

NOTICE OF PUBLIC HEARING

Pursuant to Article 18-A of NYS General Municipal Law, the Erie County Industrial Development Agency (the “Agency”) will hold a public hearing on June 22, 2022 at 9:00 a.m. at the Village of Akron, Village Hall Board Room, located at 21 Main Street, Akron, NY 14001 regarding:

Perry’s Ice Cream Company Inc., and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf (the “Company”), has submitted an application to the Agency (a copy of which is on file at the office of the Agency) requesting the Agency to undertake a certain project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 1 Ice Cream Plaza, Town of Newstead, Village of Akron, Erie County, New York (the “Land”), (ii) improving the land adjacent to the current building and construction on the Land of a new approximately 20,000 square-foot building next to the existing structure which will house a new extruded ice cream novelty machine and conveying as well as upgrading the site’s engine room and pump room (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 Facility will be initially operated and/or managed by the Company.

The Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance to the Company for qualifying portions of the Project in the form of sales and use tax exemption benefits, mortgage recording tax exemption benefits, and real property tax abatement benefits consistent with the policies of the Agency.

A representative of the Agency will be present at the above-stated time and place to present a copy of the Application and hear and accept written and oral comments from all persons with views in favor of or opposed to the proposed financial assistance. This public hearing is being live-streamed and made accessible on the Agency’s website at www.ecidany.com. Written comments may be submitted at this public hearing, submitted on the Agency’s website, or delivered to the Agency at 95 Perry Street-Suite 403, Buffalo, NY 14203 until the comment period closes at 4:00 p.m. on July 26, 2022. The project application is available for public inspection at the Agency’s offices Monday through Friday (excluding public holidays) from 9:00 a.m. until 4:00 p.m.

This public hearing is being conducted in accordance with Subdivision 2 of Section 859-a of the New York General Municipal Law.

Erie County Industrial Development Agency



Extruded Ice Cream Novelties

[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	Extruded Ice Cream Novelties
Project Summary	Building expansion and new ice cream manufacturing equipment in 2022-23 including job creation
Applicant Name	Perry's Ice Cream Co Inc
Applicant Address	1 Ice Cream Plaza
Applicant Address 2	
Applicant City	Akron
Applicant State	New York
Applicant Zip	14001
Phone	(716) 560-4548
Fax	
E-mail	steve.helms@perrysicecream.com
Website	www.perrysicecream.com
NAICS Code	311520

Business Organization

Type of Business	Corporation
Year Established	1918
State in which Organization is established	New York

Individual Completing Application

Name	Steve Helms
Title	CFO
Address	1 Ice Cream Plaza
Address 2	
City	Akron
State	New York
Zip	14001
Phone	(716) 560-4548

Fax**E-Mail** steve.helms@perrysicecream.comCompany Contact - Authorized Signer for Applicant**Contact is same as individual completing application** No**Title****Address****Address 2****City****State****Zip****Phone****Fax****E-Mail**Company Counsel**Name of Attorney** David R. Pfalzgraf, Jr.**Firm Name** Rupp Baase Pfalzgraf Cunningham LLC**Address** 1600 Liberty Building**Address 2****City** Buffalo**State** New York**Zip** 14202**Phone** (716) 854-3400**Fax****E-Mail** pfalzgraf@ruppbaase.comBenefits Requested (select all that apply).**Exemption from Sales Tax** Yes**Exemption from Mortgage Tax** Yes**Exemption from Real Property Tax** Yes**Tax Exempt Financing*** No

