



Erie County Industrial Development Agency
Meeting of the Membership
January 27, 2021
at 12:00 p.m.

Via Conference Call and Meeting is being Livestreamed

1.0 Call to Order

1.1 Call to Order Meeting of the Membership

2.0 Approval of Minutes:

2.1 Approval of Minutes of December 16, 2020, 2020 Meeting of the Membership (Action Item) (Pages 2-8)

3.0 Reports / Action Items / Information Items:

- 3.1 2020 Tax Incentive Induced/Closing Schedule/ Estimated Real Property Tax Impact (Informational) (Pages 9-11)
- 3.2 Approval of COVID-19 Disaster Emergency Grant Applications (Action Item) (Separate Attachment) (Pages 12-14)
- 3.3 Approval of Additional Funding Request for COVID-19 Disaster Emergency Grant Loan Fund (Action Item) (Pages 12-14)
- 3.4 Policy Committee Update (Informational) (Pages 15-22)

4.0 Inducement Resolution:

	ECIDA Incentives	Private Investment	Municipality
4.1 72 East Niagara Street (Pages 23-70)	\$ 146,000	\$ 2,836,736	Tonawanda
4.2 Calspan Corporation (Pages 71-111)	\$ 599,000	\$13,500,000	Cheektowaga
4.3 Life Technologies/Thermo Fisher North (Pages 112-175)	\$2,912,000	\$85,000,000	Grand Island
4.4 Pine Pharmaceuticals, LLC (Pages 176-218)	\$1,376,937	\$ 8,615,000	Tonawanda
4.5 Sucro Real Estate (Pages 219-249)	\$3,392,250	\$19,000,000	Lackawanna

5.0 Management Team Reports:

5.1 COVID-19 Response Update (Informational)

6.0 Adjournment - Next Meeting February 24, 2021 @ 12:00 p.m.

**MINUTES OF THE MEETING
OF THE
MEMBERSHIP OF THE
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
(ECIDA or AGENCY)**

- DATE AND PLACE:** December 16, 2020, held via telephone conference. Governor Cuomo's Executive Order 202.1, as amended from time to time, issued in response to the Coronavirus (COVID-19) crisis, suspended Article 7 of the Public Officers Law to the extent necessary to permit any public body to take actions without permitting in public in-person access to such meetings and authorized such meetings to be held remotely by conference call or other similar service, provided the public has the ability to view or listen to such proceedings and that the meeting is recorded and transcribed.
- LIVE STREAMED:** This meeting is being live-streamed and made accessible on the ECIDA's website at www.ecidany.com.
- PRESENT:** Denise Abbott, Rev. Mark E. Blue, Hon. Howard Johnson, Richard Lipsitz, Brenda W. McDuffie, Hon. Glenn R. Nellis, Hon. Mark C. Poloncarz, Hon. Darius G. Pridgen, Sister Denise Roche, Kenneth A. Schoetz and Paul Vukelic
- EXCUSED:** Hon. Diane Benczkowski, Hon. Bryon W. Brown, James Doherty, Hon. Joseph Emminger, Dottie Gallagher, Tyra Johnson, Hon. Brian Kulpa and Renee Wilson
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Atiqah Abidi, Assistant Treasurer; Beth O'Keefe, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Robbie Ann McPherson, and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Andrew Federick, Erie County Senior Economic Development Specialist; Deputy County Executive Maria Whyte; Shannon Beiter on behalf of Zaepfel Development; Randy Bernick on behalf of Rosina Foods; Scott VeRost on behalf of Thermo Fisher; Legislator April Baskin and Lisa Hicks on behalf of the Office of Strategic Planning

There being a quorum present at 12:02 p.m., the Meeting of the Board of Directors of the Erie County Industrial Development Agency was called to order by Chair McDuffie. Ms. McDuffie welcomed new member Paul Vukelic to the meeting.

MINUTES

The minutes of the November 18, 2020 meeting of the members were presented. Mr. Lipsitz moved and Mr. Nellis seconded, to approve of the minutes. Ms. McDuffie called for the vote and the minutes were unanimously approved.

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

REPORTS/ACTION ITEMS/INFORMATION ITEMS

Approval of COVID-19 Disaster Emergency Grant Application. Mr. Cappellino reviewed applications for the ECIDA Disaster Emergency Grants, both those approved to date, and applications to be considered by the members today. Mr. Cappellino noted that the grant review committee has approved all applications for consideration for the members today. Mr. Poloncarz moved and Mr. Blue seconded to approve the sixteen (16) grant applications as listed below. Ms. McDuffie called for the vote and the following sixteen (16) grant applications were unanimously approved:

1. Burden, Hafner & Hansen, LLC
2. EPIC – Every Person Influences Children, Inc.
3. Erin L. Reukauf dba Lyfe Beauty & Mind
4. Gordon A. Kent, D.M.D., PC (Smile Center)
5. Manna Culinary Group
6. Neill & Strong
7. Rappold Family Dentistry, PC
8. Rec Room Holdings, LLC
9. Salon 716 NY, LLC
10. Sheridan Medical Group
11. SowFit Buffalo dba PBnJ Enterprises
12. Susan E. Bennett PT PC
13. Tammy Perison, DDS Family & Cosmetic Dental Care
14. The Igloo WNY LLC dba The Black Sheep Restaurant & Bar
15. The Intersection Café, Inc. dba The Intersection
16. Tremetris Nance dba Nance Nelson’s Enterprise

Approval of UDAG Funding Contract for Water Tower project at Angola Ag Park Site.

Mr. Cappellino reviewed the contemplated ILDC-Town of Evans (the “Town”) water tower project to benefit both the Town and to provide water service to the ILDC Agri-Business Park. Specifically, Mr. Cappellino noted that the Agency is contemplating provided the ILDC with a grant from the Agency’s Urban Development Action Grant (“UDAG”) Fund, in the amount of \$1,250,000, said funds to be utilized by the ILDC to contribute to the construction of the Town water tower project, whereby the Town will construct a new water tower to provide water service to both the Town and the Agri-Business Park. Me. Poloncarz spoke in favor of the grant, the water tower project, and the establishment of the ILDC Agri-Business Park.

Sister Denise moved and Mr. Nellis seconded to approve the UDAG Funding Contract for Water Tower project at the Angola Ag Park site. Ms. McDuffie called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (“AGENCY”): (i) TO ENTER INTO A FUNDING AGREEMENT FOR ECONOMIC DEVELOPMENT PURPOSES WITH THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION TO GRANT \$1,250,000 FROM THE AGENCY’S U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT URBAN DEVELOPMENT ACTION GRANT (“UDAG”) REFLOW FUND; AND (ii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

INDUCEMENT RESOLUTION

Life Technologies Corporation-West Expansion (subsidiary of Thermo Fisher Scientific, Inc.), 3175 Staley Road, Grand Island, New York

Ms. Fiala presented this proposed sales tax and real property tax abatement benefits project involving the expansion of the current facility which is approximately 300,000 sq. ft. and to increase the Company’s footprint by 50,000 sq. ft. The new facility will be utilized for the production of liquid animal origin free (AOF) products along with the purchase of approximately \$25M of manufacturing equipment.

As a condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment - the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$76,500,000 (which represents the product of 85% multiplied by \$90,000,000, being the total project cost as stated in the Company’s application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 818 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company’s application for Financial Assistance (the “Baseline FTE”); and
 - the number of current FTE employees in the then current year at the Facility; and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 869 FTE employees

[representing the sum of (i) 818 Baseline FTE and (ii) 51 FTE employees, being the product of 85% and 60 (representing the 60 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's "Quarterly Employment Survey" form to be made available to the Company by the Agency.

- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

General discussion ensued. Mr. Blue moved and Mr. Johnson seconded to approve the Project. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF LIFE TECHNOLOGIES CORPORATION, THERMO FISHER SCIENTIFIC INC., AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, AND (B) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

AMENDATORY INDUCEMENT RESOLUTION

Rosina Foods-Protein Operation Expansion, 3100 Clinton Street, West Seneca, New York.

Ms. Fiala reviewed the proposed project amendment involving an increase in the mortgage recording tax exemption benefit as previously approved. Mr. Vukelic disclosed that an owner of the company also serves on an Advisory Board for the company that Mr. Vukelic works for. Mr. Murray and Mr. Vukelic generally discussed and Mr. Murray then confirmed there is no conflict and that Mr. Vukelic is thus otherwise not prevented from taking action on this item.

Mr. Poloncarz moved and Ms. Abbott seconded to approve the Project amendment. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

FIRST AMENDMENT TO INDUCEMENT RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE APPROVAL OF AN INCREASE IN THE MORTGAGE TAX EXEMPTION BENEFIT WITH RESPECT TO THE ROSINA FOOD PRODUCTS, INC. PROJECT

SPECIAL RESOLUTION

Niagara Wind Power LLC and Erie Wind LLC, 2303 Hamburg Turnpike, Lackawanna, New York.

Ms. Fiala reviewed the project amendment to allow the Agency to execute mortgages being placed on the facilities for the two aforementioned projects for which the Agency is already providing a real property tax abatement benefit.

Mr. Lipsitz moved and Sister Denise seconded to authorize the Agency to execute the mortgages being placed on the facilities. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (I) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A MORTGAGE TWEEN ERIE WIND, LLC, NIAGARA WIND POWER, LLC, THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, AND THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY TO WELLS FARGO BANK, NATIONAL ASSOCIATION; AND (II) AUTHORIZING THE EXECUTION OF A PAYMENT-IN-LIEU-OF-TAX MORTGAGE AGREEMENT BY AND BETWEEN ERIE WIND LLC, NIAGARA WIND POWER, LLC AND THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, AND RELATED DOCUMENTS

COMPLIANCE

Zaepfel Development/Wythe Will Tzetzto, a portion of 779 Two Mile Creek Road, Tonawanda, New York.

Mr. Cappellino reviewed the current status of this previously approved project, noting that the tenant for the existing project no longer occupies the facility, and confirmed that the Company is attempting to find a new tenant to occupy the facility, thus allowing the Company to maintain the PILOT Agreement. Mr. Cappellino noted the new tenant will provide for less employment in comparison to the prior tenant, and as such, the existing PILOT Agreement abatement terms must be reduced commensurate with the lower employment figures. General discussion ensued.

Mr. Poloncarz moved and Mr. Pridgen seconded to approve of the PILOT Agreement amendment. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT
AGENCY AUTHORIZING THE AMENDMENT TO A CERTAIN PILOT
AGREEMENT ENTERED INTO WITH TONAWANDA PIRSON, LLC

REPORTS/ACTION ITEMS/INFORMATION ITEMS

Financial Report. Ms. Profic presented the November 2020 financial report, noting that the balance sheet shows that the Agency finished the month with total assets of \$28.5 million, an increase from \$27.7 million at the end of October. This includes over \$7.6 million of unrestricted cash available for Agency operations. Net assets at the end of November remained over \$21 million. The monthly income statement shows net income from operations of \$318,000. Operating revenue of \$427,000 was above the monthly budget by \$180,000, due mainly to administrative fee receipts of \$364,000 in November. Operating expenses were \$199,000, under budget by \$32,000. After depreciation, there was net income of \$307,000 for the month. The year-to-date income statement showing operating revenue of \$2.4 million, \$166,000 below budget for the year and expenses of \$2.4 million, \$243,000 below budget. Specifically looking at administrative fees, the main driver of the Agency's budget, those fees are currently at 93% of year to date budget, 85% of annual budget. Looking at what has been collected so far in December, Ms. Profic noted that the Agency collections are at \$1.8 million, 96% of budget. Combined with special project grants, the operational side/top half of the income statement shows net income of \$93,000 through November. After factoring in strategic initiatives and depreciation, there is currently an overall net loss of \$1.3 million for the year. Ms. McDuffie directed that the report be received and filed.

2020 Tax Incentive Induced/Closing Schedule/Estimated Real Property Tax Impact. Ms. Fiala presented this report. Ms. McDuffie directed that the report be received and filed, and thanked Agency staff for their outstanding work during a most difficult and uncertain, challenging year.

Policy Committee Update. Mr. Lipsitz also thanked Agency staff for excellent work throughout the year. Ms. Whyte noted the Policy Committee met last week to continue MWBE policy considerations. Ms. McDuffie directed that the report be received and filed.

MANAGEMENT TEAM REPORT

COVID-19 Response Update. Mr. Cappellino updated members on ECIDA/RDC COVID-19 response.

Mr. Cappellino congratulated Ms. McDuffie on being inducted into the Western New York Business Hall of Fame.

There being no further business to discuss, Ms. McDuffie adjourned the meeting of the Agency at 12:42 p.m.

Dated: December 16, 2020

Karen M. Fiala, Secretary

Tax Incentives Induced 2020

Project Name	Project City	Inducement Amount	FT Jobs at App	Projected Year 2 FT Jobs	PT Jobs at App	Projectd Jobs Year 2 PT
Thermo Fisher West	Grand Island	\$ 90,000,000	818	878	0	0
Rosina Food Products*	West Seneca	\$ 58,000,000	100	140	0	0
Jemal's Seneca, LLC	Buffalo	\$ 45,000,000	0	5	0	0
Barcalo Living & Commerce/Barcalo Buffalo, LLC	Buffalo	\$ 34,727,449	9	34	0	10
6700 Transit Road/Big Ditch	Cheektowaga	\$ 32,300,055	0	90	0	156
Steuben Foods Incorporated	Elma	\$ 25,621,494	604	624	20	20
Great Point Opportunity Fund B QOZB, LLC	Buffalo	\$ 15,984,800	0	12	0	0
Related Affordable/Elmwood Sq. Apartments	Buffalo	\$ 15,826,891	4	4	0	0
637 Linwood, LLC/1275 Delaware, LLC	Buffalo	\$ 12,460,993	0	10	0	0
Fisher Price*	East Aurora	\$ 4,925,058	274	279	0	0
Tonawanda Pirson/Gear Motions	Tonawanda	\$ 4,299,040	35	37	0	0
Tight Holdings, LLC/Mean Guppy	Buffalo	\$ 2,215,000	34	34	0	0
Kamax, LLC/Raine Logistics, LLC	West Seneca	\$ 2,214,000	12	13	0	0
3310 Benzing Road/Marathon Drains	Orchard Park	\$ 725,000	15	17	1	1
		\$ 344,299,780	1,905	2,177	21	187

14 Projects

272 Projected FTE New Jobs

166 Projected PT New Jobs

*Amendatory Inducement Fisher Price approval increasing dollar amount from \$4,025,058 to \$4,925,058

*Amendatory Inducement Rosina approval To increase amount of mortgage tax savings from \$210,000 to \$296,250

Tax Incentives Closings - 2020

Project Name	Project Amount at Closing	FT Jobs at App	Projected Year 2 FT Jobs	PT Jobs at App	Projected Year 2 PT Jobs	Project City	Induced Date	Est. Project Completion Date
Rosina Food	\$ 58,000,000	100	140	0	0	West Seneca	10/23/2019	6/30/2021
Jemal's Seneca, LLC	\$ 45,000,000	0	5	0	0	Buffalo	3/25/2020	4/3/2020
Moog, Inc.	\$ 44,300,000	288	357	0	0	Elma	3/22/2017	12/31/2020
Iskalo 6700 Transit Road	\$ 32,300,000	0	90	0	0	Cheektowaga	5/27/2020	
Time Release Properties/Time Release Sciences	\$ 27,398,234	103	123	0	0	Lackawanna	8/28/2019	12/31/2020
570 Associates VI, LLC	\$ 20,745,000	0	124	0	0	Cheektowaga	2/22/2017	12/31/2020
McKesson Corporation	\$ 18,200,000	62	75	0	0	Cheektowaga	3/27/2019	6/30/2020
Niagara Wind, LLC	\$ 17,171,429	3	3	0	0	Lackawanna	11/20/2019	
Steuben Foods, Inc.	\$ 16,457,951	564	582	19	19	Elma	3/27/2019	3/31/2020
637 Linwood, LLC/1275 Delaware, LLC	\$ 12,402,877	0	10	0	0	Buffalo	3/25/2020	12/31/2021
Buffalo High Technology Centre, Inc.	\$ 7,877,447	0	4	0	0	Buffalo	7/24/2019	12/31/2020
Nash Lofts/Michigan Broadway	\$ 6,767,172	3	6	0	2	Buffalo	8/22/2018	12/31/2021
Ebenezer Railcar Services, Inc	\$ 6,000,000	84	97	0	0	West Seneca	7/25/2018	12/31/2020
Erie Wind, LLC	\$ 4,292,858	3	3	0	0	Lackawanna	11/20/2019	
Roar Logistics	\$ 3,425,000	43	57	0	0	Buffalo	6/27/2018	11/1/2020
CPI Process Systems, Inc.	\$ 3,100,000	12	14	0	0	West Seneca	5/22/2019	12/31/2021
Hertel Pacific, LLC/Cypress North	\$ 999,568	16	18	1	1	Buffalo	8/28/2019	12/31/2020
	\$ 324,437,536	1,281	1,708	20	22			
17 Projects Closed								
427 FT Projected New Jobs								
2 PT Projected New Jobs								

MEMORANDUM

TO: ECIDA Board of Directors
FROM: Mollie Profic, CFO
SUBJECT: Erie County COVID-19 Disaster Emergency Grant Program – Additional Funding
DATE: January 27, 2021

On July 22, 2020 the ECIDA Board approved the allocation of up to \$500,000 of ECIDA general funds to establish, fund and administer the Erie County COVID-19 Disaster Emergency Grant Program.

Between September – December 2020, 57 applications totaling \$372,219 have been approved by the Board. Of these 57 recipients, 7 are minority-owned businesses, 28 are woman-owned businesses, and 47 are located in highly distressed areas of Erie County. 17 of the 47 recipients in highly distressed areas are non-profit organizations. (Note that some recipients fall into more than one category.) An additional 8 applicants for \$37,110 in funding are presented to the Board for approval today. If approved, they would bring the total approved funding to \$409,329, 82% of the original \$500,000 allocation.

General Municipal Law allows IDA grant programs of this nature to continue so long as the current Emergency Declaration is active in the State of New York. Given the present circumstances, it is expected that the need for businesses to obtain PPE will continue in 2021.

IDA management proposes allocating an additional \$500,000 of general operating funds to replenish the available funding for the Grant Program. This allocation of ECIDA general funds would leave at least one year's worth of operating expenses in reserves, as required.

Action:

The ECIDA Board is requested to approve the attached resolution and authorize the use of funds of up to \$500,000 to continue to fund the Erie County COVID-19 Disaster Emergency Grant Program.

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
FIRST AMENDMENT TO
STATE DISASTER EMERGENCY GRANT PROGRAM**

RESOLUTION

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, January 27, 2021 at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE AGENCY TO PROVIDE ADDITIONAL FUNDING TO THE ERIE COUNTY COVID-19 DISASTER EMERGENCY GRANT PROGRAM IN THE AMOUNT OF \$500,000

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended (the "GML"), and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

WHEREAS, on June 17, 2020, Andrew M. Cuomo, Governor of the State, signed into law Chapter 109 of the Laws of 2020 ("S8181A"), which amends certain sections of the GML to allow industrial development agencies in the State, including the Agency, to provide financial assistance in the form of loans and/or grants to eligible small businesses and not-for-profit corporations in an effort to alleviate the financial hardship caused by the COVID-19 Pandemic; and

WHEREAS, pursuant to S8181A, eligible small businesses and not-for-profit corporations with not more than fifty (50) employees (each an "Eligible Entity") must establish (i) it was a financially viable entity prior to March 7, 2020, (ii) it conducts business in the area served by the Agency (i.e., Erie County, New York) and (iii) it has been negatively impacted by the COVID-19 Pandemic; and

WHEREAS, pursuant to S8181A, the Agency may provide grants to Eligible Entities in an amount not to exceed \$10,000, the proceeds of which must be used for the purpose of acquiring personal protective equipment or installing equipment necessary to prevent the spread of the COVID-19 Pandemic (the "Grant Program"); and

WHEREAS, on July 22, 2020, the Agency resolved to provide \$500,000 in currently available funds to administer the Grant Program (the "Original Resolution"); and

WHEREAS, since July 22, 2020, the Agency has granted and/or approved to grant funds in the amount of approximately \$400,000, and anticipates that continued demand will soon exhaust the currently available funds allocated to the Grant Program per the terms of the Original Resolution; and

WHEREAS, the Agency desires to continue the Grant Program and thus to replenish the Grant Program fund by contributing an additional \$500,000 to the Grant Program fund; and

WHEREAS, the Agency intends to allocate said funds to permit the Agency to continue funding and administering the Grant Program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. All recitals, findings and determinations of the Agency, including the determination made by the Agency confirming that the Grant Program is a “Type II Action” in accordance with Article 8 of the Environmental Conservation Law of the State of New York and the regulations promulgated thereunder, contained in the Original Resolution, are hereby reaffirmed, ratified, restated and incorporated herein by reference as if set forth herein in their entirety, except as modified by this Resolution.

Section 2. The Agency hereby approves the allocation of an additional \$500,000 in currently available funds to administer the Grant Program.

Section 3. The members, representatives, and agents of the Agency are hereby authorized and directed to take all actions deemed appropriate to continue to effectuate the Grant Program, and are hereby authorized and directed to execute and deliver such other documents and instruments, subject to the approval of legal counsel and the Chair, and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by these resolutions.

Section 4. This Resolution shall take effect immediately upon adoption.

Dated: January 27, 2021

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

- MEETING:** January 7, 2021, at Erie County Industrial Development Agency (the “ECIDA” or “Agency”), meeting held via phone conference. Governor Cuomo’s Executive Order 202.1, as amended from time to time, issued in response to the Coronavirus (COVID-19) crisis, suspended Article 7 of the Public Officers Law to the extent necessary to permit any public body to take actions without permitting in public in-person access to such meetings and authorized such meetings to be held remotely by conference call or other similar service, provided the public has the ability to view or listen to such proceedings and that the meeting is recorded and transcribed.
- LIVE STREAMED:** This meeting is being live-audio streamed and made accessible on the Agency’s website at www.ecidany.com.
- PRESENT:** April Baskin; Rev. Mark Blue; Johanna Coleman; Colleen DiPirro; Hon. William Krebs; Richard Lipsitz; Brenda W. McDuffie; Glenn Nellis; Laura Smith; David State; Lavon Stephens and Maria Whyte
- EXCUSED:** Denise Abbott; Bryon W. Brown and Richard Cummings
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Beth O’Keefe, Business Development Officer; Atiqah Abidi, Assistant Treasurer; Robbie Ann McPherson, Director of Marketing and Communications; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Andrew Federick, Erie County Senior Economic Development Specialist; Lisa Hicks on behalf of the City of Buffalo; Alex Carducci on behalf of the City of Buffalo; Sara Sperrazza on behalf of Thermo Fisher; Scott Versot on behalf of Thermo Fisher; Steve Schrader on behalf of Thermo Fisher; Peter Bordonaro on behalf of Calspan; Peter Sauer on behalf of Calspan; Steve Calzi on behalf of Eastman Machine Company; Morgan Morreale on behalf of Pine Pharmaceutical; Alfonse J. Muto, Jr. on behalf of Pine Pharmaceutical; David Pawlik on behalf of 72 East Niagara, LLC; Jose Guillermo Rodriguez on behalf of Sucro Real Estate and Richard Stanton on behalf of the City of Lackawanna

There being a quorum present at 9:01 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

MINUTES

The minutes of the December 8, 2020 Policy Committee meeting and December 10, 2020 Special Policy Committee meeting were presented. Upon motion made by Ms. DiPirro and seconded by Mr. Krebs, the aforementioned Policy Committee meeting minutes were then unanimously approved.

PROJECT MATRIX

Mr. Cappellino reviewed the Agency's Project Matrix. Mr. Lipsitz directed that the report be received and filed.

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

PROJECT PRESENTATIONS

72 East Niagara Street, LLC, 72 East Niagara Street, Tonawanda, New York. Mr. Cappellino presented this proposed real property tax abatement benefit project involving the adaptive re-use of a former church and school building in the City of Tonawanda into 14, 1-and 2-bedroom apartments, along with 4,000 sq. ft. of commercial space. The apartments will be available to residents at or below 80% of the average median income (AMI).

At this point in time, Ms. McDuffie, Ms. Whyte and Ms. Baskin joined the meeting.

Mr. Cappellino stated that in exchange for providing the real property tax abatement benefits, the approval of this project will be conditioned upon adherence to certain material terms and conditions with respect to the potential modification, recapture and/or termination of financial assistance as follows:

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 = \$2,836,736 85% = \$2,411,225
Employment	Coincides with 7-year PILOT	Maintain base = 17 Create 85% of Projected Projected = 3 85% = 2 Recapture Employment: 19

Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 7-year PILOT	Adherence to policy
Unpaid Tax	Coincides with 7-year PILOT	Adherence to policy
Recapture Period	Coincides with 7-year PILOT	Recapture of real property taxes

Mr. Blue moved and Mr. Krebs seconded to recommend the project as proposed be forwarded to the members of the ECIDA Board for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

Calspan Corporation, LLC, 40 Sonwil Drive, Cheektowaga, New York. Ms. Fiala presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the acquisition of a 65,000 sq. ft. existing facility which will house two highly precise and powerful test stands which will be utilized to evaluate automotive restraints, seating and interior equipment according to domestic and international safety standards.

Ms. Smith spoke in favor of the project.

Ms. McDuffie spoke in favor of the project.

Ms. Whyte spoke in favor of the project.

Ms. Fiala stated that in exchange for providing the sales and use tax, mortgage recording tax exemption and real property tax abatement benefits, the approval of this project will be conditioned upon adherence to certain material terms and conditions with respect to the potential modification, recapture and/or termination of financial assistance as follows:

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 = \$13,500,000 85% = \$11,475,000
Employment	Coincides with 10-year PILOT	Maintain base = 144 FTE Create 85% of Projected Projected = 20 85% = 17 Recapture Employment = 161
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
Recapture Period	Coincides with 10-year PILOT	Recapture of state and local sales taxes, mortgage recording tax and real property taxes

Ms. McDuffie moved and Ms. Whyte seconded to recommend the project as proposed be forwarded to the members of the ECIDA for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

Eastman Machine Company, 775 & 779 Washington Street, Buffalo, New York. Mr. Cappellino presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the construction of an approximately 7,400 sq. ft. expansion to the company's existing 130,000 sq. ft. facility. The planned use for the space includes storage for purchased items that are to be used in the assembly process.

Mr. Cappellino stated that in exchange for providing the sales and use tax, mortgage recording tax exemption and real property tax abatement benefits, the approval of this project will be conditioned upon adherence to certain material terms and conditions with respect to the potential modification, recapture and/or termination of financial assistance as follows:

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 = \$1,665,000 85% = \$1,415,250
Employment	Coincides with 7-year PILOT	Maintain base = 126 Create 85% of Projected Projected = 3 85% = 2 Recapture Employment = 128
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 7-year PILOT	Adherence to policy
Unpaid Tax	Coincides with 7-year PILOT	Adherence to policy
Recapture Period	Coincides with 7-year PILOT	Recapture of state and local sales taxes, mortgage recording tax and real property taxes

Mr. Blue moved and Ms. Smith seconded to recommend the project as proposed be forwarded to the members of the ECIDA for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

Life Technologies Corporation-North Expansion (subsidiary of Thermo Fisher Scientific, Inc.), 3175 Staley Road, Grand Island, New York. Ms. Fiala presented this proposed sales tax and real property tax abatement benefits project involving the construction of an approximately 69,000 sq. ft. expansion to the company’s existing 300,000 sq. ft. facility. The new facility will be utilized for the production of liquid animal origin free (AOF) liquid media products. The company will also be adding approximately \$36M in manufacturing equipment in order to increase production capacity.

Ms. Fiala stated that in exchange for providing the sales and use tax and real property tax abatement benefits, the approval of this project will be conditioned upon adherence to certain material terms and conditions with respect to the potential modification, recapture and/or termination of financial assistance as follows:

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 = \$85,000,000 85% = \$72,250,000
Employment	Coincides with 10-year PILOT	Maintain base = 807 Create 85% of Projected Projected = 60 85% = 51 Recapture Employment = 858
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
Recapture Period	Coincides with 10-year PILOT	Recapture of state and local sales taxes and real property taxes

Ms. McDuffie spoke in favor of the project but questioned as to where the company sources workforce and if workers have challenges accessing the facility.

Mr. Schrader, on behalf of Thermo Fisher, stated the company searches throughout the area and he is not aware of any transportation issues.

Mr. Stephens expressed support for the project.

Mr. Blue moved and Ms. McDuffie seconded to recommend the project as proposed be forwarded to the members of the ECIDA for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

Pine Pharmaceuticals, LLC, 355 Riverwalk Parkway, Tonawanda, New York. Ms. Fiala presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the construction of an approximately 50,000 sq. ft. expansion to the company's existing 25,000 sq. ft. facility in the Riverview Solar Technology Park. Since the company is a sterile compounder, significant purchases will be made to equip new cleanrooms.

Ms. Fiala stated that in exchange for providing the sales and use tax, mortgage recording tax exemption and real property tax abatement benefits, the approval of this project will be conditioned upon adherence to certain material terms and conditions with respect to the potential modification, recapture and/or termination of financial assistance as follows:

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 = \$8,615,000 85% = \$7,322,750
Employment	Coincides with 10-year PILOT	Maintain base = 80 FTE Create 85% of Projected Projected = 40 85% = 34 Recapture Employment = 114
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
Recapture Period	Coincides with 10-year PILOT	Recapture of state and local sales taxes, mortgage recording tax and real property taxes

Ms. Smith spoke in favor of the project.

Mr. Blue queried as to types of jobs to be created. Mr. Muto, on behalf of Pine Pharmaceuticals, responded that the company will be looking to hire quality control and warehousing employees, and noted that the company advertises locally for new hires.

Ms. McDuffie moved and Mr. Blue seconded to recommend the project as proposed be forwarded to the members of the ECIDA for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

Sucro Real Estate NY, LLC, 2303 Hamburg Turnpike, Lackawanna, New York. Mr. Cappellino presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the renovation of two existing buildings on the former Bethlehem Steel site. The existing buildings encompass approximately 174,600 sq. ft. In addition, the company will construct a new 33,600 sq. ft. facility and purchase approximately \$6M of production equipment. The buildings will accommodate new bulk and finished product storage, logistical operations as well as sugar refining operations.

Mr. Cappellino stated that in exchange for providing the sales and use tax, mortgage recording tax exemption and real property tax abatement benefits, the approval of this project will be conditioned upon adherence to certain material terms and conditions with respect to the potential modification, recapture and/or termination of financial assistance as follows:

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 = \$19,000,000 85% = \$16,150,000
Employment	Coincides with 10-year PILOT	Maintain base = 5 Create 85% of Projected Projected = 45 85% = 38 Recapture Employment = 43
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
Recapture Period	Coincides with 10-year PILOT	Recapture of state and local sales taxes, mortgage recording tax and real property taxes

Ms. Whyte spoke in favor of the project and thanked the City of Lackawanna for its good work in securing this new investment.

Ms. Whyte moved and Mr. Blue seconded to recommend the project as proposed be forwarded to the members of the ECIDA for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

MWBE UPDATE

Ms. Whyte provided members with an update on the MWBE ad-hoc working committee.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 9:57 a.m.

Dated: January 7, 2021

Karen M. Fiala, Secretary

**72 East Niagara Street, LLC
\$2,836,736
INDUCEMENT RESOLUTION**

ELIGIBILITY
<ul style="list-style-type: none"> • NAICS Section - 531110
COMPANY INCENTIVES
<ul style="list-style-type: none"> • Approximately \$146,000 in real property tax savings
EMPLOYMENT
<ul style="list-style-type: none"> • Retained Jobs - 17 • Projected New Jobs - 3 • Annual payroll: \$880,000 • Estimated salary of jobs to be retained: \$40,000 • Estimated salary of jobs to be created: \$40,000
PROJECT HISTORY
<ul style="list-style-type: none"> • 12/30/2020 - Public hearing held. • No SEQRA review required • 01/27/2021 Lease/Leaseback Inducement Resolution presented to the Board of Directors

Project Title: 72 East Niagara Street, LLC
 Project Address: 72 East Niagara Street
 Tonawanda, New York 14150
 (City of Tonawanda School District)

Agency Request

A real property tax and mortgage tax exemption in connection with the adaptive reuse of a former school building

Acquisition	\$ 375,000
Renovation	\$2,093,113
Soft Costs	\$ 368,623
Total Project Cost	\$2,836,736
85%	\$2,411,225

Company Description

The applicant -- 72 East Niagara Street, LLC was formed by Dave Pawlik, Russell Kyte and Adam DeMiglio to undertake the project. Mr. Pawlik and Mr. Kyte are also the owners of Creative Structure Services, Inc. which is the general contractor for the project. CSS is a full service general contractor, developer and property manager. The company has a history of contributing to the renovation and adaptive reuse of older, vacant structures. In the past they have redeveloped buildings located at 700 Parkside, 786 Kenmore and 1659 Amherst into facilities that contain both residential and commercial spaces.

