



3200 Clinton Street LLC.

[Instructions and Insurance Requirements Document](#)

Section I: Applicant Background Information

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law.

Applicant Information- Company Receiving Benefit

Project Name	3200 Clinton Street.,LLC
Project Summary	3200 Clinton Street LLC is an entity of Agile Cold Storage. Agile Cold Storage was formed January 1, 2020, by industry veterans averaging over 20 years a piece in the cold storage industry. Agile has 3 operating facilities in Georgia and the fourth in Claymont Delaware which will open in October of 2024. The goal of Agile was not to be the largest but strive daily to be the best. We offer different approaches to warehousing like conventional, semi-automated, and fully automated solutions to meet the forever changing needs of our customers. Our state-of-the-art warehouses puts us on the forefront of labor and energy predictability, efficiency, and safety. Our core values ensure that your products will be stored safely, handled efficiently, tracked seamlessly, and reported on timely. Our project in West Seneca NY. will consist of us partnering with a local frozen food manufacturer to construct and operate a new semi-automated facility with manufacturing/boxing space attached to the facility. This facility will assist our partner in growing their business and increase their distribution, as well as opening options to other frozen and refrigerated foods manufactures in the area. This state-of-the-art facility will bring new jobs with competitive pay and benefit to the community, as well as adding healthy competition in the marketplace.
Applicant Name	Craig Cardwell
Applicant Address	3117 Athens Hwy
Applicant Address 2	
Applicant City	Gainesville
Applicant State	Georgia
Applicant Zip	30507
Phone	(615) 804-4457
Fax	
E-mail	craig@agilecoldstorage.com
Website	agilecoldstorage.com
NAICS Code	311

Business Organization

Type of Business
Limited Liability Company

Year Established
2023

State

Delaware

Indicate if your business is 51% or more (Check all boxes that apply)

[No] Minority Owned

[No] Woman Owned

Indicate Minority and/or Woman Owned Business Certification if applicable (Check all boxes that apply)

[Yes] NYS Certified

[No] Erie Country Certified

Individual Completing Application

Name Craig Cardwell
Title SVP of Operations
Address 3117 Athens Hwy
Address 2
City Gainesville
State Georgia
Zip 30507
Phone (615) 804-4457
Fax
E-Mail craig@agilecoldstorage.com

Company Contact- Authorized Signer for Applicant

Contact is same as individual completing application Yes

Name
Title
Address
Address 2
City
State
Zip
Phone
Fax
E-Mail

Company Counsel

Name of Attorney Derek Krebs
Firm Name Holt, Nev, Zatcoff, and Wasserman LLP
Address 100 Galleria Parkway, Suite 1800
Address 2
City Atlanta
State Georgia
Zip 30339

Phone (770) 956-9600
Fax
E-Mail dkrebs@hznw.com

Benefits Requested (select all that apply).

Exemption from Sales Tax Yes
Exemption from Mortgage Tax Yes
Exemption from Real Property Tax Yes
Tax Exempt Financing* No

* (typically for not-for-profits & small qualified manufacturers)

Applicant Business Description

Describe in detail company background, history, products and customers. Description is critical in determining eligibility. Also list all stockholders, members, or partners with % ownership greater than 20%.

3200 Clinton Street LLC is an entity of Agile Cold Storage. Agile Cold Storage was formed January 1, 2020, by industry veterans averaging over 20 years a piece in the cold storage industry. Agile has 3 operating facilities in Georgia and the fourth in Claymont Delaware which will open in October of 2024. The goal of Agile was not to be the largest but strive daily to be the best. We offer different approaches to warehousing like conventional, semi-automated, and fully automated solutions to meet the forever changing needs of our customers. Our state-of-the-art warehouses puts us on the forefront of labor and energy predictability, efficiency, and safety. Our core values ensure that your products will be stored safely, handled efficiently, tracked seamlessly, and reported on timely. Our project in West Seneca NY. will consist of us partnering with a local frozen food manufacturer to construct and operate a new semi-automated facility with manufacturing/boxing space attached to the facility. This facility will assist our partner in growing their business and increase their distribution, as well as opening options to other frozen and refrigerated foods manufactures in the area. This state-of-the-art facility will bring new jobs with competitive pay and benefit to the community, as well as adding healthy competition in the marketplace. We formed in 2020 and are based out of Gainesville Georgia. We are partnered with AIMPERRA (45%) and Continental Grain (45%)., Agile Management and small investors (10%).

