

## 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 May 24, 2023 at 11:00 a.m. at the Town of West Seneca Community Center & Library, located at 1300 Union Road, West Seneca, New York 14224 regarding:

Rosina Food Products, 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 75 Empire Drive and 130 Empire Drive, Town of West Seneca, Erie County, New York and all other lands in the Town of West Seneca where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the “Land”), (ii) the expansion of the pasta manufacturing plant by approximately 12,000+/- square-feet to accommodate a second new automated ravioli production line and to renovate/reconfigure existing office space to create more welfare areas for manufacturing associates as well as renovating approximately 15,000+/- square-feet of the 38,000+/- square foot vacant building for consolidation of office space and future growth of administrative staff (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](http://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 June 27, 2023. 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



## 75 Empire & 130 Empire Expansion

[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>	Pasta Plant Expansion & Renovation of 130 Empire Drive
<b>Project Summary</b>	Rosina is exploring: (1) expanding its Pasta Plant at 75 Empire Dr., West Seneca, NY, to accommodate a new ravioli production line, in order to remain competitive and to continue its growth; and (2) renovating a vacant building at 130 Empire Dr. (across the street from 75 Empire) for displacement of Pasta plant support personnel as a result of the Pasta Plant expansion project, consolidation of office space, and to allow for future growth of administrative staff.
<b>Applicant Name</b>	Rosina Food Products, Inc.
<b>Applicant Address</b>	170 French Rd.
<b>Applicant Address 2</b>	
<b>Applicant City</b>	Buffalo
<b>Applicant State</b>	New York
<b>Applicant Zip</b>	14227-2717
<b>Phone</b>	(716) 608-8503
<b>Fax</b>	
<b>E-mail</b>	rbernick@rosina.com
<b>Website</b>	www.rosina.com
<b>NAICS Code</b>	311412/311612

#### Business Organization

**Type of Business**

Corporation

**Year Established**

1992

**State**

New York

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

☐ [No] Minority Owned

☐ [No] Woman Owned

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

[No] NYS Certified

[No] Erie Country Certified

Individual Completing Application

**Name** Randy Bernick  
**Title** VP- Finance &  
Administration  
**Address** 170 French Rd.  
**Address 2**  
**City** Buffalo  
**State** New York  
**Zip** 14227  
**Phone** (716) 608-8503  
**Fax**  
**E-Mail** rbernick@rosina.com

Company Contact- Authorized Signer for Applicant

**Contact is same as individual completing application** No  
**Name** Greg Setter  
**Title** Chief Operating Officer  
**Address** 170 French Rd.  
**Address 2**  
**City** Buffalo  
**State** New York  
**Zip** 14227  
**Phone** (716) 608-8524  
**Fax**  
**E-Mail** gsetter@rosina.com

Company Counsel

**Name of Attorney** Mike Driscoll  
**Firm Name** Rosina Food Products, Inc.  
**Address** 170 French Rd.  
**Address 2**  
**City** Buffalo  
**State** New York  
**Zip** 14227-2717  
**Phone** (716) 608-8627  
**Fax**  
**E-Mail** mdriscoll@rosina.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 & 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%.**

