

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: January 12, 2021
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**, Chairperson
___ **Jerald I. Wolfgang**, 1st Vice Chairperson
___ **Kevin McCabe**, 2nd Vice Chairperson
___ **William L. Ross**, Secretary
___ **Mary Lynn Candella**, Asst. Secretary
___ **Robert B. Cliffe**, Member
___ **Scott Brydges**, Member
___ **Clifford Scott**, Member
___ **Jason Krempa**, Member

Staff Members:

___ **Susan C. Langdon**, Executive Director
___ **Andrea Klyczek**, Assistant Director
___ **Michael S. Dudley**, Finance Manager
___ **Caroline Caruso**, Accounting Associate
___ **Susan Barone**, Project Manager
___ **Mark J. Gabriele**, Agency Counsel
___ **Julie Lamoreaux**, Administrative Assistant

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

5.1 Regular NCIDA/NCDC/NADC – December 8, 2021

- 6.0 Finance & Audit Committee Reports – *K. McCabe*
 - 6.1 Agency Payables – December 31, 2021
 - 6.2 Budget Variance Report – December 31, 2021
- 7.0 Unfinished Business
- 8.0 New Business
 - 8.1 Kilmer Solar – *S. Langdon*
 - 8.1.1 Preliminary Resolution
 - 8.1.2 Authorize Public Hearing
 - 8.2 CVE US E13 Wheatfield, LLC – *S. Langdon*
 - 8.2.1 Preliminary Resolution
 - 8.2.2 Authorize Public Hearing
 - 8.3 Olcott Yacht Club Inc. – *M. Gabriele*
 - 8.3.1 Inducement Extension Resolution
 - 8.4 Lawn Care and Maintenance Service RFPs – *J.Lamoreaux*
 - 8.4.1 Lawn care services at 6311 Inducon Corporate Drive
 - 8.5 Covid Relief for Small Business Grant – *S. Barone*
 - 8.5.1 Chateau Niagara Winery
 - 8.5.2 Hahn Sales & Service LLC
 - 8.5.3 Impressive In Print Inc.
 - 8.5.4 Mike Dan Motors
 - 8.5.5 The Johnnie Ryan Company Inc.
 - 8.5.6 Ventilator Rental Services Corp.
 - 8.5.7 Flip Burger Inc.
 - 8.5.8 Supreme Subs
 - 8.6 Microenterprise Grant – *S. Barone*
 - 8.6.1 Youngstown Marketside LLC
 - 8.7 Local Labor Policy – *M.Gabriele*
- 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: February 9, 2022
 - TIME: ** 9:00 a.m. **
 - PLACE: Niagara County Center for Economic Development
- 13.0 Adjournment - *M. Ones*

5.1

MEETING

MINUTES

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: December 8, 2021
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 Mark Onesi at 9:00 a.m.

2.0 Roll Call

Mark A. Onesi, Chairperson	Present
Jerald I. Wolfgang, 1 st Vice Chairperson	Present
Kevin McCabe, Vice Chairperson	Present
William L. Ross, Secretary	Present
Mary Lynn Candella, Assistant Secretary	Excused
Robert B. Cliffe, Member	Excused
Clifford Scott, Member	Present
Scott Brydges, Member	Present
Jason Krempa, Member	Present

3.0 Introductions

Guests Present

Jim Fink, Business First
Tom Lizardo, Lockport Union-Sun & Journal/Niagara Gazette

Staff Present

Susan C. Langdon, Executive Director
Andrea Klyczek, Assistant Director
Michael S. Dudley, Finance Manager
Caroline Caruso, Accounting Associate
Susan Barone, Project Manager
Julie Lamoreaux, Administrative Assistant
Mark J. Gabriele, Agency Counsel

4.0 Mr. Onesi led the Pledge of Allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – November 10, 2021

Mr. Brydges motioned to approve the meeting minutes; Mr. Scott seconded the motion. The motion passed.

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – November 30, 2021

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

Mr. McCabe made a motion to approve the monthly payables; Mr. Brydges seconded the motion. The motion passed.

6.2 Budget Variance Report – November 30, 2021

Mr. McCabe stated that the Budget Variance Report has been reviewed and found to be in order.

Mr. McCabe made a motion to approve the Budget Variance Report; Mr. Ross seconded the motion. The motion passed.

7.0 Unfinished Business

There was no unfinished business at this time.

8.0 New Business

8.1 Iskalo-57 Canal LLC

Mr. Gabriele stated that Iskalo-57 Canal LLC is refinancing their project. In accordance with the refinance, they are requesting that the Agency consent to the mortgage. He added that there are no new benefits associated with this consent.

8.1.1 Mortgage Consent

RESOLUTION AUTHORIZING THE CONSENT TO THE EXECUTION AND DELIVERY OF A MORTGAGE AND OTHER DOCUMENTS WITH REGARD TO THE 2016 ISKALO 57 CANAL LLC PROJECT.

8.1 Iskalo-57 Canal LLC (Continued)

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>
Jerald I Wolfgang	X			
Kevin McCabe	X			
William L. Ross	X			
Mary Lynn Candella				X
Robert B. Cliffe				X
Scott Brydges	X			
Clifford Scott	X			
Jason Krempa	X			
Mark A. Onesi	X			

The Resolution was thereupon duly adopted.

8.2 Consultant RFPs

Ms. Klyczek stated that the Agency issued two RFP’s. The first RFP issued was for General IDA Consulting Services, and the second was for Consultant Administrative Services for CDBG Funds. The information was posted on the New York State Contract Reporter website, and it was also published in the local newspapers. We received one response from H Sicherman & Company. Staff is asking that the Board approve acceptance of their submission for both the IDA General Services, and for the CDBG Services.

8.2.1 General IDA Consulting Services

Mr. Wolfgang made a motion to approve the general IDA consulting services; Mr. Brydges seconded the motion. The motion passed.

8.3.2 Consultant Administrative Services for CDBG Funds

Mr. Krempa made a motion to approve the consultant administrative services for CDBG funds; Mr. Brydges seconded the motion. The motion passed.

9.0 Agency Counsel

There were no items from agency counsel at this time.

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 that the Board wished to discuss.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: January 12, 2021

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. Brydges seconded the motion. The meeting adjourned at 9:07 a.m.

Respectfully Submitted:

Reviewed by:

Approved by:

Julie Lamoreaux
Recording Secretary

Susan C. Langdon
Executive Director

William L. Ross
Secretary

6.1

AGENCY

PAYABLES

Niagara County Industrial Devel. Agency
Check Register
For the Period From Dec 1, 2021 to Dec 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
29413	12/1/21	THE HARTFORD	10001.100	238.87
29414	12/1/21	NEW YORK STATE AND LOCAL	10001.100	50,488.00
12/2/21	12/2/21	PAYCHEX, INC.	10001.100	78.12
12/3/21	12/3/21	NYS DEFERRED COMPENSATION PLAN	10001.100	1,088.26
29415	12/7/21	360 PSG.com	10001.100	200.00
29416	12/7/21	THE BUFFALO NEWS	10001.100	312.00
29417	12/7/21	MICHAEL S. DUDLEY	10001.100	21.67
29418	12/7/21	M&T Bank	10001.100	377.94
29419	12/7/21	PETTY CASH	10001.100	49.81
29420	12/7/21	STAPLES CONTRACT & COMMERCIAL	10001.100	57.97
29421	12/14/21	County of Niagara	10001.100	417.83
29422	12/14/21	First Choice Coffee Services	10001.100	110.18
29423	12/14/21	Gabriele & Berrigan, P.C.	10001.100	6,236.50
29424	12/14/21	Niagara Gazette Lockport Union Sun	10001.100	90.93
29425	12/14/21	Professional Janitorial Services, Inc.	10001.100	705.00
12/16/21	12/16/21	PAYCHEX, INC.	10001.100	64.40
12/17/21	12/17/21	NYS DEFERRED COMPENSATION PLAN	10001.100	1,010.26
29426	12/21/21	County of Niagara	10001.100	439.37
29427	12/21/21	Guardian	10001.100	227.46
29428	12/21/21	Independent Health	10001.100	1,929.60
29429	12/21/21	Selective Insurance Company	10001.100	14,194.95
29430	12/28/21	Magavern Magavern Grimm LLP	10001.100	200.00
29431	12/28/21	Selective Insurance Company	10001.100	2,660.00
29432	12/28/21	STAPLES CONTRACT & COMMERCIAL	10001.100	251.96
29433	12/28/21	VOID CHECK	10001.100	
29436	12/28/21	Charter Communications	10001.100	119.99
12/30/21	12/30/21	PAYCHEX, INC.	10001.100	64.40
12/31/21	12/31/21	NYS DEFERRED COMPENSATION PLAN	10001.100	1,010.26
Total				82,645.73

NCIDA VIP-MTF Operating
Check Register
 For the Period From Dec 1, 2021 to Dec 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4574	12/7/21	Blue Ox Roofing	10001.600	291.00
4575	12/7/21	H.W.BRYK & SONS, INC.	10001.600	806.49
4576	12/7/21	DAVIS-ULMER Sprinkler Co.	10001.600	280.00
4577	12/7/21	Frontier	10001.600	182.92
4578	12/7/21	Hutcheson Concrete	10001.600	800.00
4579	12/7/21	National Grid	10001.600	24.94
4580	12/7/21	NCIDA VIP MTF OPERATING	10001.600	10,000.00
4581	12/14/21	AG Services of Niagara, LLC	10001.600	1,000.00
4582	12/14/21	Modern Disposal Services, Inc.	10001.600	164.10
4583	12/14/21	County of Niagara	10001.600	242.32
4584	12/14/21	Professional Janitorial Services, Inc.	10001.600	195.00
4585	12/21/21	Blue Ox Roofing	10001.600	307.00
4586	12/21/21	LARABA ENTERPRISES	10001.600	2,762.00
4587	12/21/21	County of Niagara	10001.600	297.51
4588	12/21/21	Selective Insurance Company	10001.600	15,075.50
Total				<u>32,428.78</u>

NCIDA - MTF - Operating Fund**Check Register**

For the Period From Dec 1, 2021 to Dec 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3024	12/7/21	NCIDA-MTF-CAPITAL ACCOUNT	10001.600	10,000.00
3025	12/14/21	AG Services of Niagara, LLC	10001.600	1,000.00
3026	12/14/21	National Grid	10001.600	21.02
3027	12/14/21	VERIZON	10001.600	120.78
3028	12/21/21	LARABA ENTERPRISES	10001.600	1,712.00
3029	12/21/21	Selective Insurance Company	10001.600	10,995.50
Total				<u>23,849.30</u>

NCDC - CDBG/HUD - RLF

Check Register

For the Period From Dec 1, 2021 to Dec 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
197	12/28/21	Ultimate Physique, Inc.	10200-300	<u>8,626.81</u>
Total				<u><u>8,626.81</u></u>

Niagara Industrial Incubator Associates**Check Register**

For the Period From Dec 1, 2021 to Dec 31, 2021

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1258	12/7/21	H.W. Bryk & Sons, Inc.	10000.100	220.00
1259	12/21/21	Blue Ox Roofing	10000.100	524.00
1260	12/21/21	H.W. Bryk & Sons, Inc.	10000.100	165.00
1261	12/21/21	Laraba Enterprises	10000.100	1,837.50
1262	12/21/21	Town of Wheatfield	10000.100	34.77
Total				2,781.27