Project Description

The project entails the adaptive re-use of a former church and school building in the City of Tonawanda. Once construction is complete, the complex will house 14- 1 and 2 bedroom apartments along with 4,000 sq. ft. of commercial space. The apartments will all be available to residents at or below 80% of the average median income (AMI).

In its efforts to assist with adaptive reuse projects which is key to revitalizing and stabilizing communities, the City of Tonawanda opted into the 485-a real estate exemption program. It was thought too that the school district would also opt in however to date that has not occurred which is the reason the developer is seeking a PILOT through the ECIDA.

AMD Environmental, owned by one of the principals of the LLC, provides environmental services including consulting, sampling and project monitoring will be a tenant in the East Niagara Street facility once the project is complete. They will be relocating from the City of Buffalo where they currently lease space. In accordance with our Inter-Municipal Move Policy, we have notified both Mayors of the company's intention.

Retail Determination

Project Use	Sq. Ft.	Cost	% of Project Costs
Residential	22,000	\$1,779,146	85%
Commercial	4,000	\$ 313,146	15%
Total	26,000	\$2,093,113	100%

Since the retail component of the project represents less than 33% of the project cost, no sign off by the County is required.

New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over 7-year abatement period	Additional Local Revenue Over 7-year abatement period	New Yearly Taxes Upon Expiration of Abatement Period
\$0	\$655,000	\$5,300	\$34,700	\$26,700
Combined Tax Rate: \$40				

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 = \$2,836,736 85% = \$2,411,225
Employment	Coincides with 7-year PILOT	Maintain base = 17 Create 85% of Projected Projected = 3 85% = 2 Recapture Employment = 19
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 7-year PILOT	Adherence to Policy
Unpaid Tax	Coincides with 7-year PILOT	Adherence to Policy
Recapture Period	Coincides with 7-year PILOT	Recapture of Real Property Taxes

Recapture applies to:
Real Property 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 17 and created 3 jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

**ADAPTIVE REUSE REPORT AND EVALUATIVE CRITERIA
72 East Niagara Street, LLC**

Evaluative Criteria	Notes
Distressed Census Tracts	The property is located in census tract 172 which is not considered <u>highly</u> distressed per the State statute.
Age of Structure (must be at least 20 years old and present functional challenges to redevelopment)	The main building was constructed in 1958 and is over 60 years old.
Structure has been vacant or underutilized for a minimum of 3 years (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). Project promotes elimination of slum and blight	This former school facility has been vacant for 10 years and in the past few years appx. 4,000 sq. ft. was used on a temporary basis by a small church group.
Structure is not generating significant rental income (defined as 50% or less than the market rate income average for that property class.	The facility is vacant with no income being generated.
Redevelopment Supports or aligns with Regional or Local Development Plans	The project complies with the investment and growth criteria of the Framework for Regional Growth.
Environmental or Safety Issues.	The building is currently under renovation and will need asbestos and lead paint remediation. The heat had been turned off which caused <u>significant</u> damage to the roof.
LEED/Renewable resources	Not applicable.
Building or site has historic designation	Not applicable.
Site or structure has delinquent or other local taxes	Taxes are current.
MBE/WBE utilization	The company's contractor utilization plan is as follows: MBE-22%, WBE-16% and SDVOB: 6%

Demonstrated support of local gov't.	Mayor Davis has supplied a letter of support for the project.
Project/developer's return on investment	The developer has supplied an ROI which indicates a below average rate of return on the investment.
Impediments to conventionally financing project.	Funding has already been secured for this project.
Transit Oriented Development	The facility is on the 25B Delaware bus route.

January 27, 2021

Return on Investment – 72 East Niagara Street, LLC

Regional Return on Investment (ROI) numbers vary depending on the interest rate environment, investor availability and risk associated with a project.

The National Development Council, which has experience financing projects in higher risk urban areas across the Northeast, uses 10% - 12% as a benchmark rate of return for urban high-risk projects.

Empire State Development financing officials when reviewing similar projects in the City of Buffalo have used 12% as an acceptable ROI for development projects.

Adaptive Reuse Projects

Many Adaptive Reuse Projects are hampered by upfront development costs that are not typical in new build green field development projects. These upfront costs can hinder the ability of the projects to attract financing and provide cash flow. The upfront costs associated with site contamination, asbestos removal, code compliance, structural deficiencies can make Adaptive Reuse projects difficult to undertake and attract private investment and financing, particularly in real estate markets where rental values are relatively low. Historically real estate projects in the region are difficult to undertake, local real estate developers have indicated that the typical ROI investors and developers seek to achieve in mixed use development projects are in the 10% - 12% range, although they can run higher for projects with significant risk.

Public Incentives Requested

- ECIDA Real Property Tax Abatement in an approximate value of \$146,000

ROI

72 East Niagara Street, LLC has submitted a proforma documenting the expenses and revenues and ROI for the project.

Stated ROI for the project with ECIDA assistance is 2.4%

Stated ROI for the project without ECIDA assistance is 1.9%

72 E. Niagara Street, LLC
550 Seneca Street – Suite 100
Buffalo, New York 14204

November 23, 2020

John Cappellino
President & CEO
ECIDA
95 Perry Street- Suite 403
Buffalo, New York 14203

Re: 72 E. Niagara Street
City of Tonawanda, NY

Dear Mr. Cappellino:

Please allow this letter to serve as our official request for consideration of a PILOT through the ECIDA. Our proposed development is located at 72 East Niagara Street, City of Tonawanda NY.

This building formerly served as a school and has been vacant for over (10) years. For the past few years, approximately 4,000 sq. ft. was used temporarily by a small church group. Note: all of the former school's classrooms have not been renovated for well over 10 years.

Through 72 E. Niagara Street, LLC, I serve as the Managing Partner and we have secured our financing through a relatively new program sponsored by the NYS Department of Housing & Community Renewal "HCR" known as the *Small Building Participation Loan Program* and is administered on behalf of HCR, through the Community Preservation Corporation "CPC". Based upon the guidelines of the program, I have agreed to rent the residential units at an affordable 80% AMI or below for (30) years. The 25,000 +/- sq. ft. building will include an office tenant for 5,000 sq. ft. and (14) residential apartments.

I have worked very closely with Mayor Rick Davis, Administrative Assistant to the Mayor- Chuck Gilbert, the entire City of Tonawanda Common Council and the surrounding neighbors for the proposed development. All are in full support and looking forward to a positive transformation of this vacant structure.

The total development cost is \$2,900,000 (including a purchase price of \$375,000 and hard construction cost of \$2,093,113). To date, we have contracted with the following:

- Demolition/abatement: Empire Building Diagnostics
- Electrical: Deltex Electric
- Plumbing: PCS Plumbing
- HVAC: Allied Mechanical
- Cabinets: GHI
- Painting: Dodge Painting

In the spirit of seeing this development move forward, Mayor Davis' Administration and the Elected Officials adopted a 485a. This incentive was critical, knowing the City of Tonawanda tax burden would not allow for such a project to be feasible without a tax incentive.

We were all led to believe that the proposed 485a would be a standard typical 485a. Recently we were informed that the School Board has decided to NOT participate with the 485a. This was a shock and caused a major setback for the development. Based upon my discussions with the Mayor, Council President and the City Assessors; it was agreed that I should contact the ECIDA for consideration of a PILOT.

Note: due in part to our assumption of a successful 485a and knowing the building has severe environmental issues with asbestos, roof leaks and overall disrepair; we needed to stabilize the building with proper asbestos remediation. To date, approximately 25% of the building was remediated. Ongoing construction presently consist of rough MEP's, framing and demolition.

I am offering that through the IDA PILOT, that I will forego any sales tax abatement for this project.

In closing, our development is removing slum and blight that is an eyesore to the community and surrounding neighborhood. We will remove all hazardous material at this site and once completed, we will be contributing a viable building back to the community.

I may be reached at (716) 785-9235 or via email davidp@cssconstruction.biz

Sincerely,



David E. Pawlik
Managing Partner

Cc: Mayor Rick Davis
City of Tonawanda



CITY OF TONAWANDA, NEW YORK

OFFICE OF THE MAYOR

200 Niagara Street Tonawanda, New York 14150 – 1099
Phone: (716) 695 – 8645 Fax: (716) 695 – 8314
E-mail: mayor@tonawandacity.com

RICK DAVIS
Mayor

CHUCK GILBERT
Administrative Assistant
CAITLIN RECH
Executive Secretary

November 18, 2020

John Cappellino
President & CEO
ECIDA
95 Perry Street – Suite 403
Buffalo, NY 14203

Re: 72 E. Niagara Street
City of Tonawanda, NY

Dear Mr. Cappellino:

On behalf of the City of Tonawanda I would like to extend my full support of Mr. Pawlik's re-development efforts of the former school located at 72 E. Niagara Street. It is my understanding that the project will create (14) apartments and (one) office space. This building has been grossly underutilized and an eyesore for years; however, once completed, it will be a viable property in the City of Tonawanda.

In our efforts to assist with the success of the project, the City of Tonawanda established a 485a. We have recently been made aware that unfortunately, the School Board has opted out of participating with this incentive. This is a major setback and is unfortunate since all along it was our intention to have a standard 485a.

At this time, I would encourage the ECIDA Board to consider favoring a PILOT for the resurgence of the 72 E. Niagara building.

Sincerely,

Mayor Rick Davis



CITY OF TONAWANDA, NEW YORK
OFFICE OF THE MAYOR

200 Niagara Street Tonawanda, New York 14150 – 1099
Phone: (716) 695 – 8645 Fax: (716) 695 – 8314
E-mail: mayor@tonawandacity.com

RICK DAVIS
Mayor

CHUCK GILBERT
Administrative Assistant
CAITLIN RECH
Executive Secretary

January 14, 2021

Karen Fiala
Vice President, ECIDA
95 Perry St, Suite 403
Buffalo, NY 14203

RE: 72 East Niagara St.

Dear Vice President Fiala,

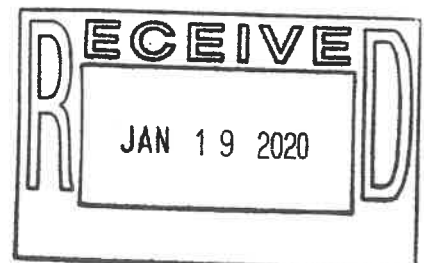
I have received the correspondence from ECIDA dated December 15, 2020 for the adapted reuse application of Mr. David Pawlik. After reviewing his application, the City agrees with Mr. Pawlik's request for adapted reuse of 72 East Niagara St.

The property sits in a depressed area of the City and in a designated low-mod CDBG zone. After years of sitting vacant, the City sees Mr. Pawlik's project as a potential catalyst for the "Gastown" area as well as a smart reuse of a former school/church.

If anyone has any questions or comments, please do not hesitate to reach out to me. Thank you for your time and please stay safe.

Warmest Regards,

Rick Davis
Mayor



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-72 East Niagara Street, LLC

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
\$2,093,113	\$655,000	\$5.33	\$18.55	\$16.31

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	10%	\$354	\$1,234	\$1,085	\$2,673	\$26,726	\$24,054
2	10%	\$354	\$1,234	\$1,085	\$2,673	\$26,726	\$24,054
3	20%	\$709	\$2,467	\$2,169	\$5,345	\$26,726	\$21,381
4	20%	\$709	\$2,467	\$2,169	\$5,345	\$26,726	\$21,381
5	30%	\$1,063	\$3,701	\$3,254	\$8,018	\$26,726	\$18,708
6	30%	\$1,063	\$3,701	\$3,254	\$8,018	\$26,726	\$18,708
7	30%	\$1,063	\$3,701	\$3,254	\$8,018	\$26,726	\$18,708
TOTAL		\$5,317	\$18,504	\$16,269	\$40,090	\$187,084	\$146,995

***** 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 (Tax Credits, Grants, ESD Incentives, etc.)
\$2,836,736	\$146,995	\$0	\$0	\$700,000

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 29.9 %

Cost-Benefit Analysis for 72 East Niagara Street, LLC

Prepared by Erie County IDA using InformAnalytics

Executive Summary

INVESTOR
72 East Niagara Street,
LLC

TOTAL INVESTED
\$2.8 Million

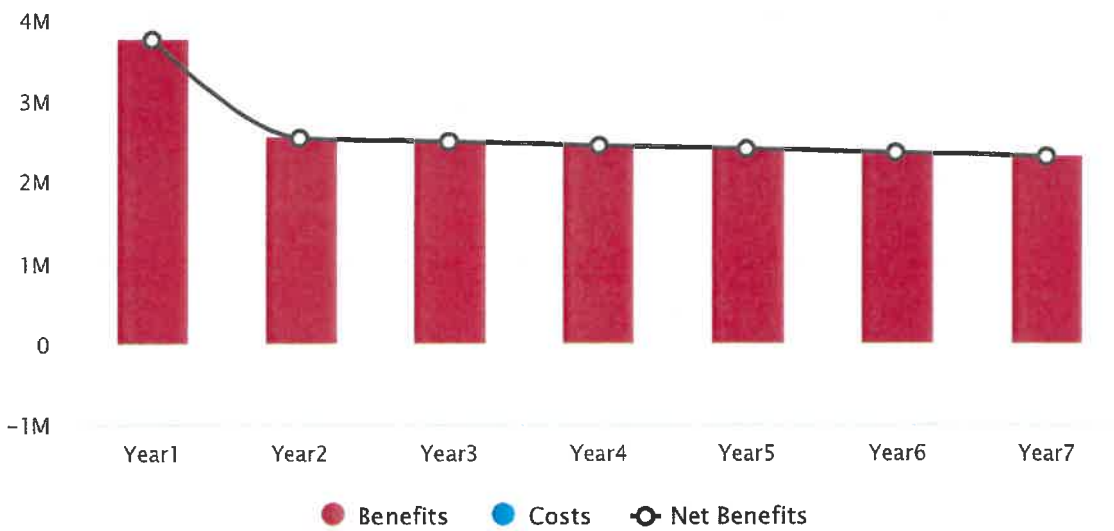
LOCATION
72 East Niagara St,
Tonawanda, NY 14150

TIMELINE
7 Years

F1 FIGURE 1

Discounted* Net Benefits for 72 East Niagara Street, LLC by Year

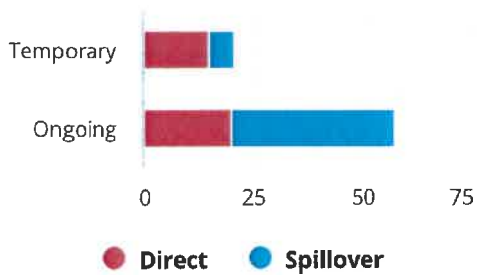
Total Net Benefits: \$18,343,000



Discounted at 2%

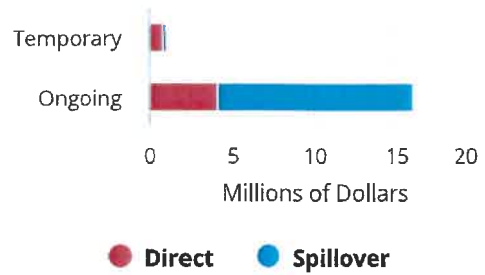
F2 FIGURE 2

Total Jobs



F3 FIGURE 3

Total Payroll



Proposed Investment

72 East Niagara Street, LLC proposes to invest \$2.8 million at 72 East Niagara St, Tonawanda, NY 14150 over 7 years.

TABLE 1

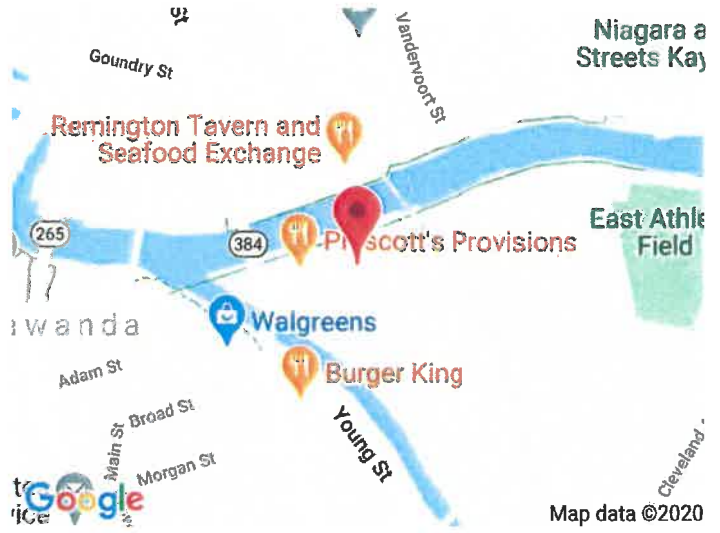
Proposed Investments

Description	Amount
CONSTRUCTION SPENDING	
Construction	\$2,093,000
OTHER SPENDING	
Acquisition	\$375,000
Soft Costs	\$369,000
Total Investments	\$2,837,000
Discounted Total (2%)	\$2,837,000

May not sum to total due to rounding.

FIGURE 4

Location of Investment



Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Erie County IDA. The report calculates the costs and benefits for specified local taxing districts over the first 7 years, with future returns discounted at a 2% rate.

T2 TABLE 2

Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for 72 East Niagara Street, LLC.

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$146,000	\$139,000
Total Costs	\$146,000	\$139,000

May not sum to total due to rounding.

* Discounted at 2%

TABLE 3

State & Regional Impact (Life of Project)

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
REGIONAL BENEFITS	\$5,298,000	\$13,170,000	\$18,468,000
To Private Individuals	\$5,174,000	\$12,959,000	\$18,132,000
Temporary Payroll	\$804,000	\$279,000	\$1,084,000
Ongoing Payroll	\$4,369,000	\$12,679,000	\$17,049,000
To the Public	\$124,000	\$211,000	\$336,000
Property Tax Revenue	\$40,000	N/A	\$40,000
Temporary Sales Tax Revenue	\$13,000	\$5,000	\$18,000
Ongoing Sales Tax Revenue	\$71,000	\$207,000	\$278,000
STATE BENEFITS	\$279,000	\$777,000	\$1,057,000
To the Public	\$279,000	\$777,000	\$1,057,000
Temporary Income Tax Revenue	\$39,000	\$14,000	\$53,000
Ongoing Income Tax Revenue	\$167,000	\$581,000	\$748,000
Temporary Sales Tax Revenue	\$11,000	\$4,000	\$15,000
Ongoing Sales Tax Revenue	\$62,000	\$179,000	\$241,000
Total Benefits to State & Region	\$5,577,000	\$13,947,000	\$19,525,000
Discounted Total Benefits (2%)	\$5,311,000	\$13,170,000	\$18,482,000

May not sum to total due to rounding.

T4 TABLE 4

Benefit to Cost Ratio

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$17,481,000	\$139,000	126:1
State	\$1,000,000	\$0	N/A
Grand Total	\$18,482,000	\$139,000	133:1

May not sum to total due to rounding.

* Discounted at 2%

CGR has exercised reasonable professional care and diligence in the the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.

VIRTUAL PUBLIC HEARING SCRIPT

**72 E. Niagara Street, 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 December 30, 2020 at 11:30 a.m.
via Virtual Conference Software

ATTENDANCE:

David Pawlik – CCS Construction
Karen Fiala – ECIDA
Carrie Hocieniec – ECIDA
Brian Krygier – ECIDA

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

Hearing Officer: Welcome. This public hearing is now open; it is 11:30 a.m. My name is Grant Lesswing. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this virtual public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at www.ecidany.com. Pre-registration for anyone wishing to speak at today's public hearing was required through our website. Today I am joined by Brian Krygier, ECIDA Systems Analyst who will be the Hearing Moderator and he will be managing the public comment portion of this hearing.

2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the 72 E. Niagara Street, 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 Friday, December 18, 2020.

3. PROJECT SUMMARY: Description of Project and Contemplated Agency Benefits.

Hearing Officer: The proposed project (the "Project") consists of: (i) 1.03+/- acre parcel of land located at 72 East Niagara Street, City of Tonawanda, Erie County New York (the "Land") together with an existing 26,000+/- SF of a former vacant school building (the "Existing Improvements"); (ii) the renovation, upgrading and equipping of the Existing Improvements thereon to consist of 26,000+/- SF of 14 affordable residential units: Nine (9) one-bedroom and Five (5) two-bedroom apartments to be rented below 80% of the average median income ("AMI") and will include approximately 4,000 sq. ft. of commercial space (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, the Existing Improvements and the Improvements, the “Facility”), all to be used by the Company. The Facility will be initially operated and/or managed by the Company.

The proposed financial assistance contemplated by the Agency includes 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 who have joined this conference call were required to pre-register through our website (www.ecidany.com). Everyone who has pre-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, please submit it on the Agency’s website or mail to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on January 26, 2021. There are no limitations on written statements or comments.

5. PUBLIC COMMENT: Hearing Officer gives the Public an opportunity to speak.

Hearing Officer: Those interested in making a statement or comment will be called upon by Brian in the order that they registered for this meeting. Please begin by stating 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.

The Hearing Moderator introduces each participant in the order they registered for this meeting.

David Pawlik – This proposed development of this dilapidated and distressed building at the time of our purchase allowed us to create the 14 affordable housing units and 4,000 sq. ft. of office space. Our company has extreme experience in dealing with former school and church renovations to do exactly what we are attempting on doing at 72 East Niagara. We are looking at moving this project forward and having it complete in the spring of 2021.

6. ADJOURNMENT:

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 11:34 a.m.

**SIGN IN SHEET
VIRTUAL PUBLIC HEARING**

Public Hearing to be held on December 30, 2020 at 11:30 a.m.
via Virtual Conference Software

**72 E. Niagara Street, LLC and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 72 East Niagara Street, City of Tonawanda, New York 14150

Name	Company and/or Address	X box to speak/ comment
David Pawlik	CCS Construction 500 Seneca Street Buffalo, New York 14204	X
Karen Fiala	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Carrie Hocieniec	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**72 E. NIAGARA STREET, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S),
SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS
BEHALF**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, January 27, 2021 at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF 72 E. NIAGARA STREET, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE “COMPANY”) IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (iv) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the “Act”), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the “Agency”) was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

WHEREAS, the Company has submitted an application to the Agency (the “Application”) requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (i) 1.03+/- acre parcel of land located at 72 East Niagara Street, City of Tonawanda, Erie County New York (the “Land”) together with an existing 26,000+/- SF of a former vacant school building (the “Existing Improvements”); (ii) the renovation, upgrading and equipping of the Existing Improvements thereon to consist of 26,000+/- SF of 14 affordable residential units: Nine (9) one-bedroom and Five (5) two-bedroom apartments to be rented below 80% of the average median income (“AMI”) and will include approximately 4,000 sq. ft. of commercial space (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, the Existing Improvements and the Improvements, the “Facility”), all to be used by the Company. The Facility will be initially operated and/or managed by the Company; and

WHEREAS, pursuant to General Municipal Law Section 859-a, and pursuant to Governor Cuomo’s Executive Order 202.15 issued on April 9, 2020, and as amended from time to time, authorizing the conduct of public hearings through the use of telephone conference, video conference and/or other similar service, the Agency, on December 30, 2020, at 11:30 a.m., held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the “Public Hearing”) via live stream web broadcast at www.ecidany.com/streaming, at which the Agency provided interested parties a reasonable opportunity to provide oral comments and/or their views on the Project, and further instructed interested parties on the process to submit written comments with respect to the Project; and

WHEREAS, it is contemplated that the Agency will (i) negotiate and enter into a lease agreement (the “Lease Agreement”) and related leaseback agreement (the “Leaseback Agreement”) with the Company, pursuant to which the Agency will retain a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Facility; and (ii) provide Financial Assistance to the Company in the form of a partial abatement from real property taxes benefit through a seven (7) year term PILOT Agreement for the benefit of each municipality and school district having taxing jurisdiction over the Project (the “Financial Assistance”); and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company’s application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency Policy Committee review and recommendations of the Project and its January 7, 2021 resolution to approve the project subject to the terms and conditions as described herein, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Erie County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required in the Countywide Industrial Development Agency Uniform Tax Exemption Policy; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions the Act; and

(I) AMD Environmental (the "Tenant") will occupy a portion of the Facility. The Agency hereby approves the subleasing of space in the Project to the Tenant and authorizes the Company to proceed with the Project as herein authorized; and

(J) The Project involves a "Type II action" as said term is defined in the New York State Environmental Quality Review Act ("SEQR") and, therefore, no further action is required under SEQR; and

(K) The Project is compliant with the Countywide IDA Eligibility Policy, constitutes a commercial facility as defined in the General Municipal Law and will promote employment opportunities and prevent economic deterioration in the City of Tonawanda. The Agency has reviewed the opinion of the State Comptroller (OSC Op. 85-51) and hereby specifically finds that the Project will create temporary construction jobs and retain and create approximately 19 full-time jobs and, by adaptively reusing a vacant, declining and aged structure and rehabilitating

it for residential and commercial use, there will be a physical and economic improvement to this sensitive area of the City of Tonawanda; and

(L) The Project qualifies for Agency Financial Assistance as it is compliant with the Agency's Adaptive Reuse Project Policy and meets the Agency's evaluative criteria for adaptive reuse projects, said criteria established by the Agency as required under General Municipal Law Section 859-a(5) as evidenced by the following:

- (i) the building is approximately 60 years old and functional issues related to its age present challenges to its reuse;
- (ii) the building has been vacant for 10 years;
- (iii) the building is not generating any rental income;
- (iv) the Project is in compliance with the investment and growth criteria of the Framework for Regional Growth;
- (v) the Applicant has demonstrated evidence of financial obstacles and impediments to conventionally financing the project without otherwise obtaining Agency or other public assistance;
- (vi) the Project has received the support of local governmental entities;
- (vii) the structure requires significant costs to comply with building codes;
- (viii) the Facility is on an existing bus route thus meeting transit oriented development criteria;
- (ix) the Project's stated return on investment is below what investors and developers seek to achieve for such investments in urban high-risk areas; and
- (x) asbestos issues present a public safety hazard related to rehabilitation and redevelopment of the Project; and
- (xi) the Project's contractor utilization plan includes MBE at 22%, WBE at 16% and SDVOB at 6%.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby authorizes and approves that the real property tax abatement benefits ("PILOT benefits") to be provided over the term of the PILOT Agreement are estimated to be approximately \$146,995, resulting in estimated total PILOT payments of \$40,090 over the term of the PILOT Agreement.

B. Terms and Conditions of Financial Assistance. Pursuant to the policies of the Agency, the Agency may recover or recapture from the Company any partial abatements from real property taxes benefits taken or purported to be taken by the Company for the benefit of the Project, if it is determined that: (i) the Company has made a material false statement on its application for Financial Assistance; (ii) the partial abatement from real property taxes benefits

are taken in cases where the fails to comply with the Investment Commitment, the Employment Commitment, and/or the Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (iii) the partial abatement from real property taxes benefits are taken in cases where the Company fails to comply with the Equal Pay Commitment and/or the Unpaid Real Property Tax Policy Commitment, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the hereby covenants to cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

(C) Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$2,411,225 (which represents the product of 85% multiplied by \$2,836,736, being the total Project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 17 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
 - the number of current FTE employees in the then current year at the Facility: and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 19 FTE employees [representing the sum of (x) 17 Baseline FTE and (y) 2 FTE employees, being the product of 85% multiplied by 3 (being the 3 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.

- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency’s Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency’s Unpaid Real Property Tax Policy.

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver (A) an Agent Agreement, (B) the Lease Agreement whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement whereby the Agency leases the Project back to the Company, and (D) the PILOT Agreement and (E) related documents; provided, however, that (i) the rental payments under the Leaseback Agreement to the Company include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency’s Uniform Tax Exemption Policy, or procedures for deviation have been complied with accordingly.

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the “Lender”) up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the “Agency Documents”); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency’s interest in the Project.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency's Administrative Fee Agreement (the "Fee Agreement") and payment by the Company of an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

Section 8. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer.

Dated: January 27, 2021



east niagara

[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	72 E. Niagara
Project Summary	renovation of a former vacant school into 14 affordable residential units- to be rented at 80% AMI along with (one) office space
Applicant Name	72 E. Niagara Street, LLC
Applicant Address	550 Seneca Street Suite 100
Applicant Address 2	
Applicant City	Buffalo
Applicant State	New York
Applicant Zip	14204
Phone	(716) 785-9235
Fax	(716) 882-1227
E-mail	davidp@cssconstruction.biz
Website	www.csssite.com
NAICS Code	532412

Business Organization

Type of Business	Limited Liability Company
Year Established	2019
State in which Organization is established	New York

Individual Completing Application

Name	David Pawlik
Title	Managing Partner
Address	550 Seneca Street
Address 2	Suite 100
City	Buffalo
State	New York
Zip	14204
Phone	(716) 882-1226

Fax (716) 882-1227
E-Mail davidp@cssconstruction.biz

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 Attea
Firm Name Attea & Attea
Address 11 W. Main Street
Address 2
City Hamburg
State New York
Zip 14075
Phone (716) 649-4623
Fax (716) 649-2951
E-Mail battea@attealaw.com

Benefits Requested (select all that apply).

Exemption from Sales Tax	No
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.

Creative Structure Services Inc. (CSS) is the principal company for 72 East Niagara Street, LLC. the ownership group for the LLC is comprised of David Pawlik 33.33%, Russell D. Kyte 33.33% and Anthony DeMigilo 33.33% CSS was founded in 2008 and is a full service general contractor, developer and property manager with over \$100 million of experience. CSS has significant past experience of both renovation and new construction of residential and commercial projects. It is these past successful projects that will allow 72 East Niagara to be a significant contribution to the city of Tonawanda. In addition, CSS has successfully completed the following similar types of developments located at 700 Parkside Ave (former church and school) transformed into 12 apartments and 5,000 square feet of office space; 786 Kenmore Ave (former church and school) which created 13 residential units and one commercial space; and 1659 Amherst Street (former church/library) which was developed into 5 apartments and one office space.

Estimated % of sales within Erie County	60 %
Estimated % of sales outside Erie County but within New York State	40 %
Estimated % of sales outside New York State but within the U.S.	0 %
Estimated % of sales outside the U.S.	0 %

(*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

Allied Mechanical Deltex Electric B&L Wholesale J&R Specialties Burke Homes 84 Lumber PSI Plumbing BGI

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

72 E. Niagara Street

Town/City/Village of Project Site

City of Tonawanda, New York 15150

School District of Project Site

Tonawanda School District

Current Address (if different)

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

SBL Number(s) for proposed Project

39.38-211.1

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

\$-0-

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

Land

\$ 35,000.00

Building(s)

\$ 350,000.00

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 former school has been vacant for several years and when our partnership decided to purchase the building there 2nd floor that had significant roof damage and water and "bird" were found both in the second and a portion of the first floor. There was asbestos on the floor and portions of the ceiling. When we purchased the building it was apparent that for years the building was left vacant with debris inside the building. The structure is approximately 26,000 sq. ft.

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)

The renovation will include the construction of 14 affordable residential units - 9 one-bedroom and 5 two-bedroom all to be rented out at or below 80% of the average median income ("AMI"). The entire facility is 26,000 sq. ft. and will include approximately 4,000 sq. ft. of commercial space. The commercial space will be leased by AMD Environmental which is owned by one of the members of the LLC. They will be relocating out of 3,000 sq. ft. of leased space in the City of Buffalo. The existing building has been vacant for years and left abandoned with significant roof damage that had water entering the building. We have strong support for the project as evidenced by the support letter provided by Mayor Rick Davis.

