



### Steuben Foods, Inc. Application

#### Section I: Applicant Background Information

##### Applicant Information - Company Receiving Benefit

**Project Name** Steuben Foods, Inc. Expansion Project

**Applicant Name** Steuben Foods, Inc.

**Applicant Address** 1150 Maple Road

**Applicant Address 2**

**Applicant City** Elma

**Applicant State** New York

**Applicant Zip** 14059

**Phone** 7166554000

**Fax** 716-655-4078

**E-mail** Bmanka@steubenfoods.com

**Website** www.steubenfoods.com

**Federal ID#** 22-2407431

**NAICS Code** 311500

**Will a Real Estate Holding Company be utilized to own the Project property/facility** No

**What is the name of the Real Estate Holding Company**

**Federal ID#**

**State and Year of Incorporation/Organization**

**List of stockholders, members, or partners of Real Estate Holding Company**

##### Individual Completing Application

**Name** Brian Manka

**Title** Chief Financial Officer and Senior Corporate Counsel

**Address** 1150 Maple Road

**Address 2**

**City** Elma

**State** New York

**Zip** 14059

**Phone**

716-655-4000 Ext. 443

**Fax**

716-655-4078

**E-Mail**

Bmanka@steubenfoods.com

Company Contact (if different from individual completing application)

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

Company Counsel

**Name of Attorney** Brian Manka  
**Firm Name** In-House Senior Corporate Counsel for Steuben Foods, Inc.  
**Address** 1150 Maple Road  
**Address 2**  
**City** Elma  
**State** New York  
**Zip** 14059  
**Phone** 716-655-4000 Ext. 443  
**Fax** 716-655-4078  
**E-Mail** Bmanka@steubenfoods.com

Identify the assistance being requested of the Agency.

**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)

Business Organization

**Type of Business** Corporation  
**Type of Ownership**  
**Year Established** 1981  
**State of Organization** New York

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

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

Steuben Foods Management LLC - 51% (Class A voting) Schwartz 2015 Trust u/t/a 7/27/2015 - 49% (Class A voting) Henry Schwartz Revocable Trust u/t/a 4/4/2016 - 51% (Class B non-voting) Schwartz 2015 Trust u/t/a 7/27/2015 - 49% (Class B non-voting)

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

Steuben Foods Inc. ("Steuben") is a food and beverage manufacturer founded in 1981. It processes and packages a variety of dairy and plant based foods and beverages in its over 400,000 square foot facility located in Elma, New York. Generally, these products are packaged in aseptic or extended shelf life containers. Steuben's production capabilities and products include, but are not limited to the following: Almond Milk, Coffee Creamers, Drinkable Yogurt, Flavored Milk, Horchata, Non-Alcoholic Drink Mixers, Shakes, Soymilk, Sweetened Condensed Milk, Cereal Beverages, Custard Bases, Energy Drinks, Gravy, Ice Cream Mix, RTD Coffee/Tea, Smoothies, Sport Protein, Weight Control Drinks, Coconut Milk, Dairy/Soy Frappe, Evaporated Milk, High-Protein Drinks, Meal Replacement Drinks, Sauces, Soups, and Stocks/Broth. Steuben co-manufactures products for a variety of customers, including some of the largest food companies in the world. Given confidentiality obligations in place with a variety of its customers, it must refrain from naming specific customers in a document available to the general public. In December of 2016, Steuben Foods completed an 80,000 square foot expansion of its existing low-acid aseptic processing and packaging facility, which included 20,000 square feet of manufacturing space and equipment to specifically process grains, nuts, and seeds. To date, Steuben has used its unique patented plant processing technology to process various nuts, including almonds, hazelnuts, cashews and walnuts, transforming them into a highly nutritious and digestible beverage product referred to as "Milked Nuts". These products offer substantially more nuts than the leading brands of plant based beverages, such as "almond milks" that contain formulated almond flavored waters. The novel Steuben processed plant based products are nutritionally complete and provide the nutritional value of a handful of nuts in an eight ounce serving. Steuben has also successfully manufactured whole grain rice and oat products providing a full serving of brown rice or whole oats per single serving of the beverage. Steuben has over five hundred employees working in its processing facility, all located in New York, and the varied positions include laboratory technicians, mechanics, various equipment operators, and scientists. Notably, Steuben's research and development team is headed by renowned food scientist, Dr. Cheryl Mitchell, who received the Women Entrepreneur of the Year Award from the State of California for her lifetime achievements in foods. Dr. Mitchell has since relocated to New York, bringing her expertise in plant based foods to Steuben. Steuben is now looking at opportunities to expand and grow its facility again in Erie County, New York.

