



Policy Committee

August 1, 2024
At 9:00 a.m.

ECIDA Offices
95 Perry Street, 4th Floor Conference Room
Buffalo, New York 14203

1. Call Meeting to Order
2. Approval of the June 6, 2024 Policy Committee Meeting Minutes (Pages 2-4)
3. Project Matrix (Informational) (Page 5)
4. Project Presentation (Staff – Company Q&A)
 - a) 3200 Clinton Street, LLC (Pages 6-64)
 - b) Upstate Niagara Cooperative, Inc (Pages 65-94)
5. Adjournment - Next Meeting September 12, 2024 at 9:00 a.m.

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

DATE AND PLACE: June 6, 2024 at the Erie County Industrial Development Agency, 95 Perry Street, 4th Floor Conference Room, Buffalo, New York 14203

PRESENT: Denise Abbott, Rev. Mark Blue, Zachary Evans, Richard Lipsitz, Dr. Susan McCartney, Brenda W. McDuffie¹, Hon. Glenn Nellis, Laura Smith, David J. State and Lavon Stephens

EXCUSED: Hon. April Baskin, A.J. Baynes, Hon. Byron W. Brown, and Paul Vukelic

OTHERS PRESENT: John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Beth O'Keefe, Vice President of Operations; Soma Hawramee, Compliance Portfolio Manager, Grant Lesswing, Director of Business Development; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant/ Assistant Secretary; Andrew Pawenski, Esq./Harris Beach PLLC and Robert G. Murray, Esq., as General Counsel/Harris Beach PLLC

GUESTS: Yessica Vasquez on behalf of the City of Buffalo

There being a quorum present at 9:03 a.m., the Meeting of the Policy Committee was called to order by Chair McDuffie.

MINUTES

The minutes of the May 2, 2024 Policy Committee meeting were presented. Upon motion made by Ms. Abbott to approve of the minutes, and seconded by Ms. Smith, the Policy Committee meeting minutes were unanimously approved.

PROJECT MATRIX

Mr. Cappellino presented the project matrix to the Committee. Mr. Lipsitz directed that the report be received and filed.

¹ Ms. McDuffie participated via video conference pursuant to Section 103-A of the New York State Public Officer's Law and the Agency's Videoconferencing Participation Policy.

ADAPTIVE REUSE DISCUSSION

Mr. Cappellino reviewed the status of the evolution of the Policy Committee's consideration of Addendum #1 to the Adaptive Reuse Policy requiring income eligibility limits with respect to rent restricted units as so required by the draft policy addendum.

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

Mr. Cappellino presented the revised Addendum #1 as presented to Committee members.

Mr. State queried as to the typical number of residential units the Agency has seen within its Adaptive Reuse projects. Mr. Cappellino reported the typical number of housing units is between 15-45, with a few outliers.

General discussion ensued regarding the revisions and the waiver language.

Ms. McDuffie spoke in support of the revised addendum.

Mr. Evans also spoke in support of the revised addendum.

Mr. Blue moved and Mr. Evans seconded to approve of the Adaptive Reuse addendum as proposed and to forward to the ECIDA Board for ultimate approval. Ms. McDuffie called for the vote and the Adaptive Reuse Policy Addendum #1 was then unanimously approved.

COMPLIANCE MATTER

Mr. Cappellino provided general background on the Agency's monitoring and compliance actions and procedures.

Ms. Hawramee provided additional details regarding the staff procedures to obtain and confirm required reporting metrics. She reviewed the Agency's recapture action items for 2023, including recapture of financial assistance in the total amount of approximately \$30,000 and two early PILOT terminations resulting from the requests of the company to terminate their respective PILOT Agreements.

Ms. Hawramee confirmed that the Agency is monitoring over 100 active projects for job commitment requirements. Mr. Murray noted that the 100 or so projects are cumulatively committed to retaining and creating over 1000 jobs, cumulatively represent tens of millions of dollars of new investment into Erie County, and cumulatively make millions of dollars of real property tax payments and related sales tax payments for operations. Mr. Murray then commented that it is extraordinary that there is only approximately \$30,000 of financial assistance being recaptured, being a very, very small dollar figure indicating that companies are, in-fact, keeping their employment commitments.

Mr. Lipsitz commented on the Agency's outstanding commitment to transparency and accountability, and the excellent job that staff undertake with respect to monitoring companies for compliance with conditions of granting financial assistance and efforts to recapture financial assistance when a company does not meet its required obligations, all as evidenced by the compliance matter report as presented today.

There being no further business to discuss, the meeting was adjourned at 9:53 a.m.

Dated: June 6, 2024

Elizabeth A. O'Keefe, Secretary

Tax Incentives Approved - 2024

[illegible]

Totals:	Totals:	Private Investment/ Project Amount	FT Jobs Retained	PT Jobs Retained	FT Jobs Created	PT Jobs Created	Constion Jobs	Spillover Jobs	Incentive Amount
	Adaptive Reuse Subtotal								
	2024 Total	2	\$54,904,084	16	35	0	15	246	220
									\$5,718,444

¹ Adaptive Reuse

²Amendatory Inducement

3200 Clinton Street, LLC / Agile Cold Storage
\$ 46,530,000

PRIVATE INVESTMENT INDUCEMENT RESOLUTION

ELIGIBILITY

- NAICS Section – 311

COMPANY INCENTIVES

- Approximately \$7,319,083 in real property tax savings
- Up to \$ 2,452,625 in sales tax savings
- 3/4 of 1% of the final mortgage amount up to \$ 262,500

JOBS & ANNUAL PAYROLL

- Current Jobs: 0
- Projected new jobs: 45 FT
- Est. salary/yr. of jobs created: \$66,510
- Annual Estimate Payroll: \$3,259,000
- Total jobs after project completion: 45 FT
- Construction Jobs: 182

PROJECTED COMMUNITY BENEFITS*

- Term: 10 YEARS
- NET Community Benefits: \$96,537,820
- Spillover Jobs: 232
- Total Payroll: \$89,422,850

INCENTIVE COST / COMMUNITY BENEFIT RATIO (discounted at 2%)*

Incentives: \$9,329,400
 Community Benefit: \$88,941,896
 Cost: Benefit Ratio
 • 1:10

Project Title: 3200 Clinton Street, LLC

Project Address 3200 Clinton St. West Seneca, NY 14224
 (West Seneca Central School District)

Agency Request

A sales, mortgage recording and real property tax abatement in connection with the construction of a 115,000 SF cold storage warehouse and manufacturing facility.

Land Acquisition	\$ 500,000
New Building Construction	\$ 43,000,000
Manufacturing Equipment	\$ 2,000,000
Non- Manufacturing Equipment	\$ 36,000
Soft Costs/Other	\$ 1,000,000
 Total Project Cost	 \$ 46,530,000
 85%	 \$ 39,550,500

Company Description

3200 Clinton Street, LLC is an entity of Agile Cold Storage – a business formed in 2020 by cold storage industry veterans. Agile has 3 operating facilities in GA and a 4th in DE which will open in Oct 2024. Agile's core values ensure that products will be stored safely, handled efficiently, tracked seamlessly and reported on a timely basis. Agile is based out of Gainesville, GA with partner ownership including: AIMPERRA (45%), Continental Grain (45%) and Agile Management and small investors (10%).

Project Description

The proposed facility will be used as both additional manufacturing space for Rosina Foods (16,000 SF) and a cold storage warehouse for Agile Cold Storage (99,000 SF). The project applicant has partnered with Rosina Foods (a tenant), allowing Rosina to increase their production space and to utilize a cold storage warehouse. The warehouse is strategically placed to service the distribution needs for Rosina's entire frozen line of products as well as provide options for other frozen and refrigerated food manufacturers in the area. This state-of-the-art facility will bring new jobs with competitive pay to the community as well as adding healthy competition in the marketplace.

* Cost Benefit Analysis Tool powered by MRB Group

Economic Impact: Inform Analytics Cost-Benefit Analysis

The Erie County Industrial Development Agency uses the Cost Benefit Analysis Tool powered by MRB Group to assess the economic impact of a project applying for incentives. A Cost-Benefit Analysis is required by Section 859-a (5)(b) of General Municipal Law. For the complete Cost Benefit Analysis – please see the attached MRB Cost Benefit Calculator.

Cost: Incentives

COSTS	Tax Exemption	Amount
	Property	\$ 7,319,083
	Sales	\$ 2,452,625
	Mortgage Recording	\$ 262,500
	Total	\$10,034,208
	Discounted at 2%	\$ 9,329,400

Benefit: Projected Community Benefit*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	\$ 27,819,113
			Payroll Permanent	\$ 61,603,737
		Public	Property Taxes	\$ 1,829,767
			Sales Taxes	\$ 547,715
			Other Muni Revenue (NFTA)	\$ 87,500
	New York State	Public	Income Taxes	\$ 4,024,028
			Sales Taxes	\$ 625,960
			Total Benefits to EC + NYS***	\$96,537,820
			Discounted at 2%	\$88,941,896

* Cost Benefit Analysis Tool powered by MRB Group **includes direct & indirect \$ over project period *** may not sum to total due to rounding

Discounted Cost \$ 9,329,400
Discounted Benefit \$88,941,896
Ratio 1:10

Conclusion: The Cost Benefit for this project is: 10:1. For every \$1 in costs (incentives), this project provides \$10 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$11 in benefits to the community.**

New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over abatement period	Additional Town Revenue Over abatement period	Additional School Revenue Over abatement period	New Yearly Taxes Upon Expiration of Abatement Period
\$9,773	\$11,117,500	\$303,426	\$408,822	\$1,045,523	\$924,658
Combined Tax Rate: \$83.17					

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 = \$ 46,530,000 85% = \$ 39,550,500
Employment	Coincides with 10-year PILOT	Maintain Base = 0 FTE Create 85% of Projected Projected = 45 FTE 85% = 38 FTE Recapture Employment = 38 FTE
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
<u>Recapture Period</u>	Coincides with 10-year PILOT	Recapture of Real Property Tax, Mortgage recording tax, state and local sales taxes

Recapture applies to:

