

Niagara County Industrial Development Agency

Niagara County Center for Economic Development • 6311 Inducon Corporate Drive, Ste. 1 • Sanborn, NY 14132

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: September 11, 2024
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

Board of Directors:

___ **Mark A. Onesi**, Chairman
___ **Jason Krempa**, First Vice Chairman
___ **Clifford Scott**, Second Vice Chairman
___ **William L. Ross**, Secretary
___ **Mark Berube**, Assistant Secretary
___ **Ryan J. Mahoney**, Member
___ **Anne E. McCaffrey**, Member
___ **David J. Masse**, Member
___ **William Fekete**, Member

Staff Members:

___ **Andrea Klyczek**, Executive Director
___ **Michael S. Dudley**, Finance Manager
___ **Susan Barone**, Grants & Operations Manager
___ **Jeremy Geartz**, Project Manager
___ **Julie Lamoreaux**, Administrative & HR Officer
___ **Mark J. Gabriele**, Agency Counsel

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- 1.0 Meeting Called to Order – *M. Onesi*
 - 2.0 Roll Call – *J. Lamoreaux*
 - 3.0 Introduction of Guests – *M. Onesi*
 - 4.0 Pledge of Allegiance – *M. Onesi*
 - 5.0 Approval of Meeting Minutes – *W. Ross*
 - 5.1 Regular NCIDA/NCDC/NADC – August 14, 2024
 - 6.0 Finance & Audit Committee Reports – *J. Krempa*
 - 6.1 Agency Payables – August 31, 2024
 - 6.2 Budget Variance Report – August 31, 2024

7.0 Unfinished Business

8.0 New Business

- 8.1 235 River Road LLC – *J. Geartz***
 - 8.1.1 Preliminary Resolution**
 - 8.1.2 Authorize Public Hearing**

- 8.2 MT Altimeter LLC – *J. Geartz***
 - 8.2.1 Preliminary Resolution**
 - 8.2.2 Authorize Public Hearing**

9.0 Agency Counsel – *M. Gabriele*

10.0 Information Items

11.0 Any Other Matters the Board Wishes to Discuss

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: October 9, 2024

TIME: ** 9:00 a.m. **

PLACE: Niagara County Center for Economic Development

13.0 Adjournment - *M. Onesi*

5.1

Meeting Minutes

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: August 14, 2024
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

1.0 Meeting Called to Order

The regular meeting of the Niagara County Industrial Development Agency was called to order by Chairperson Onesi at 9:00 a.m.

2.0 Roll Call

Mark A. Onesi, Chairperson	Present
Jason Krempa, First Vice Chairman	Present
Clifford Scott, Second Vice Chairman	Excused
William L. Ross, Secretary	Present
Mark Berube, Assistant Secretary	Present
Ryan J. Mahoney, Member	Present
Anne E. McCaffrey, Member	Present
David J. Masse, Member	Excused
William Fekete, Member	Present

3.0 Introduction of Guests

Robert Creenan, Niagara Gazette
Jonathan Epstein, Buffalo News

Staff Present

Andrea Klyczek, Assistant Director
Michael S. Dudley, Finance Manager
Jeremy Geartz, Project Manager
Susan Barone, Grants & Operations Manager
Julie Lamoreaux, Administrative & HR Officer
Mark J. Gabriele, Agency Counsel

4.0 Pledge of Allegiance

Mr. Dudley led the pledge of allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – July 10, 2024

Mr. Ross motioned to approve the meeting minutes; Mr. Fekete seconded the motion. The motion passed.

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – June 30, 2024

Mr. Krempa stated that the monthly payables have been reviewed and found to be in order.

Mr. Krempa made a motion to approve the monthly payables; Ms. McCaffrey seconded the motion. The motion passed.

6.2 Agency Payables – July 31, 2024

Mr. Krempa stated that the monthly payables have been reviewed and found to be in order.

Mr. Krempa made a motion to approve the monthly payables; Mr. Mahoney seconded the motion. The motion passed.

6.3 Budget Variance Report – June 30, 2024

Mr. Krempa stated that the budget variance reports have been reviewed and found to be in order.

Mr. Krempa made a motion to approve the Budget Variance Report; Mr. Mahoney seconded the motion. The motion passed.

6.4 Budget Variance Report – July, 31, 2024

Mr. Krempa stated that the budget variance reports have been reviewed and found to be in order.

Mr. Krempa made a motion to approve the Budget Variance Report; Mr. Mahoney seconded the motion. The motion passed.

7.0 Unfinished Business

8.0 New Business

8.1 OAHS Niagara Towers TC LLC Apartment Series 2023 Bonds

Mr. Gabriele stated that OAHS Niagara Towers TC LLC Apartment Series 2023 Bonds has requested an amendment their existing bond documents.

8.1.1 Amendment to Bond Documents

RESOLUTION AUTHORIZING THE MODIFICATION OF CERTAIN TERMS AND PROVISIONS RELATED TO (i) THE \$19,875,000 ORIGINAL PRINCIPAL AMOUNT NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS (OAHS NIAGARA TOWERS TC LLC APARTMENTS), SERIES 2023 (THE "NIAGARA 2023 BONDS") AND (ii) THE \$16,215,000 ORIGINAL PRINCIPAL AMOUNT NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS (OAHS URBAN PARK TC LLC APARTMENTS), SERIES 2023 (THE "URBAN PARK 2023 BONDS") AND THE EXECUTION OF RELATED DOCUMENTS

Mr. Krempa made a motion to approve the amendment; Mr. Fekete seconded the motion. The motion passed.

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott				x
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse				x
William Fekete	x			

The Resolution was thereupon duly adopted.

8.2 OAHS Urban Park Towers TC LLC Apartment Series 2023 Bonds

Mr. Gabriele stated that OAHS Niagara Towers TC LLC Apartment Series 2023 Bonds has requested an amendment their existing bond documents.

8.2.1 Amendment to Bond Documents

RESOLUTION AUTHORIZING THE MODIFICATION OF CERTAIN TERMS AND PROVISIONS RELATED TO (i) THE \$19,875,000 ORIGINAL PRINCIPAL AMOUNT NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS (OAHS NIAGARA TOWERS TC LLC APARTMENTS), SERIES 2023 (THE "NIAGARA 2023 BONDS") AND (ii) THE \$16,215,000 ORIGINAL PRINCIPAL AMOUNT NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS (OAHS URBAN PARK TC LLC APARTMENTS), SERIES 2023 (THE "URBAN PARK 2023 BONDS") AND THE EXECUTION OF RELATED DOCUMENTS

Mr. Krempa made a motion to approve the amendment; Mr. Fekete seconded the motion. The motion passed.

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott				x
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse				x
William Fekete	x			

The Resolution was thereupon duly adopted.

8.3 Cataract Grant

8.3.1 Live-USA Incorporated

Mr. Geartz stated that Live-USA Incorporated plans to renovate the vacant 80 room Howard Johnson located on approximately 2 acres at 472 Main Street in Niagara Falls. The total project cost will be \$16 million. With \$2.8 million going towards the music venue, and \$1.5 million going to the restaurant and bar. The hotel will be a unique property that is to include a celebrity-endorsed restaurant and bar, and an indoor music amphitheater with live music regularly scheduled. The company plans to create an immersive “Rock & Roll” experience, complete with genre and artist-specific floors and personalized recording studios with instruments and microphone. Guests will have VIP access to daily concerts and live events.

Through outreach to the Travel Trade market, they will be able to bring in tour operator groups for overnight accommodations, as well as with conferences and events. They will target the leisure market for overnight accommodations in drive-time markets such as Cleveland and Columbus OH, Pittsburgh and Erie PA, Rochester and Syracuse NY. They would target the local market (including Southern Ontario) and encourage locals to be “Tourists in their own backyards”. These staycations will add to the economic impact by targeting off-season and midweek, which is not typically filled by leisure tourists.

Mr. Gabriele added that this grant would only apply to the music venue and the restaurant/bar area. He also reminded the Board that this is a reimbursable grant, therefore, there will only be reimbursement upon receipt of expenditures along with a certified letter from a Certified Public Accountant attesting that the expenditures were made in respect to this project.

8.3.1 Live-USA Incorporated

Mr. Ross made a motion to approve the Cataract Grant; Ms. McCaffrey seconded the motion. The motion passed.

The question of the approval of the Resolution as duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	x			
Jason Krempa	x			
Clifford Scott				x
William L. Ross	x			
Mark Berube	x			
Ryan Mahoney	x			
Anne E. McCaffrey	x			
David J. Masse				x
William Fekete	x			

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

Mr. Gabriele stated that Niagara Shores Campground and Conference Center, LLC is now current and up to date on their account.

10.0 Information Items

There were no information items at this time.