<b>Estimated % of sales within Erie County</b>	30
<b>Estimated % of sales outside Erie County but within New York State</b>	1
<b>Estimated % of sales outside New York State but within the U.S.</b>	55
<b>Estimated % of sales outside the U.S.</b>	14

(\*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**

Steuben sources approximately 17% of its supplies, raw materials and vendor services from companies that have a presence in Erie County.

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

### Project Location

#### **Municipality or Municipalities of current operations**

Elma, New York

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

Yes

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

Elma, New York

#### **Address**

1150 Maple, Elma, New York 14059

#### **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?**

No

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

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

155.00-2-5.111

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

\$226,394.84 (2018 School and County Tax Combined)

#### **Assessed value of land**

#### **Assessed value of building(s)**

#### **Are Real Property Taxes current?**

Yes

#### **If no please explain**

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

Elma, New York

#### **School District of Project Site**

IROQUOIS CENTRAL#1

#### **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**

Steuben Foods, Inc. currently has its manufacturing facility located at the proposed project site.

#### **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)**

Steuben is looking to expand its northeast warehouse and making equipment purchases to improve and increase production. The northeast warehouse expansion includes construction and preparation of approximately 82,500 square feet of structure with drive-in racking. It will include over 6,000 pallet rack spaces and is much needed to support increased volume production and growth at Steuben. The parking lot is also planned to be expanded for added employee parking spaces, and tractor trailer staging. The Project also involves the purchase, installation and implementation of a robotic palletizing system. Currently, Steuben utilizes third-party contractors to assist it in its palletizing process. This process involves the staging, wrapping and securing of product on pallets. The installation of the robotic palletizing system will allow Steuben to increase the volume of product palletized, and more efficiently perform these tasks. As a result of The Project, Steuben will hire a number of full time skilled positions, including system operators, maintenance employees, and warehouse personnel, and will rely on temporary third-parties to a lesser extent.

**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:**

The Project, in its entirety and without cuts to its scope, will not be able to be completed without Financial Assistance from the Agency. While some parts of The Project might be completed without Agency support, funding from the Agency is crucial to allow Steuben to fully invest and pursue The Project in its entirety as needed.

**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)**

The Project represents a significant cost to Steuben, and without financial assistance from the Agency, it will be forced to consider and implement cuts to its proposed Project. The Project is necessary to allow Steuben to remain competitive in the food manufacturing space, particularly with many of its aseptic food manufacturing competitors located outside of New York state. Currently, there are a number of existing and prospective customers that have requested additional production capacity at Steuben's facility, and completing the project in its entirety is necessary to ensure Steuben is able to take on the commitments each of these customer's require. The Agency's Financial Assistance will allow Steuben to fully invest in the construction and equipment purchases that will lead to the creation of over twenty skilled jobs, including palletizer operators, machine operators, warehouse personnel, and various skilled maintenance positions. Notably, Steuben has received incentives in the past from ECIDA in connection with expansion projects, which has allowed it to remain competitive and expand its employment here in Erie County. In each of these instances, Steuben has complied with its obligations and promises made to ECIDA in connection with such funding.

**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?**

Steuben will need to make cuts to aspects of the Project. Cuts to the project will likely result in it being unable to fully accommodate the capacity demands made on it by current and prospective customers. It may be required to turn away prospective customers and limit production for existing customers, both of which will likely pursue manufacturing capacity with Steuben's competitors located outside of Erie County and New York State. Cuts to the project will also reduce the creation of skilled jobs in Erie County.

**Will project include leasing any equipment?**

No

**If yes, please describe equipment and lease terms.**Site Characteristics**Will the Project meet zoning/land use requirements at the proposed location?**

Yes

**Describe the present zoning/land use**

The property is currently zoned as 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?**

Yes

**If yes, please explain**

The site was contaminated with non-friable asbestos contained in the collapsed roofing materials. Steuben Foods completed the remediation of this asbestos on December 21, 2018

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

No

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?**

The case conveyors and palletizers are added electrical load in the plant. We currently palletize by hand.

You may also attach additional information about the machinery and equipment at the end of the application.

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

Yes

If yes, please explain.