State and Local Sales Taxes
Real Property Tax
Mortgage Recording Tax

Recapture

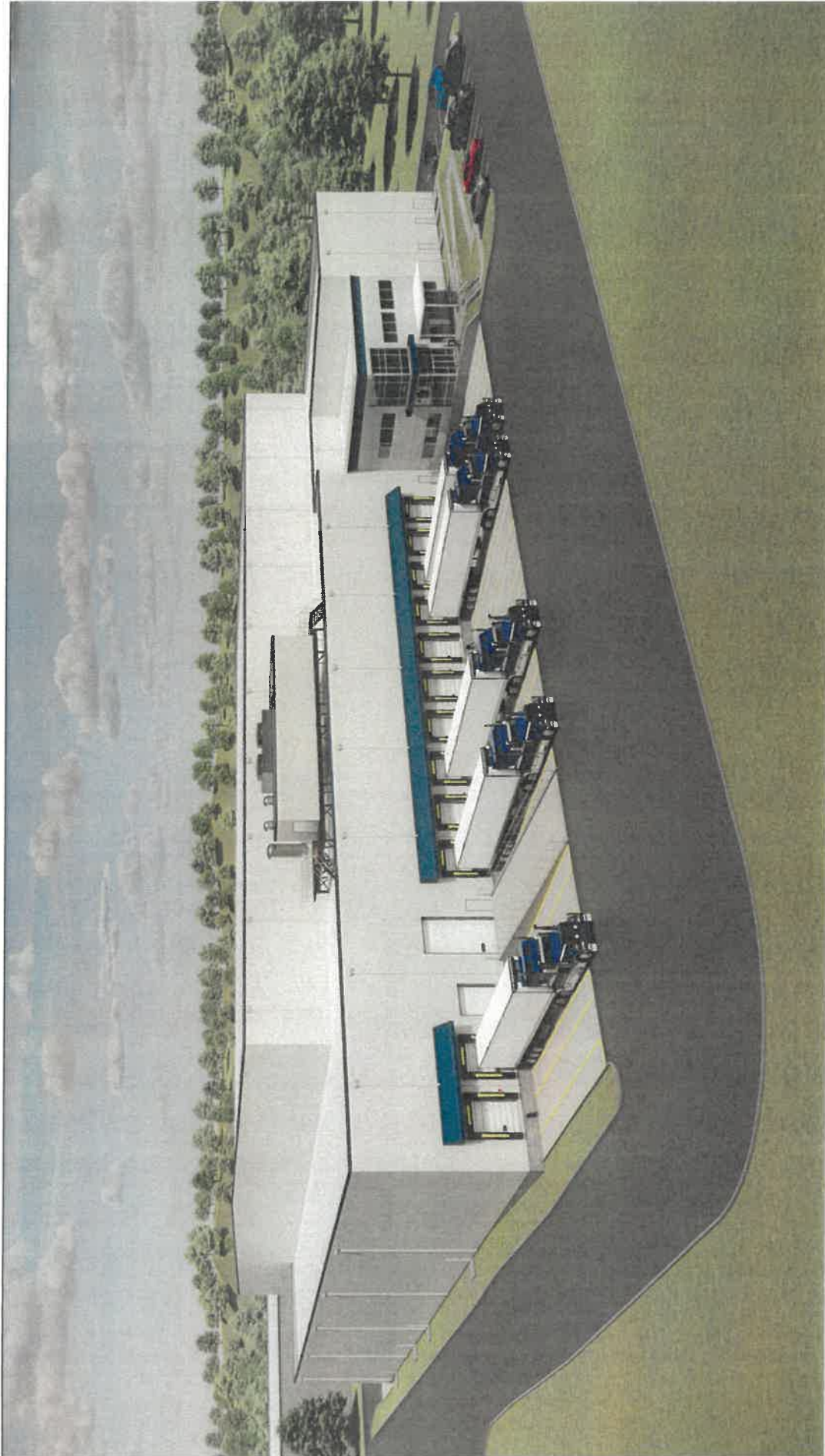
Pursuant to New York State General Municipal Law, the agency shall modify, recover, recapture or terminate any financial assistance taken by the company that is in violation of the GML.

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) company has created 38 FTE 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

- 7/25/24: Public hearing held.
- 8/28/24: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 8/28/24: Lease/Leaseback Inducement Resolution presented to the Board of Directors

3200 Clinton Street, LLC



EVALUATIVE CRITERIA MANUFACTURING/WAREHOUSE/DISTRIBUTION

Project: 3200 Clinton Street, LLC (Agile Cold Storage)

Wage Rate (above median wage for area)	Applicant has no current employees and plans to hire 45 FT employees with an estimated average salary = \$66,510
Regional Wealth Creation (% sales/customers outside area)	The applicant for this project aims to partner with a local frozen food manufacturer to increase their distribution, as well as opening options to other frozen and refrigerated food manufacturers in the area. Est % of sales: 90% in Erie County (EC) 5% outside EC but within NYS 4% outside NYS but within the U.S 1% outside U.S.
In Region Purchases (% of overall purchases)	80% of overall purchases will be from firms within Erie County
Research & Development Activities	No R&D activities are planned for this site.
Investment in Energy Efficiency	Purchases of new machinery & equipment will provide demonstrable energy efficiency benefits including: LED lighting, energy regenerative breaking on forklifts, low charge ammonia system which uses less power.
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	Brownfield Investment Cleanup Credit of \$10M per application. For more info: https://content.govdelivery.com/accounts/NYSDEC/bulletins/3916b09?reqfrom=share
LEED/Renewable Resources	N/A
Retention/Flight Risk	N/A
DEI Questionnaire	See attached copy. The applicant plans to partner with as many qualified MWBEs as possible contingent upon their alignment with stringent safety and qualification criteria.
Workforce Access – Proximity to Public Transportation	The project site is accessible by bus line #2 Clinton Transit

DATE OF INDUCEMENT: August 28, 2024

Revised: July 19, 2024

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-3200 Clinton Street LLC (Agile Cold Storage)

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
\$ 43 M	\$11 M	13.79	21.86	47.52

*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	0.05	\$7,586	\$12,021	\$26,138	\$45,744	\$914,886	\$869,141
2	0.1	\$15,171	\$24,041	\$52,276	\$91,489	\$914,886	\$823,397
3	0.15	\$22,757	\$36,062	\$78,414	\$137,233	\$914,886	\$777,653
4	0.15	\$22,757	\$36,062	\$78,414	\$137,233	\$914,886	\$777,653
5	0.2	\$30,343	\$48,082	\$104,552	\$182,977	\$914,886	\$731,909
6	0.2	\$30,343	\$48,082	\$104,552	\$182,977	\$914,886	\$731,909
7	0.25	\$37,928	\$60,103	\$130,690	\$228,721	\$914,886	\$686,164
8	0.25	\$37,928	\$60,103	\$130,690	\$228,721	\$914,886	\$686,164
9	0.3	\$45,514	\$72,123	\$156,828	\$274,466	\$914,886	\$640,420
10	0.35	\$53,100	\$84,144	\$182,967	\$320,210	\$914,886	\$594,676
TOTAL		\$303,426	\$480,822	\$1,045,523	\$1,829,771	\$9,148,857	\$7,319,086

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 = Brownfield Clean Up Investment Credits
\$46,530,000	\$7,319,086	\$2,452,625	\$262,500	\$10,100,000

Note: special district taxes are not subject to PILOT abatement

Calc % = Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 22%**

**Other = \$10.1 M brownfield clean up investment credit was not included in this calculation as the total project costs did not include the brownfield clean up costs incurred.

Erie County Industrial Development Agency

MRB Cost Benefit Calculator

Date July 17, 2024
Project Title Agile Cold Storage
Project Location 3200 Clinton Street, West Seneca, NY 14224

MRB | group
Cost-Benefit Analysis Tool powered by MRB Group

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Project Total Investment

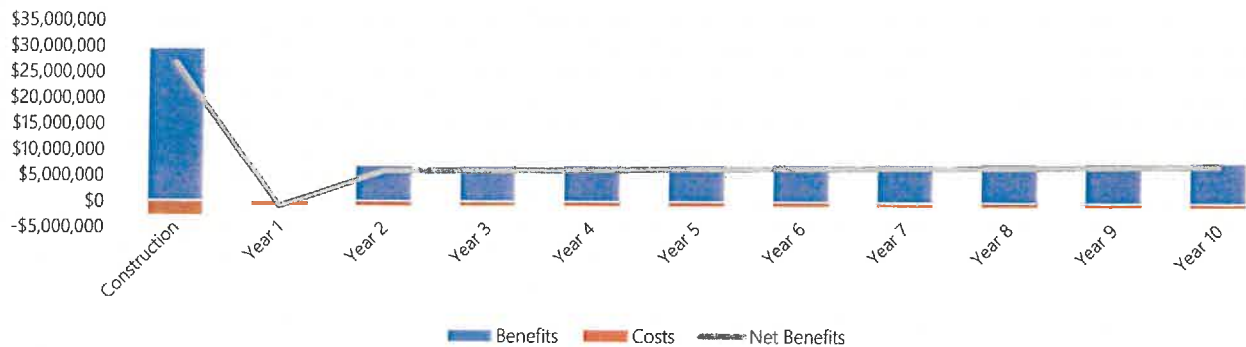
\$46,530,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	182	163	344
Earnings	\$17,579,947	\$10,239,166	\$27,819,113
Local Spend	\$46,030,000	\$31,794,719	\$77,824,719

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	45	69	114
Earnings	\$28,681,347	\$32,922,390	\$61,603,737

Figure 1

Net Benefits



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Total Jobs

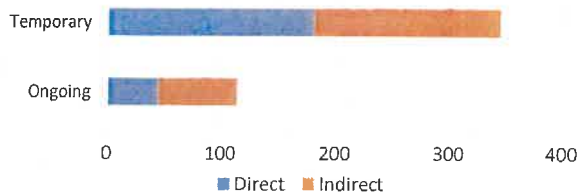
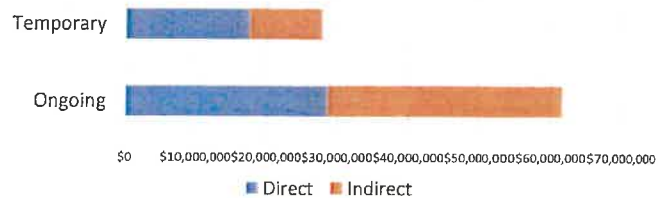


Figure 3

Total Earnings



Fiscal Impacts

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$7,319,083	\$6,614,275
Sales Tax Exemption	\$2,452,625	\$2,452,625
Local Sales Tax Exemption	\$1,144,558	\$1,144,558
State Sales Tax Exemption	\$1,308,067	\$1,308,067
Mortgage Recording Tax Exemption	\$262,500	\$262,500
Local Mortgage Recording Tax Exemption	\$87,500	\$87,500
State Mortgage Recording Tax Exemption	\$175,000	\$175,000
Total Costs	\$10,034,208	\$9,329,400

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$91,887,831	\$84,654,007
To Private Individuals	\$89,422,849	\$82,459,402
Temporary Payroll	\$27,819,113	\$27,819,113
Ongoing Payroll	\$61,603,737	\$54,640,290
Other Payments to Private Individuals	\$0	\$0
To the Public	\$2,464,982	\$2,194,605
Increase in Property Tax Revenue	\$1,829,767	\$1,603,757
Temporary Jobs - Sales Tax Revenue	\$170,392	\$170,392
Ongoing Jobs - Sales Tax Revenue	\$377,323	\$334,672
Other Local Municipal Revenue	\$87,500	\$85,784
State Benefits	\$4,649,988	\$4,287,889
To the Public	\$4,649,988	\$4,287,889
Temporary Income Tax Revenue	\$1,251,860	\$1,251,860
Ongoing Income Tax Revenue	\$2,772,168	\$2,458,813
Temporary Jobs - Sales Tax Revenue	\$194,734	\$194,734
Ongoing Jobs - Sales Tax Revenue	\$431,226	\$382,482
Total Benefits to State & Region	\$96,537,820	\$88,941,896

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$84,654,007	\$7,846,334	11:1
State	\$4,287,889	\$1,483,067	3:1
Grand Total	\$88,941,896	\$9,329,400	10:1

*Discounted at 2%

Additional Comments from IDA

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Does the IDA believe that the project can be accomplished in a timely fashion?

