

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: February 14, 2024
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

Board of Directors:

___ **Mark A. Onesi**, Chairperson
___ **Jason Krempa**, Second Vice Chairperson
___ **Clifford Scott**, Member
___ **William L. Ross**, Secretary
___ **Mark Berube**, Member
___ **Ryan J. Mahoney**, Member
___ **Anne E. McCaffrey**, Member
___ **David J. Masse**, Member
___ **William Fekete**, Member

Staff Members:

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

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- 1.0 Meeting Called to Order – *M. Onesi*
 - 2.0 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 13, 2023
 - 6.0 Finance & Audit Committee Reports – *J. Krempa*
 - 6.1 Agency Payables – December 31, 2023
 - 6.2 Agency Payables – January 31, 2024
 - 6.3 Budget Variance Report – December 31, 2023
 - 6.4 Budget Variance Report – January 31, 2024
 - 6.5 Universal Banking Resolutions – *C. Caruso*

7.0 Unfinished Business

8.0 New Business

8.1 Iskalo 1 East Avenue LLC – *S. Langdon*

**8.1.1 Additional Sales tax Benefit
Iskalo 1 East Avenue LLC**

**8.1.2 Additional Sales Tax Benefit
Big Ditch Brewing LLC**

8.2 NCDC Request for Loan Approval – *S. Langdon*

8.2.1 Graham Bros. Enterprises

8.3 Towne Housing Real Estate – *S. Langdon*

8.3.1 Property Management

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: March 13, 2024

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 13, 2023
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

1.0 Meeting Called to Order

The regular meeting of the Niagara County Industrial Development Agency was called to order by Chairperson Onesi at 9:00 a.m.

2.0 Roll Call

Mark A. Onesi, Chairperson	Present
Jason Krempa, First Vice Chairman	Present
Clifford Scott, Second Vice Chairman	Present
William L. Ross, Secretary	Present
Mark Berube, Assistant Secretary	Present
Ryan J. Mahoney, Member	Present
Anne E. McCaffrey, Member	Present
David J. Masse, Member	Present
William Fekete, Member	Present

3.0 Introduction of Guests

Jonathan Epstein, Buffalo News
Robert Creenan, Niagara Gazette
John Simon, Stavatti Aerospace
Robert Sugarman, Stavatti Aerospace
Dr. William Murabito, Niagara County Community College

Staff Present

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

4.0 Pledge of Allegiance

Mr. Geartz led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – November 8, 2023

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

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – November 30, 2023

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

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

6.2 Budget Variance Report – November 30, 2023

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

Mr. Krempa made a motion to approve the Budget Variance Report; Ms. Mahoney seconded the motion. The motion passed.

7.0 Unfinished Business

7.1 Vishay Dale Electronics, LLC

Ms. Klyczek stated that Vishay Dale Electronics, LLC held a public hearing on November 29, 2023 at 2:00 p.m. at 6311 Inducon Corporate Drive, Sanborn, NY 14132. Nobody was in attendance of the public hearing and there were no comments made.

Mr. Gabriele added that there has been a change to this project. The project will remain the same, however, they have decided that their production equipment is not going to be subject to sales tax. The Agency, therefore, will not be providing this project with a sales tax exemption benefit. The company will also not be using the mortgage recording tax abatement. The only benefit the company will receive is the standard 15-year pilot.

7.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF VISHAY DALE ELECTRONICS, LLC AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT, PILOT MORTGAGE AND RELATED DOCUMENTS: AND (iv) A MORTGAGE RECORDING TAX EXEMPTION FOR THE MORTGAGE RELATED TO THE PILOT AGREEMENT.

Mr. Ross made a motion to approve the Final Resolution; Mr. Fekete 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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete	x			

The Resolution was thereupon duly adopted.

7.2 Stavatti Aerospace Ltd.

Mr. Gabriele stated that Stavatti Aerospace Ltd. Is a project that closed in February of 2021. Stavatti’s existing sales tax exemption benefit expires December 31, 2023. The company is requesting an extension of their sales tax exemption extension.

Mr. Krempa asked Mr. Simon from Stavatti if he could speak to the new timeline for the project. Mr. Simon responded by that there are a lot of dealings, which impact the company’s ability to move forward. The war in Ukraine impacted Stavatti dramatically, along with the pandemic and the war in Israel. Mr. Simon stated that Stavatti works with the Department of Defense and the approval process has been slowed down dramatically. He also stated that the process for the approvals to export has been also severely slowed down.

Mr. Simon stated that the company has started the demolition and renovation of the former US Army Reserve Center on Porter Avenue. The company plans to begin the manufacturing of their prototype at the beginning of 2024 and Stavatti intends to finish the project as initially planned.

The Board discussed and decided to extend the sales tax exemption until March 31, 2024 to coincide with the termination date of the original application. The Board and the company agreed to schedule a walk-through of the Stavatti facility in the near future.

7.2.2 Sales Tax Exemption Extension Request

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE SALES TAX EXEMPTION LETTER ISSUED TO STAVATTI AEROSPACE LTD. AND EXECUTE AND DELIVER RELATED DOCUMENTS.

Mr. Krempa made a motion to approve the Sales Tax Exemption Extension; Mr. Scott seconded the motion. The motion passed.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete	x			

The Resolution was thereupon duly adopted.

8.0 New Business

8.1 210 Walnut Street, LLC

Mr. Gabriele stated that 210 Walnut Street, LLC is a previous project in the City of Lockport, NY. All payments and all job requirement have been met. However, there is one vacant building parcel attached to the project that the corporation is now being sold to and 210 walnut is requesting that building to be released from the project. The existing pilot documents will be amended to reflect a new legal description.

8.1.1 Partial Release of Parcels

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY FOR THE PARTIAL RELEASE OF THE PREMISES WITH REGARD TO THE 210 WALNUT STREET, LLC PROJECT.

Mr. Ross made a motion to approve the Partial Release of Parcels; Mr. Fekete 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>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott	x			
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse	x			
William Fekete	x			

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

Agency counsel had no items 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 matters the Board wished to discuss.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: January 10, 2024

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. Fekete seconded the motion. The meeting adjourned at 9:37 p.m.

Respectfully Submitted:

Reviewed By:

Approved By:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary

6.1 & 6.2

Agency Payables

Niagara County Industrial Devel. Agency
Check Register
 For the Period From Dec 1, 2023 to Dec 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
12/1/23	12/1/23	NYS DEFERRED COMPENSATION PLAN	10001.100	1,315.12
29961	12/1/23	NEW YORK STATE AND LOCAL	10001.100	50,589.00
29962	12/5/23	360 PSG.com	10001.100	60.00
29963	12/5/23	Cintas Corporation LOC. 067P	10001.100	93.80
29964	12/5/23	M&T Bank	10001.100	2,528.97
29965	12/5/23	National Grid	10001.100	535.01
29966	12/5/23	Professional Janitorial Services, Inc.	10001.100	793.17
29967	12/5/23	STAPLES CONTRACT & COMMERCIAL	10001.100	34.63
29968	12/12/23	Dawn M. Sifers	10001.100	150.00
29969	12/12/23	MICHAEL S. DUDLEY	10001.100	43.26
29970	12/12/23	First Choice Coffee Services	10001.100	210.32
29971	12/12/23	THE HARTFORD	10001.100	312.83
29972	12/12/23	PETTY CASH	10001.100	64.50
29973	12/12/23	Selective Insurance Company	10001.100	1,783.00
12/14/23	12/14/23	PAYCHEX, INC.	10001.100	100.61
12/14/24 2	12/14/23	PAYCHEX, INC.	10001.100	77.26
12/15/23	12/15/23	NYS DEFERRED COMPENSATION PLAN	10001.100	1,225.12
29974	12/18/23	County of Niagara	10001.100	263.04
29975	12/18/23	Guardian	10001.100	388.33
29976	12/18/23	PURCHASE POWER	10001.100	300.00
29977	12/18/23	STAPLES CONTRACT & COMMERCIAL	10001.100	32.00
12/20/23	12/20/23	PAYCHEX, INC.	10001.100	128.00
12/28/23	12/28/23	PAYCHEX, INC.	10001.100	81.37
12/29/23	12/29/23	NYS DEFERRED COMPENSATION PLAN	10001.100	1,225.12
Total				62,334.46

NCIDA VIP-MTF Operating**Check Register**

For the Period From Dec 1, 2023 to Dec 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4839	12/5/23	Frontier	10001.600	235.37
4840	12/5/23	National Grid	10001.600	456.12
4841	12/5/23	Professional Janitorial Services, Inc.	10001.600	219.42
4842	12/12/23	Grove Roofing Services, Inc.	10001.600	355.50
4843	12/12/23	Modern Disposal Services, Inc.	10001.600	174.10
4844	12/12/23	Niagara County Industrial Dev Agency	10001.600	100,000.00
4845	12/12/23	NCIDA VIP MTF OPERATING	10001.600	10,000.00
4846	12/12/23	Niagara County Industrial Dev Agency	10001.600	4,509.96
4847	12/18/23	County of Niagara	10001.600	116.83
4848	12/18/23	Mike Sinatra's Landscaping and	10001.600	4,150.00
Total				120,217.30

NCIDA - MTF - Operating Fund**Check Register**

For the Period From Dec 1, 2023 to Dec 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3147	12/12/23	Niagara County Industrial	10001.600	3,504.26
3148	12/12/23	NCIDA-MTF-CAPITAL ACCOUNT	10001.600	10,000.00
3149	12/12/23	National Grid	10001.600	76.58
3150	12/18/23	Mike Sinatra's Landscaping and	10001.600	2,950.00
3151	12/18/23	VERIZON	10001.600	128.65
Total				16,659.49

Niagara Industrial Incubator Associates
Check Register
For the Period From Dec 1, 2023 to Dec 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1385	12/12/23	National Grid	10000.100	250.65
1386	12/12/23	Town of Wheatfield	10000.100	36.61
1387	12/18/23	Mike Sinatra's Landscaping and	10000.100	<u>2,650.00</u>
Total				<u><u>2,937.26</u></u>

NCDC - CDBG/HUD - RLF
Check Register
For the Period From Dec 1, 2023 to Dec 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
267	12/12/23	Niagara County Industrial Dev Agency	10200-300	<u>10,000.08</u>
Total				<u><u>10,000.08</u></u>

Niag. Cnty Dev. Corp. - EDA RLF
Check Register
For the Period From Dec 1, 2023 to Dec 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1349	12/12/23	Niagara County Industrial	10001.100	9,999.96
Total				9,999.96

Niag. Cnty Dev. Corp. - Micro RLF
Check Register
For the Period From Dec 1, 2023 to Dec 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2099	12/12/23	Niagara County Industrial	10004.400	9,999.96
2100	12/18/23	Marcus the Barber and Associates LLC	10004.400	14,888.26
2101	12/18/23	NAZ716, Inc.	10004.400	5,279.33
2102	12/18/23	Red Dragon's Hoard LLC	10004.400	4,311.20
Total				34,478.75

Niagara County Industrial Devel. Agency
Check Register
 For the Period From Jan 1, 2024 to Jan 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1/2/24	1/2/24	NEW YORK STATE AND LOCAL	10001.100	808.32
29978	1/3/24	Charter Communications	10001.100	129.99
29979	1/3/24	County of Niagara	10001.100	376.00
29980	1/3/24	Independent Health	10001.100	3,535.94
29981	1/3/24	Niag Cnty Dept of Economic Development	10001.100	494.47
29982	1/3/24	Selective Insurance Company	10001.100	16,713.70
29983	1/3/24	Summit MSP, LLC	10001.100	184.26
29984	1/3/24	VOID CHECK	10001.100	
29985	1/3/24	VOID CHECK	10001.100	
29986	1/3/24	VOID CHECK	10001.100	
29987	1/3/24	VOID CHECK	10001.100	
29988	1/3/24	VOID CHECK	10001.100	
29989	1/3/24	VOID CHECK	10001.100	
29990	1/3/24	VOID CHECK	10001.100	
29991	1/3/24	VOID CHECK	10001.100	
29992	1/3/24	Caroline M. Caruso	10001.100	46.11
29993	1/3/24	Cintas Corporation LOC. 067P	10001.100	93.80
29994	1/3/24	SUSAN C. LANGDON	10001.100	60.72
29995	1/3/24	National Grid	10001.100	436.62
29996	1/3/24	Niag Cnty Dept of Economic Development	10001.100	36,434.29
29997	1/3/24	NEW YORK STATE ECONOMIC	10001.100	1,500.00
29998	1/3/24	Professional Janitorial Services, Inc.	10001.100	793.17
29999	1/3/24	Selective Insurance Company	10001.100	1,171.00
2012	1/3/24	Niagara Aquarium Foundation	10660.100	35,000.00
30000	1/9/24	County of Niagara	10001.100	489.34
30001	1/9/24	The Hartford	10001.100	881.00
30002	1/9/24	M&T Bank	10001.100	2,719.40
30003	1/9/24	STAPLES CONTRACT & COMMERCIAL	10001.100	77.90
1/11/24	1/11/24	PAYCHEX, INC.	10001.100	175.88
1/12/24	1/12/24	NYS DEFERRED COMPENSATION PLAN	10001.100	1,358.24
30004	1/16/24	American City Business Journals	10001.100	110.00
30005	1/16/24	First Choice Coffee Services	10001.100	94.30
30006	1/16/24	Gabriele & Berrigan, P.C.	10001.100	15,144.61
30007	1/16/24	Jeremy Geartz	10001.100	206.13