While the location of the Warehouse may not specifically involve research activities, Steuben formulates and researches a number of new products at its facility at 1150 Maple Road, where is currently employs five PhD scientists who oversee its research and food development department. Steuben has a unique patented plant processing technology that allows it to extract all the nutrients and separate it from the fiber in nuts, grains, and seeds. It has used this technology to create various new plant based products. These products offer substantially more nutrition than the leading brands of plant based beverages, such as "almond milks" that contain formulated almond flavored waters. As an example, Steuben has developed a "Milked Almond" product which has up to four times more nuts per eight ounce serving than the leading brands. The novel Steuben processed plant based products are nutritionally complete. Additionally, Steuben has successfully manufactured whole grain rice and oat products providing a full serving of brown rice or whole oats per single serving of the beverage. Currently, Steuben is a research partner with the New York Department of Agriculture and Markets, and collaborates with Cornell University, in the research of various industrial hemp processing techniques. Steuben is developing various new products created with industrial hemp seeds, including hemp based milks, creamers, and fiber based products. These highly nutritious industrial hemp seeds are grown in Western New York under the auspices of the New York Department of Agriculture. Currently, the leading plant based beverages contain Almonds, many of which are imported from California. Steuben is optimistic that its new hemp based milk products, the main ingredient of which can be grown in New York, will capture a large segment of market share for plant based beverages.

**What percentage of annual operating expenses are attributed to the above referenced research and development activities?**

Approximately 5%

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

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, complete the Retail Determination contained in Section IV of the Application.

Please check any and all end uses as identified below.

**Retail Sales**      No                                      **Services**      No

For purposes of this question, 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.



**Yes Manufacturing**

**No Multi-Tenant**

**No Mixed Use**

**No Acquisition of Existing Facility**

**No Commercial**

**No Facility for the Aging**

**No Housing**

**No Back Office**

**No Civic Facility (not for profit)**

**No Equipment Purchase**

**No Retail**

**No Other**

Project Information**Estimated costs in connection with project****Land and/or Building Acquisition**

\$ 0	square feet	acres
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**New Building Construction**

\$ 0	square feet
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**New Building addition(s)**

\$ 7,992,664	92,600 square feet
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**Infrastructure Work**

\$ 353,376
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**Renovation**

\$ 0	square feet
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**Manufacturing Equipment**

\$ 5,364,582
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**Non-Manufacturing Equipment: (furniture, fixtures, etc.)**

\$ 1,017,586
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**Soft Costs: (professional services, etc.)**

\$ 1,054,103
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**Other Cost**

\$ 1,071,872
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**Explain Other Costs**

Planning, design and engineering work as well as asbestos removal costs

**Total Cost**

\$ 16,854,183
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**Project Refinancing: estimated amount (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?**

Yes

**If Yes, describe particulars:**

engineering, design and site prep work

Sources of Funds for Project Costs:**Equity (excluding equity that is attributed to grants/tax credits):**

\$ 356,551
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**Bank Financing:**

\$ 16,497,631
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**Tax Exempt Bond Issuance (if applicable):**

\$ 0
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**Taxable Bond Issuance (if applicable):**

\$ 0
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**Public Sources (Include sum total of all state and federal grants and tax credits):**

\$ 0

**Identify each state and federal grant/credit:****Total Sources of Funds for Project Costs:**

\$16,854,182

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

Yes

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.**

\$

**Lender Name, if Known****Estimated Mortgage Recording Tax Exemption Benefit (% of estimated mortgage amount stated above):**

\$0

Construction Cost Breakdown:**Total Cost of Construction**

\$ 8,346,040

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

**Cost for materials**

\$ 4,248,194

**% sourced in Erie County**

25%

**% sourced in State**

55% (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**

\$ 5,265,780

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

\$ 460,756

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

		<b>Cost</b>	<b>% of Total Cost</b>
<b>Manufacturing/Processing</b>	square feet	\$ 0	0
<b>Warehouse</b>	82,500 square feet	\$ 10,236,419	89
<b>Research &amp; Development</b>	square feet	\$ 0	0
<b>Commercial</b>	square feet	\$ 0	0
<b>Retail</b>	square feet	\$ 0	0
<b>Office</b>	square feet	\$ 0	0
<b>Specify Other</b>	10,100 square feet	\$ 1,253,186	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**

**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**

4/1/2019

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

10/31/2019

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

10/31/2019

**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>	555	555	27	27
<b>Part time</b>	19	19	0	0
<b>Total</b>	574	574	27	

\*\* 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>	67	\$ 0	\$ 0	\$ 0	\$ 0
<b>Professional</b>	5	\$ 0	\$ 0	\$ 0	\$ 0
<b>Administrative</b>	43	\$ 0	\$ 0	\$ 0	\$ 0
<b>Production</b>	475	\$ 0	\$ 0	\$ 0	\$ 0
<b>Independent Contractor</b>	1	\$ 0	\$ 0	\$ 0	\$ 0
<b>Other</b>	10	\$ 0	\$ 0	\$ 0	\$ 0

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

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

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

No

Payroll Information

**Annual Payroll at Proposed Project Site**

\$ 0

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

\$ 51,057

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

\$ 20,396

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

\$ 35,421

**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>	\$ 30,083	<b>To (Full Time)</b>	\$ 56,478
<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?**

No

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

No. [Note, confidential payroll, salary, and benefits information is left blank above and has been provided in a separate attachment submitted with this application.]