Estimated % of sales within Erie County 90 %
Estimated % of sales outside Erie County but within New York State 5 %
Estimated % of sales outside New York State but within the U.S. 4 %
Estimated % of sales outside the U.S. 1 %

(*Percentage to equal 100%)

For your operations, company and proposed project what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County?

80

Describe vendors within Erie County for major purchases

Pallets, Stretch Wrap, Janitorial Supplies, Temporary Labor Services, Material Handling Equipment Parts, Office Supplies, Maintenance Supplies, Warehouse Supplies.

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

3200 Clinton Street

Town/City/Village of Project Site

West Seneca

School District of Project Site

West Seneca Central School District

Current Address (if different)

160 Empire Drive

Current Town/City/Village of Project Site (if different)

West Seneca

SBL Number(s) for proposed Project

124.15-2-4

What are the current real estate taxes on the proposed Project Site

\$5,694.20

If amount of current taxes is not available, provide assessed value for each.

Land

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

*The ECIDA has an unpaid tax policy and you will be required to certify all taxes and PILOTS are current.

Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site?

No

If No, indicate name of present owner of the Project Site

Two Brothers Reality Company

Does Applicant or related entity have an option/contract to purchase the Project site?

Yes

Describe the present use of the proposed Project site (vacant land, existing building, etc.)

Vacant Land

Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)

3200 Clinton St. LLC. new build is a 115,000 square foot facility which will be used as a new manufacturing facility for Rosina Foods (16,000 sqf) and a cold storage warehouse for Agile Cold Storage (99,000 sqf). Agile Cold uses state of the art technology with some automation to deliver excellent customer service for our clients warehousing and distribution needs. This project partnered with Rosina Foods will allow Rosina to increase their production by the additional manufacturing space and allow them to utilize a cold storage strategically placed to service their distribution needs for their entire frozen line of products, as well as other frozen food manufacturers in the area which we are currently working on contracts with 2 other manufacturers. This will bring estimated 45 new jobs to the Agile (3200 Clinton St. LLC.) warehouse, and 10 new jobs to the Rosina production side.

Municipality or Municipalities of current operations

Erie County

Will the Proposed Project be located within a Municipality identified above?

Yes

Will the completion of the Project 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?

No

If the Proposed Project is located in a different Municipality within New York State than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?

No

(If yes, you will need to complete the Intermunicipal Move Determination section of this application)

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

No

If yes, please explain and identify out-of-state locations investigated, type of assistance offered and provide supporting documentation available

Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?

<BLANK>

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

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:

Not Applicable

Describe the reasons why the Agency’s financial assistance is necessary, and the effect the Project will have on the Applicant’s business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

Without the financial assistance the project does not justify the investment of the location. Which would lead to canceling the project or moving to a different State. Due to the challenges of the lot size, we are using a state-of-the-art semi-automated solution which allows us to use a taller building instead of a conventional warehouse which would not fit on the site we need to build. the semi-automated facilities are more costly than standard warehouses due to the additional technology and equipment needed to run the facility.

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

If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and Erie County?

It would be a loss of a \$46,000,000 project for Erie County and the Town of West Seneca, as well as a loss of 55 new jobs created for the community. Also, there would be no new competition for the industry in this area which will impact local food manufactures and their options for cold storage. This could also affect Rosina from growing their business as well.

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

MHE Equipment (Forklifts and Batteries) a 60-month capital lease.

Site Characteristics

Is your project located near public transportation?

Yes

If yes describe if site is accessible by either metro or bus line (provide route number for bus lines)

Bus line #2 Clinton Transit Line.

Has your local municipality and/or its planning board made a determination regarding the State Environmental Quality Review (SEQR) for your project?

No

If YES indicate in the box below the date the SEQR determination was made. Also, please provide us with a copy of the approval resolution and the related Environmental Assessment Form (EAF) if applicable.

If NO indicate in the box below the date you anticipate receiving a SEQR determination for your project. Also, please insure that the ECIDA has been listed as an "involved agency" on the related EAF submitted to the appropriate municipality and/or planning department.

July 2024

Will the Project meet zoning/land use requirements at the proposed location?

Yes

Describe the present zoning/land use

M1 District

Describe required zoning/land use, if different

Not Applicable

If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements

We would like a height variance for the building to go 70 feet tall.

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

Yes

If yes, please explain

The site at one time was part of a old railyard. there were some contaminants discovered in the soil and we will have to perform a Brownfield Cleanup. Brownfield project and Cleanup will have to be performed in order to proceed. We received our acceptance to the Brownfield Cleanup Program in May of 2024. The work will be completed by the Roux Group located in Buffalo.

Has a Phase I Environmental Assessment been prepared, or will one be prepared with respect to the proposed Project Site?

