

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: January 11, 2022
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

Board of Directors:

___ **Mark A. Onesi**, Chairperson
___ **Jerald I. Wolfgang**, 1st Vice Chairperson
___ **Kevin McCabe**, 2nd Vice Chairperson
___ **William L. Ross**, Secretary
___ **Scott Brydges**, Asst. Secretary
___ **Robert B. Cliffe**, Member
___ **Jason Krempa**, Member
___ **Clifford Scott**, Member
___ **Maria V. Lopez**, 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
___ **Mark J. Gabriele**, Agency Counsel
___ **Julie Lamoreaux**, Administrative & HR Officer
___ **Jeremy Geartz**, Project Manager

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- 1.0 Meeting Called to Order – *M. Onesi*
 - 2.0 Roll Call – *J. Lamoreaux*
 - 3.0 Introduction of Guests – *M. Onesi*
 - 4.0 Pledge of Allegiance – *M. Onesi*
 - 5.0 Approval of Meeting Minutes – *W. Ross*
 - 5.1 Regular NCIDA/NCDC/NADC – December 14, 2022
 - 6.0 Finance & Audit Committee Reports – *K. McCabe*
 - 6.1 Agency Payables – December 31, 2022
 - 6.2 Budget Variance Report – December 31, 2022

7.0 Unfinished Business

8.0 New Business

8.1 Burger Factory Niagara Falls Inc. – A.Klyczek

8.1.1 Preliminary Resolution

8.1.2 Authorize Public Hearing

8.2 Niagara Falls International Cuisine Inc. – A. Klyczek

8.2.1 Resolution

8.3 SJI Main LLC– M. Gabriele

8.3.1 Resolution (additional sales tax)

9.0 Agency Counsel – M. Gabriele

10.0 Information Items

11.0 Any Other Matters the Board Wishes to Discuss

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: February 8, 2023

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment - M. Onesi

5.1

MEETING MINUTES

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: December 14, 2022
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 Roll Call

Mark A. Onesi, Chairperson	Present
Jerald I. Wolfgang, 1 st Vice Chairperson	Present
Kevin McCabe, Vice Chairperson	Present
William L. Ross, Secretary	Present
Scott Brydges, Assistant Secretary	Excused
Robert B. Cliffe, Member	Present
Clifford Scott, Member	Present
Jason Krempa, Member	Present
Maria V. Lopez, Member	Present

3.0 Introduction of Guests

Guests Present

Jim Fink, Business First
Jonathan Epstein, Buffalo News
Sam Santarosa, Santarosa Holdings Inc.
Aaron Santarosa, Buffalo Fuel
Daniel Moran, Sr. Director Corporate Development, Covanta
Benjamin Gassaway, Sr. Analyst, Covanta

Staff Present

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

4.0 Pledge of Allegiance

Mr. Cliffe led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – November 9, 2022

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

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – November 30, 2022

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

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

6.2 Budget Variance Report – November 30, 2022

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

Mr. McCabe made a motion to approve the Budget Variance Report; Mr. Ross seconded the motion. The motion passed.

7.0 Unfinished Business

There was no unfinished business at this time.

8.0 New Business

8.1 Niacet Corporation Project

Mr. Gabriele stated that Niacet Corporation is requesting a second inducement extension for the term of six months.

8.1.1 Second Inducement Extension

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE INDUCEMENT TERM FOR NIACET CORPORATION FOR A SIX-MONTH PERIOD WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF NIACET CORPORATION OR AN ENTITY FORMED OR TO BE FORMED.

Mr. Krempa made a motion to approve the Second Inducement Extension; Mr. Cliffe 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>
Jerald Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges				x
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.2 TM Montante Development, LLC (500 3rd Street)

Mr. Gabriele stated that TM Montante Development, LLC (500 3rd Street) is requesting a second inducement extension for the term of six months.

8.2.1 Second Extension Resolution

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE INDUCEMENT TERM FOR TM MONTANTE DEVELOPMENT, LLC FOR A SECOND SIX-MONTH PERIOD WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF TM MONTANTE DEVELOPMENT, LLC OR AN ENTITY FORMED OR TO BE FORMED.

Mr. Wolfgang made a motion to approve the Second Inducement Extension; 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>
Jerald Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges				x
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.3 TM Montante Development, LLC (512 3rd Street)

Mr. Gabriele stated that TM Montante Development, LLC (512 3rd Street) is requesting a second inducement extension for the term of six months.

8.3.1 Second Extension Resolution

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE INDUCEMENT TERM FOR TM MONTANTE DEVELOPMENT, LLC FOR A SECONDS SIX-MONTH PERIOD WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF TM MONTANTE DEVELOPMENT, LLC OR AN ENTITY FORMED OR TO BE FORMED.

Mr. Cliffe made a motion to approve the Second Inducement Extension; Mr. McCabe 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>
Jerald Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges				x
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.4 Franks Vacuum Truck Service Inc. (Apollo Drive, LLC)

Mr. Gabriele stated that Franks Vacuum Service Inc. is looking to sell their facility to Apollo Drive, LLC. Franks Vacuum is requesting that the existing project be transferred to Apollo Drive, LLC. Apollo Drive, LLC does understand that they are assuming all obligations of the current project.

8.4.1 Assignment and Assumption of Project

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE ASSIGNMENT OF AND ASSUMPTION OF THE FRANK'S VACUUM TRUCK SERVICE, INC. PROJECT TO APOLLO DRIVE, LLC INCLUDING THE ORIGINAL LEASE, LEASEBACK, PILOT AGREEMENT, TOGETHER WITH ALL ASSOCIATED DOCUMENTS RELATING TO THE FACILITY CURRENTLY RECEIVING BENEFITS FROM THE AGENCY.

Mr. Wolfgang made a motion to approve the Assignment and Assumption; Mr. McCabe 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>
Jerald Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges				x
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.5 Santarosa Holdings Inc. (Covanta Environmental Solutions, Inc.)

Mr. Gabriele stated that this company is required by our Agency to get consent for any Stock Transfers in excess of 50 percent. The company is requesting the authorization of the Stock Transfer from Santarosa Holdings Inc. to Covanta Environmental Solutions, Inc.

8.5.1 Consent to Stock Transfer

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE TRANSFER OF MAJORITY STOCK OWNERSHIP OF SANTAROSA HOLDINGS INC. TO COVANTA ENVIROMENTAL SOLUTIONS, LLC.

Mr. Wolfgang made a motion to approve the Consent to Stock Transfer; 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>
Jerald Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges				x
Clifford Scott	x			
Jason Krempa			x	
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.6 Buffalo Fuel Corp. (Covanta Environmental Solutions, Inc.)

Mr. Gabriele stated that this company is required by our Agency to get consent for any Stock Transfers in excess of 50 percent. The company requesting the authorization of the Stock Transfer from Buffalo Fuel Corp. to Covanta Environmental Solutions, Inc.

8.6.1 Consent to Stock Transfer

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE TRANSFER OF MAJORITY STOCK OWNERSHIP OF BUFFALO FUEL CORP. TO COVANTA ENVIROMENTAL SOLUTIONS, LLC.