6.2

BUDGET

VARIANCE

REPORTS

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

1/5/2022

**Project Income - 2021
Lease/Lease Back and Bonds**

Closed 2021	Project Type	Total Project Amount	IDA Project Amount	Fees	Application Fee	Amount Received to Date	Date Received	Balance Due	Date Closed	
	Vincent Properties, Inc.	L/L Back	6,650,000	6,100,000	61,000	1,000	62,000	1/12/21	-	1/4/2021
	DLC Diversified Holdings, LLC(Dominick Cili)	L/L Back	2,500,000	2,230,000	21,550	1,000	22,550	1/19/21	-	1/14/21
	Hotel Niagara Development, LLC	No assistance provided.			1,000	1,000	6/4/18	-		
	Stavatti Aerospace Ltd.	L/L Back	25,875,000	10,600,000	258,750	1,000	130,355	3/3/21	129,395	2/18/21
	Iskalo 1 East Avenue LLC	L/L Back	6,057,760	4,100,000	41,000	1,000	42,000	4/19/21	-	4/5/21
	AMP Real Estate Holdings of Erie County, LLC	L/L Back	522,913	509,913	5,099	1,000	6,099	6/1/21	-	5/20/21
	8297 Packard Road, LLC	L/L Back	1,000,000	975,000	9,750	1,000	10,750	6/1/21	-	5/20/21
	9745 Rochester Road LLC (Brent Industries)	L/L Back	12,625,000	11,050,000	82,000	1,000	83,000	6/28/21	-	6/18/21
	7920 JMD LLC	L/L Back	795,500	725,000	7,250	1,000	8,250	7/6/21	-	6/25/21
	Enterprise Lumber & Silo, LLC	L/L Back	3,082,826	2,069,156	20,700	1,000	21,700	7/21/21	-	7/9/21
	DLV Properties, LLC	L/L Back	2,907,700	1,966,700	19,667	1,000	20,667	8/2/21	-	7/28/21
	Diversified Manufacturing Acquisition, Inc.	Assumption of Costello Investors, LLC PILOT				1,000	1,000	7/9/21	-	7/29/21
	The Niagara Club	L/L Back	3,036,700	2,172,000	21,720	1,000	22,720	8/30/21	-	8/27/21
	Bogart-Sinatra Development, LLC	L/L Back	1,530,000	1,420,000	14,200	1,000	15,200	5/12/21	-	8/27/21
	MassMutual Asset Finance LLC	Assumption of Riester Wheatfield USA, LLC PILOT				1,000	1,000	9/1/21	-	9/30/21
	EW and KS Holdings LLC	L/L Back	955,000	905,000	9,050	1,000	10,050	12/28/21	-	12/28/21
	Duncan's Heating and Cooling Corp.	L/L Back	580,000	570,000	5,700	1,000	6,700	12/28/21	-	12/28/21
	Merani Hotel Group	No assistance provided.				1,000	1,000	3/13/19	-	
	Trek Inc.	No assistance provided.				1,000	1,000	2/16/21	-	
	TOTAL				<u>577,436</u>					
				Fees received in prior year	<u>-</u>					
				Total fees received to date in 2021	<u>577,436</u>					
				Total 2021 Budgeted Fees	<u>543,976</u>					
				Balance of Budgeted Fees	<u>(33,460)</u>					

Projected 2021	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>
	TOTAL - Projected Income 2021			<u>577,436</u>	<u>0</u>	<u>0</u>		<u>0</u>	<u>577,436</u>

Projected 2022	Project Type	Total Project Amount	IDA Project Amount	Anticipated Fees	Application Fee	Amount Received to Date	Date Received	Anticipated Balance Due	Inducement Expiration	
	Cerrone Estate Properties, LLC	L/L Back	1,780,000	1,750,000	17,500	1,000	1,000	2/3/21	17,500	3/31/22
	Olcott Yacht Club Inc.	Sales Tax & Mtg Tax Only	456,000	450,000	0	250	250	2/16/21	-	2/28/22
	Rubberform Recycled Products, LLC	L/L Back	2,955,000	2,860,000	28,600	1,000	1,000	4/5/21	28,600	5/31/22
	Niacet Corporation	L/L Back	13,250,000	8,525,000	70,000	1,000		71,000	6/30/22	
	TM Montante Development LLC - 512 3rd St.	L/L Back	2,687,001	2,059,941	20,599	1,000	1,000	6/7/21	20,599	7/31/22
	TM Montante Development LLC - 500 3rd St.	L/L Back	693,001	550,000	5,500	1,000	1,000	6/9/21	5,500	7/31/22
	PEMM LLC	L/L Back	8,500,000	6,350,000	63,500	1,000	1,000	10/13/21	63,500	10/31/22
	* CVE US E13 Wheatfield, LLC	Sales Tax & Mtg Tax Only	9,760,000	7,740,000	32,000	1,000	1,000	12/20/21	32,000	
	* Kilmer Solar LLC	Sales Tax & Mtg Tax Only	9,145,000	8,775,000	34,000	1,000		35,000		
	TOTAL			<u>271,699</u>	<u>8,250</u>	<u>6,250</u>		<u>273,699</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		Feasibility study for Niagara Falls area multi-use facility
Niagara Aquarium Foundation	88,147	0	2/14/2018	7/15/2019	88,147		Jellyfish exhibit and equipment
The Tourism Research Entrepreneurship Center (TReC)	176,600	0	8/8/2018	6/2/2020	176,600		Buildout, audio/visual equipment and network connectivity hardware
Niagara Aquarium Foundation	16,717	0	2/12/2020	10/21/2020	16,717		Renovations to second floor event room
Niagara Aquarium Foundation	370,000	0	8/14/2019	2/9/2021	370,000		Interactive touch pools adjacent to main entrance of the Aquarium
Red Star Builders, LLC (The Niagara Club)	523,250	0	7/10/2019	9/7/2021	64,403		Rooftop bar and lounge, banquet space, virtual entertainment lounge & Spot Coffee
Niagara Falls Center for Tourism LLC	1,000,000	1,000,000	6/12/2019	To Be Disbursed	0	11/30/2021	Construction of an indoor family entertainment center and outdoor improvements
The Center for Kashmir, Inc.	273,000	273,000	8/12/2020	To Be Disbursed	0	8/31/2023	Renovations to vacant church for a museum of art and culture for Kashmir
Savarino Companies, LLC	155,000	155,000	4/14/2021	To Be Disbursed	0	6/1/2023	Rehabilitation of 4,000 square feet of commercial/retail storefront space.
Buffalo Niagara Hospitality Inc.	3,750	3,750	4/14/2021	To Be Disbursed	0	11/30/2021	Business expansion to include purchase of electric scooters and bikes and tandem bi
To Date Sub-Total	2,644,131	1,431,750			753,534		

Grant Fund Cash Balance as of 12/31/2021
3,939,361.57
Less: Outstanding Awards
(1,431,750.00)
Available for awarding grants
2,507,611.57

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 52,938.83
Bank Fees (43.26)
Grant Disbursements (753,534.00)
Grant Fund Balance 3,939,361.57

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

BUDGET VARIANCE REPORT AS OF December 31, 2021

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	\$ 14,750.00	\$ 75,581.00	\$ 577,436.13	\$ 543,976.00	33,460.13	\$ 543,976.00
Project Application Fees	1,000.00	1,000.00	18,250.00	12,000.00	6,250.00	12,000.00
NEDF Origination Fees	0.00	0.00	3,000.00	0.00	3,000.00	0.00
NEDF RLF Administrative Fee	4,166.63	4,166.63	50,000.00	50,000.00	0.00	50,000.00
EDA RLF-Grant 2020 Admin Fees	0.00	0.00	31,039.03	0.00	31,039.03	0.00
Administratve Fees - Other	6,743.00	6,743.00	15,431.06	42,668.00	(27,236.94)	42,668.00
Interest Earnings	26.97	148.88	625.09	1,787.00	(1,161.91)	1,787.00
Training Room Income	0.00	11.63	0.00	140.00	(140.00)	140.00
Miscellaneous Income	0.00	0.00	55.70	0.00	55.70	0.00
Distrib From Niag. Ind. Suites	100,000.00	100,000.00	100,000.00	100,000.00	0.00	100,000.00
Distributions From Affiliates	0.00	80,000.00	0.00	80,000.00	(80,000.00)	80,000.00
Distribution from VIP MTF	150,000.00	150,000.00	150,000.00	150,000.00	0.00	150,000.00
Total Operating Revenues	276,686.60	417,651.14	945,837.01	980,571.00	(34,733.99)	980,571.00
<u>Operating Expenses</u>						
Salaries	38,771.79	25,453.96	336,383.20	330,901.00	5,482.20	330,901.00
Benefits	3,616.03	3,329.25	38,643.72	39,951.00	(1,307.28)	39,951.00
Retirement Benefits	(8,157.62)	5,331.38	50,488.00	63,977.00	(13,489.00)	63,977.00
Payroll Taxes	3,052.84	1,950.47	26,309.90	25,314.00	995.90	25,314.00
Unemployment Taxes	0.00	0.00	1,238.99	443.00	795.99	443.00
Consultants	2,500.00	2,500.00	30,532.28	30,000.00	532.28	30,000.00
Assisstant Director	4,505.54	5,412.00	64,037.54	64,944.00	(906.46)	64,944.00
Legal Services	8,279.90	5,000.00	85,691.10	60,000.00	25,691.10	60,000.00
Accounting Services	0.00	0.00	18,500.00	18,800.00	(300.00)	18,800.00
Accounting Services - NADC	0.00	0.00	2,100.00	2,100.00	0.00	2,100.00
Advertising & Promotion	0.00	0.00	62.00	0.00	62.00	0.00
Marketing	200.00	1,833.37	4,020.04	22,000.00	(17,979.96)	22,000.00
Printing	0.00	125.00	88.79	1,500.00	(1,411.21)	1,500.00
Office Supplies	251.96	208.37	1,448.03	2,500.00	(1,051.97)	2,500.00
Postage	0.00	145.00	2,531.26	3,344.00	(812.74)	3,344.00
Telephone & Fax	90.95	91.63	960.63	1,100.00	(139.37)	1,100.00
Internet Service	182.46	231.63	2,385.92	2,780.00	(394.08)	2,780.00
Common Area Charges	680.00	623.12	8,160.00	7,477.00	683.00	7,477.00
Energy	1,500.00	1,507.00	15,828.06	15,140.00	688.06	15,140.00
Conference & Travel	49.28	250.00	961.26	3,000.00	(2,038.74)	3,000.00
Employee Training	0.00	83.37	945.00	1,000.00	(55.00)	1,000.00
Depreciation Expense	0.00	0.00	0.24	0.00	0.24	0.00
Insurance Expense	1,481.40	1,580.25	17,761.37	18,963.00	(1,201.63)	18,963.00
Library & Membership	0.00	87.30	2,790.08	2,545.00	245.08	2,545.00
General Office	567.10	824.37	6,833.37	9,892.00	(3,058.63)	9,892.00
Repairs & Maintenance	1,024.63	1,188.63	11,039.13	14,264.00	(3,224.87)	14,264.00
Computer Support	0.00	666.63	0.00	8,000.00	(8,000.00)	8,000.00
Public Hearings	0.00	16.63	0.00	200.00	(200.00)	200.00
Furniture & Equipment Purchase	0.00	166.63	0.00	2,000.00	(2,000.00)	2,000.00
Other Expense	0.00	83.37	20.06	1,000.00	(979.94)	1,000.00
Bad Debts	512.88	0.00	512.88	0.00	512.88	0.00
Total Operating Expenses	59,109.14	58,689.36	730,272.85	753,135.00	(22,862.15)	753,135.00
Net Operating Income/<Loss>	217,577.46	358,961.78	215,564.16	227,436.00	(11,871.84)	227,436.00
<u>Non-Operating Revenue & Expense</u>						
Grants Rev.	0.00	0.00	9,200.00	0.00	9,200.00	0.00
Grant Rev- City NF Initiative	0.00	1,426,250.00	434,403.00	1,796,250.00	(1,361,847.00)	1,796,250.00
Grant to Subrecipient	0.00	0.00	9,200.00	0.00	9,200.00	0.00
Grant Sub-City NF Initiative	0.00	1,426,250.00	434,403.00	1,796,250.00	(1,361,847.00)	1,796,250.00
Net Non-Operating Income/<Loss>	0.00	0.00	0.00	0.00	0.00	0.00
Total Net Income/<Loss>	\$ 217,577.46	\$ 358,961.78	\$ 215,564.16	\$ 227,436.00	(11,871.84)	\$ 227,436.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet
December 31, 2021