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?

Yes

If yes, please provide copies of the study.

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

Yes

If yes, describe the efficiencies achieved

Led Lights which use less energy. Energy regenerative breaking on forklifts. Low charge ammonia system which uses less power. You may also attach additional information about the machinery and equipment at the end of the application.

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

No

If yes, include percentage of operating expenses attributed to R&D activities and provide details.

Select Project Type for all end users at project site (you may check more than one).

For purposes of the following, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, you will need to complete the Retail section of this application.

1.) Land and/or Building Acquisition

\$ 500,000 square feet 7 acres

2.) New Building Construction

\$ 43,000,000 115,000 square feet

3.) New Building addition(s)

\$ 0 square feet

4.) Reconstruction/Renovation

\$ 0 square feet

5.) Manufacturing Equipment

\$ 2,000,000

6.) Infrastructure Work

\$ 0

7.) Non-Manufacturing Equipment: (furniture, fixtures, etc.)

\$ 30,000

8.) Soft Costs: (Legal, architect, engineering, etc.)

\$ 1,000,000

9.) Other Cost

\$ 0

Explain Other Costs

Total Cost \$ 46,530,000

Construction Cost Breakdown:

Total Cost of Construction	\$ 43,000,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 28,000,000
% sourced in Erie County	80%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit \$ 28,030,000

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above): \$ 2,452,625

** Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

Project refinancing estimated amount, if applicable (for refinancing of existing debt only) \$ 0

Have any of the above costs been paid or incurred as of the date of this Application? No

If Yes, describe particulars:

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 7,900,000
Bank Financing:	\$ 35,000,000
Tax Exempt Bond Issuance (if applicable):	\$ 0
Taxable Bond Issuance (if applicable):	\$ 0
Public Sources (Include sum total of all state and federal grants and tax credits):	\$ 10,100,000
Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)	Brownfield cleanup Credit Brownfield Investment Credit
Total Sources of Funds for Project Costs:	\$53,000,000
Have you secured financing for the project?	Yes

Mortgage Recording Tax Exemption Benefit:

Amount of mortgage, if any that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing).	35,000,000
Lender Name, if Known	
Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):	\$262,500

Real Property Tax Benefit:

Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other):

IDA PILOT Benefit: Agency staff will indicate the estimated amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in the PILOT worksheet in the additional document section.

Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon the Sources of Funds for Project Costs as depicted above. The percentage of Project Costs financed from public sector sources will be depicted in the PILOT worksheet in the additional document section.

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

No

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms. MHE Equipment (Forklifts and Batteries) a 60-month capital lease.

Employment Plan (Specific to the proposed project location)

The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the TWO Year time period following Project completion. Agency staff converts PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time	0	0	55	55
Part time	0	0	0	0
Total	0	0	55	

Salary and Fringe Benefits for Jobs to be Retained and Created

Job Categories	# of Full Time Employees retained and created	Average Salary for Full Time	Average Fringe Benefits for Full Time	# of Part Time Employees retained and created	Average Salary for Part Time	Average Fringe Benefits for Part Time
Management	7	\$ 77,000	\$ 26,800	0	\$ 0	\$ 0
Professional	5	\$ 51,000	\$ 17,800	0	\$ 0	\$ 0
Administrative	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Production	43	\$ 54,300	\$ 15,700	0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Total	55			0		

** Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

Yes **By checking this box, I certify that the above information concerning the current number of jobs at the proposed project location or to be relocated to the proposed project location is true and correct.**

Employment at other locations in Erie County: (provide address and number of employees at each location):

Address	None		
Full time	0	0	0
Part time	0	0	0
Total	0	0	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

3,259,000

Estimated average annual salary of jobs to be retained (Full Time)

0

Estimated average annual salary of jobs to be retained (Part Time)

0

Estimated average annual salary of jobs to be created (Full Time)

66,510

Estimated average annual salary of jobs to be created (Part Time)

0

Estimated salary range of jobs to be created

From (Full Time)	34,500	To (Full Time)	103,500
From (Part Time)	0	To (Part Time)	0

Section III: Environmental Questionnaire

INSTRUCTIONS: Please complete the following questionnaire as completely as possible. If you need additional space to fully answer any question, please attach additional page(s).

General Background Information

Address of Premises

160 Empire Drive West Seneca, NY. 14224

Name and Address of Owner of Premises

Two Brothers Reality Group

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

Wooded lot with parking lot in Northeast Corner.

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

None

Describe all known former uses of the Premises

At one time there was a Rail Yard. Which has since been removed and now it is a vacant lot.

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?

