

## NOTICE OF PUBLIC HEARING

Pursuant to Article 18-A of NYS General Municipal Law, the Erie County Industrial Development Agency (the "Agency") will hold a public hearing on August 20, 2019 at 9:00 a.m. at the Town of West Seneca Community Center & Library located at 1300 Union Road (Community Room), West Seneca, NY 14224 regarding:

Rosina Food Products, Inc., and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf (the "Company"), has submitted an application to the Agency (a copy of which is on file at the office of the Agency) requesting the Agency to undertake a certain project (the "Project") consisting of: (i) a portion of a vacant parcel of land located at 3100 Clinton Street, Town of West Seneca, Erie County, New York (the "Land"); (ii) the construction and equipping of a 105,000+/- SF protein manufacturing plant including the installation of a new high speed, state-of-the-art production line (the "Improvements"); and (iii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible personal property (the "Equipment", and collectively with the Land and the Improvements, the "Facility").

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

A representative of the Agency will be present at the above-stated time and place to present a copy of the Application and hear and accept written and oral comments from all persons with views in favor of or opposed to the proposed financial assistance. Written comments may be submitted at this public hearing or delivered to the Agency at 95 Perry Street-Suite 403, Buffalo, NY 14203 until the comment period closes on September 24, 2019. The project application is available for public inspection at the Agency's offices Monday through Friday (excluding public holidays) from 9:00 a.m. until 4:00 p.m.

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

Erie County Industrial Development Agency



## Rosina - Protein Operation Expansion

### Section I: Applicant Background Information

#### Applicant Information - Company Receiving Benefit

<b>Project Name</b>	Rosina - Protein Operation Expansion
<b>Applicant Name</b>	Rosina Food Products, Inc.
<b>Applicant Address</b>	170 French Road
<b>Applicant Address 2</b>	
<b>Applicant City</b>	Cheektowaga
<b>Applicant State</b>	New York
<b>Applicant Zip</b>	14227
<b>Phone</b>	716-668-0123
<b>Fax</b>	716-668-5762
<b>E-mail</b>	rbernick@rosina.com
<b>Website</b>	www.rosina.com
<b>Federal ID#</b>	16-0876738
<b>NAICS Code</b>	311612 & 311412
<b>Will a Real Estate Holding Company be utilized to own the Project property/facility</b>	Yes
<b>What is the name of the Real Estate Holding Company</b>	Two Brothers Realty, LLC (likely to be transferred to a new LLC - 3100 Clinton Street, LLC in the future)
<b>Federal ID#</b>	32-0046449
<b>State and Year of Incorporation/Organization</b>	New York, 2002
<b>List of stockholders, members, or partners of Real Estate Holding Company</b>	Rosina Holding, Inc.

#### Individual Completing Application

<b>Name</b>	Randy Bernick
<b>Title</b>	Vice President - Finance & Administration
<b>Address</b>	170 French Road
<b>Address 2</b>	
<b>City</b>	Buffalo
<b>State</b>	New York
<b>Zip</b>	14227

8/8/2019

The Erie County Industrial Development Agency (ECIDA)

**Phone**

716-608-8503

**Fax**

716-668-5762

**E-Mail**

rbernick@rosina.com

Company Contact (if different from individual completing application)

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

Company Counsel

<b>Name of Attorney</b>	Roger Cominsky
<b>Firm Name</b>	Barclay Damon
<b>Address</b>	The Avant Building
<b>Address 2</b>	200 Delaware Avenue, Suite 1200
<b>City</b>	Buffalo
<b>State</b>	New York
<b>Zip</b>	14202
<b>Phone</b>	716-566-1413
<b>Fax</b>	716-566-4000
<b>E-Mail</b>	rcominsky@barclaydamon.com

Identify the assistance being requested of the Agency.