11.0 Any Other Matters the Board Wishes to Discuss

There were no matters the board wished to discuss.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: September 11, 2024

TIME: ** 9:00 a.m. **

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. Krempa seconded the motion. The meeting adjourned at 9:12 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

Julie Lamoreaux
Administrative Assistant

Andrea Klyczek
Executive Director

William L. Ross
Secretary

6.1

Agency Payables

Niagara County Industrial Devel. Agency
Check Register
 For the Period From Aug 1, 2024 to Aug 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
30163	8/1/24	THE HARTFORD	10001.100	248.38
8/8/24	8/8/24	PAYCHEX, INC.	10001.100	72.89
30164	8/8/24	360 PSG.com	10001.100	180.00
30165	8/8/24	Caroline M. Caruso	10001.100	29.48
30166	8/8/24	Gabriele & Berrigan, P.C.	10001.100	10,960.61
30167	8/8/24	Gibson, McAskill & Crosby, LLP	10001.100	3,203.00
30168	8/8/24	Harris Beach PLLC	10001.100	300.00
30169	8/8/24	National Grid	10001.100	652.26
30170	8/8/24	Summit MSP, LLC	10001.100	59.49
8/9/24	8/9/24	NYS DEFERRED COMPENSATION PLAN	10001.100	697.75
30171	8/9/24	SAM'S CLUB/SYNCHRONY BANK	10001.100	29.89
30172	8/13/24	Cintas Corporation LOC. 067P	10001.100	93.80
30173	8/13/24	Dawn M. Sifers	10001.100	200.00
8/20/24	8/20/24	PAYCHEX, INC.	10001.100	128.00
30174	8/21/24	Charter Communications	10001.100	129.99
30175	8/21/24	County of Niagara	10001.100	47.93
8/22/24	8/22/24	PAYCHEX, INC.	10001.100	60.06
8/27/24	8/27/24	NYS DEFERRED COMPENSATION PLAN	10001.100	697.75
8/28/24	8/28/24	NEW YORK STATE AND LOCAL	10001.100	502.04
30176	8/31/24	County of Niagara	10001.100	481.43
30177	8/31/24	First Choice Coffee Services	10001.100	45.37
30178	8/31/24	Gabriele & Berrigan, P.C.	10001.100	5,000.00
30179	8/31/24	Guardian	10001.100	152.49
30180	8/31/24	Independent Health	10001.100	2,077.82
30181	8/31/24	Professional Janitorial Services, Inc.	10001.100	823.00
Total				26,873.43

NCIDA VIP-MTF Operating
Check Register
For the Period From Aug 1, 2024 to Aug 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4935	8/8/24	Beau Enterprises, Inc.	10001.600	801.00
4936	8/8/24	H.W.BRYK & SONS, INC.	10001.600	13,855.00
4937	8/8/24	Frontier	10001.600	279.87
4938	8/8/24	National Grid	10001.600	505.80
4939	8/13/24	Modern Disposal Services, Inc.	10001.600	191.51
4940	8/13/24	Town of Wheatfield	10001.600	64.00
4941	8/31/24	H.W.BRYK & SONS, INC.	10001.600	2,764.85
4942	8/31/24	County of Niagara	10001.600	443.94
4943	8/31/24	Professional Janitorial Services, Inc.	10001.600	346.00
Total				19,251.97

NCIDA - MTF - Operating Fund
Check Register
For the Period From Aug 1, 2024 to Aug 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3194	8/8/24	Void Check	10001.600	
3191	8/8/24	Void Check	10001.600	
3192	8/8/24	Void Check	10001.600	
3193	8/8/24	Void Check	10001.600	
3195	8/8/24	Beau Enterprises, Inc.	10001.600	468.00
3196	8/8/24	Gabriele and Berrigan P.C.	10001.600	57.00
3197	8/8/24	National Grid	10001.600	61.39
3198	8/8/24	Niagara Falls Water Board	10001.600	710.47
3199	8/21/24	VERIZON	10001.600	130.48
Total				1,427.34

Niagara Industrial Incubator Associates
Check Register
For the Period From Aug 1, 2024 to Aug 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1425	8/8/24	Gabriele & Berrigan, P.C.	10000.100	95.00
1426	8/8/24	National Grid	10000.100	196.16
1427	8/8/24	Niagara Falls Water Board	10000.100	2,074.90
1422	8/8/24	VOIDED CHECKS	10000.100	
1423	8/8/24	VOIDED CHECKS	10000.100	
1424	8/8/24	VOIDED CHECKS	10000.100	
Total				<u><u>2,366.06</u></u>

Niag. Cnty Dev. Corp. - Micro RLF
Check Register
 For the Period From Aug 1, 2024 to Aug 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2127	8/21/24	Bairco Inc.	10004.400	25,000.00
2128	8/21/24	Jeffrey Barker d/b/a	10004.400	20,000.00
2129	8/21/24	Elizabeth DeSilva d/b/a	10004.400	11,192.19
2130	8/21/24	Happy Tails of Niagara LLC	10004.400	9,135.25
2131	8/21/24	Maxx Lashes Inc.	10004.400	8,685.40
2132	8/21/24	Ya Ghada Have It LLC	10004.400	16,000.00
Total				<u>90,012.84</u>

6.3

Budget Variance Reports

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

BUDGET VARIANCE REPORT AS OF August 31, 2024

UN-AUDITED STATEMENT FOR INTERNAL MANAGEMENT USE ONLY

	Current Month Actual	Current Month Budget	Year To Date Actual	Year To Date Budget	Year To Date Variance	Total Budget
<u>Operating Revenues</u>						
Project Administrative Fees	\$ 0.00	\$ 69,118.00	\$ 771,665.00	\$ 414,677.00	356,988.00	\$ 527,232.00
Project Application Fees	0.00	1,000.00	6,000.00	8,000.00	(2,000.00)	12,000.00
NEDF RLF Administrative Fee	4,166.67	4,166.67	33,333.36	33,333.36	0.00	50,000.00
Administratve Fees - Other	0.00	0.00	5,303.44	0.00	5,303.44	28,040.00
Interest Earnings	391.44	3,820.42	41,932.55	30,563.36	11,369.19	45,845.00
Miscellaneous Income	14,450.79	14,315.08	115,409.63	114,520.64	888.99	171,781.00
Distributions From Affiliates	0.00	0.00	0.00	0.00	0.00	100,000.00
Distribution from VIP MTF	0.00	0.00	0.00	0.00	0.00	100,000.00
Total Operating Revenues	19,008.90	92,420.17	973,643.98	601,094.36	372,549.62	1,034,898.00
<u>Operating Expenses</u>						
Salaries	29,738.06	35,793.76	280,768.29	304,246.96	(23,478.67)	465,319.00
Benefits	3,050.95	5,410.75	33,734.51	43,286.00	(9,551.49)	64,929.00
Retirement Benefits	5,310.92	5,310.92	42,487.36	42,487.36	0.00	63,731.00
Payroll Taxes	2,314.48	2,759.09	21,858.52	23,407.19	(1,548.67)	35,778.00
Unemployment Taxes	0.00	0.00	1,666.56	1,575.00	91.56	1,575.00
Consultants	2,500.00	2,500.00	20,000.00	20,000.00	0.00	30,000.00
Executive Director	6,516.17	0.00	26,064.68	0.00	26,064.68	0.00
Assisstant Director	0.00	6,516.17	26,194.34	52,129.36	(25,935.02)	78,194.00
Legal Services	7,251.33	5,833.33	64,302.73	46,666.64	17,636.09	70,000.00
Accounting Services	0.00	0.00	21,000.00	20,710.00	290.00	20,710.00
Accounting Services - NADC	0.00	0.00	1,500.00	1,500.00	0.00	1,500.00
Marketing	180.00	1,833.33	11,450.50	14,666.64	(3,216.14)	22,000.00
Sponsorships	0.00	0.00	250.00	0.00	250.00	0.00
Printing	59.49	100.00	59.49	800.00	(740.51)	1,200.00
Office Supplies	0.00	208.33	517.38	1,666.64	(1,149.26)	2,500.00
Postage	0.00	74.00	2,322.01	2,614.00	(291.99)	3,750.00
Telephone & Fax	123.29	107.08	875.84	856.64	19.20	1,285.00
Internet Service	169.99	195.67	1,359.92	1,565.36	(205.44)	2,348.00
Common Area Charges	874.50	874.50	6,996.00	6,996.00	0.00	10,494.00
Energy	1,135.05	1,371.00	9,752.77	12,387.00	(2,634.23)	18,081.00
Conference & Travel	110.78	666.67	8,067.45	5,333.36	2,734.09	8,000.00
Employee Training	0.00	500.00	1,450.00	4,000.00	(2,550.00)	6,000.00
Depreciation Expense	0.00	0.00	0.00	0.00	0.00	6,462.00
Insurance Expense	1,708.24	1,824.42	13,665.92	14,595.36	(929.44)	21,893.00
Library & Membership	179.00	326.92	2,246.94	2,615.36	(368.42)	3,923.00
General Office	1,078.55	993.33	8,556.18	7,946.64	609.54	11,920.00
Repairs & Maintenance	1,028.05	1,065.00	7,897.98	8,520.00	(622.02)	12,780.00
Computer Support	0.00	500.00	1,114.39	4,000.00	(2,885.61)	6,000.00
Public Hearings	0.00	25.00	118.65	200.00	(81.35)	300.00
Furniture & Equipment Purchase	0.00	166.67	0.00	1,333.36	(1,333.36)	2,000.00
Other Expense	0.00	83.33	5.29	666.64	(661.35)	1,000.00
Total Operating Expenses	63,328.85	75,039.27	616,283.70	646,771.51	(30,487.81)	973,672.00
Net Operating Income/<Loss>	(44,319.95)	17,380.90	357,360.28	(45,677.15)	403,037.43	61,226.00
<u>Non-Operating Revenue & Expense</u>						
Grant Rev- City NF Initiative	0.00	0.00	265,172.31	0.00	265,172.31	2,145,609.00
Grant Sub-City NF Initiative	0.00	0.00	265,172.31	0.00	265,172.31	2,145,609.00
Net Non-Operating Income/<Loss>	0.00	0.00	0.00	0.00	0.00	0.00
Total Net Income/<Loss>	(\$ 44,319.95)	\$ 17,380.90	\$ 357,360.28	(\$ 45,677.15)	403,037.43	\$ 61,226.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet

August 31, 2024

ASSETS

Current Assets		
Cash - Checking	\$	337,256.54
Petty Cash		300.00
Certificates of Deposit		2,500,000.00
Mmkt Acct. - M&T Bank		73,090.34
Cash - First Response		66,336.23
Cash - City of N.F.		821.71
Cataract Tourism C/D		2,500,000.00
Mmkt Acct. - Cataract Tourism		266,812.30
Accts Rec - Public Hearings		2,389.43
Accounts Rec. EDA - RLF		116,666.60
Due To/From Micro RLF		26,162.74
Due To/From VIP - MTF		452,629.89
Due From NCDC CDBG/HUD		16,666.80
Due To/Due From NADC		500.56
Due To/From MTF Operating		3,824.08
Prepaid Insurance		<u>7,729.05</u>
Total Current Assets		6,371,186.27
Other Assets		
Deferred Outflows		180,568.00
Investment in NIAA		<u>342,500.00</u>
Total Other Assets		523,068.00
Fixed Assets		
Furniture & Equipment		231,672.18
Furn & Fixtures - Fed purchase		5,861.08
Accum Dep. - Furn & Equip		(208,515.61)
Accum Dep. - F&F Fed Purch		<u>(5,861.08)</u>
Total Fixed Assets		23,156.57
Total Assets		<u><u>\$ 6,917,410.84</u></u>

LIABILITIES AND NET ASSETS

Current Liabilities		
NYS Retirement W/H 414(H)	\$	21.12
Accrued Retirement		42,487.36
Deferred Rev. - NEDF		16,666.64
Deferred Rev. - First Repsonse		66,336.23
Def. Rev. - City of N.F.		2,767,634.01
Accounts Payable		10,732.03
Acct. Payable - Niag. County		<u>13,032.34</u>
Total Current Liabilities		2,916,909.73
Long-Term Liabilities		
Pension Liability		139,492.00
Deferred Inflows of Resources		<u>22,355.00</u>
Total Long-Term Liabilities		161,847.00
Total Liabilities		3,078,756.73
Net Assets		
Fund Balance - Operating Fund		3,481,293.83
Net Income		<u>357,360.28</u>
Total Net Assets		3,838,654.11
Total Liabilities & Net Assets		<u><u>\$ 6,917,410.84</u></u>

**Niagara County Industrial
Development Agency
Aged Payables
As of August 31, 2024**

Vendor ID Vendor	Invoice #	Amount Due
ama Amazon Capital Services	1QC1-TVHJ-KHJP	179.00
GMC Gibson, McAskill & Crosby, LLP	122753 122754	1,087.50 330.50
JEREMY Jeremy Geartz	7/18/24-8/22/24	90.78
M&TBUS M&T Bank	Aug 2024	1,415.87
NATGRID National Grid	39004 8/24	660.05
Report Total		<u>3,763.70</u>

Adjusting Journal Entries

Estimated Aug 2024 Legal Fees	5,833.33
Estimated Jun 2024 Copier usage	200.00
Estimated Jul 2024 Copier usage	200.00
Estimated Aug 2024 Copier usage	200.00
Estimated Jul-Aug 2024 Telephone	60.00
Estimated Aug 2024 Niagara County Electric	450.00
Estimated Aug 2024 Niagara County Gas	25.00
	<u>10,732.03</u>

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

9/5/2024

Project Income - 2024 Lease/Lease Back and Bonds

Closed 2024	Project Type	Total Project Amount	IDA Project Amount	Admin. Fees	Application Fees	Amount Received to Date	Date Received	Balance Due	Date Closed	
	Amazon.com Services LLC	L/L Back	550,000,000	550,000,000	715,000	1,000	716,000	4/9/24	-	1/30/24
	MHT Holdings, Inc. - Brookside Commons	No assistance provided.			0	1,000	1,000	5/26/23	-	
	MHT Holdings, Inc. - Niagara Falls	No assistance provided.			0	1,000	1,000	5/26/23	-	
	DRC Development LLC 2022	Additional Sales Tax			3,500	0	3,500	2/28/24	-	
	Iskalo 1 East Avenue LLC	Sales & Mtg Tax Only	1,995,000	860,000	8,600	1,000	9,600	5/30/24	-	5/9/24
	Big Ditch Brewing Company LLC	Sales Tax Only	1,200,000	960,000	9,600	1,000	10,600	5/30/24	-	5/9/24
	2429 Military Rd., LLC	L/L Back	3,085,961	2,667,811	30,860	1,000	31,860	7/3/24	-	
	Cityscape Property Management Inc. - Stenzil	No assistance provided.			0	1,000	1,000	9/20/23	-	
	Enterprise Lumber & Silo, LLC	Additional Sales Tax			4,105	0	4,105	7/19/24	-	
	TOTAL				<u>771,665</u>					
					Fees received in prior year				-	
					Total fees received to date in 2024	<u>771,665</u>				
					Total 2024 Budgeted Fees	<u>527,232</u>				
					Balance of Budgeted Fees	<u>(244,433)</u>				

Projected 2024	Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration	
	Cityscape Property Management Inc. - Division	L/L Back	1,122,000	1,075,000	10,750	1,000	1,000	9/20/23	10,750	11/30/24
	Cityscape Property Management Inc. - Stenzil	L/L Back	2,244,000	2,150,000	21,500	1,000	1,000	9/20/23	21,500	11/30/24
	Peak Development Partners, LLC	L/L Back	7,475,000	7,175,000	71,750	1,000	1,000	1/31/23	71,750	9/30/24
	Niacet Corporation 2023	L/L Back	121,000,000	89,000,000		1,000	1,000	3/14/23	-	9/30/24
	NF Lockport LLC	L/L Back	95,000,000	90,100,000		1,000	1,000	9/13/23	-	11/30/24
	Vishay Dale Electronics, LLC	L/L Back	8,200,000	8,000,000	80,000	1,000	1,000	12/12/23	80,000	12/31/24
	MGA Construction, LLC	L/L Back	11,027,000	8,900,000	89,000	1,000	1,000	3/1/24	89,000	6/30/25
	Live-USA Incorporated	L/L Back	16,000,000	10,500,000		1,000	1,000	7/3/24	-	7/31/25
	Hotel Niagara Development, LLC	L/L Back	43,959,500	41,709,500		1,000	1,000	7/5/24	-	7/31/25
	TOTAL				<u>273,000</u>	<u>9,000</u>	<u>9,000</u>		<u>273,000</u>	<u>0</u>
	TOTAL - Projected Income 2024				<u>1,044,665</u>	<u>9,000</u>	<u>9,000</u>		<u>273,000</u>	<u>771,665</u>

Projected 2025	Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration	
	TOTAL				<u>0</u>	<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>

* Pending Board Approval

Cataract Tourism Fund Grant Program

Grantee Name	Grant Awards	Outst'd'g Awards	Approval Date	Disbursement Date	Disbursement Amount	Offer Expiration	Project Description
Niagara County Dept. of Economic Development	37,667	0	10/11/2017	1/23/2018	37,667.00		Feasibility study for Niagara Falls area multi-use facility.
Niagara Aquarium Foundation	88,147	0	2/14/2018	7/15/2019	88,147.00		Jellyfish exhibit and equipment.
The Tourism Research Entrepreneurship Center (TReC)	176,600	0	8/8/2018	6/2/2020	176,600.00		Buildout, audio/visual equipment and network connectivity hardware.
Niagara Aquarium Foundation	16,717	0	2/12/2020	10/21/2020	16,717.00		Renovations to second floor event room.
Niagara Aquarium Foundation	370,000	0	8/14/2019	2/9/2021	370,000.00		Interactive touch pools adjacent to main entrance of the Aquarium.
Red Star Builders, LLC (The Niagara Club)	64,403	0	7/10/2019	9/7/2021	64,403.00		Spot Coffee.
Niagara Falls Center for Tourism LLC	1,000,000	0	6/12/2019	7/7/2023	598,661.03	12/31/2024	Construction of an indoor family entertainment center and outdoor improvements.
The Center for Kashmir, Inc.	573,000	300,000	6/14/2023	8/9/2023	273,000.00		Renovations to vacant church for a museum of art and culture for Kashmir.
Savarino Companies, LLC	155,000	0	4/14/2021	4/26/2023	155,000.00		Rehabilitation of 4,000 square feet of commercial/retail storefront space.
Niagara Aquarium Foundation	900,000	900,000	2/9/2022	To Be Disbursed	0.00	12/31/2024	Renovations to the Niagara Gorge Discovery Center for expanded programming.
Niagara Aquarium Foundation	35,000	0	2/8/2023	1/2/2024	35,000.00		Sea turtle exhibit.
Burger Factory Niagara Falls, Inc.	185,250	0	2/8/2023	1/11/2024	185,250.00		Façade renovations.
Niagara Falls International Cuisine, Inc.	76,500	0	2/8/2023	1/11/2024	44,922.31		Dining area renovations.
TM Montante Development(Radio Niagara)	912,609	912,609	3/22/2023	To Be Disbursed	0.00	11/1/2025	Renovations for restaurant, bar, game space, bowling lounge and boutique hotel.
Live-USA Incorporated	450,000	450,000	8/14/2024	To Be Disbursed	0.00		Renovation of restaurant, bar and music entertainment venue.
To Date Sub-Total	5,040,893	2,562,609			2,045,367.34		

8/31/2024 2,767,634.01

Less: Outstanding Awards **(2,562,609.00)**

Available for awarding grants **205,025.01**

Grant Fund Balance

Grant Funding from NYS 11/22/2016 1,600,000.00

Grant Funding from NYS 10/16/2017 1,440,000.00

Grant Funding from NYS 10/12/2018 1,600,000.00

Bank Interest 173,044.61

Bank Fees (43.26)