Municipality or Municipalities of current operations

City of Tonawanda, NY

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?

Yes

(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:

N/A

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

In its efforts to assist with adaptive reuse projects which is key to revitalizing and stabilizing communities, the City of Tonawanda opted into the 485-a real estate exemption program. It was thought too that the school district would also opt in but to date that has not occurred. ECIDA incentives are critical since the tax burden in the City of Tonawanda would not allow for such a project to be feasible without them.

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?

Without the assistance of the ECIDA - PILOT request will provide extreme hardship to the applicant and the overall development project.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

Is your project located near public transportation?

Yes

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

yes the NFTA bus route 25 B Delaware

Has a project related site plan approval application been submitted to the appropriate planning department?

Yes

If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.

If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.

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

Yes

Describe the present zoning/land use

Property is Zoned C-2 (Central Retail District).

Describe required zoning/land use, if different

current zoning is applicable for the renovation into office & residential apartments

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

N/A

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

No

If yes, please explain

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

Yes

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

No

If yes, describe the efficiencies achieved

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 Yes

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** **Yes Mixed Use** **No Multi-Tenant**
- No Retail** **No Senior Housing** **No Manufacturing**

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	square feet	\$	0	0%
Warehouse	square feet	\$	0	0%
Research & Development	square feet	\$	0	0%
Commercial	square feet	\$	0	0%
Retail	square feet	\$	0	0%
Office	4,000 square feet	\$	313,966	15%
Specify Other	22,000 square feet	\$	1,779,146	85%

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 No

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

8/1/2020

End date : Estimated completion date of project

5/15/2021

Project occupancy : estimated starting date of occupancy

6/15/2021

Project Information

Estimated costs in connection with Project

Land and/or Building Acquisition

\$ 375,000 26,000 square feet 1 acres

New Building Construction

\$ 0 square feet

New Building addition(s)

\$ 0 square feet

Reconstruction/Renovation

\$ 2,093,113 22,000 square feet

Manufacturing Equipment

\$ 0

Infrastructure Work

\$ 0

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

\$ 0

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

\$ 180,828

Other Cost

\$ 187,795

Explain Other Costs

Total Cost 2,836,736

Construction Cost Breakdown:

Total Cost of Construction	\$ 0 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 1,000,000.00
% sourced in Erie County	60%

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	\$ 0
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 0

** 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: \$500,000

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 608,757
Bank Financing:	\$ 2,375,000
Tax Exempt Bond Issuance (if applicable):	\$ 0
Taxable Bond Issuance (if applicable):	\$ 0
Public Sources (Include sum total of all state and federal grants and tax credits):	\$ 0
Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)	0
Total Sources of Funds for Project Costs:	\$2,983,757
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).	0
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.

ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company’s internal practices that promote MBE/WBE hiring and utilization

Applicant has attached the approved HCR M/WBE Utilization Plan that indicates our proposed M/WBE subcontractors & vendors for the project

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).

You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return. The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

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	17	17	3	0
Part time	0	0	0	0
Total	17	17	3	

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	4	\$ 50,000	\$ 10,000	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	\$ 0	\$ 0
Administrative	0	\$ 0	\$ 0	\$ 0	\$ 0
Production	0	\$ 0	\$ 0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	16	\$ 40,000	\$ 0	\$ 0	\$ 0

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

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

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

Payroll Information

Annual Payroll at Proposed Project Site upon completion

880,000

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

40,000

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

0

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

40,000

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

0

Estimated salary range of jobs to be created

From (Full Time)	40,000	To (Full Time)	40,000
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

72 E. Niagara Street, City of Tonawanda, NY

Name and Address of Owner of Premises

72 E. Niagara Street, LLC David Pawlik- Managing Partner 550 Seneca Street- Suite 100 Buffalo, NY 14204

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

The subject property is located on the Tonawanda East Topographic Map which is located in a urban area along East Niagara Street between East and Long Avenues with an elevation of approximately 570' above sea level. located near the Niagara Canal.

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 main building was erected in 1958 which is a masonry /brick structure built as a school. the renovation will consist of creating (one) office and (14) affordable residential buildings.

Describe all known former uses of the Premises

School

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

No

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

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

No

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

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

No

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

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

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

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

No

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

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

No

If yes, please provide copies of the permits.

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

N/A

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

N/A

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

No

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

Discharge Into Waterbodies

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

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

N/A

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

N/A

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?

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

There will be (one) 4,000 sq. ft. commercial office tenant and (14) affordable residential units

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, zip)	# of sq ft and % of total to be occupied at new project site	SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.
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*fill out table for each tenant and known future tenants

Section V: Tenant Information

PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)

Tenant Name

AMD Environmental

Property Address:

712 Main Street- Suite L1

City/Town/Village

Buffalo

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)

4,000

What percentage of the building does this represent?

15

Are terms of lease:

NET

If GROSS lease, please explain how Agency benefits are passed to the tenant

Estimated date of occupancy

3/15/2021

PART 2 TO BE COMPLETED BY PROPOSED TENANT

Company Name:

AMD Environmental

Local Contact Person:

Anthony DeMiglio

Title:

President

Current Address:

712 Main Street- Suite L1

Phone:

(716) 201-2772

Fax:

E-Mail:

anthony@amdenv.com

Website:

Company President/General Manager:

Anthony DeMiglio

Number of employees moving to new project location:

Full-Time:

17

Part-Time:

0

Total:

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:

NAICS Code 5416- AMD Environmental is a full service environmental company that services both residential and commercial clients in WNY.

Attach additional information as necessary.

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

company started approx 25 years ago with only one owner Anthony DeMigilio

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

4,000

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

3,000

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

currently the tenant is in 3,000 sq. ft. the new space will be 4,000 sq. ft. with expansion to 5,500 sq. ft.

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?

No the tenant is currently a tenant '

If leased, when does lease expire?

12/1/2020

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?

N/A

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.

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?

Yes

What is the age of the structure (in years)? 70

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)

Yes

If vacant, number of years vacant.

3

If underutilized, number of years underutilized.

5

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

THE VACANT STRUCTURE HAD ASBESTOS AND LEAD IN THE BUILDING. THE HEAT WAS TURNED OFF AND THERE WAS SIGNIFICANT ROOF DAMAGE.

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	9	630 - 840	\$895 - \$1,000
2 Bedroom	5	1,020 - 1,040	\$1,095 - \$1,200
3 Bedroom	-	-	\$ - \$
Other	-	-	\$ - \$

Does the site have historical significance?

No

If yes, please indicate historical designation

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)

Since this development is primarily an affordable residential housing project creating (14) units at 80% of the AMI along with (one) commercial office tenant. The City of Tonawanda property tax structure does not allow for the project to be feasible. Without the ECIDA PILOT the project would not be doabale nor affordable,

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

Included within our ECIDA submission is a support letter from the Mayor of the City of Tonawanda

Indicate other factors that you would like the Agency to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, structure presents significant costs associated with building code compliance

since the building has been vacant for the several years, the building has significant water damage due to the roof damage and asbestos and lead bring a former school.

Indicate census tract of project location

172

Indicate how project will eliminate slum and blight

the derlict building being left vacant with the heat turned off and rood damaged. Once renovated will properly remove any blight that has occured to the building and surrounding neighborhood.

If project will be constructed to LEED standards indicate renewable resources utilized

N/A

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

712 Main Street- Suite L1

City/Town

Buffalo

State

New York

Zip Code

14202

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?

Yes

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:

the tenant is currently in office space and not a plant or facility. a decision of the tenant was to be be involved in owning the building in which they were to relocate into, at 72 E. Niagara the tenant will be 33.33% owner of the LLC. Also, they are in 3,000 sq. ft. and they required future growth. The new space will allow them to expand into 5, 550 sq. ft.. A major factor was in their current space within the City of Buffalo the tenant was paying \$500 a month for parking that since has increased to \$1,600 a month. Making their current office space to be excessive to pay for parking and rent.

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

Within New York State

Yes

Within Erie County

Yes

If Yes to either question, please, explain

A major factor was in their current space within the City of Buffalo the tenant was paying \$500 a month for parking that since has increased to \$1,600 a month. Making their current office space to be excessive to pay for parking and rent. no room to expand their current operation.

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

Yes

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.)

A major factor was in their current space within the City of Buffalo the tenant was paying \$500 a month for parking that since has increased to \$1,600 a month. Making their current office space to be excessive to pay for parking and rent. no room to expand their current operation. The lack to expand and increasing parking expenses were major factors to relocate.

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.)

The commercial tenants is in 3,000 sq. ft. and has immediate needs to move to 4,000 sq. ft. but with room to expand to 5,500 sq. ft. this will allow for future employment expansion. New location has ample off street parking and close proximity to highways and expressway.

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?

workforce, employees housing and access to roadways for travel to their clients.

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

The tenant was informed that their current Land Lord that renting their space would not be an issue.

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.

12 Agassiz & 1275 Delaware

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

Calspan Corporation
\$13,500,000
INDUCEMENT RESOLUTION

ELIGIBILITY	Project Title: Calspan Corporation																
<ul style="list-style-type: none"> • NAICS Section - 541715 	Project Address: 40 Sonwil Drive Cheektowaga, New York 14225 (Lancaster Central School District)																
COMPANY INCENTIVES	Agency Request																
<ul style="list-style-type: none"> • Approximately \$437,500 in sales tax savings • Approximately \$64,000 in real property tax savings • Up to 3/4 of 1% of the final mortgage amount estimated at \$97,500 	A sales tax, mortgage recording tax and real property tax exemption in connection with the acquisition and renovation of a 65,000 sq. ft. facility																
EMPLOYMENT	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Acquisition</td> <td style="text-align: right;">\$3,250,000</td> </tr> <tr> <td>Renovation</td> <td style="text-align: right;">\$2,000,000</td> </tr> <tr> <td>Infrastructure</td> <td style="text-align: right;">\$ 1,000,000</td> </tr> <tr> <td>Manufacturing Equipment</td> <td style="text-align: right;">\$ 4,000,000</td> </tr> <tr> <td>Non-Manufacturing Equipment</td> <td style="text-align: right;">\$ 3,000,000</td> </tr> <tr> <td>Soft Costs</td> <td style="text-align: right;">\$ 250,000</td> </tr> <tr> <td>Total Project Cost</td> <td style="text-align: right;">\$13,500,000</td> </tr> <tr> <td> 85%</td> <td style="text-align: right;"> \$11,475,000</td> </tr> </table>	Acquisition	\$3,250,000	Renovation	\$2,000,000	Infrastructure	\$ 1,000,000	Manufacturing Equipment	\$ 4,000,000	Non-Manufacturing Equipment	\$ 3,000,000	Soft Costs	\$ 250,000	Total Project Cost	\$13,500,000	 85%	 \$11,475,000
Acquisition	\$3,250,000																
Renovation	\$2,000,000																
Infrastructure	\$ 1,000,000																
Manufacturing Equipment	\$ 4,000,000																
Non-Manufacturing Equipment	\$ 3,000,000																
Soft Costs	\$ 250,000																
Total Project Cost	\$13,500,000																
 85%	 \$11,475,000																
<ul style="list-style-type: none"> • Retained Jobs = FT =143 PT =3 • Projected New Jobs = 20 • Annual payroll: \$10,725,933 • Estimated salary of jobs to be created: \$70,000 • Estimated salary of jobs to be retained: \$74,000 	Company Description																
PROJECT HISTORY	Calspan is the innovative leader in simulation, testing, training, and technology services which improves safety for the aerospace and transportation communities. Beginning with initial investigations into occupant behavior which gave rise to the crash test dummy to the pioneering work in safety restraints which led to the seatbelt, Calspan has constructed significant transportation safety advances throughout its more than sixty-year history. Calspan provides testing and engineering services to major domestic and international companies that are looking to improve their products. They estimate 70% of sales are to companies located outside New York State and 25% in international sales.																
<ul style="list-style-type: none"> • 12/30/2020 - Public hearing held. • No SEQRA review required • 01/27/2021 - Lease/Leaseback Inducement Resolution presented to the Board of Directors 	Project Description																
COMPANY HISTORY	With the emergence of new autonomous vehicle technologies and the electrification of vehicles, safety testing is essential. The project consists of the acquisition of a 65,000 sq. ft. existing facility which will house two highly precise and powerful test stands.																
<ul style="list-style-type: none"> • 2011 - \$2,000,000 Tax Incentive Project Approved. • 2013 - \$10,000,000 Tax Incentive Project Approved. • 2016 - \$7,070,000 Tax Incentive Project Approved. 	These test stands will be utilized to evaluate automotive restraints, seating and interior equipment according to domestic and international safety standards. The Calspan-offered testing services will support the needs of the U.S. Department of Transportation, all global automakers and their suppliers. The customer base include such names as the National Transportation Safety Board, as well as major car manufacturers.																

New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue Over 10-year abatement period	Additional Local Revenue Over 10-Year PILOT Period	New Yearly Taxes Upon Expiration of Abatement Period
\$68,000	\$250,000	\$3,000	\$14,000	\$8,100
Combined Tax Rate: \$32.51				

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 = \$13,500,000 85% = \$11,475,000
Employment	Coincides with 10-year PILOT	Maintain base = 144 FTE Create 85% of Projected Projected = 20 85% = 17 Recapture Employment = 161
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
Recapture Period	Coincides with 10-year PILOT	Recapture of Mortgage recording tax, state and local sales taxes and real property tax

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 144 FTE and created 20 FTE jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

ADDENDUM TO PROJECT LOG
 CALSPAN CORPORATION - 2021

Evaluative Criteria	Notes
Wage Rate (above median wage for area)	Erie County median worker income: \$33,350 Company estimated average salary of jobs to be retained: \$70,000 Company estimated average salary of jobs to be created: \$74,000
Regional Wealth Creation (% sales/customers outside area)	Sales: Outside Erie County and within NYS: 4% Outside NYS: 70% Outside U.S.: 25%
In Region Purchases (% of overall purchases)	Approximately 30% of annual supplies and vendor services are within Erie County
Research & Development Activities	100% of the company's activities involve R&D
Investment in Energy Efficiency	The renovated facility and the equipment in it will provide energy efficiency in every possible instance from lighting, HVAC, and construction materials. Items include LED lighting, energy efficient HVAC, roofing systems with better R value.
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	The land is vacant and zoned for commercial use
LEED/Renewable Resources	NA
Retention/Flight Risk	Vehicle manufacturers and their suppliers have expressed a strong desire for Calspan to relocate testing operations to be closer in proximity to their research and development or production facilities in California, Michigan, North Carolina and Alabama.
MBE/WBE Utilization	Calspan's success is directly tied to the quality of vendors and subcontractors with whom they work. The company continues to search and build upon its network of quality subcontractors/vendors and part of that strategy is to encourage participation of small businesses, disadvantaged, women owned and minority owned companies for all of its projects. Calspan has a track record of engaging M/WBE contractors on past projects such as the new crash test facility where all M/WBE participation requirements related to an Empire State Economic Development Fund capital grant were satisfied. We will strive to engage M/WBE contractors again for this project.
Workforce Access – Proximity to Public Transportation	Facility is on bus route 24

January 27, 2021

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- Calspan Sled Facility – 2021

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
\$3,000,000	\$250,000	\$5.80	\$9.60	\$17.11

*Apply equalization rate to value

PILOT Year	% Payment PILOT	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	10%	\$145	\$240	\$428	\$813	\$8,128	\$7,315
2	10%	\$145	\$240	\$428	\$813	\$8,128	\$7,315
3	10%	\$145	\$240	\$428	\$813	\$8,128	\$7,315
4	20%	\$290	\$480	\$856	\$1,626	\$8,128	\$6,502
5	20%	\$290	\$480	\$856	\$1,626	\$8,128	\$6,502
6	20%	\$290	\$480	\$856	\$1,626	\$8,128	\$6,502
7	30%	\$435	\$720	\$1,283	\$2,438	\$8,128	\$5,689
8	30%	\$435	\$720	\$1,283	\$2,438	\$8,128	\$5,689
9	30%	\$435	\$720	\$1,283	\$2,438	\$8,128	\$5,689
10	30%	\$435	\$720	\$1,283	\$2,438	\$8,128	\$5,689
TOTAL		\$3,045	\$5,040	\$8,983	\$17,068	\$81,275	\$64,207

***** 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 (Tax Credits, Grants, ESD Incentives, etc.)
\$13,500,000	\$64,000	\$437,500	\$97,500	\$0

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 4.4%

Cost-Benefit Analysis for Calspan Corporation

Prepared by Erie County IDA using InformAnalytics

Executive Summary

INVESTOR
Calspan Corporation

TOTAL INVESTED
\$13.5 Million

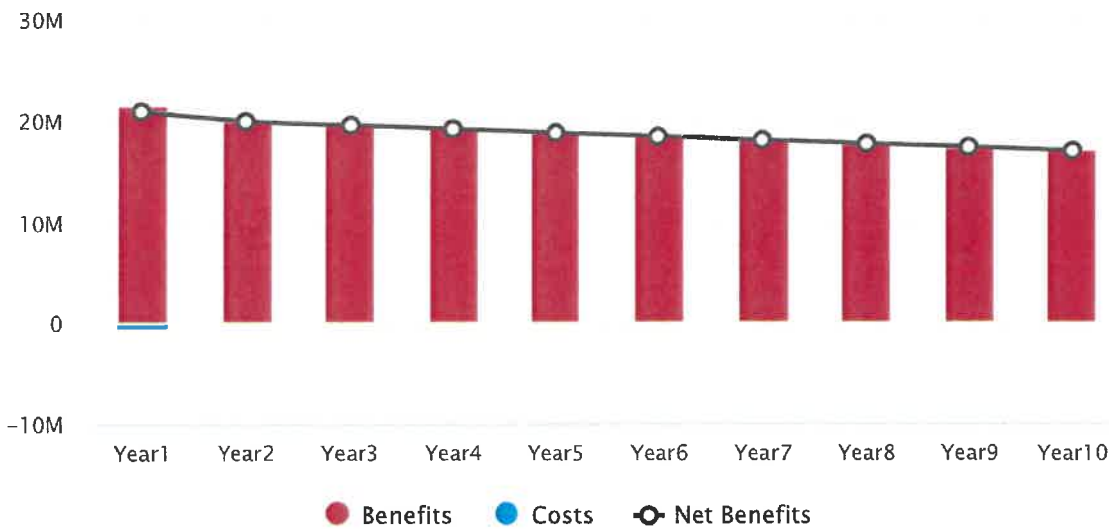
LOCATION
40 Sonwil Drive,
Cheektowaga, NY
14225

TIMELINE
10 Years

F1 FIGURE 1

Discounted* Net Benefits for Calspan Corporation by Year

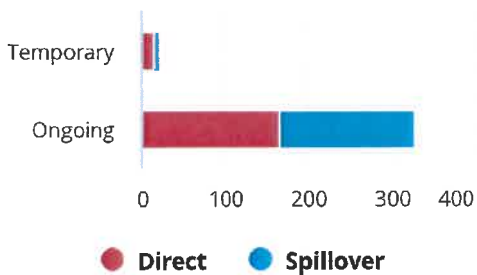
Total Net Benefits: \$186,988,000



Discounted at 2%

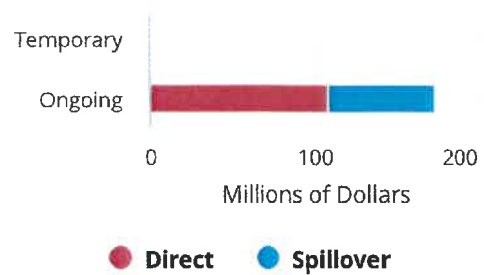
F2 FIGURE 2

Total Jobs



F3 FIGURE 3

Total Payroll



Proposed Investment

Calspan Corporation proposes to invest \$13.5 million at 40 Sonwil Drive, Cheektowaga, NY 14225 over 10 years.

T1 TABLE 1

Proposed Investments

Description	Amount
CONSTRUCTION SPENDING	
Construction	\$2,000,000
OTHER SPENDING	
Acquisition	\$3,250,000
Infrastructure	\$1,000,000
Manufacturing Equipment	\$4,000,000
Non-Manufacturing Equipment	\$3,000,000
Soft Costs	\$250,000
Total Investments	\$13,500,000
Discounted Total (2%)	\$13,500,000

May not sum to total due to rounding.

F4 FIGURE 4

Location of Investment



Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Erie County IDA. The report calculates the costs and benefits for specified local taxing districts over the first 10 years, with future returns discounted at a 2% rate.

T2 TABLE 2

Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for Calspan Corporation.

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$45,000	\$42,000
Sales Tax Exemption	\$436,000	\$436,000
Mortgage Recording Tax Exemption	\$98,000	\$98,000
Total Costs	\$579,000	\$576,000

May not sum to total due to rounding.

* Discounted at 2%

T3 TABLE 3

State & Regional Impact (Life of Project)

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
REGIONAL BENEFITS	\$120,799,000	\$72,150,000	\$192,948,000
To Private Individuals	\$118,849,000	\$70,992,000	\$189,841,000
Temporary Payroll	\$769,000	\$267,000	\$1,035,000
Ongoing Payroll	\$118,080,000	\$70,725,000	\$188,805,000
To the Public	\$1,950,000	\$1,158,000	\$3,107,000
Property Tax Revenue	\$12,000	N/A	\$12,000
Temporary Sales Tax Revenue	\$13,000	\$4,000	\$17,000
Ongoing Sales Tax Revenue	\$1,925,000	\$1,153,000	\$3,078,000
STATE BENEFITS	\$7,707,000	\$3,955,000	\$11,662,000
To the Public	\$7,707,000	\$3,955,000	\$11,662,000
Temporary Income Tax Revenue	\$38,000	\$13,000	\$51,000
Ongoing Income Tax Revenue	\$5,992,000	\$2,940,000	\$8,932,000
Temporary Sales Tax Revenue	\$11,000	\$4,000	\$15,000
Ongoing Sales Tax Revenue	\$1,667,000	\$998,000	\$2,665,000
Total Benefits to State & Region	\$128,505,000	\$76,105,000	\$204,611,000
Discounted Total Benefits (2%)	\$117,810,000	\$69,753,000	\$187,564,000

May not sum to total due to rounding.

TABLE 4

Benefit to Cost Ratio

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$176,873,000	\$341,000	519:1
State	\$10,691,000	\$235,000	46:1
Grand Total	\$187,564,000	\$576,000	326:1

May not sum to total due to rounding.

* Discounted at 2%

CGR has exercised reasonable professional care and diligence in the the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.

VIRTUAL PUBLIC HEARING SCRIPT

**Calspan Corporation, Genesee Holdings III, LLC,
4455 Genesee Street, LLC, Calspan Development and
Construction, 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 December 30, 2020 at 10:00 a.m.
via Virtual Conference Software

ATTENDANCE:

Peter Sauer – Calspan Corporation
Gregory Campbell – Calspan Corporation
Peter Bordonaro – Calspan Corporation
Steve Federico – Calspan Corporation
Karen Fiala - ECIDA
Carrie Hocieniec - ECIDA
Brian Krygier - ECIDA

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

Hearing Officer: Welcome. This public hearing is now open; it is 10:03 a.m. My name is Grant Lesswing. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this virtual public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at www.ecidany.com. Pre-registration for anyone wishing to speak at today's public hearing was required through our website. Today I am joined by Brian Krygier, ECIDA Systems Analyst who will be the Hearing Moderator and he will be managing the public comment portion of this hearing.

☒ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the Calspan Corporation, Genesee Holdings III, LLC, 4455 Genesee Street, LLC, Calspan Development and Construction, 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 Friday, December 18, 2020.

☒ 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 at located at 40 Sonwil Drive, Town of Cheektowaga, Erie County, New York (the "Land) and any existing

improvements located thereon (the "Existing Improvements"), together with the approximately 65,000 +/- square foot building thereon (the "Existing Improvements"), (ii) the renovation of the Existing Improvements to be used by the Company for a sled testing laboratory which would house two highly precise and powerful vehicle test stands (the "Improvements"); and (iii) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land, the Existing Improvements, and the Improvements, the "Facility"), all to be used by the Company. The Facility will be initially operated and/or managed by the Company.

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 who have joined this conference call were required to pre-register through our website (www.ecidany.com). Everyone who has pre-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, please submit it on the Agency's website or mail to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on January 26, 2021. There are no limitations on written statements or comments.

☒ 5. PUBLIC COMMENT: Hearing Officer gives the Public an opportunity to speak.

Hearing Officer: Those interested in making a statement or comment will be called upon by Brian in the order that they registered for this meeting. Please begin by stating 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.

The Hearing Moderator introduces each participant in the order they registered for this meeting.

Peter Sauer - The acquisition and renovation of the building at 40 Sonwil Drive will enable Calspan to expand our testing capability and meet our customers' needs well into the future. The modern facility and equipment will ensure that Calspan's customers choose Calspan over other testing labs for years to come. We are grateful for the enabling support of the Erie County Industrial Development Agency and for the support of the public on this exciting project that will bring cutting-edge technology, new investment and construction, and new and permanent good-paying jobs to Western New York

☒ 6. ADJOURNMENT:

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 10:08 a.m.

**SIGN IN SHEET
VIRTUAL PUBLIC HEARING**

Public Hearing to be held on December 30, 2020 at 10:00 a.m.
via Virtual Conference Software

**Calspan Corporation, Genesee Holdings III, LLC, 4455 Genesee Street, LLC, Calspan
Development and Construction, LLC and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 40 Sonwil Drive, Cheektowaga, New York 14225

Name	Company and/or Address	X box to speak/ comment
Peter Sauer	Calspan Corporation 4455 Genesee Street Cheektowaga, New York 14225	X
Gregory Campbell	Calspan Corporation 4455 Genesee Street Cheektowaga, New York 14225	
Peter Bordonaro	Calspan Corporation 4455 Genesee Street Cheektowaga, New York 14225	
Steve Federico	Calspan Corporation 4455 Genesee Street Cheektowaga, New York 14225	
Karen Fiala	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Carrie Hocieniec	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

CALSPAN CORPORATION, GENESEE HOLDINGS III, LLC, 4455 GENESEE STREET, LLC AND CALSPAN DEVELOPMENT AND CONSTRUCTION, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, January 27, 2021 at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF CALSPAN CORPORATION, GENESEE HOLDINGS III, LLC, 4455 GENESEE STREET, LLC AND CALSPAN DEVELOPMENT AND CONSTRUCTION, LLC AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iv) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

WHEREAS, the Company has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 40 Sonwil Drive, Town of Cheektowaga, Erie County, New York (the "Land) and any existing improvements located thereon (the "Existing Improvements"), together with the approximately 65,000 +/- square foot building thereon (the "Existing Improvements"), (ii) the renovation of the Existing Improvements to be used by the Company for a sled testing laboratory which would house two highly precise and powerful vehicle test stands (the "Improvements"); and (iii) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment" and, together with the Land, the Existing Improvements, and the Improvements, the "Facility"), all to be used by the Company. The Facility will be initially operated and/or managed by the Company; and

WHEREAS, pursuant to General Municipal Law Section 859-a, and pursuant to Governor Cuomo's Executive Order 202.15 issued on April 9, 2020, and as amended from time to time, authorizing the conduct of public hearings through the use of telephone conference, video conference and/or other similar service, the Agency, on December 30, 2020, at 10:00 a.m., held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the "Public Hearing") via live stream web broadcast at www.ecidany.com/streaming, at which the Agency provided interested parties a reasonable opportunity to provide oral comments and/or their views on the Project, and further instructed interested parties on the process to submit written comments with respect to the Project; and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the "Agent Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement") and related leaseback agreement (the "Leaseback Agreement") with the Company, pursuant to which the Agency will retain a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Facility; and (iii) provide Financial Assistance to the Company in the form of (a) an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility, (b) a mortgage recording tax exemption benefit for the financing related to the Project, and (c) a partial abatement from real property taxes benefit through a ten (10) year term PILOT Agreement for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit, the mortgage recording tax exemption benefit, and the partial abatement from real property taxes benefit, are hereinafter collectively referred to as the "Financial Assistance"); and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency Policy Committee review and recommendations of the Project and its January 7, 2021 resolution to approve the project subject to the terms and conditions as described herein, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Erie County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required in the Countywide Industrial Development Agency Uniform Tax Exemption Policy; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions the Act.

(I) Calspan Corporation (the “Tenant”) will occupy the Facility. The Agency hereby approves the subleasing of space in the Project to the Tenant and authorizes the Company to proceed with the Project as herein authorized; and

(J) The Project involves a “Type II action” as said term is defined in SEQR and, therefore, no further action is required under SEQR; and

(K) The Project qualifies for Agency Financial Assistance as it meets the Agency’s evaluative criteria established by the Agency as required under General Municipal Law Section 859-a(5), as evidenced by the following:

(i) Wage Rate (above median wage for area): Company estimated average salary of jobs to be created is above the median wage for the area.

(ii) Regional Wealth Creation (% sales/customers outside area): Sales outside Erie County and within NYS: 4%; sales outside of NYS: 70%, sales outside of the U.S.: 25%

(iii) In Region Purchases (% of overall purchases): In Region Purchases are approximately 30%.

(iv) Research and Development Activities: R&D operating expenses are 100%.

(v) Investment in Energy Efficiency: The Facility and equipment will provide energy efficiency in every possible instance from lighting, HVAC, and construction materials. Items include LED lighting, energy efficient HVAC, roofing systems with better R value.

(vi) Locational Land Use Factors, Brownfields or Locally Designated Development Areas: Site is vacant and zoned for commercial use.

(vii) LEED/Renewable Resources: Not Applicable.

(viii) Retention/Flight Risk: Vehicle manufacturers and their suppliers have expressed a strong desire for the Company to relocate testing operations to be closer in proximity to their research and development or production facilities in California, Michigan, North Carolina and Alabama.

(ix) MBE/WBE Utilization: The Company’s success is directly tied to the quality of vendors and subcontractors with whom they work. The Company continues to search and build upon its network of quality subcontractors/vendors and part of that strategy is to encourage participation of small businesses, disadvantaged, women owned and minority owned companies for all of its projects. The Company has a track record of engaging MBE/WBE contractors on past projects such as the new crash test facility where all MBE and WBE participation requirements related to an NYSESD capital grant were satisfied. The Company strives to engage in MBE and WBE for this Project.

(x) Workforce Access – Proximity to Public Transportation: The Facility is located on bus route 24.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the appointment of the Company as agent of the Agency, if utilized, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, and/or the Assistant Treasurer).

(A) Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$5,000,000, and, therefore, the value of the sales and use tax exemption benefits (“sales and use tax exemption benefits”) authorized and approved by the Agency cannot exceed \$437,500, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the value of the mortgage recording tax exemption benefit (“mortgage recording tax exemption benefits”) shall not exceed \$97,500.00; and

(iii) authorizes and approves that the real property tax abatement benefits (“partial abatements from real property taxes benefits”) to be provided over the term of the PILOT Agreement are estimated to be approximately \$64,207, resulting in estimated total PILOT payments of \$17,068 over the term of the PILOT Agreement.

(B) Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover

or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits, and/or mortgage recording tax exemption benefits, and/or partial abatements from real property taxes benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; (v) the New York State and local sales and use tax exemption benefits and/or mortgage recording tax exemption benefits, and/or the partial abatement from real property taxes benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, the Employment Commitment, and/or the Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the New York State and local sales and use tax exemption benefits, and/or mortgage recording tax exemption benefits, and/or the partial abatement from real property taxes benefits are taken in cases where the Company fails to comply with the Equal Pay Commitment and/or the Unpaid Real Property Tax Policy Commitment, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

(C) Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$11,475,000 (which represents the product of 85% multiplied by \$13,500,000, being the total project cost as stated in the Company's application for Financial Assistance).

- (ii) Employment Commitment – that there are at least 144 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company’s application for Financial Assistance (the “Baseline FTE”); and
- the number of current FTE employees in the then current year at the Facility; and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 161 FTE employees [representing the sum of (x) 144 Baseline FTE and (y) 17 FTE employees, being the product of 85% multiplied by 20 (being the 20 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company’s employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency’s “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency’s Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency’s Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency’s Unpaid Real Property Tax Policy.