Niagara County Industrial Devel. Agency
Check Register
For the Period From Jan 1, 2024 to Jan 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
30008	1/16/24	Pitney Bowes Global Financial Services	10001.100	189.42
30009	1/16/24	PURCHASE POWER	10001.100	300.00
2013	1/16/24	Burger Factory of Niagara Falls Inc.	10660.100	185,250.00
2014	1/16/24	Niagara Falls International Cuisine, In	10660.100	44,922.31
1/20/24	1/20/24	PAYCHEX, INC.	10001.100	128.00
30010	1/23/24	THE BUFFALO NEWS	10001.100	89.94
30011	1/23/24	County of Niagara	10001.100	368.68
30012	1/23/24	Gabriele & Berrigan, P.C.	10001.100	4,233.74
30013	1/23/24	Guardian	10001.100	388.33
30014	1/23/24	Independent Health	10001.100	3,535.94
30015	1/23/24	County of Niagara	10001.100	36.04
1/25/24	1/25/24	PAYCHEX, INC.	10001.100	81.37
1/26/24	1/26/24	NYS DEFERRED COMPENSATION PLAN	10001.100	1,268.24
1/29/24	1/29/24	NEW YORK STATE AND LOCAL	10001.100	555.04
30016	1/30/24	Buffalo Business First	10001.100	2,995.00
30017	1/30/24	Charter Communications	10001.100	129.99
30018	1/30/24	Cintas Corporation LOC. 067P	10001.100	93.80
30019	1/30/24	Professional Janitorial Services, Inc.	10001.100	793.17
Total				<u>364,394.20</u>

NCIDA VIP-MTF Operating
Check Register
For the Period From Jan 1, 2024 to Jan 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4849	1/3/24	County of Niagara	10001.600	270.50
4850	1/3/24	Selective Insurance Company	10001.600	17,359.00
4851	1/3/24	Frontier	10001.600	235.37
4852	1/3/24	National Grid	10001.600	370.47
4853	1/3/24	Professional Janitorial Services, Inc.	10001.600	219.42
4854	1/9/24	Grove Roofing Services, Inc.	10001.600	1,560.50
4855	1/9/24	County of Niagara	10001.600	345.30
4856	1/9/24	Mike Sinatra's Landscaping and	10001.600	5,050.00
4857	1/9/24	KATHY HARRINGTON-MCDONELL	10001.600	9,200.79
4858	1/16/24	H.W.BRYK & SONS, INC.	10001.600	462.23
4859	1/23/24	Grove Roofing Services, Inc.	10001.600	877.70
4860	1/23/24	Modern Disposal Services, Inc.	10001.600	174.10
4861	1/23/24	County of Niagara	10001.600	255.01
4862	1/30/24	Niagara Gazette Lockport Union	10001.600	79.60
4863	1/31/24	Professional Janitorial Services, Inc.	10001.600	219.42
Total				36,679.41

NCIDA - MTF - Operating Fund
Check Register
For the Period From Jan 1, 2024 to Jan 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3152	1/3/24	Selective Insurance Company	10001.600	10,185.00
3153	1/3/24	National Grid	10001.600	73.78
3154	1/3/24	Kathy Harrington-McDonell	10001.600	8,244.98
3155	1/9/24	Mike Sinatra's Landscaping and	10001.600	3,850.00
3156	1/16/24	Gabriele and Berrigan P.C.	10001.600	756.00
3157	1/23/24	Gabriele and Berrigan P.C.	10001.600	862.24
3158	1/23/24	VERIZON	10001.600	128.66
3159	1/30/24	Niagara Gazette Lockport Union	10001.600	39.80
Total				24,140.46

Niagara Industrial Incubator Associates
Check Register
For the Period From Jan 1, 2024 to Jan 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1388	1/3/24	H.W. Bryk & Sons, Inc.	10000.100	972.67
1389	1/3/24	Kathy Harrington-McDonell	10000.100	3,888.83
1390	1/9/24	National Grid	10000.100	238.58
1391	1/9/24	Mike Sinatra's Landscaping and	10000.100	3,550.00
1392	1/16/24	Gabriele & Berrigan, P.C.	10000.100	360.00
1393	1/23/24	Gabriele & Berrigan, P.C.	10000.100	948.63
1394	1/30/24	Niagara Gazette Lockport Union Sun &	10000.100	39.80
Total				9,998.51

NIAG ECONOMIC DEV FUND
Check Register
For the Period From Jan 1, 2024 to Jan 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1350	1/9/24	Niagara County Industrial	10000-200	50,000.00
Total				<u>50,000.00</u>

6.3 & 6.4

**Budget Variance
Reports**

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

BUDGET VARIANCE REPORT AS OF December 31, 2023

UN-AUDITED STATEMENT FOR INTERNAL MANAGEMENT USE ONLY

	Current Month Actual	Current Month Budget	Year To Date Actual	Year To Date Budget	Year To Date Variance	Total Budget
Operating Revenues						
Project Administrative Fees	\$ 0.00	\$ 36,428.00	\$ 790,322.00	\$ 536,108.00	254,214.00	\$ 536,108.00
Project Application Fees	1,000.00	1,000.00	14,000.00	12,000.00	2,000.00	12,000.00
NEDF RLF Administrative Fee	4,166.63	4,166.63	50,000.00	50,000.00	0.00	50,000.00
Administrative Fees - Other	7,574.00	236,575.00	16,134.00	245,135.00	(229,001.00)	245,135.00
Interest Earnings	4,872.48	224.38	37,253.50	2,693.00	34,560.50	2,693.00
Miscellaneous Income	1,810.08	5.00	40,094.04	60.00	40,034.04	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	150,000.00	150,000.00	150,000.00	150,000.00	0.00	150,000.00
Total Operating Revenues	269,423.19	528,399.01	1,197,803.54	1,095,996.00	101,807.54	1,095,996.00
Operating Expenses						
Salaries	52,513.26	50,250.00	448,961.00	435,500.00	13,461.00	435,500.00
Benefits	5,256.31	4,871.75	60,610.68	58,461.00	2,149.68	58,461.00
Retirement Benefits	10,311.62	3,661.62	50,589.00	43,939.00	6,650.00	43,939.00
Payroll Taxes	4,089.03	3,867.85	34,675.18	33,785.00	890.18	33,785.00
Unemployment Taxes	0.00	0.00	1,675.09	1,550.00	125.09	1,550.00
Consultants	2,500.00	2,500.00	30,000.00	30,000.00	0.00	30,000.00
Assistant Director	4,833.90	6,250.00	73,583.90	75,000.00	(1,416.10)	75,000.00
Legal Services	4,233.74	5,833.37	65,558.92	70,000.00	(4,441.08)	70,000.00
Accounting Services	0.00	0.00	19,600.00	20,110.00	(510.00)	20,110.00
Accounting Services - NADC	0.00	0.00	1,400.00	2,100.00	(700.00)	2,100.00
Marketing	3,711.10	1,833.37	19,137.53	22,000.00	(2,862.47)	22,000.00
Printing	184.26	125.00	329.14	1,500.00	(1,170.86)	1,500.00
Office Supplies	109.90	208.37	1,212.93	2,500.00	(1,287.07)	2,500.00
Postage	302.64	226.00	3,256.16	3,650.00	(393.84)	3,650.00
Telephone & Fax	54.49	88.88	1,044.69	1,067.00	(22.31)	1,067.00
Internet Service	169.99	208.37	2,170.68	2,500.00	(329.32)	2,500.00
Common Area Charges	870.00	723.63	10,440.00	8,684.00	1,756.00	8,684.00
Energy	1,294.64	2,565.00	14,814.06	24,518.00	(9,703.94)	24,518.00
Conference & Travel	884.52	166.63	6,917.37	2,000.00	4,917.37	2,000.00
Employee Training	845.00	416.63	3,795.00	5,000.00	(1,205.00)	5,000.00
Insurance Expense	1,708.24	1,643.13	19,801.64	19,718.00	83.64	19,718.00
Library & Membership	0.00	148.20	3,551.21	3,130.00	421.21	3,130.00
General Office	724.19	798.87	11,670.23	9,586.00	2,084.23	9,586.00
Repairs & Maintenance	956.31	1,098.00	11,096.49	13,176.00	(2,079.51)	13,176.00
Computer Support	0.00	583.37	0.00	7,000.00	(7,000.00)	7,000.00
Public Hearings	0.00	25.00	166.35	300.00	(133.65)	300.00
Furniture & Equipment Purchase	0.00	166.63	1,760.22	2,000.00	(239.78)	2,000.00
Other Expense	0.00	83.37	0.00	1,000.00	(1,000.00)	1,000.00
Total Operating Expenses	95,553.14	88,343.04	897,817.47	899,774.00	(1,956.53)	899,774.00
Net Operating Income/<Loss>	173,870.05	440,055.97	299,986.07	196,222.00	103,764.07	196,222.00
Non-Operating Revenue & Expense						
Grant Rev- City NF Initiative	0.00	900,000.00	442,080.94	900,000.00	(457,919.06)	900,000.00
Grant Sub-City NF Initiative	0.00	900,000.00	442,080.94	900,000.00	(457,919.06)	900,000.00
Net Non-Operating Income/<Loss>	0.00	0.00	0.00	0.00	0.00	0.00
Total Net Income/<Loss>	\$ 173,870.05	\$ 440,055.97	\$ 299,986.07	\$ 196,222.00	103,764.07	\$ 196,222.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet
December 31, 2023

ASSETS

Current Assets	
Cash - Checking	\$ 396,443.67
Petty Cash	300.00
Mmkt Acct. - M&T Bank	1,972,751.79
Cash - First Response	66,114.92
Cash - City of N.F.	793.07
Mmkt Acct. - Cataract Tourism	2,982,903.17
Accts Rec - Public Hearings	2,334.11
Accounts Rec. EDA - RLF	9,999.96
Due To/From Micro RLF	10,245.75
Due To/From VIP - MTF	474,799.90
Due From NCDC CDBG/HUD	10,000.08
Due To/Due From NADC	151,406.56
Due To/From MTF Operating	103,122.00
Prepaid Insurance	23,788.37
Prepaid Pension Asset	<u>45,112.00</u>
 Total Current Assets	 6,250,115.35
Other Assets	
Deferred Outflows	163,304.00
Investment in NIIA	<u>342,500.00</u>
 Total Other Assets	 505,804.00
Fixed Assets	
Furniture & Equipment	231,672.18
Furn & Fixtures - Fed purchase	5,861.08
Accum Dep. - Furn & Equip	(202,053.36)
Accum Dep. - F&F Fed Purch	<u>(5,861.08)</u>
 Total Fixed Assets	 29,618.82
 Total Assets	 <u>\$ 6,785,538.17</u>

LIABILITIES AND NET ASSETS

Current Liabilities	
NYS Retirement W/H 414(H)	\$ 808.32
Deferred Rev. - First Repsonse	66,114.92
Def. Rev. - City of N.F.	2,983,696.24
Accounts Payable	<u>87,714.20</u>
 Total Current Liabilities	 3,138,333.68
Long-Term Liabilities	
Deferred Inflows of Resources	<u>180,075.00</u>
 Total Long-Term Liabilities	 <u>180,075.00</u>
 Total Liabilities	 3,318,408.68
Net Assets	
Fund Balance - Operating Fund	3,167,143.42
Net Income	<u>299,986.07</u>
 Total Net Assets	 <u>3,467,129.49</u>
 Total Liabilities & Net Assets	 <u>\$ 6,785,538.17</u>

Niagara County Industrial
Development Agency
Aged Payables
As of December 31, 2023

Vendor ID Vendor	Invoice #	Amount Due
BUFBUSINESS Buffalo Business First	10456464	2,995.00
CARUSO Caroline M. Caruso	11/3/23 - 12/22/23	46.11
char Charter Communications	Dec 2023	129.99
cin Cintas Corporation #782	6680504;8170238	93.80
CNIT County of Niagara	Oct-Dec 2023	36.04
County County of Niagara	Nov 23 Elec Dec 2023 Gas Dec 23 Elec	376.00 489.34 368.68
GABRIELE Gabriele & Berrigan, P.C.	Nov 2023 Engagement Nov 2023 Dec 2023 Engagement Dec 2023	5,000.00 5,144.61 5,000.00 4,233.74
HART The Hartford	LNY72598 Oct-Dec 23	881.00
ind Independent Health	Jan 2024	3,535.94
JEREMY Jeremy Geartz	7/13/23-12/13/23	206.13
LANSUE SUSAN C, LANGDON	10/30/23-12/21/23	60.72
M&TBUS M&T Bank	Dec 2023	2,719.40
NATGRID National Grid	39004 12/23	436.62
NCDDED Niag Cnty Dept of Economic Development	Copier Oct-Nov 2023 Copier Dec 2023 7/1/23-12/31/23	494.47 92.29 36,434.29
ProJan Professional Janitorial Services, Inc.	3504	793.17
SELECTIVE Selective Insurance Company	Umbrella '23-'24 Commercial '23-'24 Worker's Comp '23-'24	8,108.00 8,605.70 1,171.00
STAPLES STAPLES CONTRACT & COMMERCIAL	8072699212	77.90
sum Summit MSP, LLC	67392	184.26
Report Total		87,714.20

