings	1,729.28
Accounts rec.- Fees/Var.	3,620.16
Accounts Rec. EDA - RLF	17,499.93
Due To/From Micro RLF	17,499.93
Accounts Rec - NEDF	37,500.03
Due To/From VIP - MTF	442,199.37
Due from Micro RLF	39.95
Due From NCDC CDBG/HUD	17,500.14
Due To/Due From NADC	151,406.56
Due To/From MTF Operating	3,504.26
Prepaid Insurance	7,719.89
Prepaid Pension Asset	<u>45,112.00</u>
 Total Current Assets	 6,105,092.41
Other Assets	
Deferred Outflows	163,304.00
Investment in NIIA	<u>342,500.00</u>
 Total Other Assets	 505,804.00
Fixed Assets	
Furniture & Equipment	231,672.18
Furn & Fixtures - Fed purchase	5,861.08
Accum Dep. - Furn & Equip	(202,053.36)
Accum Dep. - F&F Fed Purch	<u>(5,861.08)</u>
 Total Fixed Assets	 29,618.82
 Total Assets	 <u>\$ 6,640,515.23</u>

LIABILITIES AND NET ASSETS

Current Liabilities	
Accrued Retirement	\$ 32,954.22
Deferred Rev. - First Repsonse	66,031.67
Def. Rev. - City of N.F.	2,963,537.87
Accounts Payable	16,481.61
Acct. Payable - Niag. County	<u>19,100.39</u>
 Total Current Liabilities	 3,098,105.76
Long-Term Liabilities	
Deferred Inflows of Resources	<u>180,075.00</u>
 Total Long-Term Liabilities	 <u>180,075.00</u>
 Total Liabilities	 3,278,180.76
Net Assets	
Fund Balance - Operating Fund	3,167,143.42
Net Income	<u>195,191.05</u>
 Total Net Assets	 <u>3,362,334.47</u>
 Total Liabilities & Net Assets	 <u>\$ 6,640,515.23</u>

**Niagara County Industrial
Development Agency
Aged Payables
As of September 30, 2023**

Vendor ID Vendor	Invoice #	Amount Due
GABRIELE Gabriele & Berrigan, P.C.	Sep 2023 Engagement	5,000.00
HART The Hartford	LN725958 Jul-Sep 2023	899.07
M&TBUS M&T Bank	Sep 2023	1,547.01
NATGRID National Grid	39004 9/23	625.86
Report Total		<u>8,071.94</u>

Adjusting Journal Entries

Estimated Sep 2023 Legal Fees	5,833.33
Estimated Sep 2023 Copier usage	200.00
Estimated Jul-Sep 2023 Telephone	90.00
Estimated Sep 2023 Niagara County Electric	650.00
Estimated Sep 2023 Niagara County Gas	50.00
Estimated Aug 2023 Cleaning service	793.17
Estimated Sep 2023 Cleaning service	793.17
	<u>16,481.61</u>

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

10/5/2023

**Project Income - 2023
Lease/Lease Back and Bonds**

Closed 2023	Project Type	Total Project Amount	IDA Project Amount	Fees	Application Fee	Amount Received to Date	Date Received	Balance Due	Date Closed
	SJI Main LLC Sales Tax Only	35,320	35,320	3,532	0	3,532	1/23/23	-	1/5/23
	OAHS Urban Park TC LLC Bond	27,467,700	16,215,000	134,558	1,000	135,558	2/15/23	-	1/31/23
	Niagara Falls International Cuisine Sales Tax Only	510,000	29,600	2,960	1,000	3,960	2/24/23	-	2/1/23
	Burger Factory Niagara Falls Inc, d/b/a A&W F L/L Back	1,230,000	1,110,000	11,100	1,000	12,100	2/24/23	-	2/10/23
	OAHS Niagara Towers TC LLC Bond	32,074,394	19,875,000	165,969	1,000	166,969	3/15/23	-	3/2/23
	DLV Properties LLC L/L Back	23,089,050	20,707,900	207,079	1,000	208,079	3/16/23	-	3/15/23
	Prospect Pointe Hotel LLC Assumption of Maid of the Mist Hospitalit			4,000	1,000	5,000	4/10/23	-	3/22/23
	DRC Development LLC 2022 L/L Back	3,000,000	2,883,000	28,830	1,000	29,830	5/19/23	-	5/16/23
	Cerrone Estate Properties, LLC No assistance provided.				1,000	1,000	2/3/21	-	
	Niacet Corporation No assistance provided.				1,000	1,000	3/14/23	-	
	Niacet Corporation (NxTD Project) No assistance provided.				1,000	1,000	5/2/22	-	
	TM Montante Development LLC - 500 3rd St. L/L Back	2,687,001	2,059,941	26,870	1,000	27,870	7/21/23	-	7/14/23
	TM Montante Development LLC - 512 3rd St. L/L Back	693,001	550,000	6,930	1,000	7,930	7/21/23	-	7/14/23
	Zeton US Properties, Inc. L/L Back	5,230,000	4,825,000	48,300	1,000	49,300	7/27/23	-	7/17/23
	9745 Rochester Road LLC (Brent Industries) Additional Sales Tax Exemption			13,350		13,350	9/20/23	-	9/13/23
	Chase Commons LLC L/L Back	5,000,000	4,600,000	46,000	1,000	1,000	1/18/23	46,000	9/1/23
	Greenpac Mill, LLC Mortgage Refinance			84,375		84,375	9/18/23	-	
				0				-	
	TOTAL			<u>783,853</u>					
	Fees received in prior year			-					
	Total fees received to date in 2023			<u>783,853</u>					
	Total 2023 Budgeted Fees			<u>536,108</u>					
	Balance of Budgeted Fees			<u>(247,745)</u>					

Projected 2023	Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration
	Olcott Yacht Club Inc. Sales Tax & Mtg Tax Only	456,000	450,000	0	250	250	2/16/21	-	2/9/23
	Amazon.com Services LLC L/L Back	550,000,000	550,000,000		1,000	1,000	7/13/22	-	2/10/24
	Peak Development Partners, LLC L/L Back	7,475,000	7,175,000	71,750	1,000	1,000	1/31/23	71,750	3/31/24
	Niacet Corporation 2023 L/L Back	121,000,000	89,000,000	890,000	1,000	1,000	3/14/23	890,000	3/31/24
	* MHT Holdings, Inc. - Brookside Commons L/L Back	3,635,039	2,013,618	20,136	1,000	1,000	5/26/23	20,136	
	MHT Holdings, Inc. - Niagara Falls L/L Back	14,540,156	8,054,471	80,545	1,000	1,000	5/26/23	80,545	9/30/24
	* NF Lockport LLC L/L Back	95,000,000	90,100,000	901,000	1,000	1,000	9/13/23	901,000	
	* Cityscape Property Management Inc. - Division L/L Back	1,122,000	1,075,000	10,750	1,000	1,000	9/20/23	10,750	
	* Cityscape Property Management Inc. - Stenzil L/L Back	2,244,000	2,150,000	21,500	1,000	1,000	9/20/23	21,500	
	TOTAL			<u>1,995,681</u>	<u>8,250</u>	<u>8,250</u>		<u>1,995,681</u>	<u>0</u>
	TOTAL - Projected Income 2023			<u>2,779,534</u>	<u>8,250</u>	<u>8,250</u>		<u>1,995,681</u>	<u>783,853</u>

Projected 2024	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	0.00	10/11/2017	1/23/2018	37,667.00		Feasibility study for Niagara Falls area multi-use facility.
Niagara Aquarium Foundation	88,147	0.00	2/14/2018	7/15/2019	88,147.00		Jellyfish exhibit and equipment.
The Tourism Research Entrepreneurship Center (TReC)	176,600	0.00	8/8/2018	6/2/2020	176,600.00		Buildout, audio/visual equipment and network connectivity hardware.
Niagara Aquarium Foundation	16,717	0.00	2/12/2020	10/21/2020	16,717.00		Renovations to second floor event room.
Niagara Aquarium Foundation	370,000	0.00	8/14/2019	2/9/2021	370,000.00		Interactive touch pools adjacent to main entrance of the Aquarium.
Red Star Builders, LLC (The Niagara Club)	64,403	0.00	7/10/2019	9/7/2021	64,403.00		Spot Coffee.
Niagara Falls Center for Tourism LLC	1,000,000	0.00	6/12/2019	7/7/2023	598,661.03	12/31/2024	Construction of an indoor family entertainment center and outdoor improvements.
The Center for Kashmir, Inc.	573,000	300,000.00	6/14/2023	8/9/2023	273,000.00		Renovations to vacant church for a museum of art and culture for Kashmir.
Savarino Companies, LLC	155,000	0.00	4/14/2021	4/26/2023	155,000.00		Rehabilitation of 4,000 square feet of commercial/retail storefront space.
Niagara Aquarium Foundation	900,000	900,000.00	2/9/2022	To Be Disbursed	0.00		Renovations to the Niagara Gorge Discovery Center for expanded programming.
Niagara Aquarium Foundation	35,000	35,000.00	2/8/2023	To Be Disbursed	0.00		Sea turtle exhibit.
Burger Factory Niagara Falls, Inc.	185,250	185,250.00	2/8/2023	To Be Disbursed	0.00		Facade renovations.
Niagara Falls International Cuisine, Inc.	76,500	76,500.00	2/8/2023	To Be Disbursed	0.00		Dining area renovations.
Hammer & Crown BC	33,000	33,000.00	3/22/2023	To Be Disbursed	0.00		Kitchen buildout, bar and dining area remodeling.
TM Montante Development(Radio Niagara)	912,609	912,609.00	3/22/2023	To Be Disbursed	0.00		Renovations for restaurant, bar, game space, bowling lounge and boutique hotel.
To Date Sub-Total	<u>4,623,893</u>	<u>2,442,359.00</u>			<u>1,780,195.03</u>		
Grant Fund Cash Balance as of 9/30/2023	2,963,537.87						
Less: Outstanding Awards	<u>(2,442,359.00)</u>						
Available for awarding grants	<u>521,178.87</u>						
Grant Fund Balance	-						
Grant Funding from NYS 11/22/2016	1,600,000.00						
Grant Funding from NYS 10/16/2017	1,440,000.00						
Grant Funding from NYS 10/12/2018	1,600,000.00						
Bank Interest	103,776.16						
Bank Fees	(43.26)						
Grant Disbursements	<u>(1,780,195.03)</u>						
Grant Fund Balance	<u>2,963,537.87</u>						

9.1

MHT Holdings

Inc.

