

Application Title

555 Riverwalk Parkway, LLC

Section I: Applicant Background Information

Applicant Information - Company Receiving Benefit

Total Project Cost 10628000
Applicant Name 555 Riverwalk Parkway LLC or a TM Montante Development related company
Applicant Address 2760 Kenmore Avenue, Tonawanda, NY 14150
Phone 716-876-8899
Fax 716-876-6850
E-mail mmontante@tmmontante.com
Website www.TMMontante.com
Fed ID#

Individual Completing Application

Name Sandra Lister
Title Director of Sales
Address 2760 Kenmore Avenue, Tonawanda NY 14150
Phone 716-876-8899
Fax 716-876-6850
E-Mail slister@TMMontante.com

Company Contact (if different from individual completing application)

Name Timothy Vaeth
Title President- TM Montante Development
Address 2760 Kenmore Avenue, Tonawanda NY 14150
Phone 716-876-8899
Fax 716-876-6850
E-Mail tvaeth@TMMontante.com

Company Counsel

Name of Attorney Jonathan D. Schechter, Esq
Firm Name Gross, Shuman, Brizdle & Gilfillan P. C.
Address 465 Main Street, Suite 600, Buffalo, NY 14203
Phone 716-854-4300
Fax

E-Mail

jschechter@gross-shuman.com

Identify the assistance being requested of the Agency

Exemption from Sales Tax	Yes
Tax Exempt Financing	No
Exemption from Mortgage Tax	Yes
Exemption from Real Property Tax	Yes
Assignment/Assumption of existing PILOT benefits	No

Business Organization

Type of Business	Limited Liability Company
Year Established	2012
State of Organization	New York

List all stockholders, members, or partners with % of ownership greater than 20%

Please include name and % of ownership.

555 Riverwalk Parkway LLC or an entity yet to be formed, is a wholly owned subsidiary of Riverwalk Parkway I, LLC, a TM Montante Development related company.

Business Description

Describe in detail company background, products, customers, goods and services

TM Montante (TMM) is a LEED accredited full service developer of commercial real estate and solar energy projects. TMM specializes in multiple project types such as, mixed use developments with commercial and residential components, innovative office/industrial projects, and solar services from residential to full scale commercial grade installations. TMM continues to explore new levels in their real estate development undertakings as they will incorporate solar power into the final design of all future developments. TMM also provides clients with a range additional services including property management, construction management, architectural design as well as solar financing and consulting.

Estimated % of sales within Erie County	80
Estimated % of sales outside Erie County but within New York State	35
Estimated % of sales outside New York State	5
Estimated % of sales outside the U.S.	0

What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County? (You may be asked to provide supporting documentation of the estimated percentage of local purchases)

70%-90%. These numbers fluctuate depending on the scope of each project, but will typically fall within this range.

Section II: Project Description & Details

Location of proposed project facility

Address	555 Riverwalk Parkway
City	Tonawanda
State	New York
Zip Code	14150
SBL Number	
Town/City/Village	Town of Tonawanda
School District	Kenmore-Tonawanda Union Free School District
Present Project Site Owner	Riverwalk Parkway 1, LLC

Please provide a brief narrative of the project

FedEx Trade Networks, Transport and Brokerage, Inc., (FTN) a worldwide freight forwarding service provider and subsidiary of FedEx Corp., will add 82 new jobs, plus commit, for the next 10 years, to retain 600 existing local jobs here in the Buffalo Niagara region. After almost 10 years of occupancy in their offices on Ensminger Road and their warehouse facility on Kenmore Avenue, both in the Town of Tonawanda, FTN has outgrown their space and needs to expand. These facilities are being leased on a month to month basis. A facility at 170 Cooper and 2215 Kenmore Avenue will be consolidated into the new building in Riverwalk. TM Montante Development, through its subsidiary, 555 Riverwalk Parkway LLC, will construct an 88,000SF facility, consisting of 33,000SF of office space and 55,000SF of warehouse space on 14 acres at Riverview Solar Technology Park in the Town of Tonawanda. The project will pursue LEED certification and will incorporate a new form of solar; Building Integrated Photovoltaic (BIPV) that, over the term of the lease, will offset approximately 1,000,000 kWh of fossil fuel based electricity. That is the equivalent of consuming 80,000 gallons of gasoline. Through this project, FTN has been approved by Empire State Development Corp. for the Excelsior Job Program. The project is scheduled for completion in the first quarter of 2014.

Site Characteristics

Is the proposed Project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?