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

2/4/2024

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

Closed 2023		Project	Total	IDA	Fees	Application	Amount	Date	Balance	Date
		Type	Project	Project		Fee	Received	Received	Due	Closed
			Amount	Amount			to Date			
SJI Main LLC	Sales Tax Only		35,320	35,320	3,532	0	3,532	1/23/23	-	1/5/23
OAHS Urban Park TC LLC	Bond		27,467,700	16,215,000	134,558	1,000	135,558	2/15/23	-	1/31/23
Niagara Falls International Cuisine	Sales Tax Only		510,000	29,600	2,960	1,000	3,960	2/24/23	-	2/1/23
Burger Factory Niagara Falls Inc, d/b/a A&W F	L/L Back		1,230,000	1,110,000	11,100	1,000	12,100	2/24/23	-	2/10/23
OAHS Niagara Towers TC LLC	Bond		32,074,394	19,875,000	165,969	1,000	166,969	3/15/23	-	3/2/23
DLV Properties LLC	L/L Back		23,089,050	20,707,900	207,079	1,000	208,079	3/16/23	-	3/15/23
Prospect Pointe Hotel LLC	Assumption of Maid of the Mist Hospitalit				4,000	1,000	5,000	4/10/23	-	3/22/23
DRC Development LLC 2022	L/L Back		3,000,000	2,883,000	28,830	1,000	29,830	5/19/23	-	5/16/23
Cerrone Estate Properties, LLC	No assistance provided.					1,000	1,000	2/3/21	-	
Niacet Corporation	No assistance provided.					1,000	1,000	3/14/23	-	
Niacet Corporation (NxTD Project)	No assistance provided.					1,000	1,000	5/2/22	-	
TM Montante Development LLC - 500 3rd St.	L/L Back		2,687,001	2,059,941	31,349	1,000	32,349	11/1/23	-	7/14/23
TM Montante Development LLC - 512 3rd St.	L/L Back		693,001	550,000	16,920	1,000	17,920	11/1/23	-	7/14/23
Zeton US Properties, Inc.	L/L Back		5,230,000	4,825,000	48,300	1,000	49,300	7/27/23	-	7/17/23
9745 Rochester Road LLC (Brent Industries)	Additional Sales Tax Exemption				13,350		13,350	9/20/23	-	9/13/23
Chase Commons LLC	L/L Back		5,000,000	4,600,000	38,000	1,000	39,000	11/2/23	-	9/1/23
Greenpac Mill, LLC	Mortgage Refinance				84,375		84,375	9/18/23	-	
Olcott Yacht Club Inc.	No assistance provided.					250	250	2/16/21	-	
TOTAL					<u>790,322</u>					
Fees received in prior year					-					
Total fees received to date in 2023					<u>790,322</u>					
Total 2023 Budgeted Fees					<u>536,108</u>					
Balance of Budgeted Fees					<u>(254,214)</u>					

Projected 2023		Project	Total	IDA	Anticipated	Application	Amount	Date	Anticipated	Inducement
		Type	Project	Project	Fees	Fee	Received	Received	Balance	Expiration
			Amount	Amount			to Date		Due	
Amazon.com Services LLC	L/L Back		550,000,000	550,000,000		1,000	1,000	7/13/22	-	2/10/24
Cityscape Property Management Inc. - Division	L/L Back		1,122,000	1,075,000	10,750	1,000	1,000	9/20/23	10,750	11/30/24
Cityscape Property Management Inc. - Stenzil	L/L Back		2,244,000	2,150,000	21,500	1,000	1,000	9/20/23	21,500	11/30/24
TOTAL					<u>32,250</u>	<u>3,000</u>	<u>3,000</u>		<u>32,250</u>	<u>0</u>
TOTAL - Projected Income 2023					<u>822,572</u>	<u>3,000</u>	<u>3,000</u>		<u>32,250</u>	<u>790,322</u>

Projected 2024		Project	Total	IDA	Anticipated	Application	Amount	Date	Anticipated	Inducement
		Type	Project	Project	Fees	Fee	Received	Received	Balance	Expiration
			Amount	Amount			to Date		Due	
Peak Development Partners, LLC	L/L Back		7,475,000	7,175,000	71,750	1,000	1,000	1/31/23	71,750	3/31/24
Niacet Corporation 2023	L/L Back		121,000,000	89,000,000		1,000	1,000	3/14/23	-	3/31/24
MHT Holdings, Inc. - Brookside Commons	L/L Back		3,635,039	2,013,618	20,136	1,000	1,000	5/26/23	20,136	10/31/24
MHT Holdings, Inc. - Niagara Falls	L/L Back		14,540,156	8,054,471	80,545	1,000	1,000	5/26/23	80,545	9/30/24
NF Lockport LLC	L/L Back		95,000,000	90,100,000		1,000	1,000	9/13/23	-	11/30/24
Vishay Dale Electronics, LLC	L/L Back		8,200,000	8,000,000	80,000	1,000	1,000	12/12/23	80,000	12/31/24
TOTAL					<u>252,431</u>	<u>6,000</u>	<u>6,000</u>		<u>252,431</u>	<u>0</u>

* Pending Board Approval

**Cataract Tourism Fund
Grant Program**

Grantee Name	Grant Awards	Outst'd'g Awards	Approval Date	Disbursement Date	Disbursement Amount	Offer Expiration	Project Description
Niagara County Dept. of Economic Development	37,667	0.00	10/11/2017	1/23/2018	37,667.00		Feasibility study for Niagara Falls area multi-use facility.
Niagara Aquarium Foundation	88,147	0.00	2/14/2018	7/15/2019	88,147.00		Jellyfish exhibit and equipment.
The Tourism Research Entrepreneurship Center (TReC)	176,600	0.00	8/8/2018	6/2/2020	176,600.00		Buildout, audio/visual equipment and network connectivity hardware.
Niagara Aquarium Foundation	16,717	0.00	2/12/2020	10/21/2020	16,717.00		Renovations to second floor event room.
Niagara Aquarium Foundation	370,000	0.00	8/14/2019	2/9/2021	370,000.00		Interactive touch pools adjacent to main entrance of the Aquarium.
Red Star Builders, LLC (The Niagara Club)	64,403	0.00	7/10/2019	9/7/2021	64,403.00		Spot Coffee.
Niagara Falls Center for Tourism LLC	1,000,000	0.00	6/12/2019	7/7/2023	598,661.03	12/31/2024	Construction of an indoor family entertainment center and outdoor improvements.
The Center for Kashmir, Inc.	573,000	300,000.00	6/14/2023	8/9/2023	273,000.00		Renovations to vacant church for a museum of art and culture for Kashmir.
Savarino Companies, LLC	155,000	0.00	4/14/2021	4/26/2023	155,000.00		Rehabilitation of 4,000 square feet of commercial/retail storefront space.
Niagara Aquarium Foundation	900,000	900,000.00	2/9/2022	To Be Disbursed	0.00	12/31/2023	Renovations to the Niagara Gorge Discovery Center for expanded programming.
Niagara Aquarium Foundation	35,000	35,000.00	2/8/2023	To Be Disbursed	0.00	10/31/2023	Sea turtle exhibit.
Burger Factory Niagara Falls, Inc.	185,250	185,250.00	2/8/2023	To Be Disbursed	0.00	11/30/2023	Façade renovations.
Niagara Falls International Cuisine, Inc.	76,500	76,500.00	2/8/2023	To Be Disbursed	0.00	11/30/2023	Dining area renovations.
Hammer & Crown BC	33,000	33,000.00	3/22/2023	To Be Disbursed	0.00	12/1/2023	Kitchen buildout, bar and dining area remodeling.
TM Montante Development(Radio Niagara)	912,609	912,609.00	3/22/2023	To Be Disbursed	0.00	11/1/2023	Renovations for restaurant, bar, game space, bowling lounge and boutique hotel.
To Date Sub-Total	4,623,893	2,442,359.00			1,780,195.03		

Grant Fund Cash Balance as of 12/31/2023	2,983,696.24
Less: Outstanding Awards	(2,442,359.00)
Available for awarding grants	541,337.24

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	123,934.53
Bank Fees	(43.26)
Grant Disbursements	(1,780,195.03)
Grant Fund Balance	2,983,696.24

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BUDGET VARIANCE REPORT AS OF January 31, 2024
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	\$ 357,500.00	\$ 24,167.00	\$ 357,500.00	\$ 24,167.00	333,333.00	\$ 527,232.00
Project Application Fees	0.00	1,000.00	0.00	1,000.00	(1,000.00)	12,000.00
NEDF RLF Administrative Fee	4,166.67	4,166.67	4,166.67	4,166.67	0.00	50,000.00
Administratve Fees - Other	5,303.44	0.00	5,303.44	0.00	5,303.44	28,040.00
Interest Earnings	5,144.30	3,820.42	5,144.30	3,820.42	1,323.88	45,845.00
Miscellaneous Income	1,810.08	14,315.08	1,810.08	14,315.08	(12,505.00)	171,781.00
Distributions From Affiliates	0.00	0.00	0.00	0.00	0.00	100,000.00
Distribution from VIP MTF	0.00	0.00	0.00	0.00	0.00	100,000.00
Total Operating Revenues	373,924.49	47,469.17	373,924.49	47,469.17	326,455.32	1,034,898.00
Operating Expenses						
Salaries	36,178.38	35,793.76	36,178.38	35,793.76	384.62	465,319.00
Benefits	4,740.22	5,410.75	4,740.22	5,410.75	(670.53)	64,929.00
Retirement Benefits	5,310.92	5,310.92	5,310.92	5,310.92	0.00	63,731.00
Payroll Taxes	2,809.52	2,759.09	2,809.52	2,759.09	50.43	35,778.00
Unemployment Taxes	784.96	784.95	784.96	784.95	0.01	1,575.00
Consultants	2,500.00	2,500.00	2,500.00	2,500.00	0.00	30,000.00
Assistant Director	6,516.17	6,516.17	6,516.17	6,516.17	0.00	78,194.00
Legal Services	5,833.33	5,833.33	5,833.33	5,833.33	0.00	70,000.00
Accounting Services	0.00	0.00	0.00	0.00	0.00	22,210.00
Marketing	3,458.00	1,833.33	3,458.00	1,833.33	1,624.67	22,000.00
Printing	0.00	100.00	0.00	100.00	(100.00)	1,200.00
Office Supplies	0.00	208.33	0.00	208.33	(208.33)	2,500.00
Postage	489.42	470.00	489.42	470.00	19.42	3,750.00
Telephone & Fax	108.45	107.08	108.45	107.08	1.37	1,285.00
Internet Service	169.99	195.67	169.99	195.67	(25.68)	2,348.00
Common Area Charges	874.50	874.50	874.50	874.50	0.00	10,494.00
Energy	2,141.27	2,198.00	2,141.27	2,198.00	(56.73)	18,081.00
Conference & Travel	937.92	666.67	937.92	666.67	271.25	8,000.00
Employee Training	980.00	500.00	980.00	500.00	480.00	6,000.00
Depreciation Expense	0.00	0.00	0.00	0.00	0.00	6,462.00
Insurance Expense	1,708.24	1,824.42	1,708.24	1,824.42	(116.18)	21,893.00
Library & Membership	1,699.94	326.92	1,699.94	326.92	1,373.02	3,923.00
General Office	681.41	993.33	681.41	993.33	(311.92)	11,920.00
Repairs & Maintenance	945.00	1,065.00	945.00	1,065.00	(120.00)	12,780.00
Computer Support	0.00	500.00	0.00	500.00	(500.00)	6,000.00
Public Hearings	0.00	25.00	0.00	25.00	(25.00)	300.00
Furniture & Equipment Purchase	0.00	166.67	0.00	166.67	(166.67)	2,000.00
Other Expense	0.00	83.33	0.00	83.33	(83.33)	1,000.00
Total Operating Expenses	78,867.64	77,047.22	78,867.64	77,047.22	1,820.42	973,672.00
Net Operating Income/<Loss>	295,056.85	(29,578.05)	295,056.85	(29,578.05)	324,634.90	61,226.00
Non-Operating Revenue & Expense						
Grant Rev- City NF Initiative	265,172.31	0.00	265,172.31	0.00	265,172.31	2,145,609.00
Grant Sub-City NF Initiative	265,172.31	0.00	265,172.31	0.00	265,172.31	2,145,609.00
Net Non-Operating Income/<Loss>	0.00	0.00	0.00	0.00	0.00	0.00
Total Net Income/<Loss>	\$ 295,056.85	(\$ 29,578.05)	\$ 295,056.85	(\$ 29,578.05)	324,634.90	\$ 61,226.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet
January 31, 2024