Grant Disbursements **(2,045,367.34)**

Grant Fund Balance **2,767,634.01**

8.1

235 River Road

LLC

PROJECT SUMMARY

235 River Road LLC



Applicant:	235 River Road LLC	
Project Location:	235 River Road, North Tonawanda, New York 14120	
Assistance:	10 or 15 Year Brownfield PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>235 River Road LLC is a proposed mixed-use redevelopment project on 3.15 acres in North Tonawanda, NY. The project will consist of two buildings totaling 87 market-rate apartments and a total of 111,689 SF. 101,391 SF of apartments, 2,690 SF of community space for residents, and 7,608 SF of commercial space. Building A will be comprised of 7,608 SF of Single-Story Commercial Space, 2,690 SF of single-story community space for residents, and 4-story building featuring 39 apartment units (15 one-bedroom Units and 24 two-bedroom Units). Building B will consist of 4-story building featuring 48 apartment units (16 one-bedroom units and 32 two-bedroom units), with 4 one-bedroom units per floor and 8 two-bedroom units per floor. The property will also contain 166 parking spots. This parcel is located in Distressed Census Trac 231.</p>	
Project Costs:	Acquisition Construction/Improvements Furniture, Fixtures & Equipment Soft costs Other <p style="text-align: right;">TOTAL</p>	\$ 825,000 \$28,021,762 \$ 385,000 \$ 5,541,083 \$ 1,873,133 <hr/> \$ 36,665,978
Employment:	Current jobs in Niagara County: 0 New Jobs in Niagara County within 3 years: 2.5 FTE Estimated Annual Payroll for New Jobs: \$61,250.00 Skills: Management, Administration, Maintenance.	
Evaluative Criteria:	Redevelopment supports or aligns with regional or local development plans.	

MRB Cost Benefit Calculator

Niagara County Industrial Development Agency

Date:
 Project Title:
 Project Location:

Construction Phase - Project Assumptions

	Project Costs
Project Costs	Value
Enter total project costs:	<input type="text" value="\$36,665,978"/>
Local Construction Spending	
% of locally sourced materials and labor	<input type="text" value="80%"/>
In-region construction spending	<input type="text" value="\$29,332,782"/>

Construction Economic Impacts			
Industry	NAICS	% of Total Investment	Investment by Type
Commercial and Institutional Building Construction	236220	100%	\$29,332,782
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
		100%	\$29,332,782

Most projects will only have one line related to construction type.

New Household Spending - Residential and Mixed-Use Projects Only

Unit Types and Household Income Brackets

Unit Type 1

Description:

Unit Count:

Target Income (HH):

Unit Type 2

Description:

Unit Count:

Target Income (HH):

% Net New (See Instructions)

Total Units

Total Local Household Spending

Operation Phase - Project Assumptions

Jobs and Earnings from Operations

NAICS Lookup

Year 1 - Enter NAICS	NAICS	Count	Per Job Annual Earnings	Total Earnings
Residential Property Managers	531311	2.5	\$24,500	\$61,250
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
Total		2.5		\$61,250

Year 2	NAICS	Count	Per Job Annual Earnings	Total Earnings
Residential Property Managers	531311	2.5	\$24,500	\$61,250
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
Total		2.5		\$61,250

Year 3+ (Full Employment)	NAICS	Count	Per Job Annual Earnings	Total Earnings
Residential Property Managers	531311	2.5	\$24,500	\$61,250
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
Total		2.5		\$61,250

Fiscal Impact Assumptions

NCIDA Project Type **Adaptive Reuse, Community Development / 5-15 yr PILOT**

Estimated Costs of Incentives

	%	Value		
Sales Tax Exemption		\$1,151,670	PILOT Term (Years)	10
Local Sales Tax Rate	4.00%	\$575,835	Escalation Factor	2%
State Sales Tax Rate	4.00%	\$575,835	Discount Factor	2%
Mortgage Recording Tax Exemption		\$204,081		
Local	0.25%	\$68,027		
State	0.50%	\$136,054		
Total Costs		\$3,560,771	<i>includes PILOT exemption, calculated below.</i>	

MRB Cost Benefit Calculator

Niagara County Industrial Development Agency

Date:
 Project Title:
 Project Location:

Construction Phase - Project Assumptions

	Project Costs
Project Costs	Value
Enter total project costs:	<input type="text" value="\$36,665,978"/>
Local Construction Spending	
% of locally sourced materials and labor	<input type="text" value="80%"/>
In-region construction spending	<input type="text" value="\$29,332,782"/>

Construction Economic Impacts			
Industry	NAICS	% of Total Investment	Investment by Type
Commercial and Institutional Building Construction	236220	100%	\$29,332,782
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
		100%	\$29,332,782

Most projects will only have one line related to construction type.

New Household Spending - Residential and Mixed-Use Projects Only

Unit Types and Household Income Brackets

Unit Type 1

Description:

Unit Count:

Target Income (HH):

Unit Type 2

Description:

Unit Count:

Target Income (HH):

% Net New (See Instructions)

Total Units

Total Local Household Spending

Operation Phase - Project Assumptions

Jobs and Earnings from Operations

[NAICS Lookup](#)

Year 1 - Enter NAICS	NAICS	Count	Per Job Annual Earnings	Total Earnings
Residential Property Managers	531311	2.5	\$24,500	\$61,250
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
Total		2.5		\$61,250

Year 2	NAICS	Count	Per Job Annual Earnings	Total Earnings
Residential Property Managers	531311	2.5	\$24,500	\$61,250
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
Total		2.5		\$61,250

Year 3+ (Full Employment)	NAICS	Count	Per Job Annual Earnings	Total Earnings
Residential Property Managers	531311	2.5	\$24,500	\$61,250
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
Total		2.5		\$61,250

Fiscal Impact Assumptions

NCIDA Project Type **Adaptive Reuse, Community Development / 5-15 yr PILOT**

Estimated Costs of Incentives

	%	Value		
Sales Tax Exemption		\$1,151,670	PILOT Term (Years)	15
Local Sales Tax Rate	4.00%	\$575,835	Escalation Factor	2%
State Sales Tax Rate	4.00%	\$575,835	Discount Factor	2%
Mortgage Recording Tax Exemption		\$204,081		
Local	0.25%	\$68,027		
State	0.50%	\$136,054		
Total Costs		\$4,795,582	<i>includes PILOT exemption, calculated below.</i>	

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

235 River Road LLC

(Applicant Name)

6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132
Phone: 716-278-8760 Fax: 716-278-8769
<http://niagaracountybusiness.com>

Updated April 2022

- I. Subject to the applicable statute, information provided by applicant will be treated as confidential until such time as the Agency takes action on the request. However, in accordance with Article 6 of the Public Officers Law, all records in possession of the Agency are open to public inspection and copy.
- II. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- III. At the time of the project closing, project applicant is required to pay certain costs associated with the project. The applicant shall be responsible for the payment of an Agency fee in the amount of one percent (1.00%) of the total value of the project, together with Agency counsel fees as set forth in the Agency fee policy schedule, together with various related costs, including but not limited to public hearing expenses. Upon request, a fee summary will be provided to each applicant.
- IV. One (1) original signed copy of the Application and Environmental Assessment form should be submitted with the Application for Assistance.

The Niagara County Industrial Development Agency does not discriminate on the basis of race, color, religion, sex, sexual orientation, marital status, age, national origin, disability or status as a disabled or Vietnam Veteran or any other characteristic protected by law.

6311 Inducon Corporate Drive, Suite One ■ Sanborn, NY 14132-9099 ■ 716-278-8760
Fax 716-278-8769 ■ www.niagaracountybusiness.com

**NIAGARA COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: 235 River Road LLC

Mailing Address: c/o Alliance Homes, 4727 Camp Road

City/Town/Village & Zip code: Hamburg, New York 14075

Phone: (716) 646-6555

Website: alliancehomes.com

Fed Id. No.: 99-1684907

Contact Person, and Title: Robert A. Savarino, Project Consultant

Email: robert.savarino@cclm.net

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):

Andrew Romanowski is the Sole Member of 235 River Road LLC

Corporate Structure (attach schematic if applicant is a subsidiary or otherwise affiliated with another entity)

Form of Entity

Corporation

Date of Incorporation: _____

State of Incorporation: _____

Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members 1)

Date of organization: October 10, 2023

State of Organization: New York

Sole Proprietorship

If a foreign organization, is the applicant authorized to do business in the State of New York?

Applicant's Counsel

Company Name: Hopkins Sorgi & McCarthy PLLC

Contact Person, and Title: Sean Hopkins, Esq.

Mailing Address: 35 California Drive, Suite 100, Williamsville, New York 14221

City/Town/Village & Zip code: Williamsville, New York 14221

Email: shopkins@hsmlegal.com

Phone: (716) 510-4338

Fax No.: N/A

II. PROJECT INFORMATION

A) Project Address: 235 River Road, North Tonawanda, New York

Tax Map Number (SBL) 185.05-1-75.1

(Section/Block/Lot)

SWIS Number 291200

Located in City of North Tonawanda

Located in Town of _____

Located in Village of _____

School District of North Tonawanda City School District

B) Current Assessment of Property:

Land \$70,000

Total \$125,000

C) Present legal owner of the site Frank J. Metzger

If other than from applicant, by what means will the site be acquired for this project?

