

# NCIDA

## APPLICATION FOR ASSISTANCE

### NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Each applicant seeking assistance must complete the accompanying application material which includes the Application for Assistance and Environmental Assessment form. A non-refundable application fee of \$1,000.00 must be included with this application, payable to the Niagara County Industrial Development Agency. Every project seeking NCIDA assistance must use best efforts to use local labor for the construction of new, expanded or renovated facilities.

Please answer all questions. Use "none" or "not applicable" where necessary. Information in this application may be subject to public review under New York State Law, except for information that is considered deniable by the Freedom of Information Law. This form is available online at our web page at [www.nccedev.com](http://www.nccedev.com).

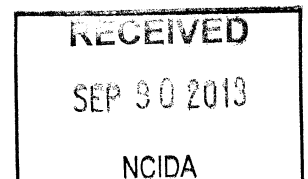
#### I. APPLICANT DATA

A. **APPLICANT NAME** Brent Industries LLC  
**ADDRESS** 9952 Mountain Road  
**CITY/STATE/ZIP** Middleport, NY 14105

B. **APPLICANT'S OFFICER RESPONSIBLE FOR COMPLETING THIS APPLICATION**

**NAME** Kyle Brent  
**TITLE** Owner  
**MAILING ADDRESS** 9484 Mountain Road  
**CITY/STATE/ZIP** Middleport, NY 14105  
**TELEPHONE** Work: (716) 772-4082 Cell: (716) 523-3266  
**FAX** (716) 408-9384  
**E-MAIL** kyle@brentindustriesllc.com  
**APPLICANT'S TAX ID NUMBER** 27-0463147

6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132  
(716) 278-8760 Fax (716) 278-8769



- C. **BUSINESS TYPE**     Sole Proprietorship  
                                  Partnership  
                                  Privately-held Corporation  
                                  Public Corporation  
                                  Not-for-Profit Corporation  
                                  LLC  
                                  Other

D. **STATE OF INCORPORATION:**

New York State

E. **IS APPLICANT AUTHORIZED TO DO BUSINESS IN NEW YORK STATE?**

Yes                       No

F. **PRINCIPAL STOCKHOLDERS** (Owners of 20% or more of Stock Outstanding)

Name	%	Corporate Title
<u>Kyle Brent</u>	<u>100 %</u>	<u>Member</u>

G. **Has the Applicant (or any related entity) received previous NCIDA assistance?**

Yes                                       No.

If yes, please give year(s) and project location

H. **APPLICANT'S LEGAL COUNSEL**

FIRM NAME                      Seaman Jones Hogan & Brooks

ADDRESS                              76 W Ave # 1

CITY/STATE/ZIP                      Lockport, NY 14094

TELEPHONE                              (716) 433-5907

ATTORNEY'S NAME                      Jerry Hogan

E-MAIL                                      fhogan@lockportlaw.com

II. PROJECT & OCCUPANCY DATA

A. LOCATION OF PROPOSED PROJECT FACILITY

ADDRESS 9952 Mountain Road  
PRINCIPAL USE warehouse  
SBL # 100.00-1.11.1  
ZONING code D: Business

B. INDICATE MUNICIPAL JURISDICTION

TOWN Royalton  
VILLAGE N/A  
CITY Middleport  
SCHOOL DISTRICT Royalton-Hartland

C. CURRENT OWNERSHIP OF PROPERTY

CURRENT OWNER Kyle Brent  
CURRENT ASSESSMENT 112,100.00  
CURRENT TAXES (ANNUAL) County 1,880.54 School 2,642.38 Total \$4,522.92

D. Who are the principal user(s) of the facility (the "Company")? If there are multiple users, please indicate on attached sheet. If same as Applicant indicate the "same" below.

COMPANY NAME "same"  
ADDRESS \_\_\_\_\_  
CITY/STATE/ZIP \_\_\_\_\_  
CONTACT \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
TAX ID NO. \_\_\_\_\_  
% OF FACILITY TO BE OCCUPIED BY COMPANY \_\_\_\_\_

E. Are other facilities or related companies located within New York State:

Yes  No

LOCATION \_\_\_\_\_  
\_\_\_\_\_

If there are other company facilities within the State, will any of these close or be subject to reduced activity?