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

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

Perry's Ice Cream was founded in 1918 when H. Morton Perry purchased a milk route in Akron, NY - a small suburb just east of Buffalo. The business, known as Perry's Dairy at the time, operated as a home delivery and wholesale dairy business until 1932 when the Akron High School cafeteria manager asked Morton if he could supply ice cream to the school. Using a family recipe for ice cream given to him by his mother, Morton began mixing small batches of ice cream on the kitchen stove with his son, Marlo. As demand increased, the Perry family began delivering bulk ice cream to local stores and restaurants around Akron, and thus began Perry's Ice Cream as we know it today! Flash forward to present day, Perry's Ice Cream is a 4th generation owned and operated business. Using the same recipe passed down for generations, Perry's Ice Cream is still slow cooked, and delivered throughout Akron, NY and beyond. Staying true to our roots, nearly 100% of our milk comes from farms in the surrounding Akron communities. Now that's the good stuff. What started as a small milk route now employs over 400 team members throughout New York, Ohio, and Pennsylvania, and our products are distributed across New York, New Jersey, Ohio, Pennsylvania, Massachusetts, North Carolina, Washington DC, Maryland, and Virginia. The fourth generation continues building on the history of Perry's through growing our three business segments: the Perry's brand, contract manufacturing, and our partner brands, while ensuring we support what matters most: the people and our community. Products include ice cream and frozen treats in all shapes and sizes: we create amazing flavors in 3 gallon tubs, half gallons, family sizes, quarts, pints, ice cream sandwiches, and stick/bar novelties. We product 100% of the Perry's Ice Cream brand, and we make some grocery and other name brand ice creams as well. As mentioned above, we also buy and resell other ice cream brands, pizzas, and frozen foods while we are out delivering to our customers. Customers are mostly in New York and we are proud of being the #1 ice cream brand in Western New York. But half of what we produce ends up beyond the New York State borders. We have co-pack customers that sell outside the USA, and in many corners of the country. Customers include grocery stores, convenience stores, national brand companies, to the local schools and sports arenas. Our fourth generation owners are Brian Perry, Gayle Perry-Denning, and Bob Denning, who is our President & CEO. Brian and Gayle each own 49% and Bob owns 2%. These three are actively involved in the business every day and leading this expansion project.

Estimated % of sales within Erie County	12 %
Estimated % of sales outside Erie County but within New York State	38 %
Estimated % of sales outside New York State but within the U.S.	39 %
Estimated % of sales outside the U.S.	11 %

(*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?

11

Describe vendors within Erie County for major purchases

Allied/Lineage, TransGlobe Logistics, Village of Akron, Blue Cross & Blue Shield, Mollenberg Betz, Rich Products, Mod-Pac, Lactalis Dairy, Adecco, The Martin Group, M.J. Mechanical, Mico Welding, Lehigh Construction, Casilio, Buffalo Bills, OMEC, Sitzman Supply, CAM Trenching, Jet Action, Cintas

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

1 Ice Cream Plaza

Town/City/Village of Project Site

Akron

School District of Project Site

Akron

Current Address (if different)

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

SBL Number(s) for proposed Project

47.07-1-6.31

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

\$105,700

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.)

Existing building for offices, manufacturing, and warehousing. We currently own the land that the project is being constructed on.

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)

This project will improve the land adjacent to the current building and add a new building next to the existing structure. The new building, about 20,000 square feet, will house a new extruded ice cream novelty machine and conveying, as well as upgrading the site's engine room and pump room. The project budget is \$18.0 million. Although \$7.0 million of production equipment will be built mostly in the Netherlands, much of the remaining \$11.0 million spend is building and will be local dollars spent. After completion, the staffing needed to run the equipment is expected to be about 15 incremental hires above existing employment. We also need to upskill the current employees who will be involved in this new equipment. Much of the dairy needed to run the line to produce the extruded novelties will be purchased from local farms. Products to be produced by this machine in this new building are over-sold in the industry, can be dairy or non-dairy, can include more than one base flavor, inclusions, toppings, and dipped coatings. We are very excited about this project - the last time we introduced a brand new line at Perry's was in 2007-2008 - this new project brings the capability to create relevant and in-demand ice cream products to Western New York. Application for a building permit will begin on June 20, 2022 at a village meeting.

Municipality or Municipalities of current operations

Akron

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

We spoke with Empire State Development, We intend to apply to ESD but have not applied yet for a \$2,000,000 loan. The annual Job Tax Credit could be worth ~\$54,000 annually

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:

Perry's is seeking Financial Assistance to lower the cost of the project, to improve the competitiveness of Perry's Ice Cream compared to national and international ice cream companies, and improve and modernize the product offerings and capabilities of an important local brand. For our employees, it brings new training, new skills, and technology that does not exist in Western New York.

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)

Financial assistance is necessary to lower the cost of the project, improve the competitiveness of Perry's Ice Cream compared to national and international ice cream companies, and improve, modernize, and make more relevant the product offerings and capabilities of an important local brand. For our employees, it brings new training, new skills, and technology that does not exist in Western New York.

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

No

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

This will slow the project implementation schedule as additional financing will need to be solicited and approved and funded.