No

If yes, please explain

Has a Phase I Environmental Assessment been prepared, or will one be prepared with respect to the proposed Project Site? (If yes, please provide copy)

Yes

If yes, please provide a copy.

Have any other studies, or assessments been undertaken with respect to the proposed Project Site that indicate the known or suspected presence of contamination that would complicate the site's development?

No

If yes, please provide copies of the study.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms

If you are purchasing new machinery and equipment, does it provide demonstrable energy efficiency benefits?

Yes
If yes, please attach additional documentation describing the efficiencies achieved.

Does or will company perform substantial research and development activities on new products/services at the project location?

No
If yes, please explain

What percentage of annual operating expenses are attributed to the above referenced research and development activities?

NA

Explain why IDA participation is necessary for this project to proceed. Focus on competitiveness issues, project shortfalls, etc.

FedEx Trade Networks (FTN) "Campus" concept is a new approach to managing long term real estate demands in large regional employment hubs, like Western New York. FTN focused its search on sites that offered large banks of SEQRA (approved), Shovel-Ready land with developers that would provide assurances on future growth and sustainability opportunities, thus making future siting for growth, more streamline. In addition, the Campus provides FTN superior flexibility/expandability, reduced travel time, corrects current operational inefficiencies, and aims to proactively reduce its carbon footprint. This is considered FTN's road map for growth and sustainability, and we want it located here in Buffalo-Niagara. In 2012, after receiving approval for the Excelsior Jobs Program from Empire State Development, FTN announced that New York State was the front runner for the "Campus" project site search, only when factoring in the benefits from the ECIDA Enhanced PILOT package. Other competitive sites were identified in Tennessee and Indiana. FTN identified a site in Buffalo-Niagara within Riverview Solar Technology Park, to construct a new, state of the art 88,000 square foot building, with 33,000SF of office space and 55,000SF of warehouse space. TM Montante Development (TMM) developer of Riverview, successfully demonstrated that Riverview hit the mark on all of the "campus" requirements, and exceeded all expectations in areas of opportunity for rapid growth and sustainability. Riverview is a New York State Shovel-Ready Certified site, providing opportunities for rapid expansion, in a region with a strong work force, and provides a great platform for renewable energy opportunities. TMM agreed to support FTN's growth and sustainability goals through, reserving an additional 11 acres of adjacent land for expansion, the construction of an on-site solar array that will offset 1,000,000kWh of fossil fuel sourced electricity and LEED Certification. FTN has pledged to add 82 new jobs across many divisions of the company, including, engineering, customer service, human resources, finance and sales. These new jobs pay an average annual wage of \$45,600, and will attract candidates from our local supply of college graduates. In addition, FTN will guarantee to retain 600 existing jobs in Buffalo Niagara, which pay an average annual wage of \$41,900. The substantial benefit associated with this project is clearly the jobs. In Buffalo-Niagara alone, FTN's payroll will grow to approximately \$288 million in wages (NEW and retained) paid during the ten year commitment period. Currently, of the 926 FTN employees in New York State, 600 are located in Buffalo Niagara. Given the Internet-based nature of these jobs, there is a legitimate flight risk to New York State and Erie County because of the ability to relocate these jobs anywhere with a qualified workforce. Although FTN has grown its company here in Buffalo-Niagara for over 10 years now, they are headquartered in Memphis, TN near the parent company FedEx Corp. Understanding the risks and potential rewards is essential, but it also presents an opportunity to bolster our allegiance with FTN and channel FTN's current and future growth to Buffalo-Niagara for the long term. Securing Buffalo-Niagara as a hub for one of the most recognized brands in the world is a tremendous achievement for the region. Nothing speaks louder to the international business community than a large capital commitment from a company like FTN. Recognizing this, Empire State Development already pledged \$2,250,000 in tax credits through the Excelsior Jobs Program, as an incentive to establish and develop this Campus at Riverview. New York State's commitment is expected to return \$22,000,000 of investment in Buffalo Niagara, and will generate more new wages to spur local economic growth, plus guaranteed job retention to help maintain stability. FedEx Trade Networks (FTN) is awaiting an approval for the Enhanced PILOT from the ECIDA board before making a final decision. In light of this variable in the negotiation, it is extremely important to convince FedEx that Buffalo Niagara is the best place to maintain and grow these mission-critical jobs.