-Brookside Commons-

PROJECT SUMMARY
MHT Holdings, Inc. Brookside Commons



Applicant:	MHT Holdings, Inc.	
Project Location:	6127 North Witham Drive, Niagara, NY 14305	
Assistance:	15 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	MHT Holdings Inc. plans to purchase and renovate 15 affordable units in the town of Niagara from Brookside Commons LLC. This building was constructed in 1969 and totals 16,288 sq. ft. This rehabilitation will include HVAC, maintenance needs, appliances, and fixtures.	
Project Costs:	Acquisition	\$1,028,618
	Construction/Improvements	\$ 985,000
	Furniture, Fixtures & Equipment	\$ 0
	Soft costs	\$1,596,921
	Other	\$ 24,500
	TOTAL	\$ 3,635,039
Employment:	Current jobs in Niagara County: 1 New Jobs in Niagara County within 3 years: 0 Estimated Annual Payroll for New Jobs: 0 Skills:	
Evaluative Criteria:	Redevelopment supports or aligns with regional or local development plans.	

Niagara County Industrial Development Agency

MRB Cost Benefit Calculator

Date: June 7, 2023
 Project Title: MHT Holdins, Inc. Brookside Commons
 Project Location: Town of Niagara



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

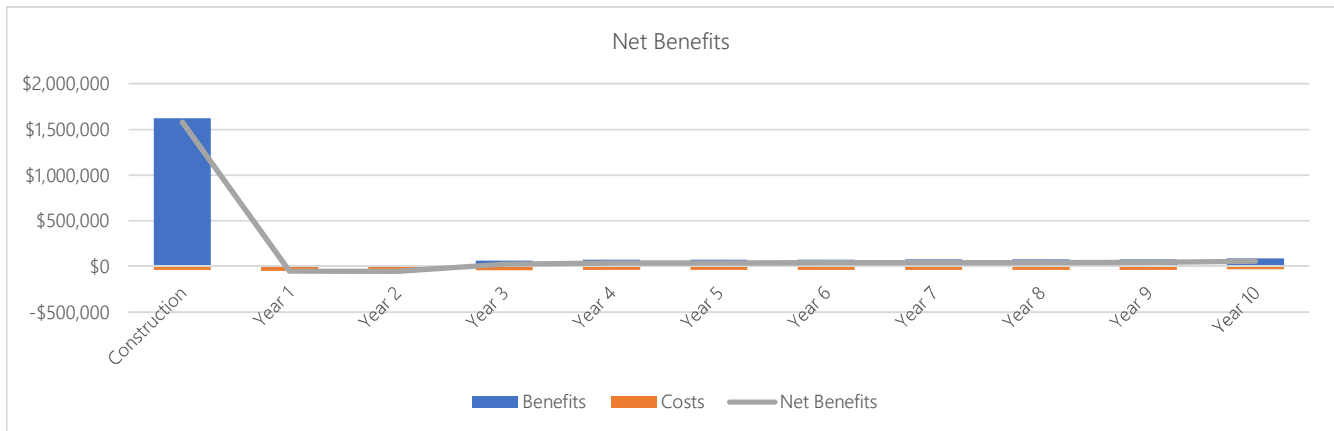
Project Total Investment

\$3,635,039

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	32	6	39
Earnings	\$1,218,813	\$311,721	\$1,530,534
Local Spend	\$2,908,031	\$1,052,799	\$3,960,830

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	1	0	1
Earnings	\$734,017	\$187,731	\$921,747

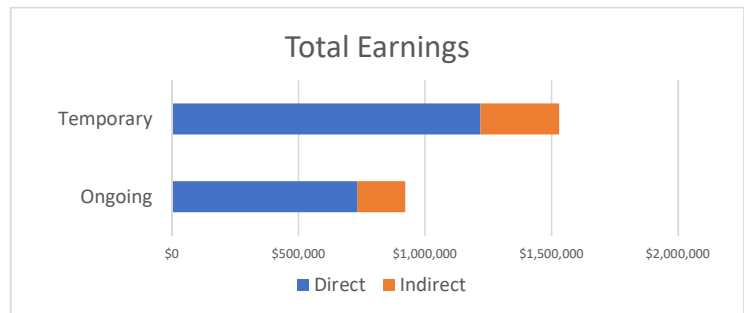
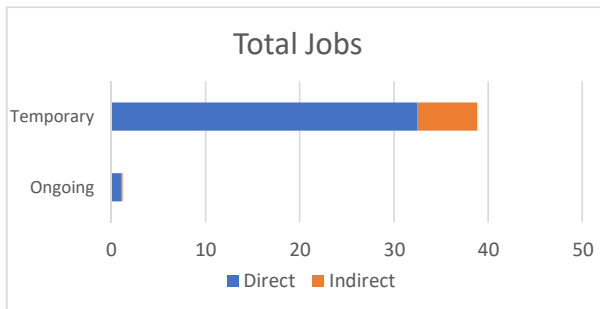
Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$533,550	\$463,013
Sales Tax Exemption	\$39,400	\$39,400
Local Sales Tax Exemption	\$19,700	\$19,700
State Sales Tax Exemption	\$19,700	\$19,700
Mortgage Recording Tax Exemption	\$1,988	\$1,988
Local Mortgage Recording Tax Exemption	\$663	\$663
State Mortgage Recording Tax Exemption	\$1,325	\$1,325
Total Costs	\$574,938	\$504,401

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$2,528,007	\$2,361,912
To Private Individuals	\$2,452,281	\$2,299,698
Temporary Payroll	\$1,530,534	\$1,530,534
Ongoing Payroll	\$921,747	\$769,164
Other Payments to Private Individuals	\$0	\$0
To the Public	\$75,726	\$62,214
Increase in Property Tax Revenue	\$58,560	\$46,116
Temporary Jobs - Sales Tax Revenue	\$10,714	\$10,714
Ongoing Jobs - Sales Tax Revenue	\$6,452	\$5,384
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$127,519	\$119,584
To the Public	\$127,519	\$119,584
Temporary Income Tax Revenue	\$68,874	\$68,874
Ongoing Income Tax Revenue	\$41,479	\$34,612
Temporary Jobs - Sales Tax Revenue	\$10,714	\$10,714
Ongoing Jobs - Sales Tax Revenue	\$6,452	\$5,384
Total Benefits to State & Region	\$2,655,526	\$2,481,496

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$2,361,912	\$483,376	5:1
State	\$119,584	\$21,025	6:1
Grand Total	\$2,481,496	\$504,401	5:1

*Discounted at 2%

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

Additional Revenues:

County	\$82,289
City/Town/Village	\$29,469
School District	\$253,934

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 potential for a recapture of sales tax exemptions (see "Recapture" on page 11 of the Application).

(To be used on the NYS ST-60)

Additional Comments from IDA

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PUBLIC HEARING FOR MHT HOLDINGS, INC.

Brookside Commons

August 30, 2023

2:00 p.m.

Taken at: Town of Niagara Town Hall

1 PRESENT:

2
3 ANDREA KLYCZEK
Assistant Executive Director
4 Niagara County Industrial Development Agency
Appearing as Hearing Officer

5
6 SUSAN LANGDON
Executive Director
Niagara County Industrial Development Agency

7
8 ATTENDANCE NOTED ON ATTACHED SIGN-IN SHEET

9
10 MS. KLYCZEK: Welcome. This
11 public hearing is now open. It is 2:00 p.m.

12 My name is Andrea Klyczek. I am
13 the Assistant Director of the Niagara County
14 Industrial Development Agency, and I will be the
15 hearing officer to conduct this public hearing.

16 Notice of this public hearing was
17 published in the Niagara Gazette.

18 We are here to hold this public
19 hearing on MHT Holdings, Inc. (Brookside Commons)
20 and/or Individuals or affiliates, subsidiaries or
21 entities formed, or to be formed on its behalf.

22 The transcript of this hearing will be reviewed
23 and considered by the Agency in determination of

1 this project.

2 The proposed project includes the
3 acquisition and renovation of approximately 16,098
4 square feet comprised of 15 market-rate apartments
5 located at 6127 North Whitham Drive in the Town of
6 Niagara.

7 The proposed financial assistance
8 contemplated by the Agency includes New York State
9 and local sales and use tax exemption benefits and
10 mortgage recording tax exemption benefits in
11 compliance with the Agency's tax exemption policy,
12 and a partial real property tax abatement.

13 The project application and
14 project summary are posted on the Agency's website
15 at niagaracountybusiness.com, and I have copies with
16 me today.

17 If you have a written comment to
18 submit for the record, you may do so. Written
19 comments may also be delivered to the Agency at 6311
20 Inducon Corporate Drive, Suite One, Sanborn, New
21 York 14132, until the comment period closes on
22 September 1, 2023.

23 If anyone is interested in making

1 a comment, please state your name and address. If
2 you are representing a company, please identify the
3 company. Please limit your comments to no more than
4 three minutes in length.

5 Are there any comments?

6 Yes. If you wouldn't mind taking
7 a seat there.

8 **CRAIG GUILIANI:** Craig Guiliani,
9 7105 Lockport Road. I'm the Town of Niagara Police
10 Chief.

11 My only concern right now is that
12 with some of the lower income housing establishments
13 that we have in the town we've had a lot of crime.
14 And if there's another lower income establishment
15 coming into the town, it's only going to exacerbate
16 that problem.

17 One of the areas that we currently
18 have a problem with wasn't a lower income housing
19 project before, and we recently had a shooting
20 there. I'm concerned about that growing should we
21 have to have another lower income housing come into
22 the town. That's my biggest concern with
23 everything. That's all I have.

1 **MS. KLYCZEK:** Thank you.

2 **SYLVIA VIRTUOSO:** Sylvia Virtuoso,
3 7105 Lockport Road. I'm the Town Clerk here in the
4 Town of Niagara.

5 I have major concerns that you
6 said there were 15 market-value apartments; this one
7 is changing to a affordable units. The criteria is
8 that it supports and aligns with the local
9 development plan.

10 This is not. We have no
11 development plans for low income housing.

12 And according to the employment, I
13 don't think it even qualifies for a PILOT. They're
14 not creating more jobs. They're not doing anything
15 in that point.

16 And I know there's been very
17 reputable businesses coming to the town, the County
18 IDA, and have been refused because there are not
19 enough jobs.

20 So those are some of my concerns.

21 But I echo exactly everything the
22 Police Chief said. It is a major concern.

23 We have that bordered by a

1 beautiful subdivision called Veteran Heights. That
2 is the only subdivision in town with sidewalks. And
3 it has very nice modest homes. And lining it with
4 this type of housing is just not acceptable to us in
5 the town anymore. We're not -- we have plenty of
6 it. We don't need any more.