Yes

Diversity, Equity and Inclusion Questionnaire

1. MWBE Contractors - Construction

The ECIDA encourages applicants to utilize MWBE contractors and suppliers for their projects and when feasible, to set a goal for MWBE participation during the construction period of the project. Below are links to the NYS and Erie County certified MWBE lists, including contractors, that can assist you with your utilization goals:

- New York State MWBE Certified List: <https://ny.newnycontracts.com/>
- Erie County MWBE Certified List: <https://www3.erie.gov/eo/mbe-wbe-resource-list>

Please provide detailed information regarding your company's plan to utilize MWBE contractors and suppliers for your project. Please include your project's MWBE utilization goals, what process and resources you plan to use or have utilized in the past to find and hire MWBEs, a list of the specific MWBE firms used on previous projects and/or firms you plan to use on the current project, and any history the company has of setting and meeting MWBE goals on past projects. The company may also include details with respect to the foregoing related to any MWBE policy and utilization goals that its general contractor has committed to implementing for the project.

We plan to partner with as many qualified MWBEs for our project as possible, contingent upon their alignment with our stringent safety and qualification criteria. Our priority is to foster a secure and productive working environment while promoting diversity, equity, and inclusion. Our company's hiring and partnering process is strictly non-discriminatory. Throughout our past projects, our overarching goal has always been to select the most qualified local contractors based on rigorous safety and performance criteria while also supporting local economic growth and equity. This approach ensures that we maintain high standards of operational excellence while upholding our commitment to fairness and inclusivity in all aspects of our project engagements throughout our project.

2. Minority & Women Employment - Current Workforce & Hiring Practices

The ECIDA encourages the hiring of a diverse workforce, especially for jobs created and retained as part of an ECIDA induced project. Below are some links to sites and organizations that will be helpful in achieving a diverse workforce:

- Northland Workforce Training Center: <https://northlandwtc.org/employers/>

- Workforce Buffalo: <https://www.workforcebuffalo.org/business-services/employer-services>
- New York State Job Bank: <https://myjobsny.usnlx.com/>
- Local Minority Newspapers: <https://www3.erie.gov/eeo/minority-newspaper>

Please provide detailed information regarding your company's current workforce and hiring practices as it relates to minority and women employees, including, if applicable, the company's Diversity, Equity and Inclusion plan and goals, any strategic partnerships the company has with educational and/or workforce development entities, and company strategies regarding outreach to minorities and women with the dissemination of job openings to the public:

See Agile Cold Storage Response In Attachment

Agile has 271 full time employees

183 are Minorities

58 are Female employees

3. Economic Inclusion Program

The ECIDA's Economic Inclusion Program (EIP) is a voluntary "opt in" program providing an enhanced real property tax abatement to applicants who commit to implementing and meeting MWBE utilization and minority and women employment goals. The mission of the EIP is to enhance the beneficial public impact of projects receiving ECIDA assistance and to further the ECIDA's goal of advancing opportunities for MWBE businesses and minorities and women, in general, in the Erie County workforce. Please note, for a company to be considered an MWBE under the EIP it must be certified as an MWBE by New York State or Erie County.

Under the EIP, the standard ECIDA PILOT Agreement real property tax abatement schedules are enhanced by extending both the term and abatement percentages of the PILOT Agreement.

Please note the EIP is a *voluntary opt-in program* providing enhanced incentives in exchange for meeting MWBE utilization and minority and women employment goals. The applicant shall not engage in any unlawful discrimination against any employee or applicant by reason of race, creed, religion, color, age, disability, national origin, sex, gender, or any other characteristic protected by law, including, but not limited to, Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in

Employment Act, the Genetic Information Nondiscrimination Act, the New York State Human Rights Law, and any other similar laws, rules, or regulations. Applicants may bypass the EIP while still pursuing the ECIDA's standard PILOT Agreement.

☒ Please check the box indicating that you have read the Economic Inclusion Program summary above and the attached FAQ document that can be found at the end of the questionnaire.

☐ Please check the box if you are interested in tentatively opting into the Economic Inclusion Program (nonbinding) and would like further, detailed information on the program and process from your ECIDA business development officer.

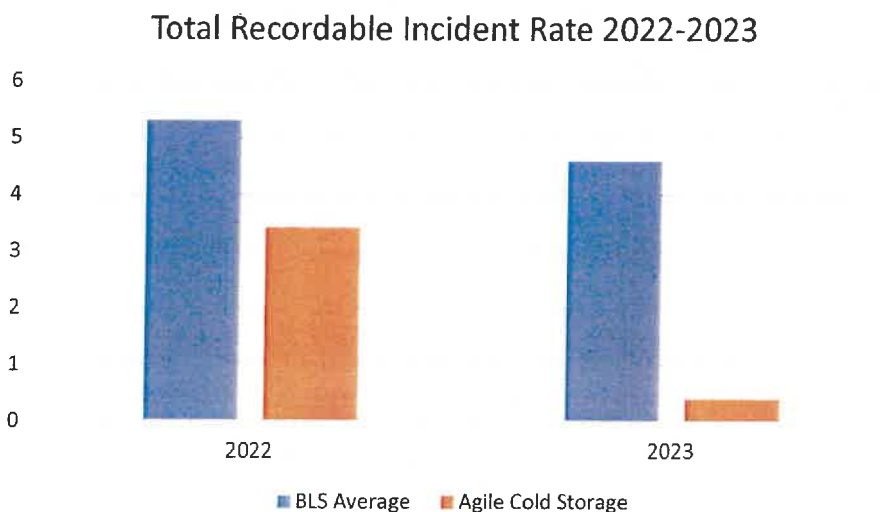
Agile Cold Storage, owns, operates, and develops automated or technologically advanced temperature-controlled warehouses. Agile was formed with a vision to deliver industry leading, high-quality customer service to the food cold chain in a highly efficient and enduring manner.

As of December 31, 2023, Agile has two locations in Georgia and has a workforce of 246 employees. Agile anticipates opening three new facilities in Georgia and Delaware in 2024 (as of June 2024, 2 of those facilities are open and ramping up operations and 1 additional will open Q3 2024)

Employee Health & Safety

Agile believes its most valuable asset continues to be its employees. Ensuring employee safety is more than a priority; it is a core principle of Agile's operations. Agile believes that their employees are the livelihood of the organization. In order to make its employees, and therefore, Agile successful, it must provide a safe and desirable place to work.

To ensure workplace safety, Agile has a training calendar that includes both monthly trainings and daily safety chats during pre-shift meetings. The executive leadership team monitors safety performance and reviews all workplace incidents and injuries, leading to continuous improvement of Agile's operations and safety program to provide safer work environments and mitigate the risk of workplace incidents. Agile's health and safety program tracks total recordable incident rate (TRIR), which is calculated by analyzing total workplace incidents against the numbers of employees and the total hours worked. In 2023, Agile reported a TRIR of 0.4, an improvement from 2022's TRIR of 3.4. Both years' TRIRs are well below the industry average of 5.5, indicating exemplary safety performance compared to the larger Refrigerated Warehousing and Storage industry.



As of the end of 2023, ACS achieved over 500 injury-free days in Gainesville, GA. Furthermore, Agile established a Safety Committee to enhance safety awareness and education among employees, along with organizing routine luncheons that emphasize and reinforce safety practices and protocols within the workforce. The Safety Committee has successfully completed all required OSHA training sessions and has installed automated external defibrillators (AEDs) at both locations. The company recruited a regional

human resources representative in the fourth quarter of 2023, whose role includes specific responsibilities that support the safety culture at Agile by providing localized support, addressing employee concerns, and implementing targeted programs and proper protocols for a safe working environment. Additionally, an employee survey conducted in late 2023 is being reviewed by leadership to identify further areas for improvement in Agile's safety program.

Employee Diversity

At the end of 2023, the Agile workforce diversity was as follows:

Diversity, Equity, & Inclusion	% of 1) employees 2) management that are women	8%/20%
	% of 1) employees and 2) management : Hispanic or Latino	35%/0%
	% of 1) employees and 2) management : Black or African American	15%/6%
	% of 1) employees and 2) management : Native Hawaiian or Other Pacific Islander	0%/6%
	% of 1) employees and 2) management : Asian	2%/0%
	% of 1) employees and 2) management : American Indian or Alaska Native	less than 1%/0%
	% of 1) employees and 2) management : Two or More Races	1%/6%

Community Impact

Agile actively participates in volunteer opportunities for its school-aged community by hosting weekly reading sessions, providing volunteer support at special events, and donating essential supplies to nearby schools. Additionally, Agile is committed to the communities where its employees reside and contributed \$500 to Sugar Hill Elementary and \$2,500 each to two community centers in Claymont, Delaware. These contributions can directly benefit the local community by improving educational facilities, supporting recreational programs, and fostering community engagement.

Agile continues to maintain its partnership with the U.S. Soccer Foundation and the Boys and Girls Club of America, fostering connections within local communities. As a result of \$101,250 in donations during 2022, Agile unveiled a mini-pitch soccer field in May 2023 in Gainesville, Georgia. This mini-pitch providing a space for local summer camps and daily after-school programs hosted by the local Boys and Girls Club and supports the surrounding Gainesville community with access to an innovative play space for social activity within the community's youth.

About Ti Cold

Ti Cold is known as a specialty, award-winning industrial cold storage builder and developer with decades of experience in designing and building state-of-the-art facilities. They utilize time-honed expertise and advanced technology solutions to create efficient buildings that scale with a business and maximize profitability by fully integrating operations and supply chain. Ti Cold provides a full suite of cold storage construction and development services, including master site planning and operations guidance. Their consulting services help companies navigate the unique challenges associated with a rapidly changing industry. Ti Cold has offices in Florida and Indiana but makes an impact across the United States.

Employee Health and Safety:

TiCold places the utmost importance on the health and safety of all individuals involved in our projects, including employees, subcontractors, and partners. We prioritize creating a work environment that upholds the highest standards of safety practices and regulations to prevent accidents and ensure the well-being of everyone on the job site.

For the Agile Cold Storage construction project in West Seneca, NY, Ti Cold will implement comprehensive health and safety protocols to mitigate risks and promote a culture of safety awareness. Every individual has the right to work in a safe and healthy environment, and we are dedicated to providing the necessary resources, training, and support to achieve this goal. By prioritizing employee health and safety, we not only protect our workforce but also enhance the overall quality and success of the project.

Inclusion Statement:

Ti Cold is committed to fostering diversity, equity, and inclusion in all aspects of our business operations. As we embark on the new construction project for Agile Cold Storage in West Seneca, NY, we are dedicated to promoting opportunities for Minority and Women-Owned Business Enterprises (MWBEs) to participate and thrive.

We recognize the value that MWBEs bring to the table through their unique perspectives, experiences, and expertise. Ti Cold actively seeks to engage with MWBEs as subcontractors, suppliers, and partners to ensure a more inclusive and equitable project development process. Through our hiring process, we will actively seek out professionals in the MWBE community who align with our expectations of experience, level of certification, quality of product standards, and health and safety.

By utilizing the following resources, we know that our mission is achievable.