Project Information

Estimated costs in connection with project

Land and/or Building Acquisition \$ 770000
 acres square feet

14.00 0.00

New Building Construction \$ 8450000

88000.00 square feet

New Building addition(s) \$ 0

0.00 square feet

Renovation \$ 0

0.00 square feet

Manufacturing Equipment \$ 0

Non-Manufacturing Equipment: (furniture, fixtures, etc.) \$ 0

Soft Costs: (professional services, etc.) \$ 888000

Other Cost \$ 520000

Explain Other Costs 100kW BIPV Solar Array for the Building

Total Cost 10628000

Project Refinancing (est. amount) 0

Select Project Type (check all that apply)

No Industrial	No Multi-Tenant	No Mixed Use
No Acquisition of Existing Facility	Yes Commercial	No Facility for the Aging
No Housing	No Back Office	No Civic Facility (not for profit)
No Equipment Purchase	No Retail	Yes Other Distribution/Logistics
SIC Code 47		
NAICS Code 48851		

For proposed facility please include # of sq ft for each of the uses outlined below

Manufacturing/Processing	0.00 square feet
Warehouse	0.00 square feet
Research & Development	0.00 square feet
Commercial	0.00 square feet
Retail	0.00 square feet
Office	33000.00 square feet
Other	55000.00 square feet
Specify Other	Distribution/Logistics

Utilities and services presently serving site. Provide name of utility provider

Gas	National Fuel	
Electric	National Grid	Size
Water	Town of Tonawanda	Size
Sewer	Town of Tonawanda	Size

Other (Specify)

If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?

Yes

If you answered yes to question above, what level of LEED certification do you anticipate receiving? (Check applicable box)

Silver

What is your project timetable (Provide dates)

Start date : acquisition of equipment

2013-05-01

End date : Estimated completion of project

2014-02-15

Project occupancy : estimated starting date of operations

2014-03-15

Have site plans been submitted to the appropriate planning department for approval?

No

Have any expenditures already been made by the company?

Yes

If yes, indicate particulars (ECIDA benefits do not apply to expenses incurred prior to Board approval)

Phase I Environmental, Survey, preliminary renderings in addition to the costs associated with obtaining a designation of New York State Shovel-Ready Certified.

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Employment Plan (project location)

	Current Jobs	If project is to retain jobs, number of jobs to be retained	Total # of jobs 2 years after project completion
Full time	600	600	682
Part time	0	0	0
Current Full Time Jobs in other Erie county locations	0		
Current Part Time Jobs in other Erie county locations	0		

Payroll Information

Annual payroll

28879000

Estimated average annual salary of jobs to be retained

41900

Average estimated annual salary of jobs to be created

45600

Estimated salary range of jobs to be created

From 40000 **To** 50000

Is the project reasonably necessary to prevent the project occupant from moving out of New York State?

Yes

If yes, please explain and identify out-of-state locations investigated

The tenant engaged a site selector out of Pittsburgh, PA. to identify the Campus Site. As opposed to FedEx Ground, which needs employment in specific regions, a majority of the employment through FedEx Trade Network are internet-based, and therefore there is a legitimate flight risk to New York State and Erie County because of the ability to relocate these jobs anywhere with a qualified workforce. Although FTN has grown its company here in Buffalo-Niagara for over 10 years now, they are headquartered in Memphis, TN near the parent company FedEx Corp. Understanding the risks and potential rewards is essential, but it also presents an opportunity to bolster our allegiance with FTN and channel FTN's current and future growth to Buffalo-Niagara for the long term. Securing Buffalo-Niagara as a hub for one of the most recognized brands in the world is a tremendous achievement for the region.

Were you offered financial assistance to locate outside of New York State?

Yes

If yes, from whom and what type of assistance was offered

Both Tennessee and Indiana offered incentives to relocate this project outside of New York State.

What competitive factors led you to inquire about sites outside of New York State?

The above mentioned States are each considered a FTN Regional Employment Hub, and candidates for the Campus project.

Have you contacted or been contacted by other economic or governmental agencies regarding this project?

Yes

If yes, please indicate the Agency and nature of inquiry below

Empire State Development has qualified this project for the Excelsior Jobs Program.

Section III: Adaptive Reuse Projects

Are you applying for a tax incentive under the Adaptive Reuse Program?

No

What is the age of the structure (in years)?

0.00

If yes, number of years vacant?

0

Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended)

No

Is the structure currently generating insignificant income? (Insignificant income is defined as income that is 50% or less than the market rate income average for that property class)

No

Does the site have historical significance?