ASSETS

Current Assets		
Cash - Checking	\$	176,037.33
Petty Cash		300.00
Mmkt Acct. - M&T Bank		1,588,016.75
Cash - First Response		65,804.73
Cash - City of N.F.		827.19
Mmkt Acct. - Cataract Tourism		3,938,534.38
Accts Rec - Public Hearings		1,014.42
Accounts rec. - Fees/Var.		129,395.00
Accounts Rec. EDA - RLF		9,999.96
Due To/From Micro RLF		9,999.96
Accounts Rec - NEDF		50,000.00
Due To/From VIP - MTF		553,465.27
Due From NCDC CDBG/HUD		10,000.08
Due To/Due From NADC		406.56
Due To/From MTF Operating		102,844.00
Prepaid Insurance		<u>19,368.04</u>
 Total Current Assets		 6,656,013.67
Other Assets		
Deferred Outflows		207,452.00
Investment in NIIA		<u>342,500.00</u>
 Total Other Assets		 549,952.00
Fixed Assets		
Furniture & Equipment		199,360.75
Furn & Fixtures - Fed purchase		5,861.08
Accum Dep. - Furn & Equip		(199,360.75)
Accum Dep. - F&F Fed Purch		<u>(5,861.08)</u>
 Total Fixed Assets		 0.00
 Total Assets		 <u>\$ 7,205,965.67</u>

LIABILITIES AND NET ASSETS

Current Liabilities		
NYS Retirement W/H 414(H)	\$	522.42
Deferred Rev. - First Repsonse		65,804.73
Def. Rev. - City of N.F.		3,939,361.57
Accounts Payable		<u>54,702.57</u>
 Total Current Liabilities		 4,060,391.29
Long-Term Liabilities		
Pension Liability		204,072.00
Deferred Inflows of Resources		<u>24,839.00</u>
 Total Long-Term Liabilities		 <u>228,911.00</u>
 Total Liabilities		 4,289,302.29
Net Assets		
Fund Balance - Operating Fund		2,701,099.22
Net Income		<u>215,564.16</u>
 Total Net Assets		 <u>2,916,663.38</u>
 Total Liabilities & Net Assets		 <u>\$ 7,205,965.67</u>

**Niagara County Industrial
Development Agency
Aged Payables
As of December 31, 2021**

Vendor ID Vendor	Invoice #	Amount Due
CARUSO Caroline M. Caruso	11/1/21-12/29/21	49.28
cin Cintas Corporation #782	4504243;5905686	83.22
GABRIELE Gabriele & Berrigan, P.C.	Nov 2021 Engagement Dec 2021 Engagement	5,000.00 5,000.00
HART The Hartford	LN72598 Oct-Dec 21	736.01
M&TBUS M&T Bank	Dec 2021	62.47
NCDED Niag Cnty Dept of Economic Development	Copier Oct-Nov 2021 7/1/21-12/31/21	227.05 33,979.80
Report Total		<u>45,137.83</u>

Adjusting Journal Entries

Estimated Nov 2021 Legal Fees	3,279.20
Estimated Dec 2021 Legal Fees	3,564.20
Estimated Dec 2021 Copier usage	250.00
Estimated Oct-Dec 2021 Telephone	90.00
Estimated Dec 2021 Niagara County Electric	400.00
Estimated Dec 2021 Niagara County Gas	600.00
Estimated Dec 2021 National Grid	500.00
Estimated Dec 2021 Cleaning service	881.34

54,702.57

8.1

Kilmer Solar

PROJECT SUMMARY

Kilmer Solar LLC

4616 Townline Rd., Ransomville, NY



Applicant:	Kilmer Solar LLC	
Project Location:	4616 Townline Rd., Ransomville NY 14131	
Assistance:	Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>Kilmer Solar LLC, an affiliated party of Saturn Solar, a company based in Ontario, Canada that owns and operates sustainable green energy projects throughout Canada, Turkey, and the United States will be leasing land for a community solar project.</p> <p>33 acres of vacant land will be dedicated to the operation of a 5 megawatt community solar farm. The construction phase for this project is estimated to last between six to twelve months and will employ approximately thirty people from various trades.</p> <p>Kilmer Solar LLC has received a site plan and special use permit approvals from the Town of Lewiston, which includes conditions for buffering and decommissioning. The Town Board declared that the project does not impose a significant environmental impact.</p> <p>A letter supporting this project has been attached to this application and a payment schedule for property tax has been negotiated separately with the Town.</p>	
Project Costs:	Construction/Improvements	\$ 3,625,000
	Equipment Purchases	\$ 5,150,000
	Soft Costs/Other Costs	\$ 370,000
	TOTAL	\$ 9,145,000
Employment:	Current jobs in Niagara County:	0
	Permanent New Jobs (FTE):	1
	Estimated Ongoing Payroll:	\$52,500
	Skills: Construction, electrician, administrative, landscaper	
Evaluative Criteria:	Energy Production- advances renewable energy, provides capacity for local demands	

REGIONAL ECONOMIC IMPACT ANALYSIS
Kilmer Solar LLC
4616 Townline Rd., Ransomville NY 14131

Estimated Project Benefits / Incentives Analysis

Total Project Benefits	\$ 386,000
Total Project Incentives	\$ 271,566
Community Benefit to Cost Ratio	1.4:1
Total Employment	31
Direct**	1
Indirect***	0
Temporary Construction (Direct and Indirect)	30

Estimated Project Benefits

Total Project Benefits	\$ 386,000
Income Tax Revenue	\$ 140,000
Sales Tax Revenue	\$ 246,000

Estimated Project Incentives

Total Project Incentives	\$ 271,566
Property Tax	\$ 0
Sales Tax	\$ 209,833
Mortgage Tax	\$ 61,733

** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

Utilizing informANALYTICS modeling software, an economic impact analysis was conducted to measure new investment and employment for the project. This software is a widely accepted and an industry standard for economic impact modeling measuring employment and salary impacts and facility output on the community for a given project.

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

Kilmer Solar 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 2021

- 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: Kilmer Solar LLC

Mailing Address: 140 Foundry St

City/Town/Village & Zip code: Baden, ON N3A 2P7, CANADA

Phone: (519) 804-9163

Website: saturnpower.com

Fed Id. No.: 86-1780476

Contact Person, and Title: Pat Goodale, Senior Project Developer

Email: pat.goodale@saturnpower.com

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

Kilmer Solar 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: January 28, 2021

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: Saturn Power Inc.

Contact Person, and Title: Neel Bungaroo

Mailing Address: 140 Foundry St

City/Town/Village & Zip code: Baden, ON N3A 2P7, CANADA

Email: neel.bungaroo@saturnpower.com

Phone: (519) 804-9163

Fax No.: _____

II. PROJECT INFORMATION

A) Project Address: 4616 TOWNLINE ROAD RANSOMVILLE N.Y. 14131

Tax Map Number (SBL) 90.00-3-32
(Section/Block/Lot)

SWIS Number _____

Located in City of _____

Located in Town of Lewiston

Located in Village of _____

School District of Niagara-Wheatfield Central

B) Current Assessment of Property:

Land 56,500

Total 56,500

C) Present legal owner of the site Mary Ann Kilmer

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

Lease

D) Describe the project:

NEW CONSTRUCTION OF 5MW-AC SOLAR FARM, APPROXIMATELY 33 AC

1. Project site (land)

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

33 acres

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

Vacant Farmland

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

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.

N/A

4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation.

N/A

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.

32.7 acres

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

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	\$	
Construction (Improvements)	\$	3,625,000
Equipment Purchases/Fixtures/Furnishings		5,150,000
Soft costs (i.e. engineering, architectural)	\$	300,000
Other (describe)	\$	70,000
TOTAL USES OF FUNDS	\$	9,145,000

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

Bank Financing	\$	8,231,000
Equity	\$	914,500
Grants/Tax Credits	\$	
Taxable or Tax Exempt Bond	\$	
Other	\$	
TOTAL SOURCES OF FUNDS	\$	9,145,500

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:

Property Tax Exemption (To be estimated by NCIDA Staff. See Page 14)

Estimated duration of Property Tax exemption: 0

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ 72,500

Estimated value of Sales Tax exemption for fixtures and equipment: \$ 137,333

Estimated duration of Sales Tax exemption: 1 year

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 61,733

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 (FTE)	0	\$ 0	0	\$ 0
Part time (PTE)			1	\$ 52,500
TOTAL	0	\$ 0	1	52500

Annual Salary Range of Jobs to be Created: \$ 50,000 to \$ 55,000

Category of Jobs to be Retained and Created:

Job Categories (ie. Management, Administrative, Production, etc.) Independent Contractor

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) ("JPTA") 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. A liability and contract liability policy for a minimum of three million dollars will be furnished by the Applicant insuring the Agency.
- 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.

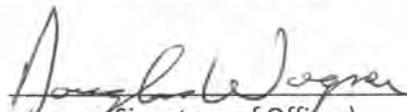
The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material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

Niagara

_____ , being first duly sworn, deposes and says:

1. That I am the Authorized Signatory (Corporate Office) of Kilmer Solar 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 26th day of November, 2021.



(Notary Public)

NEEL KAMAL BUNGAROO

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, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) 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 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 costs incurred by the Agency in processing of the Application, including attorneys' fees, if any.