ASSETS

Current Assets		
Cash - Checking	\$	267,346.10
Petty Cash		300.00
Mmkt Acct. - M&T Bank		2,385,396.09
Cash - First Response		66,143.00
Cash - City of N.F.		819.31
Mmkt Acct. - Cataract Tourism		2,724,862.26
Accts Rec - Public Hearings		2,334.11
Accounts Rec. EDA - RLF		10,833.29
Due To/From Micro RLF		11,131.05
Due To/From VIP - MTF		475,088.92
Due From NCDC CDBG/HUD		10,833.42
Due To/Due From NADC		151,406.56
Due To/From MTF Operating		103,122.00
Prepaid Insurance		21,982.55
Prepaid Pension Asset		<u>45,112.00</u>
 Total Current Assets		 6,276,710.66
 Other Assets		
Deferred Outflows		163,304.00
Investment in NIIA		<u>342,500.00</u>
 Total Other Assets		 505,804.00
 Fixed Assets		
Furniture & Equipment		231,672.18
Furn & Fixtures - Fed purchase		5,861.08
Accum Dep. - Furn & Equip		(202,053.36)
Accum Dep. - F&F Fed Purch		<u>(5,861.08)</u>
 Total Fixed Assets		 29,618.82
 Total Assets		 <u>\$ 6,812,133.48</u>

LIABILITIES AND NET ASSETS

Current Liabilities		
Accrued Retirement	\$	5,310.92
Deferred Rev. - NEDF		45,833.33
Deferred Rev. - First Repsonse		66,143.00
Def. Rev. - City of N.F.		2,725,681.57
Accounts Payable		20,387.15
Acct. Payable - Niag. County		<u>6,516.17</u>
 Total Current Liabilities		 2,869,872.14
 Long-Term Liabilities		
Deferred Inflows of Resources		<u>180,075.00</u>
 Total Long-Term Liabilities		 <u>180,075.00</u>
 Total Liabilities		 3,049,947.14
 Net Assets		
Fund Balance - Operating Fund		3,467,129.49
Net Income		<u>295,056.85</u>
 Total Net Assets		 <u>3,762,186.34</u>
 Total Liabilities & Net Assets		 <u>\$ 6,812,133.48</u>

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

2/4/2024

**Project Income - 2024
Lease/Lease Back and Bonds**

Closed 2024	Project Type	Total Project Amount	IDA Project Amount	Fees	Application Fee	Amount Received to Date	Date Received	Balance Due	Date Closed
Amazon.com Services LLC	L/L Back	550,000,000	550,000,000	357,500	1,000	358,500	1/30/24	-	

TOTAL	<u>357,500</u>
Fees received in prior year	-
Total fees received to date in 2024	<u>357,500</u>
Total 2024 Budgeted Fees	<u>527,232</u>
Balance of Budgeted Fees	<u>169,732</u>

Projected 2024	Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration
Cityscape Property Management Inc. - Division	L/L Back	1,122,000	1,075,000	10,750	1,000	1,000	9/20/23	10,750	11/30/24
Cityscape Property Management Inc. - Stenzil	L/L Back	2,244,000	2,150,000	21,500	1,000	1,000	9/20/23	21,500	11/30/24
Peak Development Partners, LLC	L/L Back	7,475,000	7,175,000	71,750	1,000	1,000	1/31/23	71,750	3/31/24
Niacet Corporation 2023	L/L Back	121,000,000	89,000,000		1,000	1,000	3/14/23	-	3/31/24
MHT Holdings, Inc. - Brookside Commons	L/L Back	3,635,039	2,013,618	20,136	1,000	1,000	5/26/23	20,136	10/31/24
MHT Holdings, Inc. - Niagara Falls	L/L Back	14,540,156	8,054,471	80,545	1,000	1,000	5/26/23	80,545	9/30/24
NF Lockport LLC	L/L Back	95,000,000	90,100,000		1,000	1,000	9/13/23	-	11/30/24
Vishay Dale Electronics, LLC	L/L Back	8,200,000	8,000,000	80,000	1,000	1,000	12/12/23	80,000	12/31/24
TOTAL				<u>284,681</u>	<u>8,000</u>	<u>8,000</u>		<u>284,681</u>	0
TOTAL - Projected Income 2024				<u>642,181</u>	<u>8,000</u>	<u>8,000</u>		<u>284,681</u>	357,500

Projected 2025	Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration
TOTAL				<u>0</u>	<u>0</u>	<u>0</u>		<u>0</u>	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)	64,403	0.00	7/10/2019	9/7/2021	64,403.00		Spot Coffee.
Niagara Falls Center for Tourism LLC	1,000,000	0.00	6/12/2019	7/7/2023	598,661.03	12/31/2024	Construction of an indoor family entertainment center and outdoor improvements.
The Center for Kashmir, Inc.	573,000	300,000.00	6/14/2023	8/9/2023	273,000.00		Renovations to vacant church for a museum of art and culture for Kashmir.
Savarino Companies, LLC	155,000	0.00	4/14/2021	4/26/2023	155,000.00		Rehabilitation of 4,000 square feet of commercial/retail storefront space.
Niagara Aquarium Foundation	900,000	900,000.00	2/9/2022	To Be Disbursed	0.00	12/31/2023	Renovations to the Niagara Gorge Discovery Center for expanded programming.
Niagara Aquarium Foundation	35,000	0.00	2/8/2023	1/2/2024	35,000.00		Sea turtle exhibit.
Burger Factory Niagara Falls, Inc.	185,250	0.00	2/8/2023	1/11/2024	185,250.00		Façade renovations.
Niagara Falls International Cuisine, Inc.	76,500	0.00	2/8/2023	1/11/2024	44,922.31		Dining area renovations.
Hammer & Crown BC	33,000	33,000.00	3/22/2023	To Be Disbursed	0.00		Kitchen buildout, bar and dining area remodeling.
TM Montante Development(Radio Niagara)	912,609	912,609.00	3/22/2023	To Be Disbursed	0.00		Renovations for restaurant, bar, game space, bowling lounge and boutique hotel.
To Date Sub-Total	4,623,893	2,145,609.00			2,045,367.34		

Grant Fund Cash Balance as of 1/31/2024	2,725,681.57
Less: Outstanding Awards	<u>(2,145,609.00)</u>
Available for awarding grants	<u>580,072.57</u>

Grant Fund Balance	-
Grant Funding from NYS 11/22/2016	1,600,000.00
Grant Funding from NYS 10/16/2017	1,440,000.00
Grant Funding from NYS 10/12/2018	1,600,000.00
Bank Interest	131,092.17
Bank Fees	(43,26)
Grant Disbursements	<u>(2,045,367.34)</u>
Grant Fund Balance	<u>2,725,681.57</u>

6.5

**Universal Banking
Resolutions**

MEMORANDUM

TO: NCIDA Audit/Finance Committee
NCIDA Board of Directors

FROM: Caroline M. Caruso, Accounting Associate
Michael S. Dudley, Finance Manager
Susan C. Langdon, Executive Director

DATE: February 14, 2024

SUBJECT: New Bank Account Signature Cards

We will be submitting to M & T Bank a new “Universal Banking Resolutions” form (new signature cards). This is necessary due to the recent changes in Board membership. We have prepared the new “Universal Banking Resolutions” to contain the names of each of the current nine Board Officers and Board Members along with the Executive Director and Treasurer. We ask that each of you take a moment immediately following the Board meeting to verify your information on the form and sign your name to the form, which we will present to you.

Once all of the signatures are completed, the new resolution will be submitted to M&T Bank and updated to all of our existing bank accounts. Each of you will then be an authorized signer on all of our M&T bank accounts.

We sincerely appreciate your assistance in this matter.

C. Mark J. Gabriele, Agency Counsel

8.1

**Iskalo 1 East
Avenue LLC**

PROJECT SUMMARY
Iskalo 1 East Avenue LLC



Applicant:	Iskalo 1 East Avenue LLC	
Project Location:	1 East Avenue, Lockport, NY 14094	
Assistance:	Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>Iskalo Development is nearing completion of a comprehensive restoration and rehabilitation of the historic former Lockport Post Office located at 1 East Avenue in downtown Lockport. In 2020, NCIDA granted property tax, sales and mortgage tax incentives to the company for renovations to accommodate commercial tenants.</p> <p>With this application, Iskalo is seeking additional sales tax only exemption for additional building infrastructure improvements necessitated by the lease of approximately 15,000 square feet to Big Ditch Brewing. The space, consisting of two floors in the building will be a microbrewery and tap room/restaurant with private event space. In addition to serving as an anchor tenant for the historic Post Office, Big Ditch will help attract additional tenant to the downtown Lockport.</p>	
Project Costs:	Construction (improvements) Equipment/Furniture & Fixtures Soft Costs(engineering, architectural) Other <p align="center">TOTAL</p>	\$1,800,000 purchased by tenant \$ 150,000 \$ 45,000 <hr/> \$1,995,000
Employment:	Current jobs in Niagara County: 0 New Jobs in Niagara County within 3 years: 27 jobs Estimated Annual Payroll for New Jobs: \$1,000,000 Skills: Management, production, hospitality service	
Evaluative Criteria:	Regional wealth creation, support and proximity to regional attractions, in region purchases, local vendors, and generation of local revenues	

Niagara County Industrial Development Agency

MRB Cost Benefit Calculator



Date: February 5, 2024
 Project Title: Big Ditch Brewing Company LLC / Iskalo 1 East Avenue LLC
 Project Location: 1 East Avenue, Lockport, NY 14094

Economic Impacts

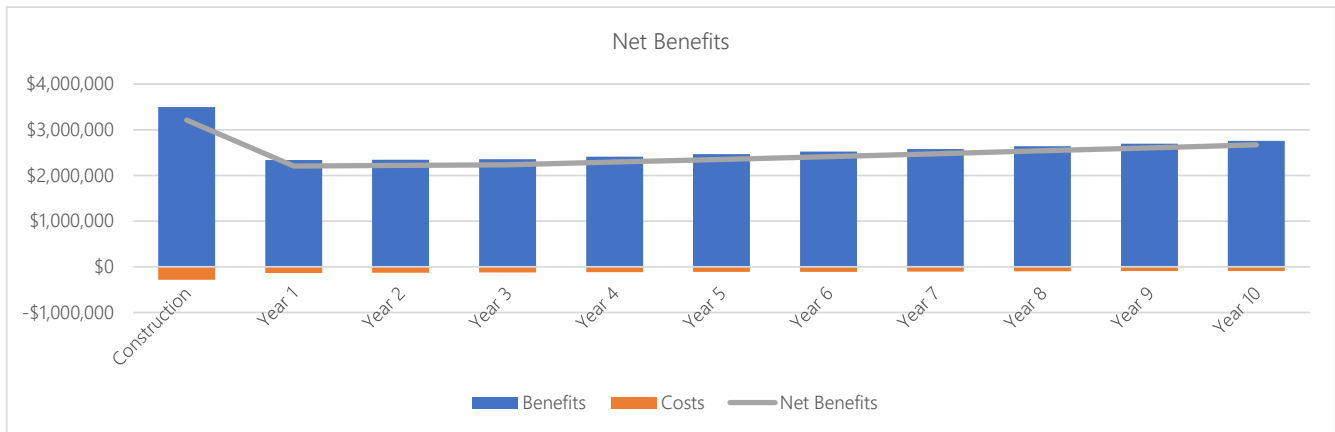
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$7,857,760

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	34	14	47
Earnings	\$2,631,523	\$669,892	\$3,301,415
Local Spend	\$6,286,208	\$2,265,196	\$8,551,404

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	27	22	49
Earnings	\$10,000,906	\$13,202,209	\$23,203,115

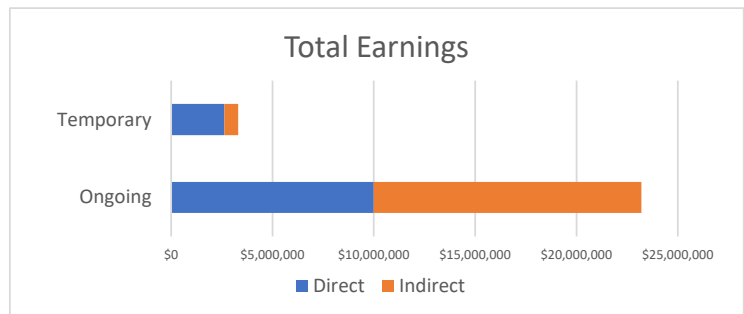
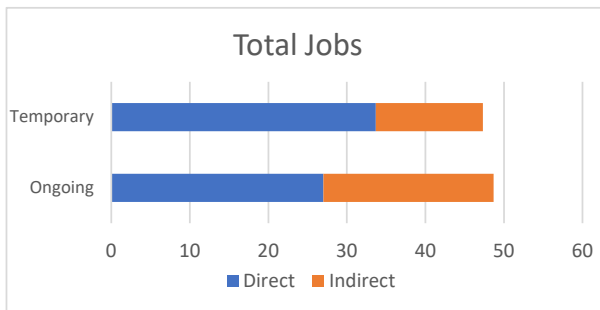
Figure 1