No

Briefly summarize the financial obstacles to development that this project faces without ECIDA or other public assistance. Please provide the ECIDA with documentation to support the financial obstacles to development (cash flow projections documenting costs, expenses and revenues indicating below average return on investment rates compared to regional industrial averages)

NA

Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide the ECIDA with documentation of this support in the form of signed letters from these entities

NA

Please indicate other factors that you would like the ECIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site or structure is presently delinquent in property tax payments

NA

Section IV: Retail Determination

Will project involve the sales of goods or services to customers who personally visit the facility?

No
If yes, complete the Retail Questionnaire Supplement below.

Will any portion of the project consist of facilities or property that is primarily used in making sales of goods or services to customers who personally visit the project site?

No
If the answer is yes, please continue.

What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project?

0.00
%
If the answer to this is **less than 33%** do not complete the remainder of the page and proceed to the next section (Section V: Inter-Municipal Move Determination).

Will the project be operated by a not-for-profit corporation?

No

Is the project likely to attract a significant number of visitors from outside the economic development region in which the project will be located?

No
If yes, please provide a market analysis or other documentation supporting your response.

Would the project occupant, but for the contemplated financial assistance from the industrial development agency, locate the related jobs outside the State of New York?

No
If yes, please provide documentation regarding investigation of sites outside New York State.

Is the predominant purpose of the project to make available goods or services which would not otherwise be reasonably accessible to the residents of the project municipality?

No

If yes, please provide a market analysis supporting your response.

Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in the State of New York?

No

Is the project located in a Neighborhood Redevelopment Area?

No

Section V: Inter-Municipal Move Determination

Does this project involve relocation or consolidation of a project occupant from another municipality or abandonment of an existing facility?

Within New York State No

Within Erie County No

If EITHER IS YES, please complete the following. If BOTH ARE NO, please 'save and continue' to the next section (Section VI: Facility Type - Single or Multi Tenant).

The Agency is required by state law to make a determination that Agency assistance is required to prevent the project occupant from relocating out of the state, or to preserve the project occupant's competitive position in its respective industry.

Will the project result in a relocation of an existing business operation from the City of Buffalo?

No

If yes, please explain the factors which require the project occupant to relocate (For example, present site is not large enough, or owner will not renew leases etc.)

What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc...)

In an effort to provide the FTN's regional operations with greater flexibility, additional efficiencies and space to add the new employees, FTN began a search for a campus. The "Campus" concept is a new approach to managing long term real estate demands in large FTN regional employment hubs. Initial site selection criteria included large banks of SEQRA approved land, near existing facilities, under control of developers who would provide assurances on growth opportunities and sustainability. FTN needed to secure a building or land to meet current demands, but focused on sites that would accommodate future growth. The Campus will provide FTN with superior flexibility and expandability, reduced travel time, reduced operational inefficiencies, as well as a platform to reduce its carbon footprint.

If the project occupant is currently located in Erie County and will be moving to a different municipality, has the project occupant attempted to find a suitable location within the municipality?

Yes

Is the project reasonably necessary to preserve the project occupant's competitive position in its industry?

Yes

If yes, please explain and provide supporting documentation

What factors have lead the project occupant to consider remaining or locating in Erie County?

A strong and educated workforce (with a replenishing supply of college graduates to fill the 82 new positions), relatively low cost of power and a good supply of New York State Shovel-Ready Certified land.

What is going to happen to the current facility that project occupant is located in?

Prior locations for FTN are also in the Town of Tonawanda and are in viable business parks with high occupancy rates.

Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.

Section VI: Facility Type - Single or Multi Tenant

Is this a Single Use Facility or a Multi-Tenant Facility?

Single Use Facility

For Single Use Facility

Occupant Name Fed Ex Trade Networks Transport & Brokerage, Inc.
Address 170 Cooper Avenue, Tonawanda, NY, 14150
Contact Person Thomas Norton
Phone 901-818-7733
Fax
E-Mail tjnorton@fedex.com
Federal ID #
SIC/NAICS Code 488510

Multi-Tenant Facility

Please explain what market conditions support the construction of this multi-tenant facility

Have any tenant leases been entered into for this project?

<BLANK>

If yes, please list below and provide square footage (and percent of total square footage) to be leased to tenant and NAICS Code for tenant and nature of business

Section VII: Environmental Questionnaire

General Background Information

Address of Premises

555 Riverwalk Parkway Tonawanda, NY 14150

Name and Address of Owner of Premises

555 Riverwalk Parkway LLC 2760 Kenmore Avenue Tonawanda, NY 14150

Describe the general features of the Premises (include terrain, location of wetlands, coastlines, rivers, streams, lakes, etc.)