Rosina manufactures frozen foods including pre-cooked meatballs, sausages, filled pasta, eggplant, entrees, and pizza toppings. Rosina was founded in 1963, originally manufacturing sausage products, which were sold to neighborhood meat markets, supermarkets, and restaurants, from a single Buffalo store-front location. By 1981, Rosina had launched its pre-cooked meatball line and was distributing products nationwide. Between 2000 and 2010 the Company continued its growth by expanding into the frozen pasta business, including Italian entrées, filled pasta and eggplant products. In 2000, Rosina Holding, Inc.(the "Parent") and its affiliates acquired the assets of Celentano Brothers (Verona, NJ). In 2002, Rosina purchased the former Lender's Bagel, Inc. (West Seneca, NY) plant, made significant improvements to the facility and relocated it's entire pasta production line from New Jersey to Western New York. In 2006, Rosina purchased the frozen pasta brand names Gina Italian Village and Floresta (collectively known as Italian Village) from High Liner Foods (NH). In 2011, Rosina created an International Division in Cheektowaga, NY and also purchased and relocated the assets of San Rallo Pasta Company Division from Mitsui Foods, Inc. (Norwood, NJ), again moving all production to WNY. Additionally, Rosina outsourced its sauced entrees and eggplant products to accommodate the addition of a new \$4 million pasta manufacturing line, increasing capacity by 10 million pounds annually. In 2021, Rosina purchased the Mama Lucia brand as an additional meatball product line, relocating production to WNY. In January 2022, Rosina opened a brand new state-of-the-art meatball manufacturing facility in West Seneca. Rosina enjoyed rapid growth and increased demand in recent years which is requiring additional Pasta manufacturing capacity. Thus the decision to explore expanding our Pasta manufacturing facility in West Seneca, in order to maintain and expand market share and remain competitive. Rosina markets its products to retail and food service industries and can be found in supermarkets, supercenters, cash & carry stores, military commissaries, and restaurants throughout North America and 26 other countries internationally. Rosina's largest supermarket customers include Wegman's Food Markets, Inc. (Rochester, NY), Tops Holding Corporation (Buffalo, NY), ALDI Inc. (Batavia, IL), Publix Supermarkets, Inc. (Lakeland, FL), national full service retailers, and major food distributors such as Performance Foodservice Group (Richmond, VA) and SYSCO (Houston, Tex). Some of its major competitors are Smithfield (Smithfield, VA), Rich Products (Buffalo, NY), Ajinomoto Foods Foods (Oakland, MS), Louisa Foods (St. Louis, MO), and Mama Rosie's (Charlestown, MA). Stockholders, members or partners: Russell A. Corigliano 50% Owner and Frank Corigliano 50% Owner

<b>Estimated % of sales within Erie County</b>	1 %
<b>Estimated % of sales outside Erie County but within New York State</b>	24 %
<b>Estimated % of sales outside New York State but within the U.S.</b>	70 %
<b>Estimated % of sales outside the U.S.</b>	5 %

(\*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**

Packaging materials and supplies (Bison Bag, West Rock, Jamestown Container, Cascade), Utilities (National Fuel, NYSEG, Messer, NYPA, ECWA, ECSD); Temporary Employment Agencies (numerous), Health & Workers Compensation Insurance TPA's (Independent Health & NCAComp), Ricotta Cheese (Lactalis), Outside Legal Counsel (Barclay Damon), Outside CPA & Tax Services (CTBK), Contractor & Skilled Trade services (Mollenbeg Betz, Frey Electric, Lehigh Constructions, Grove Roofing, Tri R Refrigeration)

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

### Project Location

**Address of Proposed Project Facility**

75 Empire Drive & 130 Empire Drive

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

West Seneca

**School District of Project Site**

West Seneca

**Current Address (if different)****Current Town/City/Village of Project Site (if different)****SBL Number(s) for proposed Project**

124.15-2-8 and 124.15-2-5.1

**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

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

**Are Real Property Taxes current at project location?**

Yes

**If no please explain**

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

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

No

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

Two Brother Realty, LLC & 130 Empire LLC

**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.)**

Pre-cooked frozen filled pasta manufacturing plant and an existing former Medical building that has been effectively vacant for a decade.

**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)**

(1) To expand the Pasta manufacturing plant located at 75 Empire Drive by approximately 12,000 square feet of manufacturing space to accommodate a new ravioli production line, to renovate/reconfigure existing office space to create more welfare areas (i.e., Cafeteria and Locker Rooms) for manufacturing Associates. This expansion will house a second, new automated ravioli production line increasing annual capacity by 30 million pounds and requiring the hiring of a minimum of 15 additional permanent manufacturing Associates and retain 224 existing Associates (2) Additionally, to renovate a vacant building at 130 Empire Drive into an office building to accommodate approximately 5 - 10 Associates from 75 Empire and an additional 42- 47 Associates from 75 Industrial over the next 2 years. Pasta facility office Associates displaced as a result of the expansion and improvement of the Pasta manufacturing facility, consolidation of office space, and to allow for future growth of administrative staff. The the project cost for the renovation and new construction of the 12,000 square foot Pasta plant addition is \$8,000,000 plus \$6,000,000 for new ravioli processing equipment. The cost of the partial renovation at 130 Empire office building of approximately 15,000 square feet of the 38,000 total square feet is estimated at \$2,000,000. This former medical office has been vacant since February 2015.

