

Application Title

337 Ellicott Street

Section I: Applicant Background Information

Applicant Information - Company Receiving Benefit

Total Project Cost 2560000
Applicant Name Iskalo 337 Ellicott LLC
Applicant Address 5166 Main Street, Williamsville, NY 14221
Phone 716-633-2096
Fax 716-633-5776
E-mail msroland@iskalo.com
Website www.iskalo.com
Fed ID# -----

Individual Completing Application

Name Matthew Roland
Title Development Project Manager, Iskalo Development Corp.
Address 5166 Main Street, Williamsville, NY 14221
Phone 716-633-2096
Fax 716-633-5776
E-Mail msroland@iskalo.com

Company Contact (if different from individual completing application)

Name
Title
Address
Phone
Fax
E-Mail

Company Counsel

Name of Attorney John Amershadian
Firm Name Hodgson Russ LLP
Address The Guaranty Building, 140 Pearl Street, Suite 100, Buffalo, NY 14202

Phone

716-848-1277

Fax

716-819-4643

E-Mail

jamersha@hodgsonruss.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	2011
State of Organization	New York

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

Please include name and % of ownership.

Paul B. Iskalo - Managing Member with >50% ownership.

Business Description**Describe in detail company background, products, customers, goods and services**

Iskalo Development Corp. ("Iskalo") is a full-service, commercial real estate development company headquartered on Main Street in Williamsville, NY and active throughout Western New York. Iskalo, through its various ownership entities (LLCs) undertakes both ground-up as well as adaptive re-use real estate projects for its own portfolio. Iskalo serves as its own developer, architect, construction manager and property manager. Principal project uses include office, medical office, light industrial, village retail and mixed-use.

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	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)

We estimate that typically 80% +/- of the materials and 90% of labor and services required to complete real estate projects undertaken by Iskalo are sourced in Erie County.

Section II: Project Description & Details

Location of proposed project facility

Address	337 Ellicott Street
City	Buffalo
State	New York
Zip Code	14203
SBL Number	111.46-6-8
Town/City/Village	City of Buffalo
School District	Buffalo School District
Present Project Site Owner	Iskalo 337 Ellicott LLC

Please provide a brief narrative of the project

Please see the attached Project Narrative.

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?

No
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?

N/A

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

Please see the attached Project Narrative.

Project Information

Estimated costs in connection with project

Land and/or Building Acquisition \$ 1100000
0.71 acres 32800.00 square feet

New Building Construction \$ 0
0.00 square feet

New Building addition(s) \$ 0
0.00 square feet

Renovation \$ 1200000
14600.00 square feet

Manufacturing Equipment \$ 0

Non-Manufacturing Equipment: (furniture, fixtures, etc.) \$ 150000

Soft Costs: (professional services, etc.) \$ 110000

Other Cost \$ 0

Explain Other Costs

Total Cost 2560000

Project Refinancing (est. amount) 1800000

Select Project Type (check all that apply)

Yes 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

Retail as accessory use

SIC Code**NAICS Code** 312120**For proposed facility please include # of sq ft for each of the uses outlined below**

		Cost	% of Total Cost
Manufacturing/Processing	11400 square feet	1162500	86
Warehouse	0 square feet	0	0
Research & Development	0 square feet	0	0
Commercial	0 square feet	0	0
Retail	0 square feet	0	0
Office	0 square feet	0	0
Specify Other	3200 square feet	187500	14

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

Gas	
Electric	Size
Water	Size
Sewer	Size

Other (Specify)**If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?**

No

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

<BLANK>

What is your project timetable (Provide dates)**Start date : acquisition of equipment**

2014-02-01

End date : Estimated completion of project

2014-08-01

Project occupancy : estimated starting date of operations

2014-08-01

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

Yes

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)

Expenditures already incurred are for the purchase of the property, and for the design, engineering costs and professional services associated with the design and approval of the project.

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

No

Employment Plan (Specific to location):

	Current # of jobs at project location or to be relocated at project location	If project is to retain jobs, number of jobs to be retained	Total # of jobs 2 years after project completion
Full time	0	0	13
Part time	0	0	0
Total	0	0	13

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

Address	N/A	N/A	N/A
Full time	0	0	0
Part time	0	0	0

Total

0

0

0

Payroll Information**Annual payroll**

320000

Estimated average annual salary of jobs to be retained

0

Average estimated annual salary of jobs to be created

25000

Estimated salary range of jobs to be created**From** 15000 **To** 50000

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

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

No

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

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

N/A

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

<BLANK>

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

N/A

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)?