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

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$1,111,072	\$1,004,924
Sales Tax Exemption	\$236,000	\$236,000
Local Sales Tax Exemption	\$118,000	\$118,000
State Sales Tax Exemption	\$118,000	\$118,000
Mortgage Recording Tax Exemption	\$49,250	\$49,250
Local Mortgage Recording Tax Exemption	\$16,417	\$16,417
State Mortgage Recording Tax Exemption	\$32,833	\$32,833
Total Costs	\$1,396,322	\$1,290,174

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$27,226,383	\$24,724,782
To Private Individuals	\$26,504,530	\$24,086,581
Temporary Payroll	\$3,301,415	\$3,301,415
Ongoing Payroll	\$23,203,115	\$20,785,166
Other Payments to Private Individuals	\$0	\$0
To the Public	\$721,854	\$638,202
Increase in Property Tax Revenue	\$536,322	\$469,595
Temporary Jobs - Sales Tax Revenue	\$23,110	\$23,110
Ongoing Jobs - Sales Tax Revenue	\$162,422	\$145,496
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$1,378,236	\$1,252,502
To the Public	\$1,378,236	\$1,252,502
Temporary Income Tax Revenue	\$148,564	\$148,564
Ongoing Income Tax Revenue	\$1,044,140	\$935,332
Temporary Jobs - Sales Tax Revenue	\$23,110	\$23,110
Ongoing Jobs - Sales Tax Revenue	\$162,422	\$145,496
Total Benefits to State & Region	\$28,604,619	\$25,977,285

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$24,724,782	\$1,139,341	22:1
State	\$1,252,502	\$150,833	8:1
Grand Total	\$25,977,285	\$1,290,174	20:1

*Discounted at 2%

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

Yes

Additional Revenues:

County	\$110,641
City/Town/Village	\$238,012
School District	\$356,162

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)

\$2,950,000

Additional Comments from IDA

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

Iskalo 1 East Avenue LLC

(Applicant Name)

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

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

<http://niagaracountybusiness.com>

Updated 2020

- I. Subject to the applicable statute, information provided by applicant will be treated as confidential until such time as the Agency takes action on the request. However, in accordance with Article 6 of the Public Officers Law, all records in possession of the Agency are open to public inspection and copy.
- II. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- III. At the time of the project closing, project applicant is required to pay certain costs associated with the project. The applicant shall be responsible for the payment of an Agency fee in the amount of one percent (1.00%) of the total value of the project, together with Agency counsel fees as set forth in the Agency fee policy schedule, together with various related costs, including but not limited to public hearing expenses. Upon request, a fee summary will be provided to each applicant.
- IV. One (1) original signed copy of the Application and Environmental Assessment form should be submitted with the Application for Assistance.

The Niagara County Industrial Development Agency does not discriminate on the basis of race, color, religion, sex, sexual orientation, marital status, age, national origin, disability or status as a disabled or Vietnam Veteran or any other characteristic protected by law.

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

NIAGARA COUNTY
INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: Iskalo 1 East Avenue LLC (Beneficial Owner)

Mailing Address: c/o Iskalo Development Corp., 5166 Main Street

City/Town/Village & Zip code: Williamsville, NY 14221

Phone: (716) 633-2096

Website: www.iskalo.com

Fed Id. No.: 47-4340193

Contact Person, and Title: David Chiazza, Executive Vice President, Iskalo Development Corp.

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

Paul B. Iskalo – 95%

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

Form of Entity

Corporation

Date of Incorporation: _____

State of Incorporation: _____

Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members 2)

Date of organization: June 12, 2015

State of Organization: NY

Sole Proprietorship

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

APPLICANT'S COUNSEL

Company Name: Hodgson Russ LLP

Contact Person, and Title: Cristofer C. Fattey, Partner

Mailing Address: 140 Pearl Street, Suite #100

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

Email: CFattey@@hodgsonruss.com

Phone: (716) 856-4000

Fax No.: (716) 819-4625

II. PROJECT INFORMATION

A) Project Address: 1 East Avenue, Lockport, NY 14094

Tax Map Number (SBL) 109.14-1-10
(Section/Block/Lot)

Swiss Number _____

Located in City of Lockport

Located in Town of _____

Located in Village of _____

School District of Lockport City Schools

B) Current Assessment of Property:

Land \$160,000

Total \$1,150,000

C) Present legal owner of the site Iskalo 1 East Avenue LLC

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

Applicant presently owns the site

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

E) Describe the project:

Applicant is seeking sales tax exemption from the Agency with respect to certain tenant-specific improvements described further herein anticipated to be undertaken by Applicant, as owner/landlord of the historic former Post Office Building located at 1 East Avenue in the City of Lockport.

Applicant is nearing completion of a comprehensive restoration and rehabilitation of the historic, former Lockport Post Office located at 1 East Avenue in downtown Lockport. Big Ditch Brewing, one of the largest craft brewers in New York State, has expressed interest in leasing 14,960 square feet of space across two floors in the building for a microbrewery and tap room/restaurant with private event space. In addition to serving as an anchor tenant that will help to attract additional tenants to the historic Post Office Building, the Big Ditch Microbrewery and Tap Room would serve as an anchor for this section of downtown and complement to the Cornerstone Arena and Palace Theater that it is situated between. The proposed micro-brewery in the Historic Post Office Building will be used to make for experimental brews offering patrons of the proposed facility to be the first to taste new Big Ditch brews.

Applicant, as the owner/landlord of the Historic Post Office building, would undertake completion of the improvements to the building and the leased premises described in the response to "Project Data, Question 4" herein. Big Ditch Brewing which will purchase and install the furniture, fixtures and equipment for the operation of the micro-brewery, tap room/restaurant and private event space further described in their application to the Agency.

F) *Estimated Project Costs:*

Property Acquisition	N/A
Construction (Improvements)	\$1,800,000
Equipment Purchases/Fixtures/Furnishings	(to be purchase by Big Ditch)
Soft costs (i.e., engineering, architectural)	\$150,000
Other (Loan and HTC Closing, Interest during construction, leasing commissions)	\$45,000
TOTAL USES OF FUNDS	\$1,995,000

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

Bank Financing	\$1,400,000
Equity	\$295,000 (est)
Tax Credits	\$300,000 (est)
Tax Exempt Bond	\$0
Taxable Bond	\$0

TOTAL SOURCES OF FUNDS	\$1,800,000

Identify each state and federal grant/credit:

Federal and State Historic Tax Credits	\$300,000 (est)
	\$
TOTAL PUBLIC FUNDS	\$300,000 (est)

H) Inter-Municipal Move Determination

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

Yes or No

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

Yes or No

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

Yes or No

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

Project Data

1. Project site (land)

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

The 1 East Avenue property is approximately .58 acres.

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

Applicant is nearing completion on a restoration and rehabilitation of the building for mixed-uses ranging from office, boutique retail and micro-brewery/tap room with private event space. There is presently one tenant in the building (Grigg Lewis) that took occupancy of an office suite in the building in 2023.

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

The Site consists of one (1) building constructed in 1904 with a single-story annex built in 1932. The building is approximately 31,600 square feet in gross area with approximately 27,250 square feet of rentable area.

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

No

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

Yes. The following is an outline of the scope of the improvements to be completed by Applicant to the premises anticipated to be leased by Big Ditch Brewing ("Tenant"):

- Installation of new exterior (secondary) entrance on Elm Street side of building;
- Installation of two (2) interior staircases connecting the first floor space with the lower floor;
- Interior partitioning for the kitchen (main floor) and banquet kitchen/prep area (lower floor) including partitioning for walk-in coolers and freezer (to be furnished by Big Ditch);
- All plumbing, mechanical and electrical work in kitchen, micro-brewery and banquet prep area necessary for connections to Tenant's equipment;
- Furnishing and installation of all flooring finishes throughout the leased space;
- Construction of partitioning for employee breakroom, micro-brewery and merchandise area including all plumbing and electric connections;
- Construction of three bars/back bars (one in tap room; one each in event space rooms);
- Construction and fixturing of customer restrooms and an employee restroom;
- All painting and wall finishes.

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.

All space in the building will be leased to third parties including the space proposed to be leased to Big Ditch Brewing. As stated in the response to question 1 (b), uses anticipated in the building include office, boutique retail. Artisan studios and a Tap Room/micro-brewery with private event space.

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

None

8. Has construction work on this project begun? No

III. **FINANCIAL ASSISTANCE REQUESTED**

A) Benefits Requested:

Sales Tax Exemption Mortgage Recording Tax Exemption

Real Property Tax Abatement (PILOT)

B.) Value of Incentives:

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

Estimated duration of Property Tax exemption: N/A

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$72,000

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

Estimated duration of Sales Tax exemption: 1 year

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$14,000

C.) Likelihood of Undertaking Project without Receiving Financial Assistance:

Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?

Yes or No The lease for the Project that is the subject of this application is contingent upon a determination of financial feasibility by Big Ditch Brewing.

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:

N/A

IV. **EMPLOYMENT PLAN – Anticipated Employment, Wage and Fringe Benefit data for the project that is the subject of this application are reflected in the application submitted by Big Ditch Brewing as they would be the employer.**

	# of Retained Jobs	Retained Jobs Average Annual Salary	# of Created (FTE) Jobs upon three years after project completion	Created Jobs Average Annual Salary
Full time (FTE)	See note above	See note above	See note above	See note above
Part Time (PTE)				
Total Payroll				

Annual Salary Range of Jobs to be Created: See Big Ditch Brewing Application

Job Categories: See Big Ditch Brewing Application

III. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings: In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the project is located.
- B. First Consideration for Employment: In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.
- C. 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 Fillings: In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.
- E. Annual Employment Reports: The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

- F. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

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

- H. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.

- I. Recapture: Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.

- J. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described.

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

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

David Chizzu, being first duly sworn, deposes and says:

1. That I am the EXECUTIVE VICE PRESIDENT (Corporate Office) of ISKALO DEVELOPMENT CORP (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant. ^{MANAGER FOR 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 2 day of February, 2024.

Carla Mangone
(Notary Public)

CARLA MANGONE
No. 01MA6149032
Notary Public, State of New York
Qualified in Erie County
My Commission Expires July 3, 2026

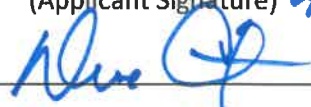
This Application should be submitted to the Niagara County Industrial Development Agency, 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132.

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.

ISKALO 1 EAST AVENUE LLC
(Applicant Signature) *by: Iskalo Development Corp., Manager*
By: 
Name: DAVID CHIAZZA
Title: EXECUTIVE VICE PRESIDENT


(Notary Public)

Sworn to before me this 2 day
of February, 2026

[stamp]

CARLA MANGONE
No. 01MA6149032
Notary Public, State of New York
Qualified in Erie County
My Commission Expires July 3, 2026

617.20
Appendix B
Short Environmental Assessment Form

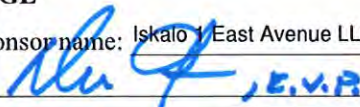
Instructions for Completing

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

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

Part 1 - Project and Sponsor Information				
Name of Action or Project: Improvement of a portion of the Historic Post Office building in Lockport for Big Ditch Brewing				
Project Location (describe, and attach a location map): 1 East Avenue, Lockport NY 14094				
Brief Description of Proposed Action: Iskalo 1 East Avenue LLC is seeking inducement from the Niagara County Industrial Development Agency (NCIDA) for sales tax exemption on materials to be used in construction of certain "tenant specific" improvements to a portion of the historic, former Lockport Post Office located at 1 East Avenue in the City of Lockport for the operation of a micro-brewery and tap room & events venue by Big Ditch Brewing. Big Ditch, one of the largest craft brewers in New York State, seeks to lease 14,960 square feet of space across two floors in the building for the proposed use. In addition to serving as an anchor tenant for the Historic Post Office Building that will help to attract additional tenants to the building, the Big Ditch Brewing micro-brewery, tap room/restaurant and events venue would serve as an anchor for downtown, complementing the Cornerstone Arena and Palace Theater that it is situated between.				
Name of Applicant or Sponsor: Iskalo Development Corp. on behalf of Iskalo 1 East Avenue LLC		Telephone: (716) 633-2096 E-Mail: dchiazza@iskalo.com		
Address: 5166 Main Street				
City/PO: Williamsville	State: NY	Zip Code: 14221		
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: City of Lockport (Building Permit), Niagara County IDA (sales/mortgage tax exemption), Federal and State Historic Tax Credits			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		.58 acres		
b. Total acreage to be physically disturbed?		.58 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.58 acres		
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	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>Iskalo East Avenue LLC c/o Iskalo Development Corp.</u> Date: <u>January 26, 2024</u>		
Signature: <u> E.V.R.</u>		

