



Erie County Industrial Development Agency  
 Meeting of the Membership  
 September 22, 2021  
 12:00 p.m.

**Via Conference Call & Livestreaming**

**1.0 Call to Order**

- 1.1 Call to Order Meeting of the Membership
- 2.2 Recognition – Karen Fiala

**2.0 Approval of Minutes:**

- 2.1 Approval of Minutes of July 28, 2021 Meeting of the Membership (Action Item) (Pages 2-8)

**3.0 Reports / Action Items / Information Items:**

- 3.1 Financial Report (Informational) (Pages 9-12)
- 3.2 Finance & Audit Committee Update (Informational)
  - a) 2022 Budget Timetable (Informational) (Page 13)
  - b) Review of 2022 Proposed Operating & Capital Budget (Informational) (Pages 14-24)
- 3.3 Resolution to Appoint Vice President (Action Item) (Page 25)
- 3.4 Banking Resolution (Action Item) (Pages 26-28)
- 3.5 Insurance Brokerage RFQ Recommendations (Action Item) (Pages 29-32)
- 3.6 2021 Tax Incentive Induced/Closing Schedule/ Estimated Real Property Tax Impact (Informational) (Pages 33-35)
- 3.7 Policy Committee Update (Informational) (Pages 36-39)
- 3.8 Approval of Solar Policy (Action Item) (Pages 40-44)

**4.0 Inducement Resolution:**

	<b>ECIDA Incentives</b>	<b>Private Investment</b>	<b>Municipality</b>
4.1 Bullis Road Solar PILOT (Pages 45-121)	\$ 596,533	\$6,389,343	Marilla
4.2 Coca Cola Beverages Northeast, Inc. (Pages 122-165)	\$2,610,375	\$22,611,507	Town of Tonawanda
4.3 Skycatcher Holdings, LLC (Pages 166-208)	\$ 543,000	\$ 2,879,000	Orchard Park
4.4 George Lewis House (Pages 209-247)	\$ 82,687	\$ 2,875,000	Buffalo
4.5 Walcot Apartments (Pages 248-289)	\$ 106,050	\$ 3,345,000	Buffalo

**5.0 Management Team Reports:**

- 5.1

**6.0 Adjournment - Next Meeting October 27, 2021 @ 12:00 p.m.**

**MINUTES OF THE MEETING  
OF THE  
MEMBERSHIP OF THE  
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
(ECIDA or AGENCY)**

- DATE AND PLACE:** July 28, 2021 at Erie County Industrial Development Agency (the “ECIDA” or “Agency”), 95 Perry Street, 5th Floor ESD Conference Room, Buffalo, New York 14203.
- LIVE STREAMED:** This meeting is being live-streamed and made accessible on the ECIDA’s website at [www.ecidany.com](http://www.ecidany.com).
- PRESENT:** Denise Abbott, Rev. Mark E. Blue, Hon. Joseph Emminger, Hon. Howard Johnson, Hon. Brian Kulpa, Richard Lipsitz, Brenda W. McDuffie, Hon. Glenn R. Nellis, Hon. Mark C. Poloncarz, Hon. Darius G. Pridgen, Sister Denise Roche, Kenneth A. Schoetz and Paul Vukelic
- EXCUSED:** Hon. Diane Benczkowski, Hon. Bryon W. Brown, James Doherty, Dottie Gallagher, Tyra Johnson and Renee Wilson
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Gerald Manhard, Chief Lending Officer; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Robbie Ann McPherson, Director, Marketing & Communications, Lori Szewczyk, Director of Grants; Sean Fallon, Project Manager and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Deputy County Executive Maria Whyte; Andrew Federick, Erie County Senior Economic Development Specialist; James Panepinto on behalf of Pinto Construction; Tom Rybicki on behalf of Polymer Conversions; Olivia Hill on behalf of Invest Buffalo Niagara; James Fink on behalf of Business First; Jessica Corrigan, Mauricio Perez and Bokola Mallia on behalf of BECWIB

There being a quorum present at 12:05 p.m., the Meeting of the Board of Directors of the Erie County Industrial Development Agency was called to order by Chair McDuffie.

## MINUTES

The minutes of the June 23, 2021 meeting of the members were presented. Mr. Poloncarz moved and Mr. Nellis seconded to approve of the minutes. Ms. McDuffie called for the vote and the minutes were unanimously approved.

## REPORTS/ACTION ITEMS/INFORMATION ITEMS

Financial Report. Ms. Profic noted that the ECIDA finished the month of June with total assets of \$29.1M and net assets were \$20.7M. The monthly income statement shows an overall net loss of \$90,000 for June. Operating revenues of \$216,000 were short of our monthly budgeted total by \$7,000. Operating expenses of \$196,000 were under budget by \$21,000. Under Special Project Grants, \$99,000 of PPE grant funds were disbursed to 18 grantees in June. The year-to-date Income Statement shows revenues of \$1.5M, including administrative fee revenue of \$1.1M. Through June, the Agency has recognized 62% of our annual budgeted administrative fees. Expenses of \$1.2M are \$69,000 below budget. Special project grants, including EDA CARES Act funding, passed through to RDC of \$3.2M and distributions of PPE grant funding. Ms. Profic pointed out that the \$1M allocated for the PPE grant program was done so out of the IDA's excess general funds that had built up over the years, essentially coming out of the savings account. Ms. Profic stated that because those grants must be expensed in the current year, we can expect to continue to see a net loss going forward. Similarly, strategic initiatives are funds that have been Board approved to use from UDAG funds. After taking into account the strategic initiatives and depreciation, there is currently a net loss of \$345,000 for the year.

At this point in time Mr. Emminger joined the meeting.

At this point in time, Mr. Blue joined the meeting.

Ms. McDuffie directed that the report be received and filed.

2021 Tax Incentive Induced/Closing Schedule/Estimated Real Property Tax Impact. Ms. Fiala presented this report. Ms. McDuffie directed that the report be received and filed.

ECIDA's COVID-19 Disaster Emergency Grant Program Conclusion. Ms. O'Keefe presented an update to members noting the grant program has now expired as the authority to provide grants expired when the COVID-19 State of Emergency declaration was terminated by Governor Cuomo.

At this point in time, Mr. Pridgen joined the meeting.

Mr. Poloncarz commended ECIDA staff for their efforts to provide grants to Erie County businesses.

Ms. McDuffie directed that the report be received and filed.

Approval of Resolution to Request Release of Federal Interest in the RDC Loan Fund. Mr. Manhard described the Federal EDA release of its interest in the Revolving Loan Funds.

Mr. Pridgen moved and Mr. Nellis seconded to approve of the resolution with regard to releasing the EDA's federal interest in the RDC Loan Fund. Ms. McDuffie called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "RLF BOARD" OR "AGENCY") REQUESTING THE RELEASE OF THE ECONOMIC DEVELOPMENT ADMINISTRATION (THE "EDA") INTEREST IN THE REVOLVING LOAN FUND

Approval of Resolution to Contract with Consultant to Prepare the Comprehensive Economic Development Strategy (CEDS) Update. Ms. Szewczyk described the CEDS Plan requirements for the ECIDA and Federal grant applicants within Erie County and the need for ECIDA to engage a consultant to assist with developing the updated CEDS Plan.

Mr. Poloncarz moved and Mr. Lipsitz seconded to approve of the resolution with regard to engaging a consultant to prepare updates to the CEDS Plan. Ms. McDuffie called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE AGENCY (i) TO ENTER INTO A CONTRACT WITH MRB GROUP TO PROVIDE ECONOMIC DEVELOPMENT CONSULTING SERVICES TO PREPARE THE 2022-2026 CEDS UPDATE AND ECONOMIC RECOVERY PLAN AND (ii) TO CONTRACT WITH THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION TO RECEIVE A LOCAL TECHNICAL ASSISTANCE PROGRAM GRANT AWARD TO FUND THE 2022-2026 CEDS UPDATE AND ECONOMIC RECOVERY PLAN

Policy Committee Update. Mr. Lipsitz presented the report of the most recently held Policy Committee meeting. Ms. McDuffie directed that the report be received and filed.

## **INDUCEMENT RESOLUTIONS**

132 Dingens Street, LLC, 132 Dingens Street, Buffalo, New York. Ms. Fiala reviewed this proposed sales tax exemption, mortgage recording tax exemption, and real property tax abatement benefit project which consists of the construction of an 81,000 sq. ft. facility for lease to warehouse/distribution/light manufacturing tenants.

Mr. Poloncarz expressed support of the project and thanked the applicant for its investment.

As a condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as



described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$6,332,500 (which represents the product of 85% multiplied by \$7,450,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 20 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance; and
  - the number of current FTE employees in the then current year at the Facility; and
  - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 20 FTE employees [representing the product of 85% multiplied by 23 (being the 2 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Mr. Lipsitz and Ms. McDuffie commended the applicant for its MWBE efforts and initiatives.

Mr. Poloncarz moved and Mr. Johnson seconded to approve the Project. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF 132 DINGENS ST, LLC, PINTO CONSTRUCTION SERVICES, INC. AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE “COMPANY”) IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING,

AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

Polymer Conversions, Inc., 5732 Big Tree Road, Orchard Park, New York. Ms. Fiala reviewed this proposed sales tax exemption, mortgage recording tax exemption, and real property tax abatement benefit project which consists of the current 39,000 sq. ft. facility to be expanded by 41,000 sq. ft.

As a condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$12,112,500 (which represents the product of 85% multiplied by \$14,250,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 125 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
  - the number of current FTE employees in the then current year at the Facility; and
  - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 138 FTE employees [representing the sum of (x) 125 Baseline FTE and (y) 13 FTE employees, being the product of 85% multiplied by 15 (being the 15 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company's employment numbers, the Agency

requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's "Quarterly Employment Survey" form to be made available to the Company by the Agency.

- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Sister Denise moved and Mr. Vukelic seconded to approve the Project. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF POLYMER CONVERSIONS, INC., AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

## MANAGEMENT TEAM REPORT

Mr. Cappellino thanked the RDC Loan Committee members for their efforts related to COVID-19 relief loans and thanked the ECIDA Board for assisting with the PPE grant program.

There being no further business to discuss, Ms. McDuffie adjourned the meeting of the Agency at 12:30 p.m.

Dated: July 28, 2021

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Karen M. Fiala, Secretary

**Erie County Industrial Development Agency**  
**Financial Statements**  
As of August 31, 2021

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")**

**Balance Sheet**

August 31, 2021

	August 2021	July 2021	December 2020
<b>ASSETS:</b>			
Cash *	\$ 7,326,562	\$ 7,504,752	\$ 7,617,692
Restricted Cash & Investments *	18,532,103	18,465,714	17,341,353
Due from Affiliates	606,034	570,924	577,111
Due from Buffalo Urban Development Corp.	132,180	120,677	120,375
Other Receivables	72,821	81,958	51,916
Total Current Assets	<u>26,669,700</u>	<u>26,744,025</u>	<u>25,708,448</u>
Grants Receivable	923,617	923,617	831,498
Venture Capital Investments, net of reserves	506,886	506,886	506,886
Capital Assets	1,198,333	1,206,383	1,249,227
Total Long-Term Assets	<u>2,628,836</u>	<u>2,636,886</u>	<u>2,587,611</u>
<b>TOTAL ASSETS</b>	<u><u>\$ 29,298,535</u></u>	<u><u>\$ 29,380,910</u></u>	<u><u>\$ 28,296,059</u></u>
<b>LIABILITIES &amp; NET ASSETS</b>			
Accounts Payable & Accrued Exp.	\$ 224,774	\$ 273,762	\$ 239,094
Deferred Revenues	896,469	943,775	825,000
Funds Held on Behalf of Others	7,680,011	7,573,809	6,134,120
Total Liabilities	<u>8,801,254</u>	<u>8,791,347</u>	<u>7,198,214</u>
Net Assets	<u>20,497,281</u>	<u>20,589,563</u>	<u>21,097,845</u>
<b>TOTAL LIABILITIES &amp; NET ASSETS</b>	<u><u>\$ 29,298,535</u></u>	<u><u>\$ 29,380,910</u></u>	<u><u>\$ 28,296,059</u></u>

\* Cash and restricted cash is invested in checking accounts at M&T Bank. The maximum FDIC insured amount = \$250,000 with the remainder of the cash balance collateralized with government obligations by the financial institution.

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")**

**Income Statement**  
Month of August 2021

	<b>Actual vs. Budget</b>		
	<b>Actual</b>	<b>Budget</b>	<b>Variance</b>
<b>REVENUES:</b>			
Administrative Fees	\$ 163,196	\$ 150,000	\$ 13,196
Affiliate Management Fees	43,100	43,583	(483)
Interest Income - Cash & Investments	305	3,333	(3,028)
Rental Income	19,909	19,875	34
Other Income	5,000	1,333	3,667
<b>Total Revenues</b>	<b>231,511</b>	<b>218,125</b>	<b>13,386</b>
<b>EXPENSES:</b>			
Salaries & Benefits	\$ 167,102	\$ 157,140	\$ 9,961
General Office Expenses	20,515	21,283	(768)
Building Operating Costs	16,198	20,358	(4,160)
Professional Services	2,108	7,500	(5,392)
Public Hearings & Marketing	8,000	4,583	3,417
Travel, Mileage & Meeting Expenses	675	2,750	(2,075)
Other Expenses	1,428	833	595
<b>Total Expenses</b>	<b>216,027</b>	<b>214,449</b>	<b>1,579</b>
<b>SPECIAL PROJECT GRANTS:</b>			
Revenues	\$ 47,306	\$ 221,683	\$ (174,377)
Expenses	(145,072)	(216,250)	71,178
	<b>(97,765)</b>	<b>5,433</b>	<b>(103,199)</b>
<b>NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS &amp; DEPRECIATION:</b>			
	<b>(82,282)</b>	<b>9,110</b>	<b>(91,392)</b>
<b>OTHER STRATEGIC INVESTMENTS AND INITIATIVES:</b>			
Zero Net Energy costs (Z7+)	-	(52,160)	52,160
Bethlehem Steel Industrial Park Grant	-	(16,667)	16,667
Angola Ag Park Grant	-	(8,333)	8,333
Other Strategic Initiatives	-	-	-
	<b>-</b>	<b>(77,160)</b>	<b>77,160</b>
<b>NET INCOME/(LOSS) BEFORE DEPRECIATION:</b>			
	<b>(82,282)</b>	<b>(68,050)</b>	<b>(14,232)</b>
Depreciation	(10,000)	(10,000)	-
<b>NET INCOME/(LOSS):</b>	<b>\$ (92,282)</b>	<b>\$ (78,050)</b>	<b>\$ (14,232)</b>

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")**

**Income Statement**

Year to Date: August 31, 2021

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
<b>REVENUES:</b>						
Administrative Fees	\$ 1,432,224	\$ 1,200,000	\$ 232,224	\$ 1,432,224	\$ 831,890	\$ 600,334
Affiliate Management Fees	345,800	348,667	(2,867)	345,800	342,500	3,300
Interest Income - Cash & Investments	5,891	26,667	(20,775)	5,891	31,486	(25,595)
Rental Income	158,460	159,000	(540)	158,460	159,019	(559)
Other Income	17,928	20,667	(2,739)	17,928	13,765	4,163
UDAG Venture Investment Reflow	2,425	-	2,425	2,425	-	2,425
<b>Total Revenues</b>	<b>1,962,728</b>	<b>1,755,000</b>	<b>207,728</b>	<b>1,962,728</b>	<b>1,378,660</b>	<b>584,068</b>
<b>EXPENSES:</b>						
Salaries & Benefits	1,248,495	1,257,123	(8,628)	1,248,495	1,352,170	(103,675)
General Office Expenses	164,261	170,267	(6,006)	164,261	150,544	13,717
Building Operating Costs	148,311	162,867	(14,556)	148,311	150,393	(2,082)
Professional Services	70,575	87,300	(16,725)	70,575	48,575	22,000
Public Hearings & Marketing	60,942	36,667	24,275	60,942	51,780	9,162
Travel, Mileage & Meeting Expenses	7,387	22,000	(14,613)	7,387	15,381	(7,994)
Other Expenses	3,846	6,667	(2,821)	3,846	3,594	252
<b>Total Expenses</b>	<b>1,703,817</b>	<b>1,742,890</b>	<b>(39,073)</b>	<b>1,703,817</b>	<b>1,772,437</b>	<b>(68,620)</b>
<b>SPECIAL PROJECT GRANTS:</b>						
Revenues	4,191,016	1,773,467	2,417,549	4,191,016	6,937	4,184,079
Expenses	(4,682,539)	(1,730,000)	(2,952,539)	(4,682,539)	(20,709)	(4,661,831)
	<b>(491,523)</b>	<b>43,467</b>	<b>(534,990)</b>	<b>(491,523)</b>	<b>(13,771)</b>	<b>(477,752)</b>
<b>NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS &amp; DEPRECIATION:</b>						
	<b>\$ (232,613)</b>	<b>\$ 55,577</b>	<b>\$ (288,190)</b>	<b>\$ (232,613)</b>	<b>\$ (407,549)</b>	<b>\$ 174,936</b>
<b>OTHER STRATEGIC INVESTMENTS AND INITIATIVES:</b>						
Zero Net Energy costs (Z7+)	\$ -	\$ (417,278)	\$ 417,278	\$ -	\$ -	\$ -
Bethlehem Steel Industrial Park Grant	(163,091)	(200,000)	36,909	(163,091)	(125,000)	(38,091)
Angola Ag Park Grant	(49,860)	(100,000)	50,140	(49,860)	(848,137)	798,278
Bethlehem Steel Industrial Park Grant Reimb	-	250,000	(250,000)	-	-	-
Buffalo Building Reuse Project (BUDC)	-	(100,000)	100,000	-	(100,000)	100,000
Canadian Lead Generation (IBN)	-	-	-	-	(72,000)	72,000
Gain/(Loss) on Venture Investments	-	-	-	-	(24,050)	24,050
Other Strategic Initiatives	(75,000)	(125,000)	50,000	(75,000)	-	(75,000)
	<b>(287,951)</b>	<b>(692,278)</b>	<b>404,327</b>	<b>(287,951)</b>	<b>(1,169,187)</b>	<b>881,237</b>
<b>NET INCOME/(LOSS) BEFORE DEPREC:</b>						
	<b>(520,563)</b>	<b>(636,701)</b>	<b>116,137</b>	<b>(520,563)</b>	<b>(1,576,736)</b>	<b>1,056,173</b>
Depreciation	(80,000)	(80,000)	-	(80,000)	(86,667)	6,667
<b>NET INCOME/(LOSS):</b>						
	<b>\$ (600,563)</b>	<b>\$ (716,701)</b>	<b>\$ 116,137</b>	<b>\$ (600,563)</b>	<b>\$ (1,663,403)</b>	<b>\$ 1,062,839</b>





**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (ECIDA)**  
**BUFFALO & ERIE COUNTY REGIONAL DEVELOPMENT CORP (RDC)**  
**BUFFALO & ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORP (ILDC)**

### 2022 Budget Review Process

<b>Date</b>	<b>Description</b>	
July-August	Review of draft 2022 budgets by ECIDA management. (a) Prioritize any proposed budget requests for initiatives. (b) Formal budget requests compiled.	✓
August 18 <sup>th</sup>	Finance & Audit Committee meeting – initial review of proposed budgets.	✓
September 14 <sup>th</sup>	Finance & Audit Committee meeting to discuss any updates/recommend proposed budgets to Boards.	✓
September 22 <sup>nd</sup>	Review of 2022 draft budgets at Board meetings.	
October 5 <sup>th</sup> 10:00 a.m.	Board Q&A budget session #1 (voluntary).	
October 7 <sup>th</sup> 2:00 p.m.	Board Q&A budget session #2 (voluntary).	
October	Adjustments to budget based on Board feedback and Finance & Audit Committee approval of final budgets ( <i>if necessary</i> ).	
October 27 <sup>th</sup>	Board meeting – action to approve final 2022 budgets.	
November 1 <sup>st</sup>	Deadline for final approved budget to be submitted to the ABO.	

**Erie County Industrial Development Agency**

**Proposed 2022 Budget**

Updated August 2021

# *Erie County Industrial Development Agency (ECIDA)*

## **2022 Budget + 3 Year Forecast**

### **A. Overview of Changes in 2022 Budget**

Presented herein is the projected operating budget for the Erie County Industrial Development Agency's ("ECIDA") year ending December 31, 2022 and a three-year forecast for 2023–2025.

The ECIDA is a not-for-profit, public benefit corporation that provides tax incentives, financing programs and economic development services to Buffalo and Erie County. In accomplishing its mission, the ECIDA does not receive any operational funding from Federal, State, County or local sources. Instead, the key source of revenue for the ECIDA is the administrative fees charged to those companies that utilize its various products and services. The income that the ECIDA generates is utilized to provide salaries to its professional staff for managing various economic development programs, as well as payments for professional fees, general office expenses, public notices/marketing, building costs and other miscellaneous expenses.

For the year ending December 31, 2022, the Agency is projecting net loss from operations of \$44,500. Depreciation, a noncash item, is estimated at \$120,000 and brings the budgeted operating loss to \$164,500. There is also \$796,000 budgeted for external projects, most of which will be funded with existing UDAG funds, rather than operating cash. After reserving \$2,000,000 for future projects the potential net loss for 2022 is \$2,960,000. Most of the budgeted loss would be from existing UDAG funds that have accumulated over several years.

The following significant risk factors may impact the 2022 results:

1. A significant portion of the ECIDA's administrative fee income is derived from a few large tax incentives and/or tax-exempt bond projects. The Agency does not collect a fee until the project (usually construction) is started, since many factors affect project timing. Depending on the timing of these projects, the Agency's fee income can fluctuate significantly from year to year.
2. Changes in the overall national and/or regional economy could result in a decrease in local investment projects that are assisted by the Agency, resulting in a corresponding decrease in administrative fee income.

The following information details the key changes in the 2022 budget compared to the 2021 projected revenues and expenses:

# *Erie County Industrial Development Agency (ECIDA)*

## 2022 Budget + 3 Year Forecast

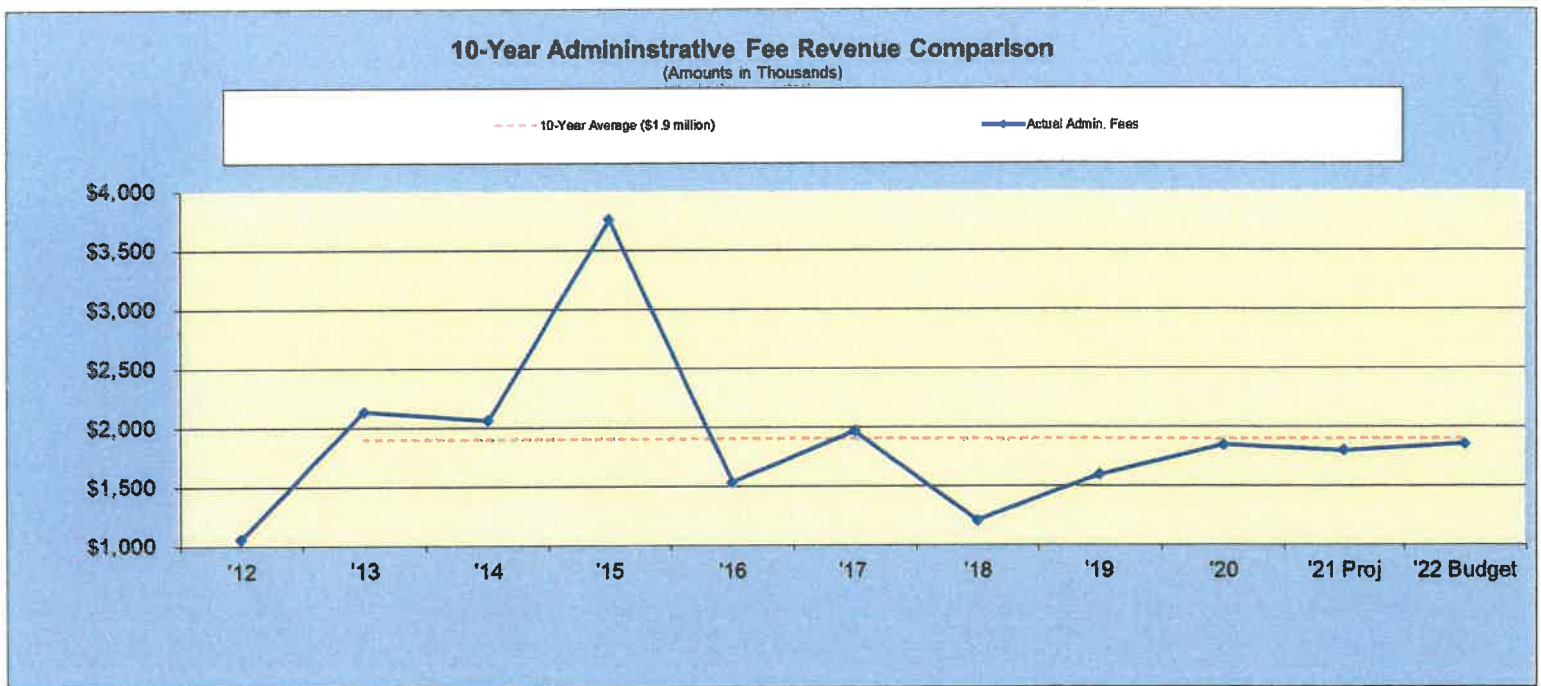
### A. Overview of Changes in 2022 Budget (continued)

#### Revenues:

##### *Administrative Fees (2022 Budget - \$1.85 million):*

Administrative fees primarily consist of fees earned by the ECIDA through the provision of tax abatements. During 2021, administrative fees included projects such as Life Technologies in Grand Island, Barcalo Buffalo and 283 Ship Canal Parkway in Buffalo. Additionally, the Agency closed on two bond issuances in 2021, which resulted in fees collected of \$157,000. Since some fees are recognized over multiple years (in accordance with the terms of the related fee agreements), the Agency expects to recognize approximately \$1,300,000 of fees in 2022 related to prior year project approvals. The budgeted figure of \$1.855 million was derived using the 2012-2021 10-year average.

The following chart summarizes the actual administrative fee revenue over the past 10 years compared to the average administrative fee for the 10-year period from 2012-2021:



# *Erie County Industrial Development Agency (ECIDA)*

## **2022 Budget + 3 Year Forecast**

### **A. Overview of Changes in 2022 Budget (continued)**

#### ***Affiliate Management Fees (increasing < 1% from \$431,500 to \$433,500):***

Affiliate Management Fees represent salary, benefit, and facilities costs charged to ECIDA's affiliated companies (RDC & ILDC) for office space and services that ECIDA employees provide to these organizations, since they have no employees of their own. Affiliate management fees are expected to remain fairly stable in 2022.

#### ***Management Fees – BUDC (increasing 4.9% from \$103,000 to \$108,000):***

Management Fees – BUDC are salaries and benefit costs charged to Buffalo Urban Development Corporation (“BUDC”) and its affiliates for services that ECIDA employees provide. ECIDA provides financial reporting, facilities management, and administrative services to BUDC as part of a shared services agreement. Management fees are expected to increase slightly in 2022 due to increased salaries and benefits costs for employees who charge hours to BUDC and its affiliates.

#### ***Rental Income (decreasing 9.4% from \$333,000 to \$301,700):***

Rental Income represents rent received by ECIDA from BUDC for office space, two facilities owned by ECIDA and other smaller agreements. Budgeted rent revenue for leased space at 143 Genesee Street could decrease with the expiration of the lease currently in place. Should the renewal option be exercised, rental income would not see that decrease. Rent received from the Port Terminal management agreement of \$95,500 in 2021 is budgeted at \$98,000 in 2022 based on projections from the management company.

### **Expenses:**

#### ***Salaries & Benefits (increasing 6.1% from \$1.97 million to \$2.1 million):***

The increase in the 2022 budgeted salaries and benefits compared to the projected 2021 figures is due to several factors, including organizational shifts in employee responsibilities and titles. Salary increases of 3% and a potential performance incentive pool calculated as 4% of total salaries are included in the budget. Compensation increases are based on an independent compensation study of ECIDA employees, comparing Agency employee salaries with other individuals in the local labor market who have similar titles and responsibilities. These adjustments, if any, will also be reviewed and approved by the ECIDA Board Compensation Committee for Executive Management and by the CEO for other staff. Annual rate increases for health care also contributes to higher employee benefit costs. As an organization of specialized professionals, salaries and benefits account for 75% of total budgeted operating expenses.

*Erie County Industrial Development Agency (ECIDA)*  
**2022 Budget + 3 Year Forecast**

**A. Overview of Changes in 2022 Budget (continued)**

*Professional Services (decreasing 13.7% from \$110,000 to \$95,000):*

Professional Services consist of the following:

	<b>2022 Budget</b>	<b>2021 Budget</b>	<b>2021 Projection</b>
Legal	\$45,000	\$50,000	\$26,000
Consultants	\$22,000	\$40,000	\$57,000
Auditing	\$28,100	\$27,300	\$27,300
<b>Total</b>	<b>\$95,100</b>	<b>\$117,300</b>	<b>\$110,300</b>

In 2022 legal expenses are budgeted at \$45,000 to reflect decreased costs in recent years. Consultant expenses are budgeted at \$22,000 which includes funds for an independent compensation study. Audit costs are set to increase in accordance with the proposal approved in 2017.



***Erie County Industrial Development Agency (ECIDA)***  
**2022 Budget + 3 Year Forecast**

**B. External Special Projects & Reserves for Future Projects**

The ECIDA’s 2022 budget currently includes \$225,000 for external projects and \$2 million allocated for potential future projects that are consistent with the ECIDA’s strategic plan and the restrictions on the UDAG and/or General Funds as follows:

Project	2022 Budget	2021 Budget	2021 Projected Actual
<b>External Special Projects</b>	\$ 225,000	\$ 225,000	\$ 247,000
<b>Industrial Land Park Grant</b>	100,000	200,000	200,000
<b>Angola Ag Park Grant</b>	100,000	100,000	100,000
<b>Z7+ Expense Reserve</b>	621,319	621,319	5,000
<b>Reserves for Future Projects:</b>			
Venture Capital Co-Investment	1,000,000	1,000,000	-
Forgivable Attraction Loan	1,000,000	1,000,000	-
<b>Total</b>	<b>\$ 3,046,319</b>	<b>\$ 3,146,319</b>	<b>\$ 552,000</b>

External Special Project allocations of \$225,000 include organizations that have received funding in the past, such as BUDC’s Buffalo Building Reuse Project (\$100,000). Agency staff also hopes to work with community partners to establish a Minority Business Enterprise Assistance Program. These requests will be presented to the ECIDA Board for approval before funding. The Agency’s annual membership expenditure with Invest Buffalo Niagara (\$75,000) will not require specific Board action. The Z7+ Expense Reserve represents the remaining funds from the Board’s \$1.5 million allocation in 2016. The balance of those funds is included in the 2022 budget.

\$100,000 is budgeted for Industrial Land Park (Renaissance Commerce Park), representing the final portion of the \$1 million grant that the Board initially approved to ILDC for site carrying costs. \$100,000 is budgeted for Angola Ag Park, representing one-third of the estimated carrying costs approved by the Board. The Reserves for Future Projects of \$2 million are discussed on the following pages and would also require Board approval prior to funding.

*Erie County Industrial Development Agency (ECIDA)*  
**2022 Budget + 3 Year Forecast**

**B. External Special Projects & Reserves for Future Projects (continued)**

**Venture Capital Co-Investment**

**Proposal: \$1,000,000**

**The Issue** – Currently, high-growth-potential companies have difficulty attracting angel or seed capital funding when they are in the earliest of their development stages. With the significant public investment in university and college research facilities and scientists, there is a need to commercialize this research in order to provide the “pay-back” on the community’s investment in the form of new high-paying jobs. Currently, there is a lack of early-stage capital for venture companies located in Western New York. Meanwhile, other communities which face similar issues have been successful in utilizing publicly-sponsored funds to support new companies.

Current New York State law does not explicitly allow IDAs to make equity venture investments in private companies. In order to achieve a change in New York State law, ECIDA is working with NYSEDC and the local New York State legislative delegation to pass legislation to codify the powers and duties of an IDA to operate an equity venture program and to provide venture investment to startup entrepreneurs and private companies.

**The Proposal** – In 2015, the ECIDA began the reestablishment of its Venture Capital Fund to provide equity investments in early-stage, high-growth-potential companies. The ECIDA will partner with qualified co-investors from Erie County such as Launch NY, 43 North, Z80 Labs, and/or Rand Capital. In the past, the ECIDA has had several key economic development successes by partnering with Rand Capital, such as its equity investments in GEMCOR II, LLC and Synacor, Inc. (approximately 400 jobs combined). The ECIDA would rely upon the expertise of its partners to conduct the due diligence required to evaluate the business, structure the investment and develop an exit strategy.

**Use of Funds** – To make equity (stock) and/or debt project expenditures in selected businesses.

**Partners** – Launch NY, 43North, Z80 Labs, Rand Capital and other venture capital firms.

**Approval** – The ECIDA Board would approve all project expenditures under this program.

**Consistency with Community Plans** – This strategy is consistent with the County Executive’s, *Initiatives for a Smart Economy 2.0*. One of the goals outlined in the plan is as follows: “*Erie County will create Venture Fund programs and provide venture equity to local entrepreneurs through the ECIDA*”.



*Erie County Industrial Development Agency (ECIDA)*  
2022 Budget + 3 Year Forecast

**B. Special Projects & ECIDA Program Allocations (continued)**

**Forgivable Attraction Loan(s)**

**Proposal: \$1,000,000**

**Qualification** – Businesses must be relocating to a HUD-defined distressed area or meet other HUD qualifications and provide a significant regional impact in terms of investment and/or job creation.

**The Issue** – Currently a number of communities across the nation are aggressively pursuing businesses to entice them to their region. One vehicle that communities have used to tip the relocation decision in their favor is the use of a high-impact project expenditure fund. Until 2013, the Buffalo region did not have such a program, while neighboring states were offering these programs with positive results, to Erie County’s detriment.

**The Proposal** – The ECIDA would continue to fund a forgivable attraction loan fund that could aid in the attraction of key new businesses that would have a regional employment or investment impact. The attraction incentive would be structured in the form of a loan, with a portion or all of it forgiven if the company establishes their business in Erie County and meets specified investment and/or job goals. The ECIDA would work with Invest Buffalo Niagara to offer this incentive to those businesses that are the most promising and/or target the attraction loan to specific industries or regions (such as Southern Ontario). By providing this incentive, the Buffalo region would be perceived as demonstrating the community’s support for the business relocation and could be the tipping point that leads to the relocation of the business as well as related “follow on” investments.

**Use of Funds** – To make project expenditures to companies located outside of Western New York to offset a portion of their investment costs in relocating. Companies assisted would be in one of the regional targeted industry sectors and have a regional employment or investment impact. The program would have a targeted maximum incentive of \$25,000 per job created.

**Partners** – Invest Buffalo Niagara

**Approval** – The ECIDA Board would approve all awards under this program.

**Consistency with Community Plans** – This strategy is consistent with the County Executive’s “Initiatives for a Smart Economy 2.0” which states: *“Projects assisted by the ECIDA will be those that bring outside investment and self-sustaining jobs to Erie County while strengthening the regional economic base, helping to create a more inclusive economy and leading to population stabilization throughout the area”*.