45.00

If yes, number of years vacant?

3

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)

Yes

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)

Yes

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)

Please see attached Project Narrative.

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

The project has received approval from the City of Buffalo Zoning Board of Appeals for a use variance to permit the production brewery in the Downtown Opportunity ("DO") district, as well as site plan approval from the Planning Board.

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

Please see attached Project Narrative. The project is located in a distressed census tract.

Section IV: Retail Determination

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

Yes

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?

Yes

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?

13.89
%

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?

Yes

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?

<BLANK>

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...)

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?

<BLANK>

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

<BLANK>

If yes, please explain and provide supporting documentation

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

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

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 Big Ditch Brewing Company LLC
Address 55 East Huron Street, Buffalo, NY 14203
Contact Person Matthew Kahn, President
Phone 716-310-3823
Fax 716-633-5776
E-Mail info@bigditchbrewing.com
Federal ID #
SIC/NAICS Code

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

337 Ellicott Street Buffalo, NY 14203

Name and Address of Owner of Premises

Iskalo 337 Ellicott Street c/o Iskalo Development Corp., Its Manager 5166 Main Street Williamsville, NY 14221

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

Urban area located in the City of Buffalo bound on the west by Ellicott Street, on the north by East Huron Street, on the east by Blossom Alley and on the south by an adjacent industrial use.

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 building was originally constructed in 1968 as a purpose-built building for Verizon for use as their base of operations for their fleet of vehicles servicing Western New York. The building has not changed significantly since its original construction and includes a warehouse/open parking area for approximately 50-60 vehicles; a high-bay area for maintenance and washing of vehicles, and a two-story industrial office area.

Describe all known former uses of the Premises

Please see the response to the question above.

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

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

N/A

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

As part of the brewery operations, liquid waste will be discharged into the sewer system and this waste will primarily consist of water used in cleaning and cleaning solutions. All solutions are biodegradable and will be pH neutralized prior to disposal.

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?

<BLANK>

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?

Yes

If yes, please identify the materials

The ACM Survey completed for the property identified minimal asbestos-containing materials which mostly consisted of 9"x9" tile which will be abated as part of the renovation of the building.

Iskalo 337 Ellicott Street/Big Ditch

Land	\$0			County Rate	5.48				
Improvements	\$600,000			Town	28.96				
Total	\$600,000			School Rate	0				
				Village	0				
					34.44				
		%		County		School			NET
		payment		Payment	City Payment	Payment	Total PILOT	As if Owned	Exemption
1		0.1		\$328.80	\$1,737.60	\$0.00	\$2,066.40	\$20,664	
2		0.1		\$328.80	\$1,737.60	\$0.00	\$2,066.40	\$20,664	
3		0.2		\$657.60	\$3,475.20	\$0.00	\$4,132.80	\$20,664	
4		0.2		\$657.60	\$3,475.20	\$0.00	\$4,132.80	\$20,664	
5		0.3		\$986.40	\$5,212.80	\$0.00	\$6,199.20	\$20,664	
6		0.3		\$986.40	\$5,212.80	\$0.00	\$6,199.20	\$20,664	
7		0.3		\$986.40	\$5,212.80	\$0.00	\$6,199.20	\$20,664	
				\$4,932.00	\$26,064.00	\$0.00	\$30,996.00	\$144,648	\$113,652.00
used only 50% of reno budget for a.v. increase.									

Incentive Worksheet

Project Name Big Ditch Brewery

Location Centric		Possible Points	Complete	Total Points	Project Notes
Prereq 1	Framework Compliance (If not compliant only qualify for Seven Year PILOT)	Required	X		
Credit 1	Brownfield Site	1	0		
Credit 2	Excelsior Zone	1	0		
Credit 3	Enhancement Zone/Designated Redevelopment Area	1	0		
Credit 4	Local Government Designation	1	0	1	BBRP- Redevelopment Area

Cluster Industry or Regionally Strategic		Possible Points	Complete	Total Points	Project Notes
Credit 5	Advanced Manufacturing	2	0		
Credit 6	Back Office	2	0		
Credit 7	Agriculture	2	0		
Credit 8	Life Sciences	2	0		
Credit 9	Regional Tourism	2	0		
Credit 10	Renewable Energy	2	0		
Credit 11	Distribution Logistics	2	0		