Mr. McCabe made a motion to approve the Consent to Stock Transfer; Mr. Wolfgang 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>
Jerald Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges				x
Clifford Scott	x			
Jason Krempa			x	
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.7 Sales Tax Extension and Mortgage Refinancing Authorization

Mr. Gabriele stated that the Board previously authorized the Executive Director to extend sales tax exemption benefits, as well as to consent on behalf of the Agency to a project company’s financing. The Executive Director does not have authority to grant additional sales tax benefits or additional mortgage tax benefits. The resolution before the Board affirms the Boards prior action and reauthorizes the Executive Director’s Authority to extend sales tax exemption benefits and to consent on behalf of the Agency to a project company’s financing.

8.7.1 Resolution

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO CONSENT TO SALES TAX EXEMPTION EXTENTION REQUESTS AND REQUESTS FOR CONSENT TO MORTGAGE REFINANCING

Mr. McCabe made a motion to approve the Consent to Stock Transfer; Mr. Wolfgang 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>
Jerald Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges				x
Clifford Scott	x			
Jason Krempa			x	
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.8 OAHS Niagara Towers TC LLC

Mr. Gabriele stated that OAHS Niagara Towers TC LLC is in the process of finalizing their Bond with the Agency. There has been a delay because of the lack of Bond Cap Allocations from New York State. There was more requested for the 2022 allocations than what was available. The developer of the project agreed to push this Bond to close in mid-January, at that time they can move forward. Mr. Scott noted that he has had extensive conversations with the company, and he is satisfied that they are going to do exactly what they are promising for the property.

8.8.1 Final Bond Resolution

RESOLUTION AUTHORIZING THE ISSUANCE, EXECUTION, SALE AND DELIVERY BY THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY OF ITS MULTI-FAMILY HOUSING TAX-EXEMPT REVENUE BONDS (OAHS NIAGARA TOWERS TC LLC APARTMENTS), SERIES 2022, IN ONE OR MORE SERIES, AS PART OF A PLAN OF FINANCING, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$23,100,000, AND THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS.

Mr. Scott made a motion to approve the Final Bond Resolution; Mr. McCabe 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>
Jerald Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges				x
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

8.9 OAHS Urban Park TC LLC

Mr. Gabriele stated that OAHS Urban Park TC LLC is in the process of finalizing their Bond with the Agency. There has been a delay because of the lack of Bond Cap Allocations from New York State. There was more requested for the 2022 allocations than what was available. The developer of the project agreed to push this Bond to close in mid-January, at that time they can move forward. Mr. Scott noted that he has had extensive conversations with the company, and he is satisfied that they are going to do exactly what they are promising for the property.

8.9.1 Final Bond Resolution

RESOLUTION AUTHORIZING THE ISSUANCE, EXECUTION, SALE AND DELIVERY BY THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY OF ITS MULTI-FAMILY HOUSING TAX-EXEMPT REVENUE BONDS (OAHS URBAN PARK TC LLC APARTMENTS), SERIES 2022, IN ONE OR MORE SERIES, AS PART OF A PLAN OF FINANCING, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$19,950,000, AND THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS.

Mr. Wolfgang made a motion to approve the Final Bond 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>
Jerald Wolfgang	x			
Kevin McCabe	x			
William Ross	x			
Maria V. Lopez	x			
Robert Cliffe	x			
Scott Brydges				x
Clifford Scott	x			
Jason Krempa	x			
Mark Onesi	x			

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

Mr. Gabriele had no comments at this time.

10.0 Information Items

There were no information items at this time.

11.0 Any Other Matters the Board Wishes to Discuss

There were no other matters the Board wished to discuss.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: January 11, 2023

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. Wolfgang seconded the motion. The meeting adjourned at 9:23 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary

6.1

AGENCY

PAYABLES

Niagara County Industrial Devel. Agency Check Register For the Period From Dec 1, 2022 to Dec 31, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
12/1/22	12/1/22	PAYCHEX, INC.	10001.100	92.25
29694	12/1/22	THE HARTFORD	10001.100	298.59
29695	12/1/22	NEW YORK STATE AND LOCAL	10001.100	37,605.00
12/1/22 Error	12/1/22	PAYCHEX, INC.	10001.100	72.75
12/2/22	12/2/22	NYS DEFERRED COMPENSATION PLAN	10001.100	1,293.23
29696	12/6/22	360 PSG.com	10001.100	60.00
29697	12/6/22	Annex Business Media Inc.	10001.100	4,438.00
29698	12/6/22	Cintas Corporation LOC. 067P	10001.100	138.45
29699	12/6/22	MICHAEL S. DUDLEY	10001.100	74.19
29700	12/6/22	Julie Lamoreaux	10001.100	29.84
29701	12/6/22	M&T Bank	10001.100	556.01
29702	12/6/22	National Grid	10001.100	552.95
29703	12/6/22	Niag Cnty Dept of Economic Development	10001.100	296.82
29704	12/6/22	Professional Janitorial Services, Inc.	10001.100	705.00
29705	12/6/22	STAPLES CONTRACT & COMMERCIAL	10001.100	121.17
29706	12/13/22	Gabriele & Berrigan, P.C.	10001.100	9,221.20
29707	12/13/22	Harris Beach PLLC	10001.100	2,383.85
29708	12/13/22	MRB Group	10001.100	105.00
29709	12/13/22	PETTY CASH	10001.100	112.97
29710	12/13/22	Selective Insurance Company	10001.100	1,971.06
12/15/22	12/15/22	PAYCHEX, INC.	10001.100	72.75
12/16/22	12/16/22	NYS DEFERRED COMPENSATION PLAN	10001.100	1,158.29
29711	12/20/22	Gabriele & Berrigan, P.C.	10001.100	1,786.00
29712	12/20/22	Gabriele & Berrigan, P.C.	10001.100	1,428.80
29713	12/20/22	Gabriele & Berrigan, P.C.	10001.100	1,786.00
29714	12/20/22	County of Niagara	10001.100	678.23
29715	12/20/22	Charter Communications	10001.100	119.99
29716	12/20/22	First Choice Coffee Services	10001.100	113.89
29717	12/20/22	Gabriele & Berrigan, P.C.	10001.100	3,987.20
29718	12/20/22	Guardian	10001.100	388.33
29719	12/20/22	PURCHASE POWER	10001.100	150.00
29720	12/20/22	SAM'S CLUB/SYNCHRONY BANK	10001.100	286.42
29721	12/28/22	American City Business Journals, Inc.	10001.100	95.00
29722	12/28/22	Niag Cnty Dept of Economic Development	10001.100	124.81

NCIDA VIP-MTF Operating
Check Register
 For the Period From Dec 1, 2022 to Dec 31, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4708	12/6/22	H.W.BRYK & SONS, INC.	10001.600	3,878.30
4709	12/6/22	National Grid	10001.600	495.56
4710	12/6/22	Professional Janitorial Services, Inc.	10001.600	195.00
4711	12/13/22	H.W.BRYK & SONS, INC.	10001.600	540.00
4712	12/13/22	Frontier	10001.600	201.30
4713	12/13/22	Modern Disposal Services, Inc.	10001.600	169.03
4714	12/13/22	Mike Sinatra's Landscaping and	10001.600	4,375.00
4715	12/20/22	Blue Ox Roofing	10001.600	489.00
4716	12/20/22	H.W.BRYK & SONS, INC.	10001.600	1,031.94
4717	12/20/22	DAVIS-ULMER Sprinkler Co.	10001.600	170.00
4718	12/20/22	NCIDA VIP MTF OPERATING	10001.600	10,000.00
4719	12/20/22	County of Niagara	10001.600	475.61
4720	12/28/22	H.W.BRYK & SONS, INC.	10001.600	1,669.68
4721	12/28/22	Selective Insurance Company	10001.600	15,890.00
Total				39,580.42