D) Describe the project:

See attached as "Exhibit A" to this Application

1. Project site (land)

(a) Indicate approximate size (In acres or square feet) of project site.

3.10 Acres

(b) Indicate the present use of the project site.

Vacant and idle site with equipment warehouses and vehicle repair shop

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
Bldg #1 - 5,600 SF (1960) Bldg #2 - 4,800 SF (1978) Bldg #3 2,200 SF (1960)

3. Does the project consist of the construction of a new building or buildings?
If yes, indicate number and size (in square feet) of new buildings.
See "Exhibit A" to this Application

4. Does the project consist of additions and/or renovations to existing buildings? If yes,
indicate nature of expansion and/or renovation.
The development will abate and demolish the existing structures on the Project Site

5. If any space in the project is to be leased to third parties, indicate total square footage
of the project amount to be leased to each tenant and proposed use by each tenant.
The project contains 87 Apartment rental units (111,689 SF) and Commercial Space (7,608 SF)

6. List principal items/categories of equipment to be acquired as part of the project.
N/A

7. Has construction work on this project begun?
No

E) Inter-Municipal Move Determination

Will the project result in the removal of a plant or facility of the applicant from one area of the State of New York to another?

Yes or No

Will the project result in the removal of a plant or facility of another proposed occupant of the project from one area of the State of New York to another area of the State of New York?

Yes or No

Will the project result in the abandonment of one or more plants or facilities located in the State of New York?

Yes or No

If Yes to any of the questions above, 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

- F) Furnish a copy of any environmental application presently in process of completion concerning this project, providing name and address of the agency, and copy all pending or completed documentation and determinations.

III. SOURCES & USES OF FUNDS

A) Estimated Project Costs:

Property Acquisition		825,000
	\$	
Construction (Improvements)		28,021,762
	\$	
Equipment Purchases/Fixtures/Furnishings		0
	\$	
Soft costs (i.e. engineering, architectural)		5,541,083
	\$	
Other (describe) Finance Interest & Fees & Title		1,873,133
	\$	
TOTAL USES OF FUNDS	\$	36,280,978

B) Sources of Funds for Project Costs (Must match above Total Uses of Funds):

Bank Financing	75%	\$	27,210,734
Equity		\$	4,070,245
Grants/Tax Credits	Brownfield Tax Credits	\$	5,000,000
Taxable or Tax Exempt Bond		\$	0
Other		\$	0
TOTAL SOURCES OF FUNDS		\$	36,280,978

C) Identify each state and federal grant/credit:

	\$
	\$
	\$
	\$
TOTAL PUBLIC FUNDS	\$

VI. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings: In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300)("JTPA") in which the project is located.
- B. First Consideration for Employment: In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.
- C. Compliance with Section 224-a(8)(a) of N.Y Labor Law. The applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. You further acknowledge and understand that you have certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor.
- D. Annual Sales Tax Filings: In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.
- E. Annual Employment Reports: The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

- F. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would 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, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

- G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- I. Recapture: Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- J. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described.

The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF NEW YORK)
COUNTY OF Erie) ss.:

_____, being first duly sworn, deposes and says:

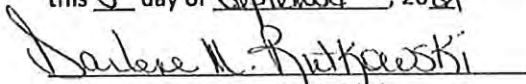
1. That I am the Member (Corporate Office) of 235 River Road LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.



(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury

this 5 day of September, 2021


(Notary Public)

DARLENE M. RUTKOWSKI
No. 01FO8148986
Notary Public, State of New York
Qualified in Erie County
My Commission Expires July 3, 2022

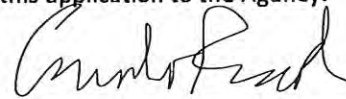
This Application should be submitted to the Niagara County Industrial Development Agency, 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132.

Attach copies of preliminary plans or sketches of proposed construction or rehabilitation or both.

HOLD HARMLESS AGREEMENT

Applicant hereby releases the NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, and (B) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and reasonable attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all out of pocket costs incurred by the Agency in processing of the Application, including reasonable attorneys' fees, if any. Notwithstanding anything contained herein to the contrary, the foregoing indemnities shall not be applicable with respect to misconduct, negligence, or criminal activity on the part of the Agency. It is understood and agreed that the Applicant has the right to join in any defense, and participate in the management of the defense, of any claim for which the Agency seeks indemnification.

In addition to the foregoing, the Applicant understands and acknowledges that (i) this application does not create or give rise to any legal obligations on the part of the Niagara County Industrial Development Agency (the "Agency") or the Applicant except as expressly stated herein, (ii) the terms and conditions governing the award of the financial assistance described herein will be set forth in a separate agreement(s), with the Agency, the form of which will be provided to the Applicant only upon the processing and approval of this application, (iii) the requested financial assistance described in application is based upon the representations made by the Applicant, based upon the Applicant's actual knowledge as of the date of this application, to the Agency, regarding the project, and (iv) that the Agency reserves the right to revise the financial assistance described in this application if any aspect of the project changes after receipt of the application, including changes to the number of jobs, amount of capital investment, or wages, by way of example only. In addition, the Applicant reserves the right to retract, clarify, amend or modify any such representations made prior to (or concurrently with) the submittal of this application to the Agency.

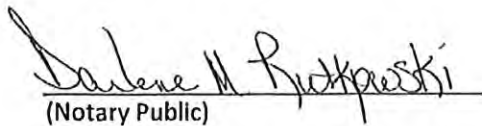


(Applicant Signature)

By: _____ 235 River Road LLC

Name: _____ Andrew Romanowski

Title: _____ Member


(Notary Public)

Sworn to before me this 5 day

of September, 2024

[stamp]

DARLENE M. RUTKOWSKI
No. 01FO6148986
Notary Public, State of New York
Qualified in Erie County
My Commission Expires July 3, 2026

Real Property Tax Benefits (Detailed):

** This section of this Application 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

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
\$28,021,762	\$7,000,000	10.123109	16.053100	24.224250

*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	15%	\$ 10,629	\$ 16,856	\$ 25,435	\$ 52,920	\$ 352,803	\$ 299,883
2	20%	\$ 14,172	\$ 22,474	\$ 33,914	\$ 70,561	\$ 352,803	\$ 282,243
3	25%	\$ 17,715	\$ 28,093	\$ 42,392	\$ 88,201	\$ 352,803	\$ 264,602
4	30%	\$ 21,259	\$ 33,712	\$ 50,871	\$ 105,841	\$ 352,803	\$ 246,962
5	35%	\$ 24,802	\$ 39,330	\$ 59,349	\$ 123,481	\$ 352,803	\$ 229,322
6	40%	\$ 28,345	\$ 44,949	\$ 67,828	\$ 141,121	\$ 352,803	\$ 211,682
7	45%	\$ 31,888	\$ 50,567	\$ 76,306	\$ 158,761	\$ 352,803	\$ 194,042
8	50%	\$ 35,431	\$ 56,186	\$ 84,785	\$ 176,402	\$ 352,803	\$ 176,402
9	55%	\$ 38,974	\$ 61,804	\$ 93,263	\$ 194,042	\$ 352,803	\$ 158,761
10	60%	\$ 42,517	\$ 67,423	\$ 101,742	\$ 211,682	\$ 352,803	\$ 141,121
TOTAL		\$ 265,732	\$ 421,394	\$ 635,887	\$ 1,323,012	\$ 3,528,032	\$ 2,205,020

*Estimates provided are based on current property tax rates and assessment value

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4	25%	\$ 17,715	\$ 28,093	\$ 42,392	\$ 88,201	\$ 352,803	\$ 264,602
5	35%	\$ 24,802	\$ 39,330	\$ 59,349	\$ 123,481	\$ 352,803	\$ 229,322
6	35%	\$ 24,802	\$ 39,330	\$ 59,349	\$ 123,481	\$ 352,803	\$ 229,322
7	35%	\$ 24,802	\$ 39,330	\$ 59,349	\$ 123,481	\$ 352,803	\$ 229,322
8	35%	\$ 24,802	\$ 39,330	\$ 59,349	\$ 123,481	\$ 352,803	\$ 229,322
9	35%	\$ 24,802	\$ 39,330	\$ 59,349	\$ 123,481	\$ 352,803	\$ 229,322
10	45%	\$ 31,888	\$ 50,567	\$ 76,306	\$ 158,761	\$ 352,803	\$ 194,042
11	45%	\$ 31,888	\$ 50,567	\$ 76,306	\$ 158,761	\$ 352,803	\$ 194,042
12	45%	\$ 31,888	\$ 50,567	\$ 76,306	\$ 158,761	\$ 352,803	\$ 194,042
13	45%	\$ 31,888	\$ 50,567	\$ 76,306	\$ 158,761	\$ 352,803	\$ 194,042
14	45%	\$ 31,888	\$ 50,567	\$ 76,306	\$ 158,761	\$ 352,803	\$ 194,042
15	45%	\$ 31,888	\$ 50,567	\$ 76,306	\$ 158,761	\$ 352,803	\$ 194,042
TOTAL		\$ 372,024	\$ 589,951	\$ 890,241	\$ 1,852,217	\$ 5,292,048	\$ 3,439,831

*Estimates provided are based on current property tax rates and assessment value

Real Property Tax Benefits (Detailed):

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PILOT Estimate Table Worksheet

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\$1,800,000	\$3,000,000	8.677701	18.667600	27.934200