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver (A) an Agent Agreement, (B) the Lease Agreement whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement whereby the Agency leases the Project back to the Company, and (D) the PILOT Agreement and (E) related documents; provided, however, that (i) the rental payments under the Leaseback Agreement to the Company include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency’s Uniform Tax Exemption Policy, or procedures for deviation have been complied with accordingly.

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the “Lender”) up to a

maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the “Agency Documents”); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency’s interest in the Project.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency’s Administrative Fee Agreement (the “Fee Agreement”) and payment by the Company of an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

Section 8. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer.

Dated: January 27, 2021



Calspan Sled Facility Application

[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	Calspan Sled Facility
Project Summary	acquisition and renovation of a 65,000 sq. ft. facility to house two highly precise and powerful test stands.
Applicant Name	Calspan Corporation, Genesee Holdings III, LLC, 4455 Genesee Street, LLC, Calspan Development and Construction LLC
Applicant Address	4455 Genesee Street
Applicant Address 2	
Applicant City	Cheektowaga
Applicant State	New York
Applicant Zip	14225
Phone	(716) 631-4179
Fax	
E-mail	peter.bordonaro@calspan.com
Website	www.calspan.com
NAICS Code	541715

Business Organization

Type of Business	Corporation
Year Established	2005
State in which Organization is established	New York

Individual Completing Application

Name	Peter Bordonaro
Title	Corporate Counsel
Address	4455 Genesee Street
Address 2	
City	Cheektowaga
State	New York
Zip	14225

Phone (716) 631-4179
Fax
E-Mail peter.bordonaro@calspan.com

Company Contact (if different from individual completing application)

Name Peter Sauer
Title President
Address 4455 Genesee Street
Address 2
City Cheektowaga
State New York
Zip 14225
Phone (716) 631-6850
Fax
E-Mail peter.sauer@calspan.com

Company Counsel

Name of Attorney Peter Bordonaro, in-house counsel
Firm Name Calspan
Address 4455 Genesee Street
Address 2
City Cheektowaga
State New York
Zip 14225
Phone (716) 631-4179
Fax
E-Mail peter.bordonaro@calspan.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.

From the initial investigations into occupant behavior which gave rise to the crash test dummy to the pioneering work in safety restraints which led to the seat belt, Calspan has contributed significant transportation safety advances throughout its more than 70 year history. Calspan's businesses and capabilities are sustainable and lasting. As an example, Calspan's tire research facility, built in 1971 and updated in 2014/'15, offers capability that was unique in the world at the time and still remains a powerful force in the industry - ensuring good paying jobs in WNY. Current R&D activities at the project location performed by Calspan include...full-scale vehicle crash testing, vehicle child seat safety testing, tire testing, transonic wind tunnel testing and aircraft development, and vehicle crash data research. Calspan provides testing and engineering services to major domestic and international companies who are looking to improve their product.

1/5/2021

The Erie County Industrial Development Agency (ECIDA)

Estimated % of sales within Erie County	1 %
Estimated % of sales outside Erie County but within New York State	4 %
Estimated % of sales outside New York State but within the U.S.	70 %
Estimated % of sales outside the U.S.	25 %

(*Percentage to equal 100%)

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

30

Describe vendors within Erie County for major purchases

Appx. 30% of Calspan's annual purchase of supplies/services/materials are from Erie County companies.

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

40 Sonwil Drive

Town/City/Village of Project Site

Cheektowaga

School District of Project Site

Lancaster CSD

Current Address (if different)

4455 Genesee Street

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

Cheektowaga

SBL Number(s) for proposed Project

92.04-1-37

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

appx. \$68,000

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

Land

\$ 419,500.00

Building(s)

\$ 2,108,434.00

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

Sonwil Distribution Center, Inc.

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 proposed project site is an existing building with little to no green space.

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)

For more than 60 years, Calspan has made significant contributions to vehicle safety. Calspan continues to take steps to build a state of the art Transportation Safety Research campus in Buffalo, New York. After completing major upgrades to Calspan's Tire Research Facility in 2014 and 2015, Calspan had restored its position as a world leader in Tire Testing and Research. Following the major capital equipment upgrade to the Tire Test capabilities, Calspan initiated a \$20,000,000 investment to build a modern crash test center in Buffalo, NY. The Calspan Crash Test Center offers world renowned automotive crash testing and research capabilities. The Crash Test Center was completed in 2018 and has created over 30 new high paying technical jobs in Buffalo, New York. The Crash Test Center offers full scale vehicle crash testing and has played a major role in accelerating the development of life saving technologies. With the emergence of new autonomous vehicle technologies and the electrification of vehicles, safety testing is absolutely essential. The occupant compartment design in future cars will be altered significantly as a human driver becomes unnecessary. With these revolutionary changes, Calspan will continue to support the rapid development of safety restraint technology by enhancing its capabilities through the addition of cutting edge equipment for dynamic sled testing for non-destructive vehicle component testing. The purchase and renovation of a building of approximately 65,000 square feet for a sled testing laboratory would house two highly precise and powerful vehicle test stands. The test stands will be utilized to evaluate automotive restraints, seating, and interior equipment according to domestic and international safety standards. The testing services offered by Calspan would support the needs of United States Department of Transportation, all global automakers and their suppliers. The customer base includes but is not limited to the National Highway Transportation Safety Administration, Nissan, BMW, Mercedes, Hyundai, Kia, Subaru, Honda, Ford, General Motors, Volkswagen and Audi. Industry and the public will benefit from Calspan's innovation and new capabilities to objectively evaluate these critical life-saving technologies. A building of this size will also allow for space to grow our transportation testing business in the future. In connection with the construction of the sled testing laboratory, Calspan would also make general improvements to the facility campus in order to better serve these customers and suppliers, such as improvements to facility infrastructure and technology.

Municipality or Municipalities of current operations

Cheetowaga

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

Yes

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

No

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

No

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

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

Yes

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

Calspan wishes to expand our presence in WNY. Vehicle manufacturers and their suppliers have expressed a strong desire for Calspan to relocate testing operations to be in close proximity to their research and development or production facilities in California, Michigan, North Carolina and Alabama. The ability to compete with independent laboratories MGA research in Michigan, transportation research center in Ohio and Ldiada in California, Element in Michigan and Autoliv in Ontario, depends upon access to the most modern test equipment and capabilities. Absent the investment in modern sled technology, vehicle manufacturers are beginning to take their testing to Calspan's competition. The modern test equipment will ensure that Calspan's customers choose Calspan over the other independent test labs who are closer to their production and research centers.

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:

The project cannot be undertaken without financial assistance from ECIDA.

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)

Calspan is considering the possibility of investing in a new dynamic sled testing facility at 40 Sonwil Drive in Cheektowaga, NY. The new test laboratory would have the capability to perform non-destructive crash tests and occupant protection evaluations for automotive and aircrafts. The facility will also specialize in vehicle battery testing to support the ongoing electrification of automobiles. The enhancement of the facility is necessary, as the current sled testing facility was opened in 1969 and utilizes outdated technology. Without the needed capital investments, Calspan's sled testing business will fail and Calspan will be forced to exit the marketplace. Such a failure would not only affect the sled testing jobs at Calspan but would pose significant threats to other jobs at Calspan. Vehicle manufacturers and their suppliers have expressed a strong desire for Calspan to relocate testing operations to be in close proximity to their research and development or production facilities in California, Michigan, North Carolina and Alabama. The ability to compete with independent laboratories MGA Research in Michigan, Transportation Research Center in Ohio, Idiada in California, Element in Michigan and Autoliv in Ontario, depends upon access to the most modern test equipment and capabilities. Absent the investment in modern sled technologies, vehicle manufacturers are beginning to take their testing to Calspan's competition. The modern test equipment will ensure that Calspan's customers choose Calspan over the other independent test labs who are closer to their production and research centers

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?

Calspan's existing sled testing business will imminently fail without this investment. The investment in a new facility at 40 Sonwil Drive and in modern equipment is essential, as the current laboratories were developed decades ago and are outdated technology. To gain a competitive advantage in the marketplace Calspan must keep up with technological developments in the industry but these investments are expensive. If Calspan's sled testing business fails, it is certain that many other jobs at Calspan will be affected. This is due to the fact that Calspan's overhead and corporate structure support multiple testing facilities. If one business unit fails, all of the other are burdened with a larger percentage of overall shared costs which put those business units at risk.

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

construction equipment only

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)

Facility is on Metro Bus route 24

Has a project related site plan approval application been submitted to the appropriate planning department?

No

If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.

If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.

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

Yes

Describe the present zoning/land use

The proposed location is presently zoned for commercial use.

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

N/A

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

No

If yes, please explain

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

Yes

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

Yes

If yes, describe the efficiencies achieved

The new facility and renovation thereof, and the equipment therein, will take into account energy efficiency in every possible instance - from lighting, to HVAC, to construction materials, to all other applicable aspects. For this project, we intend to purchase the following energy savings items: LED lighting, energy efficient HVAC systems, roofing systems with a better R value than current co-located buildings. You may also attach additional information about the machinery and equipment at the end of the application.

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

Yes

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

Current R&D activities at the project location performed by Calspan include: full scale vehicle crash testing, vehicle child safety testing, tire testing, transonic wind tunnel testing and aircraft development, and vehicle crash data research. All of this R&D activity will continue with the potential project investment.

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
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Please check any and all end uses as identified below.

- | | | |
|---|---------------------------|-------------------------------------|
| Yes Acquisition of Existing Facility | No Assisted Living | Yes Back Office |
| No Civic Facility (not for profit) | Yes 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 |
| Yes Other | | |
| services and engineering | | |

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	square feet	\$	0	0%
Warehouse	square feet	\$	0	0%
Research & Development	65,000 square feet	\$	13,500,000	100%

1/5/2021

The Erie County Industrial Development Agency (ECIDA)

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

2/1/2021

End date : Estimated completion date of project

6/30/2022

Project occupancy : estimated starting date of occupancy

7/31/2022

Project Information

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 3,250,000 65,000 square feet acres

2.) New Building Construction

\$ 0 square feet

3.) New Building addition(s)

\$ 0 square feet

4.) Reconstruction/Renovation

\$ 2,000,000 65,000 square feet

5.) Manufacturing Equipment

\$ 4,000,000

6.) Infrastructure Work

\$ 1,000,000

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

\$ 3,000,000

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

\$ 250,000

9.) Other Cost

\$ 0

**Explain Other
Costs****Total Cost** \$ 13,500,000Construction Cost Breakdown:

Total Cost of Construction	\$ 3,000,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 2,000,000.00
% sourced in Erie County	75%

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	\$ 5,000,000
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Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 437,500
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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):	\$ 500,000 .
Bank Financing:	\$ 13,000,000
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):	\$ 0
Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)	0
Total Sources of Funds for Project Costs:	\$13,500,000
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).	13,000,000
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Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):	\$97,500
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Real Property Tax Benefit:

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

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

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

ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization

Calspan's success is directly tied to the quality of vendors and subcontractors with whom they work. The company continues to search and build upon its network of quality subcontractors/vendors and part of that strategy is to encourage participation of small businesses, disadvantaged, women owned and minority owned companies for all of its projects. Calspan has a track record of engaging M/WBE contractors on past projects such as the new crash test facility where all M/WBE participation requirements related to an Empire State Economic Development Fund capital grant were satisfied. We will strive to engage M/WBE contractors again for this project

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

construction equipment only

Employment Plan (Specific to the proposed project location)

You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return. The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

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	143	143	20	20
Part time	3	3	0	0
Total	146	146	20	

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	38	\$ 114,000	\$ 26,220	\$ 0	\$ 0
Professional	34	\$ 75,000	\$ 17,250	\$ 0	\$ 0
Administrative	4	\$ 57,200	\$ 13,160	\$ 0	\$ 0
Production	87	\$ 56,400	\$ 12,970	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	\$ 0	\$ 0

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

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

Address	4455 Genesee Street, Cheektowaga		
Full time	70	0	0
Part time	0	0	0
Total	70	0	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

10,725,933

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

74,228

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

25,235

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)	60,000	To (Full Time)	80,000
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

40 Sonwil Drive, Cheektowaga, NY 14225

Name and Address of Owner of Premises

as of the application date, the premises is owned by Sonwil Distribution Center, Inc. with office address at 100 Sonwil Drive, Cheektowaga, NY 14225

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

existing industrial building with little to no green space

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 is currently a light industrial facility used for warehousing and distribution. Construction of new sled testing facility is intended to be carried on at the premises.

Describe all known former uses of the Premises

warehouse/distribution

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

We have no knowledge of any such hazardous and /or solid waste. An environmental assessment would be undertaken with the purchase of the premises. We also have no knowledge of any such enforcement action by any agency as of the application date.

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

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

Waste water from standard office and industrial space (i.e. sinks and bathrooms) will discharge into municipal sanitary systems. Storm water will discharge into municipal storm system.

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?

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 Calspan Corporation
Address 40 Sonwil DRive
Contact Person Peter Bordonaro
Phone (716) 631-4179
Fax
E-Mail peter.bordonaro@calspan.com
Federal ID #
SIC/NAICS Code 541715

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.

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

4455 Genesee Street

City/Town

Cheektowaga

State

New York

Zip Code

14225

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.)

additional square footage, secure premises and facility, unique and world class facility.

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?

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.

1/5/2021

The Erie County Industrial Development Agency (ECIDA)

4455 Genesee Street

■ **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

Life Technologies Corporation- North Expansion
\$85,000,000
INDUCEMENT RESOLUTION

ELIGIBILITY	Project Title: Life Technologies Corporation-North Expansion (subsidiary of Thermo Fisher Scientific, Inc.)										
<ul style="list-style-type: none"> • NAICS Section - 3254 	Project Address: 3175 Staley Road Grand Island, New York 14072 (Grand Island Central School District)										
COMPANY INCENTIVES	Agency Request										
<ul style="list-style-type: none"> • Approximately \$2,625,000 in sales tax savings • Approximately \$287,000 in real property tax savings 	A sales tax and real property tax exemption in connection with the construction of a 69,000 sq. ft. addition to the company's existing facility.										
EMPLOYMENT	<table border="0"> <tr> <td>New Building Addition</td> <td align="right">\$34,200,000</td> </tr> <tr> <td>Manufacturing Equipment</td> <td align="right">\$36,000,000</td> </tr> <tr> <td>Soft Costs</td> <td align="right">\$ 14,800,000</td> </tr> <tr> <td> Total Project Cost</td> <td align="right"> \$85,000,000</td> </tr> <tr> <td> 85%</td> <td align="right"> \$72,250,000</td> </tr> </table>	New Building Addition	\$34,200,000	Manufacturing Equipment	\$36,000,000	Soft Costs	\$ 14,800,000	 Total Project Cost	 \$85,000,000	 85%	 \$72,250,000
New Building Addition	\$34,200,000										
Manufacturing Equipment	\$36,000,000										
Soft Costs	\$ 14,800,000										
 Total Project Cost	 \$85,000,000										
 85%	 \$72,250,000										
<ul style="list-style-type: none"> • Current Jobs - 807 • Projected New Jobs - 60 • Total Jobs After Project Completion: 867 • Annual payroll: \$55,200,000 • Estimated salary of jobs to be created: \$47,000 • Estimated salary of jobs to be retained: \$60,000 	Company Description										
PROJECT HISTORY	<p>Life Technologies, formerly known as Grand Island Biological was established in 1962 in Grand Island. Over the decades the company has undergone ownership changes including in November, 2008 when Life Technologies was created from the merger of Invitrogen Corporation and Applied Biosystems, Inc. In 2014, the acquisition of Life Technologies by Thermo Fisher Scientific, Inc. was completed, with Life Technologies Corporation remaining as a corporation and becoming part of the Life Sciences Solutions Group of Thermo Fisher Scientific.</p> <p>The company is one of the premier global suppliers of cell culture products. These products are used for a wide variety of applications in basic and applied life sciences research and in medical, diagnostic, therapeutic, and large scale industrial biotechnology applications.</p> <p>52% of the company's sales are to customers located outside of New York State and 45% outside the United States.</p>										
COMPANY HISTORY	Project Description										
1972 - \$1,000,000 1975 - \$600,000 1976 - \$300,000 1988 - \$4,500,000 1990 - \$492,000 1995 - \$3,675,000 2002 - \$10,042,000 2005 - \$4,910,000 2008 - \$2,500,000 2009 - \$8,000,000 2020 - \$90,000,000	<p>Life Technologies' current facility in Grand Island is approximately 300,000 sq. ft. The proposed expansion project would increase the company's footprint by 69,000 sq. ft. The new facility will be utilized for the production of liquid animal origin free (AOF) liquid media products. The company will also be adding approximately \$36M in manufacturing equipment in order to increase production capacity.</p>										

New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over 10-year abatement period	Additional Local Revenue over 10-year abatement period	New Yearly Taxes Upon Expiration of Abatement Period
\$0	\$1,380,000	\$16,200	\$60,000	\$36,280
Combined Tax Rate: \$26.29				

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 = \$85,000,000 85% = \$72,250,000
Employment	Coincides with 10-year PILOT	Maintain base:807 Create 85% of Projected Projected =60 85% = 51 Recapture Employment = 858
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
Recapture Period	Coincides with 10-year PILOT	Real Property Taxes and State and Local Sales Taxes

Recapture applies to:
State and Local Sales Taxes
Real Property 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 807 FTE and created an additional 60 FTE jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

ADDENDUM TO PROJECT LOG

Life Technologies, Corporation – North Expansion

Evaluative Criteria	Notes
Wage Rate (above median wage for area)	Erie County median worker income: \$33,350 Company estimated average salary of jobs to be retained: \$80,000 Company estimated average salary of jobs to be created: \$47,000
Regional Wealth Creation (% sales/customers outside area)	Sales: Outside NYS and within U.S.: 52% International: 45%
In Region Purchases (% of overall purchases)	Approximately 5%
Research & Development Activities	While the overall facility includes research and development activities, the new project expansion does not involve R&D.
Investment in Energy Efficiency	New purchases of energy efficient chillers and high efficiency air handlers are planned.
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	Site is zoned industrial.
LEED/Renewable Resources	Not applicable.
Retention/Flight Risk	The Grand Island facility competes in the life sciences industry against companies such as Merck (Germany), Millipore (MA), Lonza (MD) and GE/Hyclone (UT). Company manufacturing operations are located in Europe and other locations within the U.S. The Grand Island facility faces both internal and external competition to retain market share as well as compete for future growth. Recapture criteria currently in place requires a company this size to retain 95% of its base FTE jobs.

<p>MBE/WBE Utilization</p>	<p>Through our Diversity and Inclusion Recruiting Counsel, we have developed relationships with select external diversity-focused organizations to recruit top talent from underrepresented ethnic groups such as African-Americans and Hispanic-Latinos. We consider candidates from various career levels, including recent graduates, mid-level managers and senior executives. Organizations worked with in the past include Prospanica (Hispanic-MBA's) and the National Black MBA Associates.</p>
<p>Workforce Access – Proximity to Public Transportation</p>	<p>The closest bus stop is 4 miles from the facility. This service is provided by bus line 40A Niagara Falls.</p>

January 27, 2021

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-Thermo Fisher North - 2021

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
\$34,200,000	\$1,380,000	\$5.59	\$2.92	\$17.78

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	10%	\$771	\$403	\$2,454	\$3,628	\$36,280	\$32,652
2	10%	\$771	\$403	\$2,454	\$3,628	\$36,280	\$32,652
3	10%	\$771	\$403	\$2,454	\$3,628	\$36,280	\$32,652
4	20%	\$1,543	\$806	\$4,907	\$7,256	\$36,280	\$29,024
5	20%	\$1,543	\$806	\$4,907	\$7,256	\$36,280	\$29,024
6	20%	\$1,543	\$806	\$4,907	\$7,256	\$36,280	\$29,024
7	30%	\$2,314	\$1,209	\$7,361	\$10,884	\$36,280	\$25,396
8	30%	\$2,314	\$1,209	\$7,361	\$10,884	\$36,280	\$25,396
9	30%	\$2,314	\$1,209	\$7,361	\$10,884	\$36,280	\$25,396
10	30%	\$2,314	\$1,209	\$7,361	\$10,884	\$36,280	\$25,396
Total		\$16,200	\$8,462	\$51,526	\$76,188	\$362,802	\$286,614

*** 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 (Tax Credits, Grants, ESD Incentives, etc.)
\$85,000,000	\$287,000	\$2,625,000	\$0	\$0

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 3.4%

Cost-Benefit Analysis for Life Technologies Corporation

Prepared by Erie County IDA using InformAnalytics

Executive Summary

INVESTOR
Life Technologies Corporation - North Expansion

TOTAL INVESTED
\$85.0 Million

LOCATION
**3175 Staley Road,
Grand Island, NY 14072**

TIMELINE
10 Years

FIGURE 1

Discounted* Net Benefits for Life Technologies Corporation by Year

Total Net Benefits: \$2,033,511,000

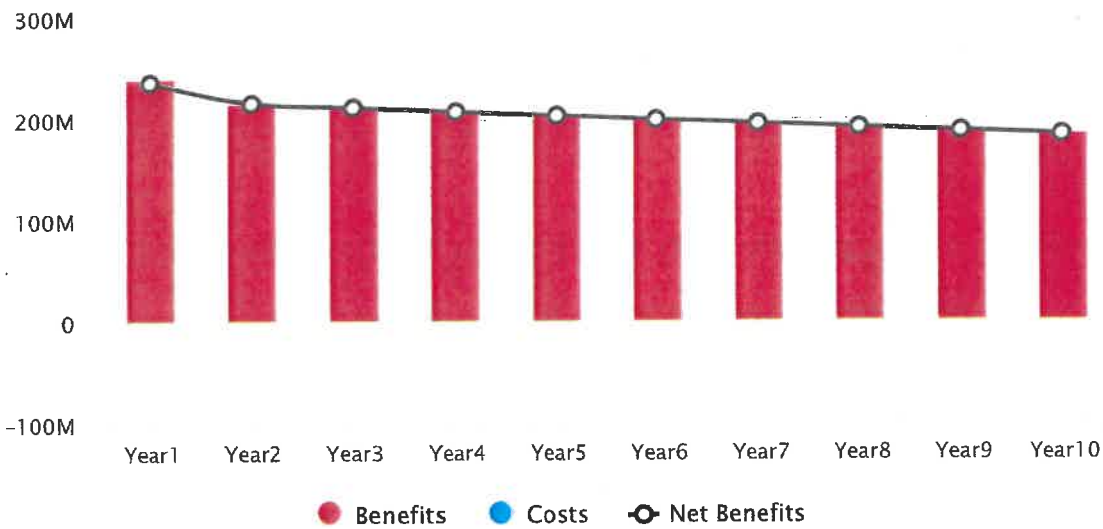


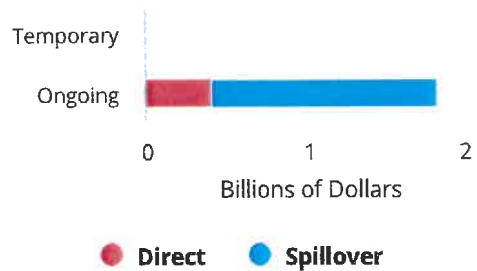
FIGURE 2

Total Jobs



FIGURE 3

Total Payroll



Proposed Investment

Life Technologies Corporation - North Expansion proposes to invest \$85.0 million at 3175 Staley Road, Grand Island, NY 14072 over 10 years.

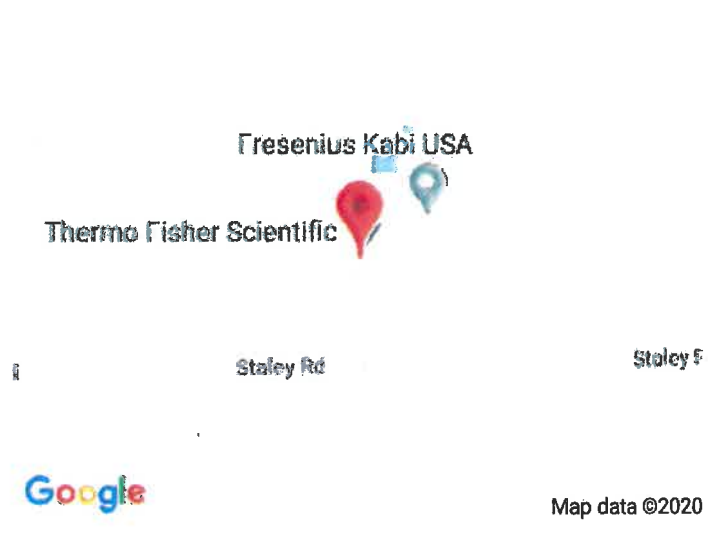
TABLE 1

Proposed Investments

Description	Amount
CONSTRUCTION SPENDING	
Construction	\$34,200,000
OTHER SPENDING	
Manufacturing Equipment	\$36,000,000
Soft Costs	\$14,800,000
Total Investments	\$85,000,000
Discounted Total (2%)	\$85,000,000

FIGURE 4

Location of Investment



May not sum to total due to rounding.

Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Erie County IDA. The report calculates the costs and benefits for specified local taxing districts over the first 10 years, with future returns discounted at a 2% rate.

 TABLE 2

Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for Life Technologies Corporation - North Expansion.

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$266,000	\$245,000
Sales Tax Exemption	\$2,624,000	\$2,624,000
Total Costs	\$2,890,000	\$2,869,000

May not sum to total due to rounding.

* Discounted at 2%

TABLE 3

State & Regional Impact (Life of Project)

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
REGIONAL BENEFITS	\$484,837,000	\$1,607,008,000	\$2,091,845,000
To Private Individuals	\$476,989,000	\$1,581,226,000	\$2,058,215,000
Temporary Payroll	\$13,144,000	\$4,562,000	\$17,706,000
Ongoing Payroll	\$463,845,000	\$1,576,664,000	\$2,040,509,000
To the Public	\$7,848,000	\$25,782,000	\$33,630,000
Property Tax Revenue	\$71,000	N/A	\$71,000
Temporary Sales Tax Revenue	\$214,000	\$74,000	\$289,000
Ongoing Sales Tax Revenue	\$7,563,000	\$25,708,000	\$33,271,000
STATE BENEFITS	\$30,049,000	\$98,931,000	\$128,980,000
To the Public	\$30,049,000	\$98,931,000	\$128,980,000
Temporary Income Tax Revenue	\$642,000	\$223,000	\$865,000
Ongoing Income Tax Revenue	\$22,674,000	\$76,390,000	\$99,063,000
Temporary Sales Tax Revenue	\$186,000	\$64,000	\$250,000
Ongoing Sales Tax Revenue	\$6,547,000	\$22,254,000	\$28,801,000
Total Benefits to State & Region	\$514,886,000	\$1,705,940,000	\$2,220,825,000
Discounted Total Benefits (2%)	\$472,945,000	\$1,563,435,000	\$2,036,380,000

May not sum to total due to rounding.

TABLE 4

Benefit to Cost Ratio

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$1,918,112,000	\$1,651,000	1162:1
State	\$118,268,000	\$1,218,000	97:1
Grand Total	\$2,036,380,000	\$2,869,000	710:1

May not sum to total due to rounding.

* Discounted at 2%

CGR has exercised reasonable professional care and diligence in the the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.

VIRTUAL PUBLIC HEARING SCRIPT

**Life Technologies Corporation and/or
Individual(s) or Affiliate(s), Subsidiary(ies),
or Entity(ies) formed or to be formed on its
behalf
North Expansion Project**

Public Hearing to be held on January 19, 2021 at 9:00 a.m.
via Virtual Conference Software

ATTENDANCE:

Steve Schrader - Life Technologies/Thermo Fisher
Scott VeRost – Life Technologies/Thermo Fisher
Sara Sperrazza – Life Technologies/Thermo Fisher
Karen Fiala – ECIDA
Carrie Hocieniec – ECIDA
Brian Krygier – ECIDA

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

Hearing Officer: Welcome. This public hearing is now open; it is 9:00 a.m. My name is Grant Lesswing. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this virtual public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at www.ecidany.com. Pre-registration for anyone wishing to speak at today's public hearing was required through our website. Today I am joined by Brian Krygier, ECIDA Systems Analyst who will be the Hearing Moderator and he will be managing the public comment portion of this hearing.

2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the Life Technologies Corporation and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf-North Expansion 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 January 7, 2021.

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 3175 Staley Road, Town of Grand Island, Erie County, New York (the "Land"), (ii) the construction on the Land of an approximately 69,000 square-foot manufacturing facility addition to be utilized for the production of liquid animal origin free (AOF) products (the "Improvements"), and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible

personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility").

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use 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 who have joined this conference call were required to pre-register through our website (www.ecidany.com). Everyone who has pre-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, please submit it on the Agency's website or mail to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on January 26, 2021. There are no limitations on written statements or comments.

5. PUBLIC COMMENT: Hearing Officer gives the Public an opportunity to speak.

Hearing Officer: Those interested in making a statement or comment will be called upon by Brian in the order that they registered for this meeting. Please begin by stating 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.

The Hearing Moderator introduces each participant in the order they registered for this meeting.

Good morning, my name is Steve Schrader I am the Director of Operations and Site Leader for Thermo Fisher on Grand Island, New York. The site has been in existence since 1962. The facility addition is approximately 69,000 sq. ft., 2-stories, and an estimated cost of \$85M. The addition will support our customer demand for our base business which directly supports the healthcare industry plus long-term support of a COVID-19 vaccine and therapy products. I look forward to expanded operations at this site.

6. ADJOURNMENT:

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 9:04 a.m.

**SIGN IN SHEET
VIRTUAL PUBLIC HEARING**

Public Hearing to be held on January 19, 2021 at 9:00 a.m.
via Virtual Conference Software

**Life Technologies Corporation and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 3175 Staley Road, Grand Island, New York 14072 (North Expansion)

Name	Company and/or Address	X box to speak/ comment
Steve Schrader	Life Technologies/Thermo Fisher 3175 Staley Road Grand Island, New York 14072	
Scott VeRost	Life Technologies/Thermo Fisher 3175 Staley Road Grand Island, New York 14072	
Sara Sperrazza	Life Technologies/Thermo Fisher 3175 Staley Road Grand Island, New York 14072	
Karen Fiala	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Carrie Hocieniec	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	

TOWN OF GRAND ISLAND TOWN BOARD

Resolution Reaffirming and Ratifying Negative Declaration and Site Plan Approval

WHEREAS, an application (the “Application”) has been submitted for Thermo Fisher Scientific Expansion – Liquid Core Addition (NE) and AGT West Addition (SW) – Manufacturing Facility Expansion a/k/a Thermo Fisher Scientific / Life Technologies Corporation (subsidiary) / Life Sciences Solution Group (together, the “Applicant”) for Site Plan Approval for its expansion project (the “Project”) located at 3175 Staley Road, Grand Island, New York (the “Property”); and

WHEREAS, the Application is classified as a Type I action under the New York State Environmental Quality Review Act (“SEQRA”), thus a full Environmental Assessment Form (“EAF”) was prepared as part of the Application and a coordinated review was conducted; and

WHEREAS, the Town Board was established as the Lead Agency for the coordinated review of the Project; and

WHEREAS, as noted in the Town Board’s meeting minutes, on September 21, 2020, the Town Board issued a negative declaration for the Project; and

WHEREAS, as noted in the Town Board’s meeting minutes on September 21, 2020, the Town Board approved the Application; and

WHEREAS, the Erie County Industrial Development Agency now may be involved in the Project and requests that the Town Board request that the ECIDA consent to the Town Board’s lead agency status; and

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Grand Island that:

1. The recital paragraphs above are incorporated herein as if set forth in full.
2. The Town Board authorizes the Town Supervisor to request that ECIDA be requested to consent to the Town Board’s lead agency status.
3. To further set forth the Town Board’s written reasoned elaboration for the determination of significance it made on September 21, 2020, the Town Board hereby reaffirms and ratifies the negative declaration for the Project for the reasons set forth in the attached negative declaration (*see* Exhibit A), which is incorporated herein by reference. The proposed parts 2 and 3 of the EAF are hereby approved and the Supervisor is directed to sign Part 3.

4. The Town Board hereby reaffirms and ratifies the Site Plan approval it approved on September 21, 2020.

5. This resolution is effective immediately.

PASSED AND ADOPTED this 7th day of December, 2020 by the Town Board of the Town of Grand Island.