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

	No, or small impact may occur	Moderate to large impact may occur
1. 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	2/9/24
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
S. LANGDON	EO
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

PROJECT SUMMARY
Big Ditch Brewing Company LLC



Applicant:	Big Ditch Brewing Company LLC	
Project Location:	1 East Avenue, Lockport, NY 14094	
Assistance:	Sales Tax Abatement	
Description:	Big Ditch Brewing Company is seeking a sales tax only exemption for the purchase of furniture, fixtures and equipment for a micro-brewery, tap room/restaurant with event space to be located in leased space in the historic Post Office Building in downtown Lockport. Big Ditch Brewing is one of the largest craft breweries in New York state which brand is linked to the Erie Canal. As such, the proposed approximately 15,000 square foot space will serve as a destination and build upon the local tourism industry that has been built around the Erie Canal.	
Project Costs:	Furniture, Fixtures & Equipment	\$ 1,200,000
Employment:	Current jobs in Niagara County: 0 New Jobs in Niagara County within 3 years: 20 FT / 20PT Estimated Annual Payroll for New Jobs: \$1,000,000 Skills: Management, production, hospitality service	
Evaluative Criteria:	Regional wealth creation, support and proximity to regional attractions, in region purchases, local vendors, and generation of local revenues	

Niagara County Industrial Development Agency

MRB Cost Benefit Calculator

Date: February 5, 2024
 Project Title: Big Ditch Brewing Company LLC / Iskalo 1 East Avenue LLC
 Project Location: 1 East Avenue, Lockport, NY 14094



Economic Impacts

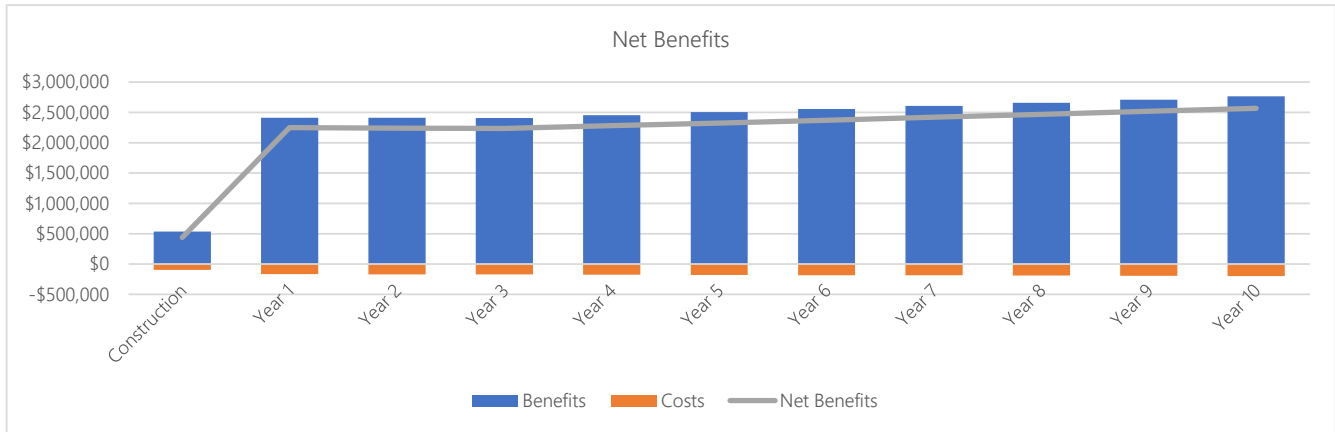
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$1,200,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	5	2	7
Earnings	\$401,874	\$102,303	\$504,177
Local Spend	\$960,000	\$345,930	\$1,305,930

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	30	24	54
Earnings	\$11,112,118	\$14,669,121	\$25,781,238

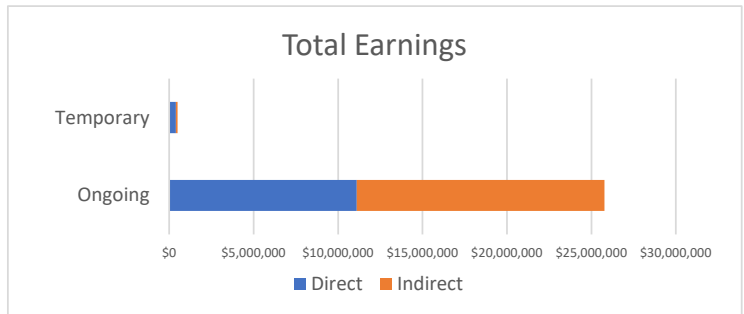
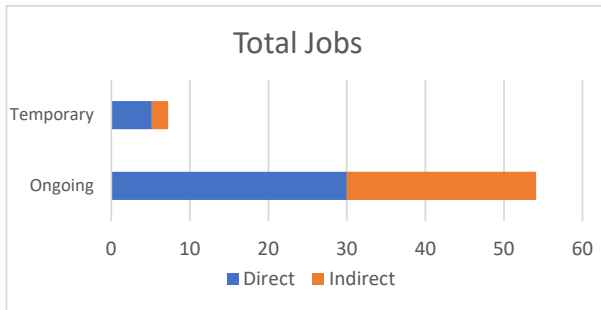
Figure 1



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

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$1,815,887	\$1,625,869
Sales Tax Exemption	\$96,000	\$96,000
Local Sales Tax Exemption	\$48,000	\$48,000
State Sales Tax Exemption	\$48,000	\$48,000
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$1,911,887	\$1,721,869

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$24,653,526	\$22,138,128
To Private Individuals	\$26,285,415	\$23,598,805
Temporary Payroll	\$504,177	\$504,177
Ongoing Payroll	\$25,781,238	\$23,094,629
Other Payments to Private Individuals	\$0	\$0
To the Public	(\$1,631,889)	(\$1,460,677)
Increase in Property Tax Revenue	(\$1,815,887)	(\$1,625,869)
Temporary Jobs - Sales Tax Revenue	\$3,529	\$3,529
Ongoing Jobs - Sales Tax Revenue	\$180,469	\$161,662
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$1,366,842	\$1,227,138
To the Public	\$1,366,842	\$1,227,138
Temporary Income Tax Revenue	\$22,688	\$22,688
Ongoing Income Tax Revenue	\$1,160,156	\$1,039,258
Temporary Jobs - Sales Tax Revenue	\$3,529	\$3,529
Ongoing Jobs - Sales Tax Revenue	\$180,469	\$161,662
Total Benefits to State & Region	\$26,020,368	\$23,365,266

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$22,138,128	\$1,673,869	13:1
State	\$1,227,138	\$48,000	26:1
Grand Total	\$23,365,266	\$1,721,869	14:1

*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)

\$1,200,000

Additional Comments from IDA

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

Big Ditch Brewing Company LLC

(Applicant Name)

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

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

<http://niagaracountybusiness.com>

Updated 2020

- I. Subject to the applicable statute, information provided by applicant will be treated as confidential until such time as the Agency takes action on the request. However, in accordance with Article 6 of the Public Officers Law, all records in possession of the Agency are open to public inspection and copy.
- II. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- III. At the time of the project closing, project applicant is required to pay certain costs associated with the project. The applicant shall be responsible for the payment of an Agency fee in the amount of one percent (1.00%) of the total value of the project, together with Agency counsel fees as set forth in the Agency fee policy schedule, together with various related costs, including but not limited to public hearing expenses. Upon request, a fee summary will be provided to each applicant.
- IV. One (1) original signed copy of the Application and Environmental Assessment form should be submitted with the Application for Assistance.

The Niagara County Industrial Development Agency does not discriminate on the basis of race, color, religion, sex, sexual orientation, marital status, age, national origin, disability or status as a disabled or Vietnam Veteran or any other characteristic protected by law.

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

NIAGARA COUNTY
INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: Big Ditch Brewing Company LLC

Mailing Address: 55 East Huron Street

City/Town/Village & Zip code: Buffalo, NY 14203

Phone: (716) 854-5050

Website: www.bigditchbrewing.com

Fed Id. No.: 46-2849859

Contact Person, and Title: Matt Kahn, President

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

Matt Kahn, Paul B. Iskalo

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

Form of Entity

Corporation

Date of Incorporation: _____

State of Incorporation: _____

Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members 3)

Date of organization: May 31, 2013

State of Organization: NY

Sole Proprietorship

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

APPLICANT'S COUNSEL

Company Name: Hodgson Russ LLP

Contact Person, and Title: Cristofer C. Fattey, Partner

Mailing Address: 140 Pearl Street, Suite #100

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

Email: CFattey@@hodgsonruss.com

Phone: (716) 856-4000

Fax No.: (716) 819-4625

II. PROJECT INFORMATION

A) Project Address: 1 East Avenue, Lockport, NY 14094

Tax Map Number (SBL) 109.14-1-10
(Section/Block/Lot)

Swiss Number _____

Located in City of Lockport

Located in Town of _____

Located in Village of _____

School District of Lockport City Schools

B) Current Assessment of Property:

Land \$160,000

Total \$1,150,000

C) Present legal owner of the site Iskalo 1 East Avenue LLC

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

Applicant will be leasing space within the building located on the Property

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

E) Describe the project:

Applicant is seeking sales tax exemption from the Agency for the purchase of furniture, fixtures and equipment for a proposed micro-brewery, tap room/restaurant with event space to be located in the historic Post Office Building in downtown Lockport. Applicant, Big Ditch Brewing, is one of the largest craft breweries in New York State which brand is linked to the Erie Canal. As such, the proposed micro-brewery and tap room/restaurant will serve as a destination and complement to the Cornerstone Arena and historic Palace Theater to attract visitors to downtown, contributing to its resurgence.

The building's owner shall complete the real property improvements to the space Applicant seeks to lease, which improvements are described in their application to the Agency.

F) *Estimated Project Costs:*

Property Acquisition	N/A
Construction (Improvements)	N/A
Equipment Purchases/Fixtures/Furnishings	1,200,000
Soft costs (i.e., engineering, architectural)	
Other (Loan and HTC Closing, Interest during construction, leasing commissions)	
TOTAL USES OF FUNDS	\$1,200,000

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

Bank Financing	N/A
Equity	\$466,000
NYS Grant/Loan	\$734,000
Tax Exempt Bond	N/A
Taxable Bond	N/A
TOTAL SOURCES OF FUNDS	\$1,200,000

Identify each state and federal grant/credit:

NYS Office of Community Renewal Grant/Loan (50% grant/50% loan)	\$734,000
TOTAL PUBLIC FUNDS	\$734,000

H) Inter-Municipal Move Determination

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

Yes or No

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

Yes or No

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

Yes or No

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

Project Data

1. Project site (land)

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

The 1 East Avenue property is approximately .58 acres.

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

Property Owner's intended use of the 1 East Avenue building is for a mix of uses including office, boutique retail, artisan studios and restaurant use. The portion of the building Applicant would occupy is presently vacant.

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

The Site consists of one (1) building constructed in 1904 with a single-story annex built in 1932. The building is approximately 31,600 square feet in gross area with approximately 27,250 square feet of rentable area. The area to be leased by Applicant is 14,960 square feet.

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.

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

Property Owner would undertake improvements to the premises Applicant would be leasing to prepare it for Applicant's installation of furniture, fixtures and equipment and subsequent occupancy. The improvements proposed to be undertaken by the Property Owner are described in their application to the Agency for sales tax exemption.

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.

Applicant seeks to lease approximately 14,960 square feet of space on two floors in the building at 1 East Avenue in the City of Lockport.

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

(a) Brewing equipment for 2 bbl brewery, (b) kitchen and banquet prep area (i.e. back-of-house) equipment including commercial appliances, hood, ansul system, walk-in coolers and freezer, sinks and other fixtures, (c) restaurant and event space (i.e. front-of-house) furniture such as tables and chairs, and (d) other furniture, fixtures & equipment in support of operations such as tables, chairs and appliances for employee breakroom.

8. Has construction work on this project begun?

No

III. **FINANCIAL ASSISTANCE REQUESTED**

- A) Benefits Requested:

Sales Tax Exemption Mortgage Recording Tax Exemption

Real Property Tax Abatement (PILOT)

- B.) Value of Incentives:

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

Estimated duration of Property Tax exemption: N/A

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$96,000

Estimated value of Sales Tax exemption for fixtures and equipment: \$96,000

Estimated duration of Sales Tax exemption: 1 year

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: N/A

C.) Likelihood of Undertaking Project without Receiving Financial Assistance:

Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?