Economic Impact		Possible Points	Complete	Total Points	Project Notes
Credit 12	Adaptive Reuse	1	0		
Credit 13	Out of Region Sales > 30%, Erie County	1	0		
Credit 14	In Region Purchases > 50%, Erie County	1	0	1	80% product purchased locally
Credit 15	Employment (manufacturing 1 pt. each 25) (Life Sciences 1 pt. each 15) (Back Office 1pt each 75) (Distribution Logistics 1 pt. each 40) (Agri-business 1 pt. each 30) (Reg. Tourism 1pt. each 50)		0		
Credit 16	Employment - Average Wage > Median	1	0		
Credit 17	Overall ROI Ratio > 15 to 1	1	0	1	AutoGlytix > 15.1
Credit 18	Local Revenue/Abatement Ratio > 2 to 1	1	0		
Credit 19	Retention Flight Risk	1	0		
Credit 20	Retention Employment (Average Wage greater than Median) - 1 pt per 100 jobs, 2 pts 101+ jobs		0		

Innovation in Operations		Possible Points	Complete	Total Points	Project Notes
Credit 21	Research/Innovation Budget >	1	0		
Credit 22	Investment Energy Reduction Equipment	1	0		
Credit 23	Smart Building Investment	1	0		
Credit 24	LEED Certification	0.5	0		
Credit 25	Silver LEED	1	0		
Credit 26	Gold LEED	1.5	0		
Credit 27	Platinum LEED	2.5	0		

Seven Year (1 to 6 points) - % Abatement - 90, 90, 80, 80, 70, 70, 70

10 Year (6.5 to 12 points) - % Abatement - 90, 90, 90, 80, 80, 80, 70, 70, 70, 70

Enhanced Jobs Plus (12.5 points and >) - % Abatement - 100, 100, 100, 100, 100, 100, 100, 90, 80, 70

3 points

1 year



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IS OUR BUSINESS**



Internal Report: 337 Ellicott Street, LLC - 337 Ellicott Street, LLC

Table 1: Basic Information

Project Name	337 Ellicott Street, LLC
Project Applicant	337 Ellicott Street, LLC
Project Industry	Beverage and Tobacco Product Manufacturing
Municipality	Buffalo City
School District	Buffalo
Type of Transaction	Lease
Project Cost	\$2,560,000
Mortgage Amount	\$1,800,000

Table 2: Permanent New/Retained Employment (Annual FTEs)

	State	Region
Total Employment	32	32
Direct**	5	5
Indirect***	9	9
Induced****	6	6
Temporary Construction (Direct and Indirect)	12	12

Table 3: Permanent New/Retained Labor Income (Annual) & Average Salary (Annual)

	State Labor Income	Region Labor Income	Average Salary
Total	\$1,522,240	\$1,522,240	\$47,726
Direct**	\$125,000	\$125,000	\$25,000
Indirect***	\$520,229	\$520,229	\$61,160
Induced****	\$255,752	\$255,752	\$39,712
Temporary Construction (Direct and Indirect)	\$621,259	\$621,259	\$51,991

Table 4: Permanent New/Retained Labor Income (Discounted Present Value*)

	State Labor Income	Region Labor Income
--	--------------------	---------------------

Total	\$6,324,743	\$6,324,743
Direct**	\$791,288	\$791,288
Indirect***	\$3,293,208	\$3,293,208
Induced****	\$1,618,988	\$1,618,988
Temporary Construction (Direct and Indirect)	\$621,259	\$621,259

Table 5: Cost/Benefit Analysis (Discounted Present Value*)

Total Costs to State and Region	\$155,316
Mortgage Tax Revenue Forgone	\$18,000
State	\$13,500
County	\$4,500
Local	\$0
Property Tax Revenue Forgone	\$102,385
485-B Property Tax Abatement	\$46,183
Above 485-B	\$56,202
Sales Tax Revenue Forgone	\$55,125
Construction Materials	\$42,000
Other Items	\$13,125
Less IDA Fee	-\$20,194
Total Benefits to State and Region	\$388,329
Total State Benefits	\$277,178
Income Tax Revenue	\$206,340
Direct**	\$7,913
Indirect***	\$131,728
Induced****	\$43,713
Construction (Direct and Indirect, 1 year)	\$22,987
Sales Tax Revenue	\$70,837
Direct**	\$8,862
Indirect***	\$36,884
Induced****	\$18,133
Construction (Direct and Indirect, 1 year)	\$6,958
Total Regional Benefits	\$111,151
Property Tax/PILOT Revenue	\$27,032