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

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

Business Organization

<b>Type of Business</b>	Corporation
<b>Type of Ownership</b>	
<b>Year Established</b>	1963
<b>State of Organization</b>	New York

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

**Please include name and % of ownership.**

Russell A. Corigliano 50% and Frank J. Corigliano 50%

Applicant Business Description

**Describe in detail company background, products, customers, goods and services. Description is critical in determining eligibility**

Rosina manufactures frozen foods including pre-cooked meatballs, Italian sausages, filled pasta, eggplant, entrees, and pizza toppings. Rosina was founded in 1963, originally manufacturing sausage products which were sold to neighborhood meat markets, supermarkets, and restaurants, from a single Buffalo store-front location. By 1981, Rosina had launched its pre-cooked meatball line and was distributing products nationwide. Between 2000 and 2010 the Company continued its growth, and Rosina Holding, Inc. (the "Parent") and its affiliates acquired the assets of Celentano Brothers (Verona, NJ), purchased the frozen pasta brand names Gina Italian Village and Floresta (collectively known as Italian Village) from High Liner Foods (USA), Incorporated of NH, bought the former Lender's Bagels, Inc. (West Seneca, NY) plant, and moved the production there. In 2011, the Company had created an International Division in Cheektowaga, NY and also purchased and relocated the assets of San Rallo Pasta Company Division from Mitsui Foods, Inc. (Norwood, NJ) to WNY. Additionally, the Company has recently outsourced its sauced entrees and eggplant products to accommodate the addition on a new \$4 million pasta manufacturing line increasing capacity by 10 million pounds annually. Rosina markets its products to retail and food service industries and can be found in supermarkets, supercenters, military commissaries, wholesale clubs, and restaurants throughout North America and internationally. Rosina's products are also used by other manufacturers to produce soups, pizza, and lasagna. The Company sells to 95 of the nation's largest supermarkets including Wegman's Food Markets, Inc. (Rochester, NY), Publix Super Markets, Inc. (Lakeland, FL), and major food service distributors such as Performance Foodservice Group (Richmond, VA). Some of its major competitors are Armour-Eckrich Meats (Cincinnati, OH), Windsor Foods (Houston, TX), and Mama Rosie's (Charlestown, MA).

<b>Estimated % of sales within Erie County</b>	1
<b>Estimated % of sales outside Erie County but within New York State</b>	30
<b>Estimated % of sales outside New York State but within the U.S.</b>	64
<b>Estimated % of sales outside the U.S.</b>	5

(\*Percentage to equal 100%)

**What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County? Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation of the estimated percentage of local purchases**

26.5% (schedule attached)

**Section II: Eligibility Questionnaire - Project Description & Details**Project Location**Municipality or Municipalities of current operations**

Cheektowaga and West Seneca, NY

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

Yes

**In which Municipality will the proposed project be located**

West Seneca

**Address**

3100 Clinton St., West Seneca, NY 14224

**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 than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?**

Yes

(If yes, you will need to complete the Retail Section of this application)

**SBL Number for Property upon which proposed Project will be located**

SBL. 124.15-2-10

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

\$11,028.49

**Assessed value of land**

\$130,800

**Assessed value of building(s)**

0

**Are Real Property Taxes current?**

Yes

**If no please explain****Town/City/Village of Project Site**

West Seneca

**School District of Project Site**

West Seneca Central

**Does the Applicant or any related entity currently hold fee title to 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**

It is vacant land.

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

The Protein Operation Expansion project entails building a brand new 105,000 square foot Protein plant including a new high speed state-of-the-art production line for the manufacturing of a variety of frozen meatballs, sliced sausage, and toppings. It will be built on land that we owned for over 10 years and is located at 3100 Clinton Street, West Seneca, NY 14224 and runs adjacent to Empire Dr. where our Pasta & Entree plant is located. At maximum capacity, the new production line will be able to produce 40 million pounds of products annually and will be replacing an antiquated processing line in one of our kitchens at our 75 Industrial Parkway, Cheektowaga, NY facility that has a maximum capacity of 20 million pounds annually. Additionally, we will be adding 40 new jobs and transferring another 10 million pounds of the approximately 15 million pounds that we currently have produced by a co-packer in Chicago, IL to the new facility. This is phase I of a potentially multi-phased master plan to keep Rosina a viable business ingrained in Western New York.