Exhibit A

**NEGATIVE DECLARATION
Determination of Non-Significance**

Lead Agency: **Town of Grand Island Town Board**

Date: **December 7, 2020**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Grand Island Town Board (the “Town Board”), has reviewed the proposed project (“action”) and determined that it will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Thermo Fisher Scientific Expansion – Liquid Core Addition (NE) and AGT West Addition (SW) – Manufacturing Facility Expansion a/k/a Thermo Fisher Scientific / Life Technologies Corporation (subsidiary) / Life Sciences Solution Group (together, the “Applicant”) Site Plan Approval – 2-Part Expansion

Location of Project Site: 3175 Staley Road, Grand Island, New York (the “Property”)

SEQR Status: Type I Action.

Description of Action: The Applicant is considering a two-part expansion of its existing manufacturing facility. The expansion may include construction of two separate additions as described below, with associated upgrades including access drives, parking, utilities, storm drainage and associated infrastructure.

Liquid Core Addition (NE): The proposed 37,280+/- sq.ft. (footprint / 69,000+/- sq.ft. on two floors) addition would be constructed adjacent to the northeast corner of the existing building.

AFT Addition (SW): The proposed 25,500+/- sq.ft. (footprint / 43,000+/- sq.ft. on two floors) addition would be constructed adjacent to the southwest corner of the existing building.

Reasons Supporting this Determination:

The Town Board, with the recommendation of the Planning Board, has identified the relevant areas of environmental concern, has taken a hard look at each of the identified areas as required by the State Environmental Quality Review Act (“SEQRA”), and has compared the proposed project (“action”) with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below in the

discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the project will not have a significant adverse impact on the environment.

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

a. Traffic Impacts/Noise Impacts

A Traffic Study was completed (counts obtained prior to the pandemic) and per the following conclusions, the project will not result in a significant impact on traffic.

-- The volume of traffic at the intersection of Staley Road, the Thermo Fisher Scientific site drive and parking lot drive will not exceed previously established levels due to the relocation of administrative employees to the Whitehaven Road site.

-- The intersection of Staley Road, the Thermo Fisher Scientific site drive and parking lot drive operate at an acceptable Level of Service for the time periods analyzed.

-- Minimum stopping sight distances are exceeded on Staley Road to the intersection and crosswalks.

-- A Traffic Control Signal is not warranted at the intersection of Staley Road, the Thermo Fisher Scientific site drive and parking lot drive based on available volumes of traffic and pedestrians.

-- Warning devices consistent with current practices are in place at the crosswalk locations and are clearly visible. The pavement markings, signs and flashers should be maintained to remain effective

A Noise Study was completed to evaluate existing and proposed transient and ambient noise levels at six different collection points around the facility. The existing conditions data collection provided a baseline understanding of the existing noise levels experienced from the facility (traffic, noise from facility operations and construction equipment due to current construction operations). The existing conditions noise data was incorporated into proposed conditions to determine if the proposed project would result in a significant noise impact. The data collection focused on the trucks entering and exiting the property, noise from vehicle operation and equipment noise. Based on the data collected, the existing and proposed transient and ambient noises remained below the Town of Grand Island Zoning Code's accepted level of 65 dBs and that the transient sound levels at no time exceed the Town's maximum level of 85 dBs.

b. Air Quality Impacts

No significant air quality impacts resulting from the expanded manufacturing operations are anticipated. Upgraded permits may be obtained from the New York State Department of Environmental Conservation if needed (for boilers and coolers for instance), but there will not be significant adverse impacts.

c. Wetland Impacts

The proposed building additions will not impact any wetlands. In conjunction with prior infrastructural improvement upgrades that included driveway work proposed and approved in 2019, a small area of federal jurisdictional wetlands were approved to be impacted through a permit issued by the United States Army Corps of Engineers. There are no significant impacts.

d. Erosion, Flooding and Drainage Impacts

The proposed site work will not create a substantial adverse change in existing ground or surface water quality or quantity and will not increase the potential for erosion, flooding, leaching and drainage problems on or adjacent to the sites. Construction-related erosion and sediment controls will be utilized. Coverage under the New York State Department of Environmental Conservation's ("NYSDEC") SPDES General Permit for Storm Water Discharges from Construction Activity ("Storm Water General Permit") will be obtained, and a Storm Water Pollution Prevention Plan ("SWPPP") will be developed and implemented. In keeping with common practice, prior to seeking coverage under the Storm Water General Permit, if applicable, a SWPPP will be submitted to the Town of Grand Island (MS4) for review and acceptance, if required. In turn, the Town's signed "MS4 Acceptance Form," if required, will be included with the Notice of Intent submittal to the NYSDEC confirming coverage under the Storm Water General Permit. Associated infrastructural upgrades to accommodate drainage are or will be in place, and impacts will be minor and not significant.

(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

The area to be disturbed for the construction of the additions are located on a developed manufacturing facility. A small part of the footprint area of the proposed AGT West addition is landscaped and a former wooded area, and the footprint area of the proposed Liquid North addition is mostly currently paved. Site work to be undertaken on the developed site will not remove or destroy large quantities of fauna or substantially interfere with the movement of resident or migratory fish or wildlife species. The project will not have a substantial adverse impact on a threatened or endangered species of animals or plants, impact a significant habitat area, or have other significant adverse impacts to natural resources.

(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;

The project site is not located within or in close vicinity to a Critical Environmental Area as designated under 6 NYCRR § 617.14(g).

(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted; and

The project will not create a conflict with the community's current plans or goals as officially approved or adopted. The manufacturing facility has existed at this site for nearly 60 years, with multiple building additions throughout the decades. The proposed additions and associated upgrades will maintain and enhance the facility's production and creation of employment.

(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

The New York State Office of Parks, Recreation and Historic Preservation State Historic Preservation Office ("SHPO") Cultural Resource Information System ("CRIS") database does not identify the manufacturing facility as being "eligible" for listing on the National and State Register of Historic Places ("Registers"), and the site is not identified as being within an area designated as archaeologically sensitive. The Nike Battery NF-41 Launch Site, a site identified in CRIS as being "eligible" for listing in the Registers, is located to the west of the site, but a wooded area lies between the facility and the Launch Site. There will not be a significant adverse impact on historic or archeological resources. It is noted that a Photometric Study and Plan has been provided that illustrates that a minimum of 1 ft-candle of light will be provided at all areas of public access, and there will be no more than 0.0 ft-candle of light at the south, west and north property line. The eastern property line is an "internal" property line shared with the adjacent industrial facility. The Property has been a manufacturing facility for decades and its continued and upgraded use will not impair architectural or aesthetic resources or existing community or neighborhood character.

(vi) a major change in the use of either the quantity or type of energy;

There will be additional electricity use to support the expanded manufacturing processes. However, the facility already uses a substantial amount of electricity in order to support its manufacturing processes and has a dedicated supply line for this facility. There will not be a significant adverse impact.

(vii) the creation of a hazard to human health;

Hazardous materials used and hazardous wastes generated at the facility are handled in accordance with applicable rules and best practices. The volume of such materials and wastes

will increase with the increase in production, but the increase will be relatively small. There will be no such significant negative impacts.

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

The site is a developed manufacturing facility and there will be no substantial change to agricultural, open space or recreational resources.

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

The additions would result in an increase in the number of employees and production related traffic. However, as described above, the facility recently had over 200 employees transfer to other locations affiliated with the Property, and the number of additional people who would come to the Property as a result of the Project will not be as large as the number of employees who recently transferred to other support locations. There will be no significant impacts.

(x) the creation of a material demand for other actions that would result in one of the above consequences;

There will be no such impacts.

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

There will be no such impacts.

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The two possible building additions and associated upgrades have been considered together, and there will be no such impacts.

For Further Information:

Contact Person: John Whitney, Supervisor
Address: 2255 Baseline Road
Grand Island, NY 14072

Telephone Number: (716) 773-9600

Full Environmental Assessment Form
Part 2 – Identification of Potential Project Impacts

Agency Use Only [If applicable]
 Project:
 Date:

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency’s reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input checked="" type="checkbox"/>

f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). NOTE: EROSION AND SEDIMENT CONTROLS AND STORM WATER MANAGEMENT UPGRADES IN ACCORDANCE WITH NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (“NYSDEC”) / STORM WATER POLLUTION PREVENTION PLAN (“SWPPP”) REQUIREMENTS WILL BE IMPLEMENTED.	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features			
The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If “Yes”, answer questions a - c. If “No”, move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water			
The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2 and E.2.h)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If “Yes”, answer questions a - l. If “No”, move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. NOTE: OTHER SITE WORK RELATED TO FACILITY DRIVEWAY AND DRAINAGE UPGRADES INVOLVED A SMALL AREA OF FEDERAL WETLANDS AND THAT WORK WAS PERMITTED BY THE U.S. ARMY CORPS OF ENGINEERS.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>

f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. NOTE: EROSION AND SEDIMENT CONTROLS, EXISTING STORM WATER MANAGEMENT SYSTEM, AND STORM WATER MANAGEMENT UPGRADES IN ACCORDANCE WITH SWPPP/NYSDEC REQUIREMENTS WILL BE IMPLEMENTED.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>
l. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

4. Impact on Groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q and D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E21	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E21	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E21, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>NOTE: THE PROJECT DOES INCLUDE SITE WORK. EROSION AND SEDIMENT CONTROLS AND STORM WATER MANAGEMENT UPGRADES IN ACCORDANCE WITH NYSDEC REQUIREMENTS WILL BE UTILIZED.</u>		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding
The proposed action may result in development on lands subject to flooding.
(See Part 1. E.2) NO YES
If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns. NOTE: STORM WATER ASSOCIATED WITH ADDITIONAL IMPERVIOUS SURFACES WILL BE MANAGED PER NYSDEC DESIGN STANDARDS WITHOUT TO DISCHARGE POINTS FOR FLOW RATES.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

6. Impacts on Air
The proposed action may include a state regulated air emission source.
(See Part 1. D.2.f, D.2.h and D.2.g) NO YES
If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input checked="" type="checkbox"/>

d. The proposed action may reach 50% of any of the thresholds in “a” through “c”, above.	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: <u>NOTE: DUST SUPPRESSION TECHNIQUES WILL BE UTILIZED AS NECESSARY DURING CONSTRUCTION.</u>		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2.m-q) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If “Yes”, answer questions a - j. If “No”, move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: <u>NOTE: SITE WORK WILL OCCUR IN DEVELOPED AREAS INCLUDING SMALL LANDSCAPED AREAS.</u>		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a and b) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If “Yes”, answer questions a - h. If “No”, move on to Section 9.</i>	
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	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>THE SITE HAS BEEN DEVELOPED AS A MANUFACTURING FACILITY FOR DECADES, AND SOILS THAT WILL BE DISTURBED WILL BE SEGREGATED AND USED ON- OR OFF-SITE.</u>		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b and E.3.h)

NO

YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points:	E3h		
i. Seasonally (e.g., screened by summer foliage, but visible during other seasons)		<input type="checkbox"/>	<input type="checkbox"/>
ii. Year round		<input type="checkbox"/>	<input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is:	E3h		
i. Routine travel by residents, including travel to and from work	E2q	<input type="checkbox"/>	<input type="checkbox"/>
ii. Recreational or tourism based activities	E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project:	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>

0-1/2 mile 1/2 - 3 mile 3-5 mile 5+ mile			
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources
The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f and g) NO YES
If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation, and Historic Preservation to be eligible for listing on the State Register of Historic Places. NOTE: SEE PART 3 AND NEGATIVE DECLARATION.	E3e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. NOTE: SEE PART 3 AND NEGATIVE DECLARATION.	E3f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. NO YES
(Part 1. C.2.c, E.1.c and E.2.q)
If "Yes", answer questions a - e. If "No", go to Section 12.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur

a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts:		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation			
The proposed action may result in a change to existing transportation systems. (Part 1. D.2.j)		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<i>If “Yes”, answer questions a - g. If “No”, go to Section 14.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations. NOTE: PROJECT INCLUDES UPGRADED SIDEWALKS/ PEDESTRIAN CIRCULATION WITHIN THE SITE.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: <u>NOTE: TRAFFIC STUDY CONCLUDED THAT THE PROJECT WILL NOT RESULT IN A SIGNIFICANT IMPACT ON TRAFFIC.</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (Part 1. D.2.k)
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MW hrs per year of electricity.	D2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other impacts: <u>NOTE: MORE ENERGY WILL BE USED BUT WILL INCLUDE ELECTRICAL EFFICIENCY UPGRADES. MINOR ENERGY USE ASSOCIATED WITH TEMPORARY CONSTRUCTION.</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. (Part 1. D.2.m, n, and o) NO YES
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation. NOTE: MINIMAL AND TEMPORARY NOISE ASSOCIATED WITH CONSTRUCTION.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day. NOTE: MINIMAL AND TEMPORARY ODORS ASSOCIATED WITH CONSTRUCTION.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.

(See Part 1. D.2.q, E.1.d, f, g and h)

If "Yes", answer questions a - m. If "No", go to Section 17.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action. .	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environmental and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: <u>NOTE: CONSTRUCTION AND DEMOLITION DEBRIS WILL BE MANAGED AND REUSED, RECYCLED, OR DISPOSED IN ACCORDANCE WITH APPLICABLE REQUIREMENTS. HAZARDOUS MATERIALS, IF ANY, INCLUDING ASBESTOS AND OTHERS, WILL BE MANAGED AND DISPOSED IN ACCORDANCE WITH APPLICABLE STANDARDS AND REQUIREMENTS. DEMOLITION & CONSTRUCTION ACTIVITIES WILL BE UNDERTAKEN IN ACCORDANCE WITH APPROPRIATE NOTIFICATIONS. HAZARDOUS WASTE VOLUME WILL INCREASE, BUT BY A RELATIVELY SMALL VOLUME.</u>		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.

(See Part 1. C.1, C.2 and C.3)

If "Yes", answer questions a - h. If "No", go to Section 18.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur

a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d, D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action).	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>
18. Consistency with Community Character The proposed project is inconsistent with the existing community character. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.2, C.3, D.2 and E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire).	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f, D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3, E1a, E1b, E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

Project: Date:

Full Environmental Assessment Form
Part 3 – Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact.
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The “moderate to large impact may occur” box for Question 1.a., “[t]he proposed action may involve construction on land where depth to water table is less than 3 feet,” was checked because, according to data from the U.S. Department of Agriculture Natural Resource Conservation Service (USDA-NRCS), depths to water table for soil types at the site with proposed land disturbance are typically less than 3 feet in areas where there will be site work, and Part 2’s instructions suggest that if a numeric threshold contained in a question is exceeded, the “moderate to large impact may occur” box should be checked. If depth to water table at any of the site work locations is found to be actually less than 3 feet, dewatering methods and erosion and sediment best management practices in accordance with the New York State Department of Environmental Conservation’s (“NYSDEC”) SPDES General Permit for Storm Water Discharges from Construction Activity (“Storm Water General Permit”) and a Storm Water Pollution Prevention Plan (“SWPPP”) will be employed, as necessary, in site work areas, and there will not be a significant adverse environmental impact to land or the water table.

The “moderate to large impact may occur” box for Question 1.d., “[t]he proposed action may involve the excavation and removal of more than 1,000 tons of natural material,” was checked because a preliminary estimate indicates that more than 1,000 tons of natural material may be excavated for site work, and Part 2’s instructions suggest that if a numeric threshold contained in a question is exceeded, the “moderate to large impact may occur” box should be checked. Subsoils that will be excavated will be reused for grading as necessary, and topsoil will be segregated and reused on-site to the extent possible. If necessary, excess materials will be removed from the site for use as fill or topsoil off-site in accordance with NYSDEC regulations or other applicable requirements. There will not be a significant adverse environmental impact to land.

The “moderate to large impact may occur” box for Question 1.e., “[t]he proposed action may involve construction that continues for more than one year or in multiple phases,” was checked because the proposed project would be undertaken over a projected period exceeding 12 months, and Part 2’s instructions suggest that if a numeric threshold contained in a question is exceeded, the “moderate to large impact may occur” box should be checked. Work for the project would be undertaken at various areas of the manufacturing site at various times taking into account work and construction efficiencies, and not all of the work would be undertaken at the same time. There will not be a significant adverse environmental impact.

The “moderate to large impact may occur” box for Question 6.c., “the proposed action may require a state air registration...” was checked because upgraded air emission permits may be obtained from the New York State Department of Environmental Conservation if needed (for boilers and coolers for instance). However, there will not be significant adverse impacts.

The “moderate to large impact may occur” box for Question 10.a., “[t]he proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation, and Historic Preservation to be eligible for listing on the State Register of Historic Places,” was checked because according to the NYS Cultural Resource Information System (“CRIS”), the Nike Base NF-41 Launch Area is located to the west of the facility and is eligible for listing on the National and State Register of Historic Places (“Registers”), and Part 2’s instructions suggest that if a building/site is eligible for the Registers, the “moderate to large impact may occur” box should be checked. There is a wooded area between the manufacturing facility and the Launch Area, and the facility has been located in the same location for decades. There will not be a significant adverse impact.

The “moderate to large impact may occur” boxes for Question 14.c, “[t]he proposed action may utilize more than 2,500 MW hrs per year of electricity” and Question 14.d., “[t]he proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed” were checked because of the possible increases in electricity use. However, the facility already uses a substantial amount of electricity in order to support its manufacturing processes and has a dedicated supply line for this facility. There will not be a significant adverse impact.

As discussed in the Negative Declaration, which is attached and is incorporated herein by reference, no significant adverse impacts have been identified relating to the proposed capital project.

SEQR Status: Type 1 Unlisted
Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Town Board of the Town of Grand Island as lead agency that:

- A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.
- B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

- C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Thermo Fisher Scientific Expansion – Liquid Core Addition (NE) and AGT West Addition (SW) – Manufacturing Facility Expansion a/k/a Thermo Fisher Scientific / Life Technologies Corporation (subsidiary) / Life Sciences Solution Group

Name of Lead Agency: Town Board of Town of Grand Island

Name of Responsible Officer in Lead Agency: John Whitney

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency: _____ Date: _____

Signature of Preparer (if different from Responsible Officer) _____ Date: _____

For Further Information:

Contact Person: John Whitney, Town Supervisor
Address: 2255 Baseline Road, Grand Island, NY 14072
Telephone Number: (716) 773-9600
Email: jwhitney@grand-island.ny.us

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

INDUCEMENT RESOLUTION

**LIFE TECHNOLOGIES CORPORATION, THERMO FISHER SCIENTIFIC INC.,
AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES)
FORMED OR TO BE FORMED ON ITS BEHALF**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, January 27, 2021 at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF LIFE TECHNOLOGIES CORPORATION, THERMO FISHER SCIENTIFIC INC., AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, AND (B) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

WHEREAS, the Company has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located

on 3175 Staley Road, Town of Grand Island, Erie County, New York (the “Land”), (ii) the construction on the Land of an approximately 69,000 square-foot manufacturing facility addition to be utilized for the production of liquid animal origin free (AOF) products (the “Improvements”), and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land and the Improvements, the “Facility”); and

WHEREAS, pursuant to General Municipal Law Section 859-a, and pursuant to Governor Cuomo’s Executive Order 202.15 issued on April 9, 2020, and as amended from time to time, authorizing the conduct of public hearings through the use of telephone conference, video conference and/or other similar service, the Agency, on January 19, 2021, at 9:00 a.m., held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the “Public Hearing”) via live stream web broadcast at www.ecidany.com/streaming, at which the Agency provided interested parties a reasonable opportunity to provide oral comments and/or their views on the Project, and further instructed interested parties on the process to submit written comments with respect to the Project; and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the “Agent Agreement”), (ii) negotiate and enter into a lease agreement (the “Lease Agreement”) and related leaseback agreement (the “Leaseback Agreement”) with the Company, pursuant to which the Agency will retain a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Facility; and (iii) provide Financial Assistance to the Company in the form of (a) an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility, (b) a partial abatement from real property taxes benefit through a ten (10) year term PILOT Agreement for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit, and the partial abatement from real property taxes benefit, are hereinafter collectively referred to as the “Financial Assistance”); and

WHEREAS, pursuant to and in accordance with Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto in 6 N.Y.C.R.R. Part 617 (collectively referred to as the “State Environmental Quality Review Act” and/or “SEQR”), the Company has submitted to the Agency a Full Environmental Assessment Form (the “EAF”) with respect to the Project; and

WHEREAS, the Town of Board of the Grand Island (the “Town Board”) in accordance with SEQR, undertook coordinated review with respect to the Project, established itself as Lead Agency as defined in SEQR, determined that the Project was a Type I action, and issued a negative declaration (“Original Negative Declaration”) under SEQR on September 21, 2020, with respect to the Project; and

WHEREAS, on December 7, 2020, the Town Board revised its Negative Declaration by providing additional reasoned elaboration for the determination of significance it made on September 21, 2020, and ratified and reaffirmed the Original Negative Declaration for the Project (the “Negative Declaration”); and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company’s application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency Policy Committee review and recommendations of the Project and its January 7, 2021 resolution to approve the project subject to the terms and conditions as described herein, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Erie County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the “State”) to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company’s application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required in the Countywide Industrial Development Agency Uniform Tax Exemption Policy; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions the Act.

(I) Based upon a thorough and complete review of the Application and its accompanying materials and information, the EAF submitted by the Company, and the proceedings conducted by the Agency and the Town Board, pursuant to SEQR, the Agency hereby:

(i) consents to and affirms the status of the Town of Board as “Lead Agency” within the meaning of and for all purposes of complying with SEQR and determines that the proceedings undertaken by the Town Board under SEQR with respect to the undertaking of the Project by the Company (as agent of the Agency) satisfy the requirements of SEQR;

(ii) affirms that the Project involves an “Type I action” as that term is defined under SEQR;

(iii) reviews, considers, confirms, ratifies, and adopts such proceedings by the Town Board, including the “Negative Declaration”;

(iv) determines that the Project related increase in traffic at the intersections of the Project location will not exceed established levels due to the relocation of certain administrative employees to an alternative site, that increased noise levels associated with increased truck traffic entering and existing the Facility and Facility operations are within the Town of Grand Island accepted levels of noise per the Town of Grand Island Zoning Code, that no significant air quality impacts will result from the Project, no wetland impacts will result, and no substantial changes to existing ground or surface water quality or quantity will result, that no endangered or threatened specials or habitat will be impacted and the Project is not located within a Critical Environmental Area, that the Project will not conflict with the community’s current plans or goals, that there will be no adverse impacts on historic or archeological resources, that there will not be a major change in the use of energy, that the volume or use of hazardous materials related to Facility operations will be small and have no significant adverse impact, that there will be no substantial change to agricultural, open space, or recreation resources, that the number of additional people who will come to the Facility as a result of the Project will not be as large as the number of employees who recently transferred to other support locations, that

there are not any changes in two or more elements of the environment, no one of which has a significant impact on the environment but when considered together result in a substantial adverse impact, nor will there be two or more related actions undertaken, funded or approved producing significant cumulative impacts because the two possible building additions have been considered together within the EAF and the Town Board Negative Declaration and as such, the Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment, that the Project will not have a “significant effect on the environment” as such quoted terms are defined in SEQR, and that no “environmental impact statement” as such quoted term is defined in SEQR need be prepared for this action; and

(v) determines that all of the provisions of SEQR that are required to be complied with as a condition precedent to the approval of the Financial Assistance contemplated by the Agency with respect to the Project, and the participation by the Agency in undertaking the Project, have been satisfied. This determination constitutes a “negative declaration” (as such quoted terms are defined under SEQR) for purposes of SEQR.

(J) The Project qualifies for Agency Financial Assistance as it meets the Agency’s evaluative criteria established by the Agency as required under General Municipal Law Section 859-a(5), as evidenced by the following:

(i) *Wage Rate (above median wage for area):* Erie County median worker income: \$33,350. Company estimated average salary of jobs to be retained: \$60,000. Company estimated average salary of jobs to be created: \$47,000.

(ii) *Regional Wealth Creation (% sales/customers outside area):* Sales outside NYS and within U.S.: 52% and International 45%

(iii) *In Region Purchases (% of overall purchases):* Approximately 5%

(iv) *Research and Development Activities:* While the overall facility includes research and development activities, the new project expansion does not involve R&D.

(v) *Investment in Energy Efficiency:* New purchase of energy efficient chillers and high efficiency air handlers are plans.

(vi) *Locational Land Use Factors, Brownfields or Locally Designated Development Areas:* Site is zoned industrial.

(vii) *LEED/Renewable Resources:* Not Applicable.

(viii) *Retention/Flight Risk:* The Grand Island facility competes in the life sciences industry against companies such as Merck (Germany), Millipore (MA), Lonza (MD) and GE/Hyclone (UT). Company manufacturing operations are located in Europe and other locations within the U.S. The Grand Island facility faces both internal and external competition to retain market share as well as compete for future growth. Recapture criteria currently in place requires a company this size to retain 95% of its base FTE jobs.

(ix) *MBE/WBE Utilization:* Through the Company's Diversity and Inclusion Recruiting Counsel, it has developed relationships with select external diversity-focused organizations to recruit top talent from underrepresented ethnic group such as African-Americans and Hispanic-Latinos. The Company consider candidates from various career levels, including recent graduates, mid-level managers and senior executives. Organizations worked with in the past include Prospanica (Hispanic-MBA's and the National Black MBA Associates.

(x) *Workforce Access-Proximity to Public Transportation:* The closest bus stop is 4 miles from the facility. This service is provided by bus line 40A Niagara Falls.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the appointment of the Company as agent of the Agency, if utilized, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, and/or the Assistant Treasurer).

(A) Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$30,000,000.00, and, therefore, the value of the sales and use tax exemption benefits ("sales and use tax exemption benefits") authorized and approved by the Agency cannot exceed \$2,625,000.00, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the real property tax abatement benefits ("PILOT benefits") to be provided over the term of the PILOT Agreement are estimated

to be approximately \$286,614.00, resulting in estimated total PILOT payments of \$76,188.00 over the term of the PILOT Agreement.

(B) Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits, and/or partial abatements from real property taxes benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; (v) the New York State and local sales and use tax exemption benefits and/or the partial abatement from real property taxes benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, the Employment Commitment, and/or the Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the New York State and local sales and use tax exemption benefits, and/or the partial abatement from real property taxes benefits are taken in cases where the Company fails to comply with the Equal Pay Commitment and/or the Unpaid Real Property Tax Policy Commitment, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

(C) Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$72,250,000.00 (which represents the product of 85% multiplied by \$85,000,000.00, being the total project cost as stated in the Company's application for Financial Assistance).

- (ii) Employment Commitment – that there are at least 807 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company’s application for Financial Assistance (the “Baseline FTE”); and
- the number of current FTE employees in the then current year at the Facility; and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 858 FTE employees [representing the sum of (x) 807 Baseline FTE and (y) 51 FTE employees, being the product of 85% and 60 (representing the 60 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company’s employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency’s “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency’s Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency’s Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency’s Unpaid Real Property Tax Policy.

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver (A) an Agent Agreement, (B) the Lease Agreement whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement whereby the Agency leases the Project back to the Company, and (D) the PILOT Agreement and (E) related documents; provided, however, that (i) the rental payments under the Leaseback Agreement to the Company include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency’s Uniform Tax Exemption Policy, or procedures for deviation have been complied with accordingly.

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the “Lender”) up to a

maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the “Agency Documents”); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency’s interest in the Project.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency’s Administrative Fee Agreement (the “Fee Agreement”) and payment by the Company of an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

Section 8. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer.

Dated: January 27, 2021



Liquid Expansion North - Thermo Fisher Scientific

[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	Thermo Fisher Scientific's Liquid North Expansion
Project Summary	Adding building and process equipment to expand liquid media and other operations to meet customer demand and secure growth opportunities for the benefit of Western New York economy.
Applicant Name	Thermo Fisher Scientific Inc's subsidiary: Life Technologies Corporation
Applicant Address	3175 Staley Road
Applicant Address 2	
Applicant City	Grand Island
Applicant State	New York
Applicant Zip	14072
Phone	(716) 774-6700
Fax	(716) 774-6999
E-mail	patrick.whitehead@thermofisher.com
Website	https://www.thermofisher.com/us/en/home.html
NAICS Code	325414

Business Organization

Type of Business	Public Corporation
Year Established	2008
State in which Organization is established	Delaware

Individual Completing Application

Name	Patrick Whitehead
Title	Manufacturing Engineer
Address	3175 Staley Road
Address 2	
City	Grand Island
State	New York
Zip	14072

Phone (716) 534-2077
Fax (716) 774-6999
E-Mail patrick.whitehead@thermofisher.com

Company Contact (if different from individual completing application)

Name Mary McCormick
Title Senior Finance Manager
Address 3175 Staley Road
Address 2
City Grand Island
State New York
Zip 14072
Phone (716) 464-0464
Fax (716) 774-6805
E-Mail mary.mccormick@thermofisher.com

Company Counsel

Name of Attorney Paul D Meosky
Firm Name Hodgson Russ LLP
Address 140 Pearl Street
Address 2
City Buffalo
State New York
Zip 14202
Phone (716) 848-1482
Fax
E-Mail pmeosky@hodgsonruss.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.

Grand Island Biological Company ("GIBCO") was established in 1962 in Grand Island, New York as an entrepreneurial effort to bring commercially prepared cell culture products to local markets such as Roswell Park Cancer Research Center and the State University of New York at Buffalo's biological and medical science research laboratories. Over the decades, the company has undergone ownership changes including in November 2008 when Life Technologies Corporation was created from the merger of Invitrogen Corporation and Applied Biosystems Inc. In 2014, the acquisition of Life Technologies Corporation by Thermo Fisher Scientific Inc. was completed, with Life Technologies Corporation remaining as a corporation and becoming part of the Life Sciences Solutions Group of Thermo Fisher Scientific Inc. The GIBCO brand is one of the premier global suppliers of cell culture products. Cell culture products manufactured at the Grand Island facility are used for a wide variety of applications in basic and applied life sciences research and in medical, diagnostic, therapeutic, and large-scale industrial biotechnology applications. Such applications include research into biological processes, cellular nutrition and genetic analyses, Covid research, cancer, AIDS research, and genetically-engineered pharmaceutical drug manufacturing. We compete in the life sciences industry against companies such as Merck (Germany), Millipore (MA), Lonza(MD), and GE/Hyclone (UT). The cell culture marketplace is growing at a fast pace. Company manufacturing operations are located in Europe and other locations in the United States besides Grand Island. As such, the Grand Island facility faces both internal and external competition to retain market share as well as compete for future growth. We need local development assistance to help secure these growth opportunities for the benefit of the Western New York Economy. Thermo Fisher Scientific is a U.S.-based provisioner of scientific instrumentation, reagents and consumables, and software and services to healthcare, life science, and other laboratories in academia, government, and industry (including in the biotechnology and pharmaceutical sectors).

Estimated % of sales within Erie County	1 %
Estimated % of sales outside Erie County but within New York State	2 %
Estimated % of sales outside New York State but within the U.S.	52 %
Estimated % of sales outside the U.S.	45 %

(*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?

5

Describe vendors within Erie County for major purchases

Landscaping, Outside Council, Uniforms, Cleaning and Lab Supplies, Raw Materials

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

3175 Staley Road

Town/City/Village of Project Site

Grand Island

School District of Project Site

Grand Island Central School District

Current Address (if different)

N/A

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

N/A

SBL Number(s) for proposed Project

36.00-4-31

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

263,000+/-

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

Land

\$

Building(s)

\$

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.)

Expand northeast corner of existing building to accommodate additional manufacturing and warehousing space.

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)

Existing building is ~300,000 sf. The proposed project involves construction of a 69,000+/- sf addition (between two floors) to the existing manufacturing plant for the production of Animal Origin Free (AOF) Liquid Media (LM) products and the purchase of new machinery equipment in order to increase production capacity. Installation of dispensary suites, formulation tanks, filtration and finishing equipment are also in scope. New facility space will allow for expansion of operations to meet customer demand. **Job information has been completed from the perspective of Life Technologies Corporation, as it is the payables and payroll entity that the Grand Island, New York locations fall under. Job figures shown in Project Details Part 3, Section 2 show current employment of 1063. This employment figure includes Life Technologies Corporation workers at Staley Road (789), Whitehaven Road (256) and workers who are remote due to space constraints at Staley Rd (18). As discussed with ECIDA, Whitehaven Rd is an annex to Staley Rd. Further breakout of workers by location is included in the Supplementary Information Attachment that is included within this application submission.**

Municipality or Municipalities of current operations

Grand Island, Erie County, NY

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

Yes

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

No

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

No

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

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

No

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

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

Yes

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

Preliminary meetings with various NYS agencies on possible incentives.