Sales Tax Revenue	\$84,119
Direct**	\$10,524
Indirect***	\$43,800
Induced****	\$21,533
Construction (Direct and Indirect, 1 year)	\$8,263
Benefit to Cost Ratio	2.5:1
Overall ROI	43.2:1

Table 6: Local Fiscal Impact (Discounted Present Value*)

Total Local Client Incentives	\$116,616
Total Anticipated Local Revenue (Property Tax plus Local Sales Tax)	\$111,151
Net Local Revenue	\$-5,465
Benefit to Cost Ratio	1:1
Overall ROI	57.6:1

Table 7: Property Tax Revenue (Discounted Present Value*)

Total Property Tax	\$223,118
County Property Tax	\$35,331
Property Tax on Existing Property	\$31,050
Property Tax on Improvement to Property	\$4,281
City/Village Property Tax	\$92,557
Property Tax on Existing Property	\$81,343
Property Tax on Improvement to Property	\$11,214
School District Property Tax	\$95,231
Property Tax on Existing Property	\$83,693
Property Tax on Improvement to Property	\$11,538

* Figures over 7 years and discounted by 3.49%

** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

**** Induced - The recipient of IDA assistance by adding to and/or retaining payroll stimulates household spending that is new to the regional economy and/or saved from being lost to competitors outside the region.

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CITY OF BUFFALO

CITY PLANNING BOARD

65 NIAGARA SQUARE, ROOM 901 CITY HALL
BUFFALO, NEW YORK 14202-3394



BYRON W. BROWN
MAYOR

November 20, 2013

John Cappellino
Erie County Industrial Development Agency
95 Perry Street, Suite 403
Buffalo New York 14203

Re: 337 Ellicott Street, Big Ditch Brewing Company

Dear Mr. Cappellino:

Please be advised, prior to the implementation of the above referenced project, the requirements of the New York State Environmental Quality Review Act (SEQRA) must be satisfied.

The project as defined by SEQRA as a Unlisted action for which a coordinated review will be completed. As per section 617.6 of the regulations, an agency responsible for determining the effect of this project on the environment must designate from among the involved agencies within 30 calendar days of the date of this letter. It is the intent of the City of Buffalo Planning Board to assume Lead Agency status for this project. The Environmental Assessment Form is enclosed for your review.

If your agency has no objection to the designation of the City of Buffalo Planning Board as Lead Agency, please sign this letter and return it to my office at Room 901 City Hall, Buffalo New York 14202.

Sincerely,

Marty Grunzweig
Land Use Controls Coordinator

The Erie County Industrial Development Agency accepts and approves the designation of the Buffalo Planning Board as Lead Agency for the above-referenced project.

Signature

12/2/13
Date



BYRON W. BROWN
MAYOR

CITY OF BUFFALO
CITY PLANNING BOARD
65 NIAGARA SQUARE, ROOM 901 CITY HALL
BUFFALO, NEW YORK 14202-3394



RECEIVED

DEC 10 2013

December 9, 2013

ISKALO DEVELOPMENT CORP.

Matthew S. Roland, AICP
Development Project Manager
Iskalo Development Corp
Harbinger Square
5166 Main Street
Williamsville New York 14221

Re: 337 Ellicott Street, Big Ditch Brewery

Dear Mr. Roland:

The City of Buffalo Planning Board, at a meeting held on Tuesday December 3, 2013 considered the matter captioned above pursuant to Section 511-137 of the Buffalo Code-City Wide Site Plan Review. The Planning Board has determined that the design and site plan meets the criteria for site plan approval contained in section 511-145 and 511-146 of the Buffalo Code. A New York State Environmental Quality Review (SEQR) was conducted by the City of Buffalo Planning Board and a Negative Declaration was prepared and Approved by the City of Buffalo Planning Board

The City of Buffalo Planning Board voted to approve as presented the site plan, design and elevations dated September 15, 2013 for the renovation of the property located at 337 Ellicott Street, Buffalo New York. This approval is valid until December 3, 2014.

This letter is not a building permit. It is the responsibility of the owner to see that all required permits are issued prior to the commencement of the actual work.