Douglas L Wagner
(Applicant Signature)

By: _____

Name: Doug Wagner

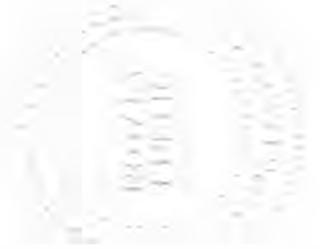
Title: Authorized Signatory/CEO

Bungrao

(Notary Public)

NEEL KAMAL BUNGRAO
Sworn to before me this 26th day
of November, 2021

[stamp]



Cost Benefit Analysis:

To be completed/calculated by AGENCY

	<u>Costs =</u> <u>Financial Assistance</u>	<u>Benefits =</u> <u>Economic Development</u>
*Estimated Sales Tax Exemption	\$ <u>209,833</u>	New Jobs Created Permanent <u>1</u> Temporary <u>0</u>
		Existing Jobs Retained Permanent <u>0</u> Temporary <u>0</u>
Estimated Mortgage Tax Exemption	\$ <u>61,733</u>	Expected Yearly Payroll \$ <u>52,000</u>
Estimated Property Tax Abatement	\$ <u>0</u>	Additional Revenues to School Districts _____
		Additional Revenues to Municipalities _____
		County: <u>N/A</u> City: <u>N/A</u>
		Other Benefits _____
Estimated Interest Savings IRB Issue	\$ _____	Private Funds invested \$ <u>9,145,000</u>
		Likelihood of accomplishing proposed project within three (3) years <input checked="" type="checkbox"/> Likely or <input type="checkbox"/> Unlikely

* Estimated Value of Goods and Services to be exempt from sales and use tax as a result of the Agency's involvement in the Project. PLEASE NOTE: These amounts will be verified and there is a potential for a recapture of sales tax exemptions (see "Recapture" on page 12).

\$ 2,622,912 (to be used on the NYS ST-60)

UPDATED 2021

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: Kilmer Solar LLC		
Project Location (describe, and attach a general location map): 4616 Townline Rd, Ransomville, NY 14431 (Approximately 68.7 acres of vacant agricultural land located at 43.189088°, -78.888819°)		
Brief Description of Proposed Action (include purpose or need): Development of a Community Solar PV generation facility in accordance with the NYSERDA NY-SUN program. The proposed site involves the lease of approximately 25 acres from Mary Ann Kilmer one parcel of land totaling to 68.7 taxable acres. The property consisting primarily of agricultural land with a house, a barn and a shed on the eastern boundary of the site. The project will be 5 MW AC in size and will be interconnecting to Shawnee 76 Substation's 36_03_7652 circuit on National Grid's 13.2 kV distribution system, approximately 360 ft North of the corner of Townline Rd. and Albright Rd. Parcel ID: 90.00-3-32		
Name of Applicant/Sponsor: Jared Perram, Sr. Project Developer, Kilmer Solar LLC		Telephone: 310-633-4876 E-Mail: jared.perram@saturnpower.com
Address: 140 Foundry St.		
City/PO: Baden	State: ON	Zip Code: N3A 2P7
Project Contact (if not same as sponsor; give name and title/role): Adam Rowles, Project Developer, Kilmer Solar LLC		Telephone: 519.498.3261 E-Mail: adam.rowles@saturnpower.com
Address: 140 Foundry St.		
City/PO: Baden	State: ON	Zip Code: N3A 2P7
Property Owner (if not same as sponsor): Mary Ann Kilmer		Telephone: 716-326-3428 E-Mail:
Address: 4616 Townline Rd.		
City/PO: Ransomville	State: New York	Zip Code: 14431

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Lewiston	January 29th, 2021
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Lewiston; Special Use Permit, Site Plan Approval, Subdivision Application	January 29th, 2021
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Lewiston Area Variance Request	January 29th, 2021
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Niagara County Planning Board	January 29th, 2021
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No	Including but not limited to: NYSDEC, NYSERDA, SHPO	January 29th, 2021
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No	Including but not limited to: USACE	January 29th, 2021
i. Coastal Resources.		
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 type="checkbox"/> Yes <input checked="" 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 I 	
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" 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?
RR, Rural Residential
- 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? Niagara-Wheatfield Central School District
- b. What police or other public protection forces serve the project site?
Niagara County Sheriff's Office
- c. Which fire protection and emergency medical services serve the project site?
Pekin Fire Department
- d. What parks serve the project site?
None

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)?
Commercial - Power Generation
- b. a. Total acreage of the site of the proposed action? _____ 68.7 acres
b. Total acreage to be physically disturbed? _____ 22.0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 68.7 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: _____ months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase I (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

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

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 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): USACE Freshwater Emergent Wetlands (PEM), Wetlands: W003, W006, W007, W008 in Wetland Delineation Report.

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:
 W003 will have one utility pole installed within it's boundary (negligible impact);
 I-beams will be driven into W003, W007 and W008 (negligible impact);
 Cut and fill portions of W006 and W008 for permeable gravel access road crossing totaling to 0.0818 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: _____
 Total disturbance of USACE wetlands under 0.1 acres. No mitigation is currently planned.

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: _____ 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: _____
- 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: _____ 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): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of 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):

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

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:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ 300 Square feet or _____ acres (impervious surface)
_____ Square feet or _____ 68.7 acres (parcel size)

ii. Describe types of new point sources. Concrete pad for electrical equipment placement

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Stormwater will follow the drainage pattern of the catchment areas identified in the SWPPP. Drainage pattern flows northward off site.

- If to surface waters, identify receiving water bodies or wetlands: _____
USACE Wetlands on site

- 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:

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

Construction equipment, delivery vehicles, light-duty pick up trucks (fleet)

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

None

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

None

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: Yes No

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No

ii. 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 ½ mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____ 8:30 AM - 5:30 PM _____
- Saturday: _____ N/A _____
- Sunday: _____ N/A _____
- Holidays: _____ N/A _____

ii. During Operations:

- Monday - Friday: _____ During Hours of Sunlight _____
- Saturday: _____ During Hours of Sunlight _____
- Sunday: _____ During Hours of Sunlight _____
- Holidays: _____ During Hours of Sunlight _____

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:
Minor noise impacts based on typical construction equipment such as: telehandlers, skid steers, light construction equipment, and hand power tools. Operation related noise (none).

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:

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:

Project site proposed to be in the back end of a field, surrounded by agricultural property, with rural houses to the South and East on Albright Rd and Townline Rd, as well as retention ponds to the North and Northeast of the parcel. There are clay mines to the Northwest.

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	0.370	0.377	0.007
• Forested	2.256	2.256	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) *	2.231	19.553	17.322
• Agricultural * (includes active orchards, field, greenhouse etc.)	61.223	41.963	-19.260
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	2.620	2.538	-0.082
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Gravel access road	0	2.013	2.013

* Topsoil removed from meadows, grasslands, brushlands and agricultural lands will be replaced by naturally occurring pollinator plants that will encourage habitation. Pollinator plants are assumed to classify as meadows

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): _____
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

- 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? _____ >7 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:

Rhineback silt loam	86.2 %
Odessa silty clay loam	13.8 %
_____	_____ %

d. What is the average depth to the water table on the project site? Average: _____ N/A feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained: 100 % 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. Yes No

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

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

• Streams:	Name _____	Classification _____
• Lakes or Ponds:	Name _____	Classification _____
• Wetlands:	Name _____	Approximate Size _____
• Wetland No. (if regulated by DEC)	_____	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No

If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____
 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

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? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: NIAGc07

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? 28 acres - to the extent possible, these will be avoided
 ii. Source(s) of soil rating(s): USDA Web Soil Survey

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:
i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District
ii. Name: _____
iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No
If Yes:
i. Describe possible resource(s): _____
ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No
If Yes:
i. Identify resource: Bonds Lake Park
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Local Park
iii. Distance between project and resource: _____ 1.25 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No
If Yes:
i. Identify the name of the river and its designation: _____
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

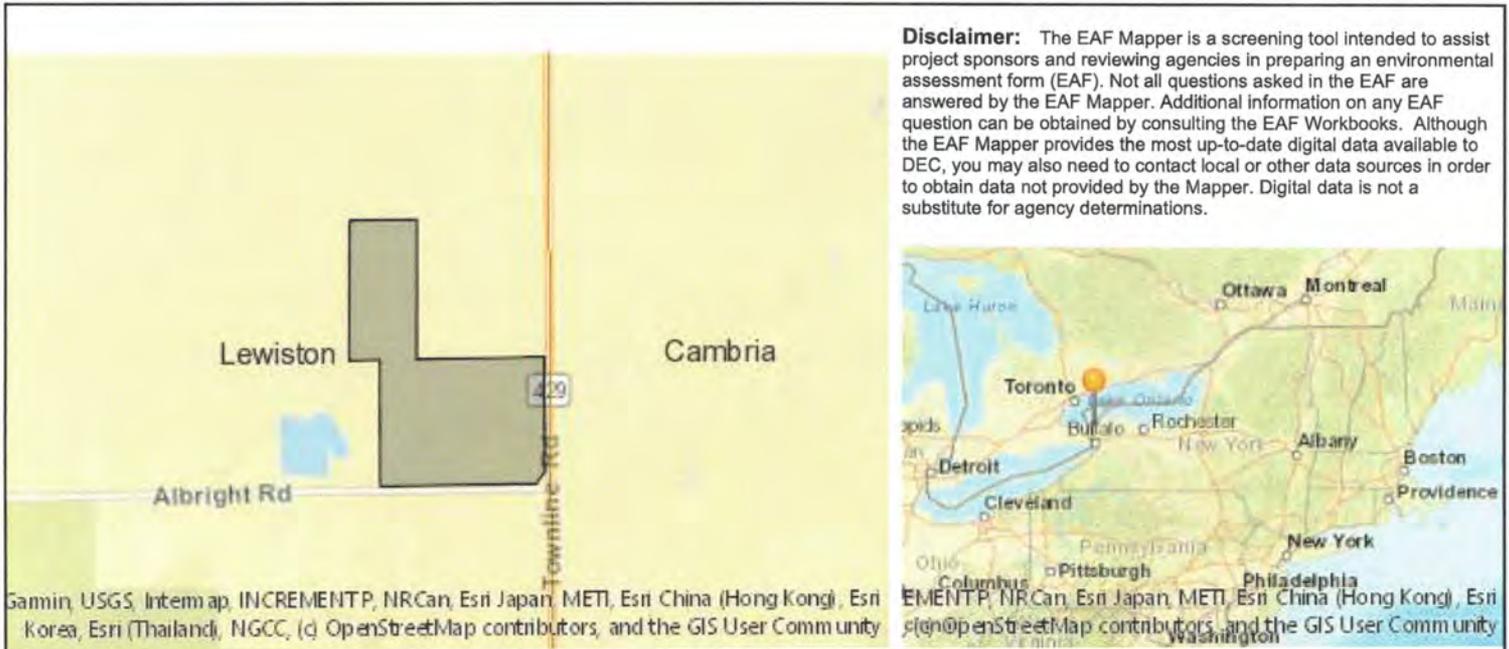
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Jared Perram Date 01/27/2020

Signature Jared D Perram Title Senior Project Developer



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
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]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	NIAGc07
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]	No
E.3.i. [Designated River Corridor]	No

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

Agency Use Only [If applicable]
 Project : _____
 Date : _____

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

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

Tips for completing Part 2:

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

	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. NO YES
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
 If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air
 The proposed action may include a state regulated air emission source. NO YES
 (See Part 1. D.2.f., D.2.h, D.2.g)
 If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflouorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals
 The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) NO YES
 If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

NO

YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources

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

NO

YES

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

NO

YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) NO YES
If "Yes", answer questions a - c. If "No", go to Section 13.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

NO

YES

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. C.1, C.2. and C.3.)