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")**  
**Proposed Budget for 2022**

	Proposed Budget 2022	Approved Budget 2021	Projected 2021	Actual 2020
<b>REVENUES:</b>				
Administrative Fees	\$ 1,855,000	\$ 1,800,000	\$ 1,796,000	\$ 1,850,078
Affiliate Management Fees	433,500	407,000	431,500	389,151
Management Fees - BUDC	108,000	116,000	103,000	119,444
Interest Income - Cash & Investments	12,500	40,000	8,837	37,088
Rental Income	301,700	334,000	333,181	287,717
Other Income	41,000	36,000	24,391	29,207
<b>Total Revenues</b>	<b>2,751,700</b>	<b>2,733,000</b>	<b>2,696,909</b>	<b>2,712,685</b>
<b>EXPENSES:</b>				
Salaries & Benefits	2,091,500	1,953,352	1,972,397	2,003,971
Professional Services	95,100	117,300	110,203	76,152
General Office Expenses	171,560	170,400	147,779	154,508
Insurance Expense	100,000	85,000	98,612	68,147
Public Hearing & Marketing Costs	60,000	55,000	91,413	73,046
Building Operating Costs	243,740	244,300	239,869	229,718
Travel, Mileage & Meeting Expenses	35,000	33,000	11,778	19,726
Other Expenses	7,500	10,000	5,769	4,394
<b>Total Expenses</b>	<b>2,804,400</b>	<b>2,668,352</b>	<b>2,677,820</b>	<b>2,629,662</b>
<b>GRANT INCOME:</b>				
Revenues	1,194,159	2,660,200	5,289,328	112,937
Expenses	(1,185,959)	(2,655,000)	(5,990,491)	(194,414)
	8,200	5,200	(701,163)	(81,477)
<b>NET INCOME (LOSS) BEFORE DEPRECIATION, EXTERNAL SPECIAL PROJECTS AND OTHER RESERVES:</b>	<b>(44,500)</b>	<b>69,848</b>	<b>(682,074)</b>	<b>1,546</b>
Depreciation	(120,000)	(120,000)	(120,000)	(117,025)
<b>NET INCOME (LOSS) BEFORE EXTERNAL SPECIAL PROJECTS AND OTHER RESERVES:</b>	<b>(164,500)</b>	<b>(50,152)</b>	<b>(802,074)</b>	<b>(115,479)</b>
<b>External Special Projects:</b>				
Buffalo Building Reuse Project (BUDC)	100,000	100,000	100,000	100,000
Annual Membership (IBN)	75,000	75,000	75,000	50,000
Canadian Lead Generation (IBN)	-	-	-	72,000
MBE Assistance Program	50,000	50,000	-	-
Z7+ consultants/expense reserve	621,319	621,319	5,000	-
Industrial Land Park grant paid	100,000	200,000	200,000	185,000
ILDC Land Sale Proceeds (reimbursement)	(250,000)	(250,000)	(134,000)	-
Angola Ag Park grant paid	100,000	100,000	100,000	874,494
(Gain)/Loss on Venture Investments	-	-	-	127,175
<b>Total Special Projects</b>	<b>796,319</b>	<b>896,319</b>	<b>346,000</b>	<b>1,408,669</b>
<b>NET INCOME (LOSS) BEFORE OTHER RESERVES:</b>	<b>(960,819)</b>	<b>(946,471)</b>	<b>(1,148,074)</b>	<b>(1,524,148)</b>
<b>Reserves for Future Projects:</b>				
Venture Capital Co-Investment	1,000,000	1,000,000	-	-
Forgivable Attraction Loan(s)	1,000,000	1,000,000	-	-
<b>Total Other Reserves</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>-</b>	<b>-</b>
<b>NET INCOME (LOSS):</b>	<b>\$ (2,960,819)</b>	<b>\$ (2,946,471)</b>	<b>\$ (1,148,074)</b>	<b>\$ (1,524,148)</b>

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")**  
**Proposed Three Year Forecast 2023-2025**

	Proposed Budget 2022	Forecast 2023	Forecast 2024	Forecast 2025
<b>REVENUES:</b>				
Administrative Fees	\$ 1,855,000	\$ 1,855,000	\$ 1,855,000	\$ 1,855,000
Affiliate Management Fees	433,500	447,000	460,000	474,000
Management Fees - BUDC	108,000	111,000	114,000	117,000
Interest Income - Cash & Investments	12,500	13,000	13,000	13,000
Rental Income	301,700	301,700	301,700	301,700
Other Income	41,000	40,000	40,000	40,000
Total Revenues	2,751,700	2,767,700	2,783,700	2,800,700
<b>EXPENSES:</b>				
Salaries & Benefits	2,091,500	2,133,000	2,176,000	2,241,000
Professional Services	95,100	110,000	140,000	140,000
General Office Expenses	171,560	177,000	182,000	187,000
Insurance Expense	100,000	103,000	106,000	109,000
Public Hearing & Marketing Costs	60,000	62,000	64,000	66,000
Building Operating Costs	243,740	251,000	259,000	267,000
Travel, Mileage & Meeting Expenses	35,000	36,000	37,000	38,000
Other Expenses	7,500	8,000	8,000	8,000
Total Expenses	2,804,400	2,880,000	2,972,000	3,056,000
<b>GRANT INCOME:</b>				
Revenues	1,194,159	250,000	250,000	250,000
Expenses	(1,185,959)	(250,000)	(250,000)	(250,000)
	8,200	-	-	-
<b>NET INCOME (LOSS) BEFORE DEPRECIATION, EXTERNAL SPECIAL PROJECTS AND OTHER RESERVES:</b>	<b>(44,500)</b>	<b>(112,300)</b>	<b>(188,300)</b>	<b>(255,300)</b>
Depreciation	(120,000)	(120,000)	(120,000)	(120,000)
<b>NET INCOME (LOSS) BEFORE EXTERNAL SPECIAL PROJECTS AND OTHER RESERVES:</b>	<b>(164,500)</b>	<b>(232,300)</b>	<b>(308,300)</b>	<b>(375,300)</b>
<b><u>External Special Projects and Strategic Initiatives:</u></b>				
Buffalo Building Reuse Project (BUDC)	100,000	100,000	100,000	100,000
Annual Membership (IBN)	75,000	50,000	-	-
Canadian Lead Generation (IBN)	-	-	-	-
MBE Assistance Program	50,000	50,000	50,000	50,000
Z7+ consultants/expense reserve	621,319	-	-	-
Industrial Land Park grant paid	100,000	200,000	-	-
Industrial Land Park grant (rec'd)	-	-	-	-
ILDC Land Sale Proceeds (reimbursement)	(250,000)	(250,000)	(250,000)	(200,000)
Angola Ag Park grant paid	100,000	100,000	-	-
Angola Ag Park grant (rec'd)	-	-	-	-
(Gain)/Loss on Venture Investments	-	-	-	-
Total Special Projects and Other Strategic Investments	796,319	250,000	(100,000)	(50,000)
<b>NET INCOME (LOSS) BEFORE OTHER RESERVES:</b>	<b>(960,819)</b>	<b>(482,300)</b>	<b>(208,300)</b>	<b>(325,300)</b>
<b><u>Reserves for Future Projects:</u></b>				
Venture Capital Co-Investment	1,000,000	-	-	-
• Forgivable Attraction Loan(s)	1,000,000	-	-	-
Total Other Reserves	2,000,000	-	-	-
<b>NET INCOME (LOSS):</b>	<b>\$ (2,960,819)</b>	<b>\$ (482,300)</b>	<b>\$ (208,300)</b>	<b>\$ (325,300)</b>

**Erie County Industrial Development Agency**  
**Proposed Five Year Capital Budget 2022-2026**

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Total</b>
<b>Facilities:</b>						
143 Genesee Street	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 100,000
95 Perry Street	10,000	10,000	5,000	5,000	5,000	35,000
<b>Total Facilities</b>	<b>30,000</b>	<b>30,000</b>	<b>25,000</b>	<b>25,000</b>	<b>25,000</b>	<b>135,000</b>
<b>Information Technology:</b>						
Servers	-	-	12,000	-	-	12,000
CRM Upgrade	10,000	-	-	-	-	10,000
CRM PARIS Report Updates	2,400	-	-	-	-	2,400
Misc.	3,000	3,000	3,000	3,000	3,000	15,000
<b>Total Information Technology</b>	<b>15,400</b>	<b>3,000</b>	<b>15,000</b>	<b>3,000</b>	<b>3,000</b>	<b>39,400</b>
<b>GRAND TOTAL</b>	<b>\$ 45,400</b>	<b>\$ 33,000</b>	<b>\$ 40,000</b>	<b>\$ 28,000</b>	<b>\$ 28,000</b>	<b>\$ 174,400</b>

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY**  
**RESOLUTION REGARDING**  
**THE APPOINTMENT OF OFFICERS**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, September 22, 2021 at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

**RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT  
AGENCY (THE "AGENCY") APPOINTING ELIZBETH A. O'KEEFE AS  
VICE PRESIDENT OF THE AGENCY**

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the Agency was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

WHEREAS, Section 1 of Article II of the By-Laws of the Agency provides that the officers of the Agency shall include, though not limited to, one or more Vice Presidents to be appointed by the Agency for a term of office of one (1) year or until a successor(s) is appointed; and

WHEREAS, the Agency desires to appoint a Vice President; and

WHEREAS, in accordance with the foregoing, the Agency has determined to appoint the person hereinafter set forth as Vice President of Agency.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:**

Section 1. Pursuant to Section 1 of Article II of the By-Laws of the Agency, the Agency hereby appoints ELIZABETH A. O'KEEFE, as Vice President of the Agency, whose responsibilities shall be as set forth in Section 5 of Article II of the By-Laws.

Section 2. The Agency is hereby authorized to do all things necessary or appropriate for the accomplishment of the purposes of this resolution, and all acts heretofore taken by the Agency with respect to such activities are hereby approved, ratified and confirmed.

Section 3. This resolution shall take effect immediately.

Dated: September 22, 2021

**MEMORANDUM**

**TO:** ECIDA Board of Directors  
**FROM:** Mollie Profic, CFO  
**SUBJECT:** M&T Bank Resolution – Adding Signer  
**DATE:** September 22, 2021

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As part of internal controls surrounding cash disbursements, ECIDA’s procedures require two signers on each check issued by the Agency. Current check signers are John Cappellino, Karen Fiala, Mollie Profic, and Atiqa Abidi. With the pending retirement of Karen Fiala, it is necessary to add a check signer with M&T Bank. Management proposes adding Elizabeth O’Keefe, as Vice President, to maintain four active check signers.

M&T Bank has a standard Public Funds Certified Resolution, a copy of which follows this memo. A separate resolution is required for each account maintained by the Corporation. As all resolutions will be identical other than the account number, one is included for the Board’s review.

**Action:**

The ECIDA Board is requested to approve the attached resolution and authorize the execution of the remaining Public Funds resolutions related to the Agency’s accounts.

ACCOUNT NUMBER \_\_\_\_\_ SAFE DEPOSIT BOX \_\_\_\_\_ SAFE DEPOSIT BOX  
BRANCH LOCATION (CC#) \_\_\_\_\_ NUMBER \_\_\_\_\_  
DEPOSITOR ECIDA

**NAME** JOHN CAPPELLINO  
ROLE / TITLE President/CEO  
ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
EMAIL ADDRESS (if available) \_\_\_\_\_  
U.S. SSN \_\_\_\_\_  
COUNTRY(IES) OF CITIZENSHIP US  
COUNTRY OF RESIDENCE US  
DATE OF BIRTH \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

**NAME** ELIZABETH O'KEEFE  
ROLE / TITLE Vice President  
ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
EMAIL ADDRESS (if available) \_\_\_\_\_  
U.S. SSN \_\_\_\_\_  
COUNTRY(IES) OF CITIZENSHIP US  
COUNTRY OF RESIDENCE US  
DATE OF BIRTH \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

**NAME** MOLLIE PROFIC  
ROLE / TITLE Vice President/CFO  
ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
EMAIL ADDRESS (if available) \_\_\_\_\_  
U.S. SSN \_\_\_\_\_  
COUNTRY(IES) OF CITIZENSHIP US  
COUNTRY OF RESIDENCE US  
DATE OF BIRTH \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

**NAME** ATIQA ABIDI  
ROLE / TITLE Assistant Treasurer  
ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
EMAIL ADDRESS (if available) \_\_\_\_\_  
U.S. SSN \_\_\_\_\_  
COUNTRY(IES) OF CITIZENSHIP US  
COUNTRY OF RESIDENCE US  
DATE OF BIRTH \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

I certify that Depositor named above has duly authorized the opening of a deposit account pursuant to the agreement on M&T Bank's Commercial Deposit Account Opening Request, and that I am duly authorized to act on behalf of Depositor; that Depositor is:

- an agency or department of the United States,
- an agency, division or department of the State of New York,
- a State of \_\_\_\_\_ local government entity (county, town, village),
- a school district,
- a fire district, or
- other \_\_\_\_\_

duly organized and validly existing under the laws of the State of \_\_\_\_\_; and, if applicable, that the resolutions set forth below or provided separately to M&T Bank have been duly adopted by the Board of Depositor, at a meeting duly called and held on September 22, 2021; that each of such resolutions is in full force and effect and none has been rescinded, revoked, or modified; and that none of such resolutions nor any action pursuant thereto will violate any law, rule, regulation, charter, by-law or agreement by which Depositor is governed, constituted or bound.

RESOLVED, that:

1. Manufacturers and Traders Trust Company ("M&T Bank"), a New York banking corporation, is hereby designated a depository for this entity (the "Depositor") and the officers or employees named herein or on a Rider hereto are hereby authorized to open one or more deposit accounts from time to time (each an "Account") on behalf of Depositor.
2. M&T Bank may purchase, give credit for, cash, accept, certify and pay from funds on deposit in the Account, without inquiry, all items signed, drawn, accepted or endorsed on behalf of Depositor, whether under a title, the words "Authorized Signature" or otherwise, with the actual or purported facsimile signature of any one of the officials whose names, capacities and specimen signatures appear above or on a Rider hereto, or his or her successor in office (each an "Authorized Signer"), regardless of the circumstances under which the signature shall have become affixed so long as the signature is the actual signature of an Authorized Signer or resembles the facsimile signature of an Authorized Signer previously certified to M&T Bank. Depositor shall indemnify M&T Bank against all claims, damages, liabilities, costs and expenses (including, but not limited to, attorneys' fees and disbursements) incurred by M&T Bank in connection with honoring any signature of any Authorized Signer (including any facsimile signature that resembles the facsimile signature of an Authorized Signer previously certified to M&T Bank) or any refusal to honor the signature of any person who is not an Authorized Signer. Depositor acknowledges and agrees that any requirement of Depositor that any item or other instrument for the payment of money signed, drawn, accepted or endorsed on behalf of Depositor bear the signature of more than one Authorized Signer is solely an internal requirement of Depositor and imposes no duty of enforcement on M&T Bank.
3. Any Authorized Signer may, on behalf of Depositor, transact with and through M&T Bank all such business as he or she deems advisable upon such terms as he or she deems proper, including, but not limited to, obtaining an undertaking and pledge of collateral for uninsured balances in the Account, entering into custodial agreements concerning such collateral, obtaining such loans and other extensions of credit as may be consistent with applicable law, discounting, selling, assigning, delivering and negotiating items, guaranteeing the obligations of others pursuant to applicable law, applying for letters of credit, electronic funds transfers, capital markets products, automated clearing house ("ACH") payments, cash management, trust and investment products and any other services or transactions, and, in compliance with all applicable law and procedures, pledging, hypothecating, assigning, mortgaging, encumbering, granting security interests in and otherwise creating liens upon Depositor's property, whether real or personal, tangible or intangible ("Property"), as security for loans and other extensions of credit, and in connection with any such transaction of business do all acts or other things as he or she shall deem proper including, but not limited to, signing, drawing, accepting, executing and delivering items, guarantees, assignments, pledges, hypothecations, receipts, waivers, releases and other instruments, agreements and documents, making and receiving delivery of Property, accepting, receiving, withdrawing and waiving demands and notices and incurring and paying liabilities, costs and expenses.
4. In the event an Authorized Signer acting on behalf of Depositor shall apply to or contract with M&T Bank for any electronic funds transfer service that M&T Bank may make available to Depositor, including, but not limited to, any service that contemplates M&T Bank's execution of payment orders initiated by Depositor for the wire or ACH transfer of funds to or from an Account of Depositor, such Authorized Signer shall be empowered on behalf of Depositor to designate one or more persons (who may, but need not be, Authorized Signers), each of whom, acting alone, shall be authorized on behalf of Depositor to transmit payment orders to M&T Bank for the transfer of funds to or from Depositor's Account.
5. Each person identified as an Authorized Signer, and each person or persons designated by an Authorized Signer to act on behalf of Depositor (who may, but need not be, Authorized Signers), shall have the power and authority to transact business and bind Depositor through electronic medium (e.g., the Internet) and M&T Bank may rely on any of the following to the same extent as the actual signature and proof of identity of each such person to bind Depositor: any electronic signature or digital signature, under applicable law, of such person; any identifier issued by M&T Bank, its affiliates or any other party (e.g., Personal Identification Number associated with ATM or other card or any access device) to such person; or any other criteria that M&T Bank may reasonably rely on which may serve as an indicator of authentication for such person.

I further certify that each person whose name appears above or on a Rider hereto opposite an office has been duly elected or appointed to and now holds such office of Depositor; that each other person whose name thus appears is acting for Depositor in the capacity opposite such other person's name; and that each signature on this certification or a Rider hereto is a true specimen of the signature of the person whose signature it purports to be.

	<b>X</b>	
Date	Authorized Signature	Title



**MEMORANDUM**

**TO:** ECIDA Board of Directors  
**FROM:** Mollie Profic, Vice President & CFO  
**SUBJECT:** Insurance Brokerage Services RFQ Recommendation  
**DATE:** September 22, 2021

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The ECIDA's Professional Services Request for Proposals Process requires proposals for Insurance Brokerage Services to be solicited at least every five years. This situation is somewhat unique, as brokers are not paid directly by the IDA, but rather by commissions from insurance carriers. Proposals were last solicited in 2017. On June 25, 2021, the Agency issued a Joint RFQ for Insurance Brokerage Services. The RFQ requested Property & Casualty (P&C) and Health & Benefits (H&B) brokerage services for the Agency and its affiliates, Buffalo Urban Development Corporation ("BUDC") and its affiliates and Western Region Corporation ("WRC"). The RFQ requested services for three years plus two additional one year extensions but provides that the contract may be terminated at any time.

**Request for Qualifications Process:**

A copy of the RFQ was sent to the ten largest P&C and H&B agencies as ranked by the 2021 Business First Book of Lists. Notice of the RFQ was also placed in the Buffalo News and The Buffalo Criterion. In addition, the RFQ was posted on ECIDA's website. The RFQ responses were due on July 23, 2021. Five proposals were received from individual agencies; four (4) P&C proposals and five (5) H&B proposals.

**Evaluation Process:**

Proposals were evaluated by Beth O'Keefe, Mollie Profic, and Rebecca Gandour (BUDC). An initial review of the proposals was conducted and of four P&C proposals, the two highest scores were selected for interviews. Of five H&B proposals, the three highest scores were selected for interviews. The proposals were scored based on the following criteria stated in the RFQ:

- 1) The proposed insurance program.
- 2) Qualifications and experience of the individuals to be assigned to the engagement.
- 3) Qualifications and experience of the insurance agency.
- 4) Development of women & minority employees and M/WBE business enterprises.

## **Results:**

### **Property & Casualty**

Lawley was the top-rated Property & Casualty broker. They have a team of experienced and specialized insurance representatives and have served ECIDA since 2009. Lawley has access to a large pool of providers and presents the carriers that offer the best terms, conditions and pricing. We currently meet with Lawley at least annually to review detailed insurance proposals and discuss potential exposures. Lawley's responsiveness has been invaluable when land acquisitions and sales have occurred, processing changes to existing policies promptly. They have a full-service claims department to assist in protecting the Agency's interests if claims should occur. The committee was extremely impressed with the knowledge of the representatives during the interview. Lawley also has experience reviewing the ECIDA's clients' insurance certificates, which amounts to several dozen each year, at no additional charge.

### **Health & Benefits**

Bene-Care, Inc. was the top-rated Health & Benefits broker. They offer a very individualized approach and have served ECIDA since 2017. Bene-Care's Buffalo office currently houses nine employees. Within the last two years Bene-Care has successfully remarketed ECIDA's dental, group term life and long-term disability coverage, resulting in a cost savings to the Agency. Additional services offered include COBRA administration, flexible spending account administration, and payroll processing. While ECIDA does not plan to immediately utilize all of these services, the potential for future consolidation appealed to the committee. All the services offered by Bene-Care are performed in-house, with support from their Rochester headquarters when necessary. The committee was impressed with the knowledge of the representatives during the interview. Additionally, Bene-Care offers consolidated billing at no cost and reviews ECIDA's carrier invoices each month to ensure the accuracy of charges.

On September 14, 2021 the Joint Finance & Audit Committee of ECIDA, RDC, and ILDC reviewed the above and recommended that the Board approve Lawley as Property & Casualty broker of record and Bene-Care, Inc. as Health & Benefits broker of record.

### **Action:**

Requesting that the Board approve the continuation of Lawley as Property & Casualty broker of record and continuation of Bene-Care, Inc. as Health & Benefits broker of record.

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**RESOLUTION REGARDING PROPERTY AND CASUALTY AND HEALTH AND  
BENEFITS INSURANCE BROKERAGE SERVICES**

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended, the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

WHEREAS, in accordance with the Agency's Professional Services Requests for Proposals Process (the "RFP Process") adopted on September 8, 2008, the Agency issued a Request for Qualifications for Property & Casualty ("P&C") and Health & Benefits (H&B") insurance brokerage services on June 25, 2021 (the "RFQ"); and

WHEREAS, the RFQ was mailed to the ten largest P&C and H&B agencies as ranked by the 2021 Business First Book of Lists, and notice of the RFQ was placed in the Buffalo News and The Buffalo Criterion and also posted on the Agency's website; and

WHEREAS, the Agency received four responses for P&C insurance brokerage services and five responses for H&B insurance brokerage services; and

WHEREAS, All RFQ responses were initially evaluated and scored by an internal Agency staff committee, and the two highest scoring P&C proposal respondents, and the three highest scoring H&B proposal respondents were selected for interviews; and

WHEREAS, the committee selected Lawley to provide P&C insurance brokerage services due to their team of experienced and specialized representatives, the fact that they have competently serviced the Agency since 2009, Lawley's access to a large pool of providers and Lawley's ability to present the carriers that offer the best terms, conditions and pricing, Lawley's full-service claims department as well as Lawley's experience reviewing the Agency's clients' insurance certificates and assisting with respect to same in regard to the Agency's, and its affiliates, own project and land acquisition activities; and

WHEREAS, the committee selected Bene-Care to provide H&B insurance brokerage services due to Bene-Care's one-on-one approach taken in regard to Agency employees, Bene-Care's proven cost-saving work related to remarketed dental, group term life, and long-term disability coverages, as well as prior services and work related to finding opportunities

associated with offering COBRA administration, flexible spending account administration, and payroll processing; and

WHEREAS, the Agency's Finance & Audit Committee met on September 14, 2021, and unanimously resolved to recommend that the members of the Agency select Lawley to provide P&C insurance brokerage services to the Agency, and Bene-Care to provide H&B insurance brokerage services, to the Agency; and

WHEREAS, the Agency, based upon its review of the P&C and H&B RFQ Process and in consideration of the committee and Finance and Audit Committee recommendations as related thereto as expressed herein, desires to select Lawley to provide P&C insurance brokerage services and Bene-Care to provide H&B insurance brokerage services.

NOW, THEREFORE, BE IT RESOLVED BY THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1: The Agency hereby selects Lawley to provide P&C insurance brokerage services and Bene-Care to provide H&B insurance brokerage services, for the 2022, 2023, and 2024 fiscal years, and thereafter, for the 2025 and 2026 fiscal years, directs the Agency's Finance and Audit Committee to review Lawley's and Bene-Care's performance and fees and hereby authorizes, based upon the Agency's Finance and Audit Committee's satisfactory review of same, and upon the approval of the Agency's Finance and Audit Committee, that Lawley and Bene-Care continue to be retained to for the 2025, and 2026 fiscal years.

Section 2: The Agency hereby authorizes and directs the officers of the Agency to execute the appropriate agreements and documents to retain Lawley to provide P&C insurance brokerage services and Bene-Care to provide H&B insurance brokerage services and to do all acts and things to effect the purposes of the foregoing resolution.

Section 3. This Resolution shall take effect immediately.

ADOPTED: September 22, 2021

Tax Incentives Induced 2021

Project Name	Project City	Inducement Amount	FT Jobs at App	Projected Year 2 FT Jobs	PT Jobs at App	Projectd Jobs Year 2 PT
Thermo Fisher North Expansion	Grand Island	\$ 85,000,000	807	867	0	0
283 Ship Canal Parkway*	Buffalo	\$ 52,284,244	0	76	0	0
Time Release Properties*	Lackawanna	\$ 30,500,000	103	123	0	0
Sucro Real Estate NY, LLC	Lackawanna	\$ 19,000,000	5	50	0	0
BLD VII, LLC	Lackawanna	\$ 14,570,786	0	41	0	0
Polymer Conversions	Orchard Park	\$ 14,250,000	125	140	0	0
Calspan Corporation	Cheektowaga	\$ 12,500,000	143	163	3	3
Surmet Ceramics Corp.	Buffalo	\$ 11,500,000	13	31	0	0
Pine Pharmaceuticals, LLC	Tonawanda	\$ 8,615,000	76	116	7	7
MCG Real Estate Holdings, LLC	Buffalo	\$ 8,258,268	0	0	0	1
132 Dingens Street, LLC	Buffalo	\$ 7,450,000	0	23	0	0
Terzo Development	Buffalo	\$ 3,050,000	0	0	0	1
72 East Niagara Street, LLC	Tonawanda	\$ 2,836,736	17	20	0	0
Eastman Machine Company	Buffalo	\$ 1,665,000	126	129	0	0

\$ 271,480,034 1,415 1,779 10 12

14 Projects

364 Projected FTE New Jobs

2 Projected PT New Jobs

\*Amendatory Inducement - Time Release Properties - to increase the sales tax benefit from \$463,167 to \$869,400 and overall project investment from \$22,700,000 to \$30,500,000

\*Amendatory Inducement - 283 Ship Canal - Adding a a non-standard PILOT

**Tax Incentives Closings - 2021**

Project Name	Project Amount at Closing	FT Jobs at App	Projected Year 2 FT Jobs	PT Jobs at App	Projected Year 2 PT Jobs	Project City	Induced Date	Est. Project Completion Date
JSCB Series 2011A and 2011B Refunding (Bond)	\$ 109,135,000	0	0	0	0	Buffalo	4/28/2021	N/A
Barcalo Living & Commerce/Barcalo Buffalo, LLC	\$ 30,252,000	9	34	0	10	Buffalo	2/26/2020	9/30/2023
Related Affordable/Elmwood Square	\$ 8,590,000	4	4	0	0	Buffalo	9/23/2020	
132 Dingens Street, LLC	\$ 6,900,000	0	23	0	0	Buffalo	7/28/2021	4/30/2024
Pine Pharmaceuticals	\$ 5,000,000	76	119	7	7	Tonawanda	1/27/2021	3/31/2022
Terzo Development/Bush Lofts	\$ 3,050,000	0	-	0	1	Buffalo	3/24/2021	6/30/2023
Kamax, LLC/Raine Logistics	\$ 2,237,556	12	13	0	0	West Seneca	6/24/2020	8/1/2022
Derby Warehousing, LLC/KPM Exceptional	\$ 1,332,000	6	7	1	1	Derby	7/24/2019	7/31/2020
3310 Benzing Road, LLC/Marathon Drains	\$ 718,329	15	17	0	0	Orchard Park	3/25/2020	3/31/2021
	\$ 167,214,885	122	217	8	19			
Projects Closed = 9								
FT Projected New Jobs = 95								
PT Projected New Jobs = 11								

**ESTIMATED TAX IMPACT (SUBJECT TO RESTRICTIONS OF NYS TAX CAP)  
2021 CLOSINGS**

<b>PROJECT NAME</b>	<b>EST. OR ACTUAL INCREASE IN ASSESSED VALUE DUE TO PROJECT</b>	<b>COUNTY TAX RATE</b>	<b>LOCAL TAX RATE</b>	<b>PROJECTED INCREASE IN COUNTY TAXES AS A RESULT OF THE PROJECT OVER ABATEMENT PERIOD</b>	<b>PROJECTED INCREASE IN LOCAL TAXES AS A RESULT OF THE PROJECT OVER ABATEMENT PERIOD</b>
Derby Warehouse	\$539,900	\$6.01	\$28.80	\$4,800	\$23,300
3310 Benzling/Marathon Drains	\$195,000	\$9.75	\$43.00	\$2,800	\$12,700
Kamax/Raine Logistics	\$720,000	\$13.32	\$66.45	\$14,400	\$72,000
Barcalo Buffalo *	\$9,600,000	\$5.04	\$16.75	\$580,000	\$321,000
Pine Pharmaceutical	\$1,250,000	\$14.16	\$85.00	\$37,000	\$222,000
Terzo/Bush Lofts	\$1,600,000	\$5.04	\$16.75	\$12,000	\$40,000
132 Dingens, LLC	\$2,000,000	\$5.04	\$16.75	\$15,000	\$50,000
			<b>Total</b>	<b>\$666,000</b>	<b>\$741,000</b>

\*denotes company has or intends to file for City 485-a exemption

\*The final assessment on each project is determined by the assessor of the respective municipality

**MINUTES OF A MEETING OF THE  
POLICY COMMITTEE OF THE  
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

- MEETING:** September 9, 2021, at Erie County Industrial Development Agency (the “ECIDA” or “Agency”), 95 Perry Street, 5th Floor ESD Conference Room, Buffalo, New York 14203.
- LIVE STREAMED:** This meeting is being live-audio streamed and made accessible on the Agency’s website at [www.ecidany.com](http://www.ecidany.com).
- PRESENT:** Denise Abbott; Rev. Mark Blue; Johanna Coleman; Hon. William Krebs; Richard Lipsitz; Brenda W. McDuffie; Hon. Glenn Nellis; Laura Smith; Lavon Stephens; and Maria Whyte
- EXCUSED:** Hon. April Baskin; Hon. Bryon W. Brown; Colleen DiPirro; David State; and Paul Vukelic
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Atiqa Abidi, Assistant Treasurer; Jamee Lanthier, Compliance Officer; Beth O’Keefe, Business Development Officer; Robbie Ann McPherson, Director, Marketing & Communications; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Pat Smith, Bookkeeper; and Pietra G. Zaffram, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Andrew Federick, Erie County Senior Economic Development Specialist; Alex Carducci, on behalf of City of Buffalo and Matt Connors on behalf of George Lewis House Apartments and Walcot Apartments

There being a quorum present at 11:00 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

**MINUTES**

The minutes of the August 5, 2021 Policy Committee meeting were presented. Upon motion made by Mr. Nellis to approve of the minutes, and seconded by Ms. McDuffie, the aforementioned Policy Committee meeting minutes were unanimously approved.



**PROJECT MATRIX**

Mr. Lipsitz reviewed the Agency’s Project Matrix. Mr. Lipsitz directed that the report be received and filed.

**PROJECT PRESENTATIONS**

George Lewis House Apartments, 197 Summer Street, Buffalo, New York 14222. Ms. O’Keefe presented this proposed sales tax benefits project involving the adaptive reuse of approximately 9,200+/- SF of the George Lewis House facility located at 197 Summer Street which will consist of the renovation of the building into 9 apartment units, roughly 500 SF of commercial space to service the building as amenity-driven, tenant storage, elevator, and parking.

General discussion ensued.

Ms. O’Keefe stated that in exchange for providing the sales and use tax benefits, the approval of this project will be conditioned upon adherence to certain material terms and conditions with respect to the potential modification, recapture and/or termination of financial assistance as follows:

**Draft Recapture Material Terms**

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total Project Amount = \$2,875,000 85% = \$2,443,750
Employment	Coincides with recapture period	Projected = 1 85% = 1 Recapture Employment = 1
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with recapture period	Adherence to policy
Unpaid Tax	Coincides with recapture period	Adherence to policy
Recapture Period	2 years after project completion	Recapture of state and local sales taxes

Mr. Blue moved and Ms. Smith seconded to recommend the project as proposed be forwarded to the members of the ECIDA for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

Walcot Apartments, 257 Elmwood Avenue, Buffalo, New York 14222. Ms. O’Keefe presented this proposed sales tax benefits project involving the adaptive reuse and historic tax

credit project. This 12,500 sq. ft. mid-century building has been vacant for nearly a decade. The project will create 12 apartments with approximately 500 sq. ft. of light commercial space on the first floor.

General discussion ensued.

Ms. O’Keefe stated that in exchange for providing the sales and use tax benefits, the approval of this project will be conditioned upon adherence to certain material terms and conditions with respect to the potential modification, recapture and/or termination of financial assistance as follows:

**Draft Recapture Material Terms**

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total Project Amount = \$3,345,000 85% = \$2,843,250
Employment	Coincides with recapture period	Projected = 1 85% = 1 Recapture Employment = 1
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with recapture period	Adherence to policy
Unpaid Tax	Coincides with recapture period	Adherence to policy
Recapture Period	2 years after project completion	Recapture of state and local sales taxes

Mr. Blue moved and Ms. Whyte seconded to recommend the project as proposed be forwarded to the members of the ECIDA for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

**SOLAR PILOTS UPDATE**

Mr. Cappellino stated that last month the Policy Committee recommended that the Board adopt the Solar PILOT Policy at its next meeting. However, the Board could not approve the Solar PILOT Policy at its August, as there was not a quorum. The Agency has a Solar PILOT request on Bullis Road waiting for approval. Therefore, the Board will need to consider and potentially approve the Solar PILOT Policy at its September 22<sup>nd</sup> meeting, and then immediately thereafter will need to consider for approval, the Bullis Road project.

General discussion ensued.

**ZOOM MEETINGS**

Mr. Cappellino noted that public meetings may currently be held via Zoom. Due to the high transmission rate of COVID in Erie County, Agency meetings will be held by Zoom for the next month and foreseeable future.

**MWBE UPDATE**

Ms. Whyte advised there has been progress made on defining good faith efforts and setting parameters/definitions for compliance with the MWBE Policy. The working group will continue the review of, and revisions to, the draft MWBE Policy at the next Special Policy Committee meeting on September 23, 2021.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 11:49 a.m.

Dated: September 9, 2021

\_\_\_\_\_  
Karen M. Fiala, Secretary

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
RESOLUTION**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, September 22, 2021, at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

**RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT  
AGENCY (THE "AGENCY") APPROVING AN OFF-SITE COMMERCIAL  
SOLAR PHOTOVOLTAIC POLICY THEREBY PERMITTING THE AGENCY  
TO PROVIDE FINANCIAL ASSISTANCE TO OFF-SITE COMMERCIAL  
SOLAR PHOTOVOLTAIC PROJECTS**

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

WHEREAS, in 2021, a new subsection 21 was added to Section 854 of the New York General Municipal Law (the "GML") specifically defining the term "Renewable Energy Project", and amendments to subsection (4) of Section 854 of the GML were also made to include a Renewable Energy Project as a Project, as so therein defined, eligible to receive Financial Assistance; and

WHEREAS, to enable the Agency to facilitate and encourage responsible solar development within Erie County in an effort to support the statewide goal of achieving 70% renewable electricity production by 2030, and to assist the Agency in its considerations with respect to providing Financial Assistance to a Renewable Energy Project, Agency staff developed, and the Agency's Policy Committee, on August 5, 2021, approved, an "Off-Site Commercial Solar Photovoltaic Policy" (the "Solar Policy") as attached hereto as Exhibit A; and

WHEREAS, the Solar Policy provides for the provision of Financial Assistance for off-site solar projects that provide renewable energy benefits to residential and commercial customers and specifically confirms that eligible Solar Policy projects shall be permitted to make payments in lieu of taxes on a dollar per megawatt basis, that eligible Solar Policy projects shall be exempt from state and local sales taxes on eligible costs, and that eligible Solar Policy projects shall be exempt from the payment of mortgage recording tax; and

WHEREAS, the Agency's Policy Committee has unanimously recommended that the Agency consider for adoption this Solar Policy; and

WHEREAS, the Agency is required by GML Section 874(4) to establish general guidelines by which Financial Assistance is to be conferred by the Agency to prospective applicants, such policy guidelines being memorialized in the Countywide Industrial Development Agency Uniform Tax Exemption Policy (the "UTEP"); and

WHEREAS, pursuant to and in accordance with GML Section 874(4), the Agency desires to adopt and approve the Solar Policy, and to ultimately amend the UTEP as related thereto.

NOW, THEREFORE, BE IT RESOLVED by the members of the Agency as follows:

Section 1. The Agency hereby approves and adopts the proposed Solar Policy attached hereto as Exhibit A.

Section 2. The Agency hereby authorizes Agency staff to initiate procedures to amend the UTEP as contemplated within this Resolution, the Act and the Solar Policy.

Section 3. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with the Act.

Section 4. This resolution shall take effect immediately.

Dated: September 22, 2021

EXHIBIT A

Off-Site Commercial Solar Photovoltaic Policy



September 22, 2021

## Off-Site Commercial Solar Photovoltaic Policy

### Purpose

The Erie County Industrial Development Agency (ECIDA), in response to 2021 amendments to the New York IDA Law that specifically permits the ECIDA to provide financial assistance to renewable energy projects, desires to adopt an off-site commercial solar photovoltaic policy with respect to community solar projects.<sup>1</sup> The ECIDA's definition of community solar projects follows the guidance and definition as provided by the New York State Energy and Research Development Authority. This solar policy is intended to encourage responsible solar development within Erie County in an effort to support the statewide goal of achieving 70% renewable electricity production by 2030.