- New York State MWBE Certified List: <https://ny.newnycontracts.com/>
- Erie County MWBE Certified List: <https://www3.erie.gov/eeo/mbe-wbe-resource-list>

By actively promoting MWBE participation, we aim to create a more diverse and vibrant business community while driving economic growth and sustainability in West Seneca, NY. Ti Cold is committed to upholding the principles of diversity and inclusion and looks forward to collaborating with MWBEs to achieve mutual success in the Agile Cold Storage construction project.

Community Impact:

In addition to our focus on MWBE inclusion and employee health and safety, Ti Cold is deeply committed to making a positive economic impact on the community in West Seneca, NY through the Agile Cold Storage construction project. We understand the importance of supporting local businesses, creating job opportunities, and contributing to the overall economic development of the region.

By prioritizing local procurement and subcontracting with businesses in the Buffalo area, Ti Cold aims to stimulate economic growth and create a ripple effect that benefits the community at large. We believe that investing in local talent and resources not only strengthens the local economy but also fosters a sense of ownership among residents.

Furthermore, the Agile Cold Storage project will generate job opportunities for residents of West Seneca and surrounding counties, providing stable employment and skills development that can have a lasting impact on the community. Ti Cold is dedicated to being a responsible corporate citizen and is committed to leveraging this construction project to create a positive economic legacy in West Seneca.

MEMORANDUM
August 1, 2024



ECIDA Policy Committee

3200 Clinton Street, LLC/Agile Cold Storage– Local Labor Waiver Request

Local Labor Waiver Request:

A condition for receiving Financial Assistance from the ECIDA, including sales tax exemptions, mortgage recording tax exemptions, real property tax abatements, and/or bond proceeds, is that project applicants must adhere to the ECIDA Local Labor Policy and its specific requirement that “[a]t least 90% of all Project employees of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively, the “Workers”) working on the Project Site must reside within the Local Labor Area.”¹

Agile Cold Storage is requesting a 24% waiver due to warranty issues related to the installation and the specialized construction of their facility in West Seneca, NY, for which qualified Local Labor Area Workers are not available. The facility’s industrial concrete floors are a proprietary system utilizing FRICKS Shrinkage Compensating Advantage™ with FRICKS Monolith Traprock. FRICKS mandates the use of their trained labor force to ensure proper installation and to honor their three-year warranty. Local contractors cannot perform this specialized construction due to a lack of trained personnel.

Additionally, the installation of the facility’s insulated metal panels, underslab insulation, QFM equipment, refrigeration system, and roofing system requires manufacturer-certified contractors to ensure proper installation and warranty coverage. These systems involve proprietary methods and patented technologies, making it essential for certified and trained teams to perform the installation to maintain the critical performance and integrity of the facility.

Local Labor Waiver Summary	
Estimated Total Workers	210
Total # of Exempt Workers	71
% Local Labor in Area	66%
% Local Labor Out of Area	34%
% Waiver Request (90%-66%)	24%

¹ The Local Labor Area includes the counties of Erie, Niagara, Chautauqua, Cattaraugus, Allegany, Wyoming, Genesee, and Orleans.

Vendor	# of Workers needing Exemption	Reason for Exemption
The FRICKS Company	25	Warranty Work & Specialized Construction
Kingspan Insulated Panels	15	Specialized Construction
Tippmann Engineering	6	Specialized Construction
JKMI LLC	10	Warranty Work
Encore Roofing	15	Specialized Construction

Policy Discussion:

The Local Labor Policy contains a provision that permits the ECIDA to grant a waiver from the Local Labor Policy's 90% requirement under certain circumstances as so stated, below:

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

Agile Cold Storage has provided documentation outlining the reasoning for the waiver request.

Requested Action:

The Company is seeking a waiver from the Local Labor Policy 90% requirement for the project.

Based upon the information provided by the Company as described herein, the Company's request for a waiver from the Local Labor Policy 90% requirement falls under the two permitted circumstances warranting a waiver from the Local Labor Requirement, being circumstances related to: (i) warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers; and (ii) specialized construction for which qualified Local Labor Area Workers are not available.

**LOCAL LABOR
VERIFIED EXEMPTION REQUEST**

*Applicant Name: 3200 Clinton Street LLC.

Contact: Craig Cardwell

Phone (B): 833-424-2653 Phone (cell): 615-804-4457

Fax: _____ e-mail: craig@agilecoldstorage.com

Local Labor Defined

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

Local Labor Requirement

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

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

Pursuant to the Local Labor Policy below are provisions outlining the categories of exemption.

REASON FOR REQUEST: (Attach additional sheets if necessary)

Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation action by only approved installers – **EXPLAIN - FRICKS WAREHOUSE SLABS:** FRICKS includes a three (3) warranty and covers everything in FRICKS' concrete floor system only when placed by FRICKS trained labor force.

Specialized construction in which a local contractor is not available - **EXPLAIN – FRICKS WAREHOUSE SLABS:** Industrial concrete floors for Agile Cold Storage in Seneca, NY is a proprietary concrete floor system, FRICKS Shrinkage Compensating Advantage™ with FRICKS Monolith Traprock. FRICKS has over 40 years of experience in this specialized industrial concrete floor system. The testing of the shrinkage compensating concrete ready mix is done in FRICKS' laboratory for specific expansion and compressive strength. FRICKS provides 100% FRICKS trained labor force for the construction and are specifically trained for setting of FRICKS Steel Armor Joints with load plates, FRICKS' finishing technique when dealing with shrinkage compensating concrete and the application of the traprock surface hardener.

No local labor available for the project - **EXPLAIN**

*Applicant Signature: Craig Cardwell

Date: 5/18/2024

Number of Workers Needing Verified Exemption (s): 25

Total number of workers on job site: 210

Send Completed Form to:

ECIDA - Attn: Soma Hawramee, Compliance Portfolio Manager
95 Perry Street, Suite 403
Buffalo, New York 14203

*only applicants may submit verified exemption requests



July 2, 2024

Ti Cold
4218 Hobson Ct., Suite B
Fort Wayne, IN 46815
Office: 260-424-2222
Mobile: 260-445-4932

Attn: Tanner Mellady – Project Manager

Re: Agile Cold Storage – West Seneca, NY

Mr. Mellady,


The FRICKS Company is a Specialty Concrete Floor Contractor with over 40 years of experience in the engineering and construction of Fricks Shrinkage Compensating Advantage™ and Fricks Monolith Traprock™ proprietary concrete floor systems.

THE FRICKS COMPANY
3000 West Loop 820 South
Fort Worth, Texas 76116
(817) 560-8281
Fax (817) 560-8137

FRICKS utilizes 100% of in-house trained labor force that is specifically trained for the construction and finishing of FRICKS' specialty concrete floor systems including, real-time onsite testing of concrete materials, expansion testing in FRICKS' laboratory, specific layout and pour sequencing for each specialty concrete floor system, proper installation of FRICKS All-Steel Armor Joints with load plates, measured application of traprock floor hardener, and FRICKS placement and finishing techniques to insure proper installation.

All of this is done to ensure proper construction and installation to provide an extended warranty for which FRICKS is solely responsible.

Thank you,



Greg Fricks
Owner/President
FRICKS

**LOCAL LABOR
VERIFIED EXEMPTION REQUEST**

*Applicant Name: 3200 Clinton Street LLC.

Contact: Craig Cardwell

Phone (B): 833-424-2653 Phone (cell): 615-804-4457

Fax: _____ e-mail: craig@agilecoldstorage.com

Local Labor Defined

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Local Labor Requirement

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

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

Pursuant to the Local Labor Policy below are provisions outlining the categories of exemption.

REASON FOR REQUEST: (Attach additional sheets if necessary)

Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation action by only approved installers - **EXPLAIN** _____

Specialized construction in which a local contractor is not available - **EXPLAIN – PANEL AND UNDERSLAB INSULATION INSTALLATION: Both the install of the facility insulated metal panels and Underslab insulation are performed with proprietary methods of installation to ensure the critical performance of the facility to hold the required temperatures that maintain the integrity of the product stored inside the facility. The manufacturer of the insulated metal panels and Underslab insulation both require the contractor to be manufacturer certified in order to receive full warranty for the installation of the products.**

No local labor available for the project - **EXPLAIN**

*Applicant Signature: Craig Cardwell

Date: 5/18/2024

Number of Workers Needing Verified Exemption (s): 15

Total number of workers on job site: 210

Send Completed Form to:

ECIDA - Attn: Soma Hawramee, Compliance Portfolio Manager
95 Perry Street, Suite 403
Buffalo, New York 14203

*only applicants may submit verified exemption requests



July 2, 2024

To Whom It May Concern

This letter is to state that Kingspan Insulated Panels requires specialty contractors to install the IMPs in a Controlled Environment application. Kingspan works with these contractors to ensure that their work is performed to the highest degree possible. Puga Thermal has been fully vetted in this regard.

Regards,

Craig Lynch

National Sales Director / Controlled Environments Division U.S.

**LOCAL LABOR
VERIFIED EXEMPTION REQUEST**

*Applicant Name: 3200 Clinton Street llc.

Contact: Craig Cardwell

Phone (B): 833-424-2653 Phone (cell): 615-804-4457

Fax: _____ e-mail: craig@agilecoldstorage.com

Local Labor Defined

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

Pursuant to the Local Labor Policy below are provisions outlining the categories of exemption.

REASON FOR REQUEST: (Attach additional sheets if necessary)

Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation action by only approved installers - **EXPLAIN** _____

Specialized construction in which a local contractor is not available - **EXPLAIN – QFM EQUIPMENT INSTALLATION: The QFM equipment required to blast freeze product is a proprietary and patented freezing system by Tippmann Engineering and must be installed by their trained team.**

No local labor available for the project - **EXPLAIN**

*Applicant Signature: Craig Cardwell Date: 05/18/2024

Number of Workers Needing Verified Exemption (s): 6

Total number of workers on job site: 210

Send Completed Form to: ECIDA - Attn: Soma Hawramee, Compliance Portfolio Manager
95 Perry Street, Suite 403
Buffalo, New York 14203

*only applicants may submit verified exemption requests



July 2, 2024

Tanner,

This is to notify you that the QFM Units that are required to blast freeze products is a freezing system patented by Tippmann Engineering, LLC. This freezing system can only be installed by our trained team to ensure proper installation and operation.

Please let me know if you have any questions.

A handwritten signature in blue ink, appearing to read 'Bob Tippmann', with a stylized flourish at the end.

Bob Tippmann

**LOCAL LABOR
VERIFIED EXEMPTION REQUEST**

*Applicant Name: 3200 Clinton Street LLC. _____

Contact: Craig Cardwell

Phone (B): 833-424-2653 Phone (cell): 615-804-4457

Fax: _____ e-mail: craig@agilecoldstorage.com

Local Labor Defined

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Pursuant to the Local Labor Policy below are provisions outlining the categories of exemption.

REASON FOR REQUEST: (Attach additional sheets if necessary)

Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation action by only approved installers – **EXPLAIN – REFRIGERATION SYSTEM: The refrigeration system is the heart and main component of the functionality of this specialized cold storage facility. The refrigeration system required for the facilities intended use is manufactured by**

JKMI and the installation of the system in order to maintain all warranties must be done by JKMI themselves. This ensures the installation crew is properly certified per the JKMI installation procedures and ensure all components of the system are operating and installed in a way to ensure the system not only operates at its intended use, but also for the safety of all employees and guests entering the facility.