NO

YES

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part 1. C.2, C.3, D.2, E.3)

NO

YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Project : _____

Date : _____

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

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

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

Reasons Supporting This Determination:

To complete this section:

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

Impact on Land and Surface Water

- The proposed action may result in increased erosion from the physical disturbance of the land during construction. However, the project is required to have an approved Storm Water Pollution Prevention Plan (SWPPP) which requires the installation of appropriate stormwater controls to mitigate the potential for erosion and drainage impacts.
- The proposed action will impact approximately 0.0818 acres of federal wetlands. The project will require a permit from US Army Corp of Engineers and may be subject any regulatory requirements to mitigate impacts to wetlands.

Impact on Agricultural Resources

- The project will convert agricultural land within an agricultural district to a non-agricultural use. However, the solar panels will be installed on pole screw foundations which minimizes soil compaction and limits the overall impact to farmland. In addition, the project will be required to file a Notice of Intent with the NYS Department of Agriculture and Markets (NYSAGM) to further evaluate and mitigate any adverse impacts identified by the NYSAGM.

Impact on Aesthetic Resources and Community Character

- The proposed action is substantially different from current adjacent land use. However, the solar energy system is a permitted use under zoning.

Impact on Noise, Odor and Light

- The proposed action will result in an increase in odor and noise from heavy construction equipment. However, the related impacts are temporary and limited to the construction and install the solar energy system. After construction there will be no odor or noise impacts related to the operation of the solar energy system.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

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

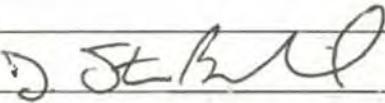
C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration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

Name of Action: Kilmer Solar LLC

Name of Lead Agency: Town of Lewiston

Name of Responsible Officer in Lead Agency: D. Steve Broderick

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency: 

Date: 9/21/21

Signature of Preparer (if different from Responsible Officer)

Date: 09/21/21

For Further Information:

Contact Person: Timothy Masters

Address: 1375 Ridge Road, Lewiston, NY

Telephone Number: 716-754-8213

E-mail: tmasters@townoflewiston.us

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

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

8.2

CVE US E13

Wheatfield, LLC

PROJECT SUMMARY
CVE US E13 Wheatfield, LLC
Lockport Rd., Sanborn, NY



Applicant:	CVE US E13 Wheatfield, LLC	
Project Location:	3635 Lockport Rd., Sanborn, NY 14132 (SBL 134.00-3-12)	
Assistance:	Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>CVE Group will be purchasing 54.21 acres of vacant land to construct a 4 Megawatt (MW) solar photovoltaic facility, located at 3635 Lockport Road in the Town of Wheatfield. The project buildout will take place on approximately 22.7 acres of the 54.21 acre parcel, located on the north side of Lockport Rd. Preliminary plans indicate that development will consist of 13,000 bifacial solar panels installed on fixed tilt posts. Total buildout will take approximately 6 months and it's estimated to create 50 construction jobs.</p> <p>This project has received Town and County planning board review and approval. A letter supporting this project has been attached to this application and a payment schedule for property tax has been negotiated separately with the Town.</p> <p>Additionally, the sales tax abatement for this project applies only to the non-energy generating equipment, and would only be the local portion (4%) of sales tax, as the remainder of the sales tax is exempt from New York State.</p>	
Project Costs:	Construction/Improvements	\$4,020,000
	Equipment Purchases	\$3,020,000
	Soft Costs/Other Costs	<u>\$2,020,000</u>
	TOTAL	\$9,760,000
Employment:	Current jobs in Niagara County:	0
	Permanent New Jobs (FTE):	0
	Estimated Construction Payroll:	\$1,875,000
	Estimated Ongoing Payroll:	0
	Skills: Construction, electrician, administrative, landscaper	
Evaluative Criteria:	Energy Production- advances renewable energy, provides capacity for local demands	

REGIONAL ECONOMIC IMPACT ANALYSIS
CVE US E13 Wheatfield, LLC
Lockport Rd., Sanborn, NY

Estimated Project Benefits / Incentives Analysis

Total Project Benefits	\$ 252,000
Total Project Incentives	\$ 167,280
Community Benefit to Cost Ratio	1.5:1
Total Employment	50
Direct**	0
Indirect***	0
Temporary Construction (Direct and Indirect)	50

Estimated Project Benefits

Total Project Benefits	\$ 252,000
Income Tax Revenue	\$ 102,000
Sales Tax Revenue	\$ 150,000

Estimated Project Incentives

Total Project Incentives	\$ 167,280
Property Tax	\$ 0
Sales Tax	\$ 108,720
Mortgage Tax	\$ 58,560

** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.

*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.

Utilizing informANALYTICS modeling software, an economic impact analysis was conducted to measure new investment and employment for the project. This software is a widely accepted and an industry standard for economic impact modeling measuring employment and salary impacts and facility output on the community for a given project.

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

CVE US EI3 Wheatfield, 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 2021

- 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: CVE US E13 Wheatfield, LLC

Mailing Address: 109 W 27th St, Floor 8

City/Town/Village & Zip code: New York, NY 10001

Phone: (239) 784-8080

Website: cvenorthamerica.com

Fed Id. No.: 87-1738477

Contact Person, and Title: Carson Weinand, Senior Business Developer

Email: carson.weinand@cvegroup.com

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

Thibaut Delespaul, President

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: 07/13/2021

State of Organization: Delaware

Sole Proprietorship

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

Applicant's Counsel

Company Name: Nixon Peabody

Contact Person, and Title: Barry Carrigan

Mailing Address: 1300 Clinton Square

City/Town/Village & Zip code: Rochester, NY 14604

Email: bcarrigan@nixonpeabody.com

Phone: (585) 263-1591

Fax No.: (866) 746-9321

II. PROJECT INFORMATION

A) Project Address: Lockport Rd, Sanborn, NY 14132

Tax Map Number (SBL) 134.00-3-12

(Section/Block/Lot)

SWIS Number 294000

Located in City of Sanborn

Located in Town of Wheatfield

Located in Village of _____

School District of Starpoint

B) Current Assessment of Property:

Land 107,900

Total \$107,900

C) Present legal owner of the site George M. Wasik

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

Purchase & Sale Agreement with Effective Date of 06/26/2020

D) Describe the project:

4MWac community solar project.

1. Project site (land)

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

54.21 acres

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

Farm land.

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.
No

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.
Not applicable

6. List principal items/categories of equipment to be acquired as part of the project.
Panels, racking, inverters, transformers, gravel, fencing, wiring, landscaping

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	\$	700,000
Construction (Improvements)	\$	4,020,000
Equipment Purchases/Fixtures/Furnishings	\$	3,020,000
Soft costs (i.e. engineering, architectural)	\$	2,020,000
Other (describe)	\$	
TOTAL USES OF FUNDS	\$	9,760,000

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

Bank Financing	\$	7,808,000
Equity	\$	1,952,000
Grants/Tax Credits	\$	
Taxable or Tax Exempt Bond	\$	
Other	\$	
TOTAL SOURCES OF FUNDS	\$	9,760,000

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) ("JPTA") 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. A liability and contract liability policy for a minimum of three million dollars will be furnished by the Applicant insuring the Agency.
- 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:

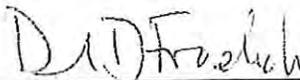
§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment 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.

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, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) 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 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 costs incurred by the Agency in processing of the Application, including attorneys' fees, if any.

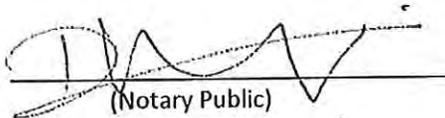


(Applicant Signature)

By: _____

Name: David Froelich

Title: Director


(Notary Public)

Sworn to before me this 15th day

of December 2021

[stamp]

DAPHNE M MONNOYEUR MOORE
NOTARY PUBLIC-STATE OF NEW YORK
No. 02MO6425034
Qualified in Westchester County
My Commission Expires 11-15-2025

STATE OF NEW YORK)
COUNTY OF) ss.:

DAVID FROELICH, being first duly sworn, deposes and says:

1. That I am the Director (Corporate Office) of CVE North America Inc. (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.

David Froelich
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury

this 15th day of December, 2021

[Signature]
(Notary Public)

DAPHNE M MONNOYEUR MOORE
NOTARY PUBLIC-STATE OF NEW YORK
No. 02MO6425034
Qualified in Westchester County
My Commission Expires 11-15-2025

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.

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			
Name of Action or Project: CVE Wheatfield Solar Farm			
Project Location (describe, and attach a location map): Lockport Rd, Sanborn, NY 14132			
Brief Description of Proposed Action: Construction of a new 4MWac community solar farm.			
Name of Applicant or Sponsor: CVE US E13 Wheatfield, LLC		Telephone: 239-784-8080	
		E-Mail: carson.weinand@cvegroup.com	
Address: 109 W 27th St, Floor 8			
City/PO: New York		State: NY	Zip Code: 10001
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 checked="" type="checkbox"/>
			YES <input 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, Special Use Permit			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		54.21 acres	
b. Total acreage to be physically disturbed?		22.9 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		54.21 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" 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: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input 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: <u>Carson Weinand</u>		Date: <u>10/05/21</u>
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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input 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 checked="" 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.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

8.3

**Olcott Yacht
Club Inc.**



SEAMAN
NORRIS LLP
ATTORNEYS AT LAW

DANIEL E SEAMAN
MICHAEL J NORRIS
THOMAS D SEAMAN
DAVID J HAYLETT, JR.
ANTHONY J SERIANNI

November 8, 2021

Mark J. Gabriele
Gabriele & Berrigan P.C.
800 Main St., 4th Floor
Suite B
Niagara Falls, NY 14301

RE: Olcott Yacht Club Inc Project

Dear Mark:

I am in receipt of your letter of November 4, 2021.

I am not sure where the information that the project is not going forward came from.

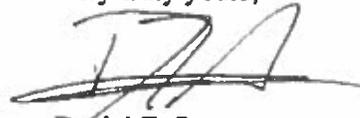
I just talked with the Commodore, Mike Layman. The project is dependent on receipt of a Grant from the State of New York which was applied for some time ago. New York State will not take action on the Grant until after January 1, 2022, but it is actively under consideration.

I am aware that the Inducement will normally expire after one year, but can be extended for an additional period of one year if the applicant is actively moving forward with the project, which it is.

Please consider this as a request to extend the Inducement for a period of one year from the date of its expiration, and please advise if any additional documentation or application is required.

Thank you for your courtesies in this regard.