**Municipality or Municipalities of current operations**

West Seneca & Erie County

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

Yes

**Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?**

No

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

No

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

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

Yes

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

Without this expansion, Rosina would be forced to either open a new facility, purchase an existing Pasta operation, or outsource the additional capacity, any one of which could be located outside of New York State. The proposed project is necessary to sustain expected growth, retain jobs, create new manufacturing jobs and to maintain required profitability to remain a viable business.

**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:**

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)**

Rosina is a privately held corporation with limited financial resources, especially after recently completing constructing and opening of a \$73 million Protein frozen food manufacturing plant at 3100 Clinton St., West Seneca, a mere 15 months ago. Rosina is in need of ECIDA assistance to expand its Pasta frozen food manufacturing facility. This expansion will house a second, new automated ravioli production line increasing annual capacity by 30 million pounds and requiring the hiring of a minimum of 15 additional permanent manufacturing Associates. This expansion is needed to support further growth and to more efficiently produce ravioli items, freeing up capacity and eliminating the reliance on a out-of-NYS Tortellini co-packer while expanding Rosina's ability to produce and sell Tortellini manufactured in Buffalo. Rosina has limited capacity to take on more debt after the above mentioned building of a brand new state-of-the-art meatball manufacturing plant, especially, in a time of economic uncertainty and rapidly rising inflation and interest rates.

**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 not hire 15 new production Associates, we would continue to outsource ravioli production with our co-packers who are located outside of New York State and we would not make the \$16,000,000 in this local project. Although we are committed to Western New York, we may have to consider expanding outside of New York State to remain competitive with ravioli competitors.

**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)**

Bus Line on Union Road near Gardenville Parkway

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

Yes

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

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

Rosina received a determination from the Town of West Seneca (OCE) on April 13, 2023, advising that this project does not require a SEQR. The proposed addition to 75 Empire Dr. is a Type II action that does not significantly impact the environment

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

Yes

**Describe the present zoning/land use**

Light manufacturing and office use

**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**

Energy efficient motors, lighting, and HVAC.

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.

5% related to R&D production test runs.

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.

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

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>	12,000 square feet	\$	8,000,000	80%
<b>Warehouse</b>	square feet	\$	0	0%
<b>Research &amp; Development</b>	0 square feet	\$	0	0%
<b>Commercial</b>	square feet	\$	0	0%
<b>Retail</b>	square feet	\$	0	0%
<b>Office</b>	15,000 square feet	\$	2,000,000	20%
<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**      Yes

What is the estimated project timetable (provide dates).



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

7/1/2023

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

10/1/2024

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

10/1/2024

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)**

\$ 7,000,000

12,000 square feet

**4.) Reconstruction/Renovation**

\$ 1,800,000

15,000 square feet

**5.) Manufacturing Equipment**

\$ 6,000,000

**6.) Infrastructure Work**

\$ 500,000

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

\$ 200,000

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

\$ 500,000

**9.) Other Cost**

\$ 0

**Explain Other  
Costs****Total Cost** \$ 16,000,000Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 9,300,000 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 5,000,000
<b>% sourced in Erie County</b>	80%

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>	\$ 5,200,000
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**Estimated State and local Sales and Use Tax Benefit (product of  
8.75% multiplied by the figure, above):** \$ 455,000

\*\* 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):** \$ 1,600,000

**Bank Financing:** \$ 14,400,000

**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)**

**Total Sources of Funds for Project Costs:** \$16,000,000

**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).** 10,000,000

**Lender Name, if Known**

**Estimated Mortgage Recording Tax Exemption Benefit (product of  
mortgage amount as indicated above multiplied by 3/4 of 1%):** \$75,000

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.