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

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

Yes

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

We anticipate submitting a New York State consolidated funding application in the near future and contacting Empire State Development. In connection with hemp processing, which is unrelated to this warehouse improvement project, New York Empire State Development has offered a \$500,000 matching grant in connection with the purchase of a specialized press and dryer for ingredient manufacturing.

**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)**

We anticipate submitting a New York State consolidated funding application and Empire State Development application in the near future.

**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.

<b>Occupant Name</b>	Steuben Foods, Inc.
<b>Address</b>	1150 Maple Road
<b>Contact Person</b>	Steuben Foods. Inc.
<b>Phone</b>	7166554000
<b>Fax</b>	7166554078
<b>E-Mail</b>	Bmanka@steubenfoods.com
<b>Federal ID #</b>	22-2407431
<b>SIC/NAICS Code</b>	311500

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** 1150 Maple Road, Elma, NY 14059

**Name and Address of Owner of Premises** Steuben Foods, Inc. 1150 Maple Road, Elma, NY 14059

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

Flat graded site with minimal modifications to the existing topography. The total site is 153.78 acres. There are 2.06 acres of wetlands located at the north perimeter on the site between Jamison Road and the North Truck Parking area.

**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 original construction was started in the mid-1970's by Western Electric. The structural steel and insulated metal panel clad building shell that was constructed in the mid-1970's was abandoned by Western Electric in 1976. The shell building has a flat TPO roof and structural steel is designed on a 25 ft x 50 ft column line grid. The interior roof height is 24 feet clear under the steel bar joists. A 120,000 square foot portion of the shell building was renovated in 1985 for yogurt production and additional expansions were completed between the period 1989 to 2015 to expand the building to its current size of 474,535 square feet. The facility is dedicated to the processing and packaging of both extended shelf life and aseptic dairy based and non-dairy based beverages packaged in flexible containers and in plastic bottles.

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

N/A

**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?**

Yes

**If yes, please provide copies of the permits.**

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

Yes. Chemical Bulk Storage, Air Permit for Boiler Operation, Stormwater, and Wastewater permits are attached.

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

N/A

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

No

**If yes, please identify the substance, the quantity and describe how it is stored**Discharge Into Waterbodies**Briefly describe any current or contemplated industrial process discharges (including the approximate volume, source, type and number of discharge points). Please provide copies of all permits for such discharges**

N/A

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

1. Food Process equipment cleaning water - to DSM 2. Food Process condensate water - to DSM 3. Boiler Blowdown water - to DSM 4. Reverse Osmosis System concentrate water - to DSM 5. Stormwater from parking lot and from the roof.

**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**

Air emissions from boilers covered under the attached air permit.

**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**

Above Ground Tanks:- 300 gallon diesel fuel tank for emergency generator- 7,000 gallon vegetable oil tank- 110 gallon miscellaneous oil tanks- 6,000 gallon sodium hydroxide tank- 4,100 gallon Nitric Acid Tank- 1,000 gallon sodium hydroxide tank- Two (2) 300 gallon sodium hydroxide tanks- Two (2) 300 gallon Nitric Acid Tanks

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

No

**If yes, please provide all details regarding the event, including the response taken, all analytical results or reports developed through investigation (whether internal or external), and the agencies which were involved**Polychlorinated Biphenyls ("PCB" or "PCBs") And Asbestos**Provide any records in your possession or known to you to exist concerning any on-site PCBs or PCB equipment, whether used or stored, and whether produced as a byproduct of the manufacturing process or otherwise.****Have there been any PCB spills, discharges or other accidents at the Premises?**

No

**If yes, relate all the circumstances**

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

Yes

**If yes, please identify the materials**

Yes. See attached asbestos survey and remediation documents for the boiler and the Northeast Warehouse roof at this site.

## 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** 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 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) No

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) No

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

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

	Number of Units	Sq. Ft. Range Low to High	Rent Range Low to High
1 Bedroom	0		\$
2 Bedroom	0		\$
3 Bedroom	0		\$
Other	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)

This section left blank as applicant is not applying for adaptive reuse.

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

This section left blank as applicant is not applying for adaptive reuse.

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

This section left blank as applicant is not applying for adaptive reuse.

**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>