Very truly yours,



Daniel E. Seaman

DES/vw

cc: Susan Langdon

8.4

Lawn Care and Maintenance Service RFPs

Lawn Maintenance Proposals for 2022, 2023, 2024 Seasons

Vantage Center -

6311 Inducon Corporate Drive, Sanborn, NY 14132

COMPANY	WEEKLY SERVICE	SPRING CLEANING	TOTAL SEASON
Juliana Bowerman - K & J Lawn and Landscape LLC	\$125.00 X 28 Weeks	Included	\$3,500.00
Landscape Associate of WNY Inc.	\$185.57 X 28 Weeks	\$263.00	\$5,458.96
S & R Landscape and Snowplowing Inc.	\$325.00 X 28 Weeks	Included	\$9,100.00
Reinhart Enterprises LLC	\$375.00 X 28 Weeks	Included	\$10,500.00
Mike Sinatra's Landscaping & Snowplowing LLC	\$395.00 X 28 Weeks	Included	\$11,060.00
New York State Industries of the Disabled, Inc.	\$478.81 X 28 Weeks	Included	\$13,406.68

8.5

**Covid Relief for
Small Business
Grant**

REQUEST FOR GRANT APPROVAL

Niagara County Development Corporation COVID Relief Small Business Program

APPLICANT INFORMATION:

Grant Applicant: Chateau Niagara Winery
Federal ID Number: 14-2005862
Business Type: Winery
Business Established: November 2008
DUNS Number: 96-291-3419
Business Address: 2466 West Creek Rd. Newfane NY 14108-9749
Email: info@chateauniagarawinery.com
Phone: 716-778-7888

Owner(s): James T. Baker Kathleen M. Baker
Percent Ownership: 50% 50%

PROJECT INFORMATION:

Project Description:

As a result of COVID, Chateau Niagara Winery lost their employees and have suffered from inconsistencies in their ability to receive the materials used during their production processes. They are increasing the amount of wine made and vines in order to keep up with future demands. The demand is a result of a growing wine club that was established just prior to the pandemic. The grant funds would be used to add two full-time staff members, as well as working capital and inventory.

COVID Connection:

The winery expects to pivot back to a more traditional business model post-COVID with safeguards in place. As such, they need to expand their wine tasting room to allow for social distancing and also increase their capacity to safely serve their customers.

COVID Effect on Business:

The winery has had an unexpected growth in their wine club line of business. This unexpended growth happened at a time when they were not able to keep employees and operate as normal. The owners have been working to keep up with the new demand and will reinvest this into an expansion of their wine tasting room. They need the funds to purchase inventory as well as tables and chairs in order to seat visiting customers for social distancing.

CREDIT SUMMARY:

A Dun & Bradstreet report was obtained for Chateau Niagara on 12/30/2021. There are no bankruptcies, judgements, liens, or past due items being reported. The company has 2 UCC filings against its assets with financial institutions. This represents normal business activity for this type of company. In summary, the D&B report gives Chateau Niagara Winery a low overall risk profile. This is characterized by the company being in very stable condition with a high likelihood of continued operations and low potential for severe delinquency.

SOURCE & USE OF FUNDS:

Source and Use of Funds				
<i>Use of Funds</i>	<i>Estimated Project Total</i>	<i>Owner Equity</i>	<i>Other Sources</i>	<i>Grant Request</i>
Working Capital	\$ 32,702	\$ 22,072		\$ 10,630
Fixtures	\$ 6,852			\$ 6,852
Equipment				
Machinery				
Inventory	\$ 32,518			\$ 32,518

GRANT SUMMARY:

Grant Request: \$50,000

Grant Term: Release upon grantee compliance with all grant requirements and closeout of OCR grant.

Repayment: Grant subject to recapture if Grantee fails to comply with grant requirements.

Eligibility:

- Private for-profit business entity in Niagara County
- 5 employees
- Negative effect of COVID on business
- Create 2 new full-time jobs

National Objective: Will create at least one FTE job made available to individuals of Low-to-Moderate-Income
 Owner is Low-to-Moderate Income

GRANT REQUEST RECOMMENDATION:

Applicant qualifies for this grant request based on the following criteria:

- Meets eligibility requirements,
- Commitment to hire two full-time positions made available to LMI persons, is also an LMI owner
- Use of funds for the purchase of inventory and working capital is acceptable per grant guidelines,
- Explanation and financials provided on the negative effect of the COVID-19 pandemic on the business.

REQUEST FOR GRANT APPROVAL

Niagara County Development Corporation COVID Relief Small Business Program

APPLICANT INFORMATION:

Grant Applicant: Hahn Sales and Service LLC
Federal ID Number: 84-4119408
Business Type: Retail Garden Center / Sandblasting and Painting
Business Established: January 1990
DUNS Number: 14-758-4861
Business Address: 3779 Lower Mountain Rd, Sanborn NY 14132
Email: beth@hahnsales.com
Phone: 716-731-5513 Ext 201
Owner(s): Richard J. Hahn
Percent Ownership: 100%

PROJECT INFORMATION:

Project Description:

Hahn Sales and Service has two divisions; Sandblast & Paint and a Watergarden store with pond maintenance service. Since the Sandblast division was not doing well during COVID, they decided to reduce space in the Sandblast division and use the extra square footage to expand the garden center which was showing some profit. Increased inventory amounts need to be ordered in the off season due to product shortages and delivery difficulties.

COVID Connection:

Due to the loss of employees and decrease in sales in the Sandblast/Paint division, more products and services need to be added to the retail division of the business to make up for the lost sales. Inventory must be bought in the off season and in larger quantities even though our seasonal business has not started to pick up yet. We need to guarantee product and hire employees to keep up with the busy season. More offerings in the retail division will help to keep up with the change in customers needs in an out of a pandemic.

COVID Effect on Business:

Sandblast/Painting division dropped over 40% so had to refocus on Garden Shop and Pond Service. The supply and demand issues are straining finances. Employee loss and COVID retail restrictions made the retail division difficult also. There was a slight increase in customers sales of water features installed in backyards due to customers staying home.

CREDIT SUMMARY:

A Dun & Bradstreet report was obtained for Hahn Sales & Service on 12/30/2021. There are no bankruptcies, judgements, liens, or past due items being reported. The company has 10 UCC filings against its assets, including the SBA and various equipment leasing companies and financial institutions. This represents normal business activity for this type of company. In summary, the D&B report gives Hahn Sales & Service a low-moderate overall risk profile. This is characterized by the company being in stable condition with a high likelihood of continued operations and low potential for severe delinquency.

SOURCE & USE OF FUNDS:

Source and Use of Funds				
<i>Use of Funds</i>	<i>Estimated Project Total</i>	<i>Owner Equity</i>	<i>Other Sources</i>	<i>Grant Request</i>
Working Capital				
Fixtures				
Equipment				
Machinery				
Inventory	\$ 50,000	\$ 100,000		\$ 50,000

GRANT SUMMARY:

Grant Request: \$50,000

Grant Term: Release upon grantee compliance with all grant requirements and closeout of OCR grant.

Repayment: Grant subject to recapture if Grantee fails to comply with grant requirements.

Eligibility:

- Private for-profit business entity in Niagara County
- 5 employees
- Negative effect of COVID on business
- Create 2 part-time jobs

National Objective: Will create at least one FTE job made available to individuals of Low-to-Moderate-Income
 Owner is Low-to-Moderate Income

GRANT REQUEST RECOMMENDATION:

Applicant qualifies for this grant request based on the following criteria:

- Meets eligibility requirements,
- Commitment to hire two part-time store clerk positions made available to LMI persons,
- Use of funds for the purchase of inventory is acceptable per grant guidelines,
- Explanation and financials provided on the negative effect of the COVID-19 pandemic on the business.

REQUEST FOR GRANT APPROVAL

Niagara County Development Corporation COVID Relief Small Business Program

APPLICANT INFORMATION:

Grant Applicant: Impressive In Print, Inc. dba Thread Branders
Federal ID Number: 27-5007011
Business Type: Embroidery Company
Business Established: February 2011
DUNS Number: 04-603-0804
Business Address: 601 Division Street, North Tonawanda NY 14120
Email: rob@impressivecompanies.com
Phone: 716-898-0788

Owner(s): Robert Alpern Brian Murphy
Percent Ownership: 90% 10%

PROJECT INFORMATION:

Project Description:

Primarily as a result of COVID, Impressive In Print needs to redesign their operation. They will purchase new machinery to create "cell" workspaces for each employee. Currently, work is in a "flow" style pattern, which is not conducive with the company's desire to adhere to recommendations that have been made since the onset of COVID. The company will also purchase and maintain more inventory on hand to alleviate the burden of shipping which has attributed to layoffs.

COVID Connection:

The newly designed style of production will reduce physical interactions of employees, assist in efforts to prevent the spread of COVID, and allow the company to be more flexible in production.

COVID Effect on Business:

Impressive In Print, Inc. operates as Thread Branders and is a promotional business whose customer base uses their products for events, tradeshow, and sales. All related business activity for their customers were shut down due to COVID. As a result, April-June 2020 sales were down 70% compared to the previous year.

CREDIT SUMMARY:

A Dun & Bradstreet report was obtained for Thread Branders on 12/30/2021. There are no bankruptcies, judgements, liens, or past due items being reported. The company has no reported UCC filings against its assets. In summary, the D&B report gives Thread Branders a moderate overall risk profile. This is characterized by the company having heightened stability concerns with a likelihood of continued operations and a heightened potential for delinquency. The company has been in business 11 years and due to COVID is requesting this grant to get back on track with payments and restructuring its business.

SOURCE & USE OF FUNDS:

Source and Use of Funds				
<i>Use of Funds</i>	<i>Estimated Project Total</i>	<i>Owner Equity</i>	<i>Other Sources</i>	<i>Grant Request</i>
Working Capital				
Fixtures				
Equipment	\$ 55,000	\$ 10,000		\$ 45,000
Machinery				
Inventory	\$ 10,000	\$ 5,000		\$ 5,000

GRANT SUMMARY:

Grant Request: \$50,000

Grant Term: Release upon grantee compliance with all grant requirements and closeout of OCR grant.

Repayment: Grant subject to recapture if Grantee fails to comply with grant requirements.

Eligibility:

- Private for-profit business entity in Niagara County
- 10 employees
- Negative effect of COVID on business
- Create one full-time and two part-time positions

National Objective: Will create at least one FTE job made available to individuals of Low-to-Moderate-Income
 Owner is Low-to-Moderate Income

GRANT REQUEST RECOMMENDATION:

Applicant qualifies for this grant request based on the following criteria:

- Meets eligibility requirements,
- Commitment to hire a full-time warehouse/shipping position and 2 part-time embroidery operator positions made available to LMI persons,
- Use of funds for the purchase of machinery and inventory is acceptable per grant guidelines,
- Explanation and financials provided on the negative effect of the COVID-19 pandemic on the business showing a 32% loss from 2019 to 2020.