**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).

	<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>	274	274	15	15
<b>Part time</b>	2	2	0	0
<b>Total</b>	276	276	15	

Salary and Fringe Benefits for Jobs to be Retained and Created

<b>Job Categories</b>	<b># of Full Time Employees retained and created</b>	<b>Average Salary for Full Time</b>	<b>Average Fringe Benefits for Full Time</b>	<b># of Part Time Employees retained and created</b>	<b>Average Salary for Part Time</b>	<b>Average Fringe Benefits for Part Time</b>
<b>Management</b>	13	\$ 116,000	\$ 23,200	0	\$ 0	\$ 0
<b>Professional</b>	15	\$ 75,000	\$ 18,750	2	\$ 45,000	\$ 11,250
<b>Administrative</b>	22	\$ 43,000	\$ 12,900	0	\$ 0	\$ 0
<b>Production</b>	220	\$ 41,000	\$ 12,300	0	\$ 0	\$ 0
<b>Independent Contractor</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Other</b>	19	\$ 75,000	\$ 18,750	0	\$ 0	\$ 0
<b>Total</b>	289			2		

\*\* 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):

<b>Address</b>	<b>3100 Clinton Street West Seneca, NY 14224</b>	<b>75 Industrial Road Cheektowaga, NY 14227</b>	<b>109 Industrial Parkway Cheektowaga, NY 14227</b>
<b>Full time</b>	155	152	38
<b>Part time</b>	0	1	0
<b>Total</b>	155	153	38

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

14,114,000

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

47,000

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

45,000

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

41,000

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

0

Estimated salary range of jobs to be created

From (Full Time)	36,000	To (Full Time)	48,000
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**

75 Empire Drive, West Seneca, NY 14224 130 Empire Drive, West Seneca, NY 14224

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

Two Brothers Realty, LLC- 75 Empire Drive, West Seneca, NY 14224 130 Empire, LLC- 130 Empire Drive, West Seneca, NY 14224

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

75 Empire Dr. : A former Lender's Bakery facility, the Premises consists of approximately 3.7 acres of land located on the northern side of Empire Drive, west of Union Road. One approximately 80,000 square foot building is located on the property. The western portion of the property is undeveloped and wooded. The adjacent properties located to the north, northeast and south are primarily commercial in usage. The Premises is located in an office and light industrial park, with no wetlands, coastlines, rivers, streams or lakes located on the Premises. 130 Empire Dr.: a former medical office building that was occupied by Lifetime Health and Excellus. A portion of the building was built in the 1970s, with subsequent expansions, the most recent occurring in the 1990s.

##### **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**

A single steel clad, steel frame building utilizing a concrete slab on grade floor is located on the Premises. The structure has a fully adhered Ethylene Propylene Diene Terpolymer (EPDM) roofing system. The majority of the building interior is utilized for food production and frozen storage. The remainder of the building is comprised of various functional areas including processing lines, flour silos, mechanical rooms, offices and conference rooms, associate welfare areas, maintenance areas, etc.

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

75 Empire: Lenders Bakery, a food manufacturing facility which opened in 1978 and closed in May 2002. 130 Empire: health care facility / medical office building.

##### **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**

Rosina generates solid wastes including food scraps, recyclable materials and landfill waste, all of which are transported by Modern Disposal Service, Cascades Recovery and Natural Upcycling. A small amount of motor oil is used in manufacturing machinery and is changed as required, with all used motor oil safely removed, stored and transported by Safety Clean.

**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**

75 Empire Drive, West Seneca, has an Authorization to Discharge Under the Erie County/Buffalo Pollutant Discharge Elimination System (Permit Number: 22-11-E1002; USEPA Category: 40 CFR 403) to discharge water into the sewer system, subject to the local limits set forth in the permit. Rosina is in full compliance for discharges at 73 Empire Drive.

**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**

Please see above and attached. All wastewater is discharged into the Erie County/Buffalo sewer system pursuant to an issued permit.

**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**

Two 15,000 gallon storage tanks are located at 75 Empire Dr. The tanks are owned by Messer Group and are used to store non-hazardous nitrogen, which is used by Rosina in the individual quick freeze process employed at the facility. The nitrogen is a non-hazardous chemical used in the food manufacturing process that does not require a permit or registration.

**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**

Asbestos floor tiles and insulating material.

**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** Rosina Food Products, Inc.  
**Address** 170 French Rd.  
**Contact Person** Rosina Food Products, Inc.  
**Phone** (716) 608-8503  
**Fax**  
**E-Mail** rbernick@rosian.com  
**Federal ID #** 16-0876738  
**SIC/NAICS Code** 311412/311612

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.)**

N/A

**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?**

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

## Section X: Tax Exempt Bonds

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

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

No