*Apply equalization rate to value

pymt County	pymt City	pymt School	total pilot			
5,207	11,201	16,761	33,168			132,671
6,508	14,001	20,951	41,460			124,379
7,810	16,801	25,141	49,752			116,087
9,112	19,601	29,331	58,044			107,795
10,413	22,401	33,521	66,335			99,503
11,715	25,201	37,711	74,627			91,211
13,017	28,001	41,901	82,919			82,919
14,318	30,802	46,091	91,211			74,627
15,620	33,602	50,282	99,503			66,335
16,922	36,402	54,472	107,795			58,044
110,641	238,012	356,162	704,814			953,572

*Estimates provided are based on current property tax rates and assessment value

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: Mixed-Use Redevelopment Project		
Project Location (describe, and attach a general location map): 235 River Road and 190 Main Street - Approximately 3.10 acre site with frontage on River Rd., Thompson St. and Main St. - City of North Tonawanda		
Brief Description of Proposed Action (include purpose or need): The proposed redevelopment project of the approximately 3.1 acres of property comprising the Project Site that has previously been utilized for industrial purposes consists of two buildings as follows: a four-story buildings with 48 apartments and a 4-story/1-story building with 39 apartments and approximately 9,400 sq. of first commercial space and clubhouse/amenity space along with all related improvements including parking spaces, landscaping, lighting and utility improvements and connections (collectively the "Project"). The action includes all proposed site improvements as well as all required discretionary approvals and permits needed for the Project including Amended Site Plan Approval. The Project Site is located in a Brownfield Opportunity Area and is an ideal candidate for the NYS Brownfield Cleanup Program. In addition, the Project Site is located in a Disadvantaged Community, which is a designation ascribed by NYS for the purposes of encouraging investment and economic activity in areas that are negatively impacted by environmental and climate challenges. The City of North Tonawanda has identified the Project Site as the Northern Gateway Redevelopment Project, highlighting the importance of the Project Site's location on the leading edge of downtown North Tonawanda. The propose used is consistent with the North Tonawanda "NT Momentum Master Plan," which calls for a high density commercial and residential use.		
Name of Applicant/Sponsor: 235 River Road LLC c/o Andrew Romanowski		Telephone: (716) 225-6117 E-Mail: Andrew@alliancehomes.com
Address: 4727 Camp Road		
City/PO: Hamburg	State: NY	Zip Code: 14075
Project Contact (if not same as sponsor; give name and title/role): Sean Hopkins, Esq.		Telephone: (716) 510-4338 E-Mail: shopkins@hsmlegal.com
Address: 5500 Main Street, Suite		
City/PO: Williamsville	State: NY	Zip Code: 14221
Property Owner (if not same as sponsor): Frank J. Metzger, Gary J. Metzger, Brian Keith Metzger, c/o Thomas R. Augello, Esq.		Telephone: (716) 852-2500 E-Mail: traugello@damglaw.com
Address: 501 John James Audobon Parkway		
City/PO: Amherst	State: NY	Zip Code: 14228

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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of North Tonawanda Planning Commission - Amended Site Plan Approval	August 2024
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of North Tonawanda Building Dept - Building Permits; City Eng. Dept. - Sewer and Water	To be determined
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PILOT and incentives - Niagara County IDA	To be determined
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC Brownfield Program	Eligibility Letter received on May 28, 2024
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" 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): NYS Heritage Areas: West Erie Canal Corridor	

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?
The Project Site is located in the Downtown Mixed-Use District ("DD") in the River Road ("RR") sub-area.
- 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? North Tonawanda
- b. What police or other public protection forces serve the project site?
City of North Tonawanda Police Department
- c. Which fire protection and emergency medical services serve the project site?
City of North Tonawanda Fire Department
- d. What parks serve the project site?
There are parks in the City of North Tonawanda that will be accessible to the residential tenants of the project.

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)? The Project is mixed-use to include residential units for lease and commercial space.
- b. a. Total acreage of the site of the proposed action? 3.10 +/- acres
b. Total acreage to be physically disturbed? 3.10 +/- acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 3.10 +/- 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: 24 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	_____	_____	_____	87
At completion of all phases	_____	_____	_____	87

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures 1
 ii. Dimensions (in feet) of largest proposed structure: ~14 ft. height; 72 ft. width; and ~112 ft. length
 iii. Approximate extent of building space to be heated or cooled: 9,500 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: Stormwater Management Area
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: Stormwater runoff from impervious surfaces.
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: TBD million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: TBD 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? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

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: _____ 16,840 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: City of North Tonawanda Water Plant
- 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: _____
- Source(s) of supply for the district: _____

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: _____ 16,840 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

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 North Tonawanda Wastewater Treatment Plant
- Name of district: City of North Tonawanda Sanitary Sewer District
- 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

- Do existing sewer lines serve the project site? Yes No
- Will a line extension within an existing district be necessary to serve the project? Yes No

 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

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):
 N/A _____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____
 N/A _____

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? Yes No
 If Yes:

- How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or ~2.25 acres (impervious surface)
 _____ Square feet or ~3.10 acres (parcel size)
- Describe types of new point sources. Roofs, parking lots and sidewalks
- 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)?
Private Stormwater Management Area on the Project Site. After treatment in the Stormwater Management Area, stormwater will be discharged into the recently improved public storm sewer

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

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? Yes No
 If Yes, identify:

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

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? Yes No
 If Yes:

- 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) Yes No
- In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 - _____ 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 _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

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: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 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: _____
 ~3,000 kWh per month

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

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:		ii. During Operations:	
• Monday - Friday:	7:00 AM - 7:00 PM	• Monday - Friday:	7:00 AM - 10:00 PM
• Saturday:	7:00 AM - 2:00 PM	• Saturday:	7:00 AM - 10:00 PM
• Sunday:	NA	• Sunday:	8:00 AM - 10:00 PM
• Holidays:	NA	• Holidays:	8:00 AM - 10:00 PM

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
Construction activities in furtherance of the redevelopment project is an unavoidable short-term impacts that will not be potentially significant. It is expected that noise will be produced during construction period only, primarily between 7:00 AM through 5:00 PM Monday through Friday.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
The property will have parking lot lighting that will be shielded from neighboring properties. The commercial building will have signage lighting and standard decorative illumination. The residential buildings will have traditional code-compliant exterior lighting.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

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? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

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:

The Project Site is located in an urban area, including commercial, retail and industrial uses to the south, north, east and west.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1.00	~2.25	+ 1.25
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	~0.85	+0.85
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	~2.10	0	-2.10
• Other Describe: _____			

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: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

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): _____
 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): C932165, C932171, C932181, C932142, 932100, 932099
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

C932165 - Terminated effective May 14, 2015; C932171 - Certificate of Completion issued on December 17, 2021; C932181 - BCP Application submitted; C932142 - Certificate of Completion issued on November 30, 2010; 932100 - Approval of Remedial Action Completion Report occurred in September 2004; 932099 - State remediation completed in January 1994

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 24 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:

Fill (gravel, sand and clay)	_____	_____ %
Natural silt and clay	_____	_____ %
Cohesive glacial till	_____	_____ %

d. What is the average depth to the water table on the project site? Average: _____ >15 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%: _____ 100 % 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: _____

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
 [Note: There are not any wetland subject to the jurisdiction of either the USACE or NYSDEC on the Project Site.]

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name Unknown (regulation 837-18) Classification C
- Lakes or Ponds: Name Niagara River, Upper, Main Stem Classification A
- 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: _____

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____ Not applicable _____ _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres</p>	
<p>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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Species and listing (endangered or threatened): _____ _____ _____</p>	
<p>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>i.</i> Species and listing: _____ _____</p>	
<p>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: _____ _____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>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: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____</p>	
<p>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>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____</p>	
<p>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>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____</p>	

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>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> 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?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> 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>i.</i> Identify resource: <u>Gratwick Waterfront Park</u>	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>City Park,</u>	
<i>iii.</i> Distance between project and resource: <u>2.20</u> miles.	
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>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> 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.

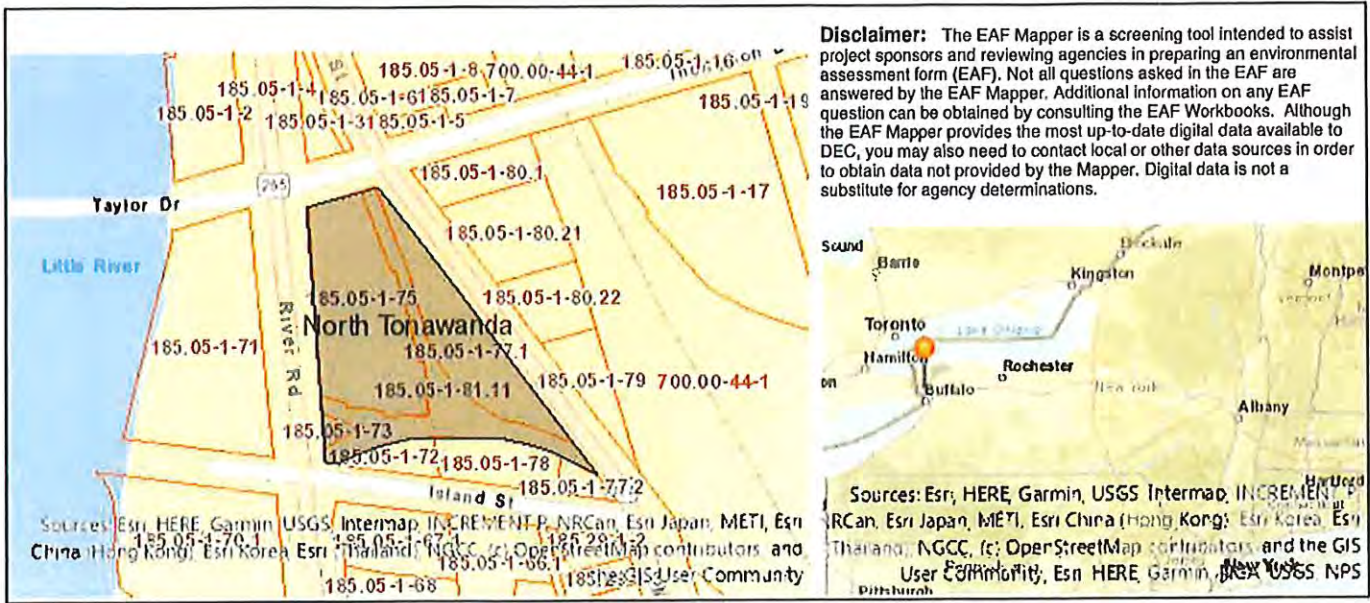
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name 235 River Road LLC Date August 15, 2024