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

**Describe the reasons why the Agency's Financial Assistance is necessary and how the Financial Assistance enables the company to undertake the Project to facilitate investment, job creation and/or job retention. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)**

This \$58 million capital project is financially challenging. The existing meatball processing line at the 75 Industrial Parkway facility is antiquated and must be replaced with a new automated production line to be profitable. ECIDA financial assistance is essential to make the new facility economically viable and but for dedicated exemption from sales tax, exemption from mortgage tax, and exemption from real property tax, the project will not move forward. If the project is undertaken, it will result in the creation of 40 jobs. If the project is not undertaken with a new facility at the West Seneca site, the Company will be forced to outsource more production to our Chicago Co-packer as the antiquated line will be shut down regardless, a move that will result in the lay-off of more than 100 production, support and administrative associates.

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

Yes

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

The requested level of ECIDA Financial Assistance is necessary to achieve a level of financial viability for the project. The Company must make sound financial decisions and will be investing significant equity and bank financing to accomplish the project. Without the requested level of financial assistance, the return on investment is not sufficient to warrant the capital expenditure. This would likely eliminate the project, instead moving more business to the Chicago based co-packer. Further, without the investment in the new facility, and the ability to replace the existing antiquated production line as the the existing plant would need to be down for an extended period of time, if not permanently. Exemption from sales tax will be used to offset a portion of the capital investment and ensure that the Company can afford to build the new facility to the food safety and quality standards in order to maintain BRC Certification, which is required by key customers, and for USDA compliance. Additionally, exemption from the mortgage tax and exemption from real property taxes will help to get the new facility off the ground by lessening the burden of ongoing operating costs.

**Will project include leasing any equipment?**

Yes

**If yes, please describe equipment and lease terms.**

Yes possibly. Leasing the required production equipment is still being evaluated versus buying it outright. Leasing terms would be in the 7 - 8 year range with an option to buy and be priced based on current long term rates and whether tax benefits remain with the lessor.

#### Site Characteristics

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

Yes

**Describe the present zoning/land use**

Vacant Industrial land.

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





Project Information

**Estimated costs in connection with project**

**Land and/or Building Acquisition**

\$ 0 square feet acres

**New Building Construction**

\$ 28,500,000 105,000 square feet

**New Building addition(s)**

\$ 0 square feet

**Infrastructure Work**

\$ 4,000,000

**Renovation**

\$ 0 square feet

**Manufacturing Equipment**

\$ 15,500,000

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

\$ 500,000

**Soft Costs: (professional services, etc.)**

\$ 4,500,000

**Other Cost**

\$ 5,000,000

**Explain Other Costs**

Land remediation required under the NYSDEC Brownfield Clean-up program.

**Total Cost**

\$ 58,000,000

**Project Refinancing; estimated amount (for refinancing of existing debt only)**

\$ 0

**Have any of the above costs been paid or incurred as of the date of this Application?**

No

**If Yes, describe particulars:**

Sources of Funds for Project Costs:

**Equity (excluding equity that is attributed to grants/tax credits):**

\$ 3,000,000

**Bank Financing:**

\$ 43,000,000

**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):**

\$ 12,000,000

**Identify each state and federal grant/credit:**

\$1,000,000 Empire State Development (applied through CFA for this amount so this is an estimate only). \$100,000 in Excelsior Job Tax Credits annually for 10 years. NYSDEC BCP with 50% tax credit for clean-up & 20% tax credit for qualified investments in the property.

**Total Sources of Funds for Project Costs:**

\$58,000,000

**Has a financing preapproval letter or loan commitment letter been obtained?**

No

Mortgage Recording Tax Exemption Benefit:

**Estimated Mortgage Amount (Sum total of all financing – construction and bridge).**

**\*Amount of mortgage, if any, that would be subject to mortgage recording tax.**

\$ 28,000,000

**Lender Name, if Known**

N.A.

**Estimated Mortgage Recording Tax Exemption Benefit (% of estimated mortgage amount stated above):**

\$210,000

Construction Cost Breakdown:

**Total Cost of Construction**

\$ 33,000,000 (sum of 2,3,4,5, and/or 7 in Question K, above)

**Cost for materials**

\$ 16,500,000

**% sourced in Erie County**

100%

**% sourced in State**

100% (including Erie County)

**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**

\$ 16,500,000

**Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):**

\$ 1,443,750

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:**

N.A.