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:

Obtaining the assistance encourages the company to expand at the Grand Island location rather than outside of the state.

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)

Although the facility itself will not move, this large expansion and business opportunity is dependent upon receiving assistance. This project will create ~60 new full time permanent jobs at the project location. The project will enable us to serve our existing customer's increasing demand for our products as well as compete in the expanding life sciences industry and gain additional customers/business. The opportunity exists to build this expansion in our Miami, Florida facility or Greenville, NC facility, where government agencies have provided assistance for similar projects.

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 the project moves out of Grand Island, the county will lose the opportunity for job creation and its economic impacts.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

Is your project located near public transportation?

No

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

Has a project related site plan approval application been submitted to the appropriate planning department?

Yes

If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.

If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.

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

Yes

Describe the present zoning/land use

Industrial zoning.

Describe required zoning/land use, if different

N/A

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

N/A

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

No

If yes, please explain

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

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?

Yes

If yes, describe the efficiencies achieved

Energy efficient chillers and high efficiency air handling units.

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

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

Yes

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

The large facility site includes R&D, the new project expansion will not involve R&D.

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

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

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

Retail Sales No **Services** No

Please check any and all end uses as identified below.

- No Acquisition of Existing Facility** **No Assisted Living** **No Back Office**
- No Civic Facility (not for profit)** **No Commercial** **No 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** **No Manufacturing**
- Yes Other**
 High tech manufacturing facility

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	54,400 square feet	\$	78,000,000	92%
Warehouse	14,600 square feet	\$	7,000,000	8%
Research & Development	0 square feet	\$	0	0%
Commercial	0 square feet	\$	0	0%
Retail	0 square feet	\$	0	0%
Office	0 square feet	\$	0	0%
Specify Other	0 square feet	\$	0	0%

If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?

No

If you answered yes to question above, what level of LEED certification do you anticipate receiving? (Check applicable box)

Standard

Provide estimate of additional construction cost as a result of LEED certification you are seeking < BLANK >

Will project result in significant utility infrastructure cost or uses Yes

What is the estimated project timetable (provide dates)

Start date : acquisition of equipment or construction of facilities

6/1/2021

End date : Estimated completion date of project

3/1/2023

Project occupancy : estimated starting date of occupancy

3/1/2023

Project Information

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 0 0 square feet 0 acres

2.) New Building Construction

\$ 0 0 square feet

3.) New Building addition(s)

\$ 34,200,000 69,000 square feet

4.) Reconstruction/Renovation

\$ 0 0 square feet

5.) Manufacturing Equipment

\$ 36,000,000

6.) Infrastructure Work

\$ 0

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

\$ 0

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

\$ 14,800,000

9.) Other Cost

\$ 0

Explain Other Costs N/A

Total Cost \$ 85,000,000

Construction Cost Breakdown:

Total Cost of Construction	\$ 34,200,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 22,200,000.00
% sourced in Erie County	25%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit \$ 30,000,000

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above): \$ 2,625,000

** Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

Project refinancing estimated amount, if applicable (for refinancing of existing debt only) \$ 0

Have any of the above costs been paid or incurred as of the date of this Application? No

If Yes, describe particulars:

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 85,000,000
Bank Financing:	\$ 0
Tax Exempt Bond Issuance (if applicable):	\$ 0
Taxable Bond Issuance (if applicable):	\$ 0
Public Sources (Include sum total of all state and federal grants and tax credits):	\$ 0
Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)	0
Total Sources of Funds for Project Costs:	\$85,000,000
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).	0
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): No

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

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

ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization

Thermo Fisher Scientific is committed to providing equal employment opportunity and ethical employment practices, including promoting human rights, within the Company's sphere of influence.

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)

You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return. The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

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	807	807	60	60
Part time	0	0	0	0
Total	807	807	60	

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	20	\$ 178,234	\$ 44,558	\$ 0	\$ 0
Professional	189	\$ 87,463	\$ 29,737	\$ 0	\$ 0
Administrative	45	\$ 41,236	\$ 17,674	\$ 0	\$ 0
Production	553	\$ 48,711	\$ 20,877	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	\$ 0	\$ 0

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

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

Address	Full time	Part time	Total
1870 Whitehaven Road acts as an annex to the Staley Road complex.	256	0	0
	0	0	0
	256	0	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

55,200,000

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

59,940

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

0

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

45,875

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

0

Estimated salary range of jobs to be created

From (Full Time)	46,000	To (Full Time)	220,000
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

3175 Staley Road, Grand Island, NY 14072

Name and Address of Owner of Premises

Life Technologies (subsidiary of Thermo Fisher Scientific), 3175 Staley Road, Grand Island, NY 14072

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

Flat level terrain.

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

Main plant constructed circa 1963 under GIBCO name with multiple expansions over the years for warehouse, research and development and cell culture manufacturing.

Describe all known former uses of the Premises

Horse farm prior to founding, circa 1963 construction.

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?

Yes

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

NYD012691499

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**

No hazardous and/or solid wastes are transported to the Premises. Hazardous waste is transported from the Premises by: Clean Harbors Environmental Services Solid wastes are transported from the Premises by: Clean Harbors Environmental Services, Tonawanda Tank Transportation Services, Frank's Vacuum Truck Service, Inc. and Modern Disposal Services

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

Hazardous Waste Disposal companies which received waste from Premises in the past 2 years: Clean Harbors Environmental Services
Non hazardous and/or solid wastes companies which received waste from Premises in the past 2 years: Clean Harbors Environmental Services, Covanta Niagara Company LP, Stericycle, EQ Transfer and Processing Facility, Sunking and Modern Disposal Services

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 storedDischarge 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**

The sources of industrial process discharges are: a) Regular municipal sewage which consists of discharges from: sinks, toilets, and cafeteria water (about 20% of total Volume). b) Industrial/Pharmaceutical discharges which includes: Water for Injection (WFI/sterile water), boiler blowdowns, equipment and room washings, and tank cleanings from the Liquid and Powder production of cell the culture media (about 80% of total Volume). All of these sources of water are treated through the Facultative Lagoon Wastewater Treatment System and are discharged in compliance per NYS SPDES permit.

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

The NYS SPDES discharge permit (NY0000400) covers the facilities' treated wastewater and its stormwater discharges.

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 wasteAir 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

Site emissions are regulated through Air Facility Registration ID: 9-1446-00007/00013

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

a) Bulk petroleum above ground storage: five generator fuel tanks of various capacity b) Four transformers containing oil c) Non-Hazard waste above ground storage: four storage tanks of various capacity

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 Life Technologies Corporation (subsidiary of Thermo Fisher Scientific)
Address 3175 Staley Road
Contact Person Mary McCormick
Phone (716) 464-0464
Fax (716) 774-6805
E-Mail mary.mccormick@thermofisher.com
Federal ID # 33-037-3077
SIC/NAICS Code 325414

55

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.

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

3175 Staley Road

City/Town

Grand Island

State

New York

Zip Code

14072

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:

N/A

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

N/A

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

No

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

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

N/A

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

No

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

N/A

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

12/28/2020

The Erie County Industrial Development Agency (ECIDA)

N/A

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

N/A

Section IX: Senior Housing

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

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

No

Pine Pharmaceuticals, LLC
\$8,615,000
INDUCEMENT RESOLUTION

ELIGIBILITY

- NAICS Section - 325412

COMPANY INCENTIVES

- Approximately \$975,000 in real property tax savings.
- Approximately \$364,437 in sales tax savings
- Up to 3/4 of 1% of the final mortgage amount estimated at \$37,500

EMPLOYMENT

- Current Jobs: FT - 76
PT - 7
- New Jobs Projected: FT - 40
- Total Jobs After Project Completion - 119
- Annual payroll: \$5,775,000
- Estimated salary of jobs to be created: \$55,000
- Estimated salary of jobs to be retained: \$75,000

PROJECT HISTORY

- 12/30/2020 - Public hearing held.
- 01/27/2021 - The project is in compliance with the Town of Tonawanda Generic Environmental Impact Statement and no further SEQRA compliance is required by ECIDA Board.
- 01/27/2021 - Lease/Leaseback Inducement Resolution presented to the Board of Directors

COMPANY HISTORY

- ◆ 2017 - \$5,600,000 Tax Incentive

Project Title: Pine Pharmaceuticals, LLC
 Project Address: 355 Riverwalk Parkway
 Tonawanda, New York 14150
 (Kenmore –TTN UFSD)

Agency Request

A sales tax, mortgage recording tax and real property tax abatement in connection with the construction of a 50,000 sq. ft. manufacturing facility.

Land Acquisition	\$ 240,000
New Building Construction	\$ 5,900,000
Manufacturing Equipment	\$ 1,700,000
Non-Manufacturing Equipment	\$ 400,000
Soft Costs	\$ 375,000
Total Project Cost	\$8,615,000
 85%	 \$7,322,750

Company Description

Pine Pharmaceuticals is an FDA-registered outsourcing facility. This entity was created in November, 2013 to allow custom pharmaceuticals to be shipped directly to a physician for in office use. The company creates sterile and non-sterile compounds and sells them to practitioners for administration in office to the patient. Products are made for ophthalmologists, dermatologists as well as for hospital use.

Project Description

In 2017, with IDA assistance, Pine Pharmaceutical constructed a 25,000 sq. ft. facility in the Riverview Solar Technology Park. Since that time the company's operations have grown and is now in need of additional space. They will be constructing a 50,000 sq. ft. expansion to the existing facility. Since Pine is a sterile compounder, significant purchases will be made to equip new cleanrooms.

New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over 10 Year Abatement Period	Additional Town Revenue over 10 Year Abatement Period	New Yearly Taxes Upon Expiration of Abatement Period
N/A	\$1,250,000	\$37,000	\$222,000	\$123,450
Combined Tax Rate: \$98.76				

PILOT Table
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 = \$8,615,000 85% = \$7,322,750
Employment	Coincides with 10-year PILOT	Maintain Base = 80 FTE Create 85% of Projected Projected = 40 85% = 34 Recapture Employment = 114
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
Recapture Period	10 year PILOT term	Real Property Taxes State and Local Sales Taxes Mortgage Recording 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 80 FTE jobs and created 40 FT jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

ADDENDUM TO PROJECT LOG

PINE PHARMACEUTICALS, LLC

Evaluative Criteria	Notes
Wage Rate (above median wage for area)	Erie County per capita income: \$33,350 Company estimated average salary of jobs to be retained: \$75,000 Company estimated average salary of jobs to be created: \$55,000
Regional Wealth Creation (% sales/customers outside area)	Sales: Outside NYS and within U.S.: 93%
In Region Purchases (% of overall purchases)	12% of annual supplies and vendor services are within Erie County
Research & Development Activities	The company performs research and development on every product prior to selling. Approximately 15% of costs are devoted to research and development.
Investment in Energy Efficiency	N/A
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	The land is zoned for industrial and manufacturing uses.
LEED/Renewable Resources	The company's location is within the Riverview Solar Technology Park provides reduced energy costs. All buildings within the development are constructed using the latest green construction methods to minimize their environment impact. N/A
Retention/Flight Risk	Recapture criteria currently in place requires a company this size to retain 95% of its base FTE jobs.
MBE/WBE Utilization	Pine along with its general contractor, Montante Construction, endeavors to support M/WBE businesses to grow capacity and provide opportunities. This includes early outreach and active targeting to bidders off a list of approved vendors compiled by the City of Buffalo, State of NY and Erie County. They will include diversity language in all subcontractor materials – including bid packages, purchase orders and contracts, which ensures that any subs hired on the job is also promoting M/WBE hiring and utilization.
Workforce Access – Proximity to Public Transportation	The facility is on bus route 40/Niagara Falls.

January 27, 2021

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-Pine Pharmaceutical - 2021

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
\$5,900,000	\$1,250,000	\$14.16	\$33.00	\$51.60

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	10%	\$1,770	\$4,125	\$6,450	\$12,345	\$123,450	\$111,105
2	10%	\$1,770	\$4,125	\$6,450	\$12,345	\$123,450	\$111,105
3	10%	\$1,770	\$4,125	\$6,450	\$12,345	\$123,450	\$111,105
4	20%	\$3,540	\$8,250	\$12,900	\$24,690	\$123,450	\$98,760
5	20%	\$3,540	\$8,250	\$12,900	\$24,690	\$123,450	\$98,760
6	20%	\$3,540	\$8,250	\$12,900	\$24,690	\$123,450	\$98,760
7	30%	\$5,310	\$12,375	\$19,350	\$37,035	\$123,450	\$86,415
8	30%	\$5,310	\$12,375	\$19,350	\$37,035	\$123,450	\$86,415
9	30%	\$5,310	\$12,375	\$19,350	\$37,035	\$123,450	\$86,415
10	30%	\$5,310	\$12,375	\$19,350	\$37,035	\$123,450	\$86,415
TOTAL		\$37,170	\$86,625	\$135,450	\$259,245	\$1,234,500	\$975,255

***** 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 (Tax Credits, Grants, ESD Incentives, etc.)
\$8,615,000	\$975,255	\$364,437	\$37,500	\$0

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 16%

Cost-Benefit Analysis for Pine Pharmaceuticals, LLC

Prepared by Erie County IDA using InformAnalytics

Executive Summary

INVESTOR
Pine Pharmaceuticals,
LLC

TOTAL INVESTED
\$8.6 Million

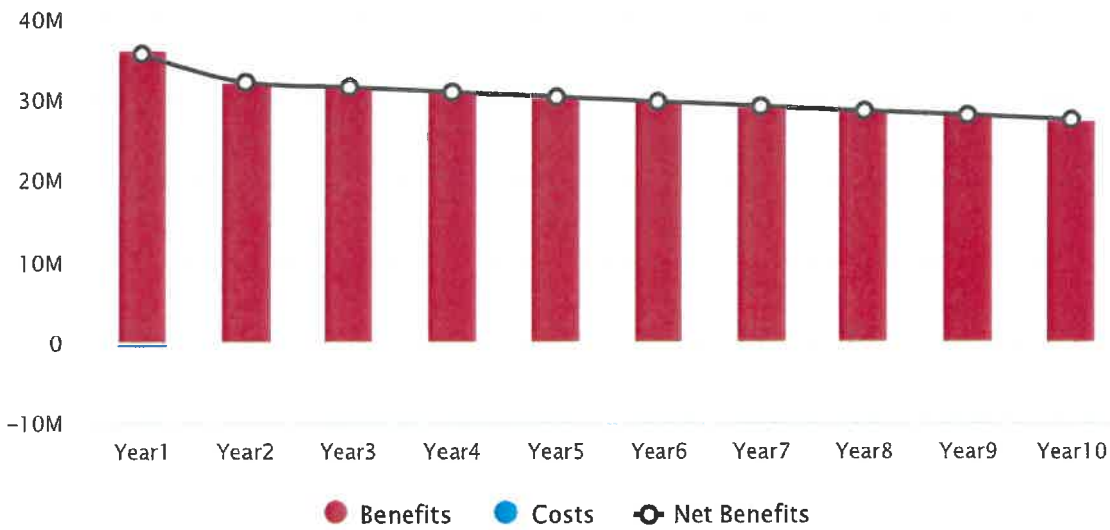
LOCATION
355 Riverwalk Parkway,
Tonawanda, NY 14150

TIMELINE
10 Years

F1 FIGURE 1

Discounted* Net Benefits for Pine Pharmaceuticals, LLC by Year

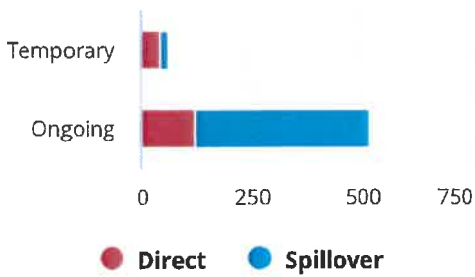
Total Net Benefits: **\$303,438,000**



Discounted at 2%

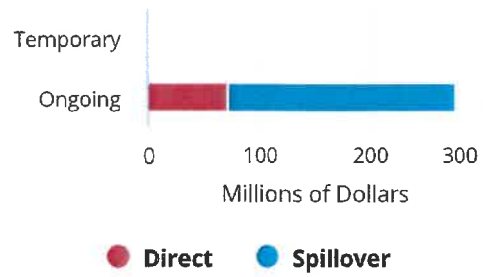
F2 FIGURE 2

Total Jobs



F3 FIGURE 3

Total Payroll



Proposed Investment

Pine Pharmaceuticals, LLC proposes to invest \$8.6 million at 355 Riverwalk Parkway, Tonawanda, NY 14150 over 10 years.

TABLE 1

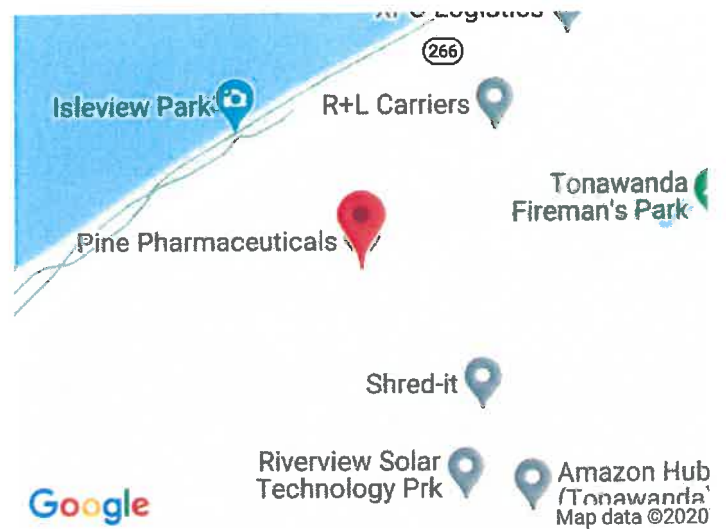
Proposed Investments

Description	Amount
CONSTRUCTION SPENDING	
Construction	\$5,900,000
OTHER SPENDING	
Land Acquisition	\$240,000
Manufacturing Equipment	\$1,700,000
Non-Manufacturing Equipment	\$400,000
Soft Costs	\$375,000
Total Investments	\$8,615,000
Discounted Total (2%)	\$8,615,000

May not sum to total due to rounding.

FIGURE 4

Location of Investment



Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Erie County IDA. The report calculates the costs and benefits for specified local taxing districts over the first 10 years, with future returns discounted at a 2% rate.

T2 TABLE 2

Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for Pine Pharmaceuticals, LLC.

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$975,000	\$897,000
Sales Tax Exemption	\$365,000	\$365,000
Mortgage Recording Tax Exemption	\$38,000	\$38,000
Total Costs	\$1,377,000	\$1,300,000

May not sum to total due to rounding.

* Discounted at 2%

TABLE 3

State & Regional Impact (Life of Project)

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
REGIONAL BENEFITS	\$81,638,000	\$231,303,000	\$312,941,000
To Private Individuals	\$80,268,000	\$227,592,000	\$307,859,000
Temporary Payroll	\$2,268,000	\$787,000	\$3,055,000
Ongoing Payroll	\$78,000,000	\$226,805,000	\$304,805,000
To the Public	\$1,371,000	\$3,711,000	\$5,082,000
Property Tax Revenue	\$62,000	N/A	\$62,000
Temporary Sales Tax Revenue	\$37,000	\$13,000	\$50,000
Ongoing Sales Tax Revenue	\$1,272,000	\$3,698,000	\$4,970,000
STATE BENEFITS	\$5,202,000	\$14,152,000	\$19,354,000
To the Public	\$5,202,000	\$14,152,000	\$19,354,000
Temporary Income Tax Revenue	\$111,000	\$38,000	\$149,000
Ongoing Income Tax Revenue	\$3,958,000	\$10,901,000	\$14,859,000
Temporary Sales Tax Revenue	\$32,000	\$11,000	\$43,000
Ongoing Sales Tax Revenue	\$1,101,000	\$3,201,000	\$4,302,000
Total Benefits to State & Region	\$86,840,000	\$245,454,000	\$332,295,000
Discounted Total Benefits (2%)	\$79,775,000	\$224,962,000	\$304,738,000

May not sum to total due to rounding.

TABLE 4

Benefit to Cost Ratio

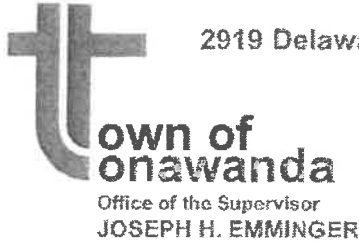
The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$286,989,000	\$1,118,000	257:1
State	\$17,748,000	\$182,000	98:1
Grand Total	\$304,738,000	\$1,300,000	234:1

May not sum to total due to rounding.

* Discounted at 2%

CGR has exercised reasonable professional care and diligence in the the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.



2919 Delaware Avenue - Room 11 • Kenmore, New York 14217 • (716) 877-8804
Fax: (716) 877-1261

December 28, 2020

Mr. John Cappellino
Chief Executive Officer
Erie County Industrial Development Agency
95 Perry Street, Suite 403
Buffalo, New York 14203

RE: Pine Pharmaceuticals LLC

Dear Mr. Cappellino,

The Town of Tonawanda is in support of the application by Pine Pharmaceuticals to the Erie County Industrial Development Agency requesting the Agency to construct an additional 50,000+/- square feet expansion to the Company's existing 25,000+/- square feet, at the building located at 355 Riverwalk Parkway, Tonawanda, New York.

Tonawanda is a great place to do business and the expansion of the building by approximately an additional 50,000 square feet, in the Town of Tonawanda's Riverview Solar Technology Park, will add the space needed for the expansion of the Company and create more jobs for the Town of Tonawanda.

The expansion is a welcome addition to the continued development of Tonawanda's commercial properties and will add to the success of Pine Pharmaceuticals who has chosen to operate one of the nation's leading FDA-registered outsourcing facilities in the Town of Tonawanda.

Sincerely,


Joseph H. Emminger, Supervisor
Town of Tonawanda

JHE/js

cc: Karen Fiala, Erie County Industrial Development Agency
Carrie A. Hocieniec, Erie County Industrial Development Agency
Alfonse J. Muto, Pine Pharmaceuticals

"A GREAT PLACE TO LIVE, WORK AND PLAY"



VIRTUAL PUBLIC HEARING SCRIPT

**Pine Pharmaceuticals 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 December 30, 2020 at 11:00 a.m.
via Virtual Conference Software

ATTENDANCE:

Morgan Morreale - Pine Pharmaceuticals, LLC
Alfonse J. Muto - Pine Pharmaceuticals, LLC
Karen Fiala - ECIDA
Carrie Hocienec - ECIDA
Brian Krygier - ECIDA

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

Hearing Officer: Welcome. This public hearing is now open; it is 11:00 a.m. My name is Beth O'Keefe. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this virtual public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at www.ecidany.com. Pre-registration for anyone wishing to speak at today's public hearing was required through our website. Today I am joined by Brian Krygier, ECIDA Systems Analyst who will be the Hearing Moderator and he will be managing the public comment portion of this hearing.

☒ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the Pine Pharmaceuticals 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 Friday, December 18, 2020.

☒ 3. PROJECT SUMMARY: Description of Project and Contemplated Agency Benefits.

Hearing Officer: The proposed project (the "Project") consists of: (i) the construction of an additional 50,000+/- SF expansion to the Company's existing 25,000+/- SF building located at 355 Riverwalk Parkway, Tonawanda, New York (the "Improvements") and (ii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible personal property to be utilized for Company operations (the "Equipment," and collectively with the Improvements, the "Facility"), all to be used by the Company. The Facility will be initially operated and/or managed by the Company.

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 who have joined this conference call were required to pre-register through our website (www.ecidany.com). Everyone who has pre-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, please submit it on the Agency's website or mail to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on January 26, 2021. There are no limitations on written statements or comments.

5. PUBLIC COMMENT: Hearing Officer gives the Public an opportunity to speak.

Hearing Officer: Those interested in making a statement or comment will be called upon by Brian in the order that they registered for this meeting. Please begin by stating 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.

The Hearing Moderator introduces each participant in the order they registered for this meeting.

Alfonse Muto – I am one of the owners. I think Beth summed it up pretty well. We are expanding here and currently have 25,000 sq. ft. and we are looking to add an additional 50,000 sq. ft. We are creating 40 jobs consisting of operation jobs, production jobs, warehousing jobs, quality control jobs, quality assurance and some administrative jobs as well. We are looking into making investments in equipment for dedicated manufacturing lines to expand our product portfolio and to bring in some new capabilities as well.

6. ADJOURNMENT:

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 11:04 a.m.

**SIGN IN SHEET
VIRTUAL PUBLIC HEARING**

Public Hearing to be held on December 30, 2020 at 11:00 a.m.
via Virtual Conference Software

**Pine Pharmaceuticals LLC and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 355 Riverwalk Parkway, Tonawanda, New York 14150

Name	Company and/or Address	X box to speak/ comment
Morgan Morreale	Pine Pharmaceuticals, LLC 355 Riverwalk Parkway Tonawanda, New York 14150	
Alfonse J. Muto	Pine Pharmaceuticals, LLC 355 Riverwalk Parkway Tonawanda, New York 14150	
Karen Fiala	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Carrie Hocieniec	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	



kenmore, new york 14217 • 14 municipal building • 877-8800

**town of
tonawanda**
planning board

January 15, 2021

Karen M. Fiala
Manager, Tax Incentives
Erie County Industrial Development Agency
95 Perry Street, Suite 403
Buffalo, NY 14203

Re: SEQR action for 355 Riverwalk Parkway

Dear Ms. Fiala:

On January 6, 2021 the Town of Tonawanda Planning Board, as part of its review of the Site Plan for 355 Riverwalk Parkway, Pine Pharmacy Expansion project, carried out the required SEQR review prior to acting on the Site Plan. At that time, the Tonawanda Planning Board, acting upon recommendation of the Town of Tonawanda SEQR Committee, made a determination that the Supplemental Findings for the proposed project are consistent with the Environmental Impact Statement prepared for the Riverview Commerce Park, now known as the Riverview Solar Technology Park.

Sincerely,

Kenneth J. Swanekamp
Chairman, Town of Tonawanda Planning Board

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**PINE PHARMACEUTICALS LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S),
SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS
BEHALF**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, January 27, 2021 at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF PINE PHARMACEUTICALS LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE “COMPANY”) IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the “Act”), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the “Agency”) was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

WHEREAS, the Company has submitted an application to the Agency (the “Application”) requesting the Agency’s assistance with a certain project (the “Project”)

consisting of: (i) the construction of an additional 50,000+/- SF expansion to the Company's existing 25,000+/- SF building located at 355 Riverwalk Parkway, Tonawanda, New York (the "Improvements") and (ii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible personal property to be utilized for Company operations (the "Equipment," and collectively with the Improvements, the "Facility"), all to be used by the Company. The Facility will be initially operated and/or managed by the Company; and

WHEREAS, pursuant to General Municipal Law Section 859-a, and pursuant to Governor Cuomo's Executive Order 202.15 issued on April 9, 2020, and as amended from time to time, authorizing the conduct of public hearings through the use of telephone conference, video conference and/or other similar service, the Agency, on December 30, 2020 at 10:30 a.m., held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the "Public Hearing") via live stream web broadcast at www.ecidany.com/streaming, at which the Agency provided interested parties a reasonable opportunity to provide oral comments and/or their views on the Project, and further instructed interested parties on the process to submit written comments with respect to the Project; and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the "Agent Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement") and related leaseback agreement (the "Leaseback Agreement") with the Company, pursuant to which the Agency will retain a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Facility; and (iii) provide Financial Assistance to the Company in the form of (a) an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility, (b) a mortgage recording tax exemption benefit for the financing related to the Project, and (c) a partial abatement from real property taxes benefit through a ten (10) year term PILOT Agreement for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit, the mortgage recording tax exemption benefit, and the partial abatement from real property taxes benefit, are hereinafter collectively referred to as the "Financial Assistance"); and

WHEREAS, the Company has submitted An Environmental Assessment Form to the Agency (the "EAF"); and

WHEREAS, the Agency must comply with Article 8 of the New York Environmental Conservation Law and the regulations adopted thereto (collectively referred to as "SEQR"), and determine whether or not the Project presents a potential significant adverse environmental impact requiring the preparation of an environmental impact statement pursuant to SEQR; and

WHEREAS, the Project is located within the Riverview Commerce Park (the "Park"), in the Town of Tonawanda, New York; and

WHEREAS, pursuant to SEQR, and in connection with the establishment of the Park, the Town of Tonawanda (the “Town”) acted as SEQR Lead agency and issued a Final Generic Environmental Impact Statement on August 8, 2005 and a Findings Statement on August 22, 2005 and a Final Supplemental Environmental Impact Statement and Findings for the Final Supplemental Generic Environmental Impact Statement on January 5, 2009 for the Park, which evaluated and authorized a conceptual master plan for this approximately 177 acre office, flex, warehousing, and distribution commerce park (collectively, the “Town SEQR Findings”); and

WHEREAS, the Town SEQR Findings weighed and balanced relevant environmental impacts of the Park with social, economic and other considerations, and provided a rationale for the Town’s decision regarding environmental impacts associated with the Park, and certified that the requirements of SEQR were met, certified that the actions to establish the Park were, from among the reasonable alternatives available, ones that avoided or minimized adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions those mitigation measures that were identified within the Town SEQR Findings as practicable; and

WHEREAS, the Agency was not an Involved or Interested Agency, as those terms as defined under SEQR, with respect to the Town SEQR Findings and as such, pursuant to SEQR, the Agency must satisfy the applicable requirements set forth in SEQR, as necessary, prior to making a final determination on whether to undertake the Project; and

WHEREAS, the Town of Tonawanda Planning Board, on January 15, 2021, determined that no further review of the Project is necessary because the Project is within the thresholds set forth in the Town SEQR Findings, and made a determination that no further SEQR review is necessary (the “Town Planning Board Determination”); and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company’s application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency Policy Committee review and recommendations of the Project and its January 7, 2021 resolution to approve the project subject to the terms and conditions as described herein, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Erie County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required in the Countywide Industrial Development Agency Uniform Tax Exemption Policy; and

(F) In reviewing the Project as currently proposed pursuant and the Town Planning Board Determination that no further SEQR compliance is required for the Project because it will be carried out in conformance with the conditions and thresholds established in the Town SEQR Findings, the Agency hereby determines, pursuant 6 N.Y.C.R.R. Section 617.10(d)(1), that no further SEQR compliance is required for the Project because it will be carried out in conformance with the conditions and thresholds established in the Town SEQR Findings; and

(G) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(H) The Agency has prepared a written cost-benefit analysis identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(I) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions the Act.

(J) The Project qualifies for Agency Financial Assistance as it meets the Agency's evaluative criteria established by the Agency as required under General Municipal Law Section 859-a(5), as evidenced by the following:

(i) *Wage Rate (above median wage for area):* Erie County per capita income: \$33,500. Company estimated average salary of jobs to be retained: \$75,000. Company estimated average salary of jobs to be created: \$55,000.

(ii) *Regional Wealth Creation (% sales/customers outside area):* Sales outside NYS and within U.S.: 93%.

(iii) *In Region Purchases (% of overall purchases):* 12% of annual supplies and vendor services are within Erie County.

(iv) *Research and Development Activities:* The Company performs research and development on every product prior to selling. Approximately 15% of costs are devoted to research and development.

(v) *Investment in Energy Efficiency:* N/A.

(vi) *Locational Land Use Factors, Brownfields or Locally Designated Development Areas:* The land is zoned for industrial and manufacturing uses.

(vii) *LEED/Renewable Resources:* The Company's location is within the Riverview Solar Technology Park provides reduced energy costs. All buildings within the development are constructed using the latest green construction methods to minimize their environment impact.

(viii) *Retention/Flight Risk:* Recapture criteria currently in place requires a company this size to retain 95% of its base FTE jobs.