If you should have any further questions regarding the above, please feel free to contact me anytime at (716) 851-5086.

Sincerely,


Marty Grunzweig
Land Use Controls Coordinator

c.c. Gerald Chwalinski
David Krug, Permit Office
Building Code Review
Planning Board File

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: 337 Ellicott Street - ECIDA							
Project Location (describe, and attach a location map): 337 Ellicott Street, Buffalo, NY 14203							
Brief Description of Proposed Action: Applicant seeks inducement from the Erie County Industrial Development Agency for incentives for the renovation of 337 Ellicott Street in the City of Buffalo, NY. 337 Ellicott Street is a 32,800+/- s.f. building that was constructed in 1968. Applicant seeks inducement of approximately 14,600+/- square feet of the building to assist in the renovation of the property which has been vacant or underutilized for the past 3+ years.							
Name of Applicant or Sponsor: Iskalo 337 Ellicott LLC		Telephone: 716-633-2096 E-Mail: msroland@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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<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 Buffalo - Site Plan Approval and Building Permit Niagara Frontier Transportation Authority - Approval for relocation/removal of existing bus shelter			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? 0.71 acres b. Total acreage to be physically disturbed? 0.71 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.71 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 checked="" 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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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 <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <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: <u>Proposed action is anticipated to meet state energy code requirements, and applicant is considering applying to the New York State Energy Research & Development Authority for possible incentives for energy efficient equipment</u>	NO <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input 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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <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 checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input checked="" 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 Iskalo 337 Ellicott LLC, By Iskalo Development Corp., Its Manager Applicant/sponsor name: _____ Date: <u>12-12-13</u> Signature:  Paul B. Iskalo, President & CEO		

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

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

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

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

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

PRINT

Attachment 1: Representations, Certifications and Indemnification

Paul B. Iskalo (name of chief executive officer or other authorized representative of Applicant) deposes and says that he/she is the President & CEO of Iskalo Development Corp., Manager of Iskalo 337 Ellicott LLC named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and 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 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 Project will 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 Entities") 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 New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will 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 Project.
- C. Annual Sales Tax Filings: In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the 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. Copies of all filings shall be provided to the Agency.
- D. Employment Reports: The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
- E. The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide with this Representation, Certification and Indemnification Form copies of any known environmental reports, including any existing Phase I Environmental Site Assessment Report(s) and/or Phase II Environmental Investigations. In connection with the Application, the Agency may require the Company and/or owner of the premises to prepare and submit an environmental assessment and audit report, including but not necessarily limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the owner and/or the Applicant. All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-05, and shall be conformed over to the Agency so that the Agency is authorized to use and rely on the reports. The Agency, however, does not adopt, ratify, confirm or assume any representation made within reports required herein.

- F. The Applicant and/or the owner, and their successors and assigns, hereby release, defend and indemnify the Agency from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations, penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants' and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Agency, resulting from or arising out of any inquiries and/or environmental assessments, investigations and audits performed on behalf of the Applicant and/or the owner pursuant hereto, including the scope, level of detail, contents or accuracy of any environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations, and audits.
- G. **Agency Fee and Legal Costs:** The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's bond/transaction counsel whether or not the Application, the proposed project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and 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: (i) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (ii) the Agency's acquisition, construction and/or installation of the proposed project described herein; and (iii) any further action taken by the Agency with respect to the proposed project including, without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. This obligation includes an obligation to submit an Agency Fee Payment to the Agency in accordance with the Agency fee policy effective as of the date of this Application.
- H. By executing and submitting this Application, the Applicant covenants and agrees to pay the following fees to the Agency and the Agency's general counsel and/or the Agency's bond/transaction counsel, the same to be paid at the times indicated:
- (i) The sum of \$1,000 as a non-refundable processing fee.
 - (ii) Unless otherwise agreed to by the Agency, an amount equal to one and one quarter percent (1.25%) of the total project costs.
 - (iii) All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel and/or the Agency's bond/transaction counsel, thus note that the Applicant is entitled to receive a written estimate of fees and costs of the Agency's general counsel and the Agency's bond/transaction counsel; and (2) other consultants retained by the Agency in connection with the proposed project, with all such charges to be paid by the Applicant at the closing.
- I. If the Applicant fails to conclude or consummate the 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 Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback or lease/leaseback transaction, then, upon the presentation of an invoice, Applicant shall pay to the Agency, its agents, or assigns all actual costs incurred by the Agency in furtherance of the Application, up to that date and time, including but not necessarily limited to, fees of the Agency's general counsel and/or the Agency's bond/transaction counsel.
- J. The Applicant acknowledges and agrees that all payment liabilities to the Agency and the Agency's general counsel and/or the Agency's bond and/or transaction counsel as expressed in Sections H and I are obligations that are not dependent on final documentation of the transaction contemplated by this Application.