Yes  No

F. Has the company actively sought sites and/or facilities in another country or state?

Yes  No

If yes, please describe on separate sheet.

G. Description of project (check one or more)

<input type="checkbox"/>	New Construction	Sq. Footage	_____
<input checked="" type="checkbox"/>	Addition to existing facility	Sq. Footage	12,200
<input type="checkbox"/>	Renovation and modernization of existing facility		
<input type="checkbox"/>	Acquisition and modernization of existing facility		
<input checked="" type="checkbox"/>	New machinery and equipment	Production	_____ Non-Production <input checked="" type="checkbox"/>
<input type="checkbox"/>	Other (specify)		_____

H. Provide a general narrative description of the project, including history and background on user(s) of the facility. Provide information on (Appendix A) for user(s) of the facility. Describe reasons why this project is necessary and its effect it will have on Applicant. Include site plans, renderings, photos, etc.

We are going to increase our warehouse volume to accommodate  
our growth. The company started under KJ Motorsports in 2005,  
we operated under the D.B.A in till May 12<sup>th</sup> of 2009, which it was  
then we reorganized as Brent Industries LLC for legal, and tax purposes.  
Brent Industries LLC started operating out of the building we are  
expanding on in the fall of 2010. This expansion is necessary for our  
company to continue to grow, and to have more space to stock more  
product.

### III. COMPANY EMPLOYMENT INFORMATION

A. Total current employment within Niagara County is

6 Full-Time 0 Part-Time

Current Annual Payroll  
Including benefits

\$ 125,679.00

B. Projected Employment:

Year 1 = 2, Year 2 = 2, Year 3 = 2

Applicant or principal user(s) must complete Appendix A.

### IV. EMPLOYMENT IMPACT

Every project seeking NCIDA assistance must use best efforts to use Niagara County labor for the construction of new, expanded or renovated facilities. This requirement includes all project employees of the General Contractor, Subcontractor or sub to a Subcontractor, working on the project. Applicant agrees and understands the obligations herein, and agrees to transmit and convey in a timely fashion this requirement to all applicable contractors, subcontractors, suppliers and materialmen.

A. Will Niagara County contractors and/or subcontractors be utilized for the construction project?

Yes  No

B. What is the estimated number of construction jobs to be created at the project site from

Niagara County: 25 Erie County: 10 Other Areas

## V. APPLICANT PROJECT COSTS AND FINANCING

A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipping of the project by the applicant.

### Estimated Costs Eligible for Sales Tax Exemption Benefit

a. Building Construction or Renovation Costs	a. \$ <u>380,751.75</u>
b. Sitework	b. \$ <u>29,000.00</u>
c. Non-manufacturing Equipment	c. \$ <u>165,345.00</u>
d. Furniture, Fixtures	d. \$ _____
e. Other (specify)	e. \$ <u>25,165.00 Installation Costs</u>
f. <b>Subtotal</b>	f. \$ <u>600,261.75</u>

### Estimated Costs Not Subject to Sales Tax

g. Land and/or Building Purchase	g. \$ _____
h. Manufacturing Equipment	h. \$ _____
i. Soft Costs (Legal, Architect, Engineering)	i. \$ <u>4,000</u>
j. Other (specify) _____	j. \$ _____
k. <b>Subtotal</b>	k. \$ _____

**Total Project Costs** f + k \$ 604,261.75

B. Indicate how the project will be financed

a. Tax-Exempt IRB	a. \$ _____
b. Tax-Exempt Bond	b. \$ _____
c. Taxable Industrial Revenue Bond	c. \$ _____
d. Bank Financing	d. \$ <u>604,261.75</u>
e. Public Financing	e. \$ _____
f. Equity	f. \$ <u>0</u>

**TOTAL SOURCES** \$ 604,261.75

**Estimated Amount of Mortgage** \$ 2,844

C. If applicant expects the Tax-Exempt IRB to exceed \$1,000,000, what is the dollar value of "capital expenditures" that the applicant and company, or any related company or person, has expended within the last three years in the municipality in which the proposed project is to be located and expects to expend in that municipality three years after the bond issue?