Specialized construction in which a local contractor is not available - **EXPLAIN** _____

No local labor available for the project - **EXPLAIN** _____

*Applicant Signature: Craig Cardwell Date: 5/18/2024

Number of Workers Needing Verified Exemption (s): 10

Total number of workers on job site: 210

Send Completed Form to: ECIDA - Attn: Soma Hawramee, Compliance Portfolio Manager
95 Perry Street, Suite 403
Buffalo, New York 14203

*only applicants may submit verified exemption requests

7/2/2024



RE: REFRIGERATION SYSTEM WEST SENECA NY

To Whom it may concern,

JKMI is a Design/Build Firm. We strive to give our customers the best possible solutions and to realize that goal, it is imperative that we install the systems that we design for numerous reasons some of which are listed below:

- **EXPERTISE**
 - Our upper management team at JKMI offers over 100 years of combined experience in the design and installation of ammonia refrigeration solutions.
 - We have served thousands of customers with project budgets ranging from hundreds to millions.
 - Specifically, we have worked closely with the general contractor and the end user of the subject project on past projects to manufacture systems specific to their needs.
- **DESIGN/ MANUFACTURE**
 - We work directly with our customers during the design process in order to fully understand their needs and manufactures a process specific product.
 - Our designs are proprietary to JKMI and our employees are experts in the installation of our product.
 - Our onsite management is intricately involved with the manufacturing process and installation needs prior to site arrival.
 - Our team is the only qualified installers of our product.
- **SAFETY**
 - We offer our customers a superior safety rating for our installation crews with an OSHA rating of 0.0.
 - Our owners are operators that personally vet all our employees prior to sending them to the project site.
 - Each of our employees is required to read and know our company safety standards and policies outlined in our Company Safety Manual
 - As a team, we follow up on those safety measures regularly with onsite task specific safety meetings and training.
 - Our supervisors are committed to ensuring a safe work environment by personally overseeing all tasks related to our installations.
- **WARRANTY**
 - We offer a superior warranty experience with a committed staff that is involved with each product from conception to startup.
 - We could not offer the same warranty experience without knowledge outline above and without our dedicated employees.

With the above in mind, our products' integrity are dependent on our employees' intimate knowledge of the design and installation of the product. Without that knowledge we could not offer our customers the experience they deserve. Our systems and experience cannot be duplicated without the dedication provided by our employees from design to startup.

Kevin Schuster
Vice President of Engineering
JKMI LLC.

714 SE GRAND, FAUCETT, MO. 64448
C 816-804-7672, O 816-351-1084, F 866-594-8926
kschuster@jkmiref.com

**LOCAL LABOR
VERIFIED EXEMPTION REQUEST**

*Applicant Name: 3200 Clinton Street LLC.

Contact: Craig Cardwell

Phone (B): 833-424-2653 Phone (cell): 615-804-4457

Fax: _____ e-mail: craig@agilecoldstorage.com

Local Labor Defined

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

Local Labor Requirement

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

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

Pursuant to the Local Labor Policy below are provisions outlining the categories of exemption.

REASON FOR REQUEST: (Attach additional sheets if necessary)

Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation action by only approved installers - **EXPLAIN** _____

Specialized construction in which a local contractor is not available - **EXPLAIN – ROOFING**
INSTALLATION: The install of the facility's roofing system is performed with proprietary methods of installation to ensure the critical performance of the facility to hold the required temperatures that maintain the integrity of the product stored inside the facility. If the roofing system is not installed correctly per the proprietary methods, ice buildup will occur which will cause major operational and food safety concerns.

No local labor available for the project - **EXPLAIN**

*Applicant Signature: Craig Cardwell Date: 5/18/2024

Number of Workers Needing Verified Exemption (s): 15

Total number of workers on job site: 210

Send Completed Form to: ECIDA - Attn: Soma Hawramee, Compliance Portfolio Manager
95 Perry Street, Suite 403
Buffalo, New York 14203

*only applicants may submit verified exemption requests



July 2, 2024

Encore Roofing (License #40002234)
Jim Nichols
1377 Buford Business Blvd
Buford, GA 30518

Project: (Project and IBase number Pending)

Subject: Cold Storage Installation

To Whom It May Concern,

Please be advised that cold storage roofing is very technical and highly specialized type of installation and construction. We only recommend using a certified, licensed Elevate contractor with the proper knowledge and experience for this type of application. A small percentage of commercial roofers nationally have the qualifications to properly perform this type of installation. In fact, we do not have any certified, licensed installers in Buffalo or the surrounding counties.

We highly recommend Encore Roofing for this type of roofing application. Encore and Elevate have successfully completed numerous cold storage projects in the past.

Yours sincerely,



A handwritten signature in black ink, appearing to read "John Swisher".

John Swisher
Regional Technical Manager
Mid-Atlantic Region
P: 1-740-808-7217
John.Swisher@holcim.com

Holcim Solutions and Products US, LLC, Building Envelope Division
26 Century Blvd, Suite 205 Nashville, TN 37214
Phone 800 428 4442



PUBLIC HEARING SCRIPT

**3200 Clinton St., 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 July 25, 2024 at 10:00 a.m.,
at the Town of West Seneca Community Center & Library,
located at 1300 Union Road, West Seneca, NY 14224

ATTENDANCE:

Craig Cardwell – Agile Cold Storage

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

Hearing Officer: Welcome. This public hearing is now open; it is 10:01 a.m. My name is Beth O’Keefe. I am the Vice President of Operations for 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.

☒ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the 3200 Clinton St., LLC 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 Sunday, July 14, 2024.

☒ 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 3200 Clinton Street, Town of West Seneca, Erie County, New York and all other lands in 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 construction on the Land of an approximately 115,000 square-foot facility consisting of a cold storage warehouse for Agile Cold Storage (99,000 sq. ft) and manufacturing space (16,000 sq. ft.) for Rosina Foods (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 and the Existing Improvements, the "Facility").

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits, mortgage recording 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 at 4:00 p.m. on August 27, 2024. 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.

Craig Cardwell. I'm representing 3200 Clinton Street, LLC, which is an entity of Agile Cold Storage and I want to thank you all for your time and allowing me to come and speak in front of you today. I want to give just a quick history of Agile, then I'll get into the project. Agile was formed January 1st, 2020, in Georgia. We have four facilities operating currently in Georgia. Three conventional, one fully automated facility and we have another facility we're getting ready to open in Claymont, Delaware, in September and we've broken ground on three other facilities; semi-automated facilities. We offer cold storage solutions and refrigerated solutions for frozen food manufacturers, refrigerated and cold storage and we are excited about this opportunity that we have in West Seneca. We're looking forward to being here. We're looking forward to bringing the jobs to West Seneca and introducing these folks to the Agile family. The project on 3200 Clinton Street is a partnership with a local frozen food manufacturer where we'll actually have manufacturing and boxing space 16,000 square feet attached to the building, and it's on their campus as well. We will also have a 99,000 square feet frozen coal storage refrigerated facility, which half of it will be utilized by the partner we're using with the manufacturing and boxing and the other half will be open to the public, which we currently have, or going under some contract negotiations with local frozen food manufacturers. The reason that we're here in front of this board today is because of where the site had to be we're roughly under eight acres and a typical facility of ours would usually utilize somewhere between 15 to 20 acres and for a facility for this need would be a conventional facility, more or less, which would actually

average about 35 to 40,000 pallet positions. But because of the space, we're having to go higher to a 70-foot facility with less pallet positions. Therefore, the cost of the construction is a bit more significant than it would be for a conventional facility. So, all in all, by time we're finished we're looking at around a \$46-\$50 million project here in West Seneca because we're going to have a 70-foot semi-automated facility for this company. That's why we're in front of you today for these credits. We look forward to being here in West Seneca. We look forward to introducing Agile Cold Storage to the community. We always really strive on being good stewards in the community and we're super excited to be here.

☒ **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 25, 2024 at 10:00 a.m.
at the Town of West Seneca Community Center & Library,
located at 1300 Union Road, West Seneca, NY 14224
regarding:

**3100 Clinton St., LLC and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 3100 Clinton Street, West Seneca, New York 14224

Name	Company and/or Address	X box to speak/ comment
Craig Cardwell	Agile Cold Storage 3117 Athens Hwy Gainesville, GA 30507	X



3200 Clinton Street LLC.

Instructions and Insurance Requirements Document

Section I: Applicant Background Information

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

Applicant Information- Company Receiving Benefit

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

Business Organization

Type of Business
Limited Liability Company

Year Established
2023

State

Delaware

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

[No] Minority Owned

[No] Woman Owned

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

[Yes] NYS Certified

[No] Erie Country Certified

Individual Completing Application

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

Company Contact- Authorized Signer for Applicant

Contact is same as individual completing application Yes

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

Company Counsel

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

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

Benefits Requested (select all that apply).

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

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

Applicant Business Description

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

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

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

(*Percentage to equal 100%)

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

80

Describe vendors within Erie County for major purchases

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

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

3200 Clinton Street

Town/City/Village of Project Site

West Seneca

School District of Project Site

West Seneca Central School District

Current Address (if different)

160 Empire Drive

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

West Seneca

SBL Number(s) for proposed Project

124.15-2-4

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

\$5,694.20

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

Land

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

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

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

No

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

Two Brothers Reality Company

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

Yes

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

Vacant Land

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

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

Municipality or Municipalities of current operations

Erie County

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

Yes

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

No

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

No

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

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

No

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

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

<BLANK>

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

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

Not Applicable

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

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

Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency

Yes

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

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

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

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

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

Yes

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

Bus line #2 Clinton Transit Line.

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

No

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

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

July 2024

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

Yes

Describe the present zoning/land use

M1 District

Describe required zoning/land use, if different

Not Applicable

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

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

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

Yes

If yes, please explain

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

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

Yes

If yes, please provide a copy.

Have any other studies, or assessments been undertaken with respect to the proposed Project Site that indicate the known or suspected presence of contamination that would complicate the site's development?

Yes

If yes, please provide copies of the study.

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

Yes

If yes, describe the efficiencies achieved

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

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

No

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

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

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

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

Retail Sales No**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)	No Commercial	No Equipment Purchase
No Facility for the Aging	No Industrial	No Life Care Facility (CCRC)
No Market Rate Housing	No Mixed Use	Yes Multi-Tenant
No Retail	No Senior Housing	Yes Manufacturing
No Renewable Energy	Yes Other	
	Warehouse	

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	16,000 square feet	\$	3,425,000	8%
Warehouse	99,000 square feet	\$	41,530,000	92%
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)

<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**

9/1/2024

End date : Estimated completion date of project

7/18/2025

Project occupancy : estimated starting date of occupancy

7/31/2025

Capital Project Plan / Budget**Estimated costs in connection with Project**

1.) Land and/or Building Acquisition

\$ 500,000	square feet	7 acres
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2.) New Building Construction

\$ 43,000,000	115,000 square feet
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3.) New Building addition(s)

\$ 0	square feet
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4.) Reconstruction/Renovation

\$ 0	square feet
------	-------------

5.) Manufacturing Equipment

\$ 2,000,000

6.) Infrastructure Work

\$ 0

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

\$ 30,000

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

\$ 1,000,000

9.) Other Cost

\$ 0

**Explain Other
Costs**

Total Cost	\$ 46,530,000
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Construction Cost Breakdown:

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

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit	\$ 28,030,000
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Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 2,452,625
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** 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
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Have any of the above costs been paid or incurred as of the date of this Application?	No
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If Yes, describe particulars:

Sources of Funds for Project Costs:

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

Mortgage Recording Tax Exemption Benefit:

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

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

Real Property Tax Benefit:

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

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

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

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

No

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

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

Employment Plan (Specific to the proposed project location).