- K. The cost incurred by the Agency and paid by the Applicant, the Agency's general counsel and/or bond/transaction counsel fees and the processing fees, may be considered as a cost of the project and included in the financing of costs of the proposed project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.
- L. The Applicant acknowledges that ECIDA is subject to New York State's Freedom of Information Law (FOIL). Applicant understands that all project information and records related to this application are subject to disclosure under FOIL subject to limited statutory exclusions.

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.



Iskalo 337 Ellicott LLC

(Name of corporation or entity)

Paul B. Iskalo

(Name of officer)

President & CEO of Iskalo Development Corp., Its Manager

(Title)

NOTARY

Sworn to before me this 12th day of Dec., 20 13



(Signature)

Pamela S. Doeing
Notary Public State of New York
No. 01DO6166695
Qualified in Erie County
Commission Expires 05/21/ 15

Section VII: Tenant Form

This section must be completed for each proposed tenant.

NOTE: A Retail Determination (Section IV) and An Inter-Municipal Move Determination (Section V) should be completed for each tenant using the facility to make sales of goods or services or will be relocating from another municipality or abandoning an existing facility.

PART 1—TO BE COMPLETED BY LESSEE (DEVELOPER)

Property Address: 337 Ellicott Street

City/Town/Village: Buffalo, New York

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

Tenant Name: Big Ditch Brewing Company LLC

Amount of space to be leased: 14,600+/- SF. What percentage of the building does this represent? 45+/- %

Are terms of the lease: GROSS ☐ or NET ☒

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

Estimated date of occupancy: 1st Quarter, 2014

PART II TO BE COMPLETED BY PROPOSED TENANT

Company Name: Big Ditch Brewing Company LLC

Local Contact Person: Matthew Kahn Title: President

Phone: 716-310-3823

Fax: _____

E-mail: info@bigditchbrewing.com

Web site: _____

Company President/General Manager: Matthew Kahn

Number of employees at new project location:

Full-Time: 13 FTE

Part-Time: _____

Total: 13 FTE

Operation will have both full-time and part time positions.

Figures above are Full-Time Equivalent (FTE).

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

Production Brewery. Distribution arrangements are being
negotiated to assist tenant in distribution of beer
locally and outside Erie County.

History of Company (i.e. start-up, recent acquisitions, publicly traded):
Big Ditch Brewing Company is a start-up production brewery slated
to begin operations in early 2014.

Please list the square footage which the proposed tenant will lease at the IDA project location: 14,600+/- SF

Please list the square footage which the proposed tenant leases at its present location(s): 0 SF

Will the project result in a relocation and/or abandonment of other tenant/user(s) facilities in Erie County, or New York State? ☐ Yes or ☒ No. Where is company relocating from?

Address _____ City/Town/Village: _____ State: _____ Zip: _____

If yes, please provide reason for move; ie larger facility, competitive, lease expiration, etc. N/A

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

If leased, when does lease expire? N/A, 20

Are any of the proposed tenant's current operations located in facilities which have received an Industrial Development Agency benefit? ☐ Yes or ☒ No. If yes, please provide details as to location, and amount of leased space, how long leased?

Is location necessary to:

Discourage your company from moving out of New York State: ☐ Yes or ☒ No

Maintain your company's competitiveness within the industry: ☐ Yes or ☒ No (if yes is checked on one or both please provide specific explanation as an attachment on company letterhead)

Will tenant/user's use of the project involve the sales of goods OR services to customers who personally visit the facility ☒ Yes or ☐ No If the answer is YES, are sales taxes collectible under Article 28 of the Tax Law of the State of New York on sales of these goods ☒ Yes or ☐ No

Were local economic development officials contacted about the availability of alternative sites within the community you are leaving? ☐ Yes or ☒ No If yes, what was the outcome? _____

If no, why not? N/A

Will present location be your company's headquarters? ☒ Yes or ☐ No If No, Where is the location of
HQ: City: _____ State: _____