For proposed facility please include # of sq ft for each of the uses outlined below

		Cost	% of Total Cost
<b>Manufacturing/Processing</b>	56,000 square feet	\$ 17,490,000	53
<b>Warehouse</b>	32,000 square feet	\$ 10,230,000	31
<b>Research &amp; Development</b>	0 square feet	\$ 0	0
<b>Commercial</b>	0 square feet	\$ 0	0

<b>Retail</b>	0 square feet	\$ 0	0
<b>Office</b>	5,500 square feet	\$ 1,650,000	5
<b>Specify Other</b>	11,500 square feet	\$ 3,630,000	11

**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**

N.A.

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

Yes

What is your project timetable (Provide dates).

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

10/1/2019

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

12/31/2020

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

1/1/2021

**Have construction contracts been signed?**

No

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

No

**Has the Project received site plan approval from the appropriate planning department?**

No

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

Yes

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

Yes

Employment Plan (Specific to the proposed project location):

	<b>Current # of jobs at proposed project location or to be relocated at project location</b>	<b>IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PT jobs to be RETAINED</b>	<b>IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PT jobs to be CREATED upon TWO years after Project completion</b>	<b>Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PT jobs to be created upon TWO Years after Project Completion **</b>
<b>Full time</b>	0	100	40	40
<b>Part time</b>	0	0	0	0

**Total**

0

100

40

\*\* The Labor Market Area includes the Counties of Erie, Niagara, Genesee, Cattaraugus, Wyoming and Chautauqua. For the purposes of this question, please estimate the number of FTE and PT jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column.

\*\*\*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).

Salary and Fringe Benefits for Jobs to be Retained and Created:

<b>Category of Jobs to be Retained and Created</b>	<b># of Employees Retained and Created</b>	<b>Average Salary for Full Time</b>	<b>Average Fringe Benefits for Full Time</b>	<b>Average Salary for Part Time (if applicable)</b>	<b>Average Fringe Benefits for Part Time (if applicable)</b>
<b>Management</b>	7	\$ 64,000	\$ 19,200	\$ 0	\$ 0
<b>Professional</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Administrative</b>	3	\$ 30,000	\$ 9,000	\$ 0	\$ 0
<b>Production</b>	111	\$ 32,000	\$ 9,600	\$ 0	\$ 0
<b>Independent Contractor</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Other</b>	19	\$ 45,000	\$ 13,500	\$ 0	\$ 0

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

<b>Address</b>	<b>75 Industrial Pkwy Cheektowaga, NY 14227</b>	<b>75 Empire Dr. West Seneca, NY 14224</b>	<b>170 French Rd. &amp; 109 Industrial Pkwy. Cheektowaga, NY 14227</b>
<b>Full time</b>	177	151	89
<b>Part time</b>	4	0	1
<b>Total</b>	181	151	90

**Will any of the facilities described above be closed or subject to reduced activity?**

Yes

Payroll Information

**Annual Payroll at Proposed Project Site**

\$ 4,945,000

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

\$ 34,010

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

\$ 0

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

\$ 38,600

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

\$ 0

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

<b>From (Full Time)</b>	\$ 30,000	<b>To (Full Time)</b>	\$ 68,000
<b>From (Part Time)</b>	\$ 0	<b>To (Part Time)</b>	\$ 0

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

Yes

**If yes, please explain and identify out-of-state locations investigated**

If the project is not undertaken with a new facility at the West Seneca site, the Company will be forced to outsource more production to our Chicago Co-packer as the antiquated line will be shut down regardless, a move that will result in the lay-off of more than 100 production, support and administrative Associates.

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

We are already doing business with this Co-packer and have been for more than 10 years and they have excess capacity with multiple plants in the Chicago area that are capable of producing our product. They currently produce about 33% or 15 million pounds of the meatball products we sell annually.