7 And I'm sorry, I don't agree with
8 this project.

9 MS. KLYCZEK: Any other
10 comments?

11 ED HERMAN: My name is
12 Ed Herman. I live at 3109 Dell Drive in Veteran
13 Heights that Sylvia spoke about. So I'm very
14 concerned about the neighborhood. And I echo the
15 same concerns that Police Chief Guiliani had with
16 who's moving into those apartments.

17 I don't know what your target
18 population is. I certainly don't want immigrants
19 coming in from Buffalo. They're making a mess out
20 there. I don't want sex offenders that are being
21 released from jail there. I've worked at probation
22 for many, many years. I've worked in social
23 services for many, many years.

1 So I guess I'm wondering who is
2 going to be taking advantage of this the low income
3 housing? Is it truly low-income people, or is it
4 no-income people? Are people coming in our town
5 that families haven't worked in three generations,
6 you know?

7 Or are we talking seniors, Social
8 Security people. There's a difference. There's a
9 difference how they'll treat the property. They
10 have a stake in the claim, whereas the others that
11 I mentioned don't.

12 And you can fix up the properties,
13 make them as beautiful as you want, but if you -- if
14 these are the type of clientele that are coming in,
15 they'll destroy it.

16 They'll also have an impact on our
17 neighborhood, and more importantly, our town. We
18 don't want the town to erode to become something
19 like we see in Niagara Falls because we undersell
20 ourselves and keep letting properties like this in.

21 So I guess my question would be,
22 who is your target population? We don't want leased
23 housing section. We don't want to see subsidized.

1 It reminds me of Section 8 housing. And that's
2 where many of the problems the police chief talked
3 about come to, those areas, so.

4 MS. KLYCZEK: Okay. Thank
5 you.

6 CHARLES HASLEY: My name is
7 Charles Hasley. I'm the building inspector for the
8 Town of Niagara, 7105 Lockport Road.

9 My concerns are a little bit
10 different than the previous speakers. As a
11 building inspector, I just want everybody and the
12 applicant to know that any renovations to the
13 building must meet New York State Building Codes,
14 or include safety building permits issued by the
15 Town of Niagara.

16 And as a zoning officer and
17 planning chair -- officer, excuse me -- I would
18 like it known that the population densities will
19 be checked, and the occupancy has to be in line
20 with the previously approved site plan.

21 That's about it. Thank you.

22 MS. KLYCZEK: Thank you.

23 Are there any other comments?

1 **LEE WALLACE:** I was waiting
2 until last. My name is Lee Wallace. I am the
3 Supervisor for the Town of Niagara. 7105 Lockport
4 Road, Niagara Falls, New York, that's my work
5 address. My home address is 5826 Grauer.

6 I will tell you that just in --
7 I'm not going to repeat what everyone else said --
8 in a general sense, this would be -- this will be a
9 gigantic hot button in our town, maybe as big a hot
10 button as Amazon was.

11 The difference between the two
12 projects, from my point of view, is that Amazon was
13 supported by the Town Board because of the --
14 even -- and it was going to change our town
15 drastically, but because of what we anticipate,
16 and what we anticipated as a town would bring in
17 and what it would create, and how it would change
18 us in a positive manner, we felt overrode the
19 negative manner. I do not see that in this case.
20 I really believe this will be a problem.

21 I really have a problem -- I'm not
22 blaming anyone, but I really have an issue with the
23 fact that we seem to always be the dumping ground.

1 You know, it's like, well, look, nobody will -- just
2 put it there, or change it there, or whatever.
3 There are a lot of people that don't know that this
4 is going on, don't know about the public hearing
5 today.

6 And I really have a hard time
7 believing that my Town Board would ever support
8 something like this. I really think there will
9 gigantic opposition. And it will start right here
10 in our town. Thank you.

11 **MS. KLYCZEK:** Thank you.
12 Are there any other comments?

13 **MARK TRAMMELL:** Good afternoon,
14 everyone. I'm Mark Trammell. I'm the developer and
15 owner of this project.

16 And the first thing I want to do
17 is applaud your participation. It is correct to be
18 concerned about where you live.

19 A couple of things about my
20 background. First off, my dad was the Chief Judge
21 for the City of Buffalo for probably 15 years. My
22 wife currently works for the Police Department of
23 the NFTA. And we very much believe in rules and

1 regulations. And we're also very prideful of where
2 we live and what we invest in.

3 There will be no -- as far as I
4 know, there's -- currently the unit in Niagara
5 County is roughly 90 percent occupied. There is no
6 change to be made in the occupancy of the residents.
7 The only thing that is kind of problematic is the
8 titles of the statutes that allow for investment in
9 your community; low-income housing, low-income
10 housing tax credits. It gives a wrong impression.

11 I have a project that was in the
12 City of Buffalo for 20 years. It has, you know, the
13 Section 8 you're talking about. The seniors you're
14 referencing. I've even have problematic people.
15 But for the last 10 years, I never had to go to
16 court because I am -- we are very strict. We also
17 are very sensitive to the populations in our
18 community.

19 But in this instance, the only
20 thing that we should be concerned about, or not even
21 concerned, but be aware of, is that there are rules
22 and regulations that require me to invest in the
23 properties. So in this instance, 20 percent of

1 the acquisition cost, which is roughly two million
2 dollars. So that's at minimum.

3 The plan is to go through the
4 place and look at the structure, the various
5 systems -- the various, the exterior systems,
6 mechanical systems, aesthetics.

7 But the point is, there's
8 really -- nothing requires me -- I don't want to
9 change the population. I only want -- I see this as
10 an opportunity to help. I believe in affordable
11 housing. But affordable, it's simply just -- that's
12 all it means is affordable. Why pay more than you
13 have to?

14 That statutes allow for extra
15 capital for improvement. I understand there's some
16 foundation issues with some of the projects, some of
17 the complexes. There's the -- the exterior systems
18 can be improved. That's it; improve the community,
19 improve that.

20 There is zero change in the
21 demographics. There's zero change in my thinking
22 about community. I've worked in Hamburg, I worked
23 in the City of Buffalo, in Amherst, where I live.

1 Again, it's improper to disrupt, but it is proper to
2 contribute.

3 If you have any questions, you can
4 personally call me.

5 Last night I got a phone call from
6 a Dan O'Donnell. He worked on my dad's campaign.
7 He's a resident at one of the apartments. He knows
8 the complicated market of reality.

9 This is -- I've been in Western
10 New York for all my life. I have zero intent of
11 disrupting my relationship. Again, I believe in the
12 community. We have a lot of different communities.

13 And if you have any personal
14 questions of me -- I believe I saw one of them --
15 you can talk to me afterwards. I'm an open book.
16 There's no problem here at all. Any questions?

17 **MS. KLYCZEK:** Are there any
18 other comments?

19 **ED HERMAN:** Again, I have
20 a question. What is the target population in your
21 other buildings? Do they cater to Section 8
22 housing?

23 **MARK TRAMMELL:** So I'll tell

1 you what, there's a -- another part that's involved
2 right now is workforce house, okay, I call it. It
3 is the workers on the medical campus, the
4 Buffalo/Niagara Medical Campus.

5 So it ranges from everything
6 from -- the first thing that's important, you have
7 to have a job. So in workforce housing it's
8 everything from the hourly person to the RN to the
9 LPN, probably not a physician, but everything
10 underneath that.

11 But different projects have
12 different goals. In this instance, my goal here is
13 just to enhance the asset and provide affordable
14 housing. The rules only restrict the rent to be
15 charged. And right now the rents are in line with
16 the current statute.

17 **ED HERMAN:** Would you
18 accept Section 8 Housing?

19 **MARK TRAMMELL:** First off, I
20 don't think I --

21 **ED HERMAN:** Can you not?

22 **MARK TRAMMELL:** That's the
23 thing. Right now, I don't think any renter in

1 Western New York cannot accept Section 8, yeah.

2 **MS. KLYCZEK:** Are there any
3 other comments?

4 **SYLVIA VIRTUOSO:** Are you also
5 the same project looking into Buffalo Avenue in the
6 City of Niagara Falls?

7 **MARK TRAMMELL:** Yes. I'm
8 trying to remember the address again. Yes. Thanks.

9 **SYLVIA VIRTUOSO:** And you're
10 working also on the PILOT agreement for the City
11 or --

12 **MARK TRAMMELL:** Yes. The
13 application I made is a PILOT agreement in keeping
14 with -- there's other projects that have been passed
15 by the Board, and just following the process and
16 following the other projects that were approved,
17 just following the same rules and regulations.

18 **MS. KLYCZEK:** I just want to
19 know if there's any other comments? Any discussion
20 that wants to take place, it can take place
21 following the public hearing between yourselves.

22 Are there any other comments?

23 **ED HERMAN:** I have another

1 question, is that for later?

2 **UNIDENTIFIED SPEAKER:** I think
3 you need to wait.

4 **MS. KLYCZEK:** Yes, please.
5 Sorry.

6 **ED HERMAN:** I'm very
7 impatient.

8 **MS. KLYCZEK:** No. That's
9 all right. That's all right.

10 So now that completes our comment
11 period. We will adjourn this public hearing. It is
12 2:15.

13 And if you have any follow-up
14 comments, you're welcome to submit then, again, to
15 the Agency at 6311 Inducon Corporate Drive, Suite
16 One.

17 Thank you.

18

19 (The hearing was adjourned at 2:15 p.m.)

20

21

* * * *

22

23

**SIGN IN SHEET
PUBLIC HEARING**

August 30, 2023 - 2 p.m.
Town Hall - Town of Niagara

regarding:

**MHT Holdings Inc. (Brookside Commons) 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
Craig Giuliani	Town of Niagara PD	X
Mark Berube	NCIDA	
Mark Trammell	MHT Holdings	
Ed Henman	3109 Dell Dr. NE	X
JAW SHREKAKER	NCRPTS	
Sylvia Venturo	Town of Niagara	X
Charles Hasley	Town of Niagara	X
De Wallace	" "	

9.2

**Vincent
Properties, Inc.**

RESOLUTION

(Vincent Properties, Inc. Project)

A regular meeting of the Niagara Area Development Corporation (the "Issuer") was convened in public session at the Vantage Center, Suite One, 6311 Inducon Corporate Drive, Sanborn, New York 14132 on the 11th day of October, 2023, at 9:00 a.m., local time.

PRESENT:

ABSENT:

ALSO PRESENT:

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

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

	Aye	Nay	Abstain	Absent
Mark A. Onesi	[]	[]	[]	[]
Kevin McCabe	[]	[]	[]	[]
William L. Ross	[]	[]	[]	[]
Scott Brydges	[]	[]	[]	[]
Clifford Scott	[]	[]	[]	[]
Robert B. Cliffe	[]	[]	[]	[]
Jason Krempa	[]	[]	[]	[]
Maria V. Lopez	[]	[]	[]	[]

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

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

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

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

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

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

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

Section 2. This Resolution shall take effect immediately.