FORM COMPLETED BY: Matthew Kahn
(please print)

RELATIONSHIP TO COMPANY: President, Big Ditch Brewing Company LLC

SIGNATURE:  DATE: December 11, 2013

ATTACHMENT TO IDA APPLICATION FOR FINANCIAL ASSISTANCE

Local Labor Workforce Certification

Project applicants (the “Company”), as a condition to receiving Financial Assistance (including a sales tax exemption, mortgage recording tax exemption, real property tax abatement, and/or bond proceeds) from the Erie County Industrial Development Agency (the “Agency”), will be required to utilize qualified Local Labor, as defined below, for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the “Project Site”).

Local Labor Defined

Local Labor is defined as individuals residing in Erie County, Niagara County, Chautauqua County, Cattaraugus County, Allegany County, Wyoming County, Genesee County, and Orleans County (collectively, the “Local Labor Area”).

Local Labor Requirement

At least 90% of all Project employees of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively, the “Workers”) working on the Project Site must reside within the Local Labor Area. Companies do not have to be local companies as defined herein, but must employ local Workers residing within the Local Labor Area to qualify under the 90% local labor criteria.

It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the “Local Labor Waiver Request”) based on the following circumstances: (i) warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area Workers are not available; or (iii) documented lack of Workers meeting the Local Labor Area requirement. The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.

Local Labor Reporting Requirement

Companies authorized to receive Financial Assistance from the Agency will be required to file or cause to be filed a Local Labor Utilization Report (the “Report”) on such form as made available by the Agency, and as directed by the Agency, which will identify, for each Worker, the city, town, or village and associated zip code that each such Worker is domiciled in. The Report shall be submitted to the Agency as follows: (i) immediately prior to commencement of construction activities; and (ii) on or by the next following quarterly dates of January 1, April 1, July 1, and October 1 and each quarterly date thereafter through the construction completion date.

In addition, the Agency, or its designated agents, shall have the right, during normal business hours, to examine and copy the applicable books and records of the Company and to perform spot checks of all Workers at the Project site to verify compliance with the Local Labor Requirement throughout the construction period.

Enforcement

If Agency staff determines that: (i) the Local Labor Requirement is not being met; or (ii) Agency staff, upon use of its reasonable discretion, discovers or becomes aware of a compliance issue related to the Local Labor Requirement, then written notice delivered by Certified Mail of said Local Labor Requirement violation (the "Notice of Violation") shall be provided to the Company. The Company shall have 10 business days thereafter to either: (i) provide written confirmation to the Agency indicating that it has cured the violation and is now in compliance with the Local Labor Requirement; (ii) submit the Local Labor Waiver Request as described above; or (iii) confirm in writing its inability to meet the Local Labor Requirement. If the Company does not respond to the Agency's Notice of Violation, or if the Company confirms its inability to meet the Local Labor Requirement then the Agency shall immediately terminate any and all Financial Assistance being provided to the Project in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the Project. If a Local Labor Waiver Request is submitted and the Agency declines to issue the requested waiver, then the Company shall have 10 business days after receipt of the notice of the waiver request denial to provide written confirmation to the Agency indicating that it has cured the violation and is now in compliance with the Local Labor Requirement. If the Agency does not receive such confirmation, the Agency shall then immediately terminate any and all Financial Assistance being provided to the Project in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the Project.

The foregoing terms have been read, reviewed and understood by the Company and all appropriate personnel. The undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialmen. Furthermore, the undersigned realizes and understands that failure to abide by the terms herein could result in the Agency revoking all or any portion of Financial Assistance, whether already received or to be received by the Company, as it deems reasonable in its sole discretion for any violation hereof.

ISKALO 337 ELLICOTT LLC

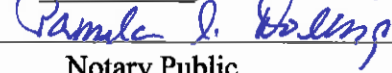
By: 

Name: Paul B. Iskalo

Title: President & CEO of Iskalo Development Corp., Its Manager

Sworn to before me this 12th day

of December, 2013.


Notary Public

Pamela S. Doeing
Notary Public State of New York
No. 01DO6166695
Qualified in Erie County
Commission Expires 05/21/15

Attachment 2: CITY OF BUFFALO - ADDENDUM TO FULL ENVIRONMENTAL
ASSESSMENT FORM

For City of Buffalo Project Only (If your project is located in the City of Buffalo please complete this section)


SITE DESCRIPTION:

A. Is project, affecting or occurring wholly, partially within or substantially contiguous to any historic district, site, individual building, object, or archeological site that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Office for nomination for inclusion in the National Registry? ☐ Yes or ☒ No

B. Is the project affecting or occurring wholly, partially within or substantially contiguous to any individual landmark building, district or site, designated as such under the Buffalo Preservation code (Chapter 337 of the Code of the City of Buffalo)? ☐ Yes or ☒ No

C. Is the site wholly, partially within, or substantially contiguous to, land within the base floor plan (100 year), designed wetlands, costal zones, heavily wooded land or land identified by the New York State Department of Environmental Conservation as being a site listed on the New York Registry of Inactive Hazardous Waste Sites? ☐ Yes or ☒ No

D. Is the site wholly, partially within, or substantially contiguous to any, publically owned or operated parkland, recreation area or designated open space? ☐ Yes or ☒ No

Date: 12-12-13 Signature: 
Iskalo 337 Ellicott LLC;
By: Iskalo Development Corp., Its Manager
Paul B. Iskalo, President & CEO

CITY OF BUFFALO PLANNING BOARD
DESIGN AND SITE PLAN REVIEW APPLICATION

Project Name: 337 Ellicott Street - Iskalo 337 Ellicott LLC
Address: 337 Ellicott, Buffalo, NY 14203 **Referral Date:** _____
Contact: Matt Roland **Phone:** 633-2096 **E-Mail:** msroland@iskalo.com

☒ **Permit Department Application Number:** _____

☒ **239M (County Referral) - Required** Yes _____ No _____

☒ **Application Fee Received:** \$ 450.00 **Date:** _____ **By:** _____ **Project Cost:** \$350,000
(\$100 + \$1.00 per \$1,000 of Construction Value, up to a maximum fee of \$1,000)

☒ **Preliminary Conference Conducted** **Date:** 10/17/2013 **By:** M. Grunzweig

☐ **Current Zoning:** DO - Downtown Opportunity

☐ **Urban Renewal Area** ☐ **Coastal Zone** ☐ **Historic Site/District** ☐ **Zoning Board of Appeals**

☐ **Final Site Plan Review Conference Conducted** **Date:** _____ **By:** _____

☐ **Application Accepted:** **Date:** _____ **By:** _____

Comments / Issues:

Submission Requirements:

Date Received:

Reviewed By:

- ☒ **Cover Letter with Project Overview Description**
- ☒ **Site Plan (two full size, ten 11" / 17" with landscaping)**
- ☒ **Elevations (two full size, ten 11" / 17")**
- ☒ **Section Profiles (two)**
- ☒ **Material Samples for Special Exterior Surfaces**
- ☒ **Evidence of Site Control**
- ☒ **Construction Schedule**
- ☒ **SEQR Environmental Assessment (Short/Long)**
- ☒ **Color Photographs of site & digital file of all submissions**
- ☒ **Color rendering with digital photo of rendering (If Applicable)**
- ☐ **Other Required Materials:**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Application Found to be Complete by: _____ **Date:** _____

Iskalo 337 Ellicott LLC

E.C.I.D.A.

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
12-10-13	12/13-337E	337E Application Fee	1000.00	.00	1000.00
CHECK DATE	12-10-13	CHECK NUMBER	232	TOTAL >	1000.00
					.00
					1000.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

WARNING - THIS CHECK IS PROTECTED BY SPECIAL SECURITY FEATURES

Iskalo 337 Ellicott LLC

5166 Main Street
Williamsville, NY 14221

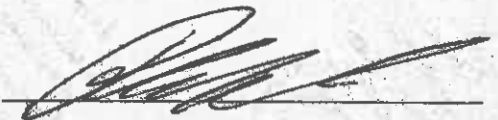
M&T Bank
Manufacturers & Traders Trust Company
One M&T Plaza
Buffalo, NY 14201

10-4
220

DATE December 10, 2013 CHECK NO 232 AMOUNT \$*****1,000.00

Pay *****One thousand dollars and no cents

PAY TO THE ORDER OF
E.C.I.D.A.
95 Perry Street
Suite 403
BUFFALO, NY 14203



SECURITY FEATURES INCLUDE MICROPRINTING • VOID PANTOGRAPH • ENDORSEMENT BACKER • BROWNSTAIN CHEMICAL REACTANT

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