REQUEST FOR GRANT APPROVAL

Niagara County Development Corporation COVID Relief Small Business Program

APPLICANT INFORMATION:

Grant Applicant: Mike Dan Motors
Federal ID Number: 47-5239555
Business Type: Used Car Dealer & Detail Shop
Business Established: October 2015
DUNS Number: 00-945-4662
Business Address: 9025 Niagara Falls Blvd. Niagara Falls NY 14304
Email: Mikedanmotors1@gmail.com
Phone: 716-371-0717
Owner(s): Michael J. Dan
Percent Ownership: 100%

PROJECT INFORMATION:

Project Description:

The business sells used automobiles and offers car detailing including sanitation. They need to purchase used vehicles to build up their inventory for customer purchase. The available vehicles have been scarce and difficult to purchase since the beginning of COVID. There is also inventory that needs to be purchased for the detail shop.

COVID Connection:

The grant funds would assist in hiring another employee to help with the increased business for the detail shop which will bring in income when auto sales are low. During the pandemic used vehicle prices almost doubled making it difficult to make any purchases when the business had decreased revenue. The pricing is more reasonable at this time so now is a good time to build stock on the car lot. We also need to stock up on sanitizing and cleaning materials for the detail shop since this was an important service to offer during the pandemic and is continuing.

COVID Effect on Business:

Sales of used vehicles slowed down during the pandemic as well as being able to afford to restock vehicle inventory. They began to offer more services, like sanitizing vehicles in the detail shop to try to get some revenue for the business. As a result, sales were down 50% compared to the previous year.

CREDIT SUMMARY:

A Dun & Bradstreet report was obtained for Mike Dan Motors on 12/30/2021. There are no bankruptcies, judgements, liens, or past due items being reported. The company has 2 reported UCC filings against its assets with financial institutions. In summary, the D&B report gives Mike Dan Motors a moderately high overall risk profile. This is characterized by the company having heightened stability concerns with a moderate likelihood of continued operations and a heightened potential for delinquency. The company has been in business 6 years and due to COVID is requesting this grant to get back on track with payments and building up its inventory.

SOURCE & USE OF FUNDS:

Source and Use of Funds				
<i>Use of Funds</i>	<i>Estimated Project Total</i>	<i>Owner Equity</i>	<i>Other Sources</i>	<i>Grant Request</i>
Working Capital	\$ 2,500			\$ 2,500
Fixtures				
Equipment				
Machinery				
Inventory	\$ 47,500			\$ 47,500

GRANT SUMMARY:

Grant Request: \$50,000

Grant Term: Release upon grantee compliance with all grant requirements and closeout of OCR grant.

Repayment: Grant subject to recapture if Grantee fails to comply with grant requirements.

Eligibility:

- Private for-profit business entity in Niagara County
- 5 employees
- Negative effect of COVID on business
- Create One full-time auto detailer job

National Objective: Will create at least one FTE job made available to individuals of Low-to-Moderate-Income
 Owner is Low-to-Moderate Income

GRANT REQUEST RECOMMENDATION:

Applicant qualifies for this grant request based on the following criteria:

- Meets eligibility requirements,
- Commitment to hire a full-time auto detailer position made available to LMI persons,
- Use of funds for the purchase of inventory and working capital is acceptable per grant guidelines,
- Explanation and financials provided on the negative effect of the COVID-19 pandemic on the business showing a 50% loss from 2019 to 2020.

REQUEST FOR GRANT APPROVAL

Niagara County Development Corporation COVID Relief Small Business Program

APPLICANT INFORMATION:

Grant Applicant: The Johnnie Ryan Company Inc.
Federal ID Number: 16-1605731
Business Type: Beverage Producer
Business Established: April 1935
DUNS Number: 00-211-4320
Business Address: 3084 Niagara Street, Niagara Falls NY 14303
Email: paul@johnnieryan.com
Phone: 716-282-1606

Owner(s): Paul Janik Jr. John Janik
Percent Ownership: 50% 50%

PROJECT INFORMATION:

Project Description:

The Johnnie Ryan company has produced glass bottled cane sugar sodas for over 85 years and is a family-owned business. The effect of COVID-19 on the supply chain forces them to have to order increased raw materials and glass bottles in order to assist them in servicing their current and future customers.

COVID Connection:

Being a small company with no buying power, it has been a challenge trying to maintain inventories. If they had sufficient raw materials, record sales would've been achieved in the bottling division. The funds would be used to buy a whole run of glass from their vendor which would save a substantial amount of money, allow them to fulfill all previous purchase orders, and improve cash flow. It would also put them in a more favorable standing with the glass manufacturer for future purchases.

COVID Effect on Business:

Because of bars and restaurant closures during COVID, their fountain syrup part of the business dropped 60% and for months there was no product going out. In addition, they were trying to keep up with the bottled goods as a more sanitary option to distribute; however, the raw materials were being rationed, lead times quadrupled because of labor shortages, and costs increased.

CREDIT SUMMARY:

A Dun & Bradstreet report was obtained for The Johnnie Ryan Company on 12/30/2021. There are no bankruptcies, judgements, liens, or past due items being reported. The company has 15 UCC filings against its assets, including the SBA and some financial institutions. In summary, the D&B report gives the Johnnie Ryan Company a moderately high overall risk profile. This is characterized by the company having heightened stability concerns with a likelihood of continued operations and a heightened potential for delinquency. The company has been in business over 85 years and due to COVID is requesting this grant to get back on track with payments, as well as fulfill backorders and pursue new business.

SOURCE & USE OF FUNDS:

Source and Use of Funds				
<i>Use of Funds</i>	<i>Estimated Project Total</i>	<i>Owner Equity</i>	<i>Other Sources</i>	<i>Grant Request</i>
Working Capital				
Fixtures				
Equipment				
Machinery				
Inventory	\$ 125,000	\$ 75,000		\$ 50,000

GRANT SUMMARY:

Grant Request: \$50,000

Grant Term: Release upon grantee compliance with all grant requirements and closeout of OCR grant.

Repayment: Grant subject to recapture if Grantee fails to comply with grant requirements.

Eligibility:

- Private for-profit business entity in Niagara County
- 3 employees
- Negative effect of COVID on business
- Create One Full-time and one Part-time job

National Objective: Will create at least one FTE job made available to individuals of Low-to-Moderate-Income
 Owner is Low-to-Moderate Income

GRANT REQUEST RECOMMENDATION:

Applicant qualifies for this grant request based on the following criteria:

- Meets eligibility requirements,
- Commitment to hire 1 full-time and 1 part-time production position made available to LMI persons,
- Use of funds for the purchase of inventory is acceptable per grant guidelines,
- Explanation and financials provided on the negative effect of the COVID-19 pandemic on the business showing a 45% loss from 2019 to 2020.

REQUEST FOR GRANT APPROVAL

Niagara County Development Corporation COVID Relief Small Business Program

APPLICANT INFORMATION:

Grant Applicant: Ventilator Rental Services Corp.
Federal ID Number: 47-1549683
Business Type: Medical Equipment Rental
Business Established: June 2014
DUNS Number: 06-358-3436
Business Address: 766 Main Street, Niagara Falls NY 14301
Email: Ventrentals61@gmail.com or theresamerletti@icloud.com
Phone: 716-534-0421
Owner(s): Mark Merletti Theresa Merletti
Percent Ownership: 51% 49%

PROJECT INFORMATION:

Project Description:

Ventilator Rentals rents ventilators to durable medical equipment providers to small- to medium-sized businesses, hospitals and nursing facilities. The equipment they rent on a monthly basis is the Philips Trilogy 100 and Philips EVO Ventilators. These ventilators are considered life support, invasive and non-invasive ventilation for home care, hospital or nursing home patients.

COVID Connection:

The business needs to purchase new EVO Ventilators to replace the current Trilogy ventilators that cannot be used until they can be repaired per the FDA recall. Having the new ventilators will help them to be prepared for future pandemics and will also assist their durable medical equipment customers as well. The funds would also help to advertise our service by hiring a full-time staff member to reach out to prospective customers in the durable medical equipment providers, hospitals and nursing homes.

COVID Effect on Business:

Since many of the business that rent the equipment from Ventilator Rentals had difficulty keeping employees and had to comply with restrictions on direct patient contact, the rental income decreased. Also, there was a recall on some the Trilogy 100 ventilators and because of COVID they can't get the parts to fix them. With the decrease in rentals, we could not afford to buy new EVO Ventilators to rent instead of the recalled ventilators.

CREDIT SUMMARY:

A Dun & Bradstreet report was obtained for Ventilator Rental Services on 12/30/2021. There are no bankruptcies, judgements, liens, or past due items being reported. The company has 12 reported UCC filings against its assets, including various equipment leasing companies and financial institutions. In summary, the D&B report gives Ventilator Rental Services low-moderate overall risk profile. This is characterized by the company being in stable condition with a likelihood of continued operations and very low potential for severe delinquency.

SOURCE & USE OF FUNDS:

Source and Use of Funds				
<i>Use of Funds</i>	<i>Estimated Project Total</i>	<i>Owner Equity</i>	<i>Other Sources</i>	<i>Grant Request</i>
Working Capital	\$ 18,750			\$ 18,750
Fixtures				
Equipment				
Machinery				
Inventory	\$ 31,250			\$ 31,250

GRANT SUMMARY:

Grant Request: \$50,000

Grant Term: Release upon grantee compliance with all grant requirements and closeout of OCR grant.

Repayment: Grant subject to recapture if Grantee fails to comply with grant requirements.

Eligibility:

- Private for-profit business entity in Niagara County
- 2 employees
- Negative effect of COVID on business
- Create One FTE job

National Objective: Will create at least one FTE job made available to individuals of Low-to-Moderate-Income
 Owner is Low-to-Moderate Income

GRANT REQUEST RECOMMENDATION:

Applicant qualifies for this grant request based on the following criteria:

- Meets eligibility requirements,
- Commitment to hire a full-time clerical position made available to LMI persons,
- Use of funds for the purchase of inventory and working capital is acceptable per grant guidelines,
- Explanation and financials provided on the negative effect of the COVID-19 pandemic on the business showing a 23% loss from 2019 to 2020.

REQUEST FOR GRANT APPROVAL

Niagara County Development Corporation COVID Relief Small Business Program

APPLICANT INFORMATION:

Grant Applicant: Flip Burger Inc.
Federal ID Number: 47-3009069
Business Type: Restaurant
Business Established: March 2015
DUNS Number: 02-656-7153
Business Address: 305 Prospect Street, Niagara Falls NY 14303
Email: flipburgerinc@gmail.com
Phone: 716-807-2590 or 716-998-1859
Owner(s): Daniel P. Vecchies Ryan D. Vecchies
Percent Ownership: 80% 20%

PROJECT INFORMATION:

Project Description:

The restaurant will need furniture to set up an outdoor dining area in order to help with any future shutdowns and to adhere to social distancing. In addition, there is equipment that needs to be updated to make the work area more sanitary and safe for employees. They will also use the funds for marketing to increase customers and working capital like rent and utilities.

COVID Connection:

The working capital will help to keep the company ahead of payments in the event of a shut down, limits to seating, and restrictions to inside dining. The purchase of patio seating will give customers more places to sit due to social distancing restrictions. The updated equipment will allow them to operate in a safer work environment with less staff due to COVID restrictions and staffing difficulties.