NCIDA - MTF - Operating Fund
Check Register
For the Period From Dec 1, 2022 to Dec 31, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3086	12/13/22	National Grid	10001.600	63.30
3087	12/13/22	Mike Sinatra's Landscaping and	10001.600	3,175.00
3088	12/13/22	VERIZON	10001.600	120.02
3089	12/20/22	DAVIS-ULMER Sprinkler Co.	10001.600	160.00
3090	12/20/22	NCIDA-MTF-CAPITAL ACCOUNT	10001.600	10,000.00
3091	12/28/22	Selective Insurance Company	10001.600	9,517.00
Total				<u><u>23,035.32</u></u>

Niagara Industrial Incubator Associates
Check Register
 For the Period From Dec 1, 2022 to Dec 31, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1330	12/13/22	National Grid	10000.100	192.87
1331	12/13/22	Mike Sinatra's Landscaping and	10000.100	2,875.00
1332	12/13/22	Town of Wheatfield	10000.100	50.80
1333	12/20/22	Gabriele & Berrigan, P.C.	10000.100	1,530.00
Total				<u><u>4,648.67</u></u>

NIAG ECONOMIC DEV FUND

Check Register

For the Period From Dec 1, 2022 to Dec 31, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1340	12/13/22	Selective	10000-200	3,215.94
Total				3,215.94

NCDC - CDBG/HUD - RLF
Check Register
For the Period From Dec 1, 2022 to Dec 31, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
250	12/13/22	87Buff LLC	10200-300	50,000.00
251	12/13/22	Gonzalez Boxing LLC	10200-300	47,000.00
252	12/13/22	H. Sicherman & Company, Inc.	10200-300	6,664.50
253	12/13/22	Iroquois Energy Group Inc.	10200-300	30,500.00
254	12/13/22	Kathryn Broeker LMT Inc.	10200-300	35,000.00
255	12/13/22	Niagara County Industrial Dev Agency	10200-300	42,500.00
256	12/13/22	Niagara Apothecary, Inc.	10200-300	50,000.00
257	12/13/22	T's YOU-nique Hair & Beauty LLC	10200-300	12,868.61
258	12/13/22	Urban Legend Studio LLC	10200-300	14,586.35
Total				289,119.46

6.2

BUDGET

VARIANCE

REPORT

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BUDGET VARIANCE REPORT AS OF December 31, 2022
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	\$ 5,739.00	\$ 74,472.00	\$ 403,296.70	\$ 519,096.00	(115,799.30)	\$ 519,096.00
Project Application Fees	3,000.00	1,000.00	17,000.00	12,000.00	5,000.00	12,000.00
NEDF RLF Administrative Fee	4,166.63	4,166.63	50,000.00	50,000.00	0.00	50,000.00
Microenterprise Admin Fees	0.00	0.00	35,987.80	0.00	35,987.80	0.00
NCDC CDBG/HUD Admin. Fees	42,500.00	0.00	150,950.00	0.00	150,950.00	0.00
EDA RLF-Grant 2020 Admin Fees	0.00	0.00	15,393.25	0.00	15,393.25	0.00
Administrative Fees - Other	7,156.00	15,432.00	19,168.38	15,432.00	3,736.38	15,432.00
Interest Earnings	992.02	26.50	3,715.94	318.00	3,397.94	318.00
Miscellaneous Income	0.00	0.00	192.17	60.00	132.17	60.00
Distrib From Niag. Ind. Suites	100,000.00	100,000.00	100,000.00	100,000.00	0.00	100,000.00
Distribution from VIP MTF	100,000.00	100,000.00	100,000.00	100,000.00	0.00	100,000.00
Total Operating Revenues	263,553.65	295,097.13	895,704.24	796,906.00	98,798.24	796,906.00
Operating Expenses						
Salaries	50,250.03	39,570.24	384,426.47	342,943.00	41,483.47	342,943.00
Benefits	4,429.73	3,282.37	46,139.39	39,388.00	6,751.39	39,388.00
Retirement Benefits	3,457.37	3,104.37	37,605.00	37,252.00	353.00	37,252.00
Payroll Taxes	3,892.30	3,147.52	29,983.83	27,553.00	2,430.83	27,553.00
Unemployment Taxes	0.00	0.00	1,665.85	1,260.00	405.85	1,260.00
Consultants	2,500.00	2,500.00	30,000.00	30,000.00	0.00	30,000.00
Assistant Director	4,008.72	5,462.25	64,093.47	65,547.00	(1,453.53)	65,547.00
Legal Services	7,379.05	5,000.00	103,168.46	60,000.00	43,168.46	60,000.00
Accounting Services	0.00	0.00	19,500.00	19,000.00	500.00	19,000.00
Accounting Services - NADC	0.00	0.00	1,200.00	2,100.00	(900.00)	2,100.00
Marketing	114.12	1,833.37	4,023.70	22,000.00	(17,976.30)	22,000.00
Printing	0.00	125.00	786.06	1,500.00	(713.94)	1,500.00
Office Supplies	48.06	208.37	1,299.83	2,500.00	(1,200.17)	2,500.00
Postage	152.48	163.00	2,670.73	3,840.00	(1,169.27)	3,840.00
Telephone & Fax	91.29	98.25	974.26	1,179.00	(204.74)	1,179.00
Internet Service	559.97	206.63	2,573.94	2,480.00	93.94	2,480.00
Common Area Charges	634.00	634.12	7,608.00	7,609.00	(1.00)	7,609.00
Energy	2,012.08	1,708.00	19,696.49	15,848.00	3,848.49	15,848.00
Conference & Travel	363.13	208.37	2,061.74	2,500.00	(438.26)	2,500.00
Employee Training	0.00	0.00	3,435.15	1,000.00	2,435.15	1,000.00
Insurance Expense	1,645.68	1,641.62	17,941.03	19,699.00	(1,757.97)	19,699.00
Library & Membership	0.00	570.00	3,159.88	2,843.00	316.88	2,843.00
General Office	1,987.35	712.37	10,390.85	8,548.00	1,842.85	8,548.00
Repairs & Maintenance	941.81	1,169.63	11,115.67	14,036.00	(2,920.33)	14,036.00
Computer Support	0.00	666.63	1,365.00	8,000.00	(6,635.00)	8,000.00
Public Hearings	0.00	33.37	0.00	400.00	(400.00)	400.00
Furniture & Equipment Purchase	0.00	166.63	16,965.47	2,000.00	14,965.47	2,000.00
Other Expense	0.00	83.37	0.00	1,000.00	(1,000.00)	1,000.00
Total Operating Expenses	84,467.17	72,295.48	823,850.27	742,025.00	81,825.27	742,025.00
Net Operating Income/<Loss>	179,086.48	222,801.65	71,853.97	54,881.00	16,972.97	54,881.00
Non-Operating Revenue & Expense						
Grants Rev.	0.00	73,621.87	0.00	883,462.00	(883,462.00)	883,462.00
Grant Rev- City NF Initiative	0.00	35,979.13	584,580.09	431,750.00	152,830.09	431,750.00
Grant to Subrecipient	0.00	63,291.63	0.00	759,500.00	(759,500.00)	759,500.00
Grant Sub-City NF Initiative	0.00	35,979.13	584,580.09	431,750.00	152,830.09	431,750.00
Net Non-Operating Income/<Loss>	0.00	10,330.24	0.00	123,962.00	(123,962.00)	123,962.00
Total Net Income/<Loss>	\$ 179,086.48	\$ 233,131.89	\$ 71,853.97	\$ 178,843.00	(106,989.03)	\$ 178,843.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet
December 31, 2022