Signature  Title Attorney for Project Sponsor



B.i.i [Coastal or Waterfront Area]	No
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]	NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
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]	C932165, C932171, C932181, C932142, 932100, 932099
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 sources 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]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No

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

CITY OF NORTH TONAWANDA



AUSTIN J. TYLEC

September 5, 2024

Niagara County Industrial Development Agency
Board of Directors
6311 Inducon Corporate Drive Suite 1
Sanborn, NY 14132

Re: IDA Application – Mixed-Use Project
235 River Road
Applicant: 235 River Road LLC

To Whom It May Concern:

On behalf of the City of North Tonawanda, I would like to express support of the proposed mixed-use redevelopment at 235 River Road that will transform an underutilized industrial site that is contaminated as a result of its long-term industrial use into a new project that is consistent with the City's planning goals and objectives.

I support the IDA Board of Directors granting the requested PILOT and related incentives that are being sought by the Applicant so that the mixed-use redevelopment project will be economically feasible.

The mixed-use redevelopment project has been subject to an extensive review over the past several months and it has been viewed positively by the Planning Commission, the Historic Preservation, the Historic Preservation Commission, the Common Council and my office.

If you have any questions regarding my upmost support for this project, do not hesitate to contact me at 716-695-8540.

Sincerely,

A handwritten signature in black ink that reads 'Austin Tylec'. The signature is written in a cursive style with a large, sweeping initial 'A'.

Austin Tylec
Mayor

8.2

MT Altimeter LLC

PROJECT SUMMARY
MT Altimeter LLC



Applicant:	MT Altimeter LLC	
Project Location:	6410 Inducon Corporate Dr., Wheatfield, NY	
Assistance:	15 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>Project includes the build out of an 80,000 square foot state of the art cold storage, micro-fulfilment facility. The facility will include (5) separate freezer storage areas totaling 32,000 sq. ft., and (4) separate coolers totaling 16,000 sq. ft. of climate controlled space. The facility footprint will also accommodate clients in need of dry storage options, by reserving 12,000 sq. ft. of space to store dry goods. The entire facility will be erected in one single phase, and operations will graduate with demand.</p> <p>The facility will operate as an asset-light service structure that emphasizes agility, cost effectiveness, and customer-centricity that will include a software-based, warehouse management system (WSM) program and incorporate and Enterprise Resource Planning (ERP) system to include inventory tracking and accounting tasks, and integrate with the latest 3PL (3rd Party Logistics) technology to optimize the storage system.</p>	
Project Costs:	Acquisition	\$ 250,000
	Construction/Improvements	\$ 10,500,000
	Furniture, Fixtures & Equipment	\$ 2,300,000
	Soft costs	\$ 400,000
	Other	\$ 0
	TOTAL	\$ 13,450,000
Employment:	Current jobs in Niagara County: 0 New Jobs in Niagara County within 3 years: 8 Estimated Annual Payroll for New Jobs: \$376,800 Skills: management, warehouse, accounting, shipping clerk	
Evaluative Criteria:	Regional wealth creation, sales/customers outside the area, investments in energy efficiency, research and development, in region purchases and services	

MRB Cost Benefit Calculator

Niagara County Industrial Development Agency

Date:
 Project Title:
 Project Location:

Construction Phase - Project Assumptions

	Project Costs
Project Costs	Value
Enter total project costs:	<input type="text" value="\$13,450,000"/>
Local Construction Spending	
% of locally sourced materials and labor	<input type="text" value="80%"/>
In-region construction spending	<input type="text" value="\$10,760,000"/>

Construction Economic Impacts			
Industry	NAICS	% of Total Investment	Investment by Type
Commercial and Institutional Building Construction	236220	100%	\$10,760,000
[Not Applicable]	0		\$0
[Not Applicable]	0		\$0
		100%	\$10,760,000

Most projects will only have one line related to construction type.

New Household Spending - Residential and Mixed-Use Projects Only

Unit Types and Household Income Brackets

Unit Type 1

Description	<input type="text"/>
Unit Count	<input type="text"/>
Target Income (HH)	[Not Applicable]

Unit Type 2

Description	<input type="text"/>
Unit Count	<input type="text"/>
Target Income (HH)	[Not Applicable]

% Net New (See Instructions)

Total Units

Total Local Household Spending

Operation Phase - Project Assumptions

Jobs and Earnings from Operations

[NAICS Lookup](#)

Year 1 - Enter NAICS

	NAICS	Count	Per Job Annual Earnings	Total Earnings
Refrigerated Warehousing and Storage	493120	0	\$0	\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
Total		0		\$0

Year 2

	NAICS	Count	Per Job Annual Earnings	Total Earnings
Refrigerated Warehousing and Storage	493120	8	\$45,000	\$360,000
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
Total		8		\$360,000

Year 3+ (Full Employment)

	NAICS	Count	Per Job Annual Earnings	Total Earnings
Refrigerated Warehousing and Storage	493120	8	\$45,000	\$360,000
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
<input type="text" value="0"/>				\$0
Total		8		\$360,000

Fiscal Impact Assumptions

NCIDA Project Type **Industrial, Manufacturing, Warehouse, Distribution / 15 yr PILOT**

Estimated Costs of Incentives

	%	Value		
Sales Tax Exemption		\$604,000	PILOT Term (Years)	15
Local Sales Tax Rate	4.00%	\$302,000	Escalation Factor	2%
State Sales Tax Rate	4.00%	\$302,000	Discount Factor	2%
Mortgage Recording Tax Exemption		\$77,813		
Local	0.25%	\$25,938		
State	0.50%	\$51,875		
Total Costs		\$3,395,811	<i>includes PILOT exemption, calculated below.</i>	

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

MT Altimeter LLC

(Applicant Name)

6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132

Phone: 716-278-8760 Fax: 716-278-8769

<http://niagaracountybusiness.com>

Updated April 2022

- I. Subject to the applicable statute, information provided by applicant will be treated as confidential until such time as the Agency takes action on the request. However, in accordance with Article 6 of the Public Officers Law, all records in possession of the Agency are open to public inspection and copy.
- II. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- III. At the time of the project closing, project applicant is required to pay certain costs associated with the project. The applicant shall be responsible for the payment of an Agency fee in the amount of one percent (1.00%) of the total value of the project, together with Agency counsel fees as set forth in the Agency fee policy schedule, together with various related costs, including but not limited to public hearing expenses. Upon request, a fee summary will be provided to each applicant.
- IV. One (1) original signed copy of the Application and Environmental Assessment form should be submitted with the Application for Assistance.

The Niagara County Industrial Development Agency does not discriminate on the basis of race, color, religion, sex, sexual orientation, marital status, age, national origin, disability or status as a disabled or Vietnam Veteran or any other characteristic protected by law.

6311 Inducon Corporate Drive, Suite One ■ Sanborn, NY 14132-9099 ■ 716-278-8760
Fax 716-278-8769 ■ www.niagaracountybusiness.com

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: MT Allimeter LLC

Mailing Address: 5583 Davison Road

City/Town/Village & Zip code: Lockport / NY / 14094

Phone: (716) 417-8585

Website: www.polariscoldstorage.com

Fed Id. No.: 99-0510817

Contact Person, and Title: Gregory Mulvey & Donald Timm (Co-Owners)

Email: gmulvey@mulveyconstruction.com, dtimm@tdhrefrigeration.com

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):

Donald Timm - 50%, Gregory Mulvey - 50%

Corporate Structure (attach schematic if applicant is a subsidiary or otherwise affiliated with another entity)

Form of Entity

Corporation

Date of Incorporation: _____

State of Incorporation: _____

Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members _____)

Date of organization: 3-15-25

State of Organization: New York

Sole Proprietorship

If a foreign organization, is the applicant authorized to do business in the State of New York?

Applicant's Counsel

Company Name: Rupp Pfalzgraf LLC

Contact Person, and Title: David Pfalzgraf

Mailing Address: 1600 Liberty Buildign

City/Town/Village & Zip code: Buffalo, NY 14202

Email: pfalzgraf@RuppPfalzgraf.com

Phone: (716) 854-3400

Fax No.: _____

II. PROJECT INFORMATION

A) Project Address: 6410 Inducon Drive

Tax Map Number (SBL) 147.00-1-107
(Section/Block/Lot)

SWIS Number _____

Located in City of _____

Located in Town of Wheatfield

Located in Village of _____

School District of Niagara Wheatfield

B) Current Assessment of Property:

Land 30,000

Total 30,000

C) Present legal owner of the site MT Allimeter LLC

If other than from applicant, by what means will the site be acquired for this project?

Cold Storage

D) Describe the project:

80,000 square foot metal building containing small office space, freezers, and
coolers for cold storage

1. Project site (land)

(a) Indicate approximate size (In acres or square feet) of project site.