Yes or No

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

N/A

IV. EMPLOYMENT PLAN

	# of Retained Jobs	Retained Jobs Average Annual Salary	# of Created (FTE) Jobs upon three years after project completion	Created Jobs Average Annual Salary
Full time (FTE)	0	N/A	20	\$35,000
Part Time (PTE)	0	N/A	20	\$15,000
Total Payroll	0	N/A	40	\$50,000

Annual Salary Range of Jobs to be Created: \$21,000 to \$65,000

Job Categories: Management, Production, Hospitality Service (e.g. host, bartender, server)

III. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

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

- C. 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.

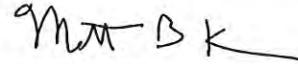
J. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein 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.:

Matthew Kahn, being first duly sworn, deposes and says:

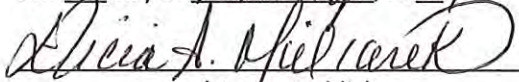
1. That I am the President (Corporate Office) of Big Ditch Brewing Company LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application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



(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury

this 3 day of February, 2024


(Notary Public)

ELICIA A MIELCAREK
NOTARY PUBLIC STATE OF NEW YORK
ERIE COUNTY
LIC. #01MI0005791
COMM. EXP. 04/18/2027

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.

Matthew Kahn

(Applicant Signature)

By: Big Ditch Brewing Company LLC

Name: Matthew Kahn

Title: President

Elicia A. Mielcarek
(Notary Public)

Sworn to before me this 2 day

[stamp]

of February, 2024

ELICIA A MIELCAREK
NOTARY PUBLIC STATE OF NEW YORK
ERIE COUNTY
LIC. #01MI0005701
COMM. EXP. 04/18/2027

617.20
Appendix B
Short Environmental Assessment Form

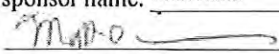
Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: Consideration of request for sales tax exemption on purchase of furniture, fixtures and equipment for brewery and tap room			
Project Location (describe, and attach a location map): 1 East Avenue, Lockport NY 14094			
Brief Description of Proposed Action: Big Ditch Brewing Company LLC is seeking inducement from the Niagara County Industrial Development Agency (NCIDA) for sales tax exemption on furniture, fixtures and equipment for a proposed micro-brewery, tap room/restaurant and event space proposed for space in the Historic Post Office located at 1 East Avenue in the City of Lockport. Big Ditch Brewing, one of the largest craft brewers in New York State, seeks to lease 14,960 square feet of space across two floors in the 1 East Avenue building for the proposed project. In addition to serving as an anchor tenant for the Historic Post Office Building which will help to attract additional tenants to the building, the Big Ditch Micro-brewery and Tap Room would also serve as a downtown Lockport anchor and complement to the Cornerstone Arena and Palace Theater that it is situated between.			
Name of Applicant or Sponsor: Big Ditch Brewing Company LLC		Telephone: (716) 854-5050 E-Mail: matt.kahn@bigditchbrewing.com	
Address: 55 East Huron Street			
City/PO: Buffalo		State: NY	Zip Code: 14203
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Niagara County IDA (sales tax exemption), Niagara County (Health Dept Permit), NYS Liquor Authority (Liquor License); NYS Office of Community Renewal (Community Block Grant/Loan)			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		.58 acres	
b. Total acreage to be physically disturbed?		.58 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.58 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input type="checkbox"/> NO <input type="checkbox"/> YES		

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>Matt Kahn</u>	Date: <u>February 2, 2024</u>	
Signature: <u></u>		

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

	No, or small impact may occur	Moderate to large impact may occur
1. 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	2/9/24
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
S. LANGDON	ED
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

8.2

NCDC Request for Loan Approval

**Request for Loan Approval
Niagara County Development Corporation**

Loan Applicant: Graham Bros. Enterprises, LLC d/b/a Niagara Organics, d/b/a Graham Bros. Property Services

Tax ID#: 82-4577070

Current Business Address: 5162 Tonawanda Creek Rd, North Tonawanda, NY 14120

Project Address: 5500 Lockport Rd, Pendleton, NY 14094

Telephone: 716-909-2969 (Justin's cell)

Management/Ownership: Justin Graham - 50% owner
Jacob Graham - 50% owner

Business: Property maintenance

NAICS: 561730 (landscaping services)

Date of Review: October 25, 2023

Loan Request

Project Description: Graham Bros. Enterprises (GBE) was formed in 2018 and currently provides landscaping and snow plowing services to its customers. This project will create another division under the GBE umbrella, operating under the name Niagara Organics. The business will provide a location for homeowners, municipalities, and contractors to dispose of their organic yard waste, such as grass clippings, leaves, wood chips, branches, sod, and topsoil. Customers will also be able purchase fresh mulch, screened topsoil, compost, and other materials for outdoor needs. The scope of the project includes site work to prep the parcel, installation of parking lot areas (stone and asphalt), erecting two fabric hoop style buildings for screened topsoil and rock salt storage, a 6,000 square foot pole barn building, and an 800 square foot office space. The owners have already begun site work with their own equity and estimate that the project will be completed by November 2024.

Loan Amount: \$150,000

Rate/Term: Fifteen-year term and amortization period, inclusive of a twelve-month interest only period.

Collateral: Mortgage filing on property and lien filing on all company assets (subordinate to existing debt).

History and Background of the Applicant

Graham Bros. Enterprises LLC was created in 2018, with the principals being Justin and Jacob Graham. The brothers are currently responsible for all aspects of day-to-day operations and all administrative duties. Justin has an associate degree in horticulture from Niagara County Community College. He also served on the Town Board of Pendleton for five years. Jacob has a bachelor's degree in business administration from the University at Buffalo. The owners believe that their backgrounds complement each other well and give them a broad range of knowledge and experience in the different facets of running a business.

Graham Bros. Enterprises LLC filed for the assumed name of Graham Bros. Property Services in 2018 and has been operating under that name since the time the entity was created. Graham Bros. Property Services operates mainly as a landscape maintenance and snow removal contractor within the areas of Niagara and Northern Erie counties. The owners plan to expand their business by starting a new division under the assumed name Niagara Organics, which will operate under the Graham Bros. Enterprises LLC umbrella. Graham Bros. Property Services and Niagara Organics will complement each other by lowering costs and improving efficiency on the property maintenance side, while also exposing the company to potential new customers through the variety of services that Niagara Organics will offer.

Niagara Organics will be located at 5500 Lockport Road, in the Town of Pendleton, in Niagara County. Justin and Jacob currently own 65 acres at this location, of which approximately 8 acres will be developed for this project. The scope of the project was previously outlined in the projected description and will be discussed further in the sources and uses section. The owners will be using separate contractors for the majority of the site work and the construction of the barn/office space building. There will not be an independent general contractor overseeing the whole project. That responsibility will fall on the owners, who will also be erecting the two fabric hoop storage buildings. Justin Graham indicated he has experience putting those up, in addition to experience as a General Contractor overseeing the construction of his personal residence.

Niagara Organics plans to market to homeowners, municipalities, and commercial contractors. As more subdivisions are built in Erie County, the market for homeowners needing a place to dump their yard waste is increasing. The ability to turn that waste into compost and a yard waste pick up service are both features that management believes will grow their homeowner customer base. Most homeowners will continue to dispose of their waste through their municipalities pickup service, which is another market that Niagara Organic will target. Most municipalities chip and store the waste, which takes up space on their land and in their facilities. Niagara Organics will look to strike agreements with municipalities in Niagara County to dispose of that waste, similar to the arrangement that CJ Krantz has with the town of Amherst. Commercial contractors will likely start as the company's largest revenue source. Management knows their needs from their own experience in the business. They believe they will have two advantages over their competition. The first will be location, because there aren't any other similar businesses operating in Niagara County. The closest competitor, according to the owners, is CJ Krantz which is located in North Amherst. The second advantage will be the use of technology. From their own experience, the Grahams know that this industry does not make use of the most current technology. Orders are often only taken in person, onsite, and payment options are limited. Niagara Organics plans to have a smartphone application where orders can be made and be ready for pickup when the customer arrives, with the method of payment already saved in the application.

Sources and Uses of Funds

Graham Bros. Enterprises - Niagara Organics

	Bank	NEDF	Equity Contributed	Remaining Equity	Total
Site Work		150,000	20,500	69,500	240,000
Land Acquisition / Building Construction			40,000	148,000	188,000
Equipment	65,000		16,000		81,000
Soft Costs			35,000		35,000
Total	65,000	150,000	111,500	217,500	544,000
	12%	28%	20%	40%	100%

Site Work – A quote for the site work is on file from Hanes Excavation and Landscaping dated April 25, 2023.

Land/Building – The owners have contributed \$40,000 towards the down payment on the land which is encumbered by a seller-held mortgage. The remaining cost is for the barn, which will also include the office space. A quote has been provided by Stately Builders out of Clarence.

Equipment – The Cornerstone equipment loan has been closed and this equipment has already been purchased. The equipment includes a front loader for the yard (approximate cost \$70M) and the material to erect the two fabric hoop storage buildings. That material mainly consists of concrete blocks, canvas, and poles.

Soft Costs – This category includes engineering fees, closing costs and professional fees on the purchase of the property, and the cost of municipal approvals and permits from the County and Town.

The company has provided evidence of \$79.5M on deposit with Key Bank and \$93M on deposit with Cornerstone. They also plan to sell equipment and topsoil to generate another \$20M. The remaining owner equity will come from Justin Graham's IRA, which has a balance of \$97.2M (statement on file).

It's noted that the company has a \$50,000 Line of Credit with KeyBank and a \$50,000 Line of Credit with Cornerstone FCU to support working capital needs and/or cost overruns. Both loan facilities have a zero balance as shown on current bank statements.

Financial Analysis – Historical & Projected Financials

The owners worked with a representative from the Small Business Development Center to prepare the three-year financial projections which are presented on the following pages along with three years of historical financials from the company's tax returns.

Historically the company has been profitable and able to adequately service its debt obligations. Revenue has steadily increased year over year. Net profit declined from 2020 to 2022, but this is deceptive because the decline has been a direct result of officer compensation. Overall, actual profit has remained relatively steady while revenue increases, which is common for new businesses as they grow, hire employees, and build out infrastructure. Year to date results for 2023 show that the company has improved its profit margins while continuing to increase revenue.

The projected income statement for the Niagara Organics division shows diverse revenue streams from a variety of sources, with no single source comprising more than 21% of total revenue. There is little rationale given for the total amount of revenue, which is estimated at \$373M in year one with 5% increases each year. The fact that ownership has experience in the industry and broke down total sales into various categories lends credence to the estimate. Because this business relies on the raw materials being delivered by customers at no cost, cost of goods sold is extremely low, yielding an excellent gross profit margin. Net profit margin is also strong because the business will be able to operate with relatively low overhead once the site is completed. Utilities, office expenses, and other overhead categories are minimal when compared to most other industries. Borrower projects a net profit margin of 30% in year one.

Cash flow projections are strong for the business, predicted at almost 3:1 based on 2023 results of the property services division and the projected income from the Niagara Organics division. This gives the company significant cushion in the event that the new venture doesn't perform as expected. The property services division is growing rapidly, and current generating enough cash to cover the company's current and proposed debt, if necessary.

The current and projected balance sheet both show strong retained earnings and good debt to worth ratios. This is due to the fact that the business has been profitable since inception and the significant equity being contributed to the proposed project. The balance sheet does not reflect the \$100,000 in availability the business has across two lines of credit. That availability will serve as an important resource in the event of construction delays, cost overruns, or performance below expectations.

Graham Bros. Enterprises – Historical Income Statement:

The income statement below represents results from the 2020, 2021 and 2022 tax returns, along with a management prepared income statement for the first three quarters of 2023.