(ix) *MBE/WBE Utilization:* The Company, along with its general contractor, endeavors to support M/WBE businesses to grow capacity and provide opportunities. This includes early outreach and active targeting to bidders off a list of approved vendors compiled by the City of Buffalo, State of NY and Erie County. The Company will include diversity language in all subcontractor materials-including bid packages, purchase orders and contracts, which ensures that any sub hired on the job is also promoting M/WBE hiring and utilization.

(x) *Workforce Access-Proximity to Public Transportation:* The facility is on bus route 40/Niagara Falls.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in

whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the appointment of the Company as agent of the Agency, if utilized, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, and/or the Assistant Treasurer).

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$4,165,000.00, and, therefore, the value of the sales and use tax exemption benefits (“sales and use tax exemption benefits”) authorized and approved by the Agency cannot exceed \$364,437.00, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the value of the mortgage recording tax exemption benefit (“mortgage recording tax exemption benefits”) shall not exceed \$37,500.00; and

(iii) authorizes and approves that the real property tax abatement benefits (“PILOT benefits”) to be provided over the term of the PILOT Agreement are estimated to be approximately \$975,255, resulting in estimated total PILOT payments of \$259,450 over the term of the PILOT Agreement.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits, and/or mortgage recording tax exemption benefits, and/or partial abatements from real property taxes benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for

Financial Assistance; (v) the New York State and local sales and use tax exemption benefits and/or mortgage recording tax exemption benefits, and/or the partial abatement from real property taxes benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, the Employment Commitment, and/or the Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the New York State and local sales and use tax exemption benefits, and/or mortgage recording tax exemption benefits, and/or the partial abatement from real property taxes benefits are taken in cases where the Company fails to comply with the Equal Pay Commitment and/or the Unpaid Real Property Tax Policy Commitment, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

C. Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$7,322,750 (which represents the product of 85% multiplied by \$8,615,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 80 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
 - the number of current FTE employees in the then current year at the Facility; and
 - that within two (2) years of Project Completion, the Company has maintained and created FTE employment at the Facility equal to 114 FTE employees [representing the sum of (i) 80 Baseline FTE and (ii) 34 FTE employees, being the product of 85% and 40 (representing the 40 new FTE employee positions proposed to be created by the Company as stated in its Application)].

- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver (A) an Agent Agreement, (B) the Lease Agreement whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement whereby the Agency leases the Project back to the Company, and (D) the PILOT Agreement and (E) related documents; provided, however, that (i) the rental payments under the Leaseback Agreement to the Company include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy, or procedures for deviation have been complied with accordingly.

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the "Agency Documents"); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the

purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency's Administrative Fee Agreement (the "Fee Agreement") and payment by the Company of an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

Section 8. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer.

Dated: January 27, 2021



Pine - Expansion 2021

[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 Pine - Expansion 2021
Project Summary Pine - Expansion 2021
Applicant Name Pine Pharmaceuticals LLC
Applicant Address 355 Riverwalk Pkwy
Applicant Address 2
Applicant City Tonawanda
Applicant State New York
Applicant Zip 14150
Phone (716) 248-1025
Fax (716) 768-3948
E-mail ajmuto@pinepharmaceuticals.com
Website www.pinepharmaceuticals.com
NAICS Code 325412

Business Organization

Type of Business Limited Liability Company
Year Established 2014
State in which Organization is established New York

Individual Completing Application

Name Alfonse J. Muto
Title Owner
Address 355 Riverwalk Pkwy
Address 2
City Tonawanda
State New York

Zip 14150
Phone (716) 248-1025
Fax (716) 768-3948
E-Mail ajmuto@pinepharmaceuticals.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 David Colligan
Firm Name Colligan Law LLP
Address 12 Fountain Plaza
Address 2 Suite 600
City Buffalo
State New York
Zip 14202
Phone (716) 855-1150
Fax
E-Mail

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.

Pine Pharmaceuticals is an FDA-registered 503B Outsourcing Facility. This entity was created in November of 2013 to allow custom pharmaceuticals to be shipped directly to a physician for in office use. Our firm creates sterile and non-sterile compounds and sells them to practitioners for administration in office to the patient. We make products for ophthalmology, dermatology, hospitals and other niche areas. Our firm also manufactures investigational pharmaceuticals for clinical trials. We are one of only about 70 companies in the United States registered as an outsourcing facility.

12/15/2020

The Erie County Industrial Development Agency (ECIDA)

Estimated % of sales within Erie County	1 %
Estimated % of sales outside Erie County but within New York State	6 %
Estimated % of sales outside New York State but within the U.S.	93 %
Estimated % of sales outside the U.S.	0 %

(*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?

12

Describe vendors within Erie County for major purchases

WNY Imaging Park Place Installations Philpac Corporation Network Services

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

355 Riverwalk Pkwy Tonawanda, NY 14150

Town/City/Village of Project Site

Town of Tonawanda

School District of Project Site

Kenmore-Town of Tonawanda Union Free School District

Current Address (if different)

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

SBL Number(s) for proposed Project

52.06-3-11.112

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

13,555.70

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

Land

\$.

Building(s)

\$.

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?

Yes

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

Proposed project site is currently 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)

Currently, Pine occupies a 25,000 square foot space in Tonawanda, NY. The business continues to grow and Pine is building a 50,000 square foot expansion to accommodate current and future growth. Pine Pharmaceuticals will be the sole tenant of the building. Because Pine is a sterile compounding, significant equipment purchases will be made to equip the new cleanrooms. Equipment such as HVAC, HEPA filters, biological safety cabinets, laminar flow workbenches, convection ovens, and autoclaves.

Municipality or Municipalities of current operations

Tonawanda

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

Yes

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

No

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

No

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

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

No

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

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

Yes

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

NYS Excelsior Jobs Program, ReChargeNY

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 Agency's Financial Assistance is necessary due to the large capital investment into the growth of this company. Our project entails investing \$8.6 million dollars in a building and equipment. This expansion is paramount in allowing us to increase our manufacturing capacity and stay competitive in the industry. The expansion will allow for dedicated production lines, allowing for sustained and competitive growth in the industry. Investments will be made in R&D of new product lines as well as production equipment and personnel.

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 agency's financial assistance is necessary for this project to take place due the significant upfront investment in the building and equipment. As a pharmaceutical producer of sterile products, specialized building features and equipment are necessary to achieve the specifications according to FDA's current good manufacturing practices. The financial assistance is necessary in keeping ongoing costs down and allowing us to remain competitive in the marketplace.

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 financial assistance is unable to be obtained, it would greatly affect the likelihood that the project proceeds, certainly not to the size as proposed or the number of jobs that would be created. Because of the significant investments from large public companies and private equity firms in competing businesses, a lack of assistance could put the current operation and associated jobs in danger due to competitive forces.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

Is your project located near public transportation?

No

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

Has a project related site plan approval application been submitted to the appropriate planning department?

No

If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if

applicable.

If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.

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

Yes

Describe the present zoning/land use

WB - Waterfront Business District

Describe required zoning/land use, if different

N/A

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

N/A

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

No

If yes, please explain

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

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?

No

If yes, describe the efficiencies achieved

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

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

Yes

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

Our company performs research and development of every product prior to selling. Activities include compatibility of the product within the formulation, stability of the product over time, sterility of the product over time, among others. Pine Pharmaceuticals is also a supplier of medications for clinical trials.

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

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

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

Retail Sales No Services No

Please check any and all end uses as identified below.

No Acquisition of Existing Facility No Assisted Living No Back Office

- | | | |
|---|--------------------------|-------------------------------------|
| No Civic Facility (not for profit) | No Commercial | No 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 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	33,000 square feet	\$	6,279,062	73%
Warehouse	12,000 square feet	\$	1,928,750	22%
Research & Development	square feet	\$	0	0%
Commercial	square feet	\$	0	0%
Retail	square feet	\$	0	0%
Office	3,000 square feet	\$	407,188	5%
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

3/22/2021

End date : Estimated completion date of project

11/23/2021

Project occupancy : estimated starting date of occupancy

12/10/2021

Project Information

Estimated costs in connection with Project

Land and/or Building Acquisition

\$ 240,000 square feet 4 acres

New Building Construction

\$ 0 square feet

New Building addition(s)

\$ 5,900,000

48,000 square feet

Reconstruction/Renovation

\$ 0

square feet

Manufacturing Equipment

\$ 1,700,000

Infrastructure Work

\$ 0

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

\$ 400,000

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

\$ 375,000

Other Cost

\$ 0

Explain Other Costs

Total Cost 8,615,000

Construction Cost Breakdown:

Total Cost of Construction	\$ 7,600,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 3,765,000.00
% sourced in Erie County	50%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit	\$ 4,165,000
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 364,437

** 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:

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 3,615,000
Bank Financing:	\$ 5,000,000
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):	\$ 0

Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources) 0

Total Sources of Funds for Project Costs: \$8,615,000

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). 5,000,000

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$37,500

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.

ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization

Pine Pharmaceuticals and its General Contractor, Montante Construction, acknowledge the importance of promoting MBE/WBE hiring and utilization. As the Pine Pharmaceuticals Expansion Project is completed, they will endeavor to support local MBE/WBE businesses. They will work to grow capacity and provide opportunities through an MBE/WBE hiring and utilization program that consists of: • Early outreach and involvement - including the active dissemination of information about the availability of upcoming contracting and employment opportunities; • Active targeting of MBE/WBE firms - including MBE/WBE bidders off a master list of vendors, which is regularly updated with the approved vendors lists issued by the City of Buffalo, State of New York, and Erie County; • Sustained follow up with MBE/WBE firms - including direct follow up to MBE/WBE firms in order to explain the opportunities and scopes of work for each bid package and to encourage their participation; • Inclusion of diversity language in all subcontractor materials - including bid packages, purchase orders, and contracts, which ensures that any subcontractor hired on the job also is promoting MBE/WBE hiring and utilization; and • Subcontractor utilization - direct follow up with subcontractors right after the bid submission to confirm and verify their plans for promoting diversity hiring and utilization.

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).

You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return. The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

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	76	76	40	40
Part time	7	7	0	0
Total	83	83	40	

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	5	\$ 150,000	\$ 13,000	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	\$ 0	\$ 0
Administrative	19	\$ 50,000	\$ 7,000	\$ 0	\$ 0
Production	62	\$ 53,000	\$ 8,000	\$ 13,000	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	37	\$ 50,000	\$ 7,000	\$ 0	\$ 0

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

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

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

Payroll Information

Annual Payroll at Proposed Project Site upon completion

5,775,000

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

75,000

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

13,000

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

55,000

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

0

Estimated salary range of jobs to be created

From (Full Time)	50,000	To (Full Time)	60,000
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

355 Riverwalk Pkwy Tonawanda, NY 14150

Name and Address of Owner of Premises

5201 River Road Inc. 2760 Kenmore Avenue Tonawanda NY 14150

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

This project includes the construction of a 1-story manufacturing and warehouse facility with associated parking on parcel on the west side of Riverwalk Pkwy, south of River Road, in the Town of Tonawanda, New York. The site is currently undeveloped, mostly brush and trees containing a clearing and previously-placed earthen spoil piles.

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

This project includes the construction of a 1-story manufacturing and warehouse facility with associated parking on a parcel on the west side of Riverwalk Pkwy, south of River Road, in the Town of Tonawanda, New York. Pine Pharmaceuticals will utilize the new state-of-the-art facility to product and distribute compounded pharmaceutical products throughout the country. More specifically, they will focus on providing non-patient specific sterile injectable products for medical practices, clinics, hospitals and other medical facilities.

Describe all known former uses of the Premises

There were no known former uses of the property.

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

Yes

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

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

This development will result in an increase in impervious surfaces on this site. In turn, there will be an increase in the rate of storm water runoff. After the proposed development occurs, runoff from the new building and parking areas will be collected and conveyed to a bio retention basin. The dry detention basin will provide the storm water attenuation required to control the discharge of the increased storm water in accordance with Town of Tonawanda requirements.

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

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 Pine Pharmaceuticals LLC
Address 355 Riverwalk Pkwy Tonawanda, NY 14150
Contact Person Alfonse J. Muto
Phone (716) 248-1025
Fax (716) 768-3948
E-Mail ajmuto@pinepharmaceuticals.com
Federal ID # 46-5276266
SIC/NAICS Code 325412

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?

<BLANK>

If yes, complete the Retail Questionnaire Supplement below.

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

<BLANK>

Within Erie County

<BLANK>

If Yes to either question, please, explain

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

<BLANK>

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

Sucro Real Estate NY, LLC
\$19,000,000
INDUCEMENT RESOLUTION

ELIGIBILITY
<ul style="list-style-type: none"> • NAICS Section - 311314
COMPANY INCENTIVES
<ul style="list-style-type: none"> • Approximately \$393,750 in sales tax savings • Approximately \$2,886,000 in real property tax savings • Up to 3/4 of 1% of the final mortgage amount estimated at \$112,500
EMPLOYMENT
<ul style="list-style-type: none"> • Retained Jobs = 5 • Projected New Jobs = 45 • Annual payroll: \$2,968,500 • Estimated salary of jobs to be created: \$47,000 • Estimated salary of jobs to be retained: \$45,000
PROJECT HISTORY
<ul style="list-style-type: none"> • 12/30/2020 - Public hearing held. • 01/25/2021 - City of Lackawanna adopts a Negative Declaration in accordance with SEQRA. • 01/27/2021 - Lease/Leaseback Inducement Resolution presented to the Board of Directors

Project Title: Sucro Real Estate NY, LLC
Project Address: 2303 Hamburg Turnpike
Lackawanna, New York 14218
(Lackawanna Central School District)

Agency Request

A sales tax, mortgage recording tax and real property tax exemption in connection with the acquisition and renovation of a 174,000 sq. ft. facility and construction of a new 33,600 sq. ft. building

Land/ Building Acquisition	\$ 3,000,000
New Construction	\$ 1,000,000
Renovation	\$ 6,500,000
Infrastructure	\$ 1,500,000
Manufacturing Equipment	\$ 6,000,000
Non-Manufacturing Equipment	\$ 100,000
Soft Costs	\$ 900,000
 Total Project Cost	 \$19,000,000
 85%	 \$16,150,000

Company Description

The applicant The applicant is a wholly-owned subsidiary of Sucro Holdings, LLC and was founded in 2014. They are a cane sugar wholesaler with operations that span the U.S. Canada, European Union, Carribean and the Andean regions. Sucro operates a similar facility in Hamilton, Ontario where they produce liquid and refined sugar for industrial customers. The company's existing company base includes Kraft-Heinz, Wholesome Sweeteners, Kellogg's and Nestle. 60% of the company's sales are to customers outside Erie County and 29% to those located outside New York State.

Project Description

The project consists of the renovation of two existing buildings on the former Bethlehem Steel site. The existing buildings encompass approximately 174,600 sq. ft. In addition, the company will construct a new 33,600 sq. ft. facility and purchase approximately \$6,000,000 of production equipment. The buildings will accommodate new bulk and finished product storage, logistical operations as well as sugar refining operations.

The company is also in the process of completing environmental remediation pursuant to the Brownfield Cleanup Program.

New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue Over 10-year abatement period	Additional Local Revenue Over 10-Year PILOT Period	New Yearly Taxes Upon Expiration of Abatement Period
\$0	\$10,000,000	\$137,700	\$629,600	\$365,400
Combined Tax Rate: \$36.54				

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 = \$19,000,000 85% = \$16,150,000
Employment	Coincides with 10-year PILOT	Maintain base = 5 Create 85% of Projected Projected = 45 85% = 38 Recapture Employment = 43
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
Recapture Period	Coincides with 10-year PILOT	Recapture of Mortgage recording tax, state and local sales taxes and real property tax

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 5 jobs and created 45 jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

ADDENDUM TO PROJECT
 Sucro Real Estate NY, LLC

Evaluative Criteria	Notes
Wage Rate (above median wage for area)	Erie County median worker income: \$33,350 Company estimated average salary of jobs to be retained: \$45,000 Company estimated average salary of jobs to be created: \$46,888
Regional Wealth Creation (% sales/customers outside area)	Sales: Outside Erie County within NYS: 60% Outside NYS: 29%
In Region Purchases (% of overall purchases)	Approximately 90%
Research & Development Activities	10%
Investment in Energy Efficiency	Efficiency is planned through the use of energy efficient motors, steam generators, condensation return and water regeneration.
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	The project will meet all local zoning and land use requirements.
LEED/Renewable Resources	Not applicable.
Retention/Flight Risk	Recapture criteria currently in place requires a company this size to retain 95% of its base FTE jobs.
MBE/WBE Utilization	Sucro is a minority-owned business and is committed to hiring minority contractors for all project work.
Workforce Access – Proximity to Public Transportation	The facility is accessible Bus route 42

January 27, 2021

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-Sucro Real Estate NY, LL- 2021

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
\$9,000,000	\$10,000,000	\$6.56	\$17.15	\$12.83

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	10%	\$6,560	\$17,150	\$12,830	\$36,540	\$365,400	\$328,860
2	10%	\$6,560	\$17,150	\$12,830	\$36,540	\$365,400	\$328,860
3	10%	\$6,560	\$17,150	\$12,830	\$36,540	\$365,400	\$328,860
4	20%	\$13,120	\$34,300	\$25,660	\$73,080	\$365,400	\$292,320
5	20%	\$13,120	\$34,300	\$25,660	\$73,080	\$365,400	\$292,320
6	20%	\$13,120	\$34,300	\$25,660	\$73,080	\$365,400	\$292,320
7	30%	\$19,680	\$51,450	\$38,490	\$109,620	\$365,400	\$255,780
8	30%	\$19,680	\$51,450	\$38,490	\$109,620	\$365,400	\$255,780
9	30%	\$19,680	\$51,450	\$38,490	\$109,620	\$365,400	\$255,780
10	30%	\$19,680	\$51,450	\$38,490	\$109,620	\$365,400	\$255,780
Total		\$137,760	\$360,150	\$269,430	\$767,340	\$3,654,000	\$2,886,660

***** 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 (Tax Credits, Grants, ESD Incentives, etc.)
\$19,000,000	\$2,886,000	\$393,750	\$112,500	\$3,500,000

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 36%

Cost-Benefit Analysis for Sucro Real Estate NY, LLC

Prepared by Erie County IDA using InformAnalytics

Executive Summary

INVESTOR
Sucro Real Estate NY, LLC

TOTAL INVESTED
\$19.0 Million

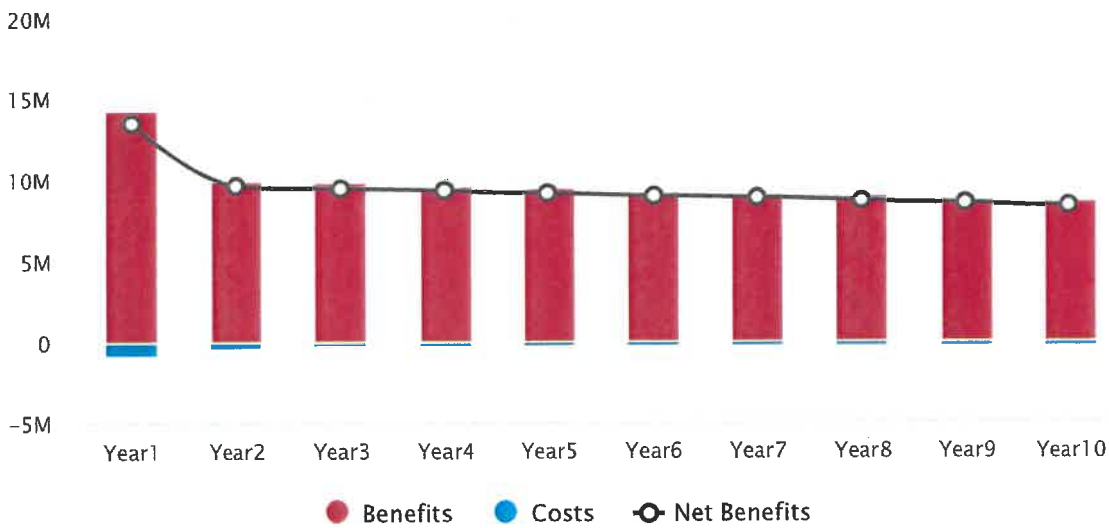
LOCATION
2303 Hamburg Turnpike, Lackawanna, NY 14218

TIMELINE
10 Years

F1 FIGURE 1

Discounted* Net Benefits for Sucro Real Estate NY, LLC by Year

Total Net Benefits: \$94,710,000



Discounted at 2%

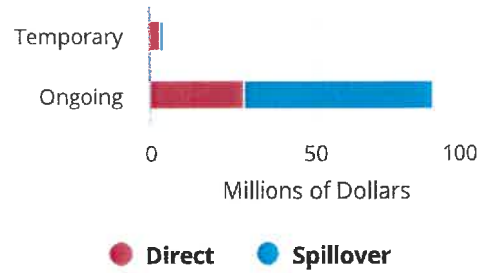
F2 FIGURE 2

Total Jobs



F3 FIGURE 3

Total Payroll



Proposed Investment

Sucro Real Estate NY, LLC proposes to invest \$19.0 million at 2303 Hamburg Turnpike, Lackawanna, NY 14218 over 10 years.

T1 TABLE 1

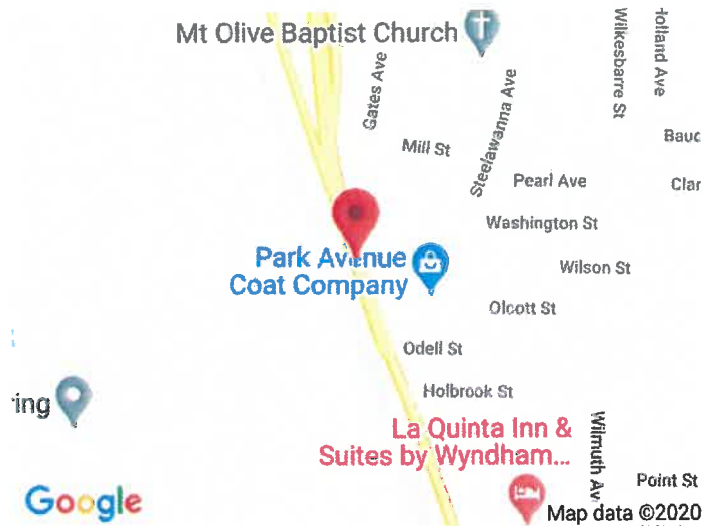
Proposed Investments

Description	Amount
CONSTRUCTION SPENDING	
Construction	\$7,500,000
OTHER SPENDING	
Land/Building Acquisition	\$3,000,000
Infrastructure	\$1,500,000
Manufacturing Equipment	\$6,000,000
Non-Manufacturing Equipment	\$100,000
Soft Costs	\$900,000
Total Investments	\$19,000,000
Discounted Total (2%)	\$19,000,000

May not sum to total due to rounding.

F4 FIGURE 4

Location of Investment



Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Erie County IDA. The report calculates the costs and benefits for specified local taxing districts over the first 10 years, with future returns discounted at a 2% rate.

T2 TABLE 2

Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for Sucro Real Estate NY, LLC.

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$2,868,000	\$2,643,000
Sales Tax Exemption	\$397,000	\$397,000
Mortgage Recording Tax Exemption	\$113,000	\$113,000
Total Costs	\$3,377,000	\$3,152,000

May not sum to total due to rounding.

* Discounted at 2%

TABLE 3

State & Regional Impact (Life of Project)

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
REGIONAL BENEFITS	\$35,296,000	\$65,046,000	\$100,341,000
To Private Individuals	\$33,979,000	\$64,002,000	\$97,981,000
Temporary Payroll	\$2,882,000	\$1,000,000	\$3,883,000
Ongoing Payroll	\$31,097,000	\$63,002,000	\$94,098,000
To the Public	\$1,317,000	\$1,044,000	\$2,360,000
Property Tax Revenue	\$762,000	N/A	\$762,000
Temporary Sales Tax Revenue	\$47,000	\$16,000	\$63,000
Ongoing Sales Tax Revenue	\$507,000	\$1,027,000	\$1,534,000
STATE BENEFITS	\$2,198,000	\$3,818,000	\$6,016,000
To the Public	\$2,198,000	\$3,818,000	\$6,016,000
Temporary Income Tax Revenue	\$141,000	\$49,000	\$190,000
Ongoing Income Tax Revenue	\$1,578,000	\$2,866,000	\$4,444,000
Temporary Sales Tax Revenue	\$41,000	\$14,000	\$55,000
Ongoing Sales Tax Revenue	\$439,000	\$889,000	\$1,328,000
Total Benefits to State & Region	\$37,494,000	\$68,863,000	\$106,358,000
Discounted Total Benefits (2%)	\$34,678,000	\$63,185,000	\$97,862,000

May not sum to total due to rounding.

TABLE 4

Benefit to Cost Ratio

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$92,330,000	\$2,931,000	32:1
State	\$5,533,000	\$222,000	25:1
Grand Total	\$97,862,000	\$3,152,000	31:1

May not sum to total due to rounding.

* Discounted at 2%

CGR has exercised reasonable professional care and diligence in the the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.

VIRTUAL PUBLIC HEARING SCRIPT

**Sucro Real Estate NY, 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 December 30, 2020 at 12:00 p.m.
via Virtual Conference Software

ATTENDANCE:

Jose Guillermo Rodriguez – Sucro Real Estate Corporation
Carrie Hocieniec – ECIDA
Brian Krygier – ECIDA

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

Hearing Officer: Welcome. This public hearing is now open; it is 12:00 p.m. My name is Grant Lesswing. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this virtual public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at www.ecidany.com. Pre-registration for anyone wishing to speak at today's public hearing was required through our website. Today I am joined by Brian Krygier, ECIDA Systems Analyst who will be the Hearing Moderator and he will be managing the public comment portion of this hearing.

☒ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the Sucro Real Estate NY, 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 December 18, 2020.

☒ 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 approximately 12 acres of real property located at 2303 Hamburg Turnpike, Lackawanna, New York (the "Land") and the existing improvements located thereon, consisting of two buildings totaling approximately 174,600 square feet (the "Existing Improvements"), (ii) the renovation of the Existing Improvements and the construction of a new approximately 33,600 square foot building (the "Improvements") all for the purposes of accommodating new bulk and finished product storage, logistical operations, as well as sugar refining operations of the Company, and (iii) the acquisition by the Company in and around the Land, the Existing Improvements, and the Improvements of certain items of machinery, equipment and other

tangible personal property (the "Equipment"; and, together with the Land, the Existing Improvements and the Improvements, the "Facility"). The Facility will be initially operated and/or managed by the Company.

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 who have joined this conference call were required to pre-register through our website (www.ecidany.com). Everyone who has pre-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, please submit it on the Agency's website or mail to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on January 26, 2021. There are no limitations on written statements or comments.

☒ 5. PUBLIC COMMENT: Hearing Officer gives the Public an opportunity to speak.

Hearing Officer: Those interested in making a statement or comment will be called upon by Brian in the order that they registered for this meeting. Please begin by stating 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.

The Hearing Moderator introduces each participant in the order they registered for this meeting.

Jose Guillermo Rodriguez – Project Engineer. The project consists of developing a full-scale sugar refinery at the former Bethlehem Steel site, including completion of environmental remediation. We will renovate the former boiler house and powerhouse buildings and construct a new building. The three buildings will serve as a production facility, a finished product storage, and a raw sugar warehouse respectively. Our estimates indicate that the refinery will be running at 65% capacity starting 2022 with 45 new employees, and at 100% capacity by 2024 with approximately 10 more employees. The work that needs to be completed for the renovations of these buildings will generate income to local contractors and their employees. The budget for this project is \$19,000,000, including land, renovation, manufacturing equipment, and soft costs. The development of this plant will cement Sucro as an alternative to the dominant US refiners.

☒ 6. ADJOURNMENT:

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 12:04 p.m.

**SIGN IN SHEET
VIRTUAL PUBLIC HEARING**

Public Hearing to be held on December 30, 2020 at 12:00 p.m.
via Virtual Conference Software

**Sucro Real Estate NY, LLC and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 2303 Hamburg Turnpike, Lackawanna, New York 14218

Name	Company and/or Address	X box to speak/ comment
Jose Guillermo Rodriguez	Sucro Real Estate Corporation 1951 Hamburg Turnpike Lackawanna, New York 14218	X
Carrie Hocienec	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	

STATE ENVIRONMENTAL QUALITY REVIEW
DRAFT NEGATIVE DECLARATION
Notice of Determination of Non-Significance
Type I

Date: January 25, 2020

LEAD AGENCY: City of Lackawanna Planning and Development Board

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and the implementing regulations found at 6 NYCRR Part 617.

The City of Lackawanna Planning and Development Board in coordination all other involved agencies has reviewed the proposed redevelopment of approximately 12 acres of the former Bethlehem Steel Site (a sub-portion of 2303 Hamburg Turnpike, hereinafter referred to as the Site) to accommodate a proposed expansion of Sucro Real Estate NY, LLC, and their related entities (hereinafter collectively referred to as the Sucro Related Entities), to their current facilities at and adjoining the Site which receive, process and package raw sugar.

NAME OF ACTION: Sucro Sourcing Sugar Facility.

LOCATION OF ACTION:

SEQR: Type I

PROJECT No.: n.a.

DESCRIPTION OF ACTION:

The approximately 12-acre Site is currently in the New York State Brownfield Cleanup Program and is being safely returned to productive re-use under work plans approved by the New York State Department of Environmental Conservation (NYSDEC). Further information on the Site remediation activities can be found at NYSDEC Region 9 offices. The Site is identified as BCP Site No. C915218. In addition, portions of the Site are being remediated under NYSDEC oversight authorized by the Resource Conservation Recovery Act. A summary of the remediation activities, and their proposed schedule is set forth in the attached letter of the project engineers, Benchmark Environmental Engineering and Science, PLLC (hereto after Benchmark Engineering), in their letter dated January 20, 2021.

The Site is within Census Tract 174 which is considered a Low Income Community under NYSDEC Commissioner Policy CP-29. The Low Income Population currently resided in a walk to work community which unduly bore the brunt the environmental impacts of past coal and coke burning at the larger Bethlehem Steel Property, and thence suffered through the community wide blight caused by the steel industries abandonment of nearly 1/3 of the land mass in the host municipality.



As set forth is the Site Plan Application, and supporting documents, the proposed action involves:

1. The proposed repurposing of an existent and abandoned 60,000 square foot former Bethlehem structure into office space, a packaging house, and for distribution truck, train, or freighter; and
2. A new 45,000 sugar storage shed on a former abandoned building foundation; and
3. The repurposing of a former 30,000 sq. ft boiler house into a sugar refining facility; and
4. The construction of internal roads and parking.

The Site is a fragment of what was once an internationally significant steel manufacturing facility constructed over more than 1,300 acres of land west and east of Route 5. The larger steel facility borders a six lane State Road, and is internally serviced by rail, a deep water port, water, gas, and electric. Road capacity along Route 5 was recently assessed in a 2020 GEIS prepared for a master plan for the redevelopment of the adjoining 244 acres prepared for the Buffalo and Erie County Industrial Land Development Corp. The GEIS and supporting documents are published at the City of Lackawanna's web page at <http://lackawannany.gov/development/>.

Currently, sugar is received by the Sucro Related Entities at the deep water port on adjoining lands, packaged, and distributed on a portion of the larger site, which adjoins the Site. Last year approximately 4 freighters of sugar were received and then placed in supersacks for processing and distribution.

The proposed Project would expand capacity to refine and further process and package sugar for end users for distribution through the northeastern and midwestern United States. It is anticipated freighters received would increase to approximately 10 per year, and the distribution would now include use of Site adjoining railroad facilities.

REASONS SUPPORTING THIS DETERMINATION:

Potential environmental impacts associated with the Project were identified in the Full Environmental Assessment Form to assess potential adverse environmental impacts and compared to the criteria for determining significance identified in §617.7. As indicated below, the City Planning and Development Board has determined that the Project will not have a significant adverse impact on the environment and that, as a result, the Project does not require the preparation of an Environmental Impact Statement.

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems

a. Air Quality

The manufacturing process is already utilized by the Sucro Related Entities at a facility in Hamilton, Ontario, Canada. Information available from the Hamilton Site, together with Site Project specific details were assessed by Benchmark Engineering and Science, in a letter report dated January 21, 2021, submitted to the City of Lackawanna Director of Development, for our reliance.