[The Balance of This Page Intentionally Left Blank]

10.1

**Cityscape Property
Management, Inc.**

- 1304 & 1310 Payne, 325 Stenzil -

PROJECT SUMMARY

Cityscape Property Management Inc.



Applicant:	Cityscape Property Management Inc.	
Project Location:	1304-1310 Payne Ave. & 325 Stenzil St., North Tonawanda, NY 14120	
Assistance:	10 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>Cityscape Property Management Inc. proposes the buildout of two buildings each with eight residential units. All market rate units will have approximately 1,300 sq. ft. of living space. All units will have their own private concrete driveways with attached garages for parking. Each unit will have 2 bedrooms, 2 bathrooms, and small office room and laundry space.</p> <p>There is a need for new housing stock in the City of North Tonawanda and this project is supported by the City; as these market rate units will assist in addressing the housing crisis in New York State.</p> <p>Governor Hochul has called on NY State to create 800,000 new housing units within the next 10 years and for upstate communities to increase their housing stock by 1% over the next three years. For North Tonawanda specifically that means 149 housing units. This project will assist in reaching this targeted goal.</p>	
Project Costs:	Acquisition Construction/Improvements Furniture, Fixtures & Equipment Soft costs <p style="text-align: right;">TOTAL</p>	\$ 90,000 \$ 2,000,000 \$ 150,000 \$ 4,000 <hr/> \$ 2,244,000
Employment:	Current jobs in Niagara County: 0 New Jobs in Niagara County within 3 years: 0 Estimated Annual Payroll for New Jobs: N/A Skills: N/A	
Evaluative Criteria:	Alignment with local planning and development efforts. Regional wealth creation ability to conventionally finance, local support	

Niagara County Industrial Development Agency

MRB Cost Benefit Calculator

Date: September 11, 2023
 Project Title: Cityscape Property Management Inc.
 Project Location: 1304 & 1310 Payne, 325 Stenzil



Economic Impacts

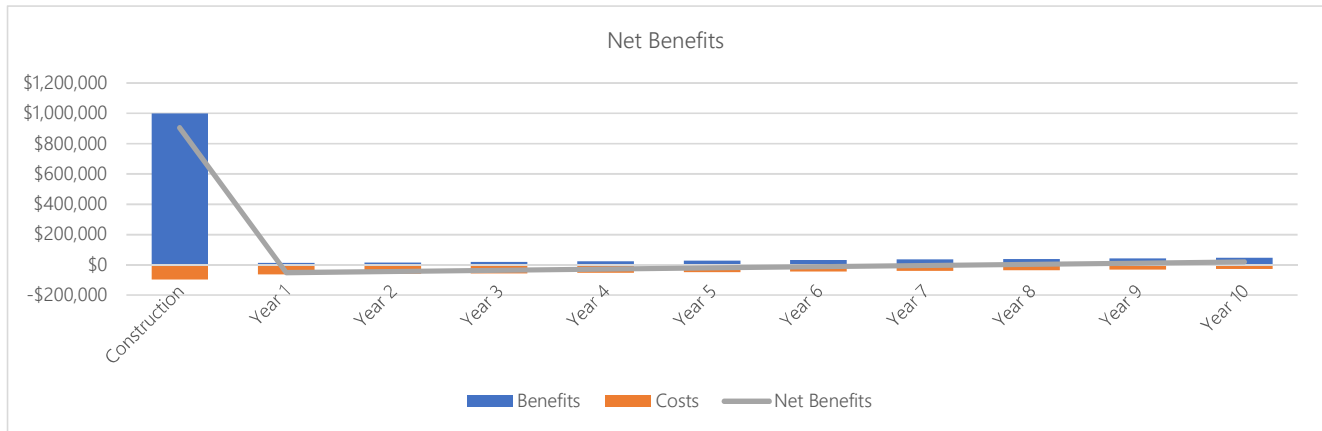
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$2,244,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	20	4	24
Earnings	\$752,404	\$192,433	\$944,837
Local Spend	\$1,795,200	\$649,919	\$2,445,119

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	0	0	0
Earnings	\$0	\$0	\$0

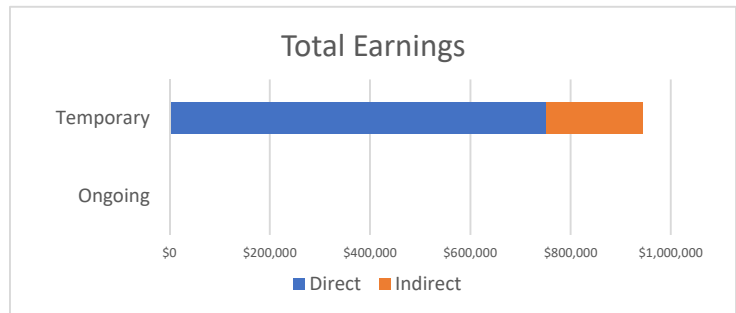
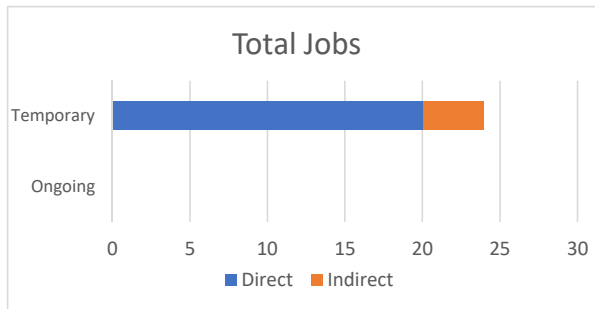
Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$457,517	\$416,803
Sales Tax Exemption	\$84,000	\$84,000
Local Sales Tax Exemption	\$42,000	\$42,000
State Sales Tax Exemption	\$42,000	\$42,000
Mortgage Recording Tax Exemption	\$11,781	\$11,781
Local Mortgage Recording Tax Exemption	\$3,927	\$3,927
State Mortgage Recording Tax Exemption	\$7,854	\$7,854
Total Costs	\$553,298	\$512,584

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$1,248,122	\$1,212,224
To Private Individuals	\$944,837	\$944,837
Temporary Payroll	\$944,837	\$944,837
Ongoing Payroll	\$0	\$0
Other Payments to Private Individuals	\$0	\$0
To the Public	\$303,286	\$267,388
Increase in Property Tax Revenue	\$296,672	\$260,774
Temporary Jobs - Sales Tax Revenue	\$6,614	\$6,614
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$49,132	\$49,132
To the Public	\$49,132	\$49,132
Temporary Income Tax Revenue	\$42,518	\$42,518
Ongoing Income Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$6,614	\$6,614
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Total Benefits to State & Region	\$1,297,254	\$1,261,356

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$1,212,224	\$462,730	3:1
State	\$49,132	\$49,854	1:1
Grand Total	\$1,261,356	\$512,584	2:1

*Discounted at 2%

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

Additional Revenues:

County	\$71,197
City/Town/Village	\$102,920
School District	\$164,047

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 potential for a recapture of sales tax exemptions (see "Recapture" on page 11 of the Application).

(To be used on the NYS ST-60)

Additional Comments from IDA

NY St-60 1,050,000

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

Cityscape Property Management Inc.

(Applicant Name)

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

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

<http://niagaracountybusiness.com>

Updated April 2022

- 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: Cityscape Property Management Inc.

Mailing Address: 485 Woodland Drive

City/Town/Village & Zip code: Tonawanda NY 14223

Phone: 716.628.1235

Website: cityscapeprops.com

Fed Id. No.: 20-4487387

Contact Person, and Title: Frank Cefalu

Email: cityscapeprops@gmail.com

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

Frank Cefalu 50% Joseph Vecchio 50%

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

Form of Entity

Corporation

Date of Incorporation: 2012

State of Incorporation: New York

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 _____)

Date of organization: _____

State of Organization: _____

Sole Proprietorship

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

Applicant's Counsel

Company Name: Baumeister Denz LLP Attorneys

Contact Person, and Title: Michael Denz , Attorney

Mailing Address: 174 Franklin St.

City/Town/Village & Zip code: Buffalo New York 14202

Email: mdenz@bdlegal.net

Phone: 716.852.1300

Fax No.: 716.852.1344

II. PROJECT INFORMATION

A) Project Address: 1304 & 1310 Payne , 325 Stenzil

Tax Map Number (SBL) 175.76-1-56,175.76-1-55,175.76-1

(Section/Block/Lot)

SWIS Number 291200,291200,291200

Located in City of North Tonawanda

Located in Town of _____

Located in Village of _____

School District of North Tonawanda City

B) Current Assessment of Property:

Land 76,200

Total 76,200

C) Present legal owner of the site Cityscape Property Management Inc

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

D) Describe the project:

Construction of an 8 unit family residential complex consisting of one

5 unit and one 3 unit town house style buildings with attached garages for

parking and outdoor patio space. All apartments will be 2 bed/2 bath units with

small home office space.

1. Project site (land)

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

24,289 sq ft

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

vacant land

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

N/A

3. Does the project consist of the construction of a new building or buildings?
If yes, indicate number and size (in square feet) of new buildings.

Yes 2 buildings approx 12,000 sq ft

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

No

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

100% - 8 individual rental units. All 2 bed, 2 bath, home office units

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

N/A

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:

N/A

- 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	\$	90,000
Construction (Improvements)	\$	1,900,000
Equipment Purchases/Fixtures/Furnishings	\$	100,000
Soft costs (i.e. engineering, architectural)	\$	4,000
Other (describe)	\$	
TOTAL USES OF FUNDS	\$	2,244,000

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

Bank Financing	70%	\$	1,570,800
Equity	30%	\$	673,200
Grants/Tax Credits		\$	
Taxable or Tax Exempt Bond		\$	
Other		\$	
TOTAL SOURCES OF FUNDS		\$	2,244,000

C) Identify each state and federal grant/credit:

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

IV. FINANCIAL ASSISTANCE REQUESTED

A.) Benefits Requested:

Sales Tax Exemption

Mortgage Recording Tax Exemption

Real Property Tax Abatement (PILOT)

B.) Value of Incentives: LEAVE THIS SECTION BLANK (will be estimated by NCIDA Staff)

Property Tax Exemption

Estimated duration of Property Tax exemption: 10 years

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$76000

Estimated value of Sales Tax exemption for fixtures and equipment: \$8000

Estimated duration of Sales Tax exemption: 1 year

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 11781

C.) Financial Assistance Determination:

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

Yes or No

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

Without these incentives the project will not be viable for reasons to include to but not limited to material

costs, climbing interest rates, increased labor rates and supply chain issues

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	0	0	0	0
Part time	0	0	0	0
TOTAL FTEs	0	0	0	0

Annual Salary Range of Jobs to be Created: \$ _____ to \$ _____

Category of Jobs to be Retained and Created:

Job Categories (ie. Management, Administrative, Production, 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 Entity") of the service delivery area created by the federal job training partnership act (Public Law 97-300)("JTPA") in which the project is located.