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

Industrial

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?

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

We will have details when final proposals are acknowledged and reviewed by each Supplier.

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.

Current R&D staff will work on new product development products and processes to create new items for Perry's and other brands. Our 2021 R&D spend was about 1.7% of operating expenses.

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	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	Yes Manufacturing
No Renewable Energy	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.

			Cost	% of Total Cost
Manufacturing/Processing	22,875 square feet	\$	9,820,000	100%
Warehouse	square feet	\$	0	0%
Research & Development	square feet	\$	0	0%
Commercial	square feet	\$	0	0%
Retail	square feet	\$	0	0%
Office	square feet	\$	0	0%
Specify Other	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)

Standard

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

11/1/2022

End date : Estimated completion date of project

9/30/2023

Project occupancy : estimated starting date of occupancy

9/30/2023

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 0

square feet

acres

2.) New Building Construction

\$ 0

square feet

3.) New Building addition(s)

\$ 8,420,000

20,000 square feet

4.) Reconstruction/Renovation

\$ 1,400,000

2,875 square feet

5.) Manufacturing Equipment

\$ 7,230,000

6.) Infrastructure Work

\$ 0

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

\$ 0

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

\$ 0

9.) Other Cost

\$ 950,000

Explain Other Costs	Contingency
----------------------------	-------------

Total Cost	\$ 18,000,000
-------------------	---------------

Construction Cost Breakdown:

Total Cost of Construction	\$ 9,820,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 4,900,000
% sourced in Erie County	25%

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	\$ 4,900,000
---	--------------

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 428,750
--	------------

** 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):	\$ 1,800,000
Bank Financing:	\$ 14,200,000
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):	\$ 2,000,000
Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program,	0

ESD, other public sources)**Total Sources of Funds for Project Costs:** \$18,000,000**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). 6,000,000**Lender Name, if Known****Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):** \$45,000**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

An excerpt from Perry's Ice Cream EEO hiring policy: "Perry's Ice Cream rejects all forms of unlawful discrimination and not only because it is against the law, but because it is wrong. This includes unlawful discrimination because of a person's sex, sexual orientation, race, creed, color, religion, military status, gender, national origin, age, disability, arrest record, marital status, familial status, and domestic violence victim status, status as an ex-offender, predisposing genetic characteristics or genetic information, or any other legally protected category by state, federal, and where applicable, local law." We do not have a policy for contractors but we are planning to adopt one. We have appointed FoodTech as General Contractor. Food Tech (foodtech.com) specializes in designing facilities in the food and dairy industries. Food Tech does not discriminate in selection of suppliers for projects. In no particular order, price, quality, expertise, and ability to meet the schedule are leading determinants of contract award.

Is project necessary to expand project employment?

Yes

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).

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

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	356	356	15	15
Part time	14	14	0	0
Total	370	370	15	

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	93	\$ 80,602	\$ 23,756	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	\$ 0	\$ 0
Administrative	27	\$ 40,814	\$ 10,384	\$ 23,276	\$ 4,951
Production	250	\$ 52,245	\$ 16,901	\$ 16,603	\$ 3,317
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.

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

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

Address		
Full time	0	0
Part time	0	0
Total	0	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

22,131,663

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

59,107

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

21,369

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

52,700

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

0

Estimated salary range of jobs to be created

From (Full Time) 42,640
From (Part Time) 0

To (Full Time) 70,720
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

1 Ice Cream Plaza, Akron, New York

Name and Address of Owner of Premises

Perry's Ice Cream Co

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

Zoned Industrial

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

Buildings are dated from 1971 through 2008 with a new proposed addition in 2022-2023

Describe all known former uses of the Premises

Ice cream manufacturing, warehousing, truck garage, waste water treatment 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

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

Nothing other than mentioned in next question/answer

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

We have a SPDES permit for non-contact cooling with water pulled from the ground (via well) and discharged into a ditch; we are permitted for 2.5 million gallons per day

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

We have two above-ground Fiberglas tanks that store waste slurry from dairy production which is picked up by a local farm for animal feed. A third tank, called the equalization tank, holds slightly acidic dairy waste and wash water and is used to bring to pH neutrality.

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
- Address
- Contact Person
- Phone
- Fax
- E-Mail
- Federal ID #
- 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

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?

<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