The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and 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	0	0	45	45
Part time	0	0	0	0
Total	0	0	45	

Salary and Fringe Benefits for Jobs to be Retained and Created

Job Categories	# of Full Time Employees retained and created	Average Salary for Full Time	Average Fringe Benefits for Full Time	# of Part Time Employees retained and created	Average Salary for Part Time	Average Fringe Benefits for Part Time
Management	6	\$ 77,000	\$ 26,800	0	\$ 0	\$ 0
Professional	5	\$ 51,000	\$ 17,800	0	\$ 0	\$ 0
Administrative	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Production	34	\$ 54,300	\$ 15,700	0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Total	45			0		

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

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

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

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

Payroll Information

Annual Payroll at Proposed Project Site upon completion

3,259,000

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

0

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

0

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

66,510

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

0

Estimated salary range of jobs to be created

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

Section III: Environmental Questionnaire

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

General Background Information

Address of Premises

160 Empire Drive West Seneca, NY. 14224

Name and Address of Owner of Premises

Two Brothers Reality Group

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

Wooded lot with parking lot in Northeast Corner.

Describe the Premises (including the age and date of construction of any improvements) and each of the operations or processes carried out on or intended to be carried on at the Premises

None

Describe all known former uses of the Premises

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

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

No

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

Have there been any spills, releases or unpermitted discharges of petroleum, hazardous substances, chemicals or hazardous wastes at or near the Premises?

Yes

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

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

Has the Premises or any part of it ever been the subject of any enforcement action by any federal, state or local government entity, or does the preparer of this questionnaire have knowledge of: a) any current federal, state or local enforcement actions; b) any areas of non-compliance with any federal, state or local laws, ordinances, rules or regulations associated with operations over the past 12 months?

No

If yes, please state the results of the enforcement action (consent order, penalties, no action, etc.) and describe the circumstances

Has there been any filing of a notice of citizen suit, or a civil complaint or other administrative or criminal procedure involving the Premises?

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

Does any activity conducted or contemplated to be conducted at the premises generate, treat or dispose of any petroleum, petroleum-related products, solid and hazardous wastes or hazardous substances?

No

If yes, provide the Premises' applicable EPA (or State) identification number

Have any federal, state or local permits been issued to the Premises for the use, generation and/or storage of solid and hazardous wastes?

No

If yes, please provide copies of the permits.

Identify the transporter of any hazardous and/or solid wastes to or from the Premises

None

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

None

Does or is it contemplated that there will occur at the Premises any accumulation or storage of any hazardous wastes on-site for disposal for longer than 90 days?

No

If yes, please identify the substance, the quantity and describe how it is stored

Discharge Into Waterbodies

Briefly describe any current or contemplated industrial process discharges (including the approximate volume, source, type and number of discharge points). Please provide copies of all permits for such discharges

None

Identify all sources of discharges of water, including discharges of waste water, process water, contact or noncontact cooling water, and stormwater. Attach all permits relating to the same. Also identify any septic tanks on site

None

Is any waste discharged into or near surface water or groundwaters?

No

If yes, please describe in detail the discharge including not only the receiving water's classification, but a description of the type and quantity of the waste

Air Pollution

Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises?

No

If yes, describe each such source, including whether it is a stationary combustion installation, process source, exhaust or ventilation system, incinerator or other source

Are any of the air emission sources permitted?

No

If yes, attach a copy of each permit.

Storage Tanks

List and describe all above and under ground storage tanks at the Premises used to store petroleum or gasoline products, or other chemicals or wastes, including the contents and capacity of each tank. Please also provide copies of any registrations/permits for the tanks

None

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

No

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

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

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

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

Yes

If yes, relate all the circumstances

On the Brownfield Report

Do the Premises have any asbestos containing materials?

Yes

If yes, please identify the materials

On the Brownfield Report

Section IV: Facility Type - Single or Multi Tenant

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

Multi-Tenant Facility

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

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

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

Have any tenant leases been entered into for this project?

Yes

If yes, please list below and provide square footage (and percent of total square footage) to be leased to tenant and NAICS Code for tenant and nature of business

Tenant Name	Current Address (city, state, # of sq ft and % of total to be zip) occupied at new projet 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 V: Tenant Information**PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)****Tenant Name**

Rosina Food Products Inc.

Property Address:

170 French Road

City/Town/Village

Buffalo Ny 14227

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

Amount of space to be leased (square feet)

16,000

What percentage of the building does this represent?

8

Are terms of lease:

NET

If GROSS lease, please explain how Agency benefits are passed to the tenant**Estimated date of occupancy**

12/31/1969

PART 2 TO BE COMPLETED BY PROPOSED TENANT**Company Name:**

Rosina Food Products Inc.

Local Contact Person:

Greg Setter

Title:

COO

Current Address:

170 French Road

Phone:

(716) 608-8524

Fax:**E-Mail:**

gsetter@rosina.com

Website:

www.rosina.com

Company President/General Manager:**Number of employees moving to new project location:****Full-Time:**

10

Part-Time:

0

Total:

10

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

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

Attach additional information as necessary.

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

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

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

16,000

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

0

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

N/A

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

No

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

If leased, when does lease expire?

6/30/2040

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

No

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

Section VI: Retail Determination

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

Please answer the following:

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

No

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

Section VII: Adaptive Reuse Projects

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

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

No

Section VIII: Inter-Municipal Move Determination

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, Agency financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

Current Address

160 Empire Drive

City/Town

West Seneca

State

New York

Zip Code

14224

Will the project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?

No

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

No

If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

None

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

Within New York State

No

Within Erie County

No

If Yes to either question, please, explain

None

Will the project result in a relocation of an existing business operation from the City of Buffalo?

No

If yes, please explain the factors which require the project occupant to relocate out of the City of Buffalo (For example, present site is not large enough, or owner will not renew leases etc.)

What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc.)

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

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

No

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

Availability of Brownfield credits

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

None

Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.

None

Section IX: Senior Housing

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

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

No

Section X: Tax Exempt Bonds

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

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

No

Upstate Niagara Cooperative, Inc.
\$ 150,000,000.00
PRIVATE INVESTMENT INDUCEMENT RESOLUTION

ELIGIBILITY

- NAICS Section – 311511

COMPANY INCENTIVES

- Approximately \$5,988,343 in real property tax savings
- Up to \$ 3,937,500 in sales tax savings

JOBS & ANNUAL PAYROLL

- Current Jobs: 240 FT
- Projected retained jobs: 240 FT
- Est. salary/yr. of jobs retained: \$71,000
- Projected new jobs: 130 FT
- Est. salary/yr. of jobs created: \$70,000
- Annual Payroll: \$ 26,500,000
- Construction Jobs: 592

PROJECTED COMMUNITY BENEFITS*

- Term: 10 YEARS
 - NET Community Benefits: \$849,874,586
 - Spillover Jobs: 1,302
- Total Payroll: 801,774,552

INCENTIVE COST / COMMUNITY BENEFIT RATIO (discounted at 2%)*

Incentives: \$9,349,181

Community Benefit: \$769,112,877

Cost: Benefit Ratio

- 1:82

Project Title: W Seneca Expansion

Project Address North America Drive, West Seneca, NY 14224
(West Seneca Central School District)

Agency Request

A sales and real property tax abatement associated with a 250,000 SF expansion to an existing plant in West Seneca. The additional space will primarily be used for manufacturing purposes with some additional SF allocated to warehouse and office space.

Building Addition \$ 60,000,000

Manufacturing Equipment \$ 90,000,000

Total Project Cost \$ 150,000,000

85% \$ 127,500,000

Company Description

Upstate Niagara Cooperative, Inc is a dairy cooperative made up of approximately 260 dairy farms, whose valued members are the dairy farmers who own the business. Upstate Niagara Cooperative a food and beverage company, has been producing a wide variety of award winning, high quality dairy products since 1971. These offerings include milk, cream, flavored milk, shelf stable ready to drink beverages, yogurt, dip, sour cream, cottage cheese, canned evaporated milk and ice cream mix products. These products are marketed under the names, Upstate Farms, Bison, Intense Milk, Milk for Life, Spring Farms, Gold Cow and Vally Farms brands in addition to numerous contract and retail customer labels.

Project Description

The addition of 250,000 SF of space that would more than double the size of Upstate Niagara Cooperative's existing plant (225,000 SF) in West Seneca. New business opportunities and creating operational efficiencies are the main drivers in the company's decision to expand their West Seneca plant. The project will add significant manufacturing capacity as well as storage space for finished goods, ingredients and packaging. Products manufactured at this facility will be distributed throughout the U.S. and will utilize a significant amount of milk from local dairy farmers.

* Cost Benefit Analysis Tool powered by MRB Group

Economic Impact: Inform Analytics Cost-Benefit Analysis

The Erie County Industrial Development Agency uses the Cost Benefit Analysis Tool powered by MRB Group to assess the economic impact of a project applying for incentives. A Cost-Benefit Analysis is required by Section 859-a (5)(b) of General Municipal Law. For the complete Cost Benefit Analysis – please see the attached MRB Cost Benefit Calculator.

Cost: Incentives

COSTS	Tax Exemption	Amount
	Property	\$ 5,988,343
	Sales	\$ 3,937,500
	Total	\$ 9,925,843
	Discounted at 2%	\$ 9,349,181

Benefit: Projected Community Benefit*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	\$ 90,655,374
			Payroll Permanent	\$711,119,178
		Public	Property Taxes	\$ 1,496,888
			Sales Taxes	\$ 4,910,869
			Other Muni Revenue (NFTA)	\$ 0
	New York State	Public	Income Taxes	\$ 36,079,855
			Sales Taxes	\$ 5,612,422
			Total Benefits to EC + NYS***	\$849,874,586
			Discounted at 2%	\$769,112,877

* Cost Benefit Analysis Tool powered by MRB Group **includes direct & indirect \$ over project period *** may not sum to total due to rounding

Discounted Cost \$ 9,349,181
Discounted Benefit \$769,112,877
Ratio 1:82

Conclusion: The Cost Benefit for this project is: 82:1. For every \$1 in costs (incentives), this project provides \$82 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$101 in benefits to the community.**

New Tax Revenue Estimated

PILOT Type	Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over abatement period	Additional Local Revenue Over abatement period	Additional School Revenue over abatement period	New Yearly Taxes Upon Expiration of Abatement Period
10 Year Standard PILOT	\$ 182,997	\$ 9,000,000	\$ 551,684 <u>\$ 308,944*</u> \$ 860,628	\$ 874,222 <u>\$ 489,564*</u> \$1,363,786	\$ 1,900,951 <u>\$ 1,064,532*</u> \$ 2,965,483	\$ 931,520
10 Year EIP PILOT (Tier 2): has 12 yr benefit period			\$649,608	\$1,029,396	\$2,238,370	
Combined Tax Rate: \$ 83.17						