ASSETS

Current Assets		
Cash - Checking	\$	138,197.47
Petty Cash		300.00
Mmkt Acct. - M&T Bank		1,797,484.07
Cash - First Response		65,839.41
Cash - City of N.F.		828.42
Mmkt Acct. - Cataract Tourism		3,361,072.20
Accts Rec - Public Hearings		2,283.85
Accounts rec. - Fees/Var.		5,739.00
Accounts Rec. EDA - RLF		9,999.96
Due To/From Micro RLF		9,999.96
Due To/From VIP - MTF		482,365.16
Due From NCDC CDBG/HUD		10,000.08
Due To/Due From NADC		151,406.56
Due To/From MTF Operating		102,876.00
Prepaid Insurance		23,371.06
Prepaid Expense		<u>4,438.00</u>
 Total Current Assets		 6,166,201.20
Other Assets		
Deferred Outflows		239,614.00
Investment in NIIA		<u>342,500.00</u>
 Total Other Assets		 582,114.00
Fixed Assets		
Furniture & Equipment		199,360.75
Furn & Fixtures - Fed purchase		5,861.08
Accum Dep. - Furn & Equip		(199,360.75)
Accum Dep. - F&F Fed Purch		<u>(5,861.08)</u>
 Total Fixed Assets		 0.00
 Total Assets		 <u>\$ 6,748,315.20</u>

LIABILITIES AND NET ASSETS

Current Liabilities		
NYS Retirement W/H 414(H)	\$	919.05
Deferred Rev. - First Repsonse		65,839.41
Def. Rev. - City of N.F.		3,361,900.62
Accounts Payable		<u>52,572.60</u>
 Total Current Liabilities		 3,481,231.68
Long-Term Liabilities		
Pension Liability		757.00
Deferred Inflows of Resources		<u>236,693.00</u>
 Total Long-Term Liabilities		 <u>237,450.00</u>
 Total Liabilities		 3,718,681.68
Net Assets		
Fund Balance - Operating Fund		2,957,779.55
Net Income		<u>71,853.97</u>
 Total Net Assets		 <u>3,029,633.52</u>
 Total Liabilities & Net Assets		 <u>\$ 6,748,315.20</u>

**Niagara County Industrial
Development Agency
Aged Payables
As of December 31, 2022**

Vendor ID Vendor	Invoice #	Amount Due
CARUSO Caroline M. Caruso	11/2/22-12/28/22	55.00
cin Cintas Corporation #782	1740987;0161672	92.30
GABRIELE Gabriele & Berrigan, P.C.	Dec 2022 Engagement	5,000.00
ind Independent Health	Jan 2023	3,853.40
M&TBUS M&T Bank	Dec 2022	1,862.45
NATGRID National Grid	39004 12/22	412.08
NCDED Niag Cnty Dept of Economic Development	7/1/22-12/31/22	33,619.00
Report Total		<u>44,894.23</u>

Adjusting Journal Entries

Estimated Nov 2021 Legal Fees	4,995.20
Estimated Dec 2021 Legal Fees	200.00
Estimated Dec 2021 Copier usage	90.00
Estimated Oct-Dec 2021 Telephone	500.00
Estimated Dec 2021 Niagara County Electric	1,100.00
Estimated Dec 2021 Niagara County Gas	793.17
	<u><u>52,572.60</u></u>

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

1/4/2023

**Project Income - 2022
Lease/Lease Back and Bonds**

Closed 2022		Project Type	Total Project Amount	IDA Project Amount	Fees	Application Fee	Amount Received to Date	Date Received	Balance Due	Date Closed
		Twogood Holdings LLC(Rubberform Recycled L/L Back	2,955,000	2,050,000	20,500	1,000	21,500	3/24/22	-	3/15/22
		Moog Inc. Sales Tax Only	4,120,210	4,120,210	32,962	0	32,962	3/28/22	-	3/9/22
		Catholic Health System Inc. Bond	48,874,501	36,420,018	112,500	0	112,500	3/28/22	-	-
		Vantage Pointe LLC L/L Back	1,403,220	1,370,450	8,500	1,000	9,500	6/6/22	-	5/25/22
		PEMM LLC L/L Back	8,500,000	6,200,000	62,000	1,000	63,000	7/8/22	-	6/24/22
		Eleanor Apartments at Niagara, LLC(Niagara C Assumption of The Eleanor Apartments, LLC PILOT				1,000	1,000	2/4/22	-	8/1/22
		Lockport Schools Federal Credit Union L/L Back	2,107,607	1,767,500	17,675	1,000	18,675	9/28/22	-	9/9/22
		Iskalo 1 East Avenue LLC Additional Sales Tax Only			2,200	0	2,200	9/28/22	-	9/14/22
		13 W. Main LLC L/L Back	2,981,342	2,701,865	27,018	1,000	28,018	10/17/22	-	10/7/22
		CALF Development Associates, LLC No assistance provided.			0	1,000	1,000	7/13/22	-	8/31/23
		Kilmer Solar LLC Sales Tax & Mfg Tax Only	9,145,000	8,775,000	41,160	1,000	42,160	11/9/22	-	10/21/22
		CVE US E13 Wheatfield, LLC Sales Tax & Mfg Tax Only	9,760,000	7,740,000	40,120	1,000	41,120	11/9/22	-	10/21/22
		4600 Group, LLC L/L Back	5,292,351	3,292,300	32,923	1,000	33,923	11/21/22	-	-
		Apollo Drive, LLC Assumption of Franks Vacuum Truck Service, Inc. PILOT				1,000			1,000	12/14/22
		Micbarcer Realty Company L/L Back	598,930	573,930	5,739	1,000	1,000	8/3/22	5,739	-
					0					