Yes

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

Oil from the old rail yard and contaminated the top layer of soil. Brownfield cleanup will have to be done.

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

None

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

None

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

None

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?

Yes

If yes, relate all the circumstances

On the Brownfield Report

Do the Premises have any asbestos containing materials?

Yes

If yes, please identify the materials

On the Brownfield Report

Section IV: Facility Type - Single or Multi Tenant

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

Multi-Tenant Facility

Multi-Tenant Facility (to be filled out by developer).

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

An additional production room for Rosina Foods which they will bring 10 new jobs. Also, there is a currently a limited number of cold storage space in the area, and there is a need for more in this market. This facility will also help Rosina grow their business.

Have any tenant leases been entered into for this project?

Yes

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

Tenant Name	Current Address (city, state, # of sq ft and % of total to be zip)	SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.
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*fill out table for each tenant and known future tenants

Section V: Tenant Information

PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)

Tenant Name

Rosina Food Products Inc.

Property Address:

170 French Road

City/Town/Village

Buffalo Ny 14227

The following information is an outline relative to the potential client and their proposed contract to sublease space in the above reference facility

Amount of space to be leased (square feet)

16,000

What percentage of the building does this represent?

8

Are terms of lease:

NET

If GROSS lease, please explain how Agency benefits are passed to the tenant

Estimated date of occupancy

12/31/1969

PART 2 TO BE COMPLETED BY PROPOSED TENANT

Company Name:

Rosina Food Products Inc.

Local Contact Person:

Greg Setter

Title:

COO

Current Address:

170 French Road

Phone:

(716) 608-8524

Fax:

E-Mail:

gsetter@rosina.com

Website:

www.rosina.com

Company President/General Manager:

Number of employees moving to new project location:

Full-Time:

10

Part-Time:

0

Total:

10

Please describe briefly the nature of the business in which the proposed tenant is/will be engaged. This should include NAICS Code; type of business and products or services; percent of total sales in Erie County and the United States:

Frozen Food Manufacturing and Packaging. NAICS code 311612 Process Meat Manufacturer.

Attach additional information as necessary.

History of Company (i.e. start-up, recent acquisition, publicly traded)

Rosina is a privately owned company. Rosina began in 1963 in a small storefront in Buffalo. And in 1981 grew to a new facility in West Seneca which the produce frozen foods and distribute all over the country.

Please list the square footage which the proposed tenant will lease at the Project location

16,000

Please list the square footage which the proposed tenant leases at its present location(s)

0

Describe the economic reason for either the increase or decrease in leased space.

N\A

Will the project result in a relocation and/or abandonment of other tenant/user(s) facilities in Erie County, or New York State?

No

If owned, what will happen to the existing facility once vacated?

If leased, when does lease expire?

6/30/2040

Are any of the proposed tenant's current operations located in facilities which have received an Industrial Development Agency benefit?

No

If yes, please provide details as to location, and amount of leased space, how long leased?

Section VI: Retail Determination

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Please answer the following:

Will any portion of the project (including that portion of the costs to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

No

If yes, complete the Retail Questionnaire Supplement below. **If no, proceed to the next section.**

Section VII: Adaptive Reuse Projects

Adaptive Reuse is the process of adapting old structures or sites for new purposes.

Are you applying for tax incentives under the Adaptive Reuse Program?

No

Section VIII: Inter-Municipal Move Determination

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results 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, Agency financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

Current Address

160 Empire Drive

City/Town

West Seneca

State

New York

Zip Code

14224

Will the project 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?

No

Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?

No

If Yes to either question, 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:

None

Does this project involve relocation or consolidation of a project occupant from another municipality?

Within New York State

No

Within Erie County

No

If Yes to either question, please, explain

None

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 out of the City of Buffalo (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.)

We would like a variance to build the new building 70 foot tall.

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

No

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

Availability of Brownfield credits

If the current facility is to be abandoned, what is going to happen to the current facility that project occupant is located in?

None

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.

None

Section IX: Senior Housing

IDA tax incentives may be granted to projects under the Agency's Senior Citizen Rental Housing policy when the project consists of a multi-family housing structure where at least 90% of the units are (or are intended to be) rented to and occupied by a person who is 60 years of age or older.

Are you applying for tax incentives under the Senior Rental Housing policy?

No

Section X: Tax Exempt Bonds

In order to receive the benefits of a tax-exempt interest rate bond, private borrowers and their projects must be eligible under one of the federally recognized private active bond categories (Fed Internal Rev Code IRC sections 142-144, and 1394).

Are you applying for tax exempt bonds / refinancing of bonds related to a residential rental facility project?

No