### Policy

The ECIDA Off-Site Commercial Solar Photovoltaic Policy (Solar Policy) provides for the provision of financial assistance for off-site solar projects that provide renewable energy benefits to residential and commercial customers. Off-site Commercial solar projects approved under this Solar Policy shall be eligible for the following incentives:

**Property Tax** – In lieu of making real estate tax payments on the increased value resulting from solar system improvements, such improvements are eligible for an ECIDA payment in lieu of taxes (PILOT). PILOT payments will range from \$4,500 to \$5,500 per megawatt (MW) of the facility's nameplate capacity, with a 2% increase each year for a maximum term of 25 years. The length of term and dollar amount of PILOT payments will be determined on a project-by-project basis at the discretion of the ECIDA Board. PILOT payments will be distributed to the affected taxing jurisdictions based on their pro-rata share of the non-abated local tax payment.

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<sup>1</sup> Off-site solar refers to a solar system installed at an off-site location different from the end user's property, such that the electricity so produced is shared by more than one property. This is in contrast to on-site solar, which refers to a solar system installed directly on the end user's property whose electricity is only used for operations on that property. Although this policy would not preclude the Agency from providing financial assistance to an on-site solar system, the aforementioned 2021 amendments allowing an Industrial Development Agency to provide financial assistance to renewable energy projects will primarily impact off-site solar projects. The term "Community Solar Project" typically refers to the New York State Public Service Commission off-site solar system project capped at 5MW, being the maximum rate capacity of a solar system project that can participate in and receive benefits for construction of such a solar system under New York's clean energy program.



If the host community has opted out of the renewable energy exemption program provided for under Section 487 for the New York State Real Property Tax law, the ECIDA will not entertain an application for financial assistance under the Solar Policy for a PILOT unless the host community requests or otherwise consents to a PILOT under the terms of this Solar Policy.

**Sales Tax** – Exemption from state and local sales tax on eligible project costs as outlined in the ECIDA’s standard policies and procedures.

**Mortgage Recording Tax** – Exemption from the mortgage recording tax as outlined in the ECIDA’s standard policies and procedures.

**Requirements** – Projects must meet all the requirements as defined by New York State Law and comply with all the ECIDA standard policies, project requirements and agreements. In addition, projects considered under this policy must meet the following additional requirements:

- 1) Project applicants must provide evidence of a negotiated Host Community Agreement with the municipality in which the project is located, or written evidence of the municipality’s determination not requiring, or deferring, same.
- 2) Financial assistance shall not be provided until project applicants provide evidence that they capitalized into a decommissioning fund or provided a bond to the satisfaction of the local municipality or Erie County sufficient to remove the solar arrays and associated site improvements at the end of the project without cost to the local community.
- 3) If a project is located on active agricultural lands, defined as a property that is receiving an Agricultural Property Tax Exemption through the NYS Tax Department form RP-305, project applicants must provide (i) confirmation from Erie County that the loss of any agricultural lands from operation of the Project is minimized due to the location of the solar arrays at issue and the loss or failure to use areas that are or could be used as farmland is not anticipated to be significant, and either (ii) evidence of a negotiated Host Community Agreement with Erie County which will be utilized by Erie County to promote and implement farmland protection initiatives consistent with the Erie County Agriculture and Farmland Protection Plan or (iii) or written approval of Erie County of other arrangements in support of agricultural initiatives as deemed satisfactory and appropriate in meeting the goals of the county.
- 4) Project applicants shall have obtained all local municipal approvals and evidence of compliance with the New York State Environmental Quality Review Act.



**Bullis Road Solar**  
**\$ 6,389,343**  
**PRIVATE INVESTMENT INDUCEMENT RESOLUTION**

**ELIGIBILITY**

- NAICS Section – 221114

**COMPANY INCENTIVES**

- Approximately \$174,674 in sales tax savings
- Approximately \$389,527 in real property tax savings
- Up to 3/4 of 1% of the final mortgage amount estimated at \$ 32,332

**JOBS & ANNUAL PAYROLL**

- Current Jobs: 0
- Annual Payroll: \$0
- Projected new jobs:0
- Est. salary/yr. of jobs created: \$0
- Projected retained jobs:0
- Est. salary/yr. of jobs retained: \$0
- Total jobs after project completion: 0
- Construction Jobs: 40

**PROJECTED COMMUNITY BENEFITS\***

- Term: 25 YEARS
- NET Community Benefits: \$ 3,612,000
- Spillover Jobs: 15
- Total Payroll: \$ 2,838,000

**INCENTIVE COST/COMMUNITY BENEFIT RATIO\***

- Incentives: \$ 596,533
- Community Benefit: \$ 3,612,000
- Cost: Benefit Ratio
  - 1: 7

Project Title: Bullis Road Solar  
 Project Address 11061 Bullis Road, Marilla, NY 14037  
 (Iroquois Central School District)

**Agency Request**

A sales tax, mortgage recording tax and real property tax abatement in connection with a small scale community solar project.

Land and/or Building Acquisition	\$ 72,331
New Building Construction	\$ 5,480,942
Soft Costs/Other	\$ 836,070

Total Project Cost	\$ 6,389,343
85%	\$ 5,430,942

**Company Description**

Renewable Properties (RP) specializes in developing and investing in small-scale utility solar and battery energy projects throughout the U.S. Led by experienced renewable energy professionals, RP works closely with communities, developers, landowners, utilities and financial institutions looking to invest in utility solar and battery energy systems. Renewable Properties was founded in March 2017 and is located in San Francisco, CA. The company currently has over 250 MW development pipeline across 9 states. The applicant for this project is RPNY Solar 2, LLC.

**Project Description**

The Bullis Road Solar project is a small-scale community solar project located on 22 acres of a 45 acre parcel of land in Marilla, NY. Renewable Properties, LLC has entered into an option to lease agreement with the owner to facilitate the development of this project. The project will generate approx. 4.5 MW of clean reliable solar energy when complete. The project will interconnect to NYSEG’s existing electrical distribution system. The power generated from this facility will be sold directly to consumers via the state’s community Distributed Generation program allowing customers to directly offset their energy use with local solar power while saving money on their electric bills. Electricity generated from the project will power roughly 1,015 homes per year. The project will utilize approx. 10,800 solar modules and 36 string inverters which convert the sun’s energy into useable AC power.

\* Inform Analytics/Center for Governmental Research

## Economic Impact: Inform Analytics Cost-Benefit Analysis

The Erie County Industrial Development Agency uses Inform Analytics, a widely-recognized modeling tool from the Center for Governmental Research, to assess the economic impact of a project applying for incentives. This cost:benefit ratio is assessed via a Cost-Benefit Analysis, as is required by Section 859-a (5)(b) of General Municipal Law. For the complete Cost Benefit Analysis – please see the attached Inform Analytics Projected Community Benefits and Community Cost Benefit Analysis.

### Cost: Incentives

COSTS	Tax Exemption	Amount
	Property	389,527
	Sales	174,674
	Mortgage Recording	32,332
	Total	596,533
	Discounted at 2%	527,000

### Benefit: Projected Community Benefit\*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount (in Mil)**
	Erie County	Individuals	Payroll Construction	\$2,838,000
			Payroll Permanent	
		Public	Property Taxes	610,000
			Sales Taxes	46,000
	New York State	Public	Income Taxes	139,000
			Sales Taxes	40,000
				Total Benefits to EC + NYS***
			Discounted at 2%****	3,672,000

\*\*includes direct & indirect \$ over project period    \*\*\*may not sum to total due to rounding    \*\*\*\* not discounted as only temporary jobs

Discounted Cost            \$ 527,000  
 Discounted Benefit        \$ 3,672,000  
 Ratio                            1:7

**Conclusion:** The Cost Benefit for this project is: 1:7. For every \$1 in costs (incentives), this project provides \$7 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$8 in benefits to the community.**

### New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over abatement period	Additional Local Revenue Over abatement period	New Yearly Taxes Upon Expiration of Abatement Period
\$0	\$ 720,000	\$ 151,597	\$ 497,016	\$ 41,033
Combined Tax Rate: \$56.99				

\* Inform Analytics/Center for Governmental Research

**Draft Recapture Material Terms**

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$ 6,389,343 85% = \$ 5,430,942
Local Labor	Construction period	Adherence to policy including quarterly reporting
Unpaid Tax	Coincides with 25-year PILOT	Adherence to Policy
<u>Recapture Period</u>	Coincides with 25-year PILOT	Real Property Taxes State & Local Sales Taxes Mortgage Recording Taxes

Recapture applies to:

State and Local Sales Taxes  
Real Property Tax  
Mortgage Recording Tax

**Recapture**

Pursuant to New York State General Municipal Law, the agency shall modify, recover, recapture or terminate any financial assistance taken by the company that is in violation of the GML.

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax policy for recapture term.

**Project ECIDA History**

- 09/20/2021 - Public hearing held.
- 09/22/2021 - Inducement Resolution presented to Board of Directors approving financial assistance and adopting/ratifying Town of Marilla Negative Declaration in accordance with SEQRA.
- 09/22/2021 - Lease/Leaseback Inducement Resolution presented to the Board of Directors

**EVALUATIVE CRITERIA: ENERGY PRODUCTION**  
**Bullis Road Solar**

Evaluative Criteria	Notes
Wage Rates (above median wage for area)	There are no jobs being created for this project.
In Region Purchases (% of overall purchases, local construction jobs/supplies)	The biggest expense for solar projects are the modules. We have made several inquiries locally, and determined that we are unable to procure the modules locally. Similarly, solar racking is a specialized industry with limited sourcing options nationwide. It is anticipated that the balance of system items like fencing, gravel, cement, utility poles, and landscaping will be procured locally.
Advances Renewable Energy Production/Transmission Goals	The Project will generate approximately 4.5 megawatts (MWac) of clean, reliable solar energy when complete. The Project will interconnect to NYSEG's existing electrical distribution system, which is already located on-site.
Provides Capacity or Transmission to Meet Local Demand or Shortage	The power generated from this facility will be sold directly to consumers via the state's Community Distributed Generation program (commonly called community solar). This program allows customers to directly offset their energy use with local solar power while saving money on their electrical bills. Electricity generated from the Project will power roughly 1,015 homes per year.
MBE/WBE Utilization	United Renewable Energy ("URE") has been awarded the contract to serve as the Engineering, Procurement and Construction firm for the project and as such will be contracting and managing all subcontractors. URE is led by a first-generation American and graduate of the University at Buffalo, William Silva. URE is certified by the National Minority Supplier Development Council and will actively seek out opportunities to contract with M/WBE companies for the project. URE will utilize the online Erie County M/WBE resource list as part of that effort.

DATE OF INDUCEMENT: September 22, 2022

**PILOT Worksheet: Estimate of Real Property Tax Abatement Benefits\*\*\* and Percentage of Project Costs financed from Public Sector sources**

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

**PILOT Estimate Table Worksheet-Bullis Road Solar**

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
5,480,942	720,000	13.32	.65	43.02

\*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Town PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	Custom	\$4,733	\$231	\$15,286	\$20,250	\$41,033	\$20,783
2	Custom	\$4,828	\$236	\$15,592	\$20,655	\$41,033	\$20,783
3	Custom	\$4,924	\$240	\$15,904	\$21,068	\$41,033	\$20,378
4	Custom	\$5,023	\$245	\$16,222	\$21,489	\$41,033	\$19,965
5	Custom	\$5,123	\$250	\$16,546	\$21,919	\$41,033	\$19,543
6	Custom	\$5,226	\$255	\$16,877	\$22,358	\$41,033	\$19,114
7	Custom	\$5,330	\$260	\$17,215	\$22,805	\$41,033	\$18,675
8	Custom	\$5,437	\$265	\$17,559	\$23,261	\$41,033	\$18,228
9	Custom	\$5,545	\$271	\$17,910	\$23,726	\$41,033	\$17,772
10	Custom	\$5,656	\$276	\$18,268	\$24,201	\$41,033	\$17,307
11	Custom	\$5,769	\$282	\$18,634	\$24,685	\$41,033	\$16,832
12	Custom	\$5,885	\$287	\$19,006	\$25,178	\$41,033	\$16,348
13	Custom	\$6,003	\$293	\$19,386	\$25,682	\$41,033	\$15,854
14	Custom	\$6,123	\$299	\$19,774	\$26,196	\$41,033	\$15,351
15	Custom	\$6,245	\$305	\$20,170	\$26,719	\$41,033	\$14,837
16	Custom	\$6,370	\$311	\$20,573	\$27,254	\$41,033	\$14,313
17	Custom	\$6,497	\$317	\$20,985	\$27,799	\$41,033	\$13,779
18	Custom	\$6,627	\$323	\$21,404	\$28,355	\$41,033	\$13,234
19	Custom	\$6,760	\$330	\$21,832	\$28,922	\$41,033	\$12,678
20	Custom	\$6,895	\$336	\$22,269	\$29,500	\$41,033	\$12,111
21	Custom	\$7,033	\$343	\$22,714	\$30,090	\$41,033	\$11,532
22	Custom	\$7,174	\$350	\$23,169	\$30,692	\$41,033	\$10,942
23	Custom	\$7,317	\$357	\$23,632	\$31,306	\$41,033	\$10,341
24	Custom	\$7,463	\$364	\$24,105	\$31,932	\$41,033	\$9,727
25	Custom	\$7,613	\$371	\$24,587	\$32,571	\$41,033	\$9,101
TOTAL		\$151,597	\$7,398	\$489,618	\$648,614	\$1,025,820	\$389,527

**\*\*\* Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff**

**Percentage of Project Costs financed from Public Sector Table Worksheet:**

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
6,389,343	389,527	174,674	32,332	641,300

**Calculate %**

**(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 19 %**



## Cost Benefit Analysis

prepared using InformAnalytics

### InformAnalytics GLOSSARY

**Total Investment:** Total amount of private investment/cost of project

**Total Net Benefits:** Total of community benefits generated. A calculated projection of indirect economic growth (payroll being spent on goods and services, indirect economic benefits created by construction jobs, etc).

**Direct/Spillover:**

- Direct refers to jobs and payroll created “directly” by the project
- Spillover refers to indirect jobs and payroll (ripple effects of “Direct” private investment)

**Discounted Total:** 2% discount of all projections. An accounting adjustment to allow for a dollar of benefit in the future being worth less than a dollar of benefit today.

**Discounted Total Benefits:** The total projected community benefits, direct or spillover, generated by the project applying for incentives.

**Cost/Benefit Ratio:** The ratio of project cost vs. community benefit, or the community benefit generated by each dollar of incentives approved.

### INCENTIVES DEFINITIONS

*NOTE these are not direct cash incentives; they are savings on future taxes incurred by the project as a result of the project’s improvements/construction investment.*

**Property Tax Exemption:** savings on future property taxes. Calculated from the increase in assessed value of the project once the project improvement/construction is completed.

**Sales Tax Exemption:** a limited savings/exemption on future sales tax charges for the qualified purchases of construction materials and/or equipment. The savings amount is calculated using 50% of the total construction costs of the project.

**Mortgage Recording Tax Exemption:** A one-time savings on a portion of the mortgage recording tax paid to Erie County when a mortgage is filed.

# Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Erie County IDA. The report calculates the costs and benefits for specified local taxing districts over the first 25 years, with future returns discounted at a 2% rate.

T2 TABLE 2

## Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for Bullis Road Solar.

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$389,000	\$320,000
Sales Tax Exemption	\$175,000	\$175,000
Mortgage Recording Tax Exemption	\$32,000	\$32,000
<b>Total Costs</b>	<b>\$596,000</b>	<b>\$527,000</b>

**May not sum to total due to rounding.**

\* Discounted at 2%



TABLE 3

**State & Regional Impact (Life of Project)**

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
<b>REGIONAL BENEFITS</b>	<b>\$2,750,000</b>	<b>\$743,000</b>	<b>\$3,493,000</b>
<b>To Private Individuals</b>	<b>\$2,106,000</b>	<b>\$731,000</b>	<b>\$2,838,000</b>
Temporary Payroll	\$2,106,000	\$731,000	\$2,838,000
<b>To the Public</b>	<b>\$644,000</b>	<b>\$12,000</b>	<b>\$656,000</b>
Property Tax Revenue	\$610,000	N/A	\$610,000
Temporary Sales Tax Revenue	\$34,000	\$12,000	\$46,000
<b>STATE BENEFITS</b>	<b>\$133,000</b>	<b>\$46,000</b>	<b>\$179,000</b>
<b>To the Public</b>	<b>\$133,000</b>	<b>\$46,000</b>	<b>\$179,000</b>
Temporary Income Tax Revenue	\$103,000	\$36,000	\$139,000
Temporary Sales Tax Revenue	\$30,000	\$10,000	\$40,000
<b>Total Benefits to State &amp; Region</b>	<b>\$2,883,000</b>	<b>\$789,000</b>	<b>\$3,672,000</b>
<b>Discounted Total Benefits (2%)</b>	<b>\$2,883,000</b>	<b>\$789,000</b>	<b>\$3,672,000</b>

May not sum to total due to rounding.

TABLE 4

**Benefit to Cost Ratio**

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$3,493,000	\$436,000	8:1
State	\$179,000	\$92,000	2:1
<b>Grand Total</b>	<b>\$3,672,000</b>	<b>\$527,000</b>	<b>7:1</b>

**May not sum to total due to rounding.**

\* Discounted at 2%

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CGR has exercised reasonable professional care and diligence in the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
INDUCEMENT RESOLUTION**

**RPNY SOLAR 2, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S),  
SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS  
BEHALF**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, September 22, 2021 at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF RPNY SOLAR 2, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

**WHEREAS**, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

**WHEREAS**, the Company has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project")

consisting of: (i) the acquisition by the Agency of a leasehold interest in approximately 22 acres of real property located at 11061 Bullis Road in the Town of Marilla, New York (the “Land”, being more particularly described as a portion of tax parcel No. 139.000-12-14.000, as may be subdivided); (ii) the planning, design, construction and operation of a 4.5 MW solar electrical generation system, including panel foundations, inverters, transformers, interconnect wiring, utility connections, sitework, landscaping, fencing, security and related improvements (collectively, the “Improvements”); (iii) the acquisition of and installation in and around the Land and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the “Equipment” and, collectively with, the Land and the Improvements, the “Facility”); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the “Straight Lease Transaction”); and

**WHEREAS**, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the “Agent Agreement”), (ii) negotiate and enter into a lease agreement (the “Lease Agreement”) and related leaseback agreement (the “Leaseback Agreement”) with the Company, pursuant to which the Agency will retain a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Facility; and (iii) provide Financial Assistance to the Company in the form of (a) an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility, (b) a mortgage recording tax exemption benefit for the financing related to the Project, and (c) a partial abatement from real property taxes benefit through a twenty-five (25) year term PILOT Agreement (the “PILOT Agreement”) for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit, the mortgage recording tax exemption benefit, and the PILOT Agreement benefit, are hereinafter collectively referred to as the “Financial Assistance”); and

**WHEREAS**, pursuant to General Municipal Law Section 859-a, on September 20, 2021, at 10:00 a.m., at in the meeting room at Marilla Town Hall, 1740 Two Rod Road, Town of Marilla, Erie County, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

**WHEREAS**, the terms of the requested PILOT Agreement deviate from the Agency’s Uniform Tax Exemption Policy (the “UTEP”) as the Agency contemplates providing a fixed annual PILOT payment of \$4,500 per megawatt (MW) based upon the Facility’s nameplate capacity for a term of up to twenty five (25) years, increasing annually by two percent (2%); and

**WHEREAS**, Notice Letters detailing the requested PILOT Agreement deviation from the Agency’s UTEP as so described herein were mailed or delivered to the chief executive officers of each affected tax jurisdiction, and to the Town of Amherst Industrial Development

Agency, the Town of Clarence Industrial Development Agency, the Town of Concord Industrial Development Agency, the Town of Hamburg Industrial Development Agency, and the Town of Lancaster Industrial Development Agency, on September 9, 2021; and

**WHEREAS**, pursuant to and in accordance with applicable provisions of the State Environmental Quality Review Act (“SEQR”), the Company has submitted to the Agency a Full Environmental Assessment Form (the “EAF”) with respect to the Project; and

**WHEREAS**, the Town Board of the Town of Marilla (the “Town Board”) in accordance with Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto in 6 N.Y.C.R.R. Part 617 (collectively referred to as the “State Environmental Quality Review Act” and/or “SEQR”), undertook coordinated review with respect to the Project, established itself as Lead Agency as defined in SEQR, determined that the Project was Type I Action, and issued a negative declaration (“Negative Declaration”) under SEQR on April 27, 2021 with respect to the Project; and

**WHEREAS**, on September 22, 2021, the Agency approved its “Off-Site Commercial Solar Photovoltaic Policy” (the “Renewable Energy Policy”)’ and

**WHEREAS**, the Project is consistent with, and meets the requirements of, the Agency’s Renewable Energy Policy; and

**WHEREAS**, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:**

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company’s application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Erie County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required in the Countywide Industrial Development Agency Uniform Tax Exemption Policy; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions the Act.

(I) Based upon a thorough and complete review of the Application and its accompanying materials and information, the EAF submitted by the Company, and the proceedings conducted by the Agency and the Town Board's Negative Declaration, pursuant to SEQR, the Agency hereby:

(i) consents to and affirms the status of the Town Board as "Lead Agency" within the meaning of and for all purposes of complying with SEQR and determines that the proceedings undertaken by the Town Board under SEQR with respect to the undertaking of the Project by the Company (as agent of the Agency) satisfy the requirements of SEQR;

(ii) affirms that the Project involves a "Type I Action" as that term is defined under SEQR;

(iii) reviews, considers, ratifies, and adopts such proceedings by the Town Board, including the "Negative Declaration";

(iv) determines that the Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment, that the Project will not have a "significant effect on the environment" as such quoted terms are defined in

SEQR, and that no “environmental impact statement” as such quoted term is defined in SEQR need be prepared for this action; and

(v) determines that all of the provisions of SEQR that are required to be complied with as a condition precedent to the approval of the Financial Assistance contemplated by the Agency with respect to the Project, and the participation by the Agency in undertaking the Project, have been satisfied. This determination constitutes a “negative declaration” (as such quoted terms are defined under SEQR) for purposes of SEQR.

(J) The Project qualifies for Agency Financial Assistance as it meets the Agency’s evaluative criteria established by the Agency as required under General Municipal Law Section 859-a(5), as evidenced by the following:

(i) *Regional Wealth Creation (% sales/customers outside area):* RPNY Solar 2, LLC will endeavor to source as many materials and services as possible from within Erie County.

(ii) *Advances Renewable energy Production/Transmission Goals:* The Project will generate approximately 4.5 megawatts (MWac) of clean, reliable solar energy when complete. The Project will interconnect to NYSEG's existing electrical distribution system, which is already located on-site.

(iii) *Provides Capacity or Transmission to Meet Local Demand or Shortage:* The power generated from this facility will be sold directly to consumers via the state's Community Distributed Generation program (commonly called community solar). This program allows customers to directly offset their energy use with local solar power, and electricity generated from the Project will power roughly 1,015 homes per year.

(iv) *MBE/WBE Utilization:* The Company will endeavor to work with both MBE and WBE when possible.

(K) The proposed Financial Assistance to be provided under the PILOT Agreement with respect to the Project deviates from the terms of the UTEP and the Agency hereby approves of the PILOT Agreement deviation as described herein. In making this determination, the Agency has considered the following factors as required by the Act and its UTEP, no single one of which is determinative:

- The extent to which the project will create or retain permanent, private sector jobs. The Project is one that supports the statewide goal of achieving 70% renewable electricity production by 2030, and therefore, is not a project that should be evaluated under job creations or retention parameters.
- The estimated value of tax exemptions to be provided. If the proposed PILOT Agreement is approved, the value of the Financial Assistance to be provided

over the term of the PILOT Agreement is estimated to be approximately \$596,533.

- Whether affected taxing jurisdictions shall be reimbursed by the Project occupant if the Project does not fulfill the purposes for which an exemption was provided. The Company will be subject to potential Financial Assistance recapture with respect to the sales tax exemption benefits, the mortgage recording tax exemption benefits, and the real property tax abatement benefits in the event it does not adhere to the Agency's standard material terms and conditions of receipt of Financial Assistance.
- The impact of the proposed project on existing and proposed businesses and economic development projects in the vicinity. The Project will have minimal impacts on existing and proposed businesses.
- The amount of private sector investment generated or likely to be generated by the proposed project. The total private sector investment in the Project is expected to be approximately \$6,389,343.
- The demonstrated public support for a proposed project. The Town of Marilla has expressed support for the Project and the PILOT Agreement as herein described.
- The likelihood of accomplishing the proposed project in a timely fashion. It is anticipated that Project construction will begin immediately upon approval of the Project and will be completed on December 31, 2021.
- The effect of the proposed project upon the environment. The Project will not have an adverse impact upon the environment.
- The extent to which the Project will require the provision for additional services. This Project will not require any additional services beyond those already in existence.



- The extent to which the Project will provide additional sources of revenue for municipalities and school districts. The Project is a positive one economically, in that the proposed PILOT Agreement payments will be greater than what would be collected in the event the Project is not undertaken.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the appointment of the Company as agent of the Agency, if utilized, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, and/or the Assistant Treasurer).

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$1,996,271, and, therefore, the value of the sales and use tax exemption benefits (“sales and use tax exemption benefits”) authorized and approved by the Agency cannot exceed \$174,674, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the value of the mortgage recording tax exemption benefit (“mortgage recording tax exemption benefits”) shall not exceed \$32,332; and

(iii) authorizes and approves that the real property tax abatement benefits (“PILOT benefits”) to be provided over the term of the PILOT Agreement are estimated

to be approximately \$389,527, resulting in estimated total PILOT payments of \$648,614 over the term of the PILOT Agreement.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits, and/or mortgage recording tax exemption benefits, and/or partial abatements from real property taxes benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; (v) the New York State and local sales and use tax exemption benefits and/or mortgage recording tax exemption benefits, and/or the partial abatement from real property taxes benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, and/or the Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the New York State and local sales and use tax exemption benefits, and/or mortgage recording tax exemption benefits, and/or the partial abatement from real property taxes benefits are taken in cases where the Company fails to comply with the Unpaid Real Property Tax Policy Commitment, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

(C) Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$5,430,942 (which

represents the product of 85% multiplied by \$6,389,343, being the total project cost as stated in the Company's application for Financial Assistance).

- (ii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iii) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver (A) an Agent Agreement, (B) the Lease Agreement whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement whereby the Agency leases the Project back to the Company, and (D) the PILOT Agreement and (E) related documents; provided, however, that (i) the rental payments under the Leaseback Agreement to the Company include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy, or procedures for deviation have been complied with accordingly.

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the "Agency Documents"); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 6. The Chair (or Vice Chair) and/or Executive Director of the Agency are hereby authorized and directed to give notice in writing to the chief executive officer of each affected tax jurisdiction regarding the proposed deviation of the terms of PILOT Agreement from the Agency's Uniform Tax Exemption Policy, and to do such further things or perform such acts as may be necessary to comply with Section 874 of the Act.

Section 7. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 8. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency's Administrative Fee Agreement (the "Fee Agreement") and payment by the Company of an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

Section 9. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer.

Dated: September 22, 2021

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Bullis Road Solar Project		
Project Location (describe, and attach a general location map): Tax I.D. No.: 139.00-12-14, Bullis Road, Town of Marilla, Erie County, NY ( 42.836920, -78.572853)		
Brief Description of Proposed Action (include purpose or need): The proposed Bullis Road Solar Project consists of a 22.2± acre solar farm (4.5± MWac). The project will involve the installation of ground mounted photovoltaic modules as well as the associated access road, electric utility upgrades, and perimeter fencing for the solar farm. The Proposed site is located on mapped prime agricultural farmland soils. The applicant has created a decommissioning plan in accordance with the New York State Department of Agriculture and Markets guidelines and a decommissioning bond will be provided to the Town to ensure the site will be returned to its prior vacant agricultural field conditions post-decommissioning. During the life of the site, the solar farm will still be viable for agricultural use, including use of pollinator plant species to facilitate keeping bees (honey) and the potential for sheep grazing for vegetation management.		
Name of Applicant/Sponsor: RPNY Solar 2, LLC c/o Stephanie Loucas		Telephone: (207)-712-6113 E-Mail: stephanie@renewprop.com
Address: 897 Sanchez Street		
City/PO: San Francisco	State: CA	Zip Code: 94114
Project Contact (if not same as sponsor; give name and title/role): Bergmann c/o David Plante		Telephone: (607) 333-3120 E-Mail: dplante@bergmannpc.com
Address: 280 East broad Street, Suite 200		
City/PO: Rochester	State: New York	Zip Code: 14604
Property Owner (if not same as sponsor): Daniel G Handy		Telephone: N/A E-Mail: N/A
Address: 255 Eldridge Rd.		
City/PO: East Aurora	State: NY	Zip Code: 14052

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Marilla Town Board - Site Plan Referral	1/14/2020 - Projected
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Marilla Planning Board - Site Plan Approval	TBD
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Erie County Planning Board	TBD
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SHPO - No Effect; NYSERDA - Incentives; NYSDEC - SPDES General Permit GP-0-20-001;	TBD NYS DAM (Ag NOI)
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USACE - NWP 12/14/51 (Non-Reporting), USDA Funding	TBD
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): NYS Heritage Areas: West Erie Canal Corridor	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

A - Agricultural

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Iroquois Central School District

b. What police or other public protection forces serve the project site?

Erie County Sheriff's Department Road Patrol and New York State Police

c. Which fire protection and emergency medical services serve the project site?

The Marilla Fire Department

d. What parks serve the project site?

Marilla Veterans Memorial and Marilla Town park

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Solar Farm

b. a. Total acreage of the site of the proposed action? 22.2± acres

b. Total acreage to be physically disturbed? 22.2± acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 45.89 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

• Total number of phases anticipated \_\_\_\_\_

• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures N/A

ii. Dimensions (in feet) of largest proposed structure: N/A height; N/A width; and N/A length

iii. Approximate extent of building space to be heated or cooled: N/A square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Wetland 1 (PSS) will be permanently impacted Please refer to the Site Plans and attached Wetland delineation figure with corresponding discussion. \_\_\_\_\_



*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:  
Racking support poles will be pile driven into portions of the Wetland 1 as denoted on the plans. The access road between the two portions of the array will be improved, which includes the replacement of a culvert.

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*iii.* Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No  
 If Yes, describe: \_\_\_\_\_

*iv.* Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

*v.* Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_  
 N/A

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*c.* Will the proposed action use, or create a new demand for water?  Yes  No  
 If Yes:

*i.* Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

*ii.* Will the proposed action obtain water from an existing public water supply?  Yes  No  
 If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

*iii.* Will line extension within an existing district be necessary to supply the project?  Yes  No  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

*iv.* Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
 If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

*v.* If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

*vi.* If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

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*d.* Will the proposed action generate liquid wastes?  Yes  No  
 If Yes:

*i.* Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

*ii.* Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

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*iii.* Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
 If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
     629 Square feet or 0.014 acres (impervious surface)  
     1,986,336 Square feet or 45.6 acres (parcel size)  
 ii. Describe types of new point sources. Limited use gravel driveway. This gravel driveway will be pervious.  
 \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
On-site surface water  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: NYSDEC and federal waters  
 \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday:	_____ 8:00 a.m. - 6:00 p.m. _____	• Monday - Friday:	_____ N/A _____
• Saturday:	_____ 8:00 a.m. - 6:00 p.m. _____	• Saturday:	_____ N/A _____
• Sunday:	_____ N/A _____	• Sunday:	_____ N/A _____
• Holidays:	_____ N/A _____	• Holidays:	_____ N/A _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 Noise levels will increase during construction due to construction equipment during the hours of 8:00 a.m. - 6:00 p.m., Monday through Saturday.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

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n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:  
 \_\_\_\_\_

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_

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q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ 0.1 tons per \_\_\_\_\_ Months (unit of time)  
 • Operation : \_\_\_\_\_ N/A tons per \_\_\_\_\_ N/A (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: Waste will consist of office waste and cardboard items from deliveries. Much of the waste will be recyclable. Pallets will also be recycled.  
 • Operation: N/A  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: A refuse container will remain on site during construction and be emptied by a licensed hauler as needed.  
 • Operation: N/A

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

---

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe:

Land is an open vacant agricultural field. A wetland and pond are present in the west-central section of the parcel. The property is bordered with forests, residential properties, and agricultural farm land.

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0±	0.01±	+0.01
• Forested	4.78±	4.78±	0±
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0±	0±	0±
• Agricultural (includes active orchards, field, greenhouse etc.)	31.5±	14.44	-17.59
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.33±	0.33±	0±
• Wetlands (freshwater or tidal)	8.99±	8.43±	-0.03
• Non-vegetated (bare rock, earth or fill)	0±	0±	0±
• Other Describe: <u>Solar Panels and Proposed Gravel Driveway ground under panels with remain grassland</u>	0±	17.61±	+17.61

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_  
\_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
\_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
\_\_\_\_\_

iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
\_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
\_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
\_\_\_\_\_

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >6.56 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Halsey silt loam	23.90 %
Darien silt loam, 3 to 8 percent slope	22.10 %
Red Hook silt loam	12.3 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 3.26 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ 28.80 % of site  
 Moderately Well Drained: \_\_\_\_\_ 6.80 % of site  
 Poorly Drained \_\_\_\_\_ 64.40 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 89.70 % of site  
 10-15%: \_\_\_\_\_ 10.30 % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
If Yes, describe: \_\_\_\_\_  
\_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 837-187 Classification C
- Lakes or Ponds: Name Unnamed Pond Classification N/A
- Wetlands: Name Federal Waters, NYS Wetland, Federal Waters, Fe... Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) EA-17

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
\_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
If Yes:  
i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 White tailed deer \_\_\_\_\_  
 Migratory birds \_\_\_\_\_  
 Field Rodents \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 If Yes:  
 i. Species and listing (endangered or threatened): \_\_\_\_\_  
 Pied-billed Grebe and Northern Long Eared Bat. A threatened and endangered species study was performed and neither species or their habitat will be impacted. (Refer to attached Habitat Reports.)

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
 If Yes:  
 i. Species and listing: \_\_\_\_\_  
 \_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: ERIE005

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? 11.6  
 ii. Source(s) of soil rating(s): NRCS Soil Survey

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_



e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

---

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): Two loci of the previously recorded Handy Farms Prehistoric Site (USN 02918.000060)

ii. Basis for identification: SHPO Consultation - a conditional no effect letter was issued on 12/08/2020.

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h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: Elma Meadows County Park

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Local Park - NOT VISIBLE FROM PROJECT SITE

iii. Distance between project and resource: \_\_\_\_\_ 0.8 miles.