TOTAL

403,297

Fees received in prior year -

Total fees received to date in 2022 403,297

Total 2022 Budgeted Fees 519,096

Balance of Budgeted Fees 115,799

Projected 2022		Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration
		Cerrone Estate Properties, LLC L/L Back	1,780,000	1,750,000	17,500	1,000	1,000	2/3/21	17,500	3/31/23
		Olcott Yacht Club Inc. Sales Tax & Mfg Tax Only	456,000	450,000	0	250	250	2/16/21	-	2/9/23
		Niacet Corporation L/L Back	13,250,000	8,525,000	70,000	1,000			71,000	6/30/23
		TM Montante Development LLC - 512 3rd St. L/L Back	2,687,001	2,059,941	20,599	1,000	1,000	6/7/21	20,599	7/31/23
		TM Montante Development LLC - 500 3rd St. L/L Back	693,001	550,000	5,500	1,000	1,000	6/9/21	5,500	7/31/23
		Niacet Corporation (NxTD Project) L/L Back	48,750,000	46,750,000	467,500	1,000	1,000	5/2/22	467,500	6/30/23
		DRC Development LLC 2022 L/L Back	3,000,000	2,883,000	28,830	1,000	1,000	6/1/22	28,830	7/31/23
		Amazon.com Services LLC L/L Back	550,000,000	550,000,000		1,000	1,000	7/13/22	-	8/31/23
		OAHS Niagara Towers TC LLC Bond	19,000,000	100,000		1,000	1,000	7/8/22	-	8/31/23
		OAHS Urban Park TC LLC Bond	16,000,000	100,000		1,000	1,000	7/8/22	-	8/31/23
		DLV Properties LLC L/L Back	23,089,050	20,707,900	207,079	1,000	1,000	8/15/22	207,079	9/30/23

TOTAL

817,008

10,250

9,250

818,008

0

TOTAL - Projected Income 2022

1,220,306

10,250

9,250

818,008

403,297

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
					0	0	0		0	0

TOTAL

0

0

0

0

0

* Pending Board Approval

**Cataract Tourism Fund
Grant Program**

Grantee Name	Grant Awards	Outst'd'g Awards	Approval Date	Disbursement Date	Disbursement Amount	Offer Expiration	Project Description
Niagara County Dept. of Economic Development	37,667	0.00	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)	523,250	0.00	7/10/2019	9/7/2021	64,403.00	12/31/2022	Roof top bar and lounge, banquet space, virtual entertainment lounge & Spot Coffee
Niagara Falls Center for Tourism LLC	1,000,000	415,419.91	6/12/2019	Partial 9/7/2022	584,580.09	6/30/2023	Construction of an indoor family entertainment center and outdoor improvements
The Center for Kashmir, Inc.	273,000	273,000.00	8/12/2020	To Be Disbursed	0.00	6/1/2023	Renovations to vacant church for a museum of art and culture for Kashmir
Savarino Companies, LLC	155,000	155,000.00	4/14/2021	To Be Disbursed	0.00	12/31/2023	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.
To Date Sub-Total	3,540,381	1,743,419.91			1,338,114.09		

Grant Fund Cash Balance as of 12/31/2022	3,361,900.62
Less: Outstanding Awards	(1,743,419.91)
Available for awarding grants	1,618,480.71

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	60,057.97
Bank Fees	(43,26)
Grant Disbursements	(1,338,114.09)
Grant Fund Balance	3,361,900.62

8.1

Burger Factory

PROJECT SUMMARY
303 Rainbow Blvd.
Niagara Falls, NY 14303



Applicant:	Burger Factory Niagara Falls Inc., d/b/a A&W Franchise Restaurant	
Project Location:	303 Rainbow Blvd. Niagara Falls, NY 14303	
Assistance:	5 Year PILOT Sales Tax Abatement	
Description:	<p>303 Rainbow Blvd. will be renovated into an A&W retail attraction. The famous A&W national franchise chain will replace the long dilapidated and highly trafficked corner of Rainbow Blvd and Third Street.</p> <p>The limited options available in the downtown corridor do not meet the demands of the tourist community; this project will help remedy this issue while also signaling to other notable brands that Niagara Falls is a viable and desirable retail location.</p> <p>The project location is in a highly distressed area as defined by Federal poverty rate and NYS unemployment rate.</p>	
Project Costs:	Acquisition	\$ 610,000
	Construction/Improvements	\$ 250,000
	FF&E	\$ 250,000
	Soft costs	\$ <u>120,000</u>
	TOTAL	\$ 1,230,000
Employment:	Current jobs in Niagara County:	0
	New Jobs in Niagara County within 3 years:	16
	Skills: Management/Service/ Cooks/ Drivers	
Evaluative Criteria:	Regional Wealth Creation, Proximity/Support of Regional Tourism Attractions/Facilities, Local Revenues, Adaptive Reuse, Distressed Area	

Niagara County Industrial Development Agency

MRB Cost Benefit Calculator



Date: January 4, 2023
 Project Title: Burger Factory Niagara Falls Inc., DBA A&W Franchise Restaurant
 Project Location: 303 Rainbow Blvd., Niagara Falls, NY 14303

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

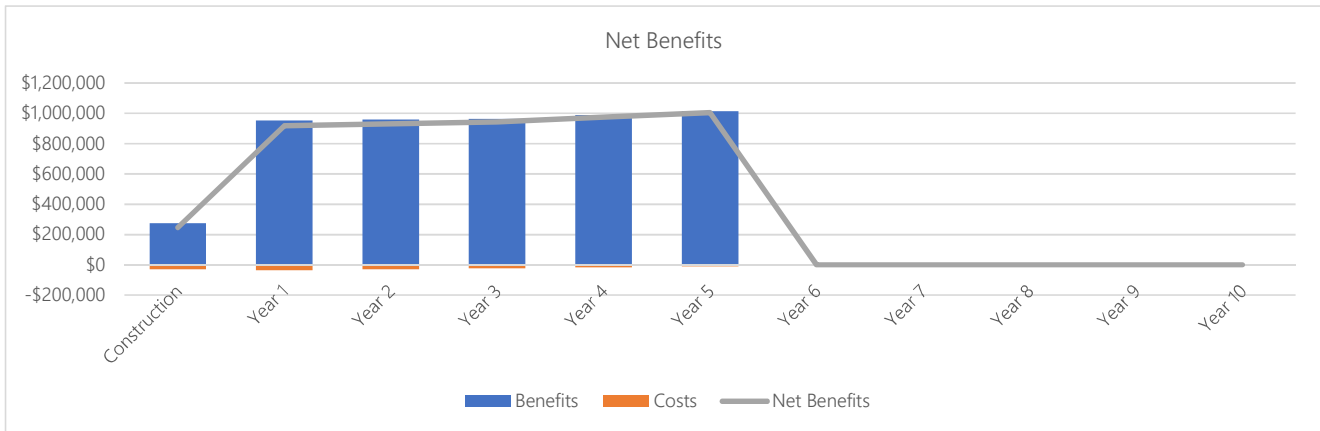
Project Total Investment

\$620,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	3	1	4
Earnings	\$207,635	\$52,856	\$260,491
Local Spend	\$496,000	\$178,731	\$674,731

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	16	3	19
Earnings	\$3,238,656	\$1,293,622	\$4,532,278

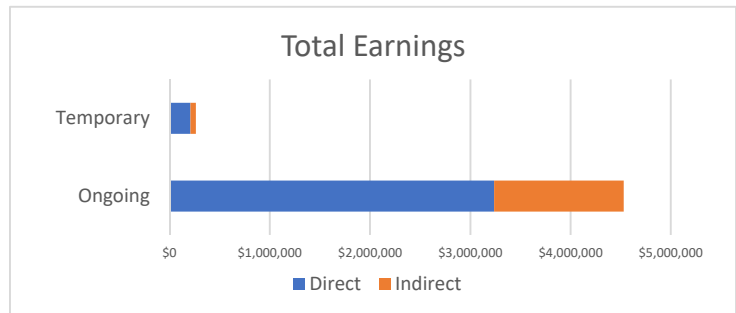
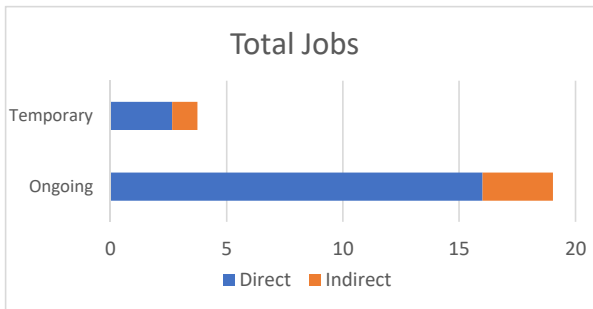
Figure 1