The proposed site is a 14 acre parcel located within Riverview Solar Technology Park, located on River Road in the Town of Tonawanda. Riverview, receiving the distinction of New York State Shovel-Ready Certified in 2007, is a 185 acre business park with 2 new buildings, housing a total of 10 companies. Both buildings are at 100% occupancy. The site is a predominately flat green field with no known prior use. There are a few wetlands located near the perimeter of the site, however the 14 acres provides flexibility. The footprint of the building and the parking will have no impact on any of these areas on the 14 acre site. National Grid's power lines run along the site's western border. In 2010, TM Montante Development completed a feasibility study at Riverview, to deploy commercial scale solar energy systems, distributed to the park's occupants. Since then, Montante has installed over 130kW of solar dedicated to specific tenants and common areas throughout the park. This project will add an additional 100kW at Riverview.

Describe the Premises (including the age and date of construction of any improvements) and each of the operations or processes carried out on or intended to be carried on at the Premises

The site is an undeveloped Greenfield with no known former use or structures.

Describe all known former uses of the Premises

The site is an undeveloped Greenfield with no known former use.

Does any person, firm or corporation other than the owner occupy the Premises or any part of it?

No

If yes, please identify them and describe their use of the property

Have there been any spills, releases or unpermitted discharges of petroleum, hazardous substances, chemicals or hazardous wastes at or near the Premises?

No

If yes, describe and attach any incident reports and the results of any investigations

A Phase I Environmental report is included as part of this application.

Has the Premises or any part of it ever been the subject of any enforcement action by any federal, state or local government entity, or does the preparer of this questionnaire have knowledge of: a) any current federal, state or local enforcement actions; b) any areas of non-compliance with any federal, state or local laws, ordinances, rules or regulations associated with operations over the past 12 months?

No

If yes, please state the results of the enforcement action (consent order, penalties, no action, etc.) and describe the circumstances

Has there been any filing of a notice of citizen suit, or a civil complaint or other administrative or criminal procedure involving the Premises?

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

Does any activity conducted or contemplated to be conducted at the premises generate, treat or dispose of any petroleum, petroleum-related products, solid and hazardous wastes or hazardous substances?

No

If yes, provide the Premises' applicable EPA (or State) identification number

Have any federal, state or local permits been issued to the Premises for the use, generation and/or storage of solid and hazardous wastes?

No

If yes, please provide copies of the permits.

Identify the transporter of any hazardous and/or solid wastes to or from the Premises

Identify the solid and hazardous waste disposal or treatment facilities which have received wastes from the Premises for the past two (2) years

Does or is it contemplated that there will occur at the Premises any accumulation or storage of any hazardous wastes on-site for disposal for longer than 90 days?

No

If yes, please identify the substance, the quantity and describe how it is stored

Discharge Into Waterbodies

Briefly describe any current or contemplated industrial process discharges (including the approximate volume, source, type and number of discharge points). Please provide copies of all permits for such discharges

None

Identify all sources of discharges of water, including discharges of waste water, process water, contact or noncontact cooling water, and stormwater. Attach all permits relating to the same. Also identify any septic tanks on site

Design for storm and sanitary water will be in compliance with New York State DEC Stormwater Design Manual and Regulations, as well as the Town of Tonawanda standards and capacity which were identified for Riverview Solar Technology Park during the SEQRA process.

Is any waste discharged into or near surface water or groundwaters?

No

If yes, please describe in detail the discharge including not only the receiving water's classification, but a description of the type and quantity of the waste

Air Pollution

Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises?

No

If yes, describe each such source, including whether it is a stationary combustion installation, process source, exhaust or ventilation system, incinerator or other source

Are any of the air emission sources permitted?

No

If yes, attach a copy of each permit.

Storage Tanks

List and describe all above and under ground storage tanks at the Premises used to store petroleum or gasoline products, or other chemicals or wastes, including the contents and capacity of each tank. Please also provide copies of any registrations/permits for the tanks

None

Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks?

No

If yes, please provide all details regarding the event, including the response taken, all analytical results or reports developed through investigation (whether internal or external), and the agencies which were involved

Polychlorinated Biphenyls ("PCB" or "PCBs") And Asbestos

Provide any records in your possession or known to you to exist concerning any on-site PCBs or PCB equipment, whether used or stored, and whether produced as a byproduct of the manufacturing process or otherwise.

Have there been any PCB spills, discharges or other accidents at the Premises?

No

If yes, relate all the circumstances

Do the Premises have any asbestos containing materials?

No

If yes, please identify the materials