COVID Effect on Business:

The business was required to shut down during COVID and then there were restrictions limiting the seating occupancy. These mandates resulted in a 42% drop in revenue which has been difficult to recover from. They have also had to decrease their operating hours due to decreased staffing and a decline in the availability and delivery of inventory as well as increased cost of goods.

CREDIT SUMMARY:

Dun & Bradstreet report was obtained for Flip Burger Inc. on 1/7/2022. There are no bankruptcies, judgements, liens, or past due items being reported. The company has 3 UCC filings against its assets, including the SBA and financial institutions. In summary, the D&B report gives Flip Burger Inc. a low-moderate overall risk profile. This is characterized by the company being in stable condition with a likelihood of continued operations and low potential for severe delinquency.

SOURCE & USE OF FUNDS:

Source and Use of Funds				
<i>Use of Funds</i>	<i>Estimated Project Total</i>	<i>Owner Equity</i>	<i>Other Sources</i>	<i>Grant Request</i>
Working Capital	\$ 56,000	\$ 15,000		\$ 41,000
Fixtures	\$ 1,000			\$ 1,000
Equipment	\$ 3,000			\$ 3,000
Machinery				
Inventory	\$ 5,000	\$ 5,000		\$ 5,000

GRANT SUMMARY:

Grant Request: \$50,000

Grant Term: Release upon grantee compliance with all grant requirements and closeout of OCR grant.

Repayment: Grant subject to recapture if Grantee fails to comply with grant requirements.

Eligibility:

- Private for-profit business entity in Niagara County
- 8 employees
- Negative effect of COVID on business
- Create 5 Full-time and 2 part-time jobs

National Objective: Will create at least one FTE job made available to individuals of Low-to-Moderate-Income
 Owner is Low-to-Moderate Income

GRANT REQUEST RECOMMENDATION:

Applicant qualifies for this grant request based on the following criteria:

- Meets eligibility requirements,
- Commitment to hire 5 full-time cook positions and 2 part-time cashier positions made available to LMI persons,
- Use of funds for the purchase of equipment, inventory and working capital is acceptable per grant guidelines,
- Explanation and financials provided on the negative effect of the COVID-19 pandemic on the business showing a 42% loss from 2019 to 2020.

REQUEST FOR GRANT APPROVAL

Niagara County Development Corporation COVID Relief Small Business Program

APPLICANT INFORMATION:

Grant Applicant: 716 Supreme Subs
Federal ID Number: 87-4128531
Business Type: Restaurant
Business Established: January 2019
DUNS Number: 11-844-8806
Business Address: 7714 Buffalo Avenue, Niagara Falls NY 14304
Email: Leechris12514@icloud.com
Phone: 716-534-6625
Owner(s): Christopher Lee
Percent Ownership: 100%

PROJECT INFORMATION:

Project Description:

The restaurant has cooking equipment that needs to be updated for a safer, cleaner environment. They will also purchase gloves, masks and other sanitary items for employee and customer safety in all areas of the restaurant. In order to build their customer base they will create hand flyers to distribute to neighborhoods, Facebook advertising, signs printed to post and advertising to hire new employees. They will also use the funds for containers and other items for to-go orders due to limitations on seating.

COVID Connection:

They remodeled to adhere to COVID regulations and need funds for updated equipment to allow them to operate in a safer work environment in the food preparation area. The funds for advertising are necessary to bring in past and potential new customers to increase business and also to advertise to hire more staff.

COVID Effect on Business:

The business was required to shut down during COVID and then there were restrictions limiting the seating occupancy. These mandates resulted in over 50% drop in business which has been difficult to recover from being a newer business. They have also had to decrease their operating hours and had difficulty with increasing costs and receiving inventory.

CREDIT SUMMARY:

Dun & Bradstreet report was obtained for 716 Supreme Subs on 1/7/2022. There are no bankruptcies, judgements, liens, or past due items being reported. The company has no UCC filings against its assets. In summary, the D&B report gives 716 Supreme Subs a moderate overall risk profile. This is characterized by the company being in moderate stable condition with a moderately higher than average likelihood of continued operations and a heightened potential for severe delinquency. The company was only in business one year before COVID so it has not had sufficient time to establish a customer base and therefore the grant funds will assist in making his business more stable.

SOURCE & USE OF FUNDS:

Source and Use of Funds				
<i>Use of Funds</i>	<i>Estimated Project Total</i>	<i>Owner Equity</i>	<i>Other Sources</i>	<i>Grant Request</i>
Working Capital	\$ 15,000	\$ 10,000		\$ 5,000
Fixtures	\$ 5,000			\$ 5,000
Equipment	\$ 20,000			\$ 20,000
Machinery				
Inventory	\$ 15,000			\$ 15,000

GRANT SUMMARY:

Grant Request: \$45,000

Grant Term: Release upon grantee compliance with all grant requirements and closeout of OCR grant.

Repayment: Grant subject to recapture if Grantee fails to comply with grant requirements.

Eligibility:

- Private for-profit business entity in Niagara County
- 2 employees
- Negative effect of COVID on business
- Create 2 Full-time and 2 part-time jobs

National Objective: Will create at least one FTE job made available to individuals of Low-to-Moderate-Income
 Owner is Low-to-Moderate Income

GRANT REQUEST RECOMMENDATION:

Applicant qualifies for this grant request based on the following criteria:

- Meets eligibility requirements,
- Commitment to hire 2 full-time cook positions and 2 part-time delivery positions made available to LMI persons,
- Use of funds for the purchase of equipment, inventory and working capital is acceptable per grant guidelines,
- Explanation and financials provided on the negative effect of the COVID-19 pandemic on the business showing over 50% loss from 2019 to 2020.

8.6

**Microenterprise
Grant**

REQUEST FOR GRANT APPROVAL

Niagara County Development Corporation Micro Enterprise Program

APPLICANT INFORMATION:

Grant Applicant: Youngstown Marketside LLC
DUNs# Number:
Business Type: Food and Pastry Market
Business Established: September 28, 2021
Business Address: 230 Lockport St., Youngstown, NY 14174
Email: Daniella.youngstownmarket@gmail.com
Phone: (646) 246-5545

Owner(s): Daniella Vanoni and Vincent Vanoni
Percent Ownership: Daniella Vanoni (60%) and Vincent Vanoni (40%)

PROJECT INFORMATION:

Youngstown Marketside will be the only grocer in the remote area of Youngstown. The market will serve as a grocery store, café & bake shop, including artisan pizza and other grab and go foods. Marketside intends to provide and source local meats from butchers and meat farms, year round seasonal produce, honey and natural syrups, tonics, cleaning products, and dairy from local farms.

Marketside will be a family owned business that is owned by Daniella and Elliot Hedberg as spouses and Vincent Vanoni. Daniella has a Bachelors in Baking & Pastry Management, 13 years' experience in various food-service establishments, including high restaurants. Elliot Hedberg will manage the financial side of the business. Mr. Hedberg has 13 years' experience and a Masters in Hospitality Administration with a focus on finance. The store Manager will be Vincent Vanoni who has a Doctorate in Chiropractic Medicine as a practicing chiropractor with 6 years' experience, as well as a Sales Representative at Nabisco Kraft Food for 9 years. The owners have worked with Small Business Development Center to draft a business plan, including job roles and responsibilities, market analysis, and projections.

The project will create 5 jobs, one kitchen manager, two cashiers, one store manager, and a prep cook.

CREDIT SUMMARY:

A credit report was obtained for Daniella Vanoni on 1/7/2022. There are no bankruptcies, judgments, liens, or past due items being reported. Ms. Vanoni carries minimal unsecured debt with the exception of a school loan that is being paid monthly. Ms. Vanoni's FICO score is 628. There was a nominal outstanding medical bill sent to a third party collection that has since been satisfied. Ms. Vanoni has also applied to PathStone, a private, not-for-profit lender who will be approving her loan contingent upon receiving the micro-enterprise grant.

SOURCE & USE OF FUNDS:

Source and Use of Funds				
<i>Use of Funds</i>	<i>Estimated Project Total</i>	<i>Owner Equity</i>	<i>Other Sources</i>	<i>Grant Request</i>
Working Capital		\$ 10,000	Weekly income	
Fixtures	\$ 19,117	\$ 7,726	Loan	
Machinery			loan	
Equipment	\$ 46,679	\$ 5,500		\$ 25,000
Inventory	\$ 30,000			

GRANT SUMMARY:

Grant Request: \$25,000

Grant Term: Release upon grantee compliance with all grant requirements and closeout of OCR grant.

Repayment: Grant subject to recapture if Grantee fails to comply with grant requirements.

Eligibility:

- Private for-profit business entity in Niagara County
- Start-up business
- Business has committed at least 10% in equity
- Create at least one FTE job
- Business has completed microenterprise technical assistance program

National Objective: Will create at least one FTE job made available to individuals of Low-to-Moderate-Income
 Owner is Low-to-Moderate Income

GRANT REQUEST RECOMMENDATION:

Applicant qualifies for this grant request based on the following criteria:

- Meets eligibility requirements
- Commitment to hire a full-time position that will be made available to an LMI individual
- Completed SBDC technical assistance program
- Use of funds for the purchase of machinery and inventory is acceptable per grant guidelines

8.7

**Local Labor
Policy**

LOCAL LABOR POLICY

Project applicants (the “Company”), as a condition to receiving Financial Assistance (including a sales tax exemption, mortgage recording tax exemption, real property tax abatement) from the Niagara County Industrial Development Agency (the “Agency”), will be required to utilize qualified local labor, as defined below, for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the “Project”).

Local Labor Defined

Local labor is defined as individuals permanently residing in Niagara County, Erie County, Chautauqua County, Cattaraugus County, Wyoming County, Genesee County, Orleans County and Monroe County (collectively, the “Local Labor Area”).

Local Labor Requirement

The Company will have 90% of all Project employees of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively, the “Workers”) working on the Project permanently reside within the Local Labor Area. Companies do not have to be local companies as defined herein, but must employ Workers residing within the Local Labor Area to qualify under the 90% local labor criteria.

It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the “Local Labor Waiver Request”) based on the following circumstances: (i) warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area Workers are not available; or (iii) lack of Workers that would allow the Company to meet the Local Labor Area requirement. The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon information received with such waiver request.

Local Labor Reporting Requirement

Companies authorized to receive Financial Assistance from the Agency will be required to file or cause to be filed a Local Labor Utilization Report (the “Report”) on such form as made available by the Agency, and as directed by the Agency, which will identify, for each Worker, the city, town, or village and associated zip code that each such Worker is domiciled in. The Report shall be submitted to the Agency or its designated agents as follows: (i) immediately prior to commencement of construction activities; and (ii) on or by the next following semi-annual dates of January 1 and July 1, and for each period thereafter through the construction completion date.

The Agency, or its designated agents, shall have the right, during normal business hours, to examine and copy the applicable books and records of the Company and to perform spot checks of all Workers at the Project site to verify compliance with the Local Labor Requirement throughout the construction period. If Agency determines that the local labor requirement has fallen below 90%, but is more than 80%, the Agency will work with the Company to determine the cause of the shortfall and to increase local labor Workers to the required level. However, if the Agency determines that the local labor requirement is less than 80%, the Agency may terminate any and all Financial Assistance being provided to the Project in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the Project.