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	\$112,077	\$106,796
Sales Tax Exemption	\$30,000	\$30,000
Local Sales Tax Exemption	\$15,000	\$15,000
State Sales Tax Exemption	\$15,000	\$15,000
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$142,077	\$136,796

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$4,907,909	\$4,638,858
To Private Individuals	\$4,792,769	\$4,531,358
Temporary Payroll	\$260,491	\$260,491
Ongoing Payroll	\$4,532,278	\$4,270,867
Other Payments to Private Individuals	\$0	\$0
To the Public	\$115,139	\$107,500
Increase in Property Tax Revenue	\$81,590	\$75,781
Temporary Jobs - Sales Tax Revenue	\$1,823	\$1,823
Ongoing Jobs - Sales Tax Revenue	\$31,726	\$29,896
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$249,224	\$235,631
To the Public	\$249,224	\$235,631
Temporary Income Tax Revenue	\$11,722	\$11,722
Ongoing Income Tax Revenue	\$203,953	\$192,189
Temporary Jobs - Sales Tax Revenue	\$1,823	\$1,823
Ongoing Jobs - Sales Tax Revenue	\$31,726	\$29,896
Total Benefits to State & Region	\$5,157,133	\$4,874,489

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$4,638,858	\$121,796	38:1
State	\$235,631	\$15,000	16:1
Grand Total	\$4,874,489	\$136,796	36:1

*Discounted at 2%

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

Additional Revenues:

County	\$12,945
City/Town/Village	\$52,322
School District	\$26,432

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

(ACS 2019- 5 year est.) Census Tract 211 45.5% federal poverty rate & unemployment rate is 8.8%

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

Burger Factory Niagara Falls 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: Burger Factory Niagara Falls Inc, DBA A&W Franchise Restaurant

Mailing Address: 303 Rainbow Blvd,

City/Town/Village & Zip code: Niagara Falls, NY 14303

Phone: (716) 544-0122

Website: _____

Fed Id. No.: 92-1337552

Contact Person, and Title: Muhammad Shoaib, President

Email: shoaib3770@gmail.com

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

Muhammad shoaib/ Hina Qureshi

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

Form of Entity



Corporation

Date of Incorporation: 12/14/22

State of Incorporation: NY



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: Burger Factory Niagara Falls Inc

Contact Person, and Title: Muhammad Shoaib/ President

Mailing Address: 303 Rainbow blvd

City/Town/Village & Zip code: Niagara Falls, NY, 14303

Email: shoaib3770@gmail.com

Phone: (716) 544-0122

Fax No.: _____

II. PROJECT INFORMATION

A) Project Address: 303 Rainbow Blvd

Tax Map Number (SBL) 159.53_1_1
(Section/Block/Lot)

SWIS Number _____
Located in City of Niagara Falls
Located in Town of Niagara Falls
Located in Village of Niagara Falls
School District of Niagara Falls

B) Current Assessment of Property:

Land 28,600
Total 120,000

C) Present legal owner of the site Shoaib & Sons Incorporated

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

D) Describe the project:

We are opening a Franchise Restaurant National Chain, Which is called A&W. It

1. Project site (land)

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

2200SQ

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

Retail Store

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
2200 SQ Buliding age Approx 40 Years Old

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.
Renovation

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

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.
Restaurant Equipment,

7. Has construction work on this project begun?
No

E) Inter-Municipal Move Determination

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

Yes or No

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

Yes or No

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

Yes or No

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

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

III. **SOURCES & USES OF FUNDS**

A) Estimated Project Costs:

Property Acquisition	\$	
Construction (Improvements)	\$	250,000
Equipment Purchases/Fixtures/Furnishings	\$	250,000
Soft costs (i.e. engineering, architectural)	\$	75,000
Other (describe)	\$	45,000
TOTAL USES OF FUNDS	\$	620,000

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

Bank Financing	\$	
Equity	\$	
Grants/Tax Credits	\$	
Taxable or Tax Exempt Bond	\$	
Other	\$	
TOTAL SOURCES OF FUNDS	\$	0

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 5 years

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ 10,000

Estimated value of Sales Tax exemption for fixtures and equipment: \$ 20,000

Estimated duration of Sales Tax exemption: 1 year

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 0

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 (3 yrs after project completion)	Created Jobs Average Annual Salary
Full Time		\$	12	\$ 50,000
Part time		\$	8	\$ 22,000
TOTAL FTEs		\$	16	\$ 72,000

Annual Salary Range of Jobs to be Created: \$ 40,000 to \$ 50,000

Category of Jobs to be Retained and Created:

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

Managers, Cooks , Service Rep, Drivers

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.

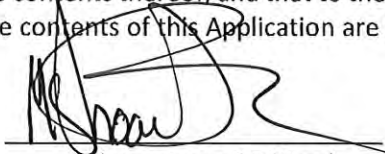
The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material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

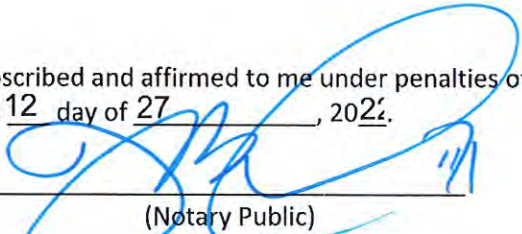
STATE OF NEW YORK)
COUNTY OF) ss.:

Niagara Falls

_____ , being first duly sworn, deposes and says:

1. That I am the Muhammad Shoab (Corporate Office) of Burger Factory Niagara Falls 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 12 day of 27, 2021.


(Notary Public)

WILLIAM D. BERARD III
NOTARY PUBLIC
State of New York
Qualified in Niagara County
Commission Expires March 31, 2026

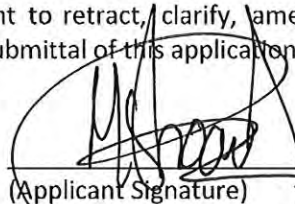
This Application should be submitted to the Niagara County Industrial Development Agency, 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132.

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.



(Applicant Signature)

By: Burger Factory Niagara Falls Inc

Name: Muhammad Shoaib

Title: President



(Notary Public)

Sworn to before me this 3rd day
of January, 2020

WILLIAM D. BERARD III
NOTARY PUBLIC
State of New York
Qualified in Niagara County
Commission Expires March 31, 2024

Real Property Tax Benefits (Detailed):

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

PILOT Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	15%	\$ 863	\$ 3,488	\$ 1,762	\$ 6,113	\$ 40,755	\$ 34,642
2	30%	\$ 1,726	\$ 6,976	\$ 3,524	\$ 12,227	\$ 40,755	\$ 28,529
3	45%	\$ 2,589	\$ 10,464	\$ 5,286	\$ 18,340	\$ 40,755	\$ 22,415
4	60%	\$ 3,452	\$ 13,953	\$ 7,049	\$ 24,453	\$ 40,755	\$ 16,302
5	75%	\$ 4,315	\$ 17,441	\$ 8,811	\$ 30,567	\$ 40,755	\$ 10,189
TOTAL		\$ 12,945	\$ 52,322	\$ 26,432	\$ 91,700	\$ 203,777	\$ 112,077

*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			
Burger Factory Niagara Falls Inc			
Name of Action or Project: A&W Restaurant			
Project Location (describe, and attach a location map): 303 Rainbow Blvd, Niagara Falls, NY, 14303			
Brief Description of Proposed Action: We are opening a Franchise Restaurant National Chain, Which is called A&W. It will be a fantastic opportunity for the Tourist Section of the Business.			
Name of Applicant or Sponsor: Muhammad Shoaib		Telephone: 7165440122	
		E-Mail:	
Address: 303 Rainbow Blvd			
City/PO: Niagara Falls,		State: NY	Zip Code: 4303
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): <u>Tourist Section</u>			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Muhammad S HoAIRB</u>	Date: <u>01-03-23</u>	
Signature: _____		

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

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

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

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

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input 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
NCIDA	1/6/23
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
J. LANGDON	EA
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)
<i>[Signature]</i>	

PRINT

8.2

**Niagara Falls
International
Cuisine**

PROJECT SUMMARY

**Niagara Falls International Cuisine Inc.
333 Rainbow Blvd.
Niagara Falls, NY 14303**



Applicant:	Niagara Falls International Cuisine Inc./ DBA Moe's Southwest Grill	
Project Location:	333 Rainbow Blvd. Niagara Falls, NY 14303	
Assistance:	Sales Tax Abatement	
Description:	<p>The existing Wingate Hotel in downtown Niagara Falls is seeking to attract the famous Moe's Southwest Grill, which will offer families that are traveling to Niagara Falls another affordable dining option. Currently, there is an absence of places for tourists to dine when visiting Niagara Falls; in turn, visitors leave the area, resulting in lost revenue to the local municipalities.</p> <p>Recognizable brands, such as Moe's will help keep visitors in the downtown area longer and offer them a better overall experience. The census tract in which the project is located is a distressed area as defined by Federal poverty rate and NYS unemployment rate.</p>	
Project Costs:	Construction/Improvements FF&E Soft costs <p style="text-align: right;">TOTAL</p>	\$ 150,000 \$ 250,000 <u>\$ 110,000</u> \$ 510,000
Employment:	Current jobs in Niagara County: New Jobs in Niagara County within 3 years: Skills: Management/Service/ Cooks/ Drivers	0 14.5
Evaluative Criteria:	Regional Wealth Creation, Proximity/Support of Regional Tourism Attractions/Facilities, Local Revenues, Adaptive Reuse, Distressed Area	

Niagara County Industrial Development Agency

MRB Cost Benefit Calculator

Date: January 4, 2023
 Project Title: Niagara Falls International Cuisine Inc. DBA Moes Southwest Grill
 Project Location: 333 Rainbow Blvd., Niagara Falls



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

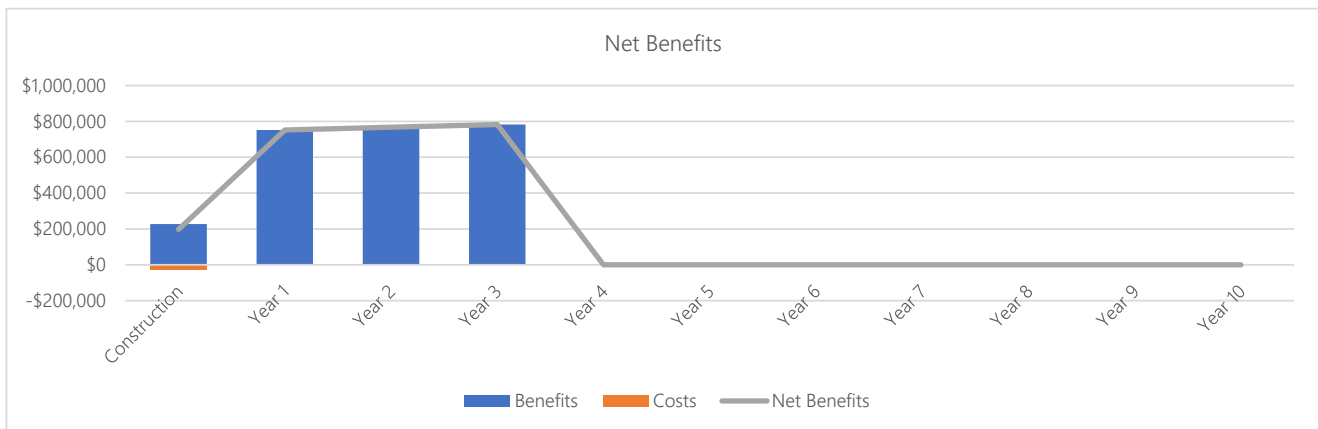
Project Total Investment

\$510,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	2	1	3
Earnings	\$170,796	\$43,479	\$214,275
Local Spend	\$408,000	\$147,020	\$555,020

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	15	3	17
Earnings	\$1,552,950	\$620,298	\$2,173,248

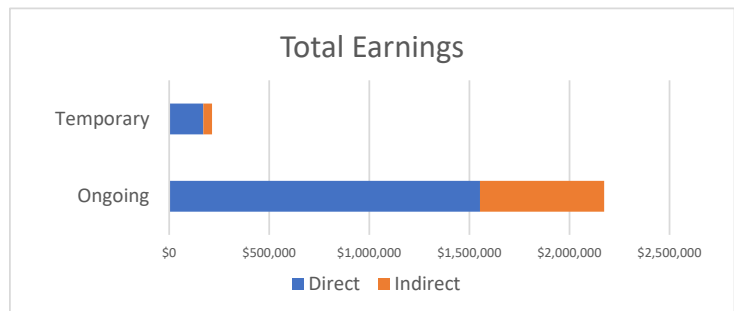
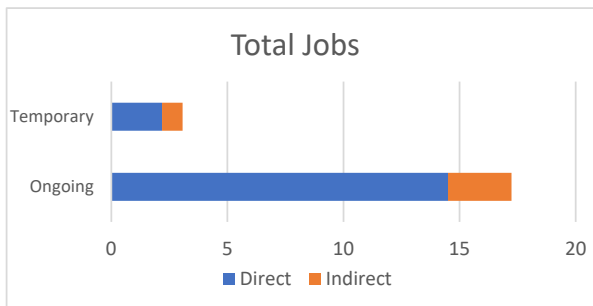
Figure 1



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	\$0	\$0
Sales Tax Exemption	\$29,600	\$29,600
Local Sales Tax Exemption	\$14,800	\$14,800
State Sales Tax Exemption	\$14,800	\$14,800
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$29,600	\$29,600

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$2,404,235	\$2,318,985
To Private Individuals	\$2,387,523	\$2,302,865
Temporary Payroll	\$214,275	\$214,275
Ongoing Payroll	\$2,173,248	\$2,088,590
Other Payments to Private Individuals	\$0	\$0
To the Public	\$16,713	\$16,120
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$1,500	\$1,500
Ongoing Jobs - Sales Tax Revenue	\$15,213	\$14,620
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$124,151	\$119,749
To the Public	\$124,151	\$119,749
Temporary Income Tax Revenue	\$9,642	\$9,642
Ongoing Income Tax Revenue	\$97,796	\$93,987
Temporary Jobs - Sales Tax Revenue	\$1,500	\$1,500
Ongoing Jobs - Sales Tax Revenue	\$15,213	\$14,620
Total Benefits to State & Region	\$2,528,386	\$2,438,734

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$2,318,985	\$14,800	157:1
State	\$119,749	\$14,800	8:1
Grand Total	\$2,438,734	\$29,600	82:1

*Discounted at 2%

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

Additional Revenues:

County	\$0
City/Town/Village	\$0
School District	\$0

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

(ACS 2019- 5 year est.) Census Tract 211 45.5% federal poverty rate & unemployment rate is 8.8%

NIAGARA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

APPLICATION FOR
FINANCIAL ASSISTANCE

Niagara Falls International Cuisine 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: Niagara Falls International Cuisine / DBA Moes Southwest Grill

Mailing Address: 151 Buffalo Avenue, Unit 610

City/Town/Village & Zip code: Niagara Falls NY, 14303

Phone: 716-544-0122

Website: Moes.com

Fed Id. No.: 88-3314018

Contact Person, and Title: President: Muhammad Shoab

Email: Shoab3770@gmail.com

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

Muhammad Shoab/Hina Qureshi

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

Form of Entity

Corporation

Date of Incorporation: 07/19/2022

State of Incorporation: NY

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: Niagara International Cuisine Inc.

Contact Person, and Title: President: Muhammad Shoaib

Mailing Address: 151 Buffalo Ave, Apt 610

City/Town/Village & Zip code: Niagara Falls NY, 14303

Email: Shoaib3770@gmail.com

Phone: 716-544-0122

Fax No.: _____

II. PROJECT INFORMATION

A) Project Address: 333 Rainbow Blvd, Niagara Falls, NY, 14303

Tax Map Number (SBL) 159.53-1-18
(Section/Block/Lot)

SWIS Number _____

Located in City of Niagara Falls,

Located in Town of _____

Located in Village of _____

School District of Niagara Falls

B) Current Assessment of Property:

Land N/A Leased Property

Total _____

C) Present legal owner of the site _____

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

D) Describe the project:

We are opening a Franchise Restaurant National Chain, named Moe's Southwe-
-st Grill, which will be a new project provid a convient place to eat for tourists in
the heart of downtown Niagara.

1. Project site (land)

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

5000 SQ

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

Restaurant

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
 2015

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.
 N/A

4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation.
 Yes, we will convert the building from its previous Buisness to Moe's franchise standards

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.

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

 Furniture & Point of Sale

 Signage

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:

III. SOURCES & USES OF FUNDS

A) Estimated Project Costs:

Property Acquisition	\$	
Construction (Improvements)	\$	150,000
Equipment Purchases/Fixtures/Furnishings	\$	250,000
Soft costs (i.e. engineering, architectural)	\$	65,000
Other (describe) Signage, Grand Opening, Marketing Etc	\$	45,000
TOTAL USES OF FUNDS	\$	510,000

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

Bank Financing	\$	0
Equity	\$	0
Grants/Tax Credits	\$	0
Taxable or Tax Exempt Bond	\$	0
Other Equity/Earning of other Corporations	\$	400,000
TOTAL SOURCES OF FUNDS	\$	400,000

C) Identify each state and federal grant/credit:

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

VI. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings: In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300)("JPTA") in which the project is located.

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

- C. 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.

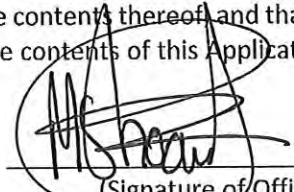
The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material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

Niagara

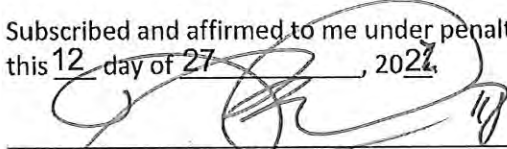
_____ , being first duly sworn, deposes and says:

1. That I am the Muhammad Shoaib (Corporate Office) of Niagara Falls International Cuisine 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 12 day of 27, 2021.



(Notary Public)

WILLIAM D. BERARD III
NOTARY PUBLIC
State of New York
Qualified in Niagara County
Commission Expires March 31, 2026

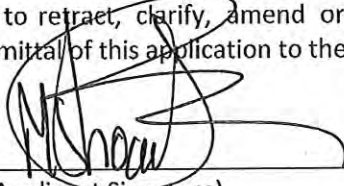
This Application should be submitted to the Niagara County Industrial Development Agency, 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132.

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.



(Applicant Signature)

By: Niagara Falls International Cuisine

Name: Muhammad Shoaib

Title: President



(Notary Public)

Sworn to before me this 12 day
of 27, 2022

WILLIAM D. BERARD III
NOTARY PUBLIC
State of New York
Qualified in Niagara County
Commission Expires March 31, 2026

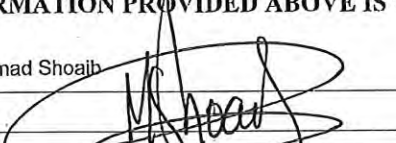
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Appendix B
Short Environmental Assessment Form

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
MOES SOUTHWEST GRILL			
Name of Action or Project: Wingate Hotel			
Project Location (describe, and attach a location map): 333 Rainbow Blvd. Niagara Falls, NY, 14303			
Brief Description of Proposed Action: We are opening a Franchise Restaurant National Chain, Which is Called MOES SOUTHWEST GRILL; it will be a fantastic opportunity for the Tourist Section of the Business			
Name of Applicant or Sponsor: Muhammad Shoalb		Telephone:	
		E-Mail:	
Address: 333 Rainbow Blvd,			
City/PO: Niagara Falls,		State: NY	Zip Code: 14303
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 checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: Muhammad Shoajh	Date: 12/27/2022	
Signature: 		

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

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

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

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

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
NCIDA	1/6/23
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
J. LANGDON	EA
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)
<i>[Signature]</i>	

PRINT

8.3

SJI Main LLC



Date: January 03, 2023

To: Susan C. Langdon, Executive Director, Niagara County Industrial Development Agency

Reference: Increase of Tax exemption amount for SJI Main LLC.

At present time we have completed 50% of project renovation with extended delays due to labor, and supply chain shortage. We are projecting the construction of the project to be done by December 2023. There is a change in scope as we must redo 100% of plumbing and HVAC in all the units which was not originally budgeted. All electrical fixtures are also getting upgraded and in addition to the original budget. The cost of material purchase since the initial budget of 2019 has gone up by 35%, therefore we are requesting the ST-60 to reflect the change in value to 99,000.

In case of any further questions feel free to contact us back.

Regards,

A handwritten signature in black ink that reads "Divya Tandon".

Divya Tandon
SJI Main LLC, SJI properties LLC.