*added 2 years at full property taxes – for comparison purposes

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 = \$150,000,000 85% = \$ 127,500,000
Employment	Coincides with 10-year PILOT	Maintain Base = 240 FTE Create 85% of Projected Projected = 130 FTE 85% = 110 FTE Recapture Employment = 350 FTE
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
<u>Recapture Period</u>	Coincides with 10-year PILOT	Recapture of Real Property Tax, Mortgage recording tax, state and local sales 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) company has maintained 240 FTE jobs and created 110 FTE 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

- 7/29/24: Public hearing held.
- 8/28/24: Inducement Resolution presented to Board of Directors adopting a Neg Dec in accordance with SEQRA
- 8/28/24: Lease/Leaseback Inducement Resolution presented to the Board of Directors

Company ECIDA History

- 8/2000: \$ 1.16M Construction of 20,400 SF cold storage & dry room. Property & Sales Tax Incentives - Cheektowaga
- 8/2000: \$ 8.14M Renovations 34,000 SF management & admin building, Property & Sales Tax Incentives - Cheektowaga
- 6/2002: \$1.03M Equipment Purchases. Sales Tax Incentive - Cheektowaga
- 6/2004: \$38M Construction of 165,000 SF manufacturing facility. Property & Sales Tax Incentives – West Seneca
- 10/2013: \$2.9M Building Addition = 8,600 SF. Sales Tax Incentive – West Seneca

EVALUATIVE CRITERIA MANUFACTURING/WAREHOUSE/DISTRIBUTION

Project: Upstate Niagara Cooperative – W Seneca Expansion 2024

Wage Rate (above median wage for area)	Average wages for existing employees = \$71,000 and for created jobs = \$ 70,000
Regional Wealth Creation (% sales/customers outside area)	Sales within Erie County = 3% Sales outside the area (97%) include: Outside EC but in NYS = 33% Outside NYS but in US = 63% Outside US = 1%
In Region Purchases (% of overall purchases)	3%
Research & Development Activities	N/A
Investment in Energy Efficiency	Yes. Equipment being purchased is more energy efficient than equipment currently being used at the plant.
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	The Comprehensive Plan for West Seneca notes its successful North America Drive industrial park where it promotes available land for continued investment with areas already zoned for manufacturing uses, consistent with the overall vision and desired character of the Town.
LEED/Renewable Resources	N/A
Retention/Flight Risk	N/A
DEI Questionnaire	Construction contractors will strive to achieve MBE/ WBE goals in accordance with EIP criteria. See form for additional information.
Workforce Access – Proximity to Public Transportation	N/A

DATE OF INDUCEMENT: August 28, 2024

Revised: July 19, 2024

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-Upstate Niagara Cooperative

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
60,000,000	9,000,000	13.79	21.86	47.52

*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	0.05	\$36,549	\$57,917	\$125,938	\$220,404	\$931,520	\$711,116
2	0.1	\$42,756	\$67,752	\$147,324	\$257,831	\$931,520	\$673,689
3	0.15	\$48,962	\$77,587	\$168,709	\$295,259	\$931,520	\$636,261
4	0.15	\$48,962	\$77,587	\$168,709	\$295,259	\$931,520	\$636,261
5	0.2	\$55,168	\$87,422	\$190,095	\$332,686	\$931,520	\$598,834
6	0.2	\$55,168	\$87,422	\$190,095	\$332,686	\$931,520	\$598,834
7	0.25	\$61,375	\$97,257	\$211,481	\$370,113	\$931,520	\$561,407
8	0.25	\$61,375	\$97,257	\$211,481	\$370,113	\$931,520	\$561,407
9	0.3	\$67,581	\$107,092	\$232,866	\$407,540	\$931,520	\$523,980
10	0.35	\$73,788	\$116,927	\$254,252	\$444,967	\$931,520	\$486,553
TOTAL		\$551,684	\$874,222	\$1,900,951	\$3,326,857	\$9,315,200	\$5,988,343

***** 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	Total of Other Public Incentives (Infrastructure & ESD Grants are PENDING)
\$150,000,000	\$ 5,988,343	3,937,500	8,000,000

Note: special district taxes are not subject to PILOT abatement

Calc % = Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 12%

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-Upstate Niagara Cooperative EIP 10 YR Enhanced – tier 2

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate /1000	School Tax Rate/1000
\$60,000,000	9,000,000	13.79	21.86	47.52

*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	0.05	\$36,549	\$57,917	\$125,938	\$220,404	\$931,520	\$711,116
2	0.05	\$36,549	\$57,917	\$125,938	\$220,404	\$931,520	\$711,116
3	0.1	\$42,756	\$67,752	\$147,324	\$257,831	\$931,520	\$673,689
4	0.1	\$42,756	\$67,752	\$147,324	\$257,831	\$931,520	\$673,689
5	0.15	\$48,962	\$77,587	\$168,709	\$295,259	\$931,520	\$636,261
6	0.15	\$48,962	\$77,587	\$168,709	\$295,259	\$931,520	\$636,261
7	0.2	\$55,168	\$87,422	\$190,095	\$332,686	\$931,520	\$598,834
8	0.2	\$55,168	\$87,422	\$190,095	\$332,686	\$931,520	\$598,834
9	0.25	\$61,375	\$97,257	\$211,481	\$370,113	\$931,520	\$561,407
10	0.25	\$61,375	\$97,257	\$211,481	\$370,113	\$931,520	\$561,407
11	0.3	\$67,581	\$107,092	\$232,866	\$407,540	\$931,520	\$523,980
12	0.5	\$92,407	\$146,432	\$318,409	\$557,249	\$931,520	\$374,271
TOTAL		\$649,608	\$1,029,396	\$2,238,370	\$3,917,374	\$11,178,240	\$7,260,866

***** 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	Total of Other Public Incentives (Infrastructure & ESD Grants are pending)
\$150,000,000	7,260,866	\$ 3,937,500	\$8,000,000

Note: special district taxes are not subject to PILOT abatement

Calculate % = Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 12.8%

Erie County Industrial Development Agency

MRB Cost Benefit Calculator

Date July 19, 2024
 Project Title Upstate Niagara Coop
 Project Location North America Drive, West Seneca, NY 14224

MRB | group
 Cost-Benefit Analysis Tool powered by MRB Group

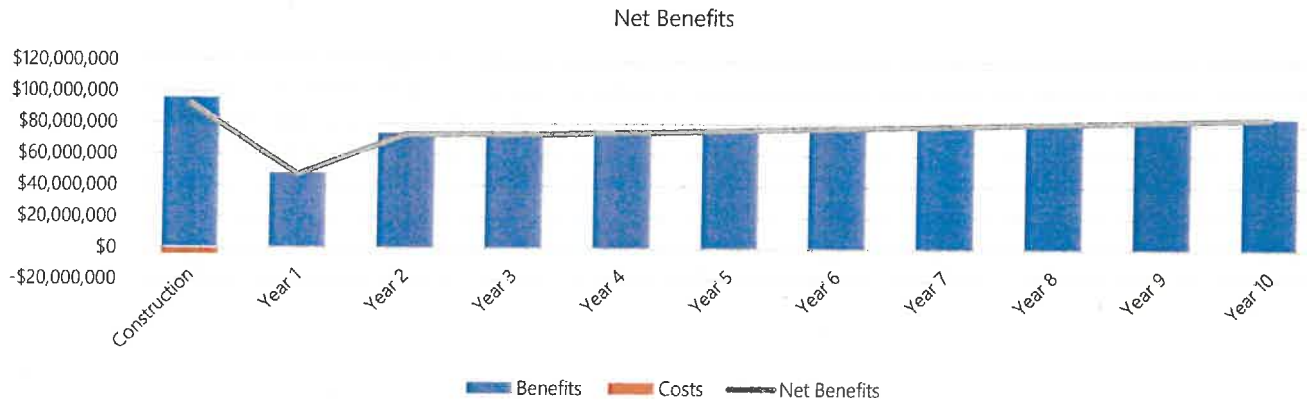
Economic Impacts

Summary of Economic Impacts over the Life of the PILOT
 Project Total Investment
 \$150,000,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	592	531	1123
Earnings	\$57,288,551	\$33,366,824	\$90,655,374
Local Spend	\$150,000,000	\$103,610,859	\$253,610,859

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	370	771	1141
Earnings	\$267,538,811	\$443,580,367	\$711,119,178

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Total Jobs

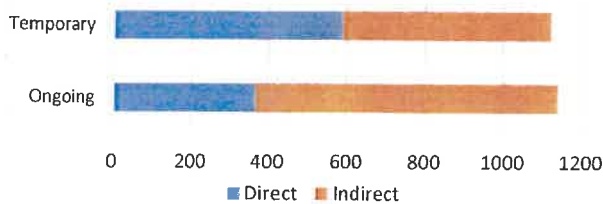
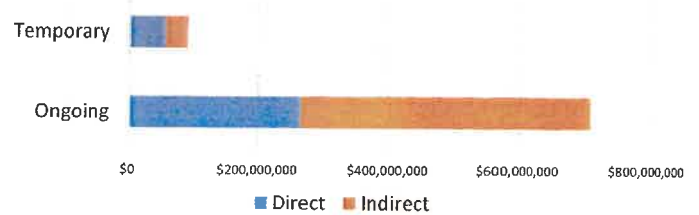


Figure 3

Total Earnings



Fiscal Impacts

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$5,988,342	\$5,411,681
Sales Tax Exemption	\$3,937,500	\$3,937,500
Local Sales Tax Exemption	\$1,837,500	\$1,837,500
State Sales Tax Exemption	\$2,100,000	\$2,100,000
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$9,925,842	\$9,349,181

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$808,182,309	\$731,380,430
To Private Individuals	\$801,774,552	\$725,623,992
Temporary Payroll	\$90,655,374	\$90,655,374
Ongoing Payroll	\$711,119,178	\$634,968,618
Other Payments to Private Individuals	\$0	\$0
To the Public	\$6,407,757	\$5,756,437
Increase in Property Tax Revenue	\$1,496,888	\$1,311,990
Temporary Jobs - Sales Tax Revenue	\$555,264	\$555,264
Ongoing Jobs - Sales Tax Revenue	\$4,355,605	\$3,889,183
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$41,692,277	\$37,732,448
To the Public	\$41,692,277	\$37,732,448
Temporary Income Tax Revenue	\$4,079,492	\$4,079,492
Ongoing Income Tax Revenue	\$32,000,363	\$28,573,588
Temporary Jobs - Sales Tax Revenue	\$634,588	\$634,588
Ongoing Jobs - Sales Tax Revenue	\$4,977,834	\$4,444,780
Total Benefits to State & Region	\$849,874,586	\$769,112,877

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$731,380,430	\$7,249,181	101:1
State	\$37,732,448	\$2,100,000	18:1
Grand Total	\$769,112,877	\$9,349,181	82:1

*Discounted at 2%

Additional Comments from IDA

0

Does the IDA believe that the project can be accomplished in a timely fashion? Yes



Diversity, Equity and Inclusion Questionnaire

1. MWBE Contractors - Construction

The ECIDA encourages applicants to utilize MWBE contractors and suppliers for their projects and when feasible, to set a goal for MWBE participation during the construction period of the project. Below are links to the NYS and Erie County certified MWBE lists, including contractors, that can assist you with your utilization goals:

- New York State MWBE Certified List: <https://ny.newnycontracts.com/>
- Erie County MWBE Certified List: <https://www3.erie.gov/eo/mbe-wbe-resource-list>

Please provide detailed information regarding your company's plan to utilize MWBE contractors and suppliers for your project. Please include your project's MWBE utilization goals, what process and resources you plan to use or have utilized in the past to find and hire MWBEs, a list of the specific MWBE firms used on previous projects and/or firms you plan to use on the current project, and any history the company has of setting and meeting MWBE goals on past projects. The company may also include details with respect to the foregoing related to any MWBE policy and utilization goals that its general contractor has committed to implementing for the project.