6.0

(b) Indicate the present use of the project site.

Vacant

2. Indicate number, size (in square feet) and approximate age of existing buildings on site
0

3. Does the project consist of the construction of a new building or buildings?
If yes, indicate number and size (in square feet) of new buildings.
Yes, 80,000

4. Does the project consist of additions and/or renovations to existing buildings? If yes,
indicate nature of expansion and/or renovation.
No

5. If any space in the project is to be leased to third parties, indicate total square footage
of the project amount to be leased to each tenant and proposed use by each tenant.
80,000

6. List principal items/categories of equipment to be acquired as part of the project.
Warehouse Racking

Refrigeration Equipment

Office Furniture

7. Has construction work on this project begun?
No

E) Inter-Municipal Move Determination

Will the project result in the removal of a plant or facility of the applicant from one area of the State of New York to another?

Yes or No

Will the project result in the removal of a plant or facility of another proposed occupant of the project from one area of the State of New York to another area of the State of New York?

Yes or No

Will the project result in the abandonment of one or more plants or facilities located in the State of New York?

Yes or No

If Yes to any of the questions above, 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:

- F) Furnish a copy of any environmental application presently in process of completion concerning this project, providing name and address of the agency, and copy all pending or completed documentation and determinations.

III. **SOURCES & USES OF FUNDS**

A) Estimated Project Costs:

Property Acquisition	\$	250,000
Construction (Improvements)	\$	10,500,000
Equipment Purchases/Fixtures/Furnishings	\$	2,300,000
Soft costs (i.e. engineering, architectural)	\$	400,000
Other (describe)	\$	
TOTAL USES OF FUNDS	\$	13,450,000

B) Sources of Funds for Project Costs *(Must match above Total Uses of Funds):*

Bank Financing	\$	10,375,000
Equity	\$	2,500,000
Grants/Tax Credits	\$	150,000
Taxable or Tax Exempt Bond	\$	
Other	?	\$ 450,000
TOTAL SOURCES OF FUNDS	\$	13,475,000

C) Identify each state and federal grant/credit:

	\$	
	\$	
	\$	
	\$	
TOTAL PUBLIC FUNDS	\$	

IV. FINANCIAL ASSISTANCE REQUESTED

A.) Benefits Requested:

- Sales Tax Exemption
 Mortgage Recording Tax Exemption
 Real Property Tax Abatement (PILOT)

B.) Value of Incentives: LEAVE THIS SECTION BLANK (will be estimated by NCIDA Staff)

Property Tax Exemption

Estimated duration of Property Tax exemption: 15

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ 420,000

Estimated value of Sales Tax exemption for fixtures and equipment: \$ 184,000

Estimated duration of Sales Tax exemption: 2 years

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 77,813

C.) Financial Assistance Determination:

If financial incentives are not provided by NCIDA, is the project financially viable?

Yes or No

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:

V. EMPLOYMENT PLAN

	# of Retained Jobs	Retained Jobs Average Annual Salary	# of Created Jobs <i>(3 yrs after project completion)</i>	Created Jobs Average Annual Salary
Full Time	0	\$ 0	7	\$ 316,800
Part time	0	\$ 0	2	\$ 60,000
TOTAL FTEs	0	\$ 0	9	\$ 376,800

Annual Salary Range of Jobs to be Created: \$ 31,200 to \$ 90,000

Category of Jobs to be Retained and Created:

Job Categories (ie. Management, Administrative, Production, etc.) Warehouse manager,
warehouse laborer, forklift operator, accounting, shipping clerk

VI. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings: In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entity") of the service delivery area created by the federal job training partnership act (Public Law 97-300)("JTPA") in which the project is located.

- B. First Consideration for Employment: In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.

- C. Compliance with Section 224-a(8)(a) of N.Y Labor Law. The applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. You further acknowledge and understand that you have certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor.

- D. Annual Sales Tax Filings: In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.

- E. Annual Employment Reports: The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

- F. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
- § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would 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, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- I. Recapture: Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- J. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described.

The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF NEW YORK)
COUNTY OF) ss.:

Donald R. Timm Jr., being first duly sworn, deposes and says:

1. That I am the Co-Owner (Corporate Office) of MT Altimeter LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.



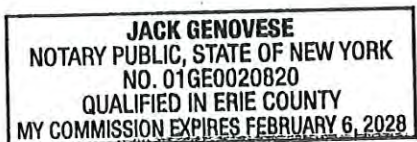
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 5th day of September, 2024

JACK GENOVESE
(Notary Public)

This Application should be submitted to the Niagara County Industrial Development Agency, 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132.

Attach copies of preliminary plans or sketches of proposed construction or rehabilitation or both.



HOLD HARMLESS AGREEMENT

Applicant hereby releases the NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, and (B) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and reasonable attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all out of pocket costs incurred by the Agency in processing of the Application, including reasonable attorneys' fees, if any. Notwithstanding anything contained herein to the contrary, the foregoing indemnities shall not be applicable with respect to misconduct, negligence, or criminal activity on the part of the Agency. It is understood and agreed that the Applicant has the right to join in any defense, and participate in the management of the defense, of any claim for which the Agency seeks indemnification.

In addition to the foregoing, the Applicant understands and acknowledges that (i) this application does not create or give rise to any legal obligations on the part of the Niagara County Industrial Development Agency (the "Agency") or the Applicant except as expressly stated herein, (ii) the terms and conditions governing the award of the financial assistance described herein will be set forth in a separate agreement(s), with the Agency, the form of which will be provided to the Applicant only upon the processing and approval of this application, (iii) the requested financial assistance described in application is based upon the representations made by the Applicant, based upon the Applicant's actual knowledge as of the date of this application, to the Agency, regarding the project, and (iv) that the Agency reserves the right to revise the financial assistance described in this application if any aspect of the project changes after receipt of the application, including changes to the number of jobs, amount of capital investment, or wages, by way of example only. In addition, the Applicant reserves the right to retract, clarify, amend or modify any such representations made prior to (or concurrently with) the submittal of this application to the Agency.



(Applicant Signature)
By: MT Altimeter LLC
Name: Donald R. Timm Jr
Title: Co-Owner



(Notary Public)

Sworn to before me this 5th day
of September, 2024

[stamp]

JACK GENOVESE
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01GE0020820
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEBRUARY 6, 2028

Real Property Tax Benefits (Detailed):

** This section of this Application 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

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
\$10,500,000	\$5,000,000	9.829997	40.219597	19.515714

*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	20%	\$ 8,523	\$ 34,870	\$ 16,920	\$ 60,313	\$ 301,555	\$ 241,242
2	20%	\$ 8,523	\$ 34,870	\$ 16,920	\$ 60,313	\$ 301,555	\$ 241,242
3	30%	\$ 12,784	\$ 52,305	\$ 25,380	\$ 90,469	\$ 301,555	\$ 211,086
4	30%	\$ 12,784	\$ 52,305	\$ 25,380	\$ 90,469	\$ 301,555	\$ 211,086
5	40%	\$ 17,045	\$ 69,741	\$ 33,840	\$ 120,626	\$ 301,555	\$ 180,929
6	40%	\$ 17,045	\$ 69,741	\$ 33,840	\$ 120,626	\$ 301,555	\$ 180,929
7	40%	\$ 17,045	\$ 69,741	\$ 33,840	\$ 120,626	\$ 301,555	\$ 180,929
8	40%	\$ 17,045	\$ 69,741	\$ 33,840	\$ 120,626	\$ 301,555	\$ 180,929
9	40%	\$ 17,045	\$ 69,741	\$ 33,840	\$ 120,626	\$ 301,555	\$ 180,929
10	50%	\$ 21,306	\$ 87,176	\$ 42,300	\$ 150,782	\$ 301,555	\$ 150,773
11	50%	\$ 21,306	\$ 87,176	\$ 42,300	\$ 150,782	\$ 301,555	\$ 150,773
12	50%	\$ 21,306	\$ 87,176	\$ 42,300	\$ 150,782	\$ 301,555	\$ 150,773
13	50%	\$ 21,306	\$ 87,176	\$ 42,300	\$ 150,782	\$ 301,555	\$ 150,773
14	50%	\$ 21,306	\$ 87,176	\$ 42,300	\$ 150,782	\$ 301,555	\$ 150,773
15	50%	\$ 21,306	\$ 87,176	\$ 42,300	\$ 150,782	\$ 301,555	\$ 150,773
TOTAL		\$ 255,678	\$ 1,046,109	\$ 507,603	\$ 1,809,390	\$ 4,523,330	\$ 2,713,940

*Estimates provided are based on current property tax rates and assessment value

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
MT Allimeter LLC			
Name of Action or Project: Polaris Cold Storage			
Project Location (describe, and attach a location map): 6410 Inducon Drive			
Brief Description of Proposed Action: 80,000 square foot cold storage facility			
Name of Applicant or Sponsor: MT Allimeter LLC		Telephone: 716-570-8656	
		E-Mail: dtimm@tdhrefrigeration.com	
Address: 5583 Davison Road			
City/PO: Lockport		State: NY	Zip Code: 14094
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Wheatfield			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 6.0 acres	
b. Total acreage to be physically disturbed?		_____ 6.0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 6.0 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ Engineered Detention Basin	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: Donald Timm	Date: 9-5-2024	
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Mingos County IDA</u>	<u>9/3/24</u>
Name of Lead Agency	Date
<u>Andrea Klyzok</u>	<u>Executive Director</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>Andrea Klyzok</u>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT