

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: September 10, 2025
MEETING TIME: 9:00 a.m.
MEETING PLACE: Niagara County Industrial Development Agency
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

Board of Directors:

___ **Mark A. Onesi**, Chairman
___ **Jason Krempa**, First Vice Chairman
___ **William L. Ross**, Secretary
___ **Mark Berube**, Assistant Secretary
___ **Ryan Mahoney**, Member
___ **David J. Masse**, Member
___ **William Fekete**, Member
___ **Susan C. Langdon**, Member

Staff Members:

___ **Andrea Klyczek**, Executive Director
___ **Michael S. Dudley**, Director of Finance & Real Estate
___ **Susan Barone**, Grants, Loans & Compliance Manager
___ **Jeremy Geartz**, Director of Business Development & Retention
___ **Julie Lamoreaux**, Office & HR Administrator
___ **Joseph Grenga**, Project Manager
___ **Alex Zulia**, Project Manager
___ **Mark J. Gabriele**, Agency Counsel

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- 1.0 Meeting Called to Order – M. Onesi**
 - 2.0 Roll Call – J. Lamoreaux**
 - 3.0 Introduction of Guests – M. Onesi**
 - 4.0 Pledge of Allegiance – M. Onesi**
 - 5.0 Approval of Meeting Minutes – W. Ross**
 - 5.1 Regular NCIDA/NCDC/NADC – August 13, 2025**
 - 6.0 Finance & Audit Committee Reports – J. Krempa**
 - 6.1 Agency Payables – August 31, 2025**
 - 6.2 Budget Variance Report – August 31, 2025**

7.0 Unfinished Business

7.1 Cataract Grant Hammer & Crown BC – *M. Gabriele*

7.1.1 Inducement Extension

7.2 235 River Road LLC– *M. Gabriele*

7.2.1 Inducement Extension

7.3 Wheatfield Gardens, LLC– *M. Gabriele*

7.3.1 Job Number Creation Change

8.0 New Business

8.1 Woodstream Landing LLC– *J. Geartz*

8.1.1 Preliminary Resolution

8.1.2 Authorize Public Hearing

8.2 Economic Development Administration – *A. Klyczek*

8.2.1 Approval of Revised EDA Management Plan

9.0 Agency Counsel – *M. Gabriele*

10.0 Information Items

11.0 Any Other Matters the Board Wishes to Discuss

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: October 8, 2025

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment - *M. Onesi*

5.1

Meeting Minutes

REGULAR NCIDA/NCDC/NADC BOARD MEETING

DATE: August 13, 2025
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 Chairmen Onesi at 9:00 a.m.

2.0 Roll Call

Mark A. Onesi, Chairperson	Present
Jason Krempa, First Vice Chairman	Present
William L. Ross, Secretary	Excused
Mark Berube, Assistant Secretary	Present
Ryan J. Mahoney, Member	Present
David J. Masse, Member	Present
William Fekete, Member	Present
Susan C. Langdon, Member	Present

3.0 Introduction of Guests

Jonathan Epstein, Buffalo News
Jim Fink, WBFO Radio
Rob Creenan, Niagara Gazette
Brianne Frawley, VisoneCo Site Development

Staff Present

Andrea Klyczek, Executive Director
Jeremy Geartz, Director of Business Development & Retention
Michael S. Dudley, Director of Finance & Real Estate
Susan Barone, Grants, Loans, & Compliance Manager
Julie Lamoreaux, Office & HR Administrator
Joseph Grenga, Project Manager
Alex Zulia, Project Manager
Mark J. Gabriele, Agency Counsel
Elizabeth Hughes, Counsel

4.0 Pledge of Allegiance

Ms. Langdon led the pledge of allegiance.

5.0 Approval of Meeting Minutes

5.1 Regular NCIDA/NCDC/NADC – July 9, 2025

Mr. Berube motioned to approve the meeting minutes; Mr. Krempa seconded the motion. The motion passed.

6.0 Finance & Audit Committee Reports

6.1 Agency Payables – July 31, 2025

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

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

6.2 Budget Variance Report – July 31, 2025

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

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

7.0 Unfinished Business

8.0 New Business

8.1 Rock One Development LLC

Mr. Grenga stated that Rock One Development LLC purchased a six acre parcel of land located at 600 River Road for residential and commercial development. The site has since been remediated through the NYS Brownfields program after 2 ½ years. The project was awarded a Certificate of Completion from NYS Department of Environmental Conservation.

Of the proposed 100 market rate apartment rental units, 88 have been completed. The current proposal for assistance will lead to the completion of 9 additional market rate units, addressing the ever important need for housing in NYS. This necessity aligns with the Governor's Office seeking to build 800,000 homes across NYS over the next decade in the Housing Compact. This development will continue to benefit the local community through local spending as well as public access to the Niagara River waterfront.

8.1.1 Final Resolution

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACCEPTING THE APPLICATION OF ROCK ONE DEVELOPMENT, LLC WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF ROCK ONE DEVELOPMENT, LLC OR AN ENTITY FORMED OR TO BE FORMED; (ii) PROVIDE SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED BY THE AGENCY.

Mr. Krempa made a motion to approve the Final Resolution, Mr. Berube seconded the motion. The Motion passed.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	x			
Jason Krempa	x			
William L. Ross				x
Mark Berube	x			
Ryan Mahoney	x			
David J. Masse	x			
William Fekete	x			
Susan C. Langdon	x			

The Resolution was thereupon duly adopted.

9.0 Agency Counsel

Agency Counsel had no updates 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 other matters the Board wished to discuss.

12.0 Next Regular NCIDA/NCDC/NADC Meeting:

DATE: September 10, 2025

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

PLACE: Niagara County Center for Economic Development

13.0 Adjournment

Mr. Onesi made a motion to adjourn; Mr. Krempa seconded the motion. The meeting adjourned at 9:06 a.m.

Respectfully Submitted:

Reviewed By:

Approved By:

Julie Lamoreaux
Administrative Assistant

Andrea Klyczek
Executive Director

William L. Ross
Secretary

6.1

Agency Payables

Niagara County Industrial Devel. Agency
Check Register
For the Period From Aug 1, 2025 to Aug 31, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
30441	8/1/25	County of Niagara	10001.100	470.94
30442	8/1/25	Eaton Office Supply Co., Inc.	10001.100	10.40
30443	8/1/25	THE HARTFORD	10001.100	272.67
30444	8/1/25	Independent Health	10001.100	4,106.93
30445	8/1/25	Professional Janitorial Services, Inc.	10001.100	823.00
30446	8/5/25	Amazon Capital Services	10001.100	100.96
30447	8/5/25	FedEx	10001.100	8.71
30448	8/5/25	M&T Bank	10001.100	1,934.57
30449	8/5/25	National Grid	10001.100	698.57
30450	8/5/25	Pitney Bowes Global Financial Services	10001.100	275.85
30451	8/5/25	STAPLES CONTRACT & COMMERCIAL	10001.100	132.85
8/7/25	8/7/25	PAYCHEX, INC.	10001.100	119.02
8/8/25	8/8/25	NYS DEFERRED COMPENSATION PLAN	10001.100	968.55
30452	8/12/25	360 PSG.com	10001.100	180.00
30453	8/12/25	Cintas Corporation LOC. 067P	10001.100	108.56
30454	8/12/25	First Choice Coffee Services	10001.100	101.25
30455	8/12/25	Harris Beach Murtha Cullina PLLC	10001.100	5,000.00
30456	8/12/25	Summit MSP, LLC	10001.100	61.91
30457	8/18/25	Guardian	10001.100	323.10
30458	8/18/25	Harris Beach Murtha Cullina PLLC	10001.100	7,175.60
30459	8/18/25	Julie Lamoreaux	10001.100	60.00
30460	8/18/25	Alex Zulia	10001.100	66.36
8/20/25	8/20/25	PAYCHEX, INC.	10001.100	134.00
8/21/25	8/21/25	PAYCHEX, INC.	10001.100	98.96
8/22/25	8/22/25	NYS DEFERRED COMPENSATION PLAN	10001.100	926.55
8/26/25	8/26/25	NEW YORK STATE AND LOCAL	10001.100	962.34
30461	8/27/25	Amazon Capital Services	10001.100	85.97
30462	8/27/25	Charter Communications	10001.100	130.00
30463	8/27/25	County of Niagara	10001.100	773.73
30464	8/27/25	Independent Health	10001.100	4,106.93
30465	8/27/25	Professional Janitorial Services, Inc.	10001.100	823.00
30466	8/27/25	STAPLES CONTRACT & COMMERCIAL	10001.100	119.93
30467	8/27/25	Vecmar	10001.100	75.00
Total				31,236.21

NCIDA VIP-MTF Operating
Check Register
For the Period From Aug 1, 2025 to Aug 31, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
5058	8/5/25	Frontier	10001.600	327.26
5059	8/5/25	National Grid	10001.600	524.09
5060	8/12/25	Beau Enterprises, Inc.	10001.600	770.00
5061	8/12/25	H.W.BRYK & SONS, INC.	10001.600	405.00
5062	8/12/25	Modern Disposal Services, Inc.	10001.600	214.50
5063	8/12/25	Town of Wheatfield	10001.600	73.10
5064	8/27/25	County of Niagara	10001.600	614.43
5065	8/27/25	Professional Janitorial Services, Inc.	10001.600	346.00
5066	8/27/25	County of Niagara	10001.600	23.35
Total				3,297.73

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

For the Period From Aug 1, 2025 to Aug 31, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3271	8/5/25	National Fuel	10001.600	29.69
3272	8/5/25	National Grid	10001.600	979.25
3273	8/5/25	Niagara Falls Water Board	10001.600	746.38
3274	8/12/25	Beau Enterprises, Inc.	10001.600	450.00
3275	8/12/25	National Grid	10001.600	118.22
3276	8/18/25	Harris Beach Murtha Cullina PLLC	10001.600	726.18
3277	8/18/25	VERIZON	10001.600	136.57
Total				3,186.29

Niagara Industrial Incubator Associates**Check Register**

For the Period From Aug 1, 2025 to Aug 31, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1485	8/5/25	H.W. Bryk & Sons, Inc.	10000.100	311.00
1486	8/5/25	National Grid	10000.100	292.42
1487	8/5/25	Niagara Falls Water Board	10000.100	1,739.74
1488	8/27/25	H.W. Bryk & Sons, Inc.	10000.100	822.50
1489	8/27/25	Gratwick Pest Control	10000.100	80.00
Total				3,245.66

NIAG ECONOMIC DEV FUND**Check Register**

For the Period From Aug 1, 2025 to Aug 31, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1366	8/11/25	Polaris Cold Storage, Inc.	10000-200	500,000.00
Total				500,000.00

NCDC - CDBG/HUD - RLF**Check Register**

For the Period From Aug 1, 2025 to Aug 31, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
293	8/18/25	Niagara Gazette Lockport Union Sun	10200-300	263.20
Total				263.20

Niag. Cnty Dev. Corp. - Micro RLF
Check Register
For the Period From Aug 1, 2025 to Aug 31, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2146	8/18/25	BeOK LLC	10004.400	22,311.35
2147	8/18/25	Falcon Aircraft Maintenance, LLC	10004.400	10,000.00
2148	8/18/25	Gerald Kunkle	10004.400	5,688.61
2149	8/18/25	Harmony Spa Head to Toe LLC	10004.400	9,710.69
2150	8/18/25	Prime Legacy Inc.	10004.400	20,000.00
2151	8/18/25	Release and Restore Therapy	10004.400	5,107.25
Total				72,817.90

6.2

Budget Variance Reports

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BUDGET VARIANCE REPORT AS OF August 31, 2025
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	\$ 12,500.00	\$ 41,679.00	\$ 703,669.00	\$ 447,491.00	256,178.00	\$ 527,232.00
Project Application Fees	0.00	1,000.00	10,000.00	8,000.00	2,000.00	12,000.00
NEDF RLF Administrative Fee	4,166.67	4,166.67	33,333.36	33,333.36	0.00	50,000.00
Administrative Fees - Other	0.00	0.00	22,080.00	21,126.00	954.00	52,070.00
Interest Earnings	419.52	5,497.42	73,012.79	43,979.36	29,033.43	65,969.00
Miscellaneous Income	15,218.17	14,674.50	119,314.80	117,396.00	1,918.80	176,094.00
Distributions From Affiliates	0.00	0.00	0.00	0.00	0.00	100,000.00
Distribution from VIP MTF	0.00	0.00	0.00	0.00	0.00	100,000.00
Total Operating Revenues	32,304.36	67,017.59	961,409.95	671,325.72	290,084.23	1,083,365.00
<u>Operating Expenses</u>						
Salaries	33,692.28	32,923.06	243,692.12	279,846.01	(36,153.89)	428,000.00
Benefits	5,007.69	7,790.92	31,730.85	62,327.36	(30,596.51)	93,491.00
Retirement Benefits	4,926.33	4,926.33	39,410.64	39,410.64	0.00	59,116.00
Payroll Taxes	2,611.26	2,485.08	18,970.45	21,089.67	(2,119.22)	32,239.00
Unemployment Taxes	103.23	0.00	1,495.79	1,613.00	(117.21)	1,613.00
Consultants	2,500.00	2,500.00	20,000.00	20,000.00	0.00	30,000.00
Executive Director	9,674.33	9,674.33	78,444.16	77,394.64	1,049.52	116,092.00
Legal Services	7,660.43	6,666.67	85,640.89	53,333.36	32,307.53	80,000.00
Accounting Services	0.00	0.00	23,000.00	21,510.00	1,490.00	21,510.00
Accounting Services - NADC	0.00	0.00	1,600.00	1,500.00	100.00	1,500.00
Advertising & Promotion	0.00	0.00	76.00	0.00	76.00	0.00
Marketing	180.00	1,833.33	14,086.49	14,666.64	(580.15)	22,000.00
Sponsorships	0.00	83.33	250.00	666.64	(416.64)	1,000.00
Printing	191.25	83.33	472.18	666.64	(194.46)	1,000.00
Office Supplies	78.27	166.67	930.68	1,333.36	(402.68)	2,000.00
Postage	8.71	0.00	2,261.10	2,574.00	(312.90)	3,950.00
Telephone & Fax	139.09	127.50	1,014.61	1,020.00	(5.39)	1,530.00
Internet Service	269.67	197.42	1,882.13	1,579.36	302.77	2,369.00
Common Area Charges	906.33	906.33	7,250.64	7,250.64	0.00	10,876.00
Energy	1,241.99	1,181.00	13,019.16	11,066.00	1,953.16	16,100.00
Conference & Travel	603.96	1,000.00	6,829.75	8,000.00	(1,170.25)	12,000.00
Employee Training	0.00	500.00	0.00	4,000.00	(4,000.00)	6,000.00
Depreciation Expense	0.00	0.00	0.00	0.00	0.00	6,462.00
Insurance Expense	1,847.47	1,824.42	14,779.76	14,595.36	184.40	21,893.00
Library & Membership	239.00	119.73	2,918.48	2,723.11	195.37	3,202.00
General Office	1,573.32	1,110.00	8,526.77	8,880.00	(353.23)	13,320.00
Repairs & Maintenance	894.50	1,132.25	8,216.94	9,058.00	(841.06)	13,587.00
Computer Support	0.00	500.00	0.00	4,000.00	(4,000.00)	6,000.00
Public Hearings	0.00	25.00	0.00	200.00	(200.00)	300.00
Furniture & Equipment Purchase	0.00	166.67	0.00	1,333.36	(1,333.36)	2,000.00
Other Expense	0.00	83.33	186.29	666.64	(480.35)	1,000.00
Total Operating Expenses	74,349.11	78,006.70	626,685.88	672,304.43	(45,618.55)	1,010,150.00
Net Operating Income/(Loss)	(42,044.75)	(10,989.11)	334,724.07	(978.71)	335,702.78	73,215.00
<u>Non-Operating Revenue & Expense</u>						
Grant Rev- City NF Initiative	0.00	0.00	1,104,000.00	1,072,804.50	31,195.50	2,145,609.00
Grant Sub-City NF Initiative	0.00	0.00	1,104,000.00	1,072,804.50	31,195.50	2,145,609.00
Net Non-Operating Income/(Loss)	0.00	0.00	0.00	0.00	0.00	0.00
Total Net Income/(Loss)	(\$ 42,044.75)	(\$ 10,989.11)	\$ 334,724.07	(\$ 978.71)	335,702.78	\$ 73,215.00

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheet
August 31, 2025

ASSETS

Current Assets		
Cash - Checking	\$	175,297.84
Petty Cash		300.00
Certificates of Deposit		2,600,000.00
Mmkt Acct. - M&T Bank		247,188.90
Cash - First Response		66,668.67
Cash - City of N.F.		955.49
Cataract Tourism C/D		1,400,000.00
Mmkt Acct. - Cataract Tourism		336,555.41
Accts Rec - Public Hearings		1,862.79
Accounts Receivable Niag. Cnty		848.40
Accounts Rec. EDA - RLF		255,833.31
Due To/From Micro RLF		6,149.71
Due To/From VIP - MTF		510,004.42
Due From NCDC CDBG/HUD		5,833.38
Due To/Due From NADC		500.56
Due To/From MTF Operating		121,128.84
Prepaid Insurance		<u>10,244.43</u>
Total Current Assets		5,739,372.15
Other Assets		
Deferred Outflows		204,837.00
Investment in NIIA		<u>342,500.00</u>
Total Other Assets		547,337.00
Fixed Assets		
Furniture & Equipment		231,672.18
Furn & Fixtures - Fed purchase		5,861.08
Accum Dep. - Furn & Equip		(211,340.68)
Accum Dep. - F&F Fed Purch		<u>(5,861.08)</u>
Total Fixed Assets		20,331.50
Total Assets		<u><u>\$ 6,307,040.65</u></u>

LIABILITIES AND NET ASSETS

Current Liabilities		
Accrued Retirement	\$	39,410.64
Deferred Rev. - NEDF		16,666.64
Deferred Rev. - First Repsonse		66,668.67
Def. Rev. - City of N.F.		1,737,510.90
Accounts Payable		12,633.30
Acct. Payable - Niag. County		<u>19,348.66</u>
Total Current Liabilities		1,892,238.81
Long-Term Liabilities		
Pension Liability		115,680.00
Deferred Inflows of Resources		<u>67,839.00</u>
Total Long-Term Liabilities		<u>183,519.00</u>
Total Liabilities		2,075,757.81
Net Assets		
Fund Balance - Operating Fund		3,896,558.77
Net Income		<u>334,724.07</u>
Total Net Assets		<u>4,231,282.84</u>
Total Liabilities & Net Assets		<u><u>\$ 6,307,040.65</u></u>

Unaudited - For Management Purposes Only

**Niagara County Industrial
Development Agency
Aged Payables
As of August 31, 2025**

Vendor ID Vendor	Invoice #	Amount Due
ama	1T13-3J6P-JC96	179.00
Amazon Capital Services	16LC-DY67-L99T	65.98
JEREMY	7/16/25-8/20/25	362.81
Jeremy Geartz		
M&TBUS	Aug 2025	965.60
M&T Bank		
NATGRID	39004 8/25	711.99
National Grid		
sum	69706	191.25
Summit MSP, LLC		
Report Total		<u>2,476.63</u>

Adjusting Journal Entries

Estimated Aug 2025 Legal Fees	6,666.67
Estimated Jul-Aug 2025 Copier usage	400.00
Estimated Jul-Aug 2025 Telephone	60.00
Estimated Aug 2025 Niagara County Electric	500.00
Estimated Aug 2025 Niagara County Gas	30.00
Estimated Aug 2025 Consulting	<u>2,500.00</u>
	<u><u>12,633.30</u></u>

9/4/2025

Closed 2025

TOTAL

703,669

Fees received in prior year _____ -

Total fees received to date in 2025 703,669

Total 2025 Budgeted Fees 527,232

Balance of Budgeted Fees	(176,437)
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Projected 2025TOTAL

627,171	8,000	7,000
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628,171

0

TOTAL - Projected Income 2025

1,330,840	8,000	7,000
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628,171

703,669

Projected 2026TOTAL

0 0 0

0 0

* Pending Board Approval

Cataract Tourism Fund Grant Program

Grantee Name	Grant Awards	Outst'd'g Awards	Approval Date	Disbursement Date	Disbursement Amount	Offer Expiration	Project Description
Niagara County Dept. of Economic Development	37,667	0	10/11/2017	1/23/2018	37,667.00		Feasibility study for Niagara Falls area multi-use facility.
Niagara Aquarium Foundation	88,147	0	2/14/2018	7/15/2019	88,147.00		Jellyfish exhibit and equipment.
The Tourism Research Entrepreneurship Center (TReC)	176,600	0	8/8/2018	6/2/2020	176,600.00		Buildout, audio/visual equipment and network connectivity hardware.
Niagara Aquarium Foundation	16,717	0	2/12/2020	10/21/2020	16,717.00		Renovations to second floor event room.
Niagara Aquarium Foundation	370,000	0	8/14/2019	2/9/2021	370,000.00		Interactive touch pools adjacent to main entrance of the Aquarium.
Red Star Builders, LLC (The Niagara Club)	64,403	0	7/10/2019	9/7/2021	64,403.00		Spot Coffee.
Niagara Falls Center for Tourism LLC	1,000,000	0	6/12/2019	7/7/2023	598,661.03	3/1/2026	Construction of an indoor family entertainment center and outdoor improvements.
The Center for Kashmir, Inc.	573,000	300,000	6/14/2023	8/9/2023	273,000.00		Renovations to vacant church for a museum of art and culture for Kashmir.
Savarino Companies, LLC	155,000	0	4/14/2021	4/26/2023	155,000.00		Rehabilitation of 4,000 square feet of commercial/retail storefront space.
Niagara Aquarium Foundation	900,000	0	2/9/2022	3/6/2025	900,000.00		Renovations to the Niagara Gorge Discovery Center for expanded programming.
Niagara Aquarium Foundation	35,000	0	2/8/2023	1/2/2024	35,000.00		Sea turtle exhibit.
Burger Factory Niagara Falls, Inc.	185,250	0	2/8/2023	1/11/2024	185,250.00		Facade renovations.
Niagara Falls International Cuisine, Inc.	76,500	0	2/8/2023	1/11/2024	44,922.31		Dining area renovations.
TM Montante Development(Radio Niagara)	912,609	912,609	3/22/2023	To Be Disbursed	0.00	11/1/2025	Renovations for restaurant, bar, game space, bowling lounge and boutique hotel.
Live-USA Incorporated	450,000	450,000	8/14/2024	To Be Disbursed	0.00	6/30/2026	Renovation of restaurant, bar and music entertainment venue.
Niagara Falls Urban Renewal Agency	204,000	0	10/9/2024	1/29/2025	204,000.00		Acquisition of properties along Main Street in Niagara Falls.
Niagaras Krispy Crunchy Fried Chicken, LLC	48,750	48,750	6/11/2025	To Be Disbursed	0.00	12/31/2025	Open a Niagaras Krispy Crunchy Fried Chicken restaurant in the Hyatt Hotel in downtown Niagara Falls.
To Date Sub-Total	5,293,643	1,711,359			3,149,367.34		

Cash on hand as of 8/31/2025
1,737,510.90
Less: Outstanding Awards
(1,711,359.00)
Available for awarding grants
26,151.90

Grant Fund Balance

Grant Funding from NYS 11/22/2016
Grant Funding from NYS 10/16/2017
Grant Funding from NYS 10/12/2018

Bank Interest
Bank Fees
246,921.50
(43.26)

Grant Disbursements

Grant Fund Balance

(3,149,367.34)
1,737,510.90

7.1

**Cataract Grant
Hammer & Crown BC**

CATARACT TOURISM FUND APPLICATION

APPLICANT INFORMATION							
Name of Applicant:	Hammer & Crown BC		Corporation Zero8Zero5, Inc	Year 2022		State NY	
Business Address:	462 3rd Street		Partnership	Year		State	
	Niagara Falls, NY 14305		LLC	Year		State	
Contact Person:	John Paul Meterer		LLP	Year		State	
Federal ID #:	87-4437015		Sole Proprietorship	Year			
Phone:	716-345-1257	Email:	HammerAndCrown@gmail.com				
Business Description:							

OWNERSHIP			
Shareholders/Partners	% Interest	Company Officers	Position
John Paul Meterer	45%		President
Lynn Meterer	50%		CFO
Lauren Stummer	5%		Content Director

EMPLOYMENT		
Job Title Description of position- entry level, administration, supervisory, etc.	Existing Jobs (number)	Jobs to be Created (number)
General Manager	0	1
Kitchen Manager	0	1
Bartender	0	6-8
Front of House Staff	0	12-15
Kitchen/Brewhouse Staff	0	8-10

SOURCES & USES OF FUNDS			
Project Costs		Sources of Funds	
Property Acquisition	\$0 (No rent until opening)	Bank	
New Construction	\$100,000	Niagara Tourism Grant Fund	
Machinery/Equipment	\$75,000	Equity/Cash	\$150,000
Furniture/Fixtures	\$20,000	Other: (Specify) Merchandise Sales	\$10,000
Fees/Soft Costs	\$15,000	Other: (Specify) Potential Investors	\$60,000
Other		Other: (Specify)	
TOTAL	\$220,000	TOTAL	\$220,000

PROJECT INFORMATION			
Summary Project Description:			
<p>Hammer & Crown Brewing Company will be a full service brewpub & restaurant. Located at 462 3rd Street, it has been used for nearly a century as a restaurant, nightclub and bar. Using much of the existing infrastructure, including the bar, plumbing, and much of the existing electrical will dramatically reduce startup cost and shorten construction time.</p> <p>The current layout of the building is not conducive to holding both a brewery and kitchen, so a large part of our construction involves building a new kitchen in the center of the building while converting the existing kitchen to a brewing space. The existing hood fans, ventilation and Ansel System are all recently installed and up to code; the intent is to reinstall them in the new kitchen. We are also completely renovating the bathrooms, making unisex ADA-compliant spaces.</p> <p>The bar and dining room will be completely refurbished with all new booths, tables, stools and fixtures. A small front "lounge area" will be laid out in a nook, with the opposing nook to contain an area for merchandise and to-go beer sales. A new outdoor patio has already been constructed and will be home to a beer garden with communal seating. If available, there will also be limited outdoor seating in the front of the building.</p> <p>A new roof will be installed directly over the brewing area and kitchen to ensure space for proper ventilation and exhaust. There will also be a fire safety system built in with all necessary alarms, strobes and signage.</p> <p>Our entire design is built around making Hammer & Crown a warm, inviting spot for tourists and locals. It will feel like a local pub, with plenty of brick and wood, and comfortable seating. Finally, it is worth noting that our goal is for Niagara Falls, NY to become the destination it once was. Our intention is to not stop at just one restaurant. We firmly believe that with dedicated investment the downtown area can be better than it ever has been.</p>			
Estimated Project State Date:	12/01/2022	Estimated Project Completion Date:	06/01/2023

Please 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.

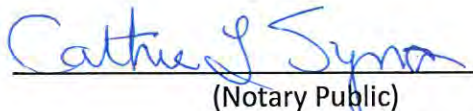

(Applicant Signature)

Hammer & Crown BC

By: _____

Name: John Paul Meteer

Title: President


(Notary Public)

Cathie L. Synor
Notary Public, State of New York
Qualified in Niagara County
Commission Expires January 23, 2023

[stamp]

Sworn to before me this 7th day

of March, 2023

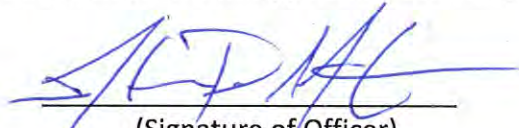
COMPANY ACKNOWLEDGEMENT

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. The applicant hereby acknowledges that the Agency charges a fee of 3% of the grant amount, which is inclusive of Agency Counsel fees.

STATE OF NEW YORK)
COUNTY OF) ss.:

JOHN P. METZGER, being first duly sworn, deposes and says:

1. That I am the PRESIDENT (Corporate Office) of HAMMER & CROWN BC (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 7th day of March, 2023.


(Notary Public)

Cathie L. Synor
Notary Public, State of New York
Qualified in Niagara County
Commission Expires January 23, 2025

7.2

235 River Road, LLC

INDUCEMENT EXTENSION RESOLUTION

(235 River Road LLC Project)

A regular meeting of Niagara County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 6311 Inducon Corporate Drive, Suite One, Sanborn, New York on the 10th day of September, 2025 at 9:00 a.m., local time.

The meeting was called to order by the Chairperson and, upon roll being called, the following members of the Agency were:

PRESENT:

ABSENT:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Andrea Klyczek	Executive Director
Michael Dudley	Finance Manager
Susan Barone	Grants & Operations Manager
Jeremy Geartz	Project Manager
Julie Lamoreaux	Administrative & Human Resource Officer
Mark Gabriele, Esq.	Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. _____

RESOLUTION AUTHORIZING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO EXTEND THE INDUCEMENT TERM FOR 235 RIVER ROAD LLC FOR A SIX-MONTH PERIOD WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DEFINED BELOW) TO BE UNDERTAKEN BY THE AGENCY FOR THE BENEFIT OF 235 River Road LLC OR AN ENTITY FORMED OR TO BE FORMED.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 569 of the Laws of 1972 of the State of New York (the "Act"), **NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to own, lease and sell property and to issue its bonds as authorized by the Act; and

WHEREAS, **235 RIVER ROAD LLC** and/or an individual(s) or affiliate, subsidiary, or entity or entities formed or to be formed on its behalf (the "Company"), has submitted an application to the Agency, a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") consisting of: (A) the acquisition by the Agency of a leasehold interest in land located at 235 River Road in the City of North Tonawanda, Niagara County, New York (the "Land"); (B) the construction of three (3) buildings totally an approximate 119,000 square foot to include 87 market rate apartment units and commercial space (the "Improvements"); and (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment" and collectively with the Land and the Improvements, the "Facility"); and

WHEREAS, the Company has requested that the Agency extend this inducement for an additional 6-month period; and

WHEREAS, the Agency desires to adopt a resolution authorizing the extension of the inducement term for an additional 6-month period.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:

Section 1. The Agency hereby approves the extension of the inducement term for this Project for an additional 6-month period.

Section 2. This Resolution shall take effect immediately.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	[]	[]	[]	[]
Jason Krempa	[]	[]	[]	[]
William L. Ross	[]	[]	[]	[]
Mark D. Berube	[]	[]	[]	[]
David J. Masse	[]	[]	[]	[]
Ryan Mahoney	[]	[]	[]	[]
Susan Langdon	[]	[]	[]	[]
William Fekete	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

STATE OF NEW YORK)
) SS.:
COUNTY OF NIAGARA)

I, the undersigned (Assistant) Secretary of Niagara County Industrial Development Agency (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on September 10, 2025 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 10th day of September, 2025.

[SEAL]

(Assistant) Secretary

7.3

**Wheatfield Gardens,
LLC**



September 4, 2025

Niagara County Industrial Development Agency
6311 Inducon Corporate Drive
Sanborn, NY 14132

Re: Update on Wheatfield Gardens Project Timeline

Dear Board Members,

I am writing to provide an update regarding our project with the Niagara County Industrial Development Agency. As you know, Wheatfield Gardens is committed to bringing new investment and quality jobs to Niagara County through our Controlled Environment Agriculture Business.

Since our initial application, there has been a change in our business circumstances that has delayed the timing of our proposed investments and hiring. Specifically, we have recently pivoted away from commodity crops like tomatoes and cucumbers to specialty crops where the profit margins are much better than commodity crops. While this has temporarily slowed our progress, we remain fully committed to advancing our project in Niagara County. As a result of this change in our business plan we have more than doubled the number of full time employees from a year ago. We are on track to continue this trend into next year.

We continue to actively work on aligning our financing, operational planning, and compliance milestones so that we can move forward responsibly. Our expectation is that, once these matters are resolved, we will resume onboarding employees consistent with our original proposal.

We appreciate the Agency's support and patience as we navigate this adjustment. Please be assured that our long-term commitment to Niagara County, its workforce, and its economic development goals remains unchanged. We are requesting an extension to current project timeline to achieve these goals.

Thank you for your understanding and continued partnership. We will provide further updates as our revised project timeline becomes clearer, and we welcome the opportunity to meet with you to discuss next steps.

Sincerely,

Paal Elfstrum
CEO
Wheatfield Gardens LLC
(917)502-1863

Wheatfield Gardens LLC, 7341 Shawnee Rd, North Tonawanda, N.Y., 14120

NCIDA

APPLICATION FOR ASSISTANCE

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

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

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

I. APPLICANT DATA

A.

APPLICANT NAME	<u>Wheatfield Gardens, LLC</u>
ADDRESS	<u>7341 Shawnee Road</u>
CITY/STATE/ZIP	<u>North Tonawanda, NY 14120-1325</u>

B. APPLICANT'S OFFICER RESPONSIBLE FOR COMPLETING THIS APPLICATION

NAME	<u>Arnold S. Rogers</u>
TITLE	<u>Manager</u>
MAILING ADDRESS	<u>1022 Park Street, Suite 206</u>
CITY/STATE/ZIP	<u>Jacksonville, Florida 32204</u>
TELEPHONE	<u>(904) 359-0006</u>
FAX	<u>904-359-0044</u>
E-MAIL	<u>arogers@merrimaccapital.com</u>
APPLICANT'S TAX ID NUMBER	<u>47-3285634</u>

- C. **BUSINESS TYPE**
- | | |
|-------------------------------------|----------------------------|
| <input type="checkbox"/> | Sole Proprietorship |
| <input type="checkbox"/> | Partnership |
| <input type="checkbox"/> | Privately-held Corporation |
| <input type="checkbox"/> | Public Corporation |
| <input type="checkbox"/> | Not-for-Profit Corporation |
| <input checked="" type="checkbox"/> | LLC |
| <input type="checkbox"/> | Other |

D. **STATE OF INCORPORATION:**

New York

- E. **IS APPLICANT AUTHORIZED TO DO BUSINESS IN NEW YORK STATE?** ☒ Yes ☐ No

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

<u>Name</u>	<u>%</u>	<u>Corporate Title</u>
<u>Power Greenhouse Integration, LLC</u>	<u>45</u>	<u>Member</u>
<u>Happy Greens, Inc.</u>	<u>40</u>	<u>Member</u>
<u>Green Growth LLC</u>	<u>15</u>	<u>Member</u>

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

☐ Yes ☒ No

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

H. **APPLICANT'S LEGAL COUNSEL**

FIRM NAME	<u>Martin J. Clifford, Esq.</u>
ADDRESS	<u>403 Main Street, Suite 716</u>
CITY/STATE/ZIP	<u>Buffalo, New York 14203</u>
TELEPHONE	<u>716-845-0333</u>
ATTORNEY'S NAME	<u>Martin J. Clifford, Esq.</u>
E-MAIL	<u>mclifford@cliff-law.com</u>

II. PROJECT & OCCUPANCY DATA

A. LOCATION OF PROPOSED PROJECT FACILITY

ADDRESS 7341 Shawnee Road, Wheatfield, New York 14120

PRINCIPAL USE Greenhouse

SBL # 177.01-1-47.1

ZONING M-1 (41.288 AC); R-3 (.629AC)

B. INDICATE MUNICIPAL JURISDICTION

TOWN Wheatfield

VILLAGE N/A

CITY N/A

SCHOOL DISTRICT Starpoint

C. CURRENT OWNERSHIP OF PROPERTY

CURRENT OWNER Wheatfield Gardens LLC

CURRENT ASSESSMENT 480,000

CURRENT TAXES (ANNUAL) _____

CURRENT BUSINESS
OPERATING AT LOCATION? Yes

IF YES, EXPLAIN: _____

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

COMPANY NAME	Same
ADDRESS	Same
CITY/STATE/ZIP	Same
CONTACT	Same
TELEPHONE	Same
TAX ID #	Same
% OF FACILITY TO BE OCCUPIED BY COMPANY	100

- E. Are other facilities or related companies located within New York State: ☐ Yes ☒ No

LOCATION _____

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

☐ Yes ☒ No

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

☒ Yes ☐ No

If yes, please describe on separate sheet.

- G. Description of project (check one or more)

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

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

The project will re-activate a 12.5 acre greenhouse situated on approximately 41.917 acres of land in the county creating approximately 40 jobs over the first full year of operation. The greenhouse was originally constructed to satisfy the thermal user requirements associated with the Public Utility Regulatory Policy Act of 1978 (PURPA) that required privately owned electricity generating facilities to either meet certain efficiency standards or to have a thermal host which caused them to meet the efficiency standards. Over time PURPA was modified and energy policies were significantly altered making many of the "thermal hosts" no longer viable. The operating requirements for the electricity generation generally were not synchronized with the needs of the thermal hosts and the rules were changed to allow abandonment of many of these facilities. The original project combined a 60 MW electricity generating facility with the 12.5 acre greenhouse (thermal host).

The operation of the greenhouse was never optimized and it was finally closed down approximately 2 years ago. Wheatfield Gardens, LLC has been seeking a suitable site for demonstrating advanced greenhouse technology including an on-site Combined Heat and Power facility and LED lighting. Wheatfield Gardens, LLC believes that this is an excellent opportunity to demonstrate its new technological improvements and to grow and supply locally grown produce to Western New York on a year round basis.

Wheatfield Gardens, LLC will provide locally grown produce but also intends to have its production certified as "Organic". The facility is ideally located to serve 2 very large specific customers who have expressed early interest in purchasing the facility's produce. A prominent Western New York grocery chain has indicated a strong interest in purchasing locally produced products to serve their stores. In addition, a large Western New York marketer of kosher vegetables has expressed interest in entering into a significant contractual agreement with Wheatfield Gardens, LLC to produce Kosher Certified Organic salads and other vegetable products.

The ultimate result of the above, after a number of phases of improvements have been successfully financed and completed, will be a "state of the art" greenhouse and processing facility that will have up to 89 full time and 11 part time employees. The facility's unique technology will enable Wheatfield Gardens, LLC to grow locally grown produce year round and to supply the same to local grocers, who currently rely on foreign or out-of-state suppliers for produce during the off-season.

III. COMPANY EMPLOYMENT INFORMATION

- A. Total current employment within Niagara County is

FULL-TIME: 18

PART-TIME: 0

Current Annual Payroll Including benefits

\$ 608,400

B. Projected Employment:

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

IV. EMPLOYMENT IMPACT

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

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

☒ Yes ☐ No

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

Niagara County: 25 Erie County: Other Areas:

V. APPLICANT PROJECT COSTS AND FINANCING

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

Estimated Costs Eligible for Sales Tax Exemption Benefit

a. Building Construction or Renovation Costs	a.	\$
b. Sitework	b.	\$
c. Non-manufacturing Equipment	c.	\$
d. Furniture, Fixtures	d.	\$450,000*
e. Other (specify)	e.	\$
f. Subtotal	f.	\$450,000

Estimated Costs Not Subject to Sales Tax

g. Land and/or building purchase	g.	\$
h. Manufacturing Equipment	h.	\$2,000,000
i. Soft Costs (Legal, Architect, Engineering)	i.	\$ 50,000
j. Other (specify)	j.	\$
k. Subtotal	k.	\$2,050,000

Total Project Costs	f & k	\$2,500,000
---------------------	-------	-------------

- B. Indicate how the project will be financed

a. Tax-Exempt IRB	a.	\$
b. Tax-Exempt Bond	b.	\$
c. Taxable IRB	c.	\$
d. Bank Financing	d.	\$2,500,000
e. Public Financing	e.	\$
f. Equity	f.	\$

TOTAL SOURCES	\$2,500,000
---------------	-------------

Estimated Amount of Mortgage	\$2,500,000
------------------------------	-------------

* Boiler and Float System

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

- D. Has the applicant made any arrangements for the financing of the project? ☐ Yes ☒ No

If so, please specify bank, underwriter, etc.

VI. PROJECT CONSTRUCTION INFORMATION

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

The project purchase of the existing assets was completed in April, 2015. The initial efforts are centered on bringing the existing building systems including the irrigation systems back on line. This will be paralleled by the initial internal renovations of the vine product growing systems in 8.25 acres of the project. (tomatoes, cucumbers, peppers, etc.).

For the future, an additional 4.25 acres of the existing greenhouse could be converted from a vine crop system to a seed crop system by installing a float system in part of the facility. (lettuces, herbs, field greens, etc.). Lighting using proprietary fixtures and LED technology will be installed based on an October 1, 2015 initial start up (approximately \$2.2 million) This will require a rework of the current incoming power service from a 500 KV to a 2,000 KV system and new transformer.

A Power Island consisting of a 1.6 MW reciprocating engine and all of the associated Combined Heat and Power (CHP) equipment will be installed on a 5.5 acre section of the greenhouse (this area will be designated as the Advanced Technology area and will use both proprietary and patented technology developed by PGI) The total investment in this section will be approximately \$8 million dollars. This section will be completed by the end of December 2016.

Full operation of the 12.5 acres of greenhouse including new LED lighting and the Advanced Greenhouse having a CHP system and advanced lighting along with the standard greenhouse operation should be available by the end of 2016.

The Advanced Technology Greenhouse will have total environmental control which will provide heating, cooling, CO2 enhancement and LED grow lighting demonstrating the impacts associated with total environmental and lighting control. Of note, the CO2 created by

the combustion of natural gas in the reciprocating engine will be absorbed by the plant matter being raised in the advanced technology section of the greenhouse. The result will be a near zero environmental impact.

Both the LED lighting system and the Advanced Technology Power Island and HVAC system could be transacted as an Operating Lease. The total capital associated with these leases will be roughly \$10 million.

Total employment for the company at Wheatfield Gardens after all the improvements have been made could be up to 100 full time workers.

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

Closing on the property took place in April, 2015. Subject to satisfaction of the conditions and the information regarding timing set forth in Section A above, the vine section of the greenhouse 8.25 acres will be activated and planted as soon as possible with the first products being produced by August 2015. This section will be comprised of tomatoes, eggplant, long english cucumbers and mini cucumbers.

For the future, the float systems could be installed and activated as soon as possible in the 2.75 acre section of the greenhouse. The first 1/2 acre should be planted in 2H2015 with additional acreage completed soon thereafter. These areas will be designed to grow romaine lettuce, green leaf lettuce, red leaf lettuce, aruguls, and spring mix leafy products grown from seed. We will also consider the installation of an 8,000 square foot building and equipment to coincide with the leafy green production. This section will wash, chop, blend and package prepared salad mixes to meet customer demand. This section of the facility will be new and will be designed to meet very strict food safety standards (including Kosher standards). The LED lighting will be installed starting in October 1, 2015 to assist with the growing during the winter season.

The Power Island and HVAC system could be completed in the 1.5 acre section in 2016. This will provide an ultra filtered environment for the 1.5 acres along with positive control of CO₂, humidity, heating and cooling of this space. The ultra clean environment is essential in meeting Kosher standard requirements for most leafy products.

VII. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings. In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- B. First Consideration for Employment: In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C. Annual Sales Tax Filings: In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- D. Annual Employment Reports: The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.
- E. Absence of Conflicts of Interest: The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described: _____.
- F. Local Labor: The Applicant understands that the residents of Niagara County will be providing assistance to the project. The Applicant further understands that every project seeking NCIDA assistance must use best efforts to use Niagara County labor for the construction of new, expanded or renovated facilities. This requirement includes all project employees of the General Contractor, Subcontractor or sub to a Subcontractor, working on the project. Applicant agrees and understands the obligations herein, and agrees to transmit and convey in a timely fashion this requirement to all applicable contractors, subcontractors, suppliers and materialmen.

- G. Hold Harmless. Applicant hereby releases 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. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete. 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 the respect to the Project, then, an in the event, upon presentation of an invoice regarding the same, the Applicant shall pay to the Agency, its age or assigns, all incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

Name of Applicant's Officer Responsible for Completing Application:

(Please Print)

ARNOLD S. ROGERS

Signature

AS Rogers, MANAGER

Date of Application

7-29-2015

VIII. ENVIRONMENTAL ASSESSMENT

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

CERTIFICATION

Wheatfield Gardens, LLC
Name of chief executive of the company submitting application

Deposes and says that he/she is the Manager_of Wheatfield Gardens, LLC, the corporation named in the attached application; that he/she has read the foregoing application and knows the contents thereof; that the same is true to his/her knowledge. Deponent further says the reason this verification is made by the deponent and not by Wheatfield Gardens, LLC, (company name) is because the said company is a corporation. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his/her own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his/her duties as an officer of and from the books and papers of said corporation.

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

Applicant hereby releases 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. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between the Agency and the applicant.

The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete. 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 the respect to the Project, then, and in the event, upon presentation of an invoice regarding the same, the Applicant shall pay to the Agency, its agent or assigns, all incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

ARNOLD S. ROGERS

Print Name of Chief Executive

A. S. Rogers

Signature

NCIDA

APPENDIX A

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PROJECTED EMPLOYMENT*

	Full-Time		Part-Time	Total	Total Payroll*
Total number of employees within Niagara County at the date of Application	28	+	0	28	608,400
Total number of employees to be directly IMPACTED by the project	0	+	0	0	0
ADD: Number of new jobs to be created during the first year after completion:	25	+	0	25	270,400
Total end of First Year:	53	+	0	53	878,800
ADD: Number of new jobs to be created during the second year after completion:	20	+	0	20	870,000
Total end of Second Year:	73	+	0	73	1,774,800
ADD: Number of new jobs to be created during the third year after completion:	12	+	0	12	859,200
Total end of Third Year:	85	+	0	85	3,043,000
Estimated Average annual salary of NEW jobs created:	35,080				
Expected high salary of NEW jobs created:	80,000				
Expected low salary of NEW jobs created:	26,000				

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

Assistant Grower, Maintenance Manager and Technicians, Packing & Processing Manager, Pack House Workers, Greenhouse Supervisors, Office Manager, Receptionist, Office Manager

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

Arnold S. Rogers

Print Name

Signature

8/19/15

Date

8.1

**Woodstream
Landing LLC**

PROJECT SUMMARY
Woodstream Landing, LLC



Applicant:	Woodstream Landing LLC	
Project Location:	Sawyer Drive Wheatfield NY 14304	
Assistance:	10 Year PILOT Sales Tax Abatement Mortgage Recording Tax Abatement	
Description:	<p>Woodstream Landing LLC will be creating 80 market rate units on Sawyer Drive in Wheatfield, NY. These units will consist of Eight (8) two story buildings, creating 16 three bedroom units, 16 one bedroom units, and 48 two bedroom units of work force housing available to the Town of Wheatfield and surrounding area. This increase in housing will align with the Governor's office seeking to build 800,000 homes across NYS over the next decade in the Housing Compact.</p> <p>This residential complex is in close proximity to a multitude of commercial businesses in the Town of Niagara, including the Fashion Outlets, increasing traffic and spending to the multitude of local businesses in the Wheatfield / Niagara Region.</p>	
Project Costs:	Construction/Improvements Furniture, Fixtures & Equipment Soft costs Other TOTAL	\$ 12,400,000 \$ 1,300,000 \$ 500,000 \$ _____ \$ 14,295,000
Employment:	Current jobs in Niagara County: 0 New Jobs in Niagara County within 3 years: 2 Total Annual Payroll End Year 3: \$100,000 Skills: Management, Administrative	
Evaluative Criteria:	Regional Wealth Creation, Supports Local Business or Cluster, In region Purchases, Increasing available housing	

Niagara County Industrial Development Agency

MRB Cost Benefit Calculator

Date September 2, 2025
 Project Title Woodstream Landing LLC
 Project Location 2097,2093,2089,2091,2087,2083 & 2085 Sawyer Drive, Wheatfield NY, 14132



Economic Impacts

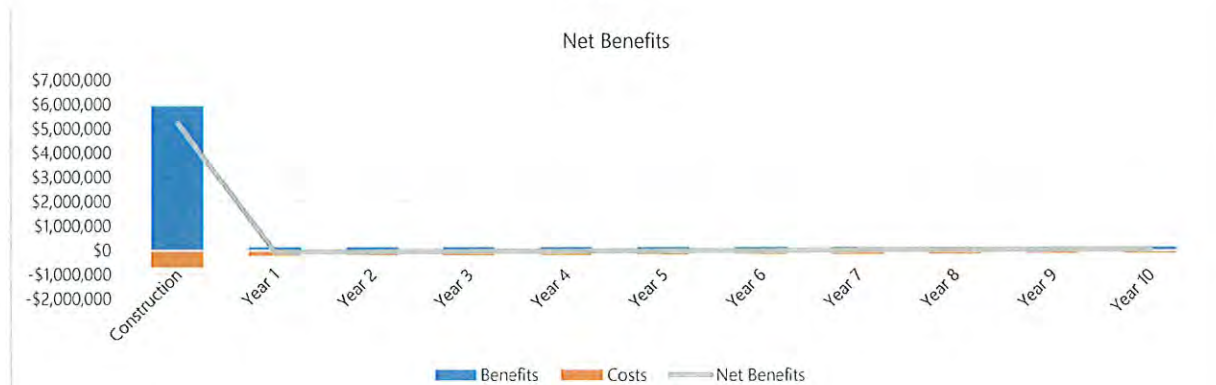
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$14,295,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	120	23	142
Earnings	\$4,405,480	\$1,199,237	\$5,604,717
Local Spend	\$11,436,000	\$4,126,570	\$15,562,570

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	2	0	2
Earnings	\$1,058,297	\$288,084	\$1,346,381

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

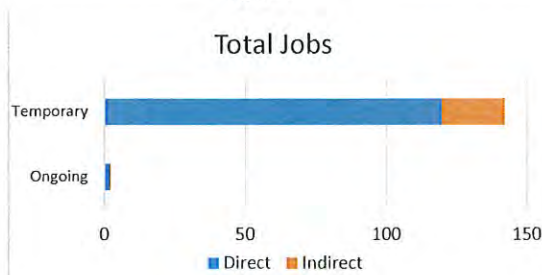


Figure 3



Fiscal Impacts

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$1,479,264	\$1,347,626
Sales Tax Exemption	\$600,000	\$600,000
Local Sales Tax Exemption	\$300,000	\$300,000
State Sales Tax Exemption	\$300,000	\$300,000
Mortgage Recording Tax Exemption	\$85,770	\$85,770
Local Mortgage Recording Tax Exemption	\$28,590	\$28,590
State Mortgage Recording Tax Exemption	\$57,180	\$57,180
Total Costs	\$2,165,034	\$2,033,396

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$8,027,771	\$7,763,219
To Private Individuals	\$6,951,098	\$6,810,794
Temporary Payroll	\$5,604,717	\$5,604,717
Ongoing Payroll	\$1,346,381	\$1,206,077
Other Payments to Private Individuals	\$0	\$0
To the Public	\$1,076,673	\$952,425
Increase in Property Tax Revenue	\$1,028,016	\$904,749
Temporary Jobs - Sales Tax Revenue	\$39,233	\$39,233
Ongoing Jobs - Sales Tax Revenue	\$9,425	\$8,443
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$361,457	\$354,161
To the Public	\$361,457	\$354,161
Temporary Income Tax Revenue	\$252,212	\$252,212
Ongoing Income Tax Revenue	\$60,587	\$54,273
Temporary Jobs - Sales Tax Revenue	\$39,233	\$39,233
Ongoing Jobs - Sales Tax Revenue	\$9,425	\$8,443
Total Benefits to State & Region	\$8,389,228	\$8,117,380

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$7,763,219	\$1,676,216	5:1
State	\$354,161	\$357,180	1:1
Grand Total	\$8,117,380	\$2,033,396	4:1

*Discounted at 2%

Does the IDA believe that the project can be accomplished in a timely fashion ☒ Yes

Additional Revenues:

County	\$0
City/Town/Village	\$0
School District	\$0

*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 potential for a recapture of sales tax exemptions (see "Recapture" on page 11 of the Application).
(To be used on NYS ST-60)

Additional Comments from IDA

0

Does the IDA believe that the project can be accomplished in a timely fashion? ☒ Yes

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

Woodstream Landing 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 May 2025

Please note the following Application conditions:

1. One (1) original signed copy of the Application for Assistance along with a signed Environmental Assessment form is to be submitted to the Niagara County Industrial Development Agency ("Agency").
2. A **\$1,000.00 non-refundable application fee** payable to the Niagara County Industrial Development Agency **MUST** accompany the Application submission.
3. 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.
4. At the time of the Project closing, the project Applicant is required to pay certain costs associated with the Project, including payment of an Agency Fee in the amount of 1% of the total value of the project, and payment of 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.

IMPORTANT NOTE: In the event of a project termination or withdrawal, the Applicant will still be responsible for payment of the Agency Counsel fees mentioned above.

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: Woodstream Landing LLC

Mailing Address: 2860 Grand Island Blvd

City/Town/Village & Zip code: Grand Island, NY 14072

Phone: 716-773-7707 Office / 716-553-0023 Cell (Dave Mazur)

Website: www.wynorthstar.com

Fed Id. No.: 39-3470010

Contact Person and Title: David Mazur, Managing Member

Email: dmaz1955@gmail.com AND expert@empiredismantle.com

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

David Mazur 50% John Mazur 50%

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

Form of Entity

☐

Corporation

Date of Incorporation: _____

State of Incorporation: _____

☐

Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

☒

Limited Liability Company/Partnership (number of members ² _____)

Date of organization: 7/29/2025

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: Lewandowski & Associates LLP

Contact Person, and Title: Brian Lewandowski

Mailing Address: 721 Center Road

City/Town/Village & Zip code: West Seneca, NY 14224

Email: blewandowski@lewandowskiandassoc.com

Phone: (716) 674-4710

Fax No.: (716) 674-5595

II. PROJECT INFORMATION

A) Project Address: 2097,2093,2089,2091,2087,2083 & 2085 Sawyer Drive, Wheatfield NY, 14132

Tax Map Number (SBL) 161.02-1-811
(Section/Block/Lot)

SWIS Number 29400

Located in City of _____

Located in Town of Wheatfield

Located in Village of _____

School District of Niagara Wheatfield

B) Current Assessment of Property:

Land \$116,000.00

Total \$116,000.00

C) Present legal owner of the site Regal Property Holdings LLC

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

Applicants are the owners of Regal Property Holdings LLC

D) Describe the project:

Construction of 80 unit market rate residential complex consisting of eight
2 story buildings. Four buildings will have 12 units each, 4 buildings will have 8
units each = 80. 161 parking spaces. There will be 16 three bedroom units, 16
one bedroom units, and 48 two bedroom units

1. Project site (land)

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

9.8 Acres

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

Vacant

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

N/A

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

Yes, 8 buildings total, 90,688 sf

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.

Four 12 unit bldgs @ 14,688 each / Four 8 unit bldgs @ 7984 sf each Total = 90,688 sf

6. Will onsite childcare be provided at the project facility?

N/A

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

N/A

8. 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.

- G) Project Annual Compliance Reporting Contact(s) - Upon project closing, there are several required annual compliance reports applicable to the Project that will need to be completed each year throughout the length of the financial assistance. Please list contact information for the Annual Reports that will include; Local Labor, Project Investment, Project Employment, Insurance verification.