N/A

D. Has the applicant made any arrangements for the financing of the project?

Yes                       No

If so, please specify bank, underwriter, etc.

M + T Bank 255 East Avenue Rochester, NY 14604, Don R. Cortina

## VI. PROJECT CONSTRUCTION INFORMATION

A. What is the proposed commencement date of construction or acquisition of the project?

The proposed commencement date of construction will be  
November 15<sup>th</sup>, 2013.

B. Outline the timetable for the project, indicating when project will be in full use.

We plan to begin construction on November 15<sup>th</sup>, 2013, and  
be in full use on January 31<sup>st</sup>, 2014.

## VII. 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 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 Project will 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 Entities") 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 New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will 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 Project.
- C. Annual Sales Tax Filings: In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the 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.
- D. Annual Employment Reports: The Applicant understands and agrees that, if the 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.
- E. 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, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described: \_\_\_\_\_.
- F. Local Labor: The Applicant understands that the residents of Niagara County will be providing assistance to the project. The Applicant further understands that every project seeking NCIDA assistance must use best efforts to use Niagara County labor for the construction of new, expanded or renovated facilities. This requirement includes all project employees of the General Contractor, Subcontractor or sub to a Subcontractor, working on the project. Applicant agrees and understands the obligations herein, and agrees to transmit and convey in a timely fashion this requirement to all applicable contractors, subcontractors, suppliers and materialmen.



## VIII. ENVIRONMENTAL ASSESSMENT

New York State law requires that an Environmental Assessment Form (EAF) must be completed and submitted along with this application. Attach the EAF which was submitted to the municipality.

Name of Applicant's Officer Responsible for Completing Application:

(Please Print)

Kyle Brent

Signature

Kyle Brent

Date of Application

9/24/13

**CERTIFICATION**

Kyle Brent

Name of chief executive of the company submitting application

Deposes and says that he/she is the owner

of Brent Industries LLC, the corporation named in the

attached application; that he/she has read the foregoing application and knows the contents thereof; that the same is true to

his/her knowledge. Deponent further says the reason this verification is made by the deponent and not by \_\_\_\_\_

Brent Industries LLC, (company name) is because the said company is a corporation. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his/her own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his/her duties as an officer of and from the books and papers of said corporation.

As officer of said corporation (hereinafter referred to as the "applicant") deponent acknowledges and agrees that applicant shall be and is responsible for all costs incurred by the nonprofit Niagara County Industrial Development Agency (hereinafter referred to as the "Agency") acting on behalf of the attached application whether or not the application, the project it describes, the attendant negotiations and ultimately the necessary issue of bonds and/or completion of the lease/leaseback transaction are ever carried to successful conclusion. If, for any reason whatsoever, the applicant fails to act within a reasonable or specified period of time to take reasonable, proper, or requested actions or withdraws, abandons, cancels, or neglects the application or if the Agency or applicant are unable to identify buyers willing to purchase the total bond issue required or facilitate the lease/leaseback transaction, then upon presentation of invoice, applicant shall pay to the Agency, its agents, or assigns all actual costs involved in conduct of the application, up to that date and time, including but not necessarily limited to fees of bond counsel for the Agency and fees of general counsel for the Agency. Upon successful conclusion and sale of the required bond issue or completion of the lease/leaseback transaction, the applicant shall pay to the Agency an administrative fee set by the Agency. The cost incurred by the Agency and paid by the applicant, including bond counsel and the Agency's general counsel's fees and the administrative fee, may be considered as a cost of the project and included as part of the resultant bond issue or lease/leaseback transaction.