The refining process utilizes natural gas to boil water with the byproducts from the combustion being carbon dioxide and water vapor. Carbon dioxide production is minimized by utilizing heat recovery systems. In addition, there is some sugar dust generated by the handling of sugar.

Based on the review of the entirety of the process systems, the conclusions of Benchmark Engineering reviewing the Project is that the processes do not pose any potential significant threat to the environment.

In reference to NYSDEC's Commissioner Policy (CP-29) Environmental Justice and Permitting, the engineering report for the Project indicates it does not meet the CP-29 threshold for a rendering the CP-29 policy applicable as a guidance document. The policy is not triggered by the potential emissions identified. Substantively the site remediation activities, together with the clean process of an organic food product, which avoids the burning of coal, or coke, and minimizes natural gas usage, all while restoring the site to productive reuse, while creating new employment activities for the community, positively addresses past environmental injustices.

b. Ground and Surface Water

The Site is currently occupied by the three existing buildings, an access and two canals (the North Water Return Trench and the South Water Return Trench) and a haul road. The subsurface outside the building footprints is a highly permeable slag to a depth of about 10 feet. The applicant's plans propose to manage and direct surface water within the footprints of the existent trenches through 18" or 24" diameter culverts until they deposit into infiltration ponds.

According to the Benchmark Engineering letter report "the post-development on-site storm system will be designed to reduce the 1-, 10-, and 100-year rainfall events when compared to the existing conditions.

The plan to redevelop the Site with a system that directs groundwater to infiltration ponds, rather than the existent direct discharge to local waterways, will improve conditions of local creeks and poses no significant adverse impacts to the environment.

c. Traffic

The site was the former home to a major manufacturing facility where in excess of 5,000 persons worked per day.

The Project anticipates 50-75 new employees, which is well below excess capacity of major arterial and local road capacity identified in the GEIS prepared for the Buffalo and Erie County Land Development Corporation in 2020.

Sugar will be introduced to the Site by the adjacent deep water port, and then moved by truck or rail off-site.

Truck traffic is anticipated to be 20-30 vehicles per day. The trucks will enter and leave through the course of the day during regular business hours, and thus operations are designed to not have a peak hour for truck traffic,

Based upon the foregoing, no potential significant adverse impacts are identified with regard to traffic.

d. Noise.

Manufacturing activities will occur wholly within the site. Anticipated external sound pressures would be limited to vehicular traffic, two or three centrifuges contained within the boiler house which is set back more than 1,000 feet from Route 5, and HVAC equipment. No sensitive receptors have been identified within 1,200 feet of the Site, and noise pressures would be anticipated to be less than or the same as already produced by the Hamburg Turnpike, and therefore not discernible.

e. Solid Waste Production.

The facility is not identified as a source of significant solid waste production.

f. Potential, Erosion, Flooding or Leaching Sources.

As set forth, above the highly permeable subsurface and infiltration system together with the existent storm sewer system, combined with the flat topography of the Site presents a Project that does not threaten potential significant adverse impacts on erosion, flooding, or groundwater.

(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources

The top 6-12 feet of the land is predominantly urban fill (currently being remediated, graded, and covered as part of a remediation overseen by the NYSDEC.

While peregrine falcons have been observed perched on existent structures, the species has been observed thriving in Buffalo's urban location, and the elevations they may perch upon are being preserved.

(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part

The proposed is not located within a designated Critical Environmental Area.

(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted

The proposed zoning amendment is consistent with the planning goals, including those in the existent and draft Local Waterfront Revitalization Plans, and the recently adopted Brownfield Opportunity Area Plan, all of which call for light to medium manufacturing at the parcel at issue.

The multimodal sugar receipt and distribution model maximizes the available waterfront to the maximum extent possible.

(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character

There are no buildings listed on the State or Federal Registrars on-site, or determined eligible for listing on-site, or within the viewshed of the Site. The Project will repurpose three existent utility structures from the former Bethlehem Steel campus that are currently in differing states of ruin. (See attached photo array of the current conditions of the structures.) There are no historical, architectural, or aesthetic resource identified in the viewshed of the proposed Project.

Two of the existing structures will have existing walls stabilized and metal roofs replaced with metal roofs. The third which has extensive deterioration of external bricks will be restored, but the failed facades will be encapsulated in sheet metal similar to other structures on the adjoining Gateway Metroport campus. The larger Bethlehem Steel campus has been mostly demolished.

Extensive fill and slag (between 6 and 10 feet in depth) was deposited throughout the property as a result of years of iron and steel production by the former Bethlehem Steel Corporation, further disrupting on-site soil conditions.

A Phase 1A survey was conducted by Panamerican Consultants, Inc. (Panamerican) in 2017 for the City of Lackawanna BOA, over a larger area which includes the Project Site. Panamerican concluded that due to significant disturbance, the only portion of the Area of Potential Effect (APE) that may remain sensitive for the presence of pre-contact archaeological sites, if relatively undisturbed, would be the area along Smokes Creek, which is not on the Project Site currently before the board. The areas of archaeological concern along Smokes Creek have subsequently been identified to be east of Route 5.

The Site amenities that are new are either on the surface of the fill or being constructed within areas of prior disturbance (i.e., utility corridor utilizing existent water trenches). The one new building, referred to as the sugar shed, is being constructed over a former building footprint.

While the larger site from which the parcel is subdivided is highly visible from Route 5 and the bike path, the new structure will be the second or third row of buildings set back from Route 5. The building to be stabilized with a metal clad cover will be approximately 1,000 feet from the bike path and behind the front row of development parcels.

The Project appears to salvage through reuse the three existent but severely deteriorated structures and, the Project as a whole, appears to pose no potential significant adverse impacts the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.

(vi) a major change in the use of either the quantity or type of energy

The energy use is not significant compared to the historic use of the Site and Site capacity.

(vii) the creation of a hazard to human health

No impacts from hazards are anticipated to human health, potential air emissions have been conservatively modelled from data available from as similar facility and are found to be well below standards designed to protect human health and the environment.

Concerns of exacerbating rodent problems east of Route 5 were identified as a concern. The applicant has documented the existence of a current rodent program which has been working (See attached letter from Certified Pest Solutions, Inc. dated January 14, 2021), and City Inspectors have been out to the current sugar facility adjoining the Site on an almost weekly basis and have observed no problems with the existent system.

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses

There will be a desired increased use in intensity of the Site since the abandonment of the area by the steel manufacturing industry, but the increase is well below the capacity the surrounding infrastructure was designed to support.

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action

The Project will attract about 120 persons per day to the Site which hopefully provides positive benefit to host community and, based upon excess infrastructure capacity, is not expected to pose significant adverse impacts.

(x) the creation of a material demand for other actions that would result in one of the above consequences

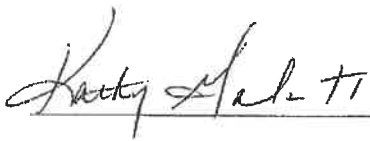
No new significant material demands for resources are identified.

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment

No two or more elements of the environment, not found to be significant in and of themselves, are found to threaten a combined significant adverse environmental impact.

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision

The Project is not anticipated to increase the potential for cumulative impacts.



1/25/2021
Date

For further information contact:

Richard E. Stanton, Director of Development for the City of Lackawanna NY (716)827-6421

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Redevelopment of Existing Buildings for Liquid Sugar Manufacturing		
Project Location (describe, and attach a general location map): Portion of 2303 Hamburg Turnpike, Lackawanna, NY 14218: Phase IA Business Park, Brownfield Cleanup Program (BCP) Site C915218		
Brief Description of Proposed Action (include purpose or need): Sucro Real Estate NY, LLC is in the process of procuring the Phase IA Business Park from Tecumseh Redevelopment Inc. with the intent to redevelop the Site for liquid sugar manufacturing. The redevelopment will include the following components: >Sugar Warehouse: Sucro will refurbish the former Blowing Engine House No. 3 building (approx. 35,000 square feet) by performing remaining asbestos abatement, replacing the roof, installing a concrete floor and interior block sidewalls, and improving the aesthetics surrounding the building. >Packing & Intermodal Distribution: Sucro will repurpose the former Power House No. 1 building for offices and finished product storage/packing in intermodals; install underground utilities; and construct permanent access roads, parking lots, greenspace, and storm water controls. >Sugar Refining: Sucro intends to reuse the former Steam Station No. 1 building foundation to construct a new 45,000 square foot raw sugar storage shed. The Boiler House building will be used for the sugar refining process. Refining start up is anticipated for fall/winter 2022.		
Name of Applicant/Sponsor: Sucro Real Estate NY, LLC		Telephone: (305) 901-5222
		E-Mail:
Address: 2020 Ponce de Leon Blvd, Suite 1204		
City/PO: Coral Gables	State: FL	Zip Code: 33134
Project Contact (if not same as sponsor; give name and title/role): Jonathon Taylor, President		Telephone: (305) 609-3739
		E-Mail: jtaylor@sucro.us
Address: Same		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City Council - LWRP Consistency Review	March 2021
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	City of Lackawanna Planning and Development Board - Site Plan Approval	November 2020
c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	City of Lackawanna - Special Use Permit	November 2020
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Erie County Sewer District No. 6 - Wastewater Erie County Water Authority - Potable Water ECIDA - Lease-lease back for IDA benefits	March 2021
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	ESDC - Excesior benefits	
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - Pre-Remedial Action Investigation Work Plan, Construction SWPP, Final Engineering Report, Air Permit Application	Work Plan (Nov. 2020), Air Permit Application (Jan. 2021), Final Engineering Report (Sep. 2021)
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NYS DOT - Route 5 Traffic Impacts NYS DOS - BOA Consistency/Coastal Zone Area NYPA - Power allocation SHPO - Sensitive for archaeological sites	
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): Remediaton Sites:C915197I, Remediaton Sites:C915197K, Remediaton Sites:C915218, NYS Heritage Areas:West Erie Canal Corridor <u>May 2018 Preliminary Draft, City of Lackawanna Local Waterfront Revitalization Program (LWRP)</u> <u>City of Lackawanna BOA **Refer to attached narrative**</u>	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s): _____ _____	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
Bethlehem Redevelopment Area (BRA)-Medium Industry (MI) at Section B(2)(b)(8) allows warehousing as a Primary Use with a Special Use Permit and Site Plan Approval, and B(2)(a)[8] allows the manufacture, assembly and fabrication of food and beverage products. Buffer to Smokes Creek Greenway Corridor Overlay District boundary >minimum 50 feet

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? City of Lackawanna School District

b. What police or other public protection forces serve the project site?
City of Lackawanna Police Department

c. Which fire protection and emergency medical services serve the project site?
City of Lackawanna Fire and EMS

d. What parks serve the project site?
South Park is located approximately one mile northeast of the Site; the bike path along Route 5 is located approx. 1,170 feet east of the Sites' eastern property boundary.

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Industrial - sugar refining to manufacture liquid sweetner

b. a. Total acreage of the site of the proposed action? _____ 12.07 acres
 b. Total acreage to be physically disturbed? _____ ~10 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 12.07 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ 20 months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging? Remedial excavations under the Brownfield Cleanup Program

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): Approx. 1,600 cubic yards (an additional 400 CY will be excavated and biotreated on-site)
- Over what duration of time? 1 month

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
Soil/fill containing elevated concentrations of polycyclic aromatic hydrocarbons (PAHs), arsenic, cadmium, lead, and mercury will be excavated and disposed off-site at a permitted NY state solid waste disposal facility. Petroleum-impacted soil/fill treated on-site may be used as on-site backfill.

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. Dewatering of excavation to remove groundwater and surface water infiltration may be necessary. Provisions for managing excavation water will be in place.

v. What is the total area to be dredged or excavated? _____ 0.15 to 0.20 acres

vi. What is the maximum area to be worked at any one time? _____ 0.02 acres

vii. What would be the maximum depth of excavation or dredging? _____ 6 feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____
Excavations will be backfilled with treated soil/fill and clean imported material. A cover system consisting of vegetated soil, asphalt or concrete with then be placed.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: 20,000 to 45,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: Erie County Water Authority
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
New water service from existing ECWA line on Dona Street to existing buildings
- Source(s) of supply for the district: Lake Erie

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: 3,000 to 6,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary wastewater (~25%); industrial (~75%)

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: City of Lackawanna
- Name of district: Erie County Sewer District No. 6
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • Will a line extension within an existing district be necessary to serve the project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ <p><u>Functional sanitary sewer line exists at southwestern corner of property</u></p>	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or <u>8</u> acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or <u>12.07</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Access road, parking areas</u></p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p><u>Pavement drainage will be directed toward new storm sewer inlets</u></p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ <li style="padding-left: 40px;"><u>South Return Water Trench, which leads to Smokes Creek</u> <ul style="list-style-type: none"> • Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p><u>Delivery and employee vehicles</u></p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p><u>Large boilers, process emissions</u></p> <p>_____</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • <u>25,900</u> Tons/year (short tons) of Carbon Dioxide (CO₂) • <u>0.14</u> Tons/year (short tons) of Nitrous Oxide (N₂O) • <u>0</u> Tons/year (short tons) of Perfluorocarbons (PFCs) • <u>0</u> Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • <u>0</u> Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • <u>0</u> Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of 8:00 a.m. to 4:00 p.m.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
20-25 delivery trucks per day

iii. Parking spaces: Existing 0 Proposed 60 Net increase/decrease 60

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
New on-site access roads will be constructed

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
788,000 KWH per year

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
National Grid has indicated they can supply the necessary power from the existing system

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 8 am to 4 pm
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: 3 shifts
- Saturday: 3 shifts
- Sunday: 3 shifts
- Holidays: _____

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p><u>Lighting to adequately illuminate parking areas and walkways to building. The lighting plan will provide details. To the maximum extent possible, lighting will not spill onto adjacent properties.</u></p>
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p><u>As necessary to protect landscaping from pests and disease. All federal and state laws will be followed and best practices used for application. Applicant currently employs Certified Pest Solutions for its successful rodent control program at the Gateway Trade Center location and will extend the services to this new location to control mice and rats.</u></p>
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: <u>Asbestos ,C&D debris (TBD) tons per _____ TBD (unit of time)</u> • Operation : <u>Municipal Solid Waste 1-2 tons per _____ month (unit of time)</u> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: <u>All contractors will be required to adhere to best management practices for construction waste recycling. A minimum of 50% of construction waste will be recycled.</u> • Operation: <u>All employees will be required to recycle cardboard, paper, glass, and plastic.</u> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: <u>Transport to licensed disposal and recycling facilities.</u> • Operation: <u>Transport to licensed disposal and recycling facilities.</u>

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	3.84	8.0	+4.16
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	2.0	3.12	+1.12
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.45	0.45	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	5.78	0	-5.78
• Other Describe: <u>Landscaping</u>	0	0.5	+0.5

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): C915197I, C915197K, C915218
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): C915199G, 915009, C915199H, C915199I, C915199J, ...
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
BCP Site have been remediated. RCRA Corrective Measures Study (CMS) Site (915009) is undergoing remediation.

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: C915218
- Describe the type of institutional control (e.g., deed restriction or easement): Environmental Easement
- Describe any use limitations: Industrial and commercial uses only; no groundwater use
- Describe any engineering controls: A Site Management Plan will require annual cover system inspections
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: Redevelopment cover system will be presented in Site Management Plan.

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? ~34 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

<u>Urban land</u>	<u>75 %</u>
<u>Created land (from steel making operations</u>	<u>25 %</u>
<u>- slag/fill depth varies from 4-8 feet</u>	<u>%</u>

d. What is the average depth to the water table on the project site? Average: 4-9 feet

e. Drainage status of project site soils: Well Drained: 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: Slag was deposited during Bethlehem Steel operations to depths between 4 and 8 feet below ground surface.

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name South and North Return Water Trenches Classification Man-made drainage channels
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No

If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:		
Deer _____	Songbirds _____	Small mammals _____
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Describe the habitat/community (composition, function, and basis for designation): _____		
ii. Source(s) of description or evaluation: _____		
iii. Extent of community/habitat:		
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 		
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes:		
i. Species and listing (endangered or threatened): _____		
Peregrine Falcon		
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Species and listing: _____		
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, give a brief description of how the proposed action may affect that use: _____		
E.3. Designated Public Resources On or Near Project Site		
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes, provide county plus district name/number: _____		
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. If Yes: acreage(s) on project site? _____		
ii. Source(s) of soil rating(s): _____		
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature		
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____		
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. CEA name: _____		
ii. Basis for designation: _____		
iii. Designating agency and date: _____		

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify resource: <u>New York State Great Lakes Seaway Trail and a designated National and State Scenic Byway; ILDC Bike Path</u>	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Scenic Byway, Bike Path</u>	
iii. Distance between project and resource: <u>Scenic Byway ~0.1 miles.</u>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

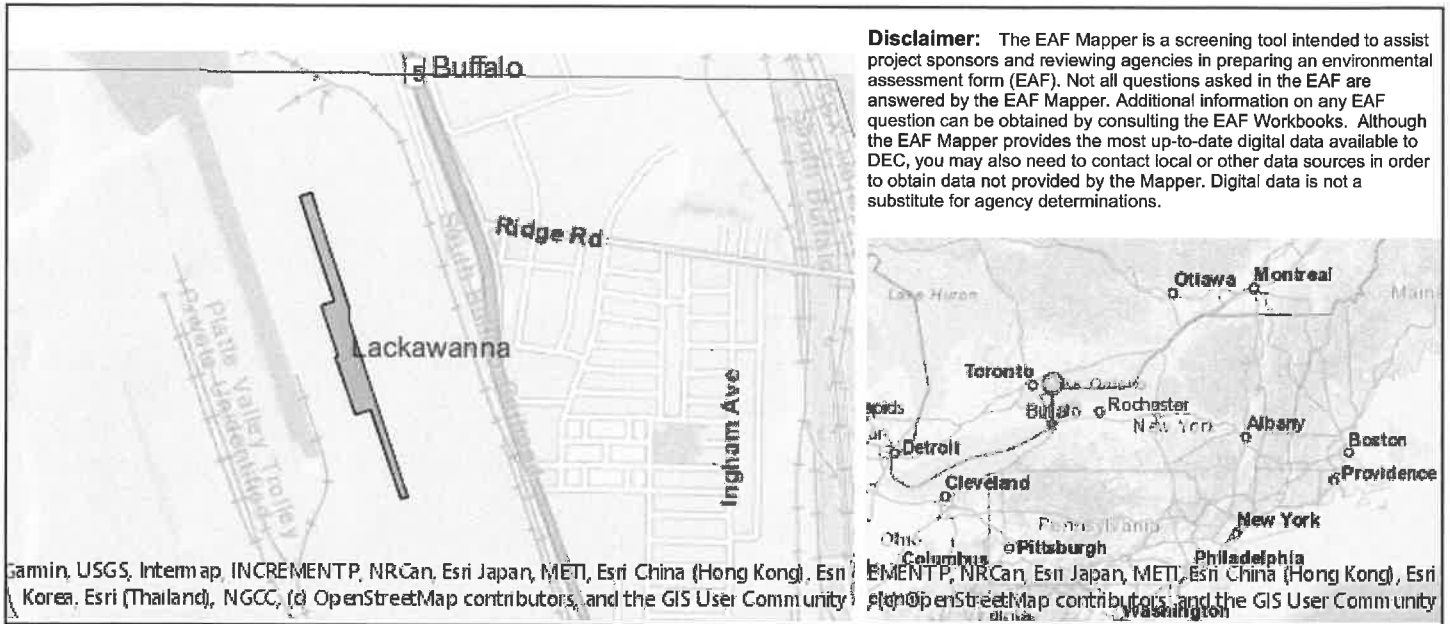
G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Jonathon Taylor Date 12/15/2020

Signature _____ Title President of Sucro Real Estate NY, LLC

PRINT FORM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:C915197I, Remediation Sites:C915197K, Remediation Sites:C915218, NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	C915197I, C915197K, C915218
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C915199G, 915009, C915199H, C915199I, C915199J, C915198I, C915198H, C915198J, C915197, C915197B, C915197C, C915198K, C915198L, C915296, C915197I, C915197J, C915197K, C915218, C915197E, C915197L, C915197D, C915197F, C915197G, 915265, C915197H, 915161, C915202
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No

E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Peregrine Falcon
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]

Project :
 Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) NO YES
If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) NO YES
If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1, D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1, E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1, E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a.	Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d.	The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e.	The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g.	Other impacts: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a.	The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	<input type="checkbox"/>	<input type="checkbox"/>
b.	The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	<input type="checkbox"/>	<input type="checkbox"/>
c.	The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2c, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
 If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part 1. D.2.k)
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part 1. D.2.m., n., and o.)
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health			
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. C.1, C.2. and C.3.)

NO

YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part 1. C.2, C.3, D.2, E.3)

NO

YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The rational basis supporting this Determination are set forth in the accompanying Negative Declaration, and the supporting documents referenced therein as well as the full scope of the environmental review for the Generic EIS prepared by the Buffalo and Erie County Land Development Corp for the adjoining business park.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

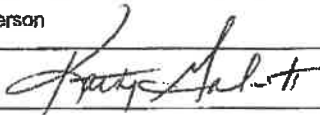
Name of Action: Suco Sourcing Sugar Processing Center and Intermodal Distribution Facility

Name of Lead Agency: City of Lackawanna New York, Planning and Development Board

Name of Responsible Officer in Lead Agency: Kathy Galanti

Title of Responsible Officer: Planning Board Chairperson

Signature of Responsible Officer in Lead Agency:



Date: 1/25/2021

Signature of Preparer (if different from Responsible Officer) Richard E. Stanton

Date:

For Further Information:

Contact Person: Richard E. Stanton, Director of Development, Lackawanna NY

Address: 714 Ridge Rd., Lackawanna NY 14218

Telephone Number: 716 827 6421

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>



Sucro Real Estate NY, 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	Buffalo Refinery Project
Project Summary	Development of a full-scale sugar refinery at the former Bethlehem Steel site described as Lackawanna Business Park IA, including completion of environmental remediation
Applicant Name	Sucro Real Estate NY, LLC
Applicant Address	2303 Hamburg Turnpike
Applicant Address 2	
Applicant City	Lackawanna
Applicant State	New York
Applicant Zip	14218
Phone	(786) 702-2044
Fax	
E-mail	jrodriguez@sucro.us
Website	sucro.us
NAICS Code	311314

Business Organization

Type of Business	Limited Liability Company
Year Established	2020
State in which Organization is established	New York

Individual Completing Application

Name	Jose Guillermo Rodriguez Daza
Title	Project Engineer
Address	1951 Hamburg Turnpike
Address 2	
City	Lackawanna
State	New York
Zip	14218

Phone (786) 702-2044
Fax
E-Mail jrodriguez@sucro.us

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 Guy Agostinelli
Firm Name Zdarsky, Sawicki & Agostinelli LLP
Address 1600 Main Place Tower
Address 2 350 Main Street
City Buffalo
State New York
Zip 14202
Phone (716) 855-3200
Fax
E-Mail gagostinelli@zsa.cc

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.

The Applicant is a wholly-owned subsidiary of Sucro Holdings, LLC. Sucro was founded in 2014 and is a cane sugar wholesaler, with over \$300M in annual revenues, about 80% of which is generated by its US/Canada operation. Sucro has operations spanning the US, Canada, EU, the Caribbean, and the Andean region. Sucro operates a similar sugar refinery in Hamilton, ON, which produces liquid and refined sugar for industrial customers. Sucro's existing customer base includes Kraft-Heinz, Wholesome Sweeteners, Mondelez, Kellogg's, Nestle, Danone, Unilever, Post Cereals, and others. There is significant interest from our customers in a facility of this nature, which is a market dominated by a virtual duopoly that have high logistical costs to serve the North Central region from their existing facilities.

Estimated % of sales within Erie County 10 %

Estimated % of sales outside Erie County but within New York State	60 %
Estimated % of sales outside New York State but within the U.S.	29 %
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?

90

Describe vendors within Erie County for major purchases

We expect most vendors other than sugar to be based in Erie County, including contractors and suppliers

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

2303 Hamburg Turnpike

Town/City/Village of Project Site

Lackawanna

School District of Project Site

Lackawanna City

Current Address (if different)

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

SBL Number(s) for proposed Project

141.11-1-48.12

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

N/A

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

Land

\$ 220,446.00

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?

Yes

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

Vacant land and buildings that require significant improvements

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)

The project site encompasses 12.04 acres, including two large buildings (174,600 sq. ft.) that require extensive renovations and the construction of a new 33,600 sq. ft. building. The project entails: (1) completion of environmental remediation pursuant to BCP; (2) improvements to the land and buildings to recondition the property for bulk and finished product storage, logistical operations (in and out), as well as sugar refining operation; (3) equipment for production facility, including refining and packaging equipment. Total investment amount is projected at \$19,000,000 by December 2024. The applicant will be the owner and operator of the facility.

Municipality or Municipalities of current operations

Lackawanna

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

Yes

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

No

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

No

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

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

Yes

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

Sucro has been actively evaluating alternative locations for a US refinery. Although this is the only alternative currently being considered, we are actively looking for a site location.

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:

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)

While it is rapidly growing, Sucro remains a small business with a limited balance sheet and borrowing capacity. Our selection of the current site was primarily due to the BCP program and ECI tax benefits available. The development of this plant is expected to generate an additional \$250M in revenue and cement us as an alternative to the dominant US refiners. This project is expected to create 50 direct jobs and 50 indirect jobs in the area.

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 facility we are looking to build requires a long-term commitment. Sucro is looking for a successful long-term partnership with the State and County. Without this initial support, we would need to evaluate alternate locations, which would eliminate the investment and job creation in the area.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Most of the equipment will be financed

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)

It's accessible to NFTA route 76.

Has a project related site plan approval application been submitted to the appropriate planning department?

No

If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.

If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.

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

Yes

Describe the present zoning/land use

714 Light Industrial Manufacturing

Describe required zoning/land use, if different

N/A

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

N/A

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

Yes

If yes, please explain

It is a portion of the former Bethlehem Steel site, which is currently in the NY State Brownfield Cleanup Program. It is a former steel mill manufacturing facility.

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

Reduction of power and gas through use of energy efficient motors, steam generators, condensate return, and water regeneration. You may also attach additional information about the machinery and equipment at the end of the application.

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

Yes

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

10%

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

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

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

Retail Sales No

Services No

Please check any and all end uses as identified below.

No Acquisition of Existing Facility No Assisted Living No Back Office

No Civic Facility (not for profit)	No Commercial	Yes Equipment Purchase
No Facility for the Aging	Yes Industrial	No Life Care Facility (CCRC)
No Market Rate Housing	No Mixed Use	No Multi-Tenant
No Retail	No Senior Housing	Yes Manufacturing
No 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	112,000 square feet	\$	14,500,000	81%
Warehouse	91,200 square feet	\$	3,000,000	17%
Research & Development	square feet	\$	0	0%
Commercial	square feet	\$	0	0%
Retail	square feet	\$	0	0%
Office	5,000 square feet	\$	500,000	2%
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

2/1/2021

End date : Estimated completion date of project

12/31/2024

Project occupancy : estimated starting date of occupancy

1/1/2021

Project Information

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 3,000,000 square feet 12 acres

2.) New Building Construction

\$ 1,000,000 33,600 square feet

3.) New Building addition(s)

\$ 0

square feet

4.) Reconstruction/Renovation

\$ 6,500,000

174,600 square feet

5.) Manufacturing Equipment

\$ 6,000,000

6.) Infrastructure Work

\$ 1,500,000

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

\$ 100,000

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

\$ 200,000

9.) Other Cost

\$ 700,000

Explain Other Costs	Site Work
Total Cost	\$ 19,000,000

Construction Cost Breakdown:

Total Cost of Construction	\$ 7,500,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 3,500,000.00
% sourced in Erie County	99%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit	\$ 4,500,000
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 393,750

** Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

Project refinancing estimated amount, if applicable (for refinancing of existing debt only) \$ 0

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

If Yes, describe particulars: Minimal Materials and Labor to get Project Started

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 5,000,000
Bank Financing:	\$ 10,500,000
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):	\$ 3,500,000

Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources) Brownfield credits

Total Sources of Funds for Project Costs: \$19,000,000

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). 15,000,000

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$112,500

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): Not at this time

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

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

ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization

We are a minority owned business, and are committed to hiring minority contractors for all of our projects.

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.

Most of the equipment will be financed

Employment Plan (Specific to the proposed project location)

You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return. The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

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	If financial assistance is granted – project the	If financial assistance is granted – project the number of FT and PT	Estimate number of residents of the Labor Market Area in which
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	relocated at project location	number of FT and PT jobs to be retained	jobs to be created upon 24 months (2 years) after Project completion	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	5	0	45	50
Part time	0	0	0	0
Total	5	0	45	

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	2	\$ 80,000	\$ 28,000	\$ 0	\$ 0
Professional	1	\$ 60,000	\$ 21,000	\$ 0	\$ 0
Administrative	4	\$ 45,000	\$ 15,750	\$ 0	\$ 0
Production	43	\$ 45,000	\$ 15,750	\$ 20,000	\$ 4,000
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	\$ 0	\$ 0

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

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

Address	1951 Hamburg Turnpike, Lackawanna, NY 14218. Sucro International	1951 Hamburg Turnpike, Lackawanna, NY 14218. WS Services	
Full time	10	6	0
Part time	0	0	0
Total	10	6	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

2,968,500

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

45,000

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

0

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

46,888

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

0

Estimated salary range of jobs to be created

From (Full Time) 45,000 To (Full Time) 80,000

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

2303 Hamburg Turnpike, Lackawanna, NY 14218

Name and Address of Owner of Premises

Sucro Real Estate NY, LLC, 2020 Ponce de Leon Blvd., Ste. 1204, Coral Gables, FL 33134

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

Generally flat terrain on urban lands substantially created through historic slag deposition. No natural waterbodies exist on or adjacent to the premises, two manmade drainage channels are present on the property which served as historic storm water conveyance conduits.

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

Three former steel manufacturing support buildings circa 1890-1910 deemed the Blowing Engine House, the Boiler House, and the Power House. Sucro Real Estate NY, LLC is in the process of procuring the Phase IA Business Park from Tecumseh Redevelopment Inc. with the intent to redevelop the Site for liquid sugar manufacturing. The redevelopment will be performed in the following three phases: Phase 1 - Sugar Warehouse: This phase includes refurbishing the former Blowing Engine House building (approx. 35,000 square feet) by performing remaining asbestos abatement, replacing the roof, installing a concrete floor and interior block sidewalls, and improving the aesthetics surrounding the building. Phase 2 - Packing & Intermodal Distribution: This phase includes repurposing the former Power House building for offices and finished product storage/packing in intermodals; installing underground utilities; and constructing a permanent access road, parking lots, greenspace, and storm water controls. Phase 3 - Sugar Refining: This phase includes repurposing the former Boiler House building and installing equipment for the sugar refining manufacturing process. Sugar refining start up is anticipated for fall/winter 2022.

Describe all known former uses of the Premises

Formerly used to support steel manufacturing operations by Bethlehem Steel Company. No other historic uses

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

Known release of fuel oil from a historic above-ground storage tank, as well as elevated levels of certain metals and combustion byproducts, all of which are planned for remediation under the NY State Brownfield Cleanup Program (BCP) as documented in a Remedial Investigation/Alternatives Analysis Report revised October 2020

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

N/A

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

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

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

No

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

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

No

If yes, please provide copies of the permits.

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

N/A

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

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

No

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

Currently no such sources

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

Stationary combustion: Three 500 HP Boilers are planned Exhaust/ventilation: Planned ventilation of filtered emissions from dust collector (bag house) used to control particulate from sugar conveyance

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

Historic leakage of PCBs from oil-filled electrical equipment has impacted a small portion of the concrete floor in the power house building. This will be addressed as part of the planned Brownfield Cleanup Program remedial work.

Do the Premises have any asbestos containing materials?

Yes

If yes, please identify the materials

non-friable roofing and window caulk on Blowing Engine House

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 Sucro Real Estate NY
Address 2303 Hamburg Turnpike
Contact Person Jose Guillermo Rodriguez
Phone (786) 702-2044
Fax
E-Mail jrodriguez@sucro.us
Federal ID # 85-3425940
SIC/NAICS Code 311314

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.

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?

No

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