Source: Corporate Tax Returns / Mgmt	12/31/20	12/31/21	12/31/22	10/01/23
Gross Receipts	247,161	323,060	400,218	506,836
Total Sales	247,161	323,060	400,218	506,836
Cost of Goods Sold	64,985	76,831	80,006	87,935
Gross Profit	182,176	246,229	320,212	418,901
Expenses				
Officer Comp	0	45,600	71,000	60,000
Salaries & Wages	0	40,580	46,038	57,646
Rent (property and equipment)	14,454	9,845	18,086	26,990
Depreciation	0	5,132	20,141	0
Insurance	8,987	10,056	15,826	14,800
Repairs & Maint.	10,197	17,042	28,279	16,667
Taxes & Licenses	385	20,232	34,431	3,655
Vehicle Expense	20,746	22,511	26,653	31,671
Interest Expense	0	900	1,534	9,178
Other Expenses	7,683	10,596	33,027	82,526
Total Operating Expenses	62,452	182,494	295,015	303,133
Net Income/(Net Loss)	119,724	63,735	25,197	115,768
Add Back:				
+ Depreciation & Amortization	0	5,132	20,141	0
+ Interest exp.	0	900	1,534	9,178
Cash Flow available for Debt Service	119,724	69,767	46,872	124,946

**NIAGARA ORGANIC
PRO FORMA INCOME STATEMENT
THREE YEARS**

	Year 1	Year 2	Year 3
Sales:			
Contractor, Dump Fees	75,000	78,750	82,688
Homeowner, Dump Fees	30,000	31,500	33,075
Trucking Revenue	45,000	47,250	49,613
Mulch Fees	84,000	88,200	92,610
Sale of Compost & Other	84,000	88,200	92,610
Sale of Screened Topsoil	63,000	66,150	69,458
Sale of Bulk Salt	<u>25,000</u>	<u>26,250</u>	<u>27,563</u>
Sales:	406,000	426,300	447,615
	<u>32,480</u>	<u>34,104</u>	<u>35,809</u>
Total Revenue	373,520	392,196	411,806
Cost of Sales:			
Purchases, Salt	<u>14,500</u>	<u>14,438</u>	<u>15,159</u>
	14,500	14,438	15,159
Less: Ending Inventory	<u>0</u>	<u>0</u>	<u>0</u>
Total Cost of Sales	14,500	14,438	15,159
Gross Profit	359,020	377,759	396,646
Operating Expenses:			
Salaries	80,000	84,000	92,400
Payroll Taxes	12,000	12,600	13,860
Phone	1,200	1,260	1,323
Repairs and Maintenance	15,000	15,750	16,538
Insurance	5,000	5,250	5,513
Advertising & Promotion	2,400	2,520	2,646
Professional Fees	2,400	2,520	2,646
Property Tax	4,000	4,200	4,410
Fuel	15,000	15,750	16,538
Office Supplies	2,400	2,520	2,646
Utilities	5,000	5,250	5,513
Miscellaneous	20,000	21,000	22,050
Initial Branding, Website and App	40,000	4,439	4,067
Interest, NCIDA Loan	4,885	4,218	3,526
Interest, Line of Credit	208	0	0
Depreciation	<u>27,500</u>	<u>27,500</u>	<u>27,500</u>
Total Operating Expenses	236,993	208,777	221,174
Pre-tax Profit	122,027	168,982	175,472

Projected Cash Flow:

This cash flow calculation represents all projected debt and income from Graham Brothers Enterprises, which includes both their property services division and Niagara Organics. The first column shows the projection using results from the company's 2022 tax return, while column two uses the 2023 year to date results from their management prepared income statement.

Available Cash Flow:

Property Services	46,872 (2022 results)	124,946 (2023 results)
Niagara Organics (year 1 projected)	<u>122,027</u>	<u>122,027</u>
Total Available Cash Flow:	168,899	246,973

Current Debt:

Seller Mortgage (\$42.4M)	15,973	15,973
EIDL Loan (\$70.5M)	3,838	3,838
Cornerstone (\$65.3M)	9,851 *	9,851 *
Cornerstone (\$65.2M)	18,444	18,444
Cornerstone (\$45.2M)	<u>10,535</u>	<u>10,535</u>
Total Current Debt:	58,641	58,641

Projected Debt Service:

NEDF (\$150M)	15,152	15,152
Key Bank LOC (assume full usage \$50M)	5,000 **	5,000 **
Cornerstone LOC (assume full usage \$50M)	<u>5,000 **</u>	<u>5,000 **</u>
Total Projected Debt:	25,152	25,152

Total All Debt: **83,793** **83,793**

Debt Service Coverage **2.02** **2.95**

* This represents the loan for equipment that is being used for the Niagara Organics project.

** Interest only payments based on full usage at 10% interest were included to be conservative.

NIAGARA ORGANIC RECYCLING PRO FORMA BALANCE SHEETS

	Current	Opening Day
Assets		
Current Assets:		
Cash	164,700	10,000
Accounts Receivable	42,700	50,000
Total Current Assets	<u>207,400</u>	<u>60,000</u>
Fixed Assets:		
Equipment	263,300	263,300
Building / Property	100,000	488,000
Vehicles	153,580	153,580
	<u>516,880</u>	<u>904,880</u>
Less: Accumulated Depreciation	<u>(62,532)</u>	<u>(100,000)</u>
Net Fixed Assets	454,348	804,880
 Total Assets	 <u><u>661,748</u></u>	 <u><u>864,880</u></u>
 Liabilities & Shareholders' Equity		
Current Liabilities:		
EIDL	70,000	68,000
Accounts Payable	15,321	20,000
Total Current Liabilities	<u>85,321</u>	<u>88,000</u>
Long Term Liabilities:		
Land Mortgage	42,400	30,000
Cornerstone 1	45,154	40,000
Cornerstone 2	65,250	60,000
Cornerstone 3	65,219	55,000
NEDF	0	150,000
Total Long Term Liabilities	<u>218,023</u>	<u>335,000</u>
Owners' Equity:		
Owners' Investment	20,000	20,000
Retained Earnings	338,404	421,880
Total Owners' Equity	<u>358,404</u>	<u>441,880</u>
 Total Liabilities & Owners' Equity	 <u><u>661,748</u></u>	 <u><u>864,880</u></u>

Employment

The company is projecting that they will be able to create at least 2.5 full-time equivalent (FTE) positions within the first twenty-four months after the loan closing date. These positions will include a yard manager, a laborer/driver, and an administrative assistant. The requested loan amount of \$150,000 falls above the program guidelines of \$35,000/FTE and the company is requesting an exception in this case.

The analyst discussed the company's workforce plans with the owners and while they don't want to overcommit to job creation as part of the loan agreement, they believe the venture has much greater employment potential. They've identified their most direct competitor in the area as CJ Krantz and estimated that they employ approximately thirty people during their busiest season. They believe Niagara Organics has the potential to approach that level of employment over time.

Personal Guarantor Financials

The personal credit report from Equifax for **Justin Graham** was obtained on October 23, 2023. His FICO score is reported at 751 which is considered very good credit. The report shows no late payments, charge offs or bankruptcies. His personal debt consists of a residential mortgage, a solar panel loan, and some credit cards with low balances.

A signed personal financial statement for Mr. Graham and his wife Sarah has been submitted dated October 2, 2023, and is summarized below. The personal financial statement shows total assets of \$577,500, and a net worth of \$197,500, exclusive of the value of Graham Bros. Enterprises. An IRA that Mr. Graham plans to liquidate for use in this project was also not included. A statement for that account is on file showing a balance of \$97M.

<u>Assets</u>	<u>Justin Graham</u>
Cash on Hand	5,000
Cash Value Life insurance	14,500
Real Estate	457,000
Retirement (IRAs)	101,000
Total Assets	577,500
<u>Liabilities</u>	
Installment Loans	15,000
Credit Cards	20,000
Mortgage	345,000
Total Liabilities	380,000
Net Worth	197,500

NOTE: The statement does not include the current value of Graham Bros. Enterprises

Personal Guarantor Financials

The personal credit report from Equifax for **Jacob Graham** was obtained on October 23, 2023. His FICO score is reported at 762 which is considered very good credit. The report shows no late payments, charge offs or bankruptcies. His personal debt consists of a residential mortgage and some credit cards with low balances.

A signed personal financial statement for Mr. Graham has been submitted dated October 2, 2023. The personal financial statement shows total assets of \$183,500, and a net worth of \$28,500, exclusive of the value of Graham Bros. Enterprises. See below:

<u>Assets</u>	<u>Jacob Graham</u>
Cash on Hand	6,000
Cash Value Life insurance	1,500
Real Estate	175,000
Retirement (IRAs)	1,000
Total Assets	183,500
<u>Liabilities</u>	
Mortgage	155,000
Total Liabilities	155,000
Net Worth	28,500

NOTE: The statement does not include the current value of Graham Bros. Enterprises

Strengths and Weaknesses:

Strengths:

- The owners have been operating a profitable property services company for the past five years.
- Based on 2023 interim results, the property services division of the company could carry the full debt load if necessary.
- Projected cash flow for Graham Bros. Enterprises is at a 2 to 1 ratio using conservative calculations that consider all potential debt.
- The business plan for Niagara Organics is backed by strong rationale. It clearly outlines how the new venture will complement the existing business and shows how the owners are using their experience in the industry to identify competitive advantages like the use of technology and lack of competition in the area.
- The owners are contributing a significant amount of equity to the project at 60%.
- 32% of the project has already been completed using owner equity and the equipment loan.
- The business is projected to create at least 2.5 full-time equivalent jobs to start, with potential for future employment growth.
- Owners have produced quotes for the site work and barn/office, which represent the two largest components of the job and are being subcontracted. They've also produced loan and account statements to substantiate financial data.

Weaknesses:

- The personal guarantors do not have significant resources to support the project in the case of delays, cost overruns, or poor performance.
- New employment promised by ownership falls short of the program loan amount threshold of \$35,000 per job created. They are committed to creating 2.5 full-time equivalent positions. Typically, at least 4.5 would be required for this loan amount.
- Construction risk. Borrower has provided estimates for the two major components of the job, the barn/office and the site work. However, those estimates could change due to inflation and/or project delays. The owners are also doing some parts of the site work themselves and planning to erect the fabric hoop structures themselves. While they appear to have the wherewithal to accomplish these portions of the job, their lack of experience creates risk.

Summary & Recommendations

Reviewer recommends approval of the loan request based on the success of the Borrower's existing business, significant equity contribution, creditworthiness of the personal guarantors, and the rationale of their business plan. The Reviewer believes these positive factors outweigh the construction risk and the employment creation being below the program threshold. While approval is recommended, Reviewer further recommends that the Administrator of the loan monitor construction progress closely and ensure that disbursements are made with proportional contributions of the Borrower's equity.

Recommended Loan Structure

Lender:	Niagara County Development Corporation ("NCDC") as Administrator of the NEDF Revolving Loan Fund
Borrower:	Graham Bros. Enterprises, LLC
Loan Amount:	\$150,000
Interest Rate:	50% of the prime interest rate listed in the Wall Street Journal + 1%, to be fixed at closing. Based on today's WSJP of 8.50%, the rate would be 5.25%.
Loan Term & Amortization:	180 months total. Interest-only payments monthly for the first twelve (12) months during construction; then monthly payments of principal and interest of approximately \$1,263 to amortize the loan over the remaining 168 months.
Use of Proceeds:	NEDF Funds will be used towards the site work and development of the property located at 5500 Lockport Road in Pendleton, NY.
Collateral/Security:	<ol style="list-style-type: none">Mortgage lien on the real property being developed at 5500 Lockport Rd, Pendleton, NY 14094.A general security interest in all business assets of Graham Bros. Enterprises, LLC to be evidenced by UCC-1 filings. <p>The NCDC-NEDF mortgage lien and general filings will be subordinated to any liens filed by the Bank as well as existing security interests.</p>

Guarantors: Unlimited personal guarantees of Justin Graham and Jacob Graham.

Loan Disbursement: Disbursed or reimbursed with documented project costs. Disbursement of funds is at the sole discretion of the NCDC based on progress of the project. NCDC reserves the right to engage County personnel to review construction / draw documentation.

New Employment: Borrower must create at least 2.5 new FTEs within the first 24 months after closing.

Financial Reporting: The Borrower and Guarantors shall submit tax returns on an annual basis. Guarantors shall submit a personal financial statement when requested by the NEDF, not more than once annually.

Special Conditions:

1. With each draw request, Borrower shall provide an updated schedule showing the amount of the project that's been completed and the amount of work remaining.
2. At no time shall the amount of NEDF funds disbursed exceed the NEDF's total commitment to the project of 28%.

Prepared by: Michael G. Thomas, Vice President – Commercial Finance
The Harrison Studio
October 25, 2023

8.3

Towne Housing Real Estate

MEMORANDUM

TO: Mark Onesi, Chairman
NCIDA Board Members

FROM: Susan C. Langdon, Executive Director

Cc: Andrea Klyzcek, Assistant Director
Mark Gabriele, Agency Counsel

DATE: February 6, 2024

SUBJECT: Building Management Services

As you know, NCIDA is in a partnership with the Niagara Frontier Transportation Authority in regard to ownership of two 50,000 square foot multitenant buildings located at 2045 and 2055 Niagara Falls Boulevard in the Town of Wheatfield.

For decades, the day-to-day management of 2045, including leasing, collection of rents, maintenance and repair was, etc. was the responsibility of a third partner. In 2019, NCIDA and NFTA bought out the third partner, eliminating the third party management of the building. In the ensuing several years, NCIDA staff has attempted to manage the building, schedule repairs, show the property to potential lessees, etc.

There was no third partnership in the building at 2055 Niagara Falls Boulevard. The facility had only one tenant occupying the entire 50,000 sq. ft. and management was relatively simply. In 2023, we were notified that the tenant, GHD will be significantly downsizing, thereby freeing approximately 2/3 of the building to be leased to new companies.

Management of these facilities has become particularly daunting, taking up a significant amount of NCIDA staff time and effort. With this in mind, we issued a Request for Proposals for Management of both facilities.

We received a response from Town Housing Real Estate of Buffalo, New York. Staff recommends the hiring of Town to provide commercial leasing services, repair and maintenance triage and vendor management services for 2045 and 2055 Niagara Falls Boulevard for a period of two years, commencing on March 1, 2024.