Kyle Brent

Print Name of Chief Executive

Kyle Brent

Signature

## NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

### PROJECTED EMPLOYMENT\*

	Full-Time	Part-Time	Total	Total Payroll*
Total number of employees within Niagara County at the date of application	<u>6</u>	<u>0</u>	<u>6</u>	<u>150,000</u>
Total number of employees to be directly <u>IMPACTED</u> by the project:	<u>6</u>	<u>0</u>	<u>6</u>	<u>150,000</u>
ADD: Number of new jobs to be created During the first year after completion:	<u>2</u>	<u>0</u>	<u>2</u>	<u>50,000</u>
<b>Total end of first year:</b>	<u>8</u>	<u>0</u>	<u>8</u>	<u>200,000</u>
ADD: Number of new jobs to be created During the second year after completion:	<u>2</u>	<u>0</u>	<u>2</u>	<u>50,000</u>
<b>Total end of second year:</b>	<u>10</u>	<u>0</u>	<u>10</u>	<u>250,000</u>
ADD: Number of new jobs to be created During the third year after completion:	<u>2</u>	<u>0</u>	<u>2</u>	<u>50,000</u>
<b>Total end of third year:</b>	<u>12</u>	<u>0</u>	<u>12</u>	<u>300,000</u>
Estimated average annual salary of <u>new</u> jobs to be created:	<u>30,000</u>			
Expected high salary of <u>new</u> jobs to be created:	<u>40,000</u>			
Expected low salary of <u>new</u> jobs to be created:	<u>25,000</u>			

List types of jobs (i.e. production, managerial, clinical, engineering, etc.) to be created.

Warehouse Operative , Secretary , Sales Associate

\*Applicant or principal user(s) as noted in Section III B of application (includes benefits)

Kyle Brent  
Print Name

Kyle Brent  
Signature

9/24/13  
Date

McNall, Theresa J  
9951 Mountain Rd  
4.74 Acres

Manicki, David G  
9963 Mountain Rd  
6.2 Acres

### Mountain Road



Miller, Life Use, Irene S  
9938 Mountain Rd  
36.3 Acres

Existing Building  
16' Sidewall  
Approx. 27' Overall Height  
7,152 Sq. Ft.

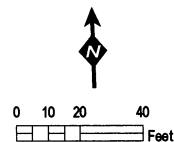
Proposed Building  
33' Sidewall  
7/16:12 Pitch = 34.85'  
12,609 Sq. Ft.

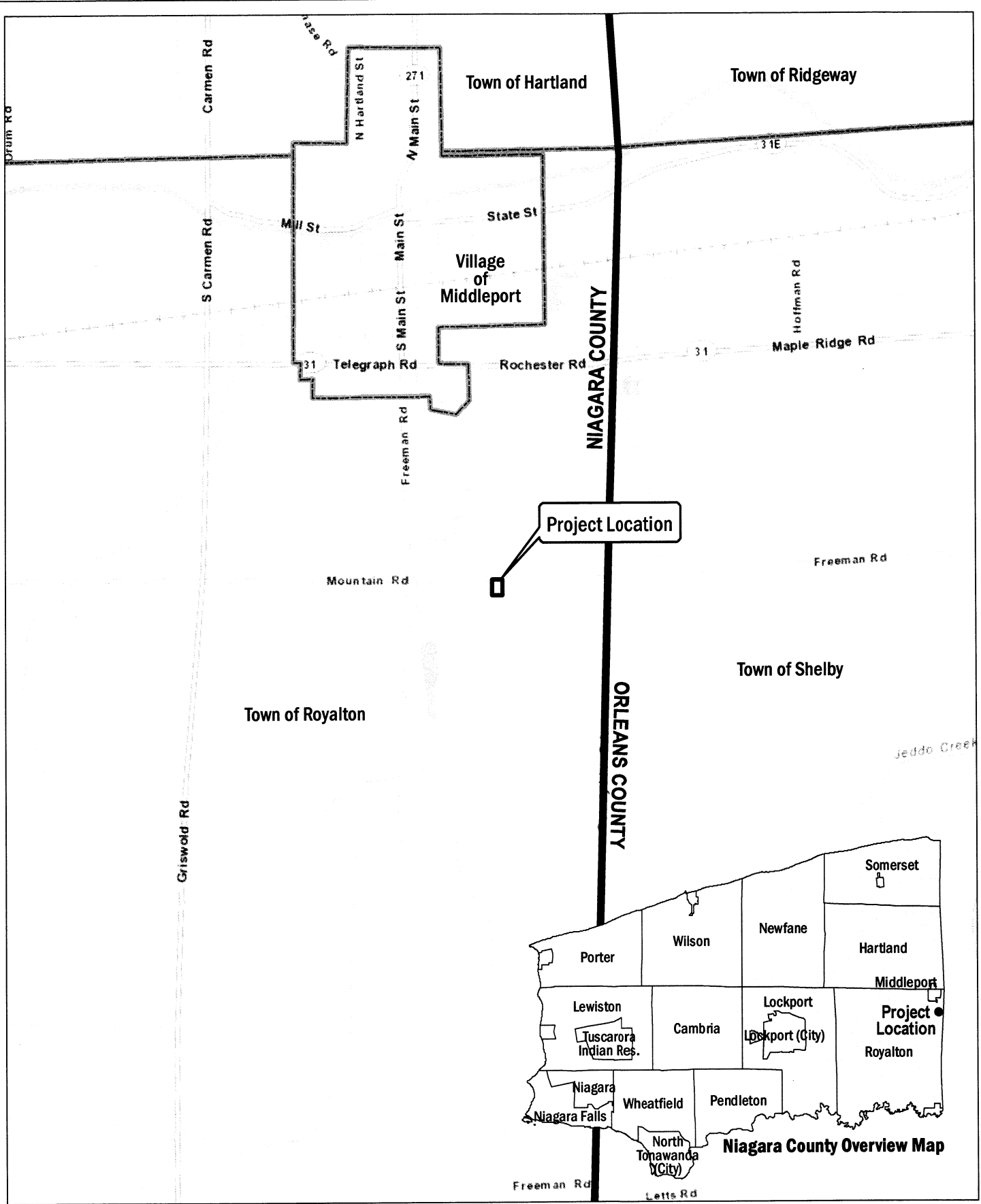
Brent Industries LLC  
9952 Mountain Rd  
3.21 Acres