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

Yes

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

**Do you anticipate applying for any other assistance for this project?**

Yes

**If yes, what type of assistance (Historic Tax Credits, 485(a), Grants, Utility Loans, Energy Assistance, Workforce Training)**

Yes ... grants and jobs tax credits

**Section III: Facility Type - Single or Multi Tenant**

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

Single Use Facility

For Single Use Facility.

**Occupant Name** Rosina Food Products, Inc.  
**Address** 170 French Road  
**Contact Person** Randy Bernick  
**Phone** 7166088503  
**Fax** 716-668-5762  
**E-Mail** rbernick@rosina.com  
**Federal ID #** 16-0876738  
**SIC/NAICS Code** 5147/311612 (Protein items) & 2038/311412 (Pasta & Entree items)

Multi-Tenant Facility.

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

**Have any tenant leases been entered into for this project?**

<BLANK>

**If yes, please fill out a tenant form in section VII, for each tenant.**

Tenant Name	Current Address (city, state, zip)	# of sq ft and % of total to be occupied at new projet site	SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.
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**Section IV: Tenant Information**



## Section V: Environmental Questionnaire

### General Background Information

**Address of Premises** 3100 Clinton Street West Seneca, NY 14224

**Name and Address of Owner of Premises** Two Brothers Realty, LLC 170 French Road Buffalo, NY 14227 (will likely be subdividing & transferring the property to 3100 Clinton Street, LLC in the future before the property is developed)

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

The Site is located in a moderately developed commercial and industrial area in the Town of West Seneca. The Site is vacant/wooded land. It also contains an easement to New York State Electric and Gas Corporation for a power line right-of-way, an Erie County waterline easement, and the approximate location of a Buckeye Pipeline that bisects a portion of the parcel. The parcel currently is 36.2 acres, but once subdivided the actual site will be approximately 14 acres and includes less than half an acre of jurisdictional wetlands. It also has access to municipal sanitary sewer, electric, natural-gas and public water.

### **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 premises will be developed to include the construction of an approximately 105,000 square foot food plant which will be used to manufacture pre-cooked frozen protein items including meatballs, sliced sausage, and toppings. Upon completing the manufacturing process these frozen protein items will then be transported to frozen distribution centers to be sold to our customer base.

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

The Site primarily consists of historic railroad areas with railroad tracks and numerous ties and ballasts remaining on-Site. From the late 1800s/early 1900s to 1960s there were multiple active railroad tracks and yards with fill material from unknown origins brought to the Site to buildup railroad areas. From 1960s to current the site has been vacant/undeveloped land with abandoned railroad tracks.

### **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**

Currently at 75 Industrial Pkwy - 30 million gallons of discharge from one process source (see attached including permit) Proposed at 3100 Clinton Street - estimated 30 million gallons of process discharge from one source. Wastewater is treated prior to discharge to the municipalities.

**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**

Proposed at 3100 Clinton Street - one domestic sanitary discharge and one process discharge to include wastewater generated during equipment cleaning and sanitation. Included in this discharge will be condensate from evaporate refrigeration and process wastewater.

**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?**

Yes

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

Currently at 75 Industrial Pkwy - there are three emission sources (see attached including permit) Proposed at 3100 Clinton Street - there will be one emission point from a high capacity cooking oven and one emission point for a gas fired steam boiler

**Are any of the air emission sources permitted?**

Yes

**If yes, attach a copy of each permit.**

#### Storage Tanks

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

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

No

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

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

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

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

No

**If yes, relate all the circumstances**

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

No

**If yes, please identify the materials**

## Section VI: 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.

**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 or abandonment of an existing facility?**

**Within New York State** Yes

**Within Erie County** Yes

**If Yes to either question, please, explain** Yes - to the extent that we will be transferring some Associates and manufacturing from our current 75 Industrial Pkwy, Cheektowaga, NY Protein Plant to a new Protein Facility to built at 3100 Clinton Street, West Seneca. The Cheektowaga plant will remain open.

**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.)**

105,000 square foot plant with ceilings in the manufacturing and warehouse areas reaching nearly 40 feet and including shipping and receiving docks and asphalt parking areas.