Our contractor has had MWBE goals in the past and will attempt to make the best efforts to achieve the goals set by the agency for the economic inclusion program of 25% MBE, 5% WBE.

2. Minority & Women Employment - Current Workforce & Hiring Practices

The ECIDA encourages the hiring of a diverse workforce, especially for jobs created and retained as part of an ECIDA induced project. Below are some links to sites and organizations that will be helpful in achieving a diverse workforce:

- Northland Workforce Training Center: <https://northlandwtc.org/employers/>
- Workforce Buffalo: <https://www.workforcebuffalo.org/business-services/employerservices>
- New York State Job Bank: <https://myjobsny.usnlx.com/>
- Local Minority Newspapers: <https://www3.erie.gov/eeo/minority-newspaper>

Please provide detailed information regarding your company's current workforce and hiring practices as it relates to minority and women employees, including, if applicable, the company's Diversity, Equity and Inclusion plan and goals, any strategic partnerships the company has with educational and/or workforce development entities, and company strategies regarding outreach to minorities and women with the dissemination of job openings to the public:

Diversity and inclusion at our organization is a team effort and we expect and encourage employees to contribute to this goal. Together with the support of our workforce development team, we support a workplace that offers every individual the opportunity to attain professional goals and contribute to accomplishing our mission. For the past two years we have been an industry sponsor for Northland Workforce Training Center and have hired their students/graduates into our company. We work with the Department of Labor (NYS job bank) to post all of our employment opportunities and are developing our relationship with Workforce Buffalo. We keep a community presence by attending local job fairs at technical schools, colleges, high schools and community centers.

3. Economic Inclusion Program

The ECIDA's Economic Inclusion Program (EIP) is a voluntary "opt in" program providing an enhanced real property tax abatement to applicants who commit to implementing and meeting MWBE utilization and minority and women employment goals. The mission of the EIP is to enhance the beneficial public impact of projects receiving ECIDA assistance and to further the ECIDA's goal of advancing opportunities for MWBE businesses and minorities and women, in general, in the Erie County workforce. Please note, for a company to be considered an MWBE under the EIP it must be certified as an MWBE by New York State or Erie County.

Under the EIP, the standard ECIDA PILOT Agreement real property tax abatement schedules are enhanced by extending both the term and abatement percentages of the PILOT Agreement.

Please note the EIP is a *voluntary opt-in program* providing enhanced incentives in exchange for meeting MWBE utilization and minority and women employment goals. The applicant shall not engage in any unlawful discrimination against any employee or applicant by reason of race, creed, religion, color, age, disability, national origin, sex, gender, or any other characteristic protected by law, including, but not limited to, Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Genetic Information Nondiscrimination Act, the New York State Human Rights Law, and any other similar laws, rules, or regulations. Applicants may bypass the EIP while still pursuing the ECIDA's standard PILOT Agreement.

☒ **Please check the box indicating that you have read the Economic Inclusion Program summary above and the attached FAQ document that can be found at the end of the questionnaire.**

☒ **Please check the box if you are interested in tentatively opting into the Economic Inclusion Program (nonbinding) and would like further, detailed information on the program and process from your ECIDA business development officer.**



UNC-2024-01

[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	W Seneca Expansion 2024
Project Summary	Expand West Seneca Plant to accommodate new business and create efficiencies in our operations
Applicant Name	Upstate Niagara Cooperative, Inc.
Applicant Address	PO Box 268/368 Pleasant View Drive
Applicant Address 2	
Applicant City	Lancaster
Applicant State	New York
Applicant Zip	14086
Phone	(716) 892-3156
Fax	
E-mail	cwilson@uncdairy.com
Website	https://www.upstateniagara.com/
NAICS Code	311511

Business Organization

Type of Business

Corporation

Year Established

1965

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 Chuck Wilson
Title Director of Risk Management
Address PO Box 268/368 Pleasant View Drive
Address 2
City Lancaster
State New York
Zip 14086
Phone (716) 892-3156
Fax
E-Mail cwilson@uncdairy.com

Company Contact- Authorized Signer for Applicant

Contact is same as individual completing application No
Name Michael J Fuchs
Title Chief Financial Officer
Address PO Box 268/368 Pleasant View Drive
Address 2
City Lancaster
State New York
Zip 14086
Phone (716) 892-3156
Fax
E-Mail cwilson@uncdairy.com

Company Counsel

Name of Attorney Joseph G Casion
Firm Name Harter Secrest & Emery LLP
Address 1600 Bausch & Lomb Place
Address 2
City Rochester
State New York
Zip 14604
Phone (585) 231-1407
Fax
E-Mail jcasion@hselaw.com

Benefits Requested (select all that apply).

Exemption from Sales Tax	Yes
Exemption from Mortgage Tax	No
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%.

Upstate is a dairy cooperative made up of approximately 260 dairy farms, primarily located in New York State. We are a food and beverage company that has been producing a wide variety of award winning, high-quality dairy products since 1971. These offerings include milk, cream, flavored milk, shelf stable ready-to-drink beverages, yogurt, dip, sour cream, cottage cheese, canned evaporated milk, and ice cream mix products marketed under the Upstate Farms, Bison, Intense Milk, Milk for Life, Spring Farms, Gold Cow and Valley Farms brands, in addition to numerous contract and retail customer labels.

Estimated % of sales within Erie County	3 %
Estimated % of sales outside Erie County but within New York State	33 %
Estimated % of sales outside New York State but within the U.S.	63 %
Estimated % of sales outside the U.S.	1 %

(*Percentage to equal 100%)

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

3

Describe vendors within Erie County for major purchases

The majority of our Erie County purchases are with local dairy farms for milk used in processing

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

North America Drive

Town/City/Village of Project Site

West Seneca

School District of Project Site

West Seneca Central

Current Address (if different)

3300 North America Drive

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

West Seneca

SBL Number(s) for proposed Project

135.10-3-2 / 135.01-2-1.1

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

\$1,223,281 including school tax, excluding sewer charges

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 site is already owned, Existing building / Vacant Land

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

We plan on adding an approximately 250,000 square foot addition, with associated equipment, to our existing 222,851 square foot warehouse at 3300 North America Drive in West Seneca, NY utilizing adjacent vacant land currently owned by Upstate Niagara Cooperative. This will add significant manufacturing capacity as well as storage for finished goods, ingredients and packaging. The product manufactured will be distributed throughout the United States, including New York and will utilize significant milk from local dairy farms

Municipality or Municipalities of current operations

West Seneca

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:

Although the project could be undertaken without the financial assistance of the agency, it will need to be cut back and reduce the financial impact to the region.

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 agencies financing is necessary to maximize the utilization of the expansion to assure the most utilization of local labor and milk from local dairy farms as possible.

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?

If we are unable to obtain financial assistance for the project, we will cut back on the project, not creating as many local jobs and not utilizing as much milk from local dairy farms.

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

No

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

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

8/26/2024

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

Yes

Describe the present zoning/land use

M2 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

Equipment being purchased will be more efficient than the equipment currently in the plant, prior to the expansion.
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	Yes Back Office
No Civic Facility (not for profit)	No Commercial	Yes 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 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	203,845 square feet	\$	40,000,000	67%
Warehouse	36,117 square feet	\$	19,800,000	32%
Research & Development	square feet	\$	0	0%
Commercial	square feet	\$	0	0%
Retail	square feet	\$	0	0%
Office	10,597 square feet	\$	200,000	1%
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)

<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

9/16/2024

End date : Estimated completion date of project

12/31/2026

Project occupancy : estimated starting date of occupancy

11/30/2025

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)

\$ 60,000,000

250,000 square feet

4.) Reconstruction/Renovation

\$ 0

square feet

5.) Manufacturing Equipment

\$ 90,000,000

6.) Infrastructure Work

\$ 0

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

\$ 0

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

\$ 0

9.) Other Cost

\$ 0

**Explain Other
Costs****Total Cost** \$ 150,000,000Construction Cost Breakdown:

Total Cost of Construction	\$ 60,000,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 32,900,000
% sourced in Erie County	10%

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	\$ 45,000,000
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 3,937,500

** 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:	There has been money spent on engineering studies to evaluate the feasibility of the project

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$
Bank Financing:	\$ 142,000,000
Tax Exempt Bond Issuance (if applicable):	\$ 0
Taxable Bond Issuance (if applicable):	\$ 0
Public Sources (Include sum total of all state and federal grants and tax credits):	\$ 8,000,000
Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)	Resilient Food Systems Infrastructure Grant \$3,000,000 ESD \$5,000,000; these are estimates pending approval.
Total Sources of Funds for Project Costs:	\$150,000,000
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).

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.

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	240	240	130	130
Part time	0	0	0	0
Total	240	240	130	

Salary and Fringe Benefits for Jobs to be Retained and Created

Job Categories	# of <u>Full Time</u> Employees retained and created	Average Salary for Full Time	Average Fringe Benefits for Full Time	# of <u>Part Time</u> Employees retained and created	Average Salary for Part Time	Average Fringe Benefits for Part Time
Management	60	\$ 89,300	\$ 22,000	0	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Administrative	6	\$ 51,520	\$ 29,250	0	\$ 0	\$ 0
Production	304	\$ 71,400	\$ 22,200	0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Total	370			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	368 Pleasant View Dr. Lancaster, NY 1730 Dale Rd. Cheektowaga, NY	
Full time	155	182
Part time	0	0
Total	155	182

Payroll Information

Annual Payroll at Proposed Project Site upon completion

26,500,000

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

71,000

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

0

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

70,000

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

0

Estimated salary range of jobs to be created

From (Full Time)	35,000	To (Full Time)	120,000
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

3300 North America Drive, West Seneca, NY and adjacent property

Name and Address of Owner of Premises

Upstate Niagara Cooperative, Inc 368 Pleasant View Drive Lancaster, NY 14086

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

The current construction was completed in 2005. The facility produces and distributes a variety of dairy products, including yogurt, cottage cheese, sour cream and dips

Describe all known former uses of the Premises

This was a new build in 2005 and has been occupied by Upstate Niagara Cooperative since then.

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

Discharge is into the sanitary sewer

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

Storm water is first released into a new retention pond and then proceeds to the existing wetland at the northwest portion of the 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

Various above ground tanks utilized to store chemicals for sanitation of the lines used in the production process.

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 Upstate Niagara Cooperative, Inc
Address 368 Pleasant View Drive, Lancaster, NY
Contact Person Chuck Wilson
Phone (716) 892-3156
Fax
E-Mail cwilson@uncdairy.com
Federal ID # 16-0845625
SIC/NAICS Code 311511

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

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