- B. First Consideration for Employment: In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.

- C. Compliance with Section 224-a(8)(a) of N.Y Labor Law. The applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. You further acknowledge and understand that you have certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor.

- D. Annual Sales Tax Filings: In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.

- E. Annual Employment Reports: The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

- F. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
- § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- I. Recapture: Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- J. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described.

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

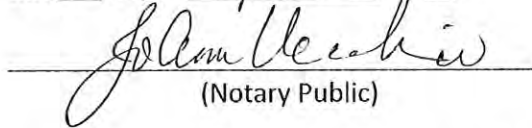
STATE OF NEW YORK)
COUNTY OF) ss.:

Frank Cefalu, being first duly sworn, deposes and says:

1. That I am the Vice President (Corporate Office) of Cityscape Property Management Inc (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 8th day of September, 2023.


(Notary Public)

JOANN M. VECCHIO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01VE6244826
Qualified in Erie County
Commission Expires 7/11/2028

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, and (B) 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 reasonable 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 out of pocket costs incurred by the Agency in processing of the Application, including reasonable attorneys' fees, if any. Notwithstanding anything contained herein to the contrary, the foregoing indemnities shall not be applicable with respect to misconduct, negligence, or criminal activity on the part of the Agency. It is understood and agreed that the Applicant has the right to join in any defense, and participate in the management of the defense, of any claim for which the Agency seeks indemnification.

In addition to the foregoing, the Applicant understands and acknowledges that (i) this application does not create or give rise to any legal obligations on the part of the Niagara County Industrial Development Agency (the "Agency") or the Applicant except as expressly stated herein, (ii) the terms and conditions governing the award of the financial assistance described herein will be set forth in a separate agreement(s), with the Agency, the form of which will be provided to the Applicant only upon the processing and approval of this application, (iii) the requested financial assistance described in application is based upon the representations made by the Applicant, based upon the Applicant's actual knowledge as of the date of this application, to the Agency, regarding the project, and (iv) that the Agency reserves the right to revise the financial assistance described in this application if any aspect of the project changes after receipt of the application, including changes to the number of jobs, amount of capital investment, or wages, by way of example only. In addition, the Applicant reserves the right to retract, clarify, amend or modify any such representations made prior to (or concurrently with) the submittal of this application to the Agency.

[Handwritten Signature]
(Applicant Signature)

By: V-J

Name: Frank J. Cefalu

Title: V.P.

[Handwritten Signature]
(Notary Public)

Sworn to before me this 18th day
of September, 2023

JOANN M. VECCHIO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01VE6244826
Qualified in Erie County
Commission Expires 7/11/2028

Real Property Tax Benefits (Detailed):

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

PILOT Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$1,900,000	\$1,600,000	10.470209	15.135349	24.124594

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	20%	\$ 3,350	\$ 4,843	\$ 7,720	\$ 15,914	\$ 79,568	\$ 63,655
2	25%	\$ 4,188	\$ 6,054	\$ 9,650	\$ 19,892	\$ 79,568	\$ 59,676
3	30%	\$ 5,026	\$ 7,265	\$ 11,580	\$ 23,870	\$ 79,568	\$ 55,698
4	35%	\$ 5,863	\$ 8,476	\$ 13,510	\$ 27,849	\$ 79,568	\$ 51,719
5	40%	\$ 6,701	\$ 9,687	\$ 15,440	\$ 31,827	\$ 79,568	\$ 47,741
6	45%	\$ 7,539	\$ 10,897	\$ 17,370	\$ 35,806	\$ 79,568	\$ 43,763
7	50%	\$ 8,376	\$ 12,108	\$ 19,300	\$ 39,784	\$ 79,568	\$ 39,784
8	55%	\$ 9,214	\$ 13,319	\$ 21,230	\$ 43,763	\$ 79,568	\$ 35,806
9	60%	\$ 10,051	\$ 14,530	\$ 23,160	\$ 47,741	\$ 79,568	\$ 31,827
10	65%	\$ 10,889	\$ 15,741	\$ 25,090	\$ 51,719	\$ 79,568	\$ 27,849
TOTAL		\$ 71,197	\$ 102,920	\$ 164,047	\$ 338,165	\$ 795,682	\$ 457,517

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

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: Payne and Stenzil Apartments			
Project Location (describe, and attach a location map): 1304, 1310 Payne and 325 Stenzil. Corner Payne and Stenzil			
Brief Description of Proposed Action: Construct a 2 buiding 8 unit residential apartment complex on a 24,000+ sq foot site. The buildings will be a two story town house style . One building will be 3 units and the other 5 units. Site improvements will include concrete private driveways, attached garages for each with pedestrian sidewalks and landscaping			
Name of Applicant or Sponsor: Cityscape Property Management Inc		Telephone: 7166281235	
		E-Mail: cityscapeprops@gmail.com	
Address: 485 Woodland Drive			
City/PO: Tonawanda		State: NY	Zip Code: 14223
1. <u>Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</u>		NO	YES
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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. <u>Does the proposed action require a permit, approval or funding from any other governmental Agency?</u>		NO	YES
If Yes, list agency(s) name and permit or approval: City of North Tonawanda Planning Board		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. <u>Total acreage of the site of the proposed action?</u>		.56 acres	
b. <u>Total acreage to be physically disturbed?</u>		.56 acres	
c. <u>Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</u>		.56 acres	
4. <u>Check all land uses that occur on, adjoining and near the proposed action</u>			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5.	Is the proposed action,			
	a. <u>A permitted use under the zoning regulations?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. <u>Consistent with the adopted comprehensive plan?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	<u>Is the proposed action consistent with the predominant character of the existing built or natural landscape?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
7.	<u>Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</u> If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
8.	a. <u>Will the proposed action result in a substantial increase in traffic above present levels?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
	b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9.	<u>Does the proposed action meet or exceed the state energy code requirements?</u> If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
10.	<u>Will the proposed action connect to an existing public/private water supply?</u> If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
11.	<u>Will the proposed action connect to existing wastewater utilities?</u> If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
12.	a. <u>Does the site contain a structure that is listed on either the State or National Register of Historic Places?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
	b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13.	a. <u>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?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
	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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14.	<u>Identify the typical habitat types that occur on, or are likely to be found on the project site.</u> 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 type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15.	<u>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?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
16.	<u>Is the project site located in the 100 year flood plain?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
17.	<u>Will the proposed action create storm water discharge, either from point or non-point sources?</u> If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
	b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		

18. <u>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)?</u> If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. <u>Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</u> If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. <u>Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</u> If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____		Date: _____
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. <u>Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. <u>Will the proposed action result in a change in the use or intensity of use of land?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. <u>Will the proposed action impair the character or quality of the existing community?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. <u>Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. <u>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?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. <u>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?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. <u>Will the proposed action impact existing:</u> a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. <u>Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. <u>Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. <u>Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. <u>Will the proposed action create a hazard to environmental resources or human health?</u>	<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.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

10.2

**Cityscape Property
Management, Inc.**

- 83 Division Street -

PROJECT SUMMARY

Cityscape Property Management Inc.

Cityscape Property Management Inc.

83 Division Street, North Tonawanda, NY



D·E·A·N ARCHITECTS
 2282 Western Avenue, Cheektowack, NY 14224
 716.721.1133
 www.deanarchitects.com

Applicant:	Cityscape Property Management Inc.	
Project Location:	83 Division St., North Tonawanda, NY 14120	
Assistance:	10 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>Cityscape Property Management Inc. proposes the buildout of a four unit residential building. All market rate units will be approximately 1,300 sq. ft. of living space. All units will have their own private concrete driveways with attached garages for parking. Each unit will have 2 bedrooms, 2 bathrooms, and small office room and laundry space.</p> <p>There is a need for new housing stock in the City of North Tonawanda and this project is supported by the City; as these market rate units will assist in addressing the housing crisis in New York State.</p> <p>Governor Hochul has called on NY State to create 800,000 new housing units within the next 10 years and for upstate communities to increase their housing stock by 1% over the next three years. For North Tonawanda specifically that means 149 housing units. This project will assist in reaching this targeted goal.</p>	
Project Costs:	Acquisition Construction/Improvements Furniture, Fixtures & Equipment Soft costs <p style="text-align: right;">TOTAL</p>	\$ 45,000 \$ 925,000 \$ 45,000 \$ 2,000 <hr/> \$ 1,122,000
Employment:	Current jobs in Niagara County: 0 New Jobs in Niagara County within 3 years: 0 Estimated Annual Payroll for New Jobs: N/A Skills: N/A	
Evaluative Criteria:	Alignment with local planning and development efforts. Regional wealth creation ability to conventionally finance, local support	

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

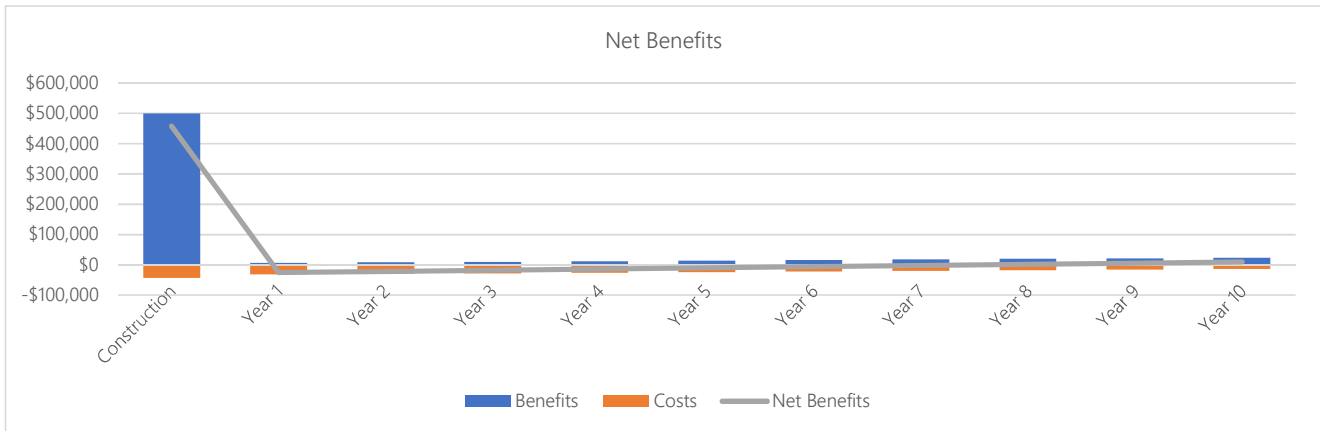
Project Total Investment

\$1,122,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	10	2	12
Earnings	\$376,202	\$96,217	\$472,418
Local Spend	\$897,600	\$324,959	\$1,222,559