**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?**

Yes

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

We own a lot of vacant land in West Seneca and Cheektowaga and the new Protein manufacturing site is in close proximity to our Pasta & Entree factory. Additionally, the incentives offered by both New York State and Erie County are invaluable in our ability to move forward with the project. Lastly, we have a very good core work force of Associates who make Erie County their home.

**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 VII: Adaptive Reuse Projects**

**Are you applying for tax incentives under the Adaptive Reuse Program?** No

**What is the age of the structure (in years)?** 0

**Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended)** <BLANK>

**If vacant, number of years vacant.** 0

**If underutilized, number of years underutilized.** 0

**Describe the use of the building during the time it has been underutilized:**

**Is the structure currently generating insignificant income? (Insignificant income is defined as income that is 50% or less than the market rate income average for that property class)** <BLANK>

**If yes, please provide dollar amount of income being generated, if any** \$

**If apartments are planned in the facility, please indicate the following:**

	Number of Units	Sq. Ft. Range Low to High	Rent Range Low to High
<b>1 Bedroom</b>	0	0	\$ 0
<b>2 Bedroom</b>	0	0	\$ 0
<b>3 Bedroom</b>	0	0	\$ 0
<b>Other</b>	0	0	\$ 0

**Does the site have historical significance?** No

**Are you applying for either State/Federal Historical Tax Credit Programs?** No

**If yes, provide estimated value of tax credits** \$

**Briefly summarize the financial obstacles to development that this project faces without ECIDA or other public assistance. Please provide the ECIDA with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages)**

**Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide ECIDA with documentation of this support in the form of signed letters from these entities**

**Please indicate other factors that you would like ECIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site has historical significance, site or structure is presently delinquent in property tax payments**

**Section VIII: Senior Citizen Rental Housing Projects**

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

No

**Has the project received written support from the city, town or village government in which it is located?**

<BLANK>

**Describe the location of the project as it relates to the project's proximity to the town / village / city center or to a recognized hamlet.**

**Is the project consistent with the applicable municipal master plan?**

<BLANK>

**If yes, please provide a narrative identifying the master plan (by name) and describing how the project aligns with the plan details**

**Does the project advance efforts to create a walkable neighborhood and community in proximity to important local amenities and services?**

<BLANK>

**If yes, please provide a narrative describing the walkable nature of the project including access seniors would have to specific neighborhood amenities.**

**Has a market study shown that there is a significant unmet need in the local community or specific neighborhood where seniors are unable to find appropriate housing opportunities?**

<BLANK>

**Is the project located in an area (defined as a 1 – 5 mile radius of the project site) where there are significant local resident populations that are at or below the median income level?**

<BLANK>

**If yes, please describe how you made this determination based upon census tract and other relevant third party data.**

**Does the project provide amenities that are attractive to seniors and differentiates the project from standard market rate housing?**

<BLANK>

**If yes, please describe these amenities (examples may include: community rooms, social / recreational activity areas, senior-oriented fixtures and safety amenities, security systems, call systems, on site medical services)**

**Are there impediments that hinder the ability to conventionally finance this project and /or negatively impact the project's return on investment?**

<BLANK>

**If yes, please briefly summarize the financial obstacles to development that this project faces without IDA or other public assistance. Please provide the IDA with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages)**

**Will the project target (and maintain during the incentive period) a minimum 50% occupancy rate of senior citizens whose income is at or below 60-80% of the median income for Erie County?**

<BLANK>

**If yes, please describe provide a narrative citing key facts that substantiate this finding.**

**Section IX: Retail Determination**

**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.

**What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project?** 0 %

If the answer to this is **less than 33%** do not complete the remainder of the page and proceed to the next section (Section V: Inter-Municipal Move Determination).

If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

**Will the project be operated by a not-for-profit corporation?** <BLANK>

**Is the project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located?** <BLANK>

If yes, please provide a third party market analysis or other documentation supporting your response.

**Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality? Are services provided at the proposed project site needed because of a lack of reasonably accessible retail trade facilities offering such goods or services?** <BLANK>

If yes, please provide a market analysis supporting your response.

**Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in the State of New York?** <BLANK>

If yes, explain

**Is the project located in a Highly Distressed Area?** <BLANK>