**Brent Industries LLC**  
**Building Expansion Option 2c**  
9952 Mountain Road  
Middleport, New York 14105

**LEGEND**

- Parcel Boundary (2012)
- Existing Concrete
- Existing Loading Dock
- Proposed Building



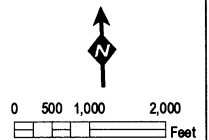


**Brent Industries LLC**  
**Building Expansion**  
**Project Location Map**

9952 Mountain Road Middleport, New York 14105

**LEGEND**

-  County Boundary
-  Project Location
-  Municipal Boundary



PROJECT ID NUMBER

SEQR

617.20  
APPENDIX C  
STATE ENVIRONMENTAL QUALITY REVIEW

**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
for UNLISTED ACTIONS Only

**PART 1 - PROJECT INFORMATION** ( To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR Brent Industries LLC (Kyle Brent)	2. PROJECT NAME Brent Industries LLC Warehouse Expansion
3. PROJECT LOCATION: Middleport, NY Municipality	Niagara County County
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map 9952 Mountain Road Middleport, NY 14105	
5. IS PROPOSED ACTION : <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY: We are going to increase our warehouse volume to accommodate our growth. The warehouse will be used for storing more of the product we already carry, as well as making it possible to bring in new product lines.	
7. AMOUNT OF LAND AFFECTED: Initially .5 acres Ultimately .5 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly:	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input checked="" type="checkbox"/> Other (describe) The present land use in the vicinity of project is vacant land, which is not used for agriculture.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: Local building permit from the Town of Royalton	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: Special use permit from the Town of Royalton	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant / Sponsor Name Kyle Brent Signature <i>Kyle Brent</i> Date: September 26, 2013	

If the action is a Coastal Area, and you are a state agency,  
complete the Coastal Assessment Form before proceeding with this assessment

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
 No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  
 No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
 No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
 No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
 No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  
 No

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:  
 No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly):  
 Yes  No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:  
 Yes  No

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

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 **AND** provide, on attachments as necessary, the reasons supporting this determination.

NCIDA  
 \_\_\_\_\_  
 Name of Lead Agency

10/2/13  
 \_\_\_\_\_  
 Date

Susan C. Langdon  
 \_\_\_\_\_  
 Print or Type Name of Responsible Officer in Lead Agency

Dir. of Proj. Dev.  
 \_\_\_\_\_  
 Title of Responsible Officer

*Susan C. Langdon*  
 \_\_\_\_\_  
 Signature of Responsible Officer of Lead Agency

\_\_\_\_\_  
 Signature of Preparer (if different from responsible officer)