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	0	0	0
Earnings	\$0	\$0	\$0

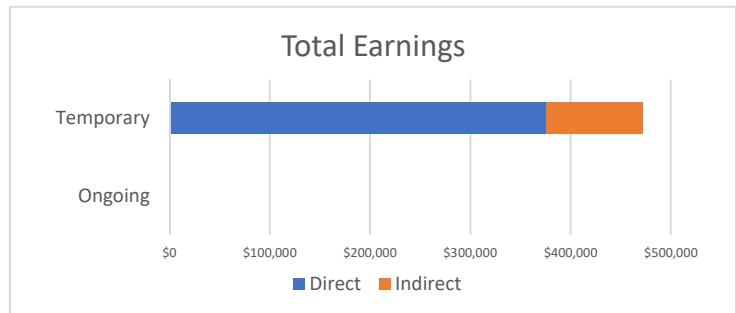
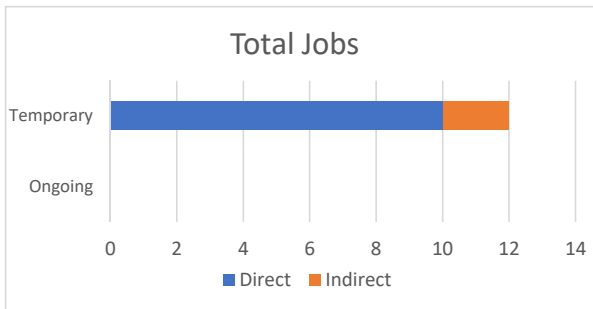
Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$228,759	\$208,402
Sales Tax Exemption	\$37,000	\$37,000
Local Sales Tax Exemption	\$18,500	\$18,500
State Sales Tax Exemption	\$18,500	\$18,500
Mortgage Recording Tax Exemption	\$5,891	\$5,891
Local Mortgage Recording Tax Exemption	\$1,964	\$1,964
State Mortgage Recording Tax Exemption	\$3,927	\$3,927
Total Costs	\$271,650	\$251,293

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$626,130	\$607,965
To Private Individuals	\$472,418	\$472,418
Temporary Payroll	\$472,418	\$472,418
Ongoing Payroll	\$0	\$0
Other Payments to Private Individuals	\$0	\$0
To the Public	\$153,712	\$135,547
Increase in Property Tax Revenue	\$150,405	\$132,240
Temporary Jobs - Sales Tax Revenue	\$3,307	\$3,307
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$24,566	\$24,566
To the Public	\$24,566	\$24,566
Temporary Income Tax Revenue	\$21,259	\$21,259
Ongoing Income Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$3,307	\$3,307
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Total Benefits to State & Region	\$650,696	\$632,531

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$607,965	\$228,865	3:1
State	\$24,566	\$22,427	1:1
Grand Total	\$632,531	\$251,293	3:1

*Discounted at 2%

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

Additional Revenues:

County	\$35,599
City/Town/Village	\$51,460
School District	\$82,024

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 potential for a recapture of sales tax exemptions (see "Recapture" on page 11 of the Application).

(To be used on the NYS ST-60)

Additional Comments from IDA

NY St-60 1,050,000

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

Cityscape Property Management Inc.

(Applicant Name)

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

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

<http://niagaracountybusiness.com>

Updated April 2022

- 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: Cityscape Property Management Inc.

Mailing Address: 485 Woodland Drive

City/Town/Village & Zip code: Tonawanda NY 14223

Phone: 716.628.1235

Website: cityscapeprops.com

Fed Id. No.: 20-4487387

Contact Person, and Title: Frank Cefalu

Email: cityscapeprops@gmail.com

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

Frank Cefalu 50% Joseph Vecchio 50%

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

Form of Entity

Corporation

Date of Incorporation: 2012

State of Incorporation: New York

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 _____)

Date of organization: _____

State of Organization: _____

Sole Proprietorship

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

Applicant's Counsel

Company Name: Baumeister Denz LLP Attorneys

Contact Person, and Title: Michael Denz , Attorney

Mailing Address: 174 Franklin St.

City/Town/Village & Zip code: Buffalo New York 14202

Email: mdenz@bdlegal.net

Phone: 716.852.1300

Fax No.: 716.852.1344

II. PROJECT INFORMATION

A) Project Address: 83 Division St.

Tax Map Number (SBL) 77 Division sub divide..14120 - 18
(Section/Block/Lot)

SWIS Number 291200

Located in City of North Tonawanda

Located in Town of _____

Located in Village of _____

School District of North Tonawanda City

B) Current Assessment of Property:

Land 24,000

Total 24,000

C) Present legal owner of the site Cityscape Property Management Inc

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

D) Describe the project:

Construction of a 4 unit family residential building . The 4 unit will be

town house style with attached garages for parking and outdoor patio space.

All apartments will be 2 bed/2 bath units with small home office space.

1. Project site (land)

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

12,000 sq ft

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

vacant land

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

N/A

3. Does the project consist of the construction of a new building or buildings?
If yes, indicate number and size (in square feet) of new buildings.

Yes 1 building approx 6,000 sq ft

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

No

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

100% - 4 individual rental units. All 2 bed, 2 bath, home office units

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

N/A

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:

N/A

- 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	\$	45,000
Construction (Improvements)	\$	925,000
Equipment Purchases/Fixtures/Furnishings	\$	45,000
Soft costs (i.e. engineering, architectural)	\$	2,000
Other (describe)	\$	
TOTAL USES OF FUNDS	\$	1,122,000

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

Bank Financing	70%	\$	785,400
Equity	30%	\$	336,600
Grants/Tax Credits		\$	
Taxable or Tax Exempt Bond		\$	
Other		\$	
TOTAL SOURCES OF FUNDS		\$	1,122,000

C) Identify each state and federal grant/credit:

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

IV. FINANCIAL ASSISTANCE REQUESTED

A.) Benefits Requested:

Sales Tax Exemption

Mortgage Recording Tax Exemption

Real Property Tax Abatement (PILOT)

B.) Value of Incentives: LEAVE THIS SECTION BLANK (will be estimated by NCIDA Staff)

Property Tax Exemption

Estimated duration of Property Tax exemption: 10 years

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$37000

Estimated value of Sales Tax exemption for fixtures and equipment: \$3600

Estimated duration of Sales Tax exemption: 1 year

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$5891

C.) Financial Assistance Determination:

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

Yes or No

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

Without these incentives the project will not be viable for reasons to include to but not limited to material

costs, climbing interest rates, increased labor rates and supply chain issues

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	0	0	0	0
Part time	0	0	0	0
TOTAL FTEs	0	0	0	0

Annual Salary Range of Jobs to be Created: \$ _____ to \$ _____

Category of Jobs to be Retained and Created:

Job Categories (ie. Management, Administrative, Production, 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 Entity") of the service delivery area created by the federal job training partnership act (Public Law 97-300)("JTPA") in which the project is located.

- B. First Consideration for Employment: In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.

- C. Compliance with Section 224-a(8)(a) of N.Y Labor Law. The applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. You further acknowledge and understand that you have certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor.

- D. Annual Sales Tax Filings: In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.

- E. Annual Employment Reports: The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

- F. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
- § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- I. Recapture: Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- J. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described.

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

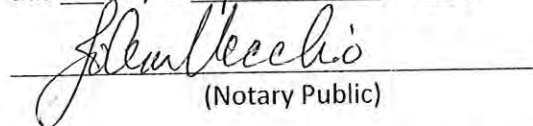
STATE OF NEW YORK)
COUNTY OF) ss.:

Frank Cefalu, being first duly sworn, deposes and says:

1. That I am the Vice President (Corporate Office) of Attyscape Property Management Inc (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 18th day of September, 2023


(Notary Public)



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

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

HOLD HARMLESS AGREEMENT

Applicant hereby releases the NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, and (B) 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 reasonable 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 out of pocket costs incurred by the Agency in processing of the Application, including reasonable attorneys' fees, if any. Notwithstanding anything contained herein to the contrary, the foregoing indemnities shall not be applicable with respect to misconduct, negligence, or criminal activity on the part of the Agency. It is understood and agreed that the Applicant has the right to join in any defense, and participate in the management of the defense, of any claim for which the Agency seeks indemnification.

In addition to the foregoing, the Applicant understands and acknowledges that (i) this application does not create or give rise to any legal obligations on the part of the Niagara County Industrial Development Agency (the "Agency") or the Applicant except as expressly stated herein, (ii) the terms and conditions governing the award of the financial assistance described herein will be set forth in a separate agreement(s), with the Agency, the form of which will be provided to the Applicant only upon the processing and approval of this application, (iii) the requested financial assistance described in application is based upon the representations made by the Applicant, based upon the Applicant's actual knowledge as of the date of this application, to the Agency, regarding the project, and (iv) that the Agency reserves the right to revise the financial assistance described in this application if any aspect of the project changes after receipt of the application, including changes to the number of jobs, amount of capital investment, or wages, by way of example only. In addition, the Applicant reserves the right to retract, clarify, amend or modify any such representations made prior to (or concurrently with) the submittal of this application to the Agency.

[Handwritten Signature]
(Applicant Signature)

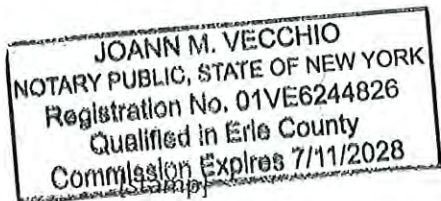
By: V.P.

Name: Frank J. Cetala

Title: V.P.

[Handwritten Signature]
(Notary Public)

Sworn to before me this 18th day
of September, 2023



Real Property Tax Benefits (Detailed):

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

PILOT Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$925,000	\$800,000	10.470209	15.135349	24.124594

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	20%	\$ 1,675	\$ 2,422	\$ 3,860	\$ 7,957	\$ 39,784	\$ 31,827
2	25%	\$ 2,094	\$ 3,027	\$ 4,825	\$ 9,946	\$ 39,784	\$ 29,838
3	30%	\$ 2,513	\$ 3,632	\$ 5,790	\$ 11,935	\$ 39,784	\$ 27,849
4	35%	\$ 2,932	\$ 4,238	\$ 6,755	\$ 13,924	\$ 39,784	\$ 25,860
5	40%	\$ 3,350	\$ 4,843	\$ 7,720	\$ 15,914	\$ 39,784	\$ 23,870
6	45%	\$ 3,769	\$ 5,449	\$ 8,685	\$ 17,903	\$ 39,784	\$ 21,881
7	50%	\$ 4,188	\$ 6,054	\$ 9,650	\$ 19,892	\$ 39,784	\$ 19,892
8	55%	\$ 4,607	\$ 6,660	\$ 10,615	\$ 21,881	\$ 39,784	\$ 17,903
9	60%	\$ 5,026	\$ 7,265	\$ 11,580	\$ 23,870	\$ 39,784	\$ 15,914
10	65%	\$ 5,445	\$ 7,870	\$ 12,545	\$ 25,860	\$ 39,784	\$ 13,924
TOTAL		\$ 35,599	\$ 51,460	\$ 82,024	\$ 169,083	\$ 397,841	\$ 228,759

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

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: 83 Division			
Project Location (describe, and attach a location map): 83 Division St.			
Brief Description of Proposed Action: Construct a 4 unit residential apartment building on a 12,000+ sq foot site. The building will be a two story town house style. Site improvements will include concrete private driveways, attached garages for each with pedestrian sidewalks and landscaping			
Name of Applicant or Sponsor: Cityscape Property Management Inc		Telephone: 7166281235	
		E-Mail: cityscapeprops@gmail.com	
Address: 485 Woodland Drive			
City/PO: Tonawanda		State: NY	Zip Code: 14223
1. <u>Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</u> If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. <u>Does the proposed action require a permit, approval or funding from any other governmental Agency?</u> If Yes, list agency(s) name and permit or approval: City of North Tonawanda Planning Board			YES <input checked="" type="checkbox"/>
3.a. <u>Total acreage of the site of the proposed action?</u> _____			.28 acres
b. <u>Total acreage to be physically disturbed?</u> _____			.28 acres
c. <u>Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</u> _____			.28 acres
4. <u>Check all land uses that occur on, adjoining and near the proposed action</u> <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

		NO	YES	N/A
5.	Is the proposed action,			
	a. <u>A permitted use under the zoning regulations?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. <u>Consistent with the adopted comprehensive plan?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	<u>Is the proposed action consistent with the predominant character of the existing built or natural landscape?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
7.	<u>Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</u> If Yes, identify: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
8.	a. <u>Will the proposed action result in a substantial increase in traffic above present levels?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
	b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9.	<u>Does the proposed action meet or exceed the state energy code requirements?</u> If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
10.	<u>Will the proposed action connect to an existing public/private water supply?</u> If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
11.	<u>Will the proposed action connect to existing wastewater utilities?</u> If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
12.	a. <u>Does the site contain a structure that is listed on either the State or National Register of Historic Places?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
	b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13.	a. <u>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?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
	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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14.	<u>Identify the typical habitat types that occur on, or are likely to be found on the project site.</u> 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 type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15.	<u>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?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
16.	<u>Is the project site located in the 100 year flood plain?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
17.	<u>Will the proposed action create storm water discharge, either from point or non-point sources?</u> If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
	b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		

18. <u>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)?</u> If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. <u>Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</u> If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. <u>Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</u> If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____ Date: _____		
<u>Signature:</u> _____		

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. <u>Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. <u>Will the proposed action result in a change in the use or intensity of use of land?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. <u>Will the proposed action impair the character or quality of the existing community?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. <u>Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. <u>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?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. <u>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?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. <u>Will the proposed action impact existing</u> a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. <u>Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. <u>Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. <u>Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. <u>Will the proposed action create a hazard to environmental resources or human health?</u>	<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.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

10.3

NF Lockport LLC

PROJECT SUMMARY

NF Lockport LLC



Applicant:	NF Lockport LLC	
Project Location:	5222 Junction Road, Cambria, NY 14094	
Assistance:	15 Year Brownfield PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>NF Lockport LLC, a wholly owned subsidiary of Northern Farms, in partnership with Netafim and Orbia, will be remediating the site for the development of a 25 acre greenhouse and a 100,000 sq. ft. warehouse. The site will be used to grow year round strawberries and/or other edible fruits or vegetables to supply to the Northeast United States.</p> <p>The project site is currently a contaminated tax delinquent site that has sat vacant for over twenty years with taxes owed to Niagara County in excess of \$600,000. Niagara County has transferred the tax lien to the Niagara Orleans Regional Land Improvement Corporation who has entered into an agreement with NF Lockport LLC to convey the tax lien so the developer may pursue foreclosure action. Upon taking title, the developer will remediate the property and then commence construction. The developer also intends to install rooftop solar to offset energy cost.</p> <p>Northern Farms LLC has submitted application to the Niagara County Brownfields Development Corporation for assistance with remediation and has begun applications to NYPA for low cost power.</p>	
Project Costs:	Acquisition Construction/Improvements Furniture, Fixtures & Equipment Soft costs Remediation <p style="text-align: right;">TOTAL</p>	\$ 50,000 \$ 65,100,000 \$ 25,000,000 \$ 1,850,000 \$ 3,000,000 <hr/> \$ 95,000,000
Employment:	Current jobs in Niagara County: 0 New Jobs in Niagara County within 3 years: 63 Estimated Annual Payroll for New Jobs: \$51,000 per job Skills: general labor, technicians, head grower, controller, OPS director	
Evaluative Criteria:	Regional wealth creation, research and development, investment in energy efficiency, workforce access. Land use factor includes remediated brownfield	

Niagara County Industrial Development Agency

MRB Cost Benefit Calculator

Date: September 14, 2023
 Project Title: NF Lockport LLC
 Project Location: 0



Economic Impacts

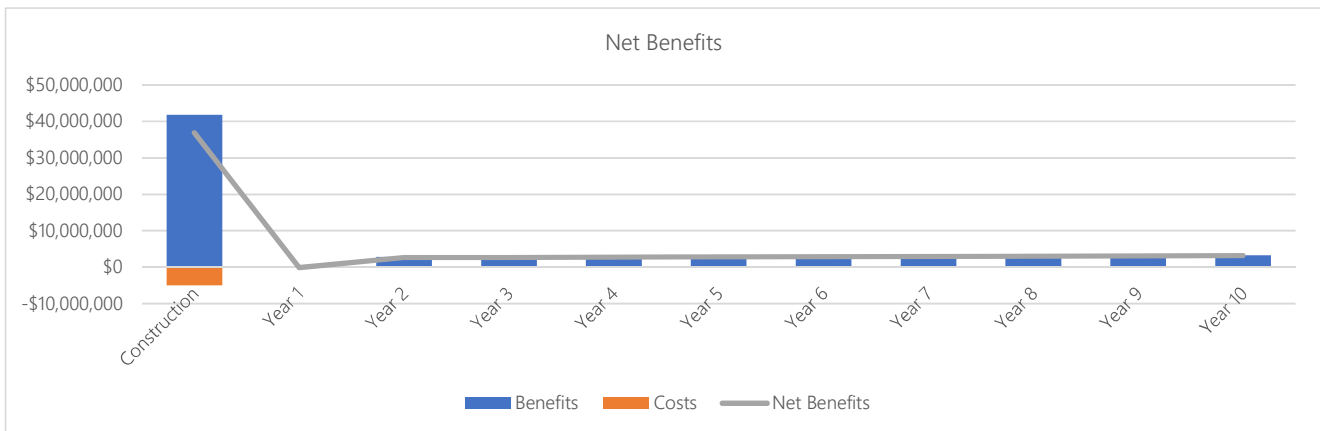
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$95,000,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	386	165	550
Earnings	\$31,428,795	\$8,102,202	\$39,530,996
Local Spend	\$76,000,000	\$27,482,321	\$103,482,321

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	63	0	63
Earnings	\$41,095,013	\$0	\$41,095,013

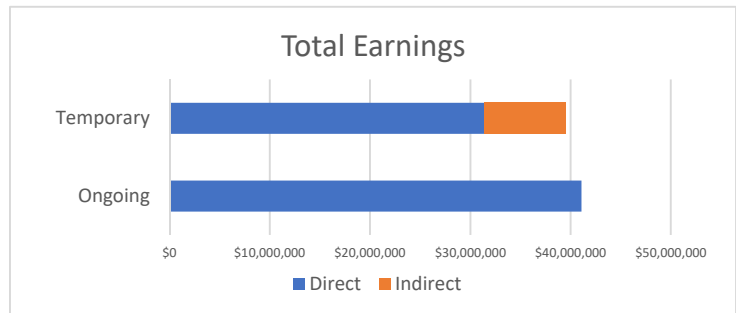
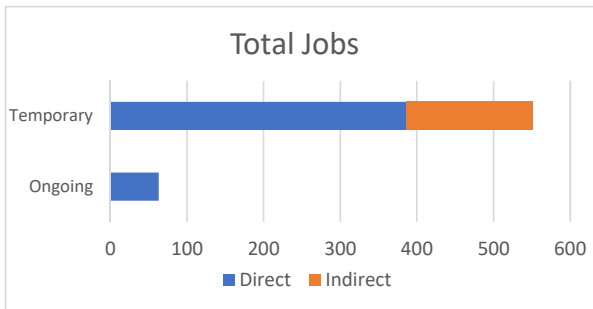
Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$1,838,774	\$1,595,159
Sales Tax Exemption	\$4,564,000	\$4,564,000
Local Sales Tax Exemption	\$2,282,000	\$2,282,000
State Sales Tax Exemption	\$2,282,000	\$2,282,000
Mortgage Recording Tax Exemption	\$412,500	\$412,500
Local Mortgage Recording Tax Exemption	\$137,500	\$137,500
State Mortgage Recording Tax Exemption	\$275,000	\$275,000
Total Costs	\$6,815,274	\$6,571,659

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$82,092,442	\$75,427,643
To Private Individuals	\$80,626,009	\$74,155,326
Temporary Payroll	\$39,530,996	\$39,530,996
Ongoing Payroll	\$41,095,013	\$34,624,330
Other Payments to Private Individuals	\$0	\$0
To the Public	\$1,466,433	\$1,272,316
Increase in Property Tax Revenue	\$902,051	\$753,229
Temporary Jobs - Sales Tax Revenue	\$276,717	\$276,717
Ongoing Jobs - Sales Tax Revenue	\$287,665	\$242,370
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$4,192,552	\$3,856,077
To the Public	\$4,192,552	\$3,856,077
Temporary Income Tax Revenue	\$1,778,895	\$1,778,895
Ongoing Income Tax Revenue	\$1,849,276	\$1,558,095
Temporary Jobs - Sales Tax Revenue	\$276,717	\$276,717
Ongoing Jobs - Sales Tax Revenue	\$287,665	\$242,370
Total Benefits to State & Region	\$86,284,995	\$79,283,720

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$75,427,643	\$4,014,659	19:1
State	\$3,856,077	\$2,557,000	2:1
Grand Total	\$79,283,720	\$6,571,659	12:1

*Discounted at 2%

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

Additional Revenues:

County	\$256,282
City/Town/Village	\$60,253
School District	\$683,004

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 potential for a recapture of sales tax exemptions (see "Recapture" on page 11 of the Application).

(To be used on the NYS ST-60)

Additional Comments from IDA

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

NF Lockport 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 April 2022

- 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: NF Lockport LLC

Mailing Address: PO Box 718

City/Town/Village & Zip code: Camden, Maine 04843

Phone: (207) 217-8908

Website: _____

Fed Id. No.: 93-2067043

Contact Person, and Title: Evan C. Coleman

Email: ecoleman@nv-fund.com

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

Wholly subsidiary of Northern Farms LLC which is owned by BEMIS Capital & Evan Coleman. Other equity options / warrants outstanding.

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

Form of Entity

Corporation

Date of Incorporation: _____

State of Incorporation: _____

Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members ¹ _____)

Date of organization: June 16, 2023

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: Hodgson Russ LP

Contact Person, and Title: Joseph Endres

Mailing Address: 140 Pearl Street - Suite 100

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

Email: jendres@hodgsonruss.com

Phone: (716) 848-1504

Fax No.: (716) 819-4711

II. PROJECT INFORMATION

A) Project Address: 5222 Junction Road

Tax Map Number (SBL) 121.00-2-25
(Section/Block/Lot)

SWIS Number 292000

Located in City of _____

Located in Town of Cambria

Located in Village of _____

School District of Starpoint

B) Current Assessment of Property:

Land \$162,000

Total \$400,000

C) Present legal owner of the site Junction Road Recycling, Inc. - (Dissolved NY Corporation)

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

Tax Foreclosure via Applicant

D) Describe the project:

Remediation of Brownfield Site & Construction of Large Scale Greenhouse to

Grow Strawberries Year-Round for Supply to the Northeastern United States.

1. Project site (land)

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

16 Acres + 14 acres of Additional Land Previously Divided Off

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

Vacant Brownfield

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
0

3. Does the project consist of the construction of a new building or buildings?
If yes, indicate number and size (in square feet) of new buildings.
Yes - 1,200,000 Square Feet

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

5. If any space in the project is to be leased to third parties, indicate total square footage of the project amount to be leased to each tenant and proposed use by each tenant.
No

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

- Natural Gas Meter Station (to be constructed)

- Rooftop Solar Array + Supporting Power Infrastructure

7. Has construction work on this project begun?
No - Preliminary Testing is 50% Complete for NY Brownfield Program Enrollment

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		\$	50,000
Construction (Improvements)		\$	65,100,000
Equipment Purchases/Fixtures/Furnishings		\$	25,000,000
Soft costs (i.e. engineering, architectural)		\$	1,850,000
Other (describe)	Remediation	\$	3,000,000
TOTAL USES OF FUNDS		\$	95,000,000

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

Bank Financing	AndroBank	\$	55,000,000
Equity	Equity Owners / Netafim (Mez Debt)	\$	23,000,000
Grants/Tax Credits	Brownfield Tax Credit	\$	14,000,000
Taxable or Tax Exempt Bond	N/A	\$	0
Other	Brownfield Revolving Loan / Grants	\$	3,000,000
TOTAL SOURCES OF FUNDS		\$	95,000,000

C) Identify each state and federal grant/credit:

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

IV. FINANCIAL ASSISTANCE REQUESTED

A.) Benefits Requested:

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

B.) Value of Incentives: LEAVE THIS SECTION BLANK (will be estimated by NCIDA Staff)

Property Tax Exemption

Estimated duration of Property Tax exemption: 15 years

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$2,564,000

Estimated value of Sales Tax exemption for fixtures and equipment: \$2,000,000

Estimated duration of Sales Tax exemption: 2 years

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 412,500

C.) Financial Assistance Determination:

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

- Yes or No

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

V. EMPLOYMENT PLAN

	# of Retained Jobs	Retained Jobs Average Annual Salary	# of Created Jobs <i>(3 yrs after project completion)</i>	Created Jobs Average Annual Salary
Full Time	0	\$ 0	63	\$ 41,600
Part time	0	\$ 0	0	\$ 0
TOTAL FTEs	0	\$ 0	63	\$ 41,600

Annual Salary Range of Jobs to be Created: \$ 41,600 to \$ 150,000

Category of Jobs to be Retained and Created:

Job Categories (ie. Management, Administrative, Production, etc.) General Labor, Maint. Tech Head Grower, Back Office. Note that job salaries do not include benefits (est. at \$10k per employee) and production incentives (+5% of base pay).

VI. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings: In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300)("JTPA") in which the project is located.
- B. First Consideration for Employment: In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.
- C. Compliance with Section 224-a(8)(a) of N.Y Labor Law. The applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. You further acknowledge and understand that you have certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor.
- D. Annual Sales Tax Filings: In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.
- E. Annual Employment Reports: The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

- F. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
- § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- I. Recapture: Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- J. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described.

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


STATE OF NEW YORK)
COUNTY OF) ss.:

Evan C. Coleman, being first duly sworn, deposes and says:

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


(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 6 day of September, 2023


(Notary Public)

Spencer Trask
Notary Public, State of Maine
My Commission Expires April 20 2030

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, and (B) 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 reasonable 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 out of pocket costs incurred by the Agency in processing of the Application, including reasonable attorneys' fees, if any. Notwithstanding anything contained herein to the contrary, the foregoing indemnities shall not be applicable with respect to misconduct, negligence, or criminal activity on the part of the Agency. It is understood and agreed that the Applicant has the right to join in any defense, and participate in the management of the defense, of any claim for which the Agency seeks indemnification.

In addition to the foregoing, the Applicant understands and acknowledges that (i) this application does not create or give rise to any legal obligations on the part of the Niagara County Industrial Development Agency (the "Agency") or the Applicant except as expressly stated herein, (ii) the terms and conditions governing the award of the financial assistance described herein will be set forth in a separate agreement(s), with the Agency, the form of which will be provided to the Applicant only upon the processing and approval of this application, (iii) the requested financial assistance described in application is based upon the representations made by the Applicant, based upon the Applicant's actual knowledge as of the date of this application, to the Agency, regarding the project, and (iv) that the Agency reserves the right to revise the financial assistance described in this application if any aspect of the project changes after receipt of the application, including changes to the number of jobs, amount of capital investment, or wages, by way of example only. In addition, the Applicant reserves the right to retract, clarify, amend or modify any such representations made prior to (or concurrently with) the submittal of this application to the Agency.

Spencer Trask
Notary Public, State of Maine
My Commission Expires April 20, 2030



(Notary Public)

Sworn to before me this 6 day
of September, 2023



(Applicant Signature)
By: NF Lockport LLC
Name: Evan C. Coleman
Title: Manager - Duly Authorized

[stamp]

Real Property Tax Benefits (Detailed):

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

PILOT Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$65,100,000	\$3,000,000	8.059193	1.894733	21.478105

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	15%	\$ 7,253	\$ 1,705	\$ 19,330	\$ 28,289	\$ 188,592	\$ 160,303
2	15%	\$ 7,253	\$ 1,705	\$ 19,330	\$ 28,289	\$ 188,592	\$ 160,303
3	25%	\$ 12,089	\$ 2,842	\$ 32,217	\$ 47,148	\$ 188,592	\$ 141,444
4	25%	\$ 12,089	\$ 2,842	\$ 32,217	\$ 47,148	\$ 188,592	\$ 141,444
5	35%	\$ 16,924	\$ 3,979	\$ 45,104	\$ 66,007	\$ 188,592	\$ 122,585
6	35%	\$ 16,924	\$ 3,979	\$ 45,104	\$ 66,007	\$ 188,592	\$ 122,585
7	35%	\$ 16,924	\$ 3,979	\$ 45,104	\$ 66,007	\$ 188,592	\$ 122,585
8	35%	\$ 16,924	\$ 3,979	\$ 45,104	\$ 66,007	\$ 188,592	\$ 122,585
9	35%	\$ 16,924	\$ 3,979	\$ 45,104	\$ 66,007	\$ 188,592	\$ 122,585
10	45%	\$ 21,760	\$ 5,116	\$ 57,991	\$ 84,866	\$ 188,592	\$ 103,726
11	45%	\$ 21,760	\$ 5,116	\$ 57,991	\$ 84,866	\$ 188,592	\$ 103,726
12	45%	\$ 21,760	\$ 5,116	\$ 57,991	\$ 84,866	\$ 188,592	\$ 103,726
13	45%	\$ 21,760	\$ 5,116	\$ 57,991	\$ 84,866	\$ 188,592	\$ 103,726
14	45%	\$ 21,760	\$ 5,116	\$ 57,991	\$ 84,866	\$ 188,592	\$ 103,726
15	45%	\$ 21,760	\$ 5,116	\$ 57,991	\$ 84,866	\$ 188,592	\$ 103,726
TOTAL		\$ 253,865	\$ 59,684	\$ 676,560	\$ 990,109	\$ 2,828,883	\$ 1,838,774

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

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: Northern Farms Lockport Greenhouse			
Project Location (describe, and attach a location map): 5222 Junction Road - Lockport, NY			
Brief Description of Proposed Action: Remediation of a Brownfield site and construction of a large scale greenhouse to grow strawberries year round for supply to the Northeastern United States.			
Name of Applicant or Sponsor: NF Lockport LLC		Telephone: 207.217.8908	
		E-Mail: ecoleman@nv-fund.com	
Address: PO Box 718			
City/PO: Camden		State: Maine	Zip Code: 04843
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: NY DEC - Brownfield, Stormwater, Air, & General Permits Niagara County Brownfield Revolving Loan Fund			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		30 acres	
b. Total acreage to be physically disturbed?		28 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ Water retention pond, not to exceed 1M gallons in size to store rainwater collected by the facility roof for re-use within the growing process after cleaning / treatment.	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ Closed scrapyard - designated Brownfield Site requiring remediation.	NO	YES
	<input type="checkbox"/>	<input checked="" 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: _____ Brownfield site requiring remediation, currently estimated at over \$3M.	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: <u>Evan C. Coleman, NF Lockport LLC</u> Date: _____		
Signature: _____		

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

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

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

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

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

PRINT