---

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name David Plante Date 12/16/2020

Signature  Title Energy + Environment Practice Leader

**PRINT FORM**



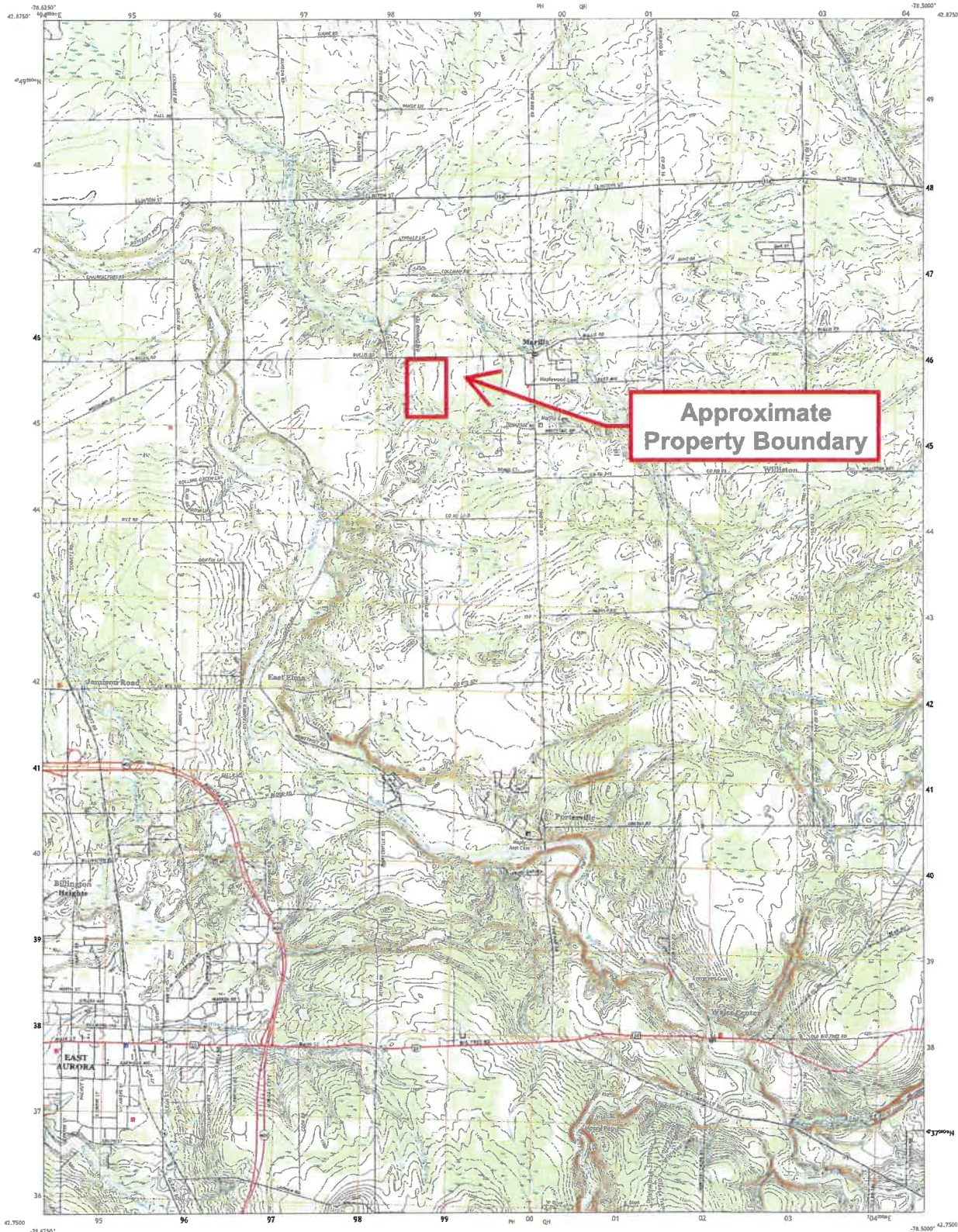
**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	837-187
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres): 27.5
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	EA-17

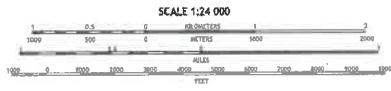
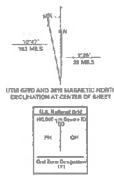
E.2.n.v. [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Pied-billed Grebe
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	ERIE005
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No





Produced by the United States Geological Survey  
North American Datum of 1983 (NAD83)  
World Geodetic System of 1984 (WGS84), Projection and  
1 600-meter grid Universal Transverse Mercator, Zone 17T  
This map is not a legal document. Boundaries may be  
generalized for this map scale. Private land with public government  
responsibility may not be shown. Check jurisdiction before  
entering private lands.

Source: U.S. Census Bureau, 2011  
Roads: U.S. Census Bureau, 2011  
Hydrography: National Hydrography Dataset, 1999 - 2015  
Contours: National Geographic Topographic, 1999  
Boundaries: Multiple sources; see metadata file 2013 - 2018  
Metadata: FIS National Wetlands Inventory 1994 - 2002



**ROAD CLASSIFICATION**

Expressway	Local Connector
Secondary Hwy	Local Road
Route	Imp
Expressway Route	US Route
	State Route

1	2	3	1 Landstar
4	5	6	2 Clarence
7	8	9	3 Cady
			4 Orchard Park
			5 Conewango
			6 Colton
			7 Redden
			8 Springville

**EAST AURORA, NY**  
2019

November 30, 2020

Mr. Brian Madigan  
Renewable Properties, LLC  
879 Sanchez Street  
San Francisco, CA 94114

**RE: Pied-Billed Grebe Habitat Assessment Report  
Bullis Road Solar Development (45.6 Acres)  
Town of Marilla, Erie County, New York**

Dear Mr. Madigan:

This summary report presents the findings of the summer habitat assessment for the pied-billed grebe (*Podilymbus podiceps*) for the proposed solar array project (the Project) located at 11136 Bullis Road in the Town of Marilla, Erie County, New York (refer to attached Site Location figure). According to the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper, the pied-billed grebe is identified as potentially being in the vicinity of only the southern portion of the Study Area (see attached Agency Coordination). LaBella Associates (LaBella) conducted a field survey to assess the potential for pied-billed grebe habitat on September 15, 2020. Vegetation cover types, plant species composition, and hydrologic features were documented within the Study Area. Existing conditions were noted, including any structures or disturbances. Resources reviewed prior to conducting the fieldwork include the following:

- Proposed Project Plan (October 8, 2020).
- NYSDEC Environmental Resource Mapper for rare wildlife, plants, and significant habitats in the vicinity of the Study Area (NYSDEC, 2019A).
- New York Natural Heritage Program (NYNHP) Biotics Database (NYNHP, 2019).
- United States Geological Survey topographic mapping.

### **Site Description**

The Study Area consists of a 45.6-acre property located south of the intersection of Bullis Road and Greenwood Terrace. Wetlands are present in the central and southwest portions of the Study Area, the majority of which are scrub-shrub. An open water feature with aquatic vegetation and fringed by emergent vegetation is present on the west central portion of the Study Area. Forested wetlands are present on the east central portion of the Study Area, and an intermittent stream flows east to west through the scrub-shrub and forested wetlands into the open water feature. Upland scrub-shrub and forested areas fringe the wetlands onsite. An upland forested area is present in the northwest corner of the Study Area. The northern and southeast portions of the Study Area are actively farmed agricultural fields planted with soybeans and corn, respectively. A linear scrub-shrub wetland swale extends through the northern agricultural field from the northeast corner of the Study Area to the southwest, connecting with the larger scrub-shrub wetlands. Surrounding land uses consist of actively farmed agricultural fields, forested areas, and residential properties along Bullis Road. Elevations onsite range from 870 to 820 feet above mean sea level.





## **Species of Concern**

### **Pied-billed grebe (*Podilymbus podiceps*)**

Pied-billed grebes are state threatened (NYSDEC, 2019B) and inhabit quiet marshes, marshy shorelines of ponds, shallow lakes, or marshy bays and slow moving streams with sedgy banks or adjacent marshes; rarely in brackish marshes with limited tidal fluctuation. Although plant species in breeding marshes may vary, a 50/50 combination ("hemi- marsh") of emergent vegetation interspersed with open water is desirable (Andrie and Carroll, 1988). Grebes avoid dense emergent vegetation, and muskrats appear to play an important role in opening up dense cattail stands and providing cut stalks for nest construction. Ideal water depths for nesting range from 25 to 50 centimeters (Seyler, 2003). Grebes set up breeding territories more commonly in wetlands impounded by beavers or humans than in those of glacial origin, and individual pairs appear to favor wetlands of intermediate size (1.5 to 17 acres) over very large or small wetlands (Gibbs and Melvin, 1992). As a breeding species, the pied-billed grebe occurs statewide, with concentrations on the Lake Ontario Plain and St. Lawrence Valley. It is more sparsely distributed in the Adirondacks, Catskills, Allegheny uplands, and on Long Island.

### **Pied-Billed Grebe Habitat Survey Results**

LaBella reviewed the Study Area to assess the potential for year-round pied-billed grebe habitat within proposed limit of disturbance (LOD) of the Project. The assessment entailed documenting the presence of quiet marshes, marshy shorelines of ponds, shallow lakes, and marshy bays and slow moving streams with sedgy banks or adjacent marshes.

The open water feature with aquatic vegetation and fringed by emergent vegetation on the west central portion of the Study Area may be potential habitat for pied-billed grebe, although some of the open water has dense algal growth. The interspersed open water and marsh vegetation, and intermediate size provides the potential for spring breeding habitat. With the exception of a small group of bee hives north of the open water feature and west of the Study Area, the feature is surrounded by undisturbed scrub-shrub areas. The subject area appears to be moderate-quality potential seasonal habitat. According to the Project plans, the LOD of the Project will not impact this wetland or scrub-shrub wetland surrounding this potential habitat.

### **Conclusions**

The potential pied-billed grebe habitat on the west central portion of the Study Area is not within the Project LOD. At its closest, the proposed Project would be approximately 140 feet north of the open water feature and adjacent emergent and scrub-shrub vegetation would not be disturbed. Project construction may create temporary noise from equipment used to install the solar facility. Post-construction would not create any noise disturbance beyond occasional maintenance activities. Therefore, a may affect, not likely to adversely affect determination is proposed for pied-billed grebe.

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]

Project: RPNY Solar 2, LLC Bullis Road Solar Project  
 Date: 03/02/2021

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1, D.1)			
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**  
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  NO  YES  
*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**  
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  NO  YES  
*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>



1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) If "Yes", answer questions a - h. If "No", move on to Section 5.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f, D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1, E.3.a. and b.)		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/> <i>Handwritten mark</i>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, B1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b>			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2c, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b>			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part 1. D.2.j)  
 If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part 1. D.2.k)  
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

NO

YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			

17. Consistency with Community Plans			
The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18.		<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character			
The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3.		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

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**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached narrative document.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

Identify portions of EAF completed for this Project:  Part 1       Part 2       Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information  
See attached narrative document.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Marilla as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: RPNY Solar 2, LLC Bullis Road Solar Project

Name of Lead Agency: Town of Marilla Town Board

Name of Responsible Officer in Lead Agency: Earl Gingerich

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency:

Date: 4/27/2021

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Earl Gingerich, Jr

Address: 1740 Two Rod Road, Marilla, NY 14102

Telephone Number: 716-652-7293 Extension 403

E-mail: egingerich@townofmarilla.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

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Page 2 of 2

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

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See attached narrative document.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

Identify portions of EAF completed for this Project:    Part 1       Part 2       Part 3

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Name of Action: RPNY Solar 2, LLC Bullis Road Solar Project

Name of Lead Agency: Town of Marilla Town Board

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Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency:

Date: 4/27/2021

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

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Applicant (if any)

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# FULL ENVIRONMENTAL ASSESMENT FORM

## PART III – EVALUATION OF THE SIGNIFICANCE OF IMPACTS

The Town of Marilla Town Board has compared the impacts reasonably expected to result from the proposed RPNY Solar 2, LLC, Bullis Road Solar Project as outlined herein, including:

- Considered the action as defined in subdivisions 617.2(b) and 617.3(g);
- Reviewed the FEAF, the criteria identified in 617.7(c)(1) and other supporting information to identify relevant areas of environmental concern;
- For the purpose of determining significant adverse impacts on the environment of those factors listed above, the long-term, short-term, direct, indirect and cumulative impacts, including simultaneous or subsequent actions, to the extent reasonable, as included in any long range plan for the action, any action that is a result of the reviewed action or is dependent on the action was reviewed 617.7(c)(2); and
- The significance of any likely consequences was assessed in connection with the setting of the action, the likelihood of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected as a consequence of the action. 617.7(c)(3).

The following summarizes the review of the criteria provided in 617.7(c) as indicators of significant adverse impacts and how the project has been designed to avoid significant adverse environmental impacts:

### Part II, Section 1. Impact on Land

0.49 acres of vegetation clearing is expected for the project in order to accommodate for utilities interconnection at Bullis Road as well as construction of an access road. The proposed project construction offers the potential of a small impact to the project site regarding increased erosion, either from soil disturbance or vegetation clearing. Sediment and erosion control methods will be implemented as per the approved site plans, and a NYSDEC Stormwater General Permit will require weekly erosion and sediment control inspections as well as after inspection to ensure disturbance and erosion is within the approved limits.

### Part II, Section 3. Impacts on Surface Water

The proposed project will involve construction within a federally jurisdictional wetland, the adjoining 100-foot NYSDEC jurisdictional freshwater wetland adjacent area as well as within a perennial stream. This will result in minor impacts to the federally jurisdictional wetland, the regulated NYSDEC freshwater wetland adjacent area and a perennial stream. These impacts are expected to be permitted by both the U.S. Army Corps of Engineers (USACE) and New York State Department of Environmental Conservation (NYSDEC). A Joint Permit Application will be submitted for Project coverage under the USACE NWP 51 and NYSDEC Article 24 Freshwater Wetlands permits. Additionally, though not expected, a New York State Section 401 Water Quality Certification pre-filing meeting request was sent to NYSDEC in the event that an individual 401 Water Quality Certification is required for the project. The project has been designed to avoid and minimize impacts to waters of the U.S. to the maximum extent practicable through crossing regulated features at their narrowest points with access roads and utility line trenches.

With planned construction in and adjoining delineated wetlands on the site, there is minor potential for soil erosion to cause siltation into the wetlands or stream. However, sediment and erosion control methods will be implemented as per the approved site plans, and a NYSDEC Stormwater General Permit will require weekly erosion and sediment control inspections as well as post-construction inspection to ensure wetlands and open waters on the site are not being affected by siltation resulting from the proposed project.

#### **Part II, Section 7. Impacts on Plants and Animals**

The United States Fish and Wildlife Service (USFWS) IPaC species list for the proposed project site included one threatened, endangered, or candidate species located in the vicinity of the project site; the state and federally threatened northern long eared bat. The proposed project was also determined as being in the vicinity of the habitat for the pied-billed grebe, which is listed as a threatened species by New York State. In accordance with these findings, a Species Habitat Assessment and field work summary reports were completed by LaBella in September 2020 to determine if the proposed project could have negative effects on either species.

As part of the habitat assessment for the Northern Long Eared Bat, LaBella used the IPaC's online determination key for the northern long-eared bat to determine that the proposed project may affect the species; however, any take that may occur is not prohibited under the Endangered Species Act (ESA) Section 4(d) rule. Tree clearing may occur in suitable habitat for the northern long eared bat, however the Project Site is not located in "occupied habitat." Because of this, no mitigation measures are required to be consistent with the USFWS 4(d) rule.

The Pied-Billed Grebe Habitat Assessment conducted by LaBella determined that potential habitat for the Pied-Billed grebe did not occur within the limits of disturbance for the proposed project. LaBella offered a "may affect, not likely to adversely affect" determination for the Project regarding the pied-billed grebe due to the presence of suitable habitat located nearby, but not within the project boundary / limits of disturbance.

No significant adverse impacts with respect to plants and animals are anticipated to occur as a result of the proposed project.

#### **Part II, Section 10. Impact on Historic and Archeological Resources**

Correspondence with the State Historic Preservation Office/New York State Office of Parks, Recreation and Historic Preservation (SHPO/OPRHP) regarding the proposed project site determined that the project was within an archeologically sensitive area. An archeological survey conducted by a qualified archeologist who delineated two loci associated with the previously recorded Handy Farms prehistoric Site (USN 02918.000060) present in the project site. Site plans were designed to avoid construction and disturbance of both loci, including a 50-foot buffer. The proposed project access road and solar panels will be constructed to avoid the sensitive areas by reducing the access road width from 20 feet to 12 feet in the area that traverses the loci buffer. Additionally, a temporary fence and exclusion area will be constructed around the loci and their buffers to prevent any disturbance during construction.

SHPO/OPRHP reviewed the site plans detailing avoidance measures regarding the two archeological loci and concurred with this avoidance approach. SHPO/OPRHP issued a Letter of No Effect, dated December 8, 2020.

#### **Part II, Section 8. Impact on Agricultural Resources**

As the project is proposed to take place on agricultural land, the proposed action may sever, cross or otherwise limit access to agricultural land. The proposed project has been designed to avoid land that is mapped by the U.S. Department of Agriculture as "prime farmland soils" to the maximum extent practicable. The approximate amount of prime farmland present on the parcel totals 11.6 acres. The proposed project area will be seeded with native species to encourage pollinator species in the project area. The landowner will have the option to continue farming the remaining portions of the property. Because the project site is within an Agricultural District mapped by the New York State Department of Agriculture and Markets (NYSDAM), the project sponsor has been required to submit a Notice of Intent (NOI) to place a solar project within an agricultural district. As such, the project sponsor will be required to adhere to the agricultural monitoring and mitigation requirements spelled out in the NOI approval by NYSDAM. A Decommissioning Plan has been prepared by RPNY Solar 2, LLC to address the removal of the Project at the end of its useful life, after which the agricultural land will be restored to pre-construction condition.

Pursuant to a Host Community Agreement with the project sponsor the Town will be able to create programs to protect the agricultural economy in the Town and encourage farm land protections that will support agricultural resources within the Town.

No significant adverse impacts with respect to agricultural resources are anticipated to occur as a result of the proposed project.

#### **Part II, Section 15. Impact on Noise, Odor, and Light**

**Air quality, ground or surface water quality, traffic or noise levels, solid waste production, erosion potential, flooding, leaching, or drainage problems:**

During construction, dust and exhaust from equipment may affect air quality. However, these impacts will be temporary and generally minor in nature. The solar panels will not affect air quality during operations. The solar panels are elevated off the ground on poles and will not create any new impervious surfaces that would exacerbate erosion or drainage problems. The proposed project will prepare a Stormwater Pollution Prevention Plan and will be covered under the NYSDEC Stormwater General Permit. Erosion and sediment control inspections will occur during and immediately following construction. The concrete inverter pads will have a very small footprint of 0.003± acres, and any minor stormwater created by this pad will be retained on-site as detailed on the submitted site plans. The installation of the solar panels will not increase traffic after construction, as only 3-5 trips to the project site by the project sponsor per year are proposed. Any minor noise created by the project during operation will comply with the Town of Marilla code and applicable state and federal regulations. Lastly, a glare study and correspondence with the Federal Aviation Administration (FAA) was submitted illustrating the proposed project will not result in the creation of glare or significant adverse impacts to flight operations. The project has been designed to orient the proposed solar panels to the south, away from residential properties located along Bullis Road, and the site is heavily screened on all four sides by dense forested areas. As such, there is no significant adverse impact anticipated for these criteria

#### **Part II, Section 17 Consistency with Community Plans:**

Although the proposed project is not consistent with County and/or Town land use plans, the benefits of

the Host Community Agreement will allow the Town to create programs to protect the agricultural economy in the Town and encourage farmland protection that will support agricultural resources within the Town.



The Town Board of the Town of Marilla has reviewed the Full Environmental Assessment Form (FEAF) and the criteria contained in 6 NYCRR §617.7, completed Parts II and III of the FEAF, and has determined that the RPNY Solar 2, LLC Bullis Road Solar Project will not have significant adverse impacts on the environment.



## Bullis Road PILOT application

[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

<b>Project Name</b>	Bullis Road Solar
<b>Project Summary</b>	A 4.5MWac solar farm built to offer community solar options to local electricity consumers.
<b>Applicant Name</b>	RPNY Solar 2, LLC
<b>Applicant Address</b>	879 Sanchez Street
<b>Applicant Address 2</b>	
<b>Applicant City</b>	San Francisco
<b>Applicant State</b>	California
<b>Applicant Zip</b>	94114
<b>Phone</b>	(828) 719-0461
<b>Fax</b>	
<b>E-mail</b>	ben@renewprop.com
<b>Website</b>	renewprop.com
<b>NAICS Code</b>	221114

#### Business Organization

<b>Type of Business</b>	Limited Liability Company
<b>Year Established</b>	2021
<b>State in which Organization is established</b>	New York

#### Individual Completing Application

<b>Name</b>	Ben Vollmer
<b>Title</b>	Project Developer
<b>Address</b>	879 Sanchez Street
<b>Address 2</b>	
<b>City</b>	San Francisco
<b>State</b>	California
<b>Zip</b>	94114
<b>Phone</b>	(828) 719-0461

**Fax****E-Mail** ben@renewprop.comCompany Contact (if different from individual completing application).

**Name** Stephanie Loucas  
**Title** Vice President of Development  
**Address** 879 Sanchez Street  
**Address 2**  
**City** San Francisco  
**State** California  
**Zip** 94114  
**Phone** (415) 710-3834  
**Fax**  
**E-Mail** stephanie@renewprop.com

Company Counsel

**Name of Attorney** Kevin Zanner  
**Firm Name** Hurwitz & Fine, P.C.  
**Address** 1300 Liberty Building  
**Address 2**  
**City** Buffalo  
**State** New York  
**Zip** 14202  
**Phone** (716) 849-8900  
**Fax**  
**E-Mail** kjz@hurwitzfine.com

Benefits Requested (select all that apply).

<b>Exemption from Sales Tax</b>	Yes
<b>Exemption from Mortgage Tax</b>	Yes
<b>Exemption from Real Property Tax</b>	Yes
<b>Tax Exempt Financing*</b>	No

\* (typically for not-for-profits &amp; 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%.**

Renewable Properties specializes in developing and investing in small-scale utility solar and battery energy projects throughout the United States. Led by experienced renewable energy professionals, we work closely with communities, developers, landowners, utilities, and financial institutions looking to invest in utility solar and battery energy systems. Our team is committed to being an easy to work with partner and focused on maximizing the local benefits inherent to solar and battery energy projects. With a combined 40+ years of solar development across 1,000's of MWs of projects, Renewable Properties has an established and proven record of performance. We are active in a variety of markets, such as cost-competitive power markets, states with aggressive renewable portfolio standards (RPS), and regions where the demand is driven by ratepayers. Company Highlights \* Founded in March 2017 \* Raised \$12.5M with New Energy Capital in January 2018 \* Developed 17 qualified facilities in South Carolina \* Signed 8 PPAs with industry leading California CCAs in 2018 \* Over 40 years and 1GW of combined team experience \* Currently over 250MW development pipeline across 9 states

<b>Estimated % of sales within Erie County</b>	50 %
<b>Estimated % of sales outside Erie County but within New York State</b>	50 %
<b>Estimated % of sales outside New York State but within the U.S.</b>	0 %
<b>Estimated % of sales outside the U.S.</b>	0 %

(\*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?**

0

**Describe vendors within Erie County for major purchases**

RPNY Solar 2, LLC will endeavor to source as many materials and services as possible from within Erie County. However, we are unable to commit to a certain percentage at this time.

**Section II: Eligibility Questionnaire - Project Description & Details**

Project Location

**Address of Proposed Project Facility**

11061 Bullis Road

**Town/City/Village of Project Site**

Marilla

**School District of Project Site**

Iroquois Central

**Current Address (if different)**

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

**SBL Number(s) for proposed Project**

145400.139.000-12-14.000

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

\$389.21 for county/town/special district, estimated \$583.95 to school district

**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**

Daniel Handy

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

No

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

The land is currently vacant and used for agricultural purposes. The Applicant has entered into a long-term lease with the landowner for the development, construction, operation and maintenance of the solar project.

**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)**

The Bullis Road Solar Project is a small-scale community solar project located on approximately 22 acres of an approximately 45-acre parcel (APN: 139.00-12-14) of land in Erie County, NY. Renewable Properties, LLC has entered into an option to lease agreement with the property owner (Daniel Handy) to facilitate the development of this Project. The Project will generate approximately 4.5 megawatts (MWac) of clean, reliable solar energy when complete. The Project will interconnect to NYSEG's existing electrical distribution system, which is already located on-site. The power generated from this facility will be sold directly to consumers via the state's Community Distributed Generation program (commonly called community solar). This program allows customers to directly offset their energy use with local solar power while saving money on their electrical bills. Electricity generated from the Project will power roughly 1,015 homes per year. The Project will utilize approximately 10,800 solar modules and 36 string inverters which convert the sun's energy into useable AC power. The Project will utilize single axis tracking technology to allow the modules to efficiently track the sun throughout the day and maximize the efficiency of solar collection. The modules will be mounted on a steel racking system, which will be anchored into the ground using driven steel piers. The overall height of the array will be no more than 8 feet tall.

**Municipality or Municipalities of current operations**

Town of Marilla

**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?**

Yes

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

NYSERDA Block incentive program - \$641,300

**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:**

**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 a PILOT, the proposed solar farm will not be financeable. Please see attached project narrative for more information. RPNY Solar 2 seeks a \$4,500/MW PILOT.

**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?**

Without a PILOT, we will not be able to finance and build the project. Erie County would not gain the PILOT revenue, which represents a large increase over current taxes paid on the land. Erie County residents would miss out on the opportunity to subscribe to a community solar program providing clean, renewable energy.

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Site Characteristics

**Is your project located near public transportation?**

No

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

**Has a project related site plan approval application been submitted to the appropriate planning department?**

Yes

**If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.**

**If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.**

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

Yes

**Describe the present zoning/land use**

Agricultural ("A")

**Describe required zoning/land use, if different**

n/a

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

n/a - the use is allowed by site plan and special use permit review, approval for which has been granted by the Town of Marilla.

**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?**

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.

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

Yes

**If yes, describe the efficiencies achieved**

The Project is an opportunity for the residents of Marilla to benefit from clean, cheaper electricity and contribute towards New York's ambitious renewable energy goals.

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.

**Retail Sales** No

**Services** No

Please check any and all end uses as identified below.

**No Acquisition of Existing Facility**    **No Assisted Living**    **No Back Office**  
**No Civic Facility (not for profit)**    **No Commercial**    **No Equipment Purchase**  
**No Facility for the Aging**    **No Industrial**    **No Life Care Facility (CCRC)**  
**No Market Rate Housing**    **No Mixed Use**    **No Multi-Tenant**  
**No Retail**    **No Senior Housing**    **No Manufacturing**  
**Yes Other**  
**solar energy**

For proposed facility please include the square footage for each of the uses outlined below

If applicant is paying for FFE for tenants, include in cost breakdown.

		Cost	% of Total Cost
<b>Manufacturing/Processing</b>	square feet	\$ 0	0%
<b>Warehouse</b>	square feet	\$ 0	0%
<b>Research &amp; Development</b>	square feet	\$ 0	0%
<b>Commercial</b>	square feet	\$ 0	0%
<b>Retail</b>	square feet	\$ 0	0%
<b>Office</b>	square feet	\$ 0	0%
<b>Specify Other</b>	950,000 square feet	\$ 6,389,343	100%

**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>

**Provide estimate of additional construction cost as a result of LEED certification you are seeking** < BLANK >

**Will project result in significant utility infrastructure cost or uses** Yes

What is the estimated project timetable (provide dates).

**Start date : acquisition of equipment or construction of facilities**

9/22/2021

**End date : Estimated completion date of project**

12/31/2021

**Project occupancy : estimated starting date of occupancy**

11/30/0001

Project Information



**Estimated costs in connection with Project**

**1.) Land and/or Building Acquisition**

\$ 72,331 square feet 22 acres

**2.) New Building Construction**

\$ 5,480,942 square feet

**3.) New Building addition(s)**

\$ 0 square feet

**4.) Reconstruction/Renovation**

\$ 0 square feet

**5.) Manufacturing Equipment**

\$ 0

**6.) Infrastructure Work**

\$ 0

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

\$ 0

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

\$ 85,000

**9.) Other Cost**

\$ 751,070

<b>Explain Other Costs</b>	Site work
<b>Total Cost</b>	\$ 6,389,343

Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 5,480,942 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 4,436,159
<b>% sourced in Erie County</b>	%

Sales and Use Tax:

<b>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</b>	\$ 1,996,271
<b>Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):</b>	\$ 174,674

\*\* 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:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$ 1,437,010
<b>Bank Financing:</b>	\$ 4,311,032
<b>Tax Exempt Bond Issuance (if applicable):</b>	\$ 0
<b>Taxable Bond Issuance (if applicable):</b>	\$ 0
<b>Public Sources (Include sum total of all state and federal grants and tax credits):</b>	\$ 641,300
<b>Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)</b>	0
<b>Total Sources of Funds for Project Costs:</b>	\$6,389,342
<b>Have you secured financing for the project?</b>	No

Mortgage Recording Tax Exemption Benefit:

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

<b>Mortgage Amount (include sum total of construction/permanent/bridge financing).</b>	4,311,032
<b>Lender Name, if Known</b>	
<b>Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):</b>	\$32,332

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.

**ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization**

Renewable Properties does not have a set policy. However, it is our preference to work with both MBE and WBE when possible.

**Is project necessary to expand project employment?**

Yes

**Is project necessary to retain existing employment?**

No

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return. 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).

	<b>Current # of jobs at proposed project location or to be relocated at project location</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be retained</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion</b>	<b>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 **</b>
<b>Full time</b>	0	0	0	0
<b>Part time</b>	0	0	0	0
<b>Total</b>	0	0	0	

Salary and Fringe Benefits for Jobs to be Retained and Created

<b>Category of Jobs to be Retained and/or Created</b>	<b># of Employees Retained and/or Created</b>	<b>Average Salary for Full Time</b>	<b>Average Fringe Benefits for Full Time</b>	<b>Average Salary for Part Time (if applicable)</b>	<b>Average Fringe Benefits for Part Time (if applicable)</b>
<b>Management</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Professional</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Administrative</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Production</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Independent Contractor</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Other</b>	0	\$ 0	\$ 0	\$ 0	\$ 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.

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

<b>Address</b>	<b>Full time</b>	<b>Part time</b>	<b>Total</b>
	0	0	0
	0	0	0
	0	0	0

Payroll Information

**Annual Payroll at Proposed Project Site upon completion**

0

**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)**

0

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

0

**Estimated salary range of jobs to be created**

<b>From (Full Time)</b>	0	<b>To (Full Time)</b>	0
<b>From (Part Time)</b>	0	<b>To (Part Time)</b>	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**

Bullis Road

##### **Name and Address of Owner of Premises**

Daniel G. Handy 2655 Eldridge Road East Aurora, NY 14052

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

The Project parcel consists of a 45.6-acre area located south of the intersection of Bullis Road and Greenwood Terrace. A sizable mixed scrub-shrub, forested, open water wetland community encompasses the majority of the southwest and central portions of the Project parcel. Upland scrub-shrub and forested areas fringe the wetlands onsite. An upland forested area is also present on the northwest corner of the Study Area, as well as a few trees in the northeast corner of the Study Area within maintained residential properties. The northern and southeast portions of the Study Area are actively farmed agricultural fields planted with soybeans and corn, respectively. A linear scrub-shrub wetland swale extends through the northern agricultural field from the northeast corner of the Study Area to the southwest, connecting with the larger wetland community. The surrounding area consists of actively farmed agricultural fields, forested areas, and residential properties along Bullis Road. Elevations onsite range from 870 to 820 feet above mean sea level. The proposed solar farm will be located on the agricultural lands and will avoid impacting the wetlands.

##### **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 northern and southeast portions of the project parcel are actively farmed agricultural fields.

##### **Describe all known former uses of the Premises**

Actively farmed agricultural fields, forested areas, and residential properties about the site along Bullis Road.

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

Yes

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

A tenant farmer has a short-term lease on the property. He grows corn and soybeans.

##### **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**

n/a

**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**

n/a

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

No

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

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

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

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

No

**If yes, relate all the circumstances**

**Do the Premises have any asbestos containing materials?**

No

**If yes, please identify the materials**

## Section IV: 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** RPNY Solar 2, LLC  
**Address** 879 Sanchez Street  
**Contact Person** Stephanie Loucas  
**Phone** (415) 710-3834  
**Fax**  
**E-Mail** stephanie@renewprop.com  
**Federal ID #** 85-4191971  
**SIC/NAICS Code**

SS



## 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

879 Sanchez Street

### City/Town

San Francisco

### State

California

### Zip Code

94114

**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:**

n/a

**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**

**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.)**

**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?**

<BLANK>

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

n/a

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

n/a

**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.**

n/a

## **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

**Coca Cola Beverages Northeast, LLC**  
**\$22,611,507**  
**PRIVATE INVESTMENT INDUCEMENT RESOLUTION**

**ELIGIBILITY**

- NAICS Section – 424490

**COMPANY INCENTIVES**

- Approximately \$1,243,375 in sales tax savings
- Approximately \$1,963,223 in real property tax savings

**JOBS & ANNUAL PAYROLL**

- Current Jobs: 124
- Annual Payroll: \$6,776,602
- Est. salary/yr. of jobs retained: \$54,650
- Total jobs after project completion: 124
- Construction Jobs: 155

**PROJECTED COMMUNITY BENEFITS\***

- Term: 10 YEARS
  - NET Community Benefits: \$142,217,000
  - Spillover Jobs: 56 temp 114 perm
- Total Payroll: \$ 131,530,000

**INCENTIVE COST/COMMUNITY BENEFIT RATIO\***

- Incentives: \$2,610,375
- Community Benefit: \$131,342,000
- Cost: Benefit Ratio
- 1:43

Project Title: Coca Cola Beverages Northeast, LLC

Project Address: 150 & 200 Milens Road  
 Tonawanda, New York 14150  
 (Kenmore-Town of Tonawanda Union Free School District)

**Agency Request**

A sales tax and real property tax exemption in connection with the construction of a building containing 20,000 sq. ft. of office space and 43,000 sq. ft. in warehouse space. A second warehouse facility totaling 49,000 sq. ft. will also be constructed.

New Building Construction	\$21,271,633
Soft Costs/Other	\$ 1,339,874
<b>Total Project Cost</b>	<b>\$22,611,507</b>
85%	\$19,219,781

**Company and Project Description**

Coca Cola Beverages began as a single bottling operation in Laconia, NH in 1977 and over the past 4 decades has grown into one of the nation's largest Coca Cola bottlers with over 3,500 associates in 33 locations. The company bottles, sells and distributes brands owned by Coca Cola Company, Keurig, Dr. Pepper, Monster Energy Corp, Fairlife and Body Armor. Coca Cola Buffalo services Erie County and other Counties within New York State. Kirin Holdings Company, Ltd is the sole shareholder of the company.

The project consists of two adjacent parcels of land located at 150 and 200 Milens Road in the Town of Tonawanda. Phase I of the project includes the demolition of a 14,490 sq. ft. former trucking facility at 150 Milens Rd. followed by the construction of a building consisting of 20,000 sq. ft. of office space and 43,000 sq. ft. of new warehouse space on the site. Upon completion of Phase I, CCBNE will transfer operations from the warehouse located at 200 Milens Rd. to the newly constructed warehouse at 150 Milens Rd. Phase II of the project begins with the demolition of the existing 88,121 sq. ft. warehouse at 200 Milens Rd. Following the demolition, a new 49,000 sq. ft. warehouse will be constructed on the site. Evidence of lead paint and/or asbestos has been found within 2 buildings being demolished.

The investment of just over \$21,000,000 into these two newly constructed, state of the art facilities will lead to an increase in overall efficiency and will allow for the retention of the existing 124 jobs.

The company has indicated that should additional sales growth be achieved in the future, additional job opportunities may become available.

\* Inform Analytics/Center for Governmental Research

## Economic Impact: Inform Analytics Cost-Benefit Analysis

The Erie County Industrial Development Agency uses Inform Analytics, a widely-recognized modeling tool from the Center for Governmental Research, to assess the economic impact of a project applying for incentives. This cost:benefit ratio is assessed via a Cost-Benefit Analysis, as is required by Section 859-a (5)(b) of General Municipal Law. For the complete Cost Benefit Analysis – please see the attached Inform Analytics Projected Community Benefits and Community Cost Benefit Analysis.

### Cost: Incentives

COSTS	Tax Exemption	Amount
	Property	1,963,000
	Sales Tax	1,243,000
	Total	3,206,000
	Discounted at 2%	3,052,000

### Benefit: Projected Community Benefit\*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount (in Mil)**
	Erie County	Individuals	Payroll Construction	11,013,000
			Payroll Permanent	120,518,000
		Public	Property Taxes	522,000
			Sales Taxes	2,145,000
	New York State	Public	Income Taxes	6,164,000
			Sales Taxes	5,781,000
				Total Benefits to EC + NYS***
			Discounted at 2%	131,342,000

\*\*includes direct & indirect \$ over project period    \*\*\*may not sum to total due to rounding

Discounted Cost            3,052,000  
 Discounted Benefit       131,342,000  
 Ratio                            1:43

**Conclusion:** The Cost Benefit for this project is: 1:43. For every \$1 in costs (incentives), this project provides \$43 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$50 in benefits to the community.**

### New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over abatement period	Additional Local Revenue Over abatement period	New Yearly Taxes Upon Expiration of Abatement Period
\$105,000	\$2,460,000	\$73,000	\$449,000	\$248,000
Combined Tax Rate: \$101.00				

\* Inform Analytics/Center for Governmental Research

**Draft Recapture Material Terms**

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$22,611,507 85% = \$19,219,781
Employment	Coincides with 10-year PILOT	Maintain Base = 124
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 10-year PILOT	Adherence to Policy
Unpaid Tax	Coincides with 10-year PILOT	Adherence to Policy
Recapture Period	Coincides with 10-year PILOT	Recapture applies to state and local sales taxes and real property tax savings

Recapture applies to:

State and Local Sales Taxes  
Real Property Tax

**Recapture**

Pursuant to New York State General Municipal Law, the agency shall modify, recover, recapture or terminate any financial assistance taken by the company that is in violation of the GML.

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has maintained 124 jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

**Project ECIDA History**

- 07/28/2021 - Public hearing held. Transcript attached
- 09/22/2021 - Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 09/22/2021 - Lease/Leaseback Inducement Resolution presented to the Board of Directors

**Company ECIDA History**



## ADDENDUM TO PROJECT LOG

Coca Cola Beverage Northeast, Inc.

Evaluative Criteria	Notes
Wage Rate (above median wage for area)	Erie County per capita income: \$33,350 Company estimated average salary of jobs to be retained: \$54,650
Regional Wealth Creation (% sales/customers outside area)	Sales: Erie County: 66% Outside Erie and within NYS: 34%
In Region Purchases (% of overall purchases)	Approximately 25% of total annual supplies, raw materials and vendor services are purchased from firms located in Erie County
Research and Development Activities	Not applicable
Investment in Energy Efficiency	Not applicable since project includes only building construction and not equipment purchases however the newly constructed facilities will likely be furnished with most up to date energy efficient HVAC systems.
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	The project sites are previously developed parcels and are currently appropriately zoned.
Retention/Flight Risk	The company is excited to build this state of the art facility in Tonawanda to guarantee the company's presence in the region for the next 50 years. Without IDA's financial assistance the return on investment calculations are negative and would most likely result in the project being abandoned and the operations of the company moving its operations to the its Rochester location.
LEED/Renewable Resources	Not applicable
MBE/WBE Utilization	In the past year, the company has expended appx. \$408,000 doing business with minority, veteran and/or women owned businesses which equates to approximately 36% of total spending.  The company has yet to choose subcontractors for the project but will use its best efforts to incorporate MWBE/SDVE businesses into the procurement process.
Workforce Access – Proximity to Public Transportation	Metro Bus route 25 provides transportation to the facility.

**Coca Cola - 2021**

**Impact on future taxes over 11 yrs. including special district tax increases**

	Current Taxes	PILOT payment including land	special district tax increase based on increase in improved value. * Rate \$6.12	PILOT + new specials	difference
Year 1	\$97,151	\$43,226	\$10,282	\$53,508	-\$43,643
Year 2	\$97,151	\$43,226	\$10,282	\$53,508	-\$43,643
Year 3	\$97,151	\$43,226	\$10,282	\$53,508	-\$43,643
Year 4	\$97,151	\$68,077	\$10,282	\$78,359	-\$18,792
Year 5	\$97,151	\$68,077	\$10,282	\$78,359	-\$18,792
Year 6	\$97,151	\$68,077	\$10,282	\$78,359	-\$18,792
Year 7	\$97,151	\$92,928	\$10,282	\$103,210	\$6,059
Year 8	\$97,151	\$92,928	\$10,282	\$103,210	\$6,059
Year 9	\$97,151	\$92,928	\$10,282	\$103,210	\$6,059
Year 10	\$97,151	\$92,928	\$10,282	\$103,210	\$6,059
Year 11	\$97,151	\$266,885	\$10,282	\$277,167	\$180,016
TOTAL	\$1,068,661	\$972,510	\$113,098	\$1,085,607	\$16,946

add'l over 11 yrs

\*the increase in the improved value is \$1,680,000 (est. new improved value \$2,460,000 less current improved value of \$780,000)

**PILOT Worksheet: Estimate of Real Property Tax Abatement Benefits\*\*\* and Percentage of Project Costs financed from Public Sector sources**

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

**PILOT Estimate Table Worksheet-Coca Cola Beverages Northeast, Inc. – 2021**

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$21,271,633	\$2,460,000	\$14.11	\$33.76	\$53.15

\*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Town PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	10%	\$3,471	\$8,305	\$13,075	\$24,851	\$248,509	\$223,658
2	10%	\$3,471	\$8,305	\$13,075	\$24,851	\$248,509	\$223,658
3	10%	\$3,471	\$8,305	\$13,075	\$24,851	\$248,509	\$223,658
4	20%	\$6,942	\$16,610	\$26,150	\$49,702	\$248,509	\$198,807
5	20%	\$6,942	\$16,610	\$26,150	\$49,702	\$248,509	\$198,807
6	20%	\$6,942	\$16,610	\$26,150	\$49,702	\$248,509	\$198,807
* 7	30%	\$10,413	\$24,915	\$39,225	\$74,553	\$248,509	\$173,956
8	30%	\$10,413	\$24,915	\$39,225	\$74,553	\$248,509	\$173,956
9	30%	\$10,413	\$24,915	\$39,225	\$74,553	\$248,509	\$173,956
10	30%	\$10,413	\$24,915	\$39,225	\$74,553	\$248,509	\$173,956
<b>TOTAL</b>		\$72,892	\$174,404	\$274,573	\$521,869	\$2,485,092	\$1,963,223

**\*\*\* Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff**

**Percentage of Project Costs financed from Public Sector Table Worksheet:**

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
\$22,611,507	\$1,963,223	\$1,243,735	N/A	N/A

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 14.2%



## Cost Benefit Analysis

prepared using InformAnalytics

### InformAnalytics GLOSSARY

**Total Investment:** Total amount of private investment/cost of project

**Total Net Benefits:** Total of community benefits generated. A calculated projection of indirect economic growth (payroll being spent on goods and services, indirect economic benefits created by construction jobs, etc).

**Direct/Spillover:**

- Direct refers to jobs and payroll created “directly” by the project
- Spillover refers to indirect jobs and payroll (ripple effects of “Direct” private investment)

**Discounted Total:** 2% discount of all projections. An accounting adjustment to allow for a dollar of benefit in the future being worth less than a dollar of benefit today.

**Discounted Total Benefits:** The total projected community benefits, direct or spillover, generated by the project applying for incentives.

**Cost/Benefit Ratio:** The ratio of project cost vs. community benefit, or the community benefit generated by each dollar of incentives approved.

### INCENTIVES DEFINITIONS

*NOTE these are not direct cash incentives; they are savings on future taxes incurred by the project as a result of the project’s improvements/construction investment.*

**Property Tax Exemption:** savings on future property taxes. Calculated from the increase in assessed value of the project once the project improvement/construction is completed.

**Sales Tax Exemption:** a limited savings/exemption on future sales tax charges for the qualified purchases of construction materials and/or equipment. The savings amount is calculated using 50% of the total construction costs of the project.

**Mortgage Recording Tax Exemption:** A one-time savings on a portion of the mortgage recording tax paid to Erie County when a mortgage is filed.

# Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Erie County IDA. The report calculates the costs and benefits for specified local taxing districts over the first 10 years, with future returns discounted at a 2% rate.

TABLE 2

### Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for Coca-Cola Beverages Northeast, Inc..

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$1,963,000	\$1,809,000
Sales Tax Exemption	\$1,243,000	\$1,243,000
<b>Total Costs</b>	<b>\$3,206,000</b>	<b>\$3,052,000</b>

May not sum to total due to rounding.

\* Discounted at 2%

TABLE 3

**State & Regional Impact (Life of Project)**

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
<b>REGIONAL BENEFITS</b>	<b>\$77,701,000</b>	<b>\$56,495,000</b>	<b>\$134,197,000</b>
<b>To Private Individuals</b>	<b>\$75,941,000</b>	<b>\$55,589,000</b>	<b>\$131,530,000</b>
Temporary Payroll	\$8,175,000	\$2,837,000	\$11,013,000
Ongoing Payroll	\$67,766,000	\$52,752,000	\$120,518,000
<b>To the Public</b>	<b>\$1,760,000</b>	<b>\$906,000</b>	<b>\$2,666,000</b>
Property Tax Revenue	\$522,000	N/A	\$522,000
Temporary Sales Tax Revenue	\$133,000	\$46,000	\$180,000
Ongoing Sales Tax Revenue	\$1,105,000	\$860,000	\$1,965,000
<b>STATE BENEFITS</b>	<b>\$4,784,000</b>	<b>\$3,237,000</b>	<b>\$8,021,000</b>
<b>To the Public</b>	<b>\$4,784,000</b>	<b>\$3,237,000</b>	<b>\$8,021,000</b>
Temporary Income Tax Revenue	\$400,000	\$139,000	\$538,000
Ongoing Income Tax Revenue	\$3,313,000	\$2,313,000	\$5,626,000
Temporary Sales Tax Revenue	\$115,000	\$40,000	\$155,000
Ongoing Sales Tax Revenue	\$957,000	\$745,000	\$1,701,000
<b>Total Benefits to State &amp; Region</b>	<b>\$82,485,000</b>	<b>\$59,732,000</b>	<b>\$142,217,000</b>
<b>Discounted Total Benefits (2%)</b>	<b>\$76,358,000</b>	<b>\$54,984,000</b>	<b>\$131,342,000</b>

May not sum to total due to rounding.

TABLE 4

**Benefit to Cost Ratio**

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$123,935,000	\$2,475,000	50:1
State	\$7,407,000	\$577,000	13:1
<b>Grand Total</b>	<b>\$131,342,000</b>	<b>\$3,052,000</b>	<b>43:1</b>

**May not sum to total due to rounding.**

\* Discounted at 2%

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CGR has exercised reasonable professional care and diligence in the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.

## PUBLIC HEARING SCRIPT

**Coca-Cola Beverages Northeast, Inc.  
and/or Individual(s) or Affiliate(s),  
Subsidiary(ies), or Entity(ies) formed or  
to be formed on its behalf Project**

Public Hearing to be held on July 28, 2021 at 10:00 a.m.,  
at the Town of Tonawanda Town Board Conference Room #2, 2919 Delaware Avenue,  
Kenmore, New York 14217

### ATTENDANCE:

Barry Carrigan – Nixon Peabody  
Kyle Borland – Coca Cola Beverages Northeast  
Mark Smith - Coca Cola Beverages Northeast

### 1. WELCOME: Call to Order and Identity of Hearing Officer.

*Hearing Officer:* Welcome. This public hearing is now open; it is 10:02 a.m. My name is Beth O'Keefe I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at [www.ecidany.com](http://www.ecidany.com).

### 2. PURPOSE: Purpose of the Hearing.

*Hearing Officer:* We are here to hold the public hearing on the {Company} and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Friday, July 16, 2021.

### 3. PROJECT SUMMARY: Description of Project and Contemplated Agency Benefits.

*Hearing Officer:* The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 150 and 200 Milens Road, Town of Tonawanda, Erie County, New York (the "Land"), (ii) the demolition of an 14,490 sq. ft. building at 150 Milens Road with the construction on the Land of an approximately 20,000 sq. ft. office and 43,000 sq. ft. warehouse facility and also the demolition of an 88,121 sq. ft. warehouse at 200 Milens Road with the construction on the Land of an approximately 49,000 sq. ft. warehouse facility (the



“Improvements”), and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land and the Improvements, the “Facility”).

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits and real property tax abatement benefits (in compliance with Agency's uniform tax exemption policy).

**4. FORMAT OF HEARING: Review rules and manner in which the hearing will proceed.**

*Hearing Officer:* All those in attendance are required to register by signing the sign-in sheet at the front of the room; you will not be permitted to speak unless you have registered. Everyone who has registered will be given an opportunity to make statements and/or comments on the Project.

If you have a written statement or comment to submit for the record, you may leave it at this public hearing, submit it on the Agency's website or deliver it to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on August 24, 2021. There are no limitations on written statements or comments.

**5. PUBLIC COMMENT: Hearing Officer gives the Public an opportunity to speak.**

*Hearing Officer:* If anyone is interested in making a statement or comment, please raise your hand, state your name and address; if you are representing a company, please identify the company. I request that speakers keep statements and/or comments to 5 minutes, and if possible, 3 minutes.

Kyle Boland, General Manager for Coca Cola Buffalo. Just a real brief description. Currently we reside in Tonawanda. We have about 124 full-time employees out of our Tonawanda location. Right now, we are at about 4.5M cases a year and we continue to grow. We service Erie County, Niagara County all the way down to Chautauqua County. We have a satellite facility down south which does about 500,000 cases a year. Really the purpose of the meeting is for the new building. We really need a new building here in Tonawanda and we want to stay here in Tonawanda. We are continuing to grow year after year, and we've outgrown the building. We need a new state-of-the-art sales center that will grow with us. We love being here, we want to continue to stay here, our employees are happy here. We need a new building to better serve our employees, our customers but most importantly the community that we serve.

Mark Smith, Director of Facilities for Coca Cola Northeast Beverages Company. Coca Cola Northeast is a company that services 8 states all of New England, Greater New York, and a little bit of Pennsylvania. We have about 3,500 employees and 124 reside at the Tonawanda facility. Our goal is to optimize the WNY delivery system. We have been studying New York for a few years now and unfortunately 2020 hit and we had to put everything on hold. Our goal here in WNY is we have looked at opportunities, different ways of doing business and we think staying

in Tonawanda is the best possible solution for the optimization of the network. As Kyle mentioned we have 124 full-time employees. The building is about 70 years old and as you previously mentioned it's a multi-phase construction to put a state-of-the-art facility, a much more efficient state-of-the-art facility is what we are looking for here in the Tonawanda area at 200 Milens Road. The goal here today for us, for a company we are struggling. Obviously, the cost of materials is through the roof, construction is through the roof. We look at this project and we would love to stay here in Tonawanda, but we are looking for assistance. The company right now, the cost of this project is \$21.5M estimated budget and that does not include sales tax on construction materials. Obviously real tax property is another situation we would like to discuss.

For this project to move forward we are asking for assistance. That adds about \$1M on the sales tax and construction and that's a significant cost that the company probably could not bear on the return on investment. There is a certain amount we are able to go to and right now we are struggling at \$21.5M. We have options other than Tonawanda but again our goal is to stay in Tonawanda, and we would love to stay here. We love the community, we want to invest in the community, and we have a lot of potential growth in this community and obviously that's Kyle's job and we have great expectations for Kyle. So that's what I'd like to say and Barry if I've missed anything please throw a few more in there.

Barry Carrigan – Nixon Peabody, attorney for Coca Cola Beverages Northeast. I think Mark and Kyle both done a great job laying out the business case for the incentives here. In working with them it's important to note that they have been here for 70 years and they want to be here for the next 50 and to do that they need to build a state-of-the-art facility that will grow with the community and the economic incentives are an important part of that process. In speaking with them this project just doesn't pencil without the economic incentives offered by the ECIDA and if the economic incentives are not available then they would have to go back and either downsize the project or look to another location which is not their preference and so we appreciate everyone's time and understanding and that's all I have to add.

**6. ADJOURNMENT:**

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 10:10 a.m.

**SIGN IN SHEET  
PUBLIC HEARING**

July 28, 2021 at 10:00 a.m.,  
at the Town of Tonawanda Town Board Conference Room #2, 2919 Delaware Avenue,  
Kenmore, New York 14217, regarding:

**Coca-Cola Beverages Northeast, Inc. and/or Individual(s) or Affiliate(s),  
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 150 and 200 Milens Road, Town of Tonawanda, Erie County, New York

Name	Company and/or Address	X box to speak/ comment
Barry Carrigan	Nixon Peabody 1300 Clinton Square Rochester, New York 14534	X
Kyle Boland	Coca Cola Beverages Northeast 200 Milens Road Tonawanda, New York 14150	X
Mark Smith	Coca Cola Beverages Northeast 200 Milens Road Tonawanda, New York 14150	X

**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.

<b>Part 1 - Project and Sponsor Information</b>	
COCA-COLA BEVERAGES NORTHEAST, INC.	DESIGN GROUP - DAVID S. WITTLIFF, PE (PARTNER)
Name of Action or Project: BUFFALO SALES CENTER and WAREHOUSE FACILITY	
Project Location (describe, and attach a location map): 200 MILENS ROAD, TONAWANDA NY <span style="float: right;">(USGS LOCATION MAP ATTACHED)</span>	
Brief Description of Proposed Action: The current Buffalo Coca-Cola Sales/Warehouse center is located on two (2) separate parcels and operates in two (2) individual aged buildings. The proposed project intent is to combine the parcels into a single lot, demolish the old facilities and construct a new single structure modern facility aligned with the present and future Coca-Cola operational needs, goals and objectives.	
Name of Applicant or Sponsor: DESIGN GROUP - DAVID S. WITTLIFF, PE (PARTNER)	Telephone: (603) 350-4205 E-Mail: David.Wittliff@BWDesignGroup.com
Address: 5 Chenell Drive #3	
City/PO: Concord	State: New Hampshire
	Zip Code: 03301
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	NO 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: Site Plan Approval - Tonawanda, SEQR - Tonawanda, NPDES - NYSDEC, Jurisdictional Determination - USACE	NO YES <input type="checkbox"/> <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?	6.17 + 3.04 acres
b. Total acreage to be physically disturbed?	9.0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	9.21 acres
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>NYS Interstate Highway (I-290)</u> <input type="checkbox"/> Parkland	

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?  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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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: The proposed action/project will meet state energy code requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input 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? 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: _____ <u>Small isolated vegetated wetland pocket located within the 60.0 ft western right of way extending from 200 Milens toward Pearce Avenue. Wetland consultant (Earth Dimensions) anticipated a negative USACE jurisdictional determination.</u>	<input type="checkbox"/>	<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 checked="" 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES  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 <u>Existing Milens Road municipal storm water system</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ Proposed perimeter vegetated storm water swales with micro pools designed to pre-treat, convey and detain surface runoff. Swale/basin size will be commensurate with suitable area having known soil limitations.	NO	YES
	<input type="checkbox"/>	<input checked="" 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: _____ GE facility located at 175 Milens Road. Site Code #915244, Classification A, PCB Contamination RCRA RFI performed	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>DESIGN GROUP - DAVID S. WITTLIFF, PE (PARTNER)</u> Date: <u>JUNE 24, 2021</u>		
Signature: 		

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

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

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

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

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

**PRINT**

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
INDUCEMENT RESOLUTION**

**COCA-COLA BEVERAGES NORTHEAST, INC., AND/OR INDIVIDUAL(S) OR  
AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED  
ON ITS BEHALF**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, September 22, 2021 at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF COCA-COLA BEVERAGES NORTHEAST, INC., AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, AND (B) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

**WHEREAS**, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

**WHEREAS**, the Company has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located



on 150 and 200 Milens Road, Town of Tonawanda, Erie County, New York (the “Land”), (ii) the demolition of an 14,490 sq. ft. building at 150 Milens Road with the construction on the Land of an approximately 20,000 sq. ft. office and 43,000 sq. ft. warehouse facility and also the demolition of an 88,121 sq. ft. warehouse at 200 Milens Road with the construction on the Land of an approximately 49,000 sq. ft. warehouse facility (the “Improvements”), and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land and the Improvements, the “Facility”); and

**WHEREAS**, pursuant to General Municipal Law Section 859-a, on July 28, 2021, at 10:00 a.m., at Town of Tonawanda Town Board Conference Room #2, at 2919 Delaware Avenue, Kenmore, New York 14217, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

**WHEREAS**, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the “Agent Agreement”), (ii) negotiate and enter into a lease agreement (the “Lease Agreement”) and related leaseback agreement (the “Leaseback Agreement”) with the Company, pursuant to which the Agency will retain a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Facility; and (iii) provide Financial Assistance to the Company in the form of (a) an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility, and (b) a partial abatement from real property taxes benefit through a ten (10) year term PILOT Agreement for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit, and the partial abatement from real property taxes benefit, are hereinafter collectively referred to as the “Financial Assistance”); and

**WHEREAS**, pursuant to and in accordance with applicable provisions of Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto in 6 N.Y.C.R.R. Part 617 (collectively referred to as the “State Environmental Quality Review Act” and/or “SEQR”), the Company has submitted to the Agency a Short Environmental Assessment Form (the “EAF”) with respect to the Project; and

**WHEREAS**, the Town of Tonawanda Planning Board (the “Planning Board”) in accordance with SEQR, undertook uncoordinated review with respect to the Project, determined that the Project was an Unlisted Action, and issued a negative declaration (the “Planning Board Negative Declaration”) under SEQR on August 4, 2021, with respect to the Project; and

**WHEREAS**, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:**

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency Policy Committee review and recommendations of the Project and its August 5, 2021 resolution to approve the project subject to the terms and conditions as described herein, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Erie County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required in the Countywide Industrial Development Agency Uniform Tax Exemption Policy; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions the Act.

(I) Based upon a thorough and complete review of the Application and its accompanying materials and information, the EAF submitted by the Company, the proceedings conducted by the Agency and the Planning Board Negative Declaration issued pursuant to SEQR, the Agency hereby:

(i) determines that the proceedings undertaken by the Planning Board under SEQR with respect to the undertaking of the Project by the Company (as agent of the Agency) satisfy the requirements of SEQR;

(ii) affirms that the Project involves an “Unlisted Action” as that term is defined under SEQR;

(iii) reviews, considers, ratifies, and adopts such proceedings by the Planning Board, including the Planning Board Negative Declaration;

(iv) determines that the Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment, that the Project will not have a “significant effect on the environment” as such quoted terms are defined in SEQR, and that no “environmental impact statement” as such quoted term is defined in SEQR need be prepared for this action; and

(v) determines that all of the provisions of SEQR that are required to be complied with as a condition precedent to the approval of the Financial Assistance contemplated by the Agency with respect to the Project, and the participation by the Agency in undertaking the Project, have been satisfied. This determination constitutes a “negative declaration” (as such quoted terms are defined under SEQR) for purposes of SEQR.

(J) The Project qualifies for Agency Financial Assistance as it meets the Agency’s evaluative criteria established by the Agency as required under General Municipal Law Section 859-a(5), as evidenced by the following:

(i) *Wage Rate (above median wage for area)*: Erie County per capita income: \$33,350. Company estimated average salary of jobs to be retained: \$54,650.

(ii) *Regional Wealth Creation (% sales/customers outside area)*: Sales Erie County: 66%; Outside Erie and within NYS: 34%.

(iii) *In Region Purchases (% of overall purchases)*: Approximately 25% of total annual supplies, raw materials and vendor services are purchased from firms located in Erie County.

(iv) *Research and Development Activities*: Not applicable.

(v) *Investment in Energy Efficiency*: Not applicable since project includes only building construction and not equipment purchases however the newly constructed facilities will likely be furnished with most up to date energy efficient HVAC systems.

(vi) *Locational Land Use Factors, Brownfields or Locally Designated Development Areas*: The project sites are previously developed parcels and are currently appropriately zoned.

(vii) *Retention/Flight Risk*: The company is excited to build this state of the art facility in Tonawanda to guarantee the company's presence in the region for the next 50 years. Without IDA's financial assistance the return on investment calculations are negative and would most likely result in the project being abandoned and the operations of the company moving its operations to its Rochester location.

(viii) *LEED/Renewable Resources*: Not Applicable.

(ix) *MBE/WBE Utilization*: In the past year, the company has expended approximately \$408,000 doing business with minority, veteran and/or women-owned businesses which equates to approximately 36% of total spending. The company will use its best efforts to incorporate MWBE/SDVE businesses into the procurement process.

(x) *Workforce Access-Proximity to Public Transportation*: Metro Bus route 25 provides transportation to the facility.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the appointment of the Company as agent of the Agency, if utilized, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, and/or the Assistant Treasurer).

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$14,210,000, and, therefore, the value of the sales and use tax exemption benefits (“sales and use tax exemption benefits”) authorized and approved by the Agency cannot exceed \$1,243,375, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the real property tax abatement benefits (“PILOT Benefits”) to be provided over the term of the PILOT Agreement are estimated to be approximately \$1,963,223, resulting in estimated total PILOT payments of \$521,869 over the term of the PILOT Agreement.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits, and/or partial abatements from real property taxes benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; (v) the New York State and local sales and use tax exemption benefits and/or the partial abatement from real property taxes benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, the Employment Commitment, and/or the Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the New York State and local sales and use tax exemption benefits, and/or the partial abatement from real property taxes benefits are taken in cases where the Company fails to comply with the Equal Pay Commitment and/or the Unpaid Real Property Tax Policy Commitment, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

(C) Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$19,219,781 (which represents the product of 85% multiplied by \$22,611,507, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 124 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver (A) an Agent Agreement, (B) the Lease Agreement whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement whereby the Agency leases the Project back to the Company, and (D) the PILOT Agreement and (E) related documents; provided, however, that (i) the rental payments under the Leaseback Agreement to the Company include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy, or procedures for deviation have been complied with accordingly.

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency,

to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the "Agency Documents"); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency's Administrative Fee Agreement (the "Fee Agreement") and payment by the Company of an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

Section 8. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer.

Dated: September 22, 2021



## CCBNE Inc.

### 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

<b>Project Name</b>	CCBNE New Facility
<b>Project Summary</b>	The 14,490 square foot building at 150 Milens Rd will be demolished and a new 20,000 square foot office and 43,000 square foot warehouse will be built as Phase I. Once Phase I is completed, Coca-Cola operations will transfer from the 88,121 square foot warehouse at 200 Milens Rd into the newly constructed building at 150 Milens Rd and the existing warehouse at 200 Milens Rd will be demolished. Following demolition, a new 49,000 square foot warehouse will be constructed. The entire project will be occupied by the Company.
<b>Applicant Name</b>	Coca-Cola Beverages Northeast, Inc.
<b>Applicant Address</b>	1 Executive Park Drive
<b>Applicant Address 2</b>	
<b>Applicant City</b>	Bedford
<b>Applicant State</b>	New Hampshire
<b>Applicant Zip</b>	03110
<b>Phone</b>	(603) 627-7871
<b>Fax</b>	
<b>E-mail</b>	msmith@cokenortheast.com
<b>Website</b>	<a href="https://www.cokenortheast.com/">https://www.cokenortheast.com/</a>
<b>NAICS Code</b>	424490

### Business Organization

<b>Type of Business</b>	Corporation
<b>Year Established</b>	1977
<b>State in which Organization is established</b>	Delaware

### Individual Completing Application

<b>Name</b>	David Dumont
<b>Title</b>	Vice President Operations
<b>Address</b>	1 Executive Park Drive
<b>Address 2</b>	
<b>City</b>	Bedford



7/12/2021

The Erie County Industrial Development Agency (ECIDA)

**State** New Hampshire  
**Zip** 03110  
**Phone** (603) 627-7871  
**Fax**  
**E-Mail** ddumont@cokenortheast.com

Company Contact (if different from individual completing application)

**Name** Mark Smith  
**Title** Director of Facilities & Procurement  
**Address** 1 Executive Park Drive  
**Address 2**  
**City** Bedford  
**State** New Hampshire  
**Zip** 03110  
**Phone** (603) 627-7871  
**Fax**  
**E-Mail** msmith@cokenortheast.com

Company Counsel

**Name of Attorney** Barry Carrigan  
**Firm Name** Nixon Peabody LLP  
**Address** 1300 Clinton Square  
**Address 2**  
**City** Rochester  
**State** New York  
**Zip** 14604  
**Phone** (585) 263-1591  
**Fax**  
**E-Mail** bcarrigan@nixonpeabody.com

Benefits Requested (select all that apply)

<b>Exemption from Sales Tax</b>	Yes
<b>Exemption from Mortgage Tax</b>	No
<b>Exemption from Real Property Tax</b>	Yes
<b>Tax Exempt Financing*</b>	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%.

7/12/2021

The Erie County Industrial Development Agency (ECIDA)

The Company began as a single bottling operation in Laconia, New Hampshire In 1977 and over the last four decades has grown into one of the nation's largest Coca-Cola bottlers with over 3,500 associates in 33 locations. The Company bottles, sells and distributes brands owned by The Coca-Cola Company, Keurig Dr Pepper, Monster Energy Corporation, fairlife, and BODY ARMOR. We offer over 500 different beverage choices, including over 160 low and no-sugar options. Coca-Cola Buffalo is our local sales and service distribution center proudly servicing Erie and other counties in New York State. Kirin Holdings Company, Limited is the sole shareholder of the Company.

<b>Estimated % of sales within Erie County</b>	66 %
<b>Estimated % of sales outside Erie County but within New York State</b>	34 %
<b>Estimated % of sales outside New York State but within the U.S.</b>	0 %
<b>Estimated % of sales outside the U.S.</b>	0 %

(\*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?**

25

**Describe vendors within Erie County for major purchases**

The Company utilizes a number of local vendors for packaging, material handling, design and mechanical services. Over the last twelve months, the Company has spent over \$280,000 with local vendors.

**Section II: Eligibility Questionnaire - Project Description & Details**

Project Location

**Address of Proposed Project Facility**

150 & 200 Milens Road

**Town/City/Village of Project Site**

Tonawanda

**School District of Project Site**

Kenmore - Town of Tonawanda Union Free School District

**Current Address (if different)**

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

**SBL Number(s) for proposed Project**

52.16-2-13 & 17

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

104,895.81 (both lots)

**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?**

Yes

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

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

No

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

The property consists of two parcels (i) 150 Milens Road - which is a 14,490 square foot vacant former trucking building, and (ii) 200 Milens Road which is a 88,121 square foot wholesale distribution warehouse for Coca-Cola products, that services the Western New York area.

**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)**

The 14,490 square foot building at 150 Milens Road will be demolished and a new 20,000 square foot office and 43,000 square foot warehouse will be built as Phase I. Once Phase I is completed, Coca-Cola operations will transfer from the 88,121 square foot warehouse at 200 Milens Rd into the newly constructed building at 150 Milens Rd and the existing warehouse at 200 Milens Rd will be demolished. Following demolition, a new 49,000 square foot warehouse will be constructed. The entire project will be occupied by the Company. The investment of over \$21,000,000 into these two newly constructed, state of the art facilities will lead to an increase in overall efficiency and will allow for the retention of the existing 124 jobs.

**Municipality or Municipalities of current operations**

Town of Tonawanda

**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?**

No

**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:**

**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 Agency's financial assistance this project would be impossible to move forward. The capital replacement for new buildings is a large expense for any company and in a competitive market, it is much easier to save money by closing facilities and combining with other locations. The Company built the facility in Tonawanda in 1951 and has had a continued presence at that location for over 70 years. The Company would like to build a state of the art facility in Tonawanda to guarantee the Company's presence in the region for the next 50 years. Without the IDA's financial assistance the return on investment (ROI) calculations are negative and would most likely result in the project being abandoned and the operations of the Company moving to the Company's Rochester, NY location.

**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?**

The applicant will not move forward with the project and would investigate other locations to invest to service this market, such as the Company's Rochester, NY location.

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Site Characteristics

**Is your project located near public transportation?**

No

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

**Has a project related site plan approval application been submitted to the appropriate planning department?**

No

**If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.**

If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.

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

Yes

Describe the present zoning/land use

Performance Standard. Current wholesale distribution warehouse conforms to Performance Standards.

Describe required zoning/land use, if different

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

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

A 2017 survey by GYMO found lead paint at 200 Milens Rd. A 2017 survey by Paradigm found asbestos in both 150 and 200 Milens Rd buildings. 1999 and 2017 studies were undertaken to quantify groundwater contaminants from the General Electric facility at 125 Milens Rd and onsite discontinued USTs at both 150 Milens Rd and 200 Milens Rd.

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?

No

If yes, describe the efficiencies achieved

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.

Retail Sales No Services No

Please check any and all end uses as identified below.

- Yes Acquisition of Existing Facility
- No Assisted Living
- Yes Back Office
- No Civic Facility (not for profit)
- No Commercial
- Yes Equipment Purchase
- No Facility for the Aging
- Yes Industrial
- No Life Care Facility (CCRC)
- No Market Rate Housing
- No Mixed Use
- No Multi-Tenant

**No Retail**

**No Senior Housing No Manufacturing**

**Yes Other**

**Distribution**

For proposed facility please include the square footage for each of the uses outlined below

If applicant is paying for FFE for tenants, include in cost breakdown.

			<b>Cost</b>	<b>% of Total Cost</b>
<b>Manufacturing/Processing</b>	square feet	\$	0	0%
<b>Warehouse</b>	91,936 square feet	\$	13,608,508	64%
<b>Research &amp; Development</b>	square feet	\$	0	0%
<b>Commercial</b>	square feet	\$	0	0%
<b>Retail</b>	square feet	\$	0	0%
<b>Office</b>	20,000 square feet	\$	7,663,125	36%
<b>Specify Other</b>	square feet	\$	0	0%

**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>

**Provide estimate of additional construction cost as a result of LEED certification you are seeking** < BLANK >

**Will project result in significant utility infrastructure cost or uses** No

What is the estimated project timetable (provide dates)

**Start date : acquisition of equipment or construction of facilities**

8/26/2021

**End date : Estimated completion date of project**

12/31/2023

**Project occupancy : estimated starting date of occupancy**

12/31/2023

Project Information

**Estimated costs in connection with Project**

**1.) Land and/or Building Acquisition**

\$ 0

square feet

acres

**2.) New Building Construction**

\$ 21,271,633

112,000 square feet

**3.) New Building addition(s)**

\$ 0

square feet

**4.) Reconstruction/Renovation**

7/12/2021

The Erie County Industrial Development Agency (ECIDA)

\$ 0

square feet

**5.) Manufacturing Equipment**

\$ 0

**6.) Infrastructure Work**

\$ 0

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

\$ 0

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

\$ 1,039,874

**9.) Other Cost**

\$ 300,000

<b>Explain Other Costs</b>	Fleet Shop Equipment
<b>Total Cost</b>	\$ 22,611,507

Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 21,271,633 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 10,711,392
<b>% sourced in Erie County</b>	50%

Sales and Use Tax:

<b>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</b>	\$ 14,210,000
<b>Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):</b>	\$ 1,243,375

\*\* 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?** Yes

**If Yes, describe particulars:** Approximately \$200,000 of costs have been incurred for preliminary engineering and real property due diligence.

Sources of Funds for Project Costs:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$ 22,611,507
<b>Bank Financing:</b>	\$ 0
<b>Tax Exempt Bond Issuance (if applicable):</b>	\$ 0
<b>Taxable Bond Issuance (if applicable):</b>	\$ 0
<b>Public Sources (Include sum total of all state and federal grants and tax credits):</b>	\$ 0
<b>Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program)</b>	0

**ESD, other public sources)**

**Total Sources of Funds for Project Costs:** \$22,611,507

**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).**

**Lender Name, if Known**

**Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):** \$0

**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.

**ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization**

From June 2020 through June 2021, the Company at this facility has spent \$407,840 with minority, veteran and/or women owned businesses, which is approximately 36% of its total spending at this facility. The Company has not retained any contractors for construction yet, but the Company will use its best efforts to incorporate MWBE/SDVE contractors into the construction procurement.

**Is project necessary to expand project employment?**

No

**Is project necessary to retain existing employment?**

Yes

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

**Employment Plan (Specific to the proposed project location)**

You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return. 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).

<b>Current # of jobs at proposed project location or to be</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be retained</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be created upon</b>	<b>Estimate number of residents of the Labor Market Area in which the project is located</b>
--	---	---	--



	relocated at project location		24 months (2 years) after Project completion	that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time	124	124	0	0
Part time	0	0	0	0
Total	124	124	0	0

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	31	\$ 73,210	\$ 32,795	\$ 0	\$ 0
Professional	90	\$ 48,621	\$ 21,935	\$ 0	\$ 0
Administrative	3	\$ 43,735	\$ 16,132	\$ 0	\$ 0
Production	0	\$ 0	\$ 0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	\$ 0	\$ 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.

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

Address			
Full time	0	0	0
Part time	0	0	0
Total	0	0	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

6,776,602

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

54,650

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

0

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

0

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

0

Estimated salary range of jobs to be created

From (Full Time) 0 To (Full Time) 0

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**

150 & 200 Milens Rd, Tonawanda NY 14150

##### **Name and Address of Owner of Premises**

Coca-Cola Beverages Northeast, Inc. 1 Executive Park Drive Bedford, NH 03110

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

Approximately 78% of the property is paved and used for wholesale trucking. There is a small area of wetlands that was delineated by Earth Dimensions, Inc. and that wetlands is not regulated under current federal rules.

##### **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**

150 Milens Rd was constructed in 1959 as a trucking terminal. 200 Milens Rd was constructed in 1962 as a Coca-Cola Production and warehouse facility. In 2018 production was discontinued and 150 Milens Road was vacated.

##### **Describe all known former uses of the Premises**

See above. Prior to the construction of the building the area was an airfield, prior to that the area was agricultural.

##### **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**

See Haley & Aldrich Environmental Site Assessment Phase I report.

##### **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

Proposed floor drains in cooler service and fleet garage run through a sand/oil/grease basin before discharging to the public sewer - single point of discharge. Sanitary Discharge (3,000gpd), Cooling Water (400gpd), boiler blowdown (500gpd) and process wastewater (12,000gpd) all discharged to Town of Tonawanda sewer system.

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

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

10,000 gallon diesel fuel above ground storage tank. Historical fuel tanks were underground and removed or abandoned in place.

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The Erie County Industrial Development Agency (ECIDA)

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

Yes

**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**

See Haley & Aldrich Environmental Site Assessment Phase I Report.

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**

See Haley & Aldrich report dated August 11, 2017.

**Section IV: 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** Coca-Cola Beverages Northeast, Inc.  
**Address** 1 Executive Park Drive, Bedford, NH 03110  
**Contact Person** Mark Smith  
**Phone** (603) 627-7871  
**Fax**  
**E-Mail** msmith@cokenortheast.com  
**Federal ID #** 04-2614952  
**SIC/NAICS Code** 424490

SS

**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.

**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**

150 & 200 Milens Rd

**City/Town**

Tonawanda

**State**

New York

**Zip Code**

14150

**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:**

**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**

**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.)**

**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?**

<BLANK>

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

**If the current facility is to be abandoned, 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 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

**Skycatcher Holdings, LLC**  
**\$2,879,000**  
**PRIVATE INVESTMENT INDUCEMENT RESOLUTION**

**ELIGIBILITY**

- NAICS Section – 531120

**COMPANY INCENTIVES**

- Approximately \$36,750 in sales tax savings
- Up to ¾ of 1% of the final mortgage amount estimated at \$17,550

**JOBS & ANNUAL PAYROLL**

- Retained Jobs: 41
- Annual Payroll: \$2,768,430
- Projected new jobs: 6
- Est. salary/yr. of jobs created: \$53,167
- Est. salary/yr. of jobs retained: 66,183
- Total jobs after project completion: 47
- Construction Jobs: 6

**PROJECTED COMMUNITY BENEFITS\***

- Term: 2 years after project completion.
- NET Community Benefits: \$ 18,037,000
- Spillover Jobs: 2 temp 115 perm
- Total Payroll: \$ 16,756,000

**INCENTIVE COST/COMMUNITY BENEFIT RATIO\***

Incentives: \$ 55,000  
 Community Benefit: \$ 17,864,000  
 Cost: Benefit Ratio  
 • 1:329

Project Title: Skycatcher Holdings, LLC  
 Project Address: 15 Cobham Drive  
 Orchard Park, New York 14127  
 (Orchard Park Central School District)

**Agency Request**

A sales tax and mortgage recording tax exemption in connection with the acquisition, renovation and equipping of an existing facility.

Building Acquisition	\$1,715,000
Renovation	\$ 760,000
Manufacturing Equipment	\$ 250,000
Non- Manufacturing Equipment	\$ 30,000
Soft Costs/Other	\$ 99,000
Total Project Cost	\$2,879,000
85%	\$2,447,150

**Company and Project Description**

Skycatcher Holdings, LLC was formed to purchase the property at 15 Cobham Drive in the Town of Orchard Park which facility will be leased to Sti-Co Industries, Inc. Sti-Co Industries was founded over 50 years ago by Robert Kaiser. Sti-Co’s 2 shareholders include Kyle Swiat and Antoinette Kaiser. The company designs and manufacturers mission-critical communication systems that are sold to law enforcement, rail and federal government agencies. 91% of the company’s sales are to companies/agencies located outside of New York State.

Sti-Co currently leases a 14,000 sq. ft. facility adjacent to the proposed project site. The plan is to renovate 15 Cobham and then transfer operations from the existing leased facility to this new renovated, more efficiently laid-out 25,250 sq. ft. building. The lease on the current site expires in August, 2023. The new facility will provide office, manufacturing and research and development functional areas. It will be used for manufacturing all antenna systems and related components including raw material parts. Inventory that is now stored offsite will be housed in the new facility eliminating the need for offsite warehouse space and the associated inefficiency and expense.

\* Inform Analytics/Center for Governmental Research

## Economic Impact: Inform Analytics Cost-Benefit Analysis

The Erie County Industrial Development Agency uses Inform Analytics, a widely-recognized modeling tool from the Center for Governmental Research, to assess the economic impact of a project applying for incentives. This cost:benefit ratio is assessed via a Cost-Benefit Analysis, as is required by Section 859-a (5)(b) of General Municipal Law. For the complete Cost Benefit Analysis – please see the attached Inform Analytics Projected Community Benefits and Community Cost Benefit Analysis.

### Cost: Incentives

COSTS	Tax Exemption	Amount
	Sales	37,000
	Mortgage Recording	18,000
	Total	55,000
	Discounted at 2%	

### Benefit: Projected Community Benefit\*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount (in Mil)**
	Erie County	Individuals	Payroll Construction	393,000
			Payroll Permanent	16,362,000
		Public	Property Taxes	
			Sales Taxes	274,000
	New York State	Public	Income Taxes	769,000
			Sales Taxes	238,000
			Total Benefits to EC + NYS***	18,037,000
			Discounted at 2%	17,864,000

\*\* includes direct & indirect \$ over project period    \*\*\* may not sum to total due to rounding

Discounted Cost	\$ 55,000
Discounted Benefit	\$ 17,864,000
Ratio	1:329

**Conclusion:** The Cost Benefit for this project is: 1:329. For every \$1 in costs (incentives), this project provides \$ 329 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$ 537 in benefits to the community.**

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount: \$2,879,000 85%: \$2,447,150
Employment	Coincides with recapture period	Retained Jobs: 41 Create 85% of Projected: Projected: 6 85%: 5 Recapture Employment: 46
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with recapture period	Adherence to Policy
Unpaid Tax	Coincides with recapture period	Adherence to Policy
Recapture Period	2 years after project completion	Recapture of mortgage recording tax, state and local sales taxes

Recapture applies to:

State and Local Sales Taxes  
Mortgage Recording Tax

### Recapture

Pursuant to New York State General Municipal Law, the agency shall modify, recover, recapture or terminate any financial assistance taken by the company that is in violation of the GML.

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has 47 employees at the facility, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

### Project ECIDA History

- No Public hearing is required due to benefit amount is less than \$100,000.
- 09/22/2021 - Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 09/22/2021 - Lease/Leaseback Inducement Resolution presented to the Board of Directors

ADDENDUM TO PROJECT LOG  
STI-CO INDUSTRIES

Evaluative Criteria	Notes
Wage Rate (above median wage for area)	Erie County per capita income: \$33,598 Estimated salary of jobs to be created: \$53,167
Regional Wealth Creation (% sales/customers outside area)	91% of sales are to companies located outside of New York State.
In Region Purchases (% of overall purchases)	Sti-Co estimates 30% of total annual supplies, raw materials and vendor services are sourced from Erie County companies.
Research & Development Activities	24% of departmental expenses are related to research and development.
Investment in Energy Efficiency	Most equipment being purchased will have more efficient motors generating energy savings and lowering costs. Also, the purchase of a new compressor will result in energy savings from more efficient technology and will provide for significant noise reduction.
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	Property is zoned for commercial use.
LEED/Renewable Resources	Not applicable
Retention/Flight Risk	Not applicable
MBE/WBE Utilization	Sti-Co's purchasing department strives to locate certified M/WBE vendors. In addition, Sti-Co follows its Affirmative Action Program and maintains an audit and reporting system to determine overall compliance with its equal opportunity mandates. Sti-Co's purchasing department estimates approximately 7% of vendor purchases are procured from minority and women businesses. The Krog Group has been selected as the general contractor and has a history of working with M/WBE contractors as outlined on the attached statement.
Workforce Access – Proximity to Public Transportation	Facility on bus route 72.

## **MBE/WBE Utilization**



**ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization:**

Krog has successfully completed numerous projects which included MWBE requirements associated with receiving grants associated with Consolidated Funding Application (CFA) process and in connection therewith successfully achieving the goals or demonstrating that best efforts were utilized to meet the goals. Some recent projects include the following.

- 1) Chautauqua Harbor Hotel – Celeron, NY (CFA Grant Recipient)
- 2) 1000 Island Harbor Hotel – Clayton, NY (CFA Grant Recipient)
- 3) Federation Lofts Apartments - Hornell, NY (CFA Grant Recipient)
- 4) Van Huesen Building Renovation - Corning, NY (CFA Grant Recipient)
- 5) Trico Redevelopment – Buffalo, NY (MWBE Requirements associated with the Purchase and Sale Agreement)

Below is a summary of internal practices which our company promotes, our General Contractor, The Krog Group, LLC promotes and will be utilized with respect to the development of the project:

In the development of the project we will utilize efforts and protocols to encourage MBE/WBE participation. Those protocols are outlined below.

1. Obtain a list of the general circulation, trade and MWBE-oriented publications with dates of publications in which solicitations for participation of certified MWBEs as subcontractors/suppliers can be utilized to advertise. Maintain copies of such solicitations and any responses thereto.
2. Obtain the list of the certified MWBEs appearing in the Empire State Development MWBE directory that can be solicited for the contract. Maintain proof of dates or copies of the solicitations and copies along with the responses made by the certified MWBEs. If not selected, describe specific reasons that responding certified MWBEs were not selected.
3. Provide descriptions of the contract documents/plans/specifications made available to certified MWBEs when soliciting their participation and steps taken to structure the scope of work for the purpose of subcontracting with or obtaining supplies from certified MWBEs.
4. Provide a description of the negotiations between the general contractor and certified MWBEs for the purposes of complying with the MWBE goals of the contract.



5. Provide dates of any pre-bid, pre-award or other meetings scheduled by the general contractor with certified MWBEs whom the general contractor determined were capable of fulfilling the MWBE goals set in the contract.

**A. Equal Employment Opportunity**

It is our policy to provide equal employment opportunity to all individuals. We are committed to a diverse workforce. We value each employee's talents and support an environment that is inclusive and respectful. We are strongly committed to this policy and believe in the concept and spirit of the law. Therefore, we will not discriminate against employees or applicants for employment on any basis recognized under federal and New York State law, including but not limited to veteran status, race, color, religion, gender, national origin, age, physical or mental disability, sexual orientation, gender identity, family status, predisposing genetic condition, or marital status.

We are committed to assuring that:

1. All recruiting, hiring, training, promotion, compensation, and other employment-related programs and opportunities are provided fairly to all persons on an equal opportunity basis;
2. Employment decisions are based on the principles of equal opportunity. All personnel actions such as compensation, benefits, transfers, training, and participation in social and recreational programs are administered without regard to any characteristic protected by state, federal, or local law; *and*
3. Employees and applicants will not be subjected to harassment, intimidation, threats, retaliation, coercion, or discrimination based on their membership in a protected class or because they have exercised any right protected by law.

**PILOT Worksheet: Estimate of Real Property Tax Abatement Benefits\*\*\* and Percentage of Project Costs financed from Public Sector sources**

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

**PILOT Estimate Table Worksheet-Skycatcher Holdings, LLC -2021**

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$760,000	N/A			

\*Apply equalization rate to value

**\*\*\* Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff**

**Percentage of Project Costs financed from Public Sector Table Worksheet:**

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
\$2,879,000	N/A	\$36,750	\$17,550	N/A

**Calculate %**

**(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 1.9%**





## Cost Benefit Analysis

prepared using InformAnalytics

### InformAnalytics GLOSSARY

**Total Investment:** Total amount of private investment/cost of project

**Total Net Benefits:** Total of community benefits generated. A calculated projection of indirect economic growth (payroll being spent on goods and services, indirect economic benefits created by construction jobs, etc).

**Direct/Spillover:**

- Direct refers to jobs and payroll created “directly” by the project
- Spillover refers to indirect jobs and payroll (ripple effects of “Direct” private investment)

**Discounted Total:** 2% discount of all projections. An accounting adjustment to allow for a dollar of benefit in the future being worth less than a dollar of benefit today.

**Discounted Total Benefits:** The total projected community benefits, direct or spillover, generated by the project applying for incentives.

**Cost/Benefit Ratio:** The ratio of project cost vs. community benefit, or the community benefit generated by each dollar of incentives approved.

### INCENTIVES DEFINITIONS

*NOTE these are not direct cash incentives; they are savings on future taxes incurred by the project as a result of the project’s improvements/construction investment.*

**Property Tax Exemption:** savings on future property taxes. Calculated from the increase in assessed value of the project once the project improvement/construction is completed.

**Sales Tax Exemption:** a limited savings/exemption on future sales tax charges for the qualified purchases of construction materials and/or equipment. The savings amount is calculated using 50% of the total construction costs of the project.

**Mortgage Recording Tax Exemption:** A one-time savings on a portion of the mortgage recording tax paid to Erie County when a mortgage is filed.

# Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Erie County IDA. The report calculates the costs and benefits for specified local taxing districts over the first 10 years, with future returns discounted at a 2% rate.

TABLE 2

## Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for Skycatcher Holdings, LLC.

Description	Nominal Value	Discounted Value*
Sales Tax Exemption	\$37,000	\$37,000
Mortgage Recording Tax Exemption	\$18,000	\$18,000
<b>Total Costs</b>	<b>\$54,000</b>	<b>\$54,000</b>

**May not sum to total due to rounding.**

\* Discounted at 2%

TABLE 3

**State & Regional Impact (Life of Project)**

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
<b>REGIONAL BENEFITS</b>	<b>\$28,984,000</b>	<b>\$54,744,000</b>	<b>\$83,727,000</b>
<b>To Private Individuals</b>	<b>\$28,339,000</b>	<b>\$53,865,000</b>	<b>\$82,205,000</b>
Temporary Payroll	\$292,000	\$101,000	\$393,000
Ongoing Payroll	\$28,047,000	\$53,764,000	\$81,811,000
<b>To the Public</b>	<b>\$644,000</b>	<b>\$878,000</b>	<b>\$1,523,000</b>
Property Tax Revenue	\$181,000	N/A	\$181,000
Temporary Sales Tax Revenue	\$5,000	\$2,000	\$6,000
Ongoing Sales Tax Revenue	\$457,000	\$877,000	\$1,334,000
Purchases Sales Tax Revenue	\$1,000	N/A	\$1,000
<b>STATE BENEFITS</b>	<b>\$1,786,000</b>	<b>\$3,143,000</b>	<b>\$4,929,000</b>
<b>To the Public</b>	<b>\$1,786,000</b>	<b>\$3,143,000</b>	<b>\$4,929,000</b>
Temporary Income Tax Revenue	\$14,000	\$5,000	\$19,000
Ongoing Income Tax Revenue	\$1,371,000	\$2,378,000	\$3,749,000
Temporary Sales Tax Revenue	\$4,000	\$1,000	\$6,000
Ongoing Sales Tax Revenue	\$396,000	\$759,000	\$1,155,000
Purchases Sales Tax Revenue	\$1,000	N/A	\$1,000
<b>Total Benefits to State &amp; Region</b>	<b>\$30,770,000</b>	<b>\$57,886,000</b>	<b>\$88,657,000</b>
<b>Discounted Total Benefits (2%)</b>	<b>\$28,234,000</b>	<b>\$53,046,000</b>	<b>\$81,280,000</b>

TABLE 4

**Benefit to Cost Ratio**

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit <sup>a</sup>	Cost <sup>b</sup>	Ratio
Region	\$76,762,000	\$31,000	2445:1
State	\$4,518,000	\$23,000	197:1
Grand Total	\$81,280,000	\$54,000	1497:1

**May not sum to total due to rounding.**

\* Discounted at 2%

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CGR has exercised reasonable professional care and diligence in the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.

**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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Building Purchase & Renovation			
Project Location (describe, and attach a location map): 15 Cobham Drive, Orchard Park, NY 14127			
Brief Description of Proposed Action: Skycatcher Holdings, LLC was formed to purchase the building at 15 Cobham Drive, Orchard Park, NY. The building will have one tenant, STI-CO Industries, Inc., which is a manufacturing company. The 25,250 square foot building at 15 Cobham Drive, Orchard Park, NY is primarily warehouse space. The plan is to convert this space into office, manufacturing and research and development functional areas.			
Name of Applicant or Sponsor: STI-CO Industries, Inc.		Telephone: 716-662-2680 E-Mail: kyle.swiat@sti-co.com	
Address: 11 Cobham Drive			
City/PO: Orchard Park		State: NY	Zip Code: 14127
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: 1. Building Permit from Orchard Park. 2. SBA Loan Approval from SBA.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 4 acres	
b. Total acreage to be physically disturbed?		_____ 0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 4 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <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 type="checkbox"/> Urban <input checked="" 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 type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: Kyle Swiat		Date: 7/6/2021
Signature: <u>Kyle Swiat</u>		

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

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

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

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

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Eric County IDA</u>	<u>9-22-2021</u>
Name of Lead Agency	Date
<u>Karen M. Fala</u>	<u>Vice President</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>Karen M. Fala</u>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**



**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
INDUCEMENT RESOLUTION**

**SKYCATCHER HOLDINGS, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S),  
SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS  
BEHALF**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, September 22, 2021 at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF SKYCATCHER HOLDINGS, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, AND (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

**WHEREAS**, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

**WHEREAS**, the Company has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 15 Cobham Drive, Town of Orchard Park, Erie County, New York (the "Land"), (ii) the

purchase of a 25,250 sq. ft. building at 15 Cobham Drive which will be converted into office, manufacturing and research and development functional areas (the “Improvements”), and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”); and, together with the Land and the Improvements, the “Facility”); and

**WHEREAS**, the Financial Assistance (as hereinafter defined) being contemplated by the Agency shall not exceed \$100,000, until a Public Hearing is held, if at all, and a subsequent resolution is passed pursuant to General Municipal Law Section 859-a; and

**WHEREAS**, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the “Agent Agreement”), (ii) negotiate and enter into a lease agreement (the “Lease Agreement”) and related leaseback agreement (the “Leaseback Agreement”) with the Company, pursuant to which the Agency will retain a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Facility; and (iii) provide Financial Assistance to the Company in the form of (a) an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility, and (b) a mortgage recording tax exemption benefit for the financing related to the Project, (collectively, the sales and use tax exemption benefit and the mortgage recording tax exemption benefit are hereinafter collectively referred to as the “Financial Assistance”); and

**WHEREAS**, pursuant to and in accordance with applicable provisions of the State Environmental Quality Review Act (“SEQR”), the Company has submitted to the Agency a Short Environmental Assessment Form (the “EAF”) with respect to the Project; and

**WHEREAS**, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:**

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company’s application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency Policy Committee review and recommendations of the Project and its August 5, 2021 resolution to approve the project subject to the terms and conditions as described herein, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Erie County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required in the Countywide Industrial Development Agency Uniform Tax Exemption Policy; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions the Act.

(I) STI-CO (the "Tenant") will occupy the Facility. The Agency hereby approves the subleasing of space in the Project to the Sub-Tenant and authorizes the Company to proceed with the Project as herein authorized; and

(J) Based upon a review of the Application and representations made by the Company to the Agency and the EAF, the Agency finds and determines that: (i) the Project constitutes an "Unlisted Action" within the meaning of SEQR and a coordinated review is optional; (ii) the Agency has conducted an uncoordinated review of the Project under SEQR; (iii) the Project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (iv) rehabilitation/construction and interior fit-out related impacts are short term and do not have a significant magnitude or effect; (v) the Project will not have a

"significant effect on the environment" as such quoted term is defined in SEQR; and (vi) no "environmental impact statement" as such quoted term is defined in SEQR, need be prepared for this action. The Agency thus issues a Negative Declaration pursuant to 6 N.Y.C.R.R. § 617.7 of the SEQR regulations, which concludes the Agency's uncoordinated review of the Project.

(K) The Project qualifies for Agency Financial Assistance as it meets the Agency's evaluative criteria established by the Agency as required under General Municipal Law Section 859-a(5), as evidenced by the following:

(i) *Wage Rate (above median wage for area):* Erie County per capita income: \$33,598. Estimated salary of jobs to be created: \$53,167.

(ii) *Regional Wealth Creation (% sales/customers outside area):* 91% of sales are to companies located outside of New York State.

(iii) *In Region Purchases (% of overall purchases):* Sti-Co estimates 30% of total annual supplies, raw materials and vendor services are sourced from Erie County companies.

(iv) *Research and Development Activities:* 24% of departmental expenses are related to research and development.

(v) *Investment in Energy Efficiency:* Most equipment being purchased will have more efficient motors generating energy savings and lowering costs. Also, the purchase of a new compressor will result in energy savings from more efficient technology and will provide for significant noise reduction.

(vi) *Locational Land Use Factors, Brownfields or Locally Designated Development Areas:* Property is zoned for commercial use.

(vii) *LEED/Renewable Resources:* Not Applicable.

(viii) *Retention/Flight Risk:* Not applicable.

(ix) *MBE/WBE Utilization:* Sti-Co's purchasing department strives to locate certified M/WBE vendors. In addition, Sti-Co follows its Affirmative Action Program and maintains an audit and reporting system to determine overall compliance with its equal opportunity mandates. Sti-Co's purchasing department estimates approximately 7% of vendor purchases are procured from minority and women businesses. The Krog Group has been selected as the general contractor and has a history of working with M/WBE contractors as outline on the attached statement.

(x) *Workforce Access-Proximity to Public Transportation:* The facility is located on bus route 72.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the appointment of the Company as agent of the Agency, if utilized, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, and/or the Assistant Treasurer).

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$420,000, and, therefore, the value of the sales and use tax exemption benefits (“sales and use tax exemption benefits”) authorized and approved by the Agency cannot exceed \$36,750, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the value of the mortgage recording tax exemption benefit (“mortgage recording tax exemption benefits”) shall not exceed \$17,550.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits, and/or mortgage recording tax exemption benefits, taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for

property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; (v) the New York State and local sales and use tax exemption benefits and/or mortgage recording tax exemption benefits, are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, the Employment Commitment, and/or the Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the New York State and local sales and use tax exemption benefits, and/or mortgage recording tax exemption benefits, are taken in cases where the Company fails to comply with the Equal Pay Commitment and/or the Unpaid Real Property Tax Policy Commitment, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

(C) Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the conclusion of the later of two (2) years following either (i) the construction completion date, or (ii) the termination of the Agent Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$2,447,150 (which represents the product of 85% multiplied by \$2,879,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 41 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
  - the number of current FTE employees in the then current year at the Facility; and
  - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 46 FTE employees [representing the sum of (x) 41 Baseline FTE and (y) 5 FTE employees, being the product of 85% multiplied by 6 (being the 6 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the

Agency on a quarterly basis, said information to be provided on the Agency's "Quarterly Employment Survey" form to be made available to the Company by the Agency.

- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver (A) an Agent Agreement, (B) the Lease Agreement whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement whereby the Agency leases the Project back to the Company, and (D) the PILOT Agreement and (E) related documents; provided, however, that (i) the rental payments under the Leaseback Agreement to the Company include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy, or procedures for deviation have been complied with accordingly.

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the "Agency Documents"); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency's Administrative Fee Agreement (the "Fee Agreement") and payment by the Company of an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

Section 8. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer.

Dated: September 22, 2021





## Skycatcher Holdings, 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

<b>Project Name</b>	Building Purchase & Renovation
<b>Project Summary</b>	Skycatcher Holdings, LLC was formed to purchase the building at 15 Cobham Drive, Orchard Park, NY. The building will have one tenant, STI-CO Industries, Inc., which is a manufacturing company.
<b>Applicant Name</b>	Skycatcher Holdings, LLC
<b>Applicant Address</b>	810 Heim Road
<b>Applicant Address 2</b>	
<b>Applicant City</b>	Getzville
<b>Applicant State</b>	New York
<b>Applicant Zip</b>	14068
<b>Phone</b>	(716) 316-6100
<b>Fax</b>	
<b>E-mail</b>	kyle.swiat@sti-co.com
<b>Website</b>	
<b>NAICS Code</b>	531120

#### Business Organization

<b>Type of Business</b>	Corporation
<b>Year Established</b>	1967
<b>State in which Organization is established</b>	New York

#### Individual Completing Application

<b>Name</b>	Kim Ferguson
<b>Title</b>	Controller
<b>Address</b>	11 Cobham Drive
<b>Address 2</b>	
<b>City</b>	Orchard Park
<b>State</b>	New York
<b>Zip</b>	14127

**Phone** (716) 662-2680  
**Fax** (800) 685-1122  
**E-Mail** kimberly.ferguson@sti-co.com

Company Contact (if different from individual completing application).

**Name** Kyle Swiat  
**Title** CEO / President  
**Address** 11 Cobham Drive  
**Address 2**  
**City** Orchard Park  
**State** New York  
**Zip** 14127  
**Phone** (716) 662-2680  
**Fax** (800) 685-1122  
**E-Mail** kyle.swiat@sti-co.com

Company Counsel

**Name of Attorney** Clark Trow  
**Firm Name** Barclay Damon  
**Address** 200 Delaware Avenue, Suite 1200  
**Address 2**  
**City** Buffalo  
**State** New York  
**Zip** 14202  
**Phone** (716) 858-3882  
**Fax** (716) 768-2882  
**E-Mail** ctrow@barclaydamon.com

Benefits Requested (select all that apply).

<b>Exemption from Sales Tax</b>	Yes
<b>Exemption from Mortgage Tax</b>	Yes
<b>Exemption from Real Property Tax</b>	No
<b>Tax Exempt Financing*</b>	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%.**

STI-CO Industries, Inc. was founded over 50 years ago and is a Woman owned business.. We design and manufacture mission-critical communication systems. Initially, the company manufactured and sold products to law enforcement and Federal government agencies. Several years ago, STI-CO Industries expanded into the rail market by designing and manufacturing antenna systems for the Positive Train Control rail mandate. A main objective of our strategy moving forward is expanding into the military market. STI-CO markets to our customers with a combination of tactics that include a direct sales force and a network of over 500 dealers. Our antenna systems are on a vast number of Class I locomotives and we also serve customers such as the Special Operations Covert teams. STI-CO Industries, Inc. has two shareholders: Kyle Swiat (82% owner) and Antoinette Kaiser (18% owner).

<b>Estimated % of sales within Erie County</b>	1 %
<b>Estimated % of sales outside Erie County but within New York State</b>	4 %
<b>Estimated % of sales outside New York State but within the U.S.</b>	91 %
<b>Estimated % of sales outside the U.S.</b>	4 %

(\*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?**

30

**Describe vendors within Erie County for major purchases**

The top vendors in Erie County relate to rent payments, health insurance, computer services and raw material purchases.

## Section II: Eligibility Questionnaire - Project Description & Details

### Project Location

#### **Address of Proposed Project Facility**

15 Cobham Drive

#### **Town/City/Village of Project Site**

Orchard Park

#### **School District of Project Site**

Orchard Park

#### **Current Address (if different)**

11 Cobham Drive, Orchard Park

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

#### **SBL Number(s) for proposed Project**

161.18-2-13

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

\$56,704

#### **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?**

Yes

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

#### **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.)**

The present building is primarily used as a warehouse.

#### **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)**

Currently STI-CO is working out of a 14000sf Building with a lease that expires in August of 2023. It is the companies intention to sub let the current facility until the lease is complete. The project involves the purchase of the 25,250 square foot building at 15 Cobham Drive in Orchard Park. The building is primarily warehouse space. The plan is to convert this space into office, manufacturing and research and development functional areas. The facility will be used for manufacturing all our antenna systems and related components including machining some raw material parts. It will provide us the opportunity to expand our machining department lowering future product material costs. In addition, it will warehouse all our inventory eliminating the need for an offsite warehouse and the associated inefficiency expense. Furthermore, the building will provide space for research and development activities and enhance our antenna testing capability leading to faster turnaround for new product development. Lastly, all our administrative functions will be performed from this facility. In summary, the additional space will allow us to meet our strategic sales growth targets. The estimated renovation cost to the building is \$760,000 and estimated new equipment purchases is \$305,000.

**Municipality or Municipalities of current operations**

Orchard Park

**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?**

Yes

**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?**

Yes

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

STI-CO Industries, Inc. would prefer to stay in New York State due to the proximity to many key raw material suppliers and service providers. Almost 50% of the company's purchases of goods and services are made within New York state. In addition, we have a very experienced and dedicated workforce located in Western New York. However, there are minimal sales generated within New York State. Most of our sales are generated from locations near government facilities (Maryland) or rail/transit customers (Texas). Moving our facility to one of these areas could significantly enhance future growth.

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

Yes

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

We have completed an application for the Excelsior Tax Program through Empire State Development of NY state. We are seeking tax credits related to job creation and investments.

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

N/A

**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)**

STI-CO Industries, Inc. has outgrown its current facility. Our manufacturing area has no additional room to expand, and our warehouse area has reached its capacity requiring the leasing of offsite warehouse space. To meet our strategic sales growth plan of 65% growth over the next five years, we need to move to a larger facility. Our strategy is primarily focused on growing sales in the military market. In conjunction with this plan, we are developing new products and hiring sales personnel for this targeted area. In addition, we are expanding our existing transit fleet market with more product offerings in 4G/5G. A larger building will not only rectify our current space constraints but will also provide space for enhanced research and development activities and critical antenna testing. To achieve our sales growth, we will need financial assistance to support the building purchase. The financial assistance will also help with establishing the necessary infrastructure to support the sales increase, including fulfilling critical staffing needs, purchasing the necessary manufacturing equipment, and conducting research and development activities. The building purchase, renovation costs and equipment purchases are estimated at \$2,780,000 which is a significant investment for a small business. An ancillary benefit of the financial assistance is that we would maintain a competitive edge by continuing to manufacture our products in the U.S while our competitors manufacture products overseas. Many of the federal and Department of Defense customers require products made in the U.S.

**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?**

The impact would be the inability to move to a larger facility and meet our sales growth targets. STI-CO Industries, Inc. would not be able to manufacture products at the level needed to expand the business. This would have a negative impact on the company's profit and cash flow. In addition, it would result in decreased purchases from local suppliers and reduced hiring of local workers.

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

### Site Characteristics

**Is your project located near public transportation?**

No

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

**Has a project related site plan approval application been submitted to the appropriate planning department?**

No

**If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.**

**If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.**

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

Yes

**Describe the present zoning/land use**

Commercial. Building is currently used as a warehouse.

**Describe required zoning/land use, if different**

N/A

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

N/A

**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?**

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.

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

Yes

**If yes, describe the efficiencies achieved**

Most of the equipment purchased will run on 220V 3 phase service and will have more efficient motors generating energy savings and lowering costs. Also, the purchase of a new compressor will result in energy savings from more efficient technology and will provide a significant noise reduction.

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?**

Yes

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

R&D Departmental expenses represent 24% of the total operating expenses. 71% of the R&D Departmental expenses relate to salaries for engineers and technical / documentation employees. Other expenses relate to R&D supplies used in designing prototypes and software maintenance for engineering programs instrumental in developing and testing new antennas.

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.

**Retail Sales**    No    **Services**    No

Please check any and all end uses as identified below.

- No Acquisition of Existing Facility**    **No Assisted Living**    **No Back Office**
- No Civic Facility (not for profit)**    **No Commercial**    **No Equipment Purchase**
- No Facility for the Aging**    **No Industrial**    **No Life Care Facility (CCRC)**
- No Market Rate Housing**    **No Mixed Use**    **No Multi-Tenant**
- No Retail**    **No Senior Housing**    **Yes Manufacturing**
- No Other**

For proposed facility please include the square footage for each of the uses outlined below

If applicant is paying for FFE for tenants, include in cost breakdown.

			<b>Cost</b>	<b>% of Total Cost</b>
<b>Manufacturing/Processing</b>	25,250 square feet	\$	760,000	0%
<b>Warehouse</b>	square feet	\$	0	0%
<b>Research &amp; Development</b>	square feet	\$	0	0%
<b>Commercial</b>	0 square feet	\$	0	0%
<b>Retail</b>	0 square feet	\$	0	0%
<b>Office</b>	square feet	\$	0	0%
<b>Specify Other</b>	square feet	\$	0	0%

**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>

**Provide estimate of additional construction cost as a result of LEED certification you are seeking**    < BLANK >

**Will project result in significant utility infrastructure cost or uses** No

What is the estimated project timetable (provide dates).

**Start date : acquisition of equipment or construction of facilities**

9/15/2021

**End date : Estimated completion date of project**

12/31/2021

**Project occupancy : estimated starting date of occupancy**

1/31/2022

Project Information

**Estimated costs in connection with Project**

**1.) Land and/or Building Acquisition**

\$ 1,715,000 25,250 square feet 4 acres

**2.) New Building Construction**

\$ 0 square feet

**3.) New Building addition(s)**

\$ 0 square feet

**4.) Reconstruction/Renovation**

\$ 760,000 square feet

**5.) Manufacturing Equipment**

\$ 275,000

**6.) Infrastructure Work**

\$ 0

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

\$ 30,000

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

\$ 49,000

**9.) Other Cost**

\$ 50,000

**Explain Other Costs** Moving costs

**Total Cost** \$ 2,879,000

Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 760,000 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 380,000
<b>% sourced in Erie County</b>	95%

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** \$ 420,000

**Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):** \$ 36,750

\*\* 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):** \$ 260,000

**Bank Financing:** \$ 2,340,000

**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):** \$ 0

**Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)** 0

**Total Sources of Funds for Project Costs:** \$2,600,000

**Have you secured financing for the project?** No

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).** 2,340,000

**Lender Name, if Known**

**Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):** \$17,550

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):** N/A

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.

**ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that**

**promote MBE/WBE hiring and utilization**

Our purchasing department keeps in mind the MBE/WBE certification when locating new vendors. They understand the importance of utilizing vendors with that certification. In addition, STI-CO Industries, Inc. has maintained a written Affirmative Action Program since 2012. STI-CO maintains an audit and reporting system to determine overall compliance with its equal opportunity mandates. See attached statement from Krog Corp. regarding outreach efforts to M/WBE contractors.

**Is project necessary to expand project employment?**

Yes

**Is project necessary to retain existing employment?**

No

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return. 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).

	<b>Current # of jobs at proposed project location or to be relocated at project location</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be retained</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion</b>	<b>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 **</b>
<b>Full time</b>	41	41	6	6
<b>Part time</b>	1	1	0	0
<b>Total</b>	42	42	6	

Salary and Fringe Benefits for Jobs to be Retained and Created

<b>Category of Jobs to be Retained and/or Created</b>	<b># of Employees Retained and/or Created</b>	<b>Average Salary for Full Time</b>	<b>Average Fringe Benefits for Full Time</b>	<b>Average Salary for Part Time (if applicable)</b>	<b>Average Fringe Benefits for Part Time (if applicable)</b>
<b>Management</b>	5	\$ 153,729	\$ 47,150	\$ 0	\$ 0
<b>Professional</b>	8	\$ 85,119	\$ 32,300	\$ 0	\$ 0
<b>Administrative</b>	9	\$ 56,045	\$ 15,420	\$ 54,930	\$ 8,240
<b>Production</b>	26	\$ 43,636	\$ 16,745	\$ 0	\$ 0
<b>Independent Contractor</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Other</b>	0	\$ 0	\$ 0	\$ 0	\$ 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.

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

<b>Address</b>	<b>N/A</b>		
<b>Full time</b>	0	0	0

<b>Part time</b>	0	0	0
<b>Total</b>	0	0	0

Payroll Information

**Annual Payroll at Proposed Project Site upon completion**

2,768,430

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

66,183

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

54,930

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

53,167

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

0

**Estimated salary range of jobs to be created**

<b>From (Full Time)</b>	37,000	<b>To (Full Time)</b>	100,000
<b>From (Part Time)</b>	0	<b>To (Part Time)</b>	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**

15 Cobham Drive, Orchard Park

##### **Name and Address of Owner of Premises**

Genius Tools Atlantic Inc. (Mark Tien-Hsi Chang)

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

##### **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**

Existing building was built in 2007. The building is primarily used as a warehouse. The existing building will be renovated to include areas for manufacturing, research and development and administrative functions.

##### **Describe all known former uses of the Premises**

Currently, building is primarily used as a warehouse.

##### **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**

N/A

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

N/A

**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**

N/A

**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**

N/A

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

<BLANK>

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

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

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

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

No

**If yes, relate all the circumstances**

**Do the Premises have any asbestos containing materials?**

No

**If yes, please identify the materials**

## Section IV: 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** STI-CO Industries, Inc.  
**Address** 11 Cobham Drive, Orchard Park, NY 14127  
**Contact Person** Kim Ferguson  
**Phone** (716) 662-2680  
**Fax**  
**E-Mail** kimberly.ferguson@sti-co.com  
**Federal ID #** 16-0959126  
**SIC/NAICS Code** 334220

SS

## **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.



## **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

11 Cobham Drive

### City/Town

Orchard Park

### State

New York

### Zip Code

14127

**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:**

**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**

**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.)**

**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?**

<BLANK>

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

**If the current facility is to be abandoned, 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 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

**George Lewis House Apartments**  
**\$ 2,875,000**

**PRIVATE INVESTMENT INDUCEMENT RESOLUTION**

<b>ELIGIBILITY</b>	Project Title: George Lewis House Apartments												
<ul style="list-style-type: none"> <li>• NAICS Section – 531390</li> </ul>	Project Address: 197 Summer Street												
<b>COMPANY INCENTIVES</b>	Buffalo, New York 14222												
<ul style="list-style-type: none"> <li>• Approximately \$82,687 in sales tax savings</li> </ul>	(Buffalo City School District)  <b>Agency Request</b>												
<b>JOBS &amp; ANNUAL PAYROLL</b>	A sales tax exemption in connection with the adaptive reuse of a mid-century modern building within the Elmwood Village to 9 apartments (inclusive of 1 affordable rate apartment).												
<ul style="list-style-type: none"> <li>• Current Jobs: 0</li> <li>• Annual Payroll: \$ 0</li> <li>• Projected new jobs: 1</li> <li>• Est. salary/yr. of jobs created: \$ 55,000</li> <li>• Total jobs after project completion: 1</li> <li>• Construction Jobs: 11</li> </ul>	<table border="0"> <tr> <td>Building Acquisition</td> <td>\$ 750,000</td> </tr> <tr> <td>Reconstruction / Renovation</td> <td>\$1,500,000</td> </tr> <tr> <td>Infrastructure</td> <td>\$ 75,000</td> </tr> <tr> <td>Non- Manufacturing Equipment</td> <td>\$ 200,000</td> </tr> <tr> <td>Soft Costs/Other</td> <td>\$ 350,000</td> </tr> <tr> <td><b>Total Project Cost</b></td> <td><b>\$2,875,000</b></td> </tr> </table>	Building Acquisition	\$ 750,000	Reconstruction / Renovation	\$1,500,000	Infrastructure	\$ 75,000	Non- Manufacturing Equipment	\$ 200,000	Soft Costs/Other	\$ 350,000	<b>Total Project Cost</b>	<b>\$2,875,000</b>
Building Acquisition	\$ 750,000												
Reconstruction / Renovation	\$1,500,000												
Infrastructure	\$ 75,000												
Non- Manufacturing Equipment	\$ 200,000												
Soft Costs/Other	\$ 350,000												
<b>Total Project Cost</b>	<b>\$2,875,000</b>												
<b>PROJECTED COMMUNITY BENEFITS*</b>	85% \$2,443,750												
<ul style="list-style-type: none"> <li>• Term: 2 years after project completion.</li> <li>• NET Community Benefits: \$ 1,218,000</li> <li>• Spillover Jobs: 4 (temp) 2 (perm)</li> <li>• Total Payroll: \$ 1,108,000</li> </ul>	<p align="center"><b>Company and Project Description</b></p> <p>Sinatra and Company Real Estate was founded in 2010 and has its HQ in Buffalo, NY. With approx. 5,800 apartments and nearly 1 Mil commercial sq ft owned and managed in WNY, Upstate NY, Dallas, South Bend and Chicago regions, Sinatra and Company are one of the largest private owner-operators of apartments and commercial properties in WNY. 197 Summer Group, LLC (the applicant) is a subsidiary of this group.</p>												
<b>INCENTIVE COST/COMMUNITY BENEFIT RATIO*</b>	The George Lewis House Apartments are an adaptive reuse of a Historic National Register listed building within the Elmwood Village. This structure is over 100 years old and has been vacant for 8 years. Previous uses of this building include its original use as a home for various doctors, a boarding house and most recently home to the American Cancer Society to house families close to patients receiving treatments in Buffalo.												
<p>Incentives: \$ 82,687</p> <p>Community Benefit: \$ 1,215,000</p> <p>Cost: Benefit Ratio</p> <ul style="list-style-type: none"> <li>• 1:15</li> </ul>	<p>Increased construction costs associated with historic preservation, remediation and window restoration coupled with higher than expected amounts of asbestos has created financial obstacles to this project moving forward. If pursued, the project will create 9 apartments: seven one-bedroom apartments (ranging from 647 – 1,000 sq ft @ \$1,000 - \$1,450/mo) and two two-bedroom apartments (ranging from 970 – 1,300 sq ft @ \$1,200 - \$2,250/mo). 10% (1) apartment will be offered at an affordable rate (80% AMI) and the remaining 8 apartments will be offered at market rate. There will be approx. 500 sq ft of light commercial space on the 1<sup>st</sup> floor and parking will be in the rear of the building.</p>												

\* Inform Analytics/Center for Governmental Research

## Economic Impact: Inform Analytics Cost-Benefit Analysis

The Erie County Industrial Development Agency uses Inform Analytics, a widely-recognized modeling tool from the Center for Governmental Research, to assess the economic impact of a project applying for incentives. This cost:benefit ratio is assessed via a Cost-Benefit Analysis, as is required by Section 859-a (5)(b) of General Municipal Law. For the complete Cost Benefit Analysis – please see the attached Inform Analytics Projected Community Benefits and Community Cost Benefit Analysis.

### Cost: Incentives

COSTS	Tax Exemption	Amount
	Property 485a	
	Sales	83,000
	Mortgage Recording	
	Total	83,000
	Discounted at 2%	

### Benefit: Projected Community Benefit\*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount (in Mil)**
	Erie County	Individuals	Payroll Construction	777,000
			Payroll Permanent	331,000
		Public	Property Taxes	
			Sales Taxes	31,000
	New York State	Public	Income Taxes	53,000
			Sales Taxes	27,000
			Total Benefits to EC + NYS***	1,218,000
			Discounted at 2%	1,215,000

\*\* includes direct & indirect \$ over project period    \*\*\* may not sum to total due to rounding

Discounted Cost            \$ 83,000  
 Discounted Benefit       \$ 1,215,000  
 Ratio                            1:15

**Conclusion:** The Cost Benefit for this project is: 1:15. For every \$1 in costs (incentives), this project provides \$ 15 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$ 26 in benefits to the community.**

### Retail Determination

Project Use	Sq Ft	Cost	% Project Cost
Residential	8,500	\$1,480,000	99%
Commercial / Retail	500	\$20,000	1%

Since the retail component of the project represents less than 33% of the project cost, no sign off by the County is required.

### Draft Recapture Material Terms

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$2,875,000 85% = \$ 2443,750
Employment	Coincides with recapture period	Projected = 1 85% = 1 Recapture Employment = 1
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with recapture period	Adherence to Policy
Unpaid Tax	Coincides with recapture period	Adherence to Policy
Recapture Period	2 years after project completion	Recapture of state and local sales taxes

Recapture applies to:

State and Local Sales Taxes

#### Recapture

Pursuant to New York State General Municipal Law, the agency shall modify, recover, recapture or terminate any financial assistance taken by the company that is in violation of the GML.

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has created 1 job, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

#### Project ECIDA History

- No Public hearing is required due to benefit amount < \$100,000.
- Type II Action – No SEQRA compliance required.
- 09/22/2021 - Lease/Leaseback Inducement Resolution presented to the Board of Directors

**ADAPTIVE REUSE REPORT &  
EVALUATIVE CRITERIA:  
George Lewis House Apartments**

Age of Structure (must be at least 20 years old and present functional challenges to redevelopment)	The building 130 years old. Challenges to redevelopment include asbestos materials
Structure has been vacant or underutilized for a minimum of 3 years (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). Project promotes the elimination of slum and blight.	The facility has been vacant for 8 years.
Structure is not generating significant rental income (defined as 50% or less than the market rate income average for that property class)	This building has no rental income and is vacant.
Project is in compliance with the investment and growth criteria of the Framework for Regional Growth. The redevelopment supports or aligns with Regional or Local Development Plans	This project complies with the investment and growth criteria for the Framework for Regional Growth
Demonstrated evidence of financial obstacle to development without ECIDA or other public assistance (cash flow projections documenting costs, expenses and revenues indicating below average return on investment rate as compared to regional industry averages)	Financial obstacles include the overall delay in starting the project – originally slated for early 2020. The COVID pandemic caused the project to be put on hold. The original budget estimates are up approx. 25% due primarily to increasing costs of materials and a labor shortage. As previously mentioned, asbestos has been uncovered in the ceilings and floors that require remediation on each floor of the structure. The developer has supplied an ROI which indicates a below average rate of return on the investment.
Demonstrated support of local government entities	Councilmember David Rivera



LEED/Renewable Resources	NA New equipment purchases will have a high efficiency rating (93%) and feature the energy star rating.
Building or site has historic designation	Building being restored adhering to the guidelines of the State Historic Preservation Office.
Site or structure has delinquent property or other local taxes	Property taxes are current at the project location.
MBE/WBE Utilization	Sinatra Development has held 3 separate job fairs to seek out M/WBE owned businesses within the past 5 years that has led to the hiring of both FT and PT employees
Transit Oriented Development	Property is located on a main bus route – NFTA Metro #20 Elmwood

<b>OTHER FACTORS TO CONSIDER:</b>	
Environmental/Safety Issues: Structure or site presents significant public safety hazard and or environmental remediation costs	Structure has been vacant for nearly a decade contributing to blight and safety hazards for the neighborhood. Significant environmental remediation costs due to the aforementioned asbestos that has been uncovered at the site.
Site or structure is located in a distressed census tract	Site is located in TRACT 67.02 which is a distressed census tract.
Structure presents significant costs associated w/ building code compliance.	Significant environmental remediation costs due to the aforementioned asbestos that has been uncovered at the site.

DATE OF INDUCEMENT: September 22, 2021

### Return on Investment – George Lewis House Apartments

Regional Return on Investment (ROI) numbers vary depending on the interest rate environment, investor availability and risk associated with a project.

The National Development Council, which has experience financing projects in higher risk urban areas across the Northeast, uses 10% - 12% as a benchmark rate of return for urban high-risk projects.

Empire State Development financing officials when reviewing similar projects in the City of Buffalo have used 12% as an acceptable ROI for development projects.

### Adaptive Reuse Projects

Many Adaptive Reuse Projects are hampered by upfront development costs that are not typical in new build green field development projects. These upfront costs can hinder the ability of the projects to attract financing and provide cash flow. The upfront costs associated with site contamination, asbestos removal, code compliance, structural deficiencies can make Adaptive Reuse projects difficult to undertake and attract private investment and financing, particularly in real estate markets where rental values are relatively low. Historically real estate projects in the region are difficult to undertake, local real estate developers have indicated that the typical ROI investors and developers seek to achieve in mixed use development projects are in the 10% - 12% range, although they can run higher for projects with significant risk.

### Public Incentives Requested

- 485 Real Property Tax Abatement in an approximate value of \$129,075
- Sales Tax Savings in the amount of \$82,687

### ROI

197 Summer Group has submitted a proforma documenting the expenses and revenues and ROI for the project.

Stated ROI for the project with ECIDA assistance is 3.0 %

Stated ROI for the project without ECIDA assistance is 2.7%

**PILOT Worksheet: Estimate of Real Property Tax Abatement Benefits\*\*\* and Percentage of Project Costs financed from Public Sector sources**

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

**PILOT Estimate Table Worksheet-George Lewis House**

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
1,500,000	750,000	5.04	17.21	

\*Apply equalization rate to value

**\*\*\* Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff**

**Percentage of Project Costs financed from Public Sector Table Worksheet:**

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
\$2,875,000	n/a	\$ 82,687	n/a	\$129,075 (485a tax incentive)

**Calculate %**

**(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs:  7.4  %**



## Cost Benefit Analysis

prepared using InformAnalytics

### InformAnalytics GLOSSARY

**Total Investment:** Total amount of private investment/cost of project

**Total Net Benefits:** Total of community benefits generated. A calculated projection of indirect economic growth (payroll being spent on goods and services, indirect economic benefits created by construction jobs, etc).

**Direct/Spillover:**

- Direct refers to jobs and payroll created “directly” by the project
- Spillover refers to indirect jobs and payroll (ripple effects of “Direct” private investment)

**Discounted Total:** 2% discount of all projections. An accounting adjustment to allow for a dollar of benefit in the future being worth less than a dollar of benefit today.

**Discounted Total Benefits:** The total projected community benefits, direct or spillover, generated by the project applying for incentives.

**Cost/Benefit Ratio:** The ratio of project cost vs. community benefit, or the community benefit generated by each dollar of incentives approved.

### INCENTIVES DEFINITIONS

*NOTE these are not direct cash incentives; they are savings on future taxes incurred by the project as a result of the project's improvements/construction investment.*

**Property Tax Exemption:** savings on future property taxes. Calculated from the increase in assessed value of the project once the project improvement/construction is completed.

**Sales Tax Exemption:** a limited savings/exemption on future sales tax charges for the qualified purchases of construction materials and/or equipment. The savings amount is calculated using 50% of the total construction costs of the project.

**Mortgage Recording Tax Exemption:** A one-time savings on a portion of the mortgage recording tax paid to Erie County when a mortgage is filed.

# Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Erie County IDA. The report calculates the costs and benefits for specified local taxing districts over the first 2 years, with future returns discounted at a 2% rate.

T2 TABLE 2

## Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for George Lewis House Apartments.

Description	Nominal Value	Discounted Value*
Sales Tax Exemption	\$83,000	\$83,000
<b>Total Costs</b>	<b>\$83,000</b>	<b>\$83,000</b>

**May not sum to total due to rounding.**

\* Discounted at 2%

 TABLE 3

### State & Regional Impact (Life of Project)

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
<b>REGIONAL BENEFITS</b>	<b>\$710,000</b>	<b>\$428,000</b>	<b>\$1,138,000</b>
<b>To Private Individuals</b>	<b>\$686,000</b>	<b>\$421,000</b>	<b>\$1,108,000</b>
Temporary Payroll	\$576,000	\$200,000	\$777,000
Ongoing Payroll	\$110,000	\$221,000	\$331,000
<b>To the Public</b>	<b>\$24,000</b>	<b>\$7,000</b>	<b>\$31,000</b>
Temporary Sales Tax Revenue	\$9,000	\$3,000	\$13,000
Ongoing Sales Tax Revenue	\$2,000	\$4,000	\$5,000
Purchases Sales Tax Revenue	\$13,000	N/A	\$13,000
<b>STATE BENEFITS</b>	<b>\$54,000</b>	<b>\$26,000</b>	<b>\$80,000</b>
<b>To the Public</b>	<b>\$54,000</b>	<b>\$26,000</b>	<b>\$80,000</b>
Temporary Income Tax Revenue	\$28,000	\$10,000	\$38,000
Ongoing Income Tax Revenue	\$5,000	\$10,000	\$15,000
Temporary Sales Tax Revenue	\$8,000	\$3,000	\$11,000
Ongoing Sales Tax Revenue	\$2,000	\$3,000	\$5,000
Purchases Sales Tax Revenue	\$11,000	N/A	\$11,000
<b>Total Benefits to State &amp; Region</b>	<b>\$765,000</b>	<b>\$453,000</b>	<b>\$1,218,000</b>
<b>Discounted Total Benefits (2%)</b>	<b>\$763,000</b>	<b>\$451,000</b>	<b>\$1,215,000</b>

May not sum to total due to rounding.

TABLE 4

**Benefit to Cost Ratio**

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$1,135,000	\$44,000	26:1
State	\$80,000	\$38,000	2:1
<b>Grand Total</b>	<b>\$1,215,000</b>	<b>\$83,000</b>	<b>15:1</b>

**May not sum to total due to rounding.**

\* Discounted at 2%

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CGR has exercised reasonable professional care and diligence in the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.



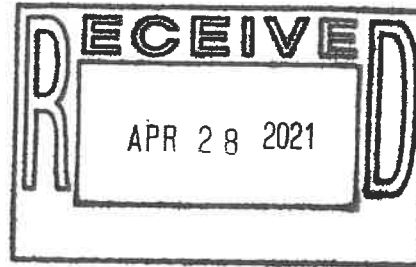
# Common Council

**DAVID A. RIVERA**

**NIAGARA DISTRICT COUNCIL MEMBER  
MAJORITY LEADER**

65 NIAGARA SQUARE, 1504 City Hall  
BUFFALO, NY 14202-3318

PHONE: (716) 851-5125 • FAX: (716) 851-4970  
E-mail: darivera@city-buffalo.com



**COMMITTEES**  
CLAIMS  
CIVIL SERVICE  
FINANCE  
COMMUNITY DEVELOPMENT  
LEGISLATION

**SPECIAL COMMITTEES**

RULES  
MBEC  
POLICE OVERSIGHT, CHAIRMAN

**LEGISLATIVE STAFF**

VALERIE MALIA  
NOEMI SANTIAGO

April 20, 2021

ECIDA  
95 Perry Street, Suite 403  
Buffalo, NY 14203

**Re: 197 Summer Street and 257 Elmwood Avenue  
Historic Tax Credit Application Letter of Support**

To Whom it May Concern:

As Councilmember of the Niagara District, I am pleased to write this letter in support of Sinatra and Company's historic redevelopment projects at 197 Summer and 257 Elmwood. The company purchased these two vacant structures and successfully landmarked them in coordination with the National Park Service and NYS Historic Preservation Office. Between these two properties, the development company will invest over \$5Million to preserve the historic fabric of each and create mixed-use, multi-family residential apartment buildings. The company will feature a mix of affordable housing and market rate units in both properties, light commercial space and parking in the rear of each structure. Once converted, these two projects will add to the residential density adjacent to the Elmwood Village and restore vacant and underutilized buildings back to the beauty of their original construction.

Sincerely,

**David A. Rivera**  
Niagara District Councilmember  
Majority Leader

DAR/vmi

Cc: Chris Hawley, City of Buffalo, Senior Planner



**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
INDUCEMENT RESOLUTION**

**SINATRA & COMPANY REDEVELOPMENT LLC, AND/OR INDIVIDUAL(S) OR  
AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED  
ON ITS BEHALF**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, September 22, 2021 at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF SINATRA & COMPANY REDEVELOPMENT LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (iv) AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

**WHEREAS**, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

**WHEREAS**, SINATRA & COMPANY REDEVELOPMENT LLC or on behalf of an affiliated entity formed or to be formed (the "Company") has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the adaptive reuse of the approximately 9,200+/- SF George Lewis House facility (the "Existing Improvements") located at 197 Summer Street, City of Buffalo, County of Erie, New York (the "Land"); (ii) the renovation, upgrading and equipping of the Existing Improvements thereon to include 9 apartment units (2 two-bedroom, 7 one-bedroom) with one unit at 80% AMI to also include 500+/- SF of commercial space to service the building as amenity-driven, tenant storage, elevator, and parking (the "Improvements"); and (iii) the acquisition of and installation in and around the Existing Improvements and Improvements of certain machinery, equipment and items of personal property (the "Equipment" and, collectively

with the Land and the Improvements, and the Existing Improvements, the "Facility"), and all to be used by the Company; and

**WHEREAS**, the Financial Assistance (as hereinafter defined) being contemplated by the Agency shall not exceed \$100,000, until a Public Hearing is held, if at all, and a subsequent resolution is passed pursuant to General Municipal Law Section 859-a; and

**WHEREAS**, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the "Agent Agreement"), (ii) provide Financial Assistance to the Company in the form of an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility ("Financial Assistance"); and

**WHEREAS**, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:**

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency Policy Committee review of and recommendations related to the Project and its September 9, 2021 resolution to approve the Project subject to the terms and conditions as described herein, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Erie County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the

abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required in the Countywide Industrial Development Agency Uniform Tax Exemption Policy; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions the Act; and

(I) The Project involves a "Type II action" as said term is defined in under the State Environmental Quality Review Act ("SEQRA") and therefore no other determination or procedures under SEQR are required; and

(J) The Project is compliant with the Countywide IDA Eligibility Policy, constitutes a commercial facility as defined in the General Municipal Law and will promote employment opportunities and prevent economic deterioration in the City of Buffalo. The Agency has reviewed the opinion of the State Comptroller (OSC Op. 85-51) and hereby specifically finds that the Project will create temporary construction jobs and approximately one (1) full-time job, and, by adaptively reusing a vacant, declining and aged structure and rehabilitating it for residential use, will be a physical and economic improvement to this sensitive area of the City of Buffalo; and

(K) The Project qualifies for Agency Financial Assistance as it is compliant with the Agency's Adaptive Reuse Project Policy and meets the Agency's evaluative criteria for adaptive reuse projects, said criteria established by the Agency as required under General Municipal Law Section 859-a(5) as evidenced by the following:

- (i) the building is approximately 130 years old and functional issues related to its age present challenges to its reuse;
- (ii) the building has been vacant for 8 years;
- (iii) the building is not generating any rental income;

(iv) the Project is in compliance with the investment and growth criteria of the Framework for Regional Growth;

(v) the Applicant has demonstrated evidence of financial obstacles and impediments to conventionally financing the project without otherwise obtaining Agency or other public assistance;

(vi) the Project has received the support of local governmental entities;

(vii) the building is located within a distressed census tract;

(viii) the structure requires significant costs to comply with building codes;

(ix) the facility is on several bus routes thus meeting transit oriented development criteria;

(x) the Project is located in a highly distressed census tract; and

(xi) the Project's stated return on investment is below what investors and developers seek to achieve for such investments in urban high-risk areas; and

(xii) asbestos issues present a public safety hazard related to rehabilitation and redevelopment of the Project; and

(xiii) the Project is in compliance with MBE/WBE Utilization.

(xiv) the Project is located on a main bus route – NFTA Metro #20 Elmwood.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the appointment of the Company as agent of the Agency, if utilized, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, and/or the Assistant Treasurer).

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$945,000, and, therefore, the value of the sales and use tax exemption benefits (“sales and use tax exemption benefits”) authorized and approved by the Agency cannot exceed \$82,687, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits, taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; (v) the New York State and local sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, the Employment Commitment, and/or the Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the New York State and local sales and use tax exemption benefits, are taken in cases where the Company fails to comply with the Equal Pay Commitment and/or the Unpaid Real Property Tax Policy Commitment, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

(C) Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the conclusion of the later of two (2) years following either (i)

the construction completion date, or (ii) the termination of the Agent Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$2,443,750 (which represents the product of 85% multiplied by \$2,875,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 1 FTE employee. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's "Quarterly Employment Survey" form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver, on behalf of the Agency, the Agent Agreement, a sales tax exemption letter (the "Sales Tax Exemption Letter"), a bill of sale (the "Bill of Sale") whereby the Agency at the completion of the installation period transfers to the Company title to the Equipment acquired during the installation period by the Company as agent of the Agency, and related documents.

Section 5. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 6. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency's Administrative Fee Agreement (the "Fee Agreement") and payment by the Company of an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement

and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

Section 7. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer.

Section 8. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer.

Dated: September 22, 2021



**George Lewis House Apartments**

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** George Lewis House Apartments

**Project Summary** The George Lewis House Apartments is the adaptive reuse of a Historic, NR-Listed building within the Elmwood Village. It will feature 9 apartments, commercial space and parking in the rear of the building. The company proposes 1 affordable unit out of the 9 new units.

**Applicant Name** 197 Summer Group, LLC

**Applicant Address**

**Applicant Address 2**

**Applicant City**

**Applicant State** New York

**Applicant Zip**

**Phone** (716) 866-9717

**Fax**

**E-mail** matt@sinatraandcompany.com

**Website**

**NAICS Code** 531390

Business Organization

**Type of Business** Limited Liability Company

**Year Established** 2019

**State in which Organization is established** New York

Individual Completing Application

**Name** Matt Connors

**Title** VP of Development

**Address** 617 Main Street Suite 200

**Address 2**

**City** Buffalo

**State** New York

**Zip** 14203



Phone (716) 866-9717  
Fax  
E-Mail matt@sinatraandcompany.com

Company Contact (if different from individual completing application)

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

Company Counsel

Name of Attorney Mark Longo  
Firm Name Block Longo Lamarca & Brzezinski P.C.  
Address One Niagara Square  
Address 2  
City Buffalo  
State New York  
Zip 14202  
Phone (716) 854-4080  
Fax  
E-Mail mlongo@blockandlongo.com

Benefits Requested (select all that apply)

Exemption from Sales Tax Yes  
Exemption from Mortgage Tax No  
Exemption from Real Property Tax No  
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%.**

Sinatra and Company Real Estate was founded in 2010 and is headquartered in Buffalo, NY. With approximately 5,800 apartments and nearly 1-million commercial square feet owned and managed in the Western New York, Upstate New York, Dallas, South Bend, and Chicagoland regions, Sinatra and Company Real Estate is one of the largest private owner-operators of apartments and commercial properties in Western New York. 197 Summer Group, LLC is a subsidiary of this group, who will be redeveloping 197 Summer. Nicholas Sinatra is a managing member with interest greater than 20%.

Estimated % of sales within Erie County 100 %

**Estimated % of sales outside Erie County but within New York State** 0 %

**Estimated % of sales outside New York State but within the U.S.** 0 %

**Estimated % of sales outside the U.S.** 0 %

(\*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?**

100

**Describe vendors within Erie County for major purchases**

Frey Electric, Danforth, Big L Windows, Door Specialties, 56 Services

**Section II: Eligibility Questionnaire - Project Description & Details**

Project Location

**Address of Proposed Project Facility**

197 Summer

**Town/City/Village of Project Site**

Buffalo

**School District of Project Site**

Buffalo

**Current Address (if different)**

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

**SBL Number(s) for proposed Project**

100.62-1-25

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

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

Land

\$ 303,000

Building(s)

\$ 423,000

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?**

Yes

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

**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.)**

The building is the former site of the American Cancer Society that housed families of patients being treated for various hospice care throughout Buffalo. The building has been vacant for at least 8 years since the living center was in operation.

**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)**

The George Lewis House renovation proposes to add residential density to Summer Street within the City of Buffalo. This particular stretch between Delaware and Elmwood Avenue features a mix of commercial office space, residential and apartments. The approximately 9,200 SF structure was the former home to the American Cancer Society that housed loved-ones close to patients receiving treatment in Buffalo. The project will be a true historic adaptive-reuse renovation that will feature 9 apartments units (2 two bedroom, 7 one bedroom), roughly 500 SF of commercial space to services the building as amenity-driven, tenant storage, elevator (existing refurbish), parking in the rear and complete upgrades (new purchases) to the HVAC, roofing system, Electric, Plumbing and Fire Protection. One of the units will be at 80% AMI. We envision the tenancy to be derived of Buffalo Niagara Medical Campus (BNMC) students and employees or generally anyone seeking historic, larger units with accessibility between the Elmwood Village and downtown Buffalo.

**Municipality or Municipalities of current operations**

City of Buffalo

**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?**

<BLANK>

**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?**

Yes

(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?**

Yes

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

State Historic Preservation Office.

**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:**

**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)**

This project has seen estimates rise approximately 25% due to the increases in material due to COVID-19. Additionally, the requirements from the State Historic Preservation Office require additional work to preserve the historic fabric of the building that were unexpected during original design. Upon some selective demolition and asbestos testing, the plasters in all interior walls were found to have Asbestos-Containing Materials (ACM) that will require immediate abatement and added costs.

**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?**

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

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)**

Elmwood #20

**Has a project related site plan approval application been submitted to the appropriate planning department?**

No

**If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.**

If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.

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

Yes

Describe the present zoning/land use

N-2R, Healthcare Facility

Describe required zoning/land use, if different

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

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?

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

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.

Retail Sales Yes Services Yes

Please check any and all end uses as identified below.

- No Acquisition of Existing Facility
- No Assisted Living
- No Back Office
- No Civic Facility (not for profit)
- Yes Commercial
- No Equipment Purchase
- No Facility for the Aging
- No Industrial
- No Life Care Facility (CCRC)
- Yes Market Rate Housing
- Yes Mixed Use
- No Multi-Tenant
- No Retail
- No Senior Housing
- No Manufacturing
- No Other

For proposed facility please include the square footage for each of the uses outlined below

If applicant is paying for FFE for tenants, include in cost breakdown.

			<b>Cost</b>	<b>% of Total Cost</b>
<b>Manufacturing/Processing</b>	square feet	\$	0	0%
<b>Warehouse</b>	square feet	\$	0	0%
<b>Research &amp; Development</b>	square feet	\$	0	0%
<b>Commercial</b>	500 square feet	\$	20,000	2%
<b>Retail</b>	square feet	\$	0	0%
<b>Office</b>	square feet	\$	0	0%
<b>Specify Other</b>	8,500 square feet	\$	1,480,000	98%

**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>

**Provide estimate of additional construction cost as a result of LEED certification you are seeking** < BLANK >

**Will project result in significant utility infrastructure cost or uses** Yes

What is the estimated project timetable (provide dates)

**Start date : acquisition of equipment or construction of facilities**

10/1/2021

**End date : Estimated completion date of project**

2/15/2022

**Project occupancy : estimated starting date of occupancy**

2/28/2022

Project Information

**Estimated costs in connection with Project**

**1.) Land and/or Building Acquisition**

\$ 750,000 square feet acres

**2.) New Building Construction**

\$ 0 square feet

**3.) New Building addition(s)**

\$ 0 square feet

**4.) Reconstruction/Renovation**

\$ 1,500,000 square feet

**5.) Manufacturing Equipment**

\$ 0

**6.) Infrastructure Work**

\$ 75,000

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

\$ 200,000

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

\$ 350,000

**9.) Other Cost**

\$ 0

**Explain Other  
Costs**

**Total Cost** \$ 2,875,000

Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 1,575,000 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 945,000
<b>% sourced in Erie County</b>	100%

Sales and Use Tax:

<b>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</b>	\$ 945,000
<b>Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):</b>	\$ 82,687

\*\* 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?** Yes

**If Yes, describe particulars:** Soft Costs, acquisition

Sources of Funds for Project Costs:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$
<b>Bank Financing:</b>	\$ 0
<b>Tax Exempt Bond Issuance (if applicable):</b>	\$ 0
<b>Taxable Bond Issuance (if applicable):</b>	\$ 0
<b>Public Sources (Include sum total of all state and federal grants and tax credits):</b>	\$ 556,847
<b>Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)</b>	0
<b>Total Sources of Funds for Project Costs:</b>	\$556,847
<b>Have you secured financing for the project?</b>	No

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).**

**Lender Name, if Known**

**Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):** \$0

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):** 485a

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.

**ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization**

Sinatra Development has an inter-company goal to achieve at least 25% M/WBE participation on development projects. The company has successfully completed this at the Phoenix Brewery Apartments at 835 Washington, Mid City Apartments at 1661 Main Street and 1184 Jefferson Avenue. In addition, we have held numerous job fairs strictly for M/WBE businesses and have been successful hiring both full-time employees and identifying new subcontractors.

**Is project necessary to expand project employment?**

Yes

**Is project necessary to retain existing employment?**

No

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return. 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 \*\***



<b>Full time</b>	0	0	1	1
<b>Part time</b>	0	0	0	0
<b>Total</b>	0	0	1	

Salary and Fringe Benefits for Jobs to be Retained and Created

<b>Category of Jobs to be Retained and/or Created</b>	<b># of Employees Retained and/or Created</b>	<b>Average Salary for Full Time</b>	<b>Average Fringe Benefits for Full Time</b>	<b>Average Salary for Part Time (if applicable)</b>	<b>Average Fringe Benefits for Part Time (if applicable)</b>
<b>Management</b>	1	\$ 55,000	\$ 0	\$ 0	\$ 0
<b>Professional</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Administrative</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Production</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Independent Contractor</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Other</b>	0	\$ 0	\$ 0	\$ 0	\$ 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.

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

<b>Address</b>			
<b>Full time</b>	0	0	0
<b>Part time</b>	0	0	0
<b>Total</b>	0	0	0

Payroll Information

**Annual Payroll at Proposed Project Site upon completion**

55,000

**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)**

55,000

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

0

**Estimated salary range of jobs to be created**

<b>From (Full Time)</b>	55,000	<b>To (Full Time)</b>	55,000
<b>From (Part Time)</b>	0	<b>To (Part Time)</b>	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**

197 Summer Street, Buffalo NY 14222

##### **Name and Address of Owner of Premises**

197 Summer Group, LLC; 617 Main Street Suite 200, Buffalo NY 14203

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

Historic 1891 structure along a commercial street; shared parking lot in the rear of the premises. No adjacent wetlands, lakes, etc.

##### **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 property was constructed in 1891 as a home for various doctors in Buffalo. It was converted to a rooming house in the 1940's, then purchased by the American Cancer Society in 1983. There was an elevator added in 1990 to maintain operations for the American Cancer Society.

##### **Describe all known former uses of the Premises**

Residential, Rooming House, Buffalo Hope Lodge.

##### **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**

**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**

**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**

**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 plasters within the walls have found to have elevated levels of Abestos-Containing Material (ACM) that will be removed in conjunction with demolition so we can provide clean airs samples to the City of Buffalo.

### 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**

This stretch of Summer Street is essentially a bridge between Allentown and the Elmwood Village, featuring many businesses such as law offices and medical professionals. This project will cater to young professionals, Medical Campus employees, and "empty-nesters" seeking historic living within an updated building along a historic street in the City of Buffalo.

**Have any tenant leases been entered into for this project?**

No

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, zip)	# of sq ft and % of total to be occupied at new project site	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 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?**

Yes

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

**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?**

2 %

If the answer to this is **less than 33%** do not complete the remainder of the page, proceed to the next section.

If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

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

<BLANK>

**Is the project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located?**

<BLANK>

If yes, please provide a third party market analysis or other documentation supporting your response.

**Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality? Are services provided at the proposed project site needed because of a lack of reasonably accessible retail trade facilities offering such goods or services?**

<BLANK>

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?**

<BLANK>

**If yes, explain**

**Is the project located in a Highly Distressed Area?**

<BLANK>

## 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?**

Yes

**What is the age of the structure (in years)?** 130

**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

**If vacant, number of years vacant.**

8

**If underutilized, number of years underutilized.**

0

**Describe the use of the building during the time it has been underutilized:**

N/A

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

No

**If yes, please provide dollar amount of income being generated, if any**

If apartments are planned in the facility, please indicate the following:

	Number of Units	Sq. Ft. Range Low to High	Rent Range Low to High
<b>1 Bedroom</b>	7	647 - 1,000	\$1,000 - \$1,450
<b>2 Bedroom</b>	2	970 - 1,300	\$1,200 - \$2,250
<b>3 Bedroom</b>	-	-	\$ - \$
<b>Other</b>	-	-	\$ - \$

**Does the site have historical significance?**

Yes

**If yes, please indicate historical designation**

It is listed on the National Register of Places in NYS; awaiting national designation.

**Are you applying for either State/Federal Historical Tax Credit Programs?**

Yes

**If yes, provide estimated value of tax credits**

556,847

**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 (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages)**

Given the various obstacles due to COVID-19 and increased construction costs associated to historic preservation, remediation and window restoration, this project has extremely thin margins to support the costs. For instance, we are seeing lumber packages up approximately 250% that are continuing to escalate due to inflation concerns. When undertaking an historic renovation, the obstacles of restoration coupled with asbestos-containing materials creates a much larger delta on projections versus actual, particularly in 2021.

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

We have received a letter of support from Councilman Rivera.

**Indicate other factors that you would like the Agency to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, structure presents significant costs associated with building code compliance**

Upon initial walkthroughs, the structure was believed to only have asbestos-containing materials in the windows and basement. It was revealed, however, that after a wall sample was taken by the contractor, all interior wall plasters have increased amounts of asbestos. The entire interior wall sections must be remediated ahead of work in order to receive a clean air sample.

**Indicate census tract of project location**

67

**Indicate how project will eliminate slum and blight**

This historic building is in need of major repairs on both the interior and exterior after years of neglect and ownership transition. Sinatra Development will restore both back to its original construction, upgrade all electric, mechanicals and plumbing, restore all windows and roof and maintain all landscaping along Summer Street to ensure it will be a fully-refurbished gem for this section of downtown Elmwood.

**If project will be constructed to LEED standards indicate renewable resources utilized**

N/A



### 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**

197 Summer Street

**City/Town**

Buffalo

**State**

New York

**Zip Code**

14222

**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:**

**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**

**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.)**

**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?**

**If the current facility is to be abandoned, 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 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

**Walcot Apartments**  
**\$ 3,345,000**  
**PRIVATE INVESTMENT INDUCEMENT RESOLUTION**

**ELIGIBILITY**

- NAICS Section – 531390

**COMPANY INCENTIVES**

- Approximately \$106,050 in sales tax savings

**JOBS & ANNUAL PAYROLL**

- Current Jobs: 0
- Annual Payroll: \$ 0
- Projected new jobs: 1
- Est. salary/yr. of jobs created: \$ 55,000
- Total jobs after project completion: 1
- Construction Jobs: 14

**PROJECTED COMMUNITY BENEFITS\***

- Term: 2 years after project completion.
- NET Community Benefits: \$ 1,467,000
- Spillover Jobs: 5 temp, 2 perm
- Total Payroll: \$ 1,341,000

**INCENTIVE COST/COMMUNITY BENEFIT RATIO\***

- Incentives: \$106,050
- Community Benefit: \$ 1,464,000
- Cost: Benefit Ratio
  - 1:14

Project Title: Walcot Apartments

Project Address: 257 Elmwood Ave  
 Buffalo, New York 14222  
 (Buffalo City School District)

**Agency Request**

A sales tax exemption in connection with the adaptive reuse of a mid-century modern building within the Elmwood Village to 12 apartments (inclusive of 1 affordable rate apartment).

Building Acquisition	\$ 830,000
Reconstruction / Renovation	\$1,950,000
Infrastructure	\$ 70,000
Non- Manufacturing Equipment	\$ 180,000
Soft Costs/Other	\$ 315,000
<b>Total Project Cost</b>	<b>\$3,345,000</b>

85% \$2,843,250

**Company and Project Description**

Sinatra and Company Real Estate was founded in 2010 and has its HQ in Buffalo, NY. With approx. 5,800 apartments and nearly 1 Mil commercial sq ft owned and managed in WNY, Upstate NY, Dallas, South Bend and Chicago regions, Sinatra and Company are one of the largest private owner-operators of apartments and commercial properties in WNY. Sinatra and Company Redevelopment, LLC (the applicant) is a subsidiary of this group.

The Walcot Apartments are an adaptive reuse & historic tax credit project within the Elmwood Village. This 12,500 sq ft mid-century modern building has been vacant for nearly a decade. With the rise in construction materials costs, labor shortages and various financial obstacles such as asbestos and structural issues, the project is seeking assistance to lower renovation costs. The project will create 12 one-bedroom apartments (ranging from 700 – 900 sq ft @ \$1,022 - \$1,850/mo). 10% (1) apartment will be offered at an affordable rate (80% AMI) and 11 apartments will be market rate. There will be approx. 500 sq ft of light commercial space on the 1<sup>st</sup> floor.

\* Inform Analytics/Center for Governmental Research

### Economic Impact: Inform Analytics Cost-Benefit Analysis

The Erie County Industrial Development Agency uses Inform Analytics, a widely-recognized modeling tool from the Center for Governmental Research, to assess the economic impact of a project applying for incentives. This cost:benefit ratio is assessed via a Cost-Benefit Analysis, as is required by Section 859-a (5)(b) of General Municipal Law. For the complete Cost Benefit Analysis – please see the attached Inform Analytics Projected Community Benefits and Community Cost Benefit Analysis.

#### Cost: Incentives

COSTS	Tax Exemption	Amount
	Property (485a)	
	Sales	106,000
	Mortgage Recording	
	Total	106,000
	Discounted at 2%	

#### Benefit: Projected Community Benefit\*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	1,010,000
			Payroll Permanent	331,000
		Public	Property Taxes	
			Sales Taxes	33,000
	New York State	Public	Income Taxes	64,000
			Sales Taxes	29,000
			Total Benefits to EC + NYS***	1,467,000
			Discounted at 2%	1,464,000

\*\*includes direct & indirect \$ over project period \*\*\*may not sum to total due to rounding

Discounted Cost           \$ 106,000  
 Discounted Benefit       \$ 1,464,000  
 Ratio                        1:14

**Conclusion:** The Cost Benefit for this project is: 1:14. For every \$1 in costs (incentives), this project provides \$14 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$24 in benefits to the community.**

\* Inform Analytics/Center for Governmental Research

#### Retail Determination

Project Use	Sq Ft	Cost	% Project Cost
Residential	12,000	\$1,910,000	98%
Commercial / Retail	500	\$ 40,000	2%

Since the retail component of the project represents less than 33% of the project cost, no sign off by the County is required.

### Draft Recapture Material Terms

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$3,345,000 85% = \$ 2,843,250
Employment	Coincides with recapture period	Projected = 1 85% = 1 Recapture Employment = 1
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with recapture period	Adherence to Policy
Unpaid Tax	Coincides with recapture period	Adherence to Policy
Recapture Period	2 years after project completion	Recapture of state and local sales taxes

Recapture applies to:

State and Local Sales Taxes

#### Recapture

Pursuant to New York State General Municipal Law, the agency shall modify, recover, recapture or terminate any financial assistance taken by the company that is in violation of the GML.

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has created 1 job, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

#### Project ECIDA History

- 08/23/2021 - Public hearing held. Transcript Attached
- Type II Action – No SEQRA compliance required.
- 09/22/2021 - Lease/Leaseback Inducement Resolution presented to the Board of Directors

**ADAPTIVE REUSE REPORT &  
EVALUATIVE CRITERIA:  
Walcot Apartments**

<p>Age of Structure (must be at least 20 years old and present functional challenges to redevelopment)</p>	<p>The building is over 100 years old. Challenges to redevelopment include asbestos materials in ceilings &amp; floors as well as structural issues that are currently under review.</p>
<p>Structure has been vacant or underutilized for a minimum of 3 years (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). Project promotes the elimination of slum and blight.</p>	<p>The facility has been vacant for 8 years. The project will beautify the exterior back to its historic façade and upgrade the landscaping improving a main thoroughfare within the City of Buffalo.</p>
<p>Structure is not generating significant rental income (defined as 50% or less than the market rate income average for that property class)</p>	<p>This building has no rental income and is vacant.</p>
<p>Project is in compliance with the investment and growth criteria of the Framework for Regional Growth. The redevelopment supports or aligns with Regional or Local Development Plans</p>	<p>This project complies with the investment and growth criteria for the Framework for Regional Growth</p>
<p>Demonstrated evidence of financial obstacle to development without ECIDA or other public assistance (cash flow projections documenting costs, expenses and revenues indicating below average return on investment rate as compared to regional industry averages)</p>	<p>Financial obstacles include the overall delay in starting the project – originally slated for early 2020. The COVID pandemic caused the project to be put on hold. Three main factors attribute to financial obstacles: 1. Uncovered environmental concern, 2. Escalated construction costs and 3. SHPO requirements.</p> <p>The developer has supplied an ROI which indicates a below average rate of return on the investment.</p>
<p>Demonstrated support of local government entities</p>	<p>Councilmember David Rivera</p>

LEED/Renewable Resources	NA New equipment purchases will have a high efficiency rating (93%) and feature the energy star rating.
Building or site has historic designation	Building being restored adhering to the guidelines of the State Historic Preservation Office.
Site or structure has delinquent property or other local taxes	Property taxes are current at the project location.
MBE/WBE Utilization	Sinatra Development strives for 25-30% MWBE participation and has successfully achieved for similar projects as noted in application. They have held 3 separate job fairs to seek out M/WBE owned businesses within the past 5 years that has led to the hiring of both FT and PT employees.
Transit Oriented Development	Property is located on a main bus route – NFTA Metro #20 Elmwood

<b>OTHER FACTORS TO CONSIDER:</b>	
Environmental/Safety Issues: Structure or site presents significant public safety hazard and or environmental remediation costs	Structure has been vacant for nearly a decade contributing to blight and safety hazards for the neighborhood. Significant environmental remediation costs are due to the presence of asbestos at the site.
Site or structure is located in a distressed census tract	Site is located in TRACT 67.02 which is a distressed census tract.
Structure presents significant costs associated w/ building code compliance.	Significant environmental remediation costs due to the aforementioned asbestos that has been uncovered at the site.

DATE OF INDUCEMENT: September 22, 2021



## **Return on Investment – Sinatra and Company Redevelopment, LLC**

Regional Return on Investment (ROI) numbers vary depending on the interest rate environment, investor availability and risk associated with a project.

The National Development Council, which has experience financing projects in higher risk urban areas across the Northeast, uses 10% - 12% as a benchmark rate of return for urban high-risk projects.

Empire State Development financing officials when reviewing similar projects in the City of Buffalo have used 12% as an acceptable ROI for development projects.

### **Adaptive Reuse Projects**

Many Adaptive Reuse Projects are hampered by upfront development costs that are not typical in new build green field development projects. These upfront costs can hinder the ability of the projects to attract financing and provide cash flow. The upfront costs associated with site contamination, asbestos removal, code compliance, structural deficiencies can make Adaptive Reuse projects difficult to undertake and attract private investment and financing, particularly in real estate markets where rental values are relatively low. Historically real estate projects in the region are difficult to undertake, local real estate developers have indicated that the typical ROI investors and developers seek to achieve in mixed use development projects are in the 10% - 12% range, although they can run higher for projects with significant risk.

### **Public Incentives Requested**

- 485 Real Property Tax Abatement in an approximate value of \$173,821
- Sales Tax Savings in the amount of \$ 106,050

### **ROI**

Sinatra and Company Redevelopment LLC has submitted a proforma documenting the expenses and revenues and ROI for the project.

Stated ROI for the project with ECIDA assistance is 2.8%

Stated ROI for the project without ECIDA assistance is 2.4%

**PILOT Worksheet: Estimate of Real Property Tax Abatement Benefits\*\*\* and Percentage of Project Costs financed from Public Sector sources**

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

**PILOT Estimate Table Worksheet-Walcot Apartments**

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$2,020,000	\$1,010,000	5.04	17.21	

\*Apply equalization rate to value

**\*\*\* Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff**

**Percentage of Project Costs financed from Public Sector Table Worksheet:**

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
\$3,345,000	n/a	\$106,050	n/a	\$173,821 (485a Tax Exemption)

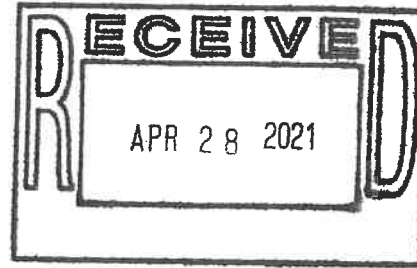
**Calculate %**

**(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 8.4 %**



# Common Council

**DAVID A. RIVERA**  
 NIAGARA DISTRICT COUNCIL MEMBER  
 MAJORITY LEADER  
 65 NIAGARA SQUARE, 1504 City Hall  
 BUFFALO, NY 14202-3318  
 PHONE: (716) 851-5125 • FAX: (716) 851-4970  
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**COMMITTEES**  
 CLAIMS  
 CIVIL SERVICE  
 FINANCE  
 COMMUNITY DEVELOPMENT  
 LEGISLATION  
**SPECIAL COMMITTEES**  
 RULES  
 MBEC  
 POLICE OVERSIGHT, CHAIRMAN  
**LEGISLATIVE STAFF**  
 VALERIE MALIA  
 NOEMI SANTIAGO

April 20, 2021

ECIDA  
 95 Perry Street, Suite 403  
 Buffalo, NY 14203

**Re: 197 Summer Street and 257 Elmwood Avenue  
 Historic Tax Credit Application Letter of Support**

To Whom it May Concern:

As Councilmember of the Niagara District, I am pleased to write this letter in support of Sinatra and Company's historic redevelopment projects at 197 Summer and 257 Elmwood. The company purchased these two vacant structures and successfully landmarked them in coordination with the National Park Service and NYS Historic Preservation Office. Between these two properties, the development company will invest over \$5Million to preserve the historic fabric of each and create mixed-use, multi-family residential apartment buildings. The company will feature a mix of affordable housing and market rate units in both properties, light commercial space and parking in the rear of each structure. Once converted, these two projects will add to the residential density adjacent to the Elmwood Village and restore vacant and underutilized buildings back to the beauty of their original construction.

Sincerely,

**David A. Rivera**  
 Niagara District Councilmember  
 Majority Leader

DAR/vrm

Cc: Chris Hawley, City of Buffalo, Senior Planner

## PUBLIC HEARING SCRIPT

**Sinatra & Company Redevelopment LLC  
and/or Individual(s) or Affiliate(s),  
Subsidiary(ies), or Entity(ies) formed or  
to be formed on its behalf Project**

Public Hearing to be held on August 23, 2021 at 9:00 a.m.,  
at the Erie County Industrial Development Agency's offices located at  
95 Perry Street, Suite 403, Buffalo, New York 14203

### ATTENDANCE:

Matt Connors – Sinatra Development, LLC  
Beth O'Keefe – ECIDA  
Brian Krygier – ECIDA

### 1. WELCOME: Call to Order and Identity of Hearing Officer.

*Hearing Officer:* Welcome. This public hearing is now open; it is 9:00 a.m. My name is Grant Lesswing. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at [www.ecidany.com](http://www.ecidany.com).

### 2. PURPOSE: Purpose of the Hearing.

*Hearing Officer:* We are here to hold the public hearing on the {Company} and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Friday, August 13, 2021.

### 3. PROJECT SUMMARY: Description of Project and Contemplated Agency Benefits.

*Hearing Officer:* The proposed project (the "Project") consists of: (i) the adaptive reuse historic tax credit project creating 12 market-rate apartments with light commercial space on the ground floor (the "Improvements"), and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and collectively with the Improvements, the "Facility").

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits (in compliance with Agency's uniform tax exemption policy).

**4. FORMAT OF HEARING: Review rules and manner in which the hearing will proceed.**

*Hearing Officer:* All those in attendance are required to register by signing the sign-in sheet at the front of the room; you will not be permitted to speak unless you have registered. Everyone who has registered will be given an opportunity to make statements and/or comments on the Project.

If you have a written statement or comment to submit for the record, you may leave it at this public hearing, submit it on the Agency's website or deliver it to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on September 21, 2021. There are no limitations on written statements or comments.

**5. PUBLIC COMMENT: Hearing Officer gives the Public an opportunity to speak.**

*Hearing Officer:* If anyone is interested in making a statement or comment, please raise your hand, state your name and address; if you are representing a company, please identify the company. I request that speakers keep statements and/or comments to 5 minutes, and if possible, 3 minutes.

**The Hearing Officer calls on those who raise their hand.**

Mat Connors – Vice President Sinatra Development. I am here on behalf of Sinatra Development, LLC. We are anxious to undertake this project featuring 12 one-bedroom units and some commercial space to service the building. We will be seeking historical tax credits and we have full approvals from the National Park Service.

**6. ADJOURNMENT:**

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 9:03 a.m.

**SIGN IN SHEET  
PUBLIC HEARING**

August 23, 2021 at 9:00 a.m.  
at the Erie County Industrial Development Agency's offices located at  
95 Perry Street, Suite 403, Buffalo, New York 14203  
regarding:

**Sinatra & Company Redevelopment LLC and/or Individual(s) or Affiliate(s),  
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 257 Elmwood Avenue, Buffalo, New York 14222

Name	Company and/or Address	X box to speak/ comment
Matt Connors	Sinatra Development, LLC 617 Main Street Buffalo, New York 14203	X
Beth O'Keefe	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	



## Cost Benefit Analysis

prepared using InformAnalytics

### InformAnalytics GLOSSARY

**Total Investment:** Total amount of private investment/cost of project

**Total Net Benefits:** Total of community benefits generated. A calculated projection of indirect economic growth (payroll being spent on goods and services, indirect economic benefits created by construction jobs, etc).

**Direct/Spillover:**

- Direct refers to jobs and payroll created “directly” by the project
- Spillover refers to indirect jobs and payroll (ripple effects of “Direct” private investment)

**Discounted Total:** 2% discount of all projections. An accounting adjustment to allow for a dollar of benefit in the future being worth less than a dollar of benefit today.

**Discounted Total Benefits:** The total projected community benefits, direct or spillover, generated by the project applying for incentives.

**Cost/Benefit Ratio:** The ratio of project cost vs. community benefit, or the community benefit generated by each dollar of incentives approved.

### INCENTIVES DEFINITIONS

*NOTE these are not direct cash incentives; they are savings on future taxes incurred by the project as a result of the project’s improvements/construction investment.*

**Property Tax Exemption:** savings on future property taxes. Calculated from the increase in assessed value of the project once the project improvement/construction is completed.

**Sales Tax Exemption:** a limited savings/exemption on future sales tax charges for the qualified purchases of construction materials and/or equipment. The savings amount is calculated using 50% of the total construction costs of the project.

**Mortgage Recording Tax Exemption:** A one-time savings on a portion of the mortgage recording tax paid to Erie County when a mortgage is filed.

# Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Erie County IDA. The report calculates the costs and benefits for specified local taxing districts over the first 2 years, with future returns discounted at a 2% rate.

T2 TABLE 2

## Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for Sinatra and Company Redevelopment, LLC.

Description	Nominal Value	Discounted Value*
Sales Tax Exemption	\$106,000	\$106,000
<b>Total Costs</b>	<b>\$106,000</b>	<b>\$106,000</b>

**May not sum to total due to rounding.**

\* Discounted at 2%



TABLE 3

**State & Regional Impact (Life of Project)**

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
<b>REGIONAL BENEFITS</b>	<b>\$885,000</b>	<b>\$489,000</b>	<b>\$1,374,000</b>
<b>To Private Individuals</b>	<b>\$859,000</b>	<b>\$481,000</b>	<b>\$1,341,000</b>
Temporary Payroll	\$749,000	\$260,000	\$1,010,000
Ongoing Payroll	\$110,000	\$221,000	\$331,000
<b>To the Public</b>	<b>\$26,000</b>	<b>\$8,000</b>	<b>\$33,000</b>
Temporary Sales Tax Revenue	\$12,000	\$4,000	\$16,000
Ongoing Sales Tax Revenue	\$2,000	\$4,000	\$5,000
Purchases Sales Tax Revenue	\$12,000	N/A	\$12,000
<b>STATE BENEFITS</b>	<b>\$64,000</b>	<b>\$29,000</b>	<b>\$93,000</b>
<b>To the Public</b>	<b>\$64,000</b>	<b>\$29,000</b>	<b>\$93,000</b>
Temporary Income Tax Revenue	\$37,000	\$13,000	\$49,000
Ongoing Income Tax Revenue	\$5,000	\$10,000	\$15,000
Temporary Sales Tax Revenue	\$11,000	\$4,000	\$14,000
Ongoing Sales Tax Revenue	\$2,000	\$3,000	\$5,000
Purchases Sales Tax Revenue	\$10,000	N/A	\$10,000
<b>Total Benefits to State &amp; Region</b>	<b>\$949,000</b>	<b>\$518,000</b>	<b>\$1,467,000</b>
<b>Discounted Total Benefits (2%)</b>	<b>\$948,000</b>	<b>\$516,000</b>	<b>\$1,464,000</b>

May not sum to total due to rounding.

TABLE 4

**Benefit to Cost Ratio**

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$1,371,000	\$57,000	24:1
State	\$93,000	\$49,000	2:1
<b>Grand Total</b>	<b>\$1,464,000</b>	<b>\$106,000</b>	<b>14:1</b>

**May not sum to total due to rounding.**

\* Discounted at 2%

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CGR has exercised reasonable professional care and diligence in the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
INDUCEMENT RESOLUTION**

**SINATRA & COMPANY REDEVELOPMENT LLC, AND/OR INDIVIDUAL(S) OR  
AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED  
ON ITS BEHALF**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, September 22, 2021 at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF SINATRA & COMPANY REDEVELOPMENT LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (iv) AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

**WHEREAS**, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

**WHEREAS**, SINATRA & COMPANY REDEVELOPMENT LLC or on behalf of an affiliated entity formed or to be formed (the "Company") has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the adaptive reuse of the approximately 12,500+/- SF Walcot Apartments facility (the "Existing Improvements") located at 257 Elmwood Avenue, City of Buffalo, County of Erie, New York (the "Land"); (ii) the renovation, upgrading and equipping of the Existing Improvements thereon to include 12 apartments with light commercial space (the "Improvements"), and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and collectively with the Existing Improvements and the Improvements, "Facility"); and

**WHEREAS**, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the “Agent Agreement”), (ii) provide Financial Assistance to the Company in the form of an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility (“Financial Assistance”); and

**WHEREAS**, pursuant to General Municipal Law Section 859-a, on August 23, 2021 at 9:00 a.m., at the offices of the Agency located 95 Perry Street, Suite 403, Buffalo, Erie County, NY 14203, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

**WHEREAS**, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:**

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company’s application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency Policy Committee review of and recommendations with respect to the Project and its September 9, 2021 resolution to approve the Project subject to the terms and conditions as described herein, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Erie County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the “State”) to another area of the State or result in the

abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required in the Countywide Industrial Development Agency Uniform Tax Exemption Policy; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions the Act.

(I) The Project involves a "Type II action" as said term is defined in under the State Environmental Quality Review Act ("SEQRA") and therefore no other determination or procedures under SEQR are required; and

(J) The Project is compliant with the Countywide IDA Eligibility Policy, constitutes a commercial facility as defined in the General Municipal Law and will promote employment opportunities and prevent economic deterioration in the City, of Buffalo. The Agency has reviewed the opinion of the State Comptroller (OSC Op. 85-51) and hereby specifically finds that the Project will create temporary construction jobs and approximately one (1) full-time job, and, by adaptively reusing a vacant, declining and aged structure and rehabilitating it for residential use, will be a physical and economic improvement to this sensitive area of the City of Buffalo; and

(K) The Project qualifies for Agency Financial Assistance as it is compliant with the Agency's Adaptive Reuse Project Policy and meets the Agency's evaluative criteria for adaptive reuse projects, said criteria established by the Agency as required under General Municipal Law Section 859-a(5) as evidenced by the following:

- (i) the building is approximately 100 years old and functional issues related to its age present challenges to its reuse;
- (ii) the building has been vacant for 8 years;
- (iii) the building is not generating any rental income;

- (iv) the Project is in compliance with the investment and growth criteria of the Framework for Regional Growth;
- (v) the Applicant has demonstrated evidence of financial obstacles and impediments to conventionally financing the project without otherwise obtaining Agency or other public assistance;
- (vi) the Project has received the support of local governmental entities;
- (vii) the building is located within a distressed census tract;
- (viii) the structure requires significant costs to comply with building codes;
- (ix) the facility is on several bus routes thus meeting transit oriented development criteria;
- (x) the Project is located in a highly distressed census tract; and
- (xi) the Project's stated return on investment is below what investors and developers seek to achieve for such investments in urban high-risk areas; and
- (xii) asbestos issues present a public safety hazard related to rehabilitation and redevelopment of the Project; and
- (xiii) the Project is in compliance with MBE/WBE Utilization.
- (xiv) the Project is located on bus route 20.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the appointment of the Company as agent of the Agency, if utilized, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, and/or the Assistant Treasurer).

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$1,212,000, and, therefore, the value of the sales and use tax exemption benefits (“sales and use tax exemption benefits”) authorized and approved by the Agency cannot exceed \$106,050, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits, taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; (v) the New York State and local sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, the Employment Commitment, and/or the Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the New York State and local sales and use tax exemption benefits, are taken in cases where the Company fails to comply with the Equal Pay Commitment and/or the Unpaid Real Property Tax Policy Commitment, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

(C) Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the conclusion of the later of two (2) years following either (i)

the construction completion date, or (ii) the termination of the Agent Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$2,843,250 (which represents the product of 85% multiplied by \$3,345,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to one FTE employee. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's "Quarterly Employment Survey" form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver, on behalf of the Agency, the Agent Agreement, a sales tax exemption letter (the "Sales Tax Exemption Letter"), a bill of sale (the "Bill of Sale") whereby the Agency at the completion of the installation period transfers to the Company title to the Equipment acquired during the installation period by the Company as agent of the Agency, and related documents.

Section 5. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 6. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency's Administrative Fee Agreement (the "Fee Agreement") and payment by the Company of an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement



and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

Section 7. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer.

Section 8. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer.

Dated: September 22, 2021



## Walcot Apartments

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

<b>Project Name</b>	The Walcot Apartments
<b>Project Summary</b>	The Walcott Apartments are an adaptive reuse historic tax credit project within the Elmwood Village. This mid-century modern building between Summer and North Street in Buffalo, has been vacant for many years. The project aims to create 12 market-rate units with light commercial space on the ground floor. Parking will be in the rear of the building (existing), and the developers hope this can help ignite walkability on this stretch of South Elmwood.
<b>Applicant Name</b>	Sinatra and Company Redevelopment, LLC
<b>Applicant Address</b>	617 Main Street Suite 200
<b>Applicant Address 2</b>	
<b>Applicant City</b>	Buffalo
<b>Applicant State</b>	New York
<b>Applicant Zip</b>	14203
<b>Phone</b>	(716) 220-8468
<b>Fax</b>	(716) 299-1063
<b>E-mail</b>	matt@sinatraandcompany.com
<b>Website</b>	www.sinatraandcompany.com
<b>NAICS Code</b>	531390

#### Business Organization

<b>Type of Business</b>	Limited Liability Company
<b>Year Established</b>	2017
<b>State in which Organization is established</b>	New York

#### Individual Completing Application

<b>Name</b>	Matt Connors
<b>Title</b>	Vice President of Development
<b>Address</b>	617 Main Street Suite 300
<b>Address 2</b>	
<b>City</b>	Buffalo
<b>State</b>	New York

**Zip** 14203  
**Phone** (716) 866-9717  
**Fax**  
**E-Mail** matt@sinatraandcompany.com

Company Contact (if different from individual completing application)

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

Company Counsel

**Name of Attorney** Mark Longo  
**Firm Name** Block Longo Lamarca & Brzezinski P.C.  
**Address** One Niagara Square  
**Address 2**  
**City** Buffalo  
**State** New York  
**Zip** 14202  
**Phone** (716) 854-4080  
**Fax**  
**E-Mail** mlongo@blockandlongo.com

Benefits Requested (select all that apply)

<b>Exemption from Sales Tax</b>	Yes
<b>Exemption from Mortgage Tax</b>	No
<b>Exemption from Real Property Tax</b>	No
<b>Tax Exempt Financing*</b>	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%.**

Sinatra and Company Real Estate was founded in 2010 and is headquartered in Buffalo, NY. With approximately 5,800 apartments and nearly 1-million commercial square feet owned and managed in the Western New York, Upstate New York, Dallas, South Bend, and Chicagoland regions, Sinatra and Company Real Estate is one of the largest private owner-operators of apartments and commercial properties in Western New York. SC Redevelopment LLC is a subsidiary of this group, who will be redeveloping 257 Elmwood. Nicholas Sinatra is a managing member with interest greater than 20%.

<b>Estimated % of sales within Erie County</b>	100 %
<b>Estimated % of sales outside Erie County but within New York State</b>	0 %
<b>Estimated % of sales outside New York State but within the U.S.</b>	0 %
<b>Estimated % of sales outside the U.S.</b>	0 %

(\*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?**

100

**Describe vendors within Erie County for major purchases**

Frey Electric, Danforth, DV Brown, Big L Windows, Door Specialties

## Section II: Eligibility Questionnaire - Project Description & Details

### Project Location

#### Address of Proposed Project Facility

257 Elmwood Avenue

#### Town/City/Village of Project Site

Buffalo

#### School District of Project Site

Buffalo

#### Current Address (if different)

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

#### SBL Number(s) for proposed Project

100.70-1-34

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

22,299 annually

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

Land

\$ 83,000

Building(s)

\$ 747,000

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?

Yes

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

#### 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.)

The building is a vacant, formerly commercial office building in the City of Buffalo.

#### 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)

Sinatra Development proposes to create 12 residential apartment units and some light commercial (approximately 500 SF) as an amenity-based tenant to service the building. The project team will have 1 affordable unit at 80% AMI in this project. Significant renovations will include, all new historic windows, new mechanical systems, electric, fire protection, plumbing systems, etc. It will be a substantial renovation down to the existing plasters and studs that will feature a double-loaded corridor throughout the 4 floors. The target demographic will be residents choosing to live between Allentown and the Elmwood Village, and will have access to major bus lines directly adjacent to the property. The project will also feature parking in the rear parking lot off Elmwood Avenue. From a labor perspective, Sinatra Development strives to achieve between 25-30% M/WBE participation and has successfully completed this at the Phoenix Brewery Apartments at 835 Washington, Mid City Apartments at 1661 Main Street, and 1184 Jefferson Avenue. In the current labor market, it is difficult to find specialized services; however, Sinatra Development has held 3 separate job fairs for M/WBE owned businesses within the past 5 years that has led to the hiring of both full-time and part-time employees.

**Municipality or Municipalities of current operations**

Buffalo

**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?**

<BLANK>

**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?**

Yes

(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?**

Yes

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

State Historic Preservation Office.

**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:**

**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)**

The project was under development in 2019 leading into 2020; while the development team had a firm plan in place, COVID hit right before plans were to be submitted to the City. Even before the escalations in construction pricing such as a 280% increase in lumber and a general 25% markup for all budgets, we uncovered a large amount of asbestos-containing material in the ceilings and floors after further inspection at this property. Taking into account these two factors, the ECIDA is essential to help bring this vacant building back to life. Also, to adhere to the guidelines of the State Historic Preservation Office, we are required to replicate much of the historic fabric on the interior/exterior that involves more expensive products that are difficult to source. We feel these three main factors are affecting much of the construction industry today (1. Uncovered Environmental Concerns) 2. Escalated Construction Costs from COVID/Extended Lead Times on Products and 3.) SHPO Requirements for Additional Character-defining Building Elements) and the team would like to continue this project.

**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?**

A vacant building in the core of the Elmwood Village and Allentown district will remain vacant. There are approximately 65-85 construction jobs that would help revive this building and project and 1 property manager would be handling the building.

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

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)**

The project is located adjacent to a central NFTA bus line: Elmwood #20

**Has a project related site plan approval application been submitted to the appropriate planning department?**

Yes

If Yes, include the applicable municipality’s and/or planning department’s approval resolution, the related State Environmental Quality Review Act (“SEQR”) “negative declaration” resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.

If No, list the ECIDA as an “Involved Agency” on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.

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

Yes

Describe the present zoning/land use

Commercial, N-2C

Describe required zoning/land use, if different

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

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

An asbestos survey was completed for the property determining ACM in many window flashings, various roof locations, basement and first floor 9x9 tiles.

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

The efficiency ratings on all equipment will be at least 93% efficient and feature the "energy star" rating. 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.

Retail Sales Yes

Services Yes

Please check any and all end uses as identified below.





**3.) New Building addition(s)**

\$ 0 square feet

**4.) Reconstruction/Renovation**

\$ 1,950,000 12,500 square feet

**5.) Manufacturing Equipment**

\$ 0

**6.) Infrastructure Work**

\$ 70,000

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

\$ 180,000

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

\$ 315,000

**9.) Other Cost**

\$ 0

**Explain Other Costs**

**Total Cost** \$ 3,345,000

Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 2,020,000 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 1,212,000
<b>% sourced in Erie County</b>	100%

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** \$ 1,212,000

**Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):** \$ 106,050

\*\* 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?** Yes

**If Yes, describe particulars:** architect, lawyer fees, down payment to general contractor

Sources of Funds for Project Costs:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$ 2,647,934
<b>Bank Financing:</b>	\$ 0
<b>Tax Exempt Bond Issuance (if applicable):</b>	\$ 0
<b>Taxable Bond Issuance (if applicable):</b>	\$ 0
<b>Public Sources (Include sum total of all state and federal grants</b>	\$ 0

**and tax credits):**

**Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)** 0

**Total Sources of Funds for Project Costs:** \$2,647,934

**Have you secured financing for the project?** No

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).**

**Lender Name, if Known**

**Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):** \$0

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):** 485a

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.

**ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization**

Sinatra and Company has a policy for the inclusion of M/WBE contractors for at least 25% of the contract value. We strive to hit these goals on many projects; this project is currently out to bid so we will look for every opportunity to award and meet this goal. The company has made good faith efforts toward these practices by hosting multiple M/WBE job fairs over the past 5 years that has resulted in many full and part-time jobs/new subcontractors.

**Is project necessary to expand project employment?**

Yes

**Is project necessary to retain existing employment?**

No

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return. 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	1	1
Part time	0	0	0	0
Total	0	0	1	

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	1	\$ 55,000	\$ 0	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	\$ 0	\$ 0
Administrative	0	\$ 0	\$ 0	\$ 0	\$ 0
Production	0	\$ 0	\$ 0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	\$ 0	\$ 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.

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

Address			
Full time	0	0	0
Part time	0	0	0
Total	0	0	0

Payroll Information

**Annual Payroll at Proposed Project Site upon completion**

55,000

**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)**

55,000

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

0

**Estimated salary range of jobs to be created**

From (Full Time) 55,000 To (Full Time) 55,000

**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**

257 Elmwood Avenue, Buffalo NY 14222

##### **Name and Address of Owner of Premises**

Sinatra and Company Redevelopment, LLC 617 Main Street Suite 200 Buffalo, NY 14203

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

urban commercial property, asphalt surrounding, street-facing.

##### **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 commercial property was built in 1920 and has served primarily as office space over the last 50 years. It was believed to be a residence

##### **Describe all known former uses of the Premises**

The building is currently vacant and was formerly office space/multi-tenant facility.

##### **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**

**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**

**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**

**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**

## 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

This commercial facility had been neglected since before Sinatra and Company purchased the property, and is ripe for redevelopment into a mixed-use, mixed-income property. The company has been redeveloping two large apartment complexes on the corner of Elmwood and Summer and Elmwood and North for the past 3 years, and beautifying/activating this building will create jobs, residential density and create a more walkable neighborhood right before Allentown District. The existing apartments at other properties have been performing well, despite ongoing renovations, and we strongly feel this building will support further residents looking to move into the area between the Elmwood Village and downtown.

#### Have any tenant leases been entered into for this project?

No

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, zip)	# of sq ft and % of total to be occupied at new project site	SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.
-------------	------------------------------------	--	--

\*fill out table for each tenant and known future tenants



**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?**

Yes

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

**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?**

2 %

If the answer to this is **less than 33%** do not complete the remainder of the page, proceed to the next section.

If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

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

<BLANK>

**Is the project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located?**

<BLANK>

If yes, please provide a third party market analysis or other documentation supporting your response.

**Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality? Are services provided at the proposed project site needed because of a lack of reasonably accessible retail trade facilities offering such goods or services?**

<BLANK>

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?**

<BLANK>

**If yes, explain**

**Is the project located in a Highly Distressed Area?**

<BLANK>

## 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?

Yes

What is the age of the structure (in years)? 105

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

If vacant, number of years vacant.

8

If underutilized, number of years underutilized.

0

Describe the use of the building during the time it has been underutilized:

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

No

If yes, please provide dollar amount of income being generated, if any

If apartments are planned in the facility, please indicate the following:

	Number of Units	Sq. Ft. Range Low to High	Rent Range Low to High
1 Bedroom	12	700 - 900	\$1,022 - \$1,850
2 Bedroom	-	-	\$ - \$
3 Bedroom	-	-	\$ - \$
Other	-	-	\$ - \$

Does the site have historical significance?

Yes

If yes, please indicate historical designation

The building is located in the Elmwood Village Historic West District and has received a full approval from the State Historic Preservation Office.

Are you applying for either State/Federal Historical Tax Credit Programs?

Yes

If yes, provide estimated value of tax credits

697,066

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 (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages)

This project was initially projected to begin in early 2020, but due to complications COVID-19, the project was put on hold. Since we have begun the estimates and started to receive bids, budget estimates across the board are up approximately 25% and the margins are now pencil-thin to make this project financially viable. In addition to these markups and labor shortages during our bid process, we uncovered asbestos-containing materials in the ceilings and flooring (9x9 tiles) that require remediation to achieve clean AIRS samples for full building permits. We are making a good faith effort to cater to workforce tenants and affordable units in this project, but it has become increasingly more difficult as we see construction costs rising and labor pools shrinking.

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

Councilmember David Rivera has written a letter of support for the project; also, given the location, we have requested a letter from Council President Darius Pridgen.

**Indicate other factors that you would like the Agency to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, structure presents significant costs associated with building code compliance**

We have some structural issues that are currently under review at this property; other factors include the remediation of various asbestos-containing materials located on each floor of the structure.

**Indicate census tract of project location**

67,022,002

**Indicate how project will eliminate slum and blight**

The property has been in neglect for many years and vacant for almost a decade; this project will beautify the exterior back to its historic facade and provide additional landscaping (soft and hard) to create a for-rent building on a thoroughfare in the City of Buffalo.

**If project will be constructed to LEED standards indicate renewable resources utilized**

## 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

### City/Town

### State

### Zip Code

**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:**

**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**

**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.)**

**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?**

**If the current facility is to be abandoned, 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 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