Name/Title: David Mazur / Managing Partner Name/Title: _____
 Address: 2860 Grand Island Blvd Address: _____
Grand Island, NY 14072 _____
 Phone: (716) 773-7707 Phone: _____
 Email: expert@empiredismantle.com Email: _____

III. SOURCES & USES OF FUNDS

- A) Estimated Project Costs:

Property Acquisition	\$	95,000
Construction (Improvements)	\$	12,400,000
Equipment Purchases/Fixtures/Furnishings	\$	1,300,000
Soft costs (i.e. engineering, architectural)	\$	500,000
Other (describe)	\$	
TOTAL USES OF FUNDS	\$	14,295,000

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

Bank Financing	\$	11,436,000
Equity	\$	2,859,000
Grants/Tax Credits	\$	
Taxable or Tax Exempt Bond	\$	
Other	\$	
TOTAL SOURCES OF FUNDS	\$	14,295,000

- C) Identify each state and federal grant/credit:

	\$	
	\$	
	\$	
	\$	
TOTAL PUBLIC FUNDS	\$	0

IV. FINANCIAL ASSISTANCE REQUESTED

A.) Benefits Requested:



Sales Tax Exemption



Mortgage Recording Tax Exemption



Real Property Tax Abatement (PILOT)

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

Property Tax Exemption

Estimated duration of Property Tax exemption: 10

Sales and Use Tax

Estimated value of Sales Tax exemption for facility construction: \$ 600,000

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

Estimated duration of Sales Tax exemption: 2

Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax exemption: \$ 85,770

C.) Financial Assistance Determination:

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



Yes



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 (3 yrs after project completion)	Created Jobs Average Annual Salary
Full Time	0		2	\$ 50,000
Part time		\$ 0		
TOTAL FTEs		\$ 0	2	\$ 100,000

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

Category of Jobs to be Retained and Created:

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

VI. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

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

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

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

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

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

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

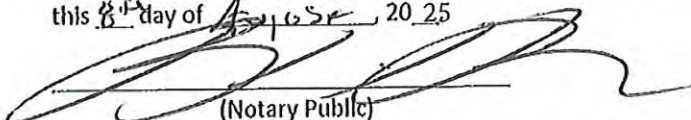
David Mazur, being first duly sworn, deposes and says:

1. That I am the Managing Member (Corporate Office) of Woodstream Landing 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)

Brad G. Bowman
Notary Public, State of New York
Reg. No. 01BO6266039
Qualified in Erie County
Commission Expires July 23, 2028

Subscribed and affirmed to me under penalties of perjury
this 8th day of August, 2025


(Notary Public)

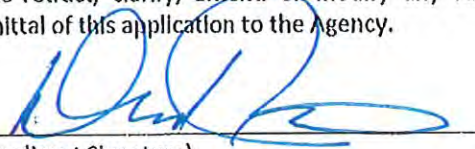
This Application should be submitted to the Niagara County Industrial Development Agency, 6311
Inducon Corporate Drive, Suite One, Sanborn, New York 14132.

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

HOLD HARMLESS AGREEMENT

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


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


(Applicant Signature)

By: _____

Name: David Mazur

Title: Managing Member


(Notary Public)

Sworn to before me this 22 day

of August, 2025

Brad G. Bowman
Notary Public, State of New York
Reg. No. 01BO6266039
Qualified in Erie County
Commission Expires July 23, 2028

Real Property Tax Benefits (Detailed):

** This section of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.

PILOT Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$12,400,000	\$5,000,000	13.016257	0.000000	38.436403

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	20%	\$ 13,016	\$ -	\$ 38,436	\$ 51,453	\$ 257,263	\$ 205,811
2	25%	\$ 16,270	\$ -	\$ 48,046	\$ 64,316	\$ 257,263	\$ 192,947
3	30%	\$ 19,524	\$ -	\$ 57,655	\$ 77,179	\$ 257,263	\$ 180,084
4	35%	\$ 22,778	\$ -	\$ 67,264	\$ 90,042	\$ 257,263	\$ 167,221
5	40%	\$ 26,033	\$ -	\$ 76,873	\$ 102,905	\$ 257,263	\$ 154,358
6	45%	\$ 29,287	\$ -	\$ 86,482	\$ 115,768	\$ 257,263	\$ 141,495
7	50%	\$ 32,541	\$ -	\$ 96,091	\$ 128,632	\$ 257,263	\$ 128,632
8	55%	\$ 35,795	\$ -	\$ 105,700	\$ 141,495	\$ 257,263	\$ 115,768
9	60%	\$ 39,049	\$ -	\$ 115,309	\$ 154,358	\$ 257,263	\$ 102,905
10	65%	\$ 42,303	\$ -	\$ 124,918	\$ 167,221	\$ 257,263	\$ 90,042
TOTAL		\$ 276,595	\$ -	\$ 816,774	\$ 1,093,369	\$ 2,572,633	\$ 1,479,264

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

File

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: Woodstream Landing		
Project Location (describe, and attach a general location map): Sawyer Drive, Wheatfield, NY		
Brief Description of Proposed Action (include purpose or need): Construction of four (4) 3,992 +/- sq. ft. and four (4) 7,344 +/- sq. ft. multi-family apartments with associated parking, utilities, landscaping, and stormwater management systems.		
Name of Applicant/Sponsor: Regal Property Holdings, LLC		Telephone: (716) 773-7709 716-773-7707 E-Mail: empiredc@sysr.com
Address: 2680 Grand Island Blvd.		EXPERT@empiredismantle.com
City/PO: Grand Island	State: NY	Zip Code: 14072
Project Contact (if not same as sponsor; give name and title/role):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Wheatfield	
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Town of Wheatfield	
c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	Town of Wheatfield	
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC	
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input 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 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. If Yes, what is the zoning classification(s) including any applicable overlay district?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>C-1, commercial</u>	
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<u>Niagara Wheatfield Central School District</u>
b. What police or other public protection forces serve the project site?	<u>Niagara County Sheriff</u>
c. Which fire protection and emergency medical services serve the project site?	<u>Bergholz Fire Department</u>
d. What parks serve the project site?	<u>Cayuga Youth Athletic Association</u>

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)? <u>Residential Apartment Buildings</u>	
b. a. Total acreage of the site of the proposed action?	<u>9.54</u> acres
b. Total acreage to be physically disturbed?	<u>7.29 +/-</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>9.54</u> acres
c. Is the proposed action an expansion of an existing project or use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If No, anticipated period of construction: <u>12</u> months	
ii. If Yes:	
• Total number of phases anticipated _____	
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year	
• Anticipated completion date of final phase _____ month _____ year	
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____	

f. Does the project include new residential uses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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				80
At completion of all phases				80

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: <u>Retention/ Quantily Control</u>	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: <u>Stormwater Runoff</u>	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: <u>0.005</u> million gallons; surface area: <u>0.26</u> acres	
v. Dimensions of the proposed dam or impounding structure: <u>10</u> height; <u>242</u> length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): <u>Earth excavation</u>	

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) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. What is the purpose of the excavation or dredging? <u>Site work and Infrastructure construction</u>	
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. <u>Material to be excavated is expected to be earth, gravel and rock. Developer intends for the site to balance and for material to be moved.</u>	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? <u>5.54</u> acres	
vi. What is the maximum area to be worked at any one time? <u>5.0</u> acres	
vii. What would be the maximum depth of excavation or dredging? <u>10</u> feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: <u>Single Family Residential Apartment Buildings</u>	

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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water?

☒ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ 20,000 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: Niagara County Water District
- 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: _____ 20,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities?

☒ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: NCSD#1
- Name of district: Niagara County Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • Will a line extension within an existing district be necessary to serve the project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p>_____ Square feet or <u>3.09</u> acres (impervious surface)</p> <p>_____ Square feet or <u>9.54</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Catch basins, storm drain pipes, drainage swales, roof leaders, roofs, driveways and roadways</u></p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p><u>A NYSDEC SPDES compliant storm water detention system then overland to Bergholz Creek</u></p> <p>_____</p> <p>• If to surface waters, identify receiving water bodies or wetlands: _____</p> <p>_____</p> <p>• Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p><u>Personal vehicles</u></p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p><u>Generators, air compressors</u></p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p><u>N/A</u></p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ 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) 	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend</p> <p><input type="checkbox"/> Randomly between hours of _____ to _____</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7 am - 7 pm • Saturday: _____ 7 am - 7 pm • Sunday: _____ 7 am - 7 pm • Holidays: _____ N/A </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ N/A • Saturday: _____ N/A • Sunday: _____ N/A • Holidays: _____ N/A </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7 am - 7 pm • Saturday: _____ 7 am - 7 pm • Sunday: _____ 7 am - 7 pm • Holidays: _____ N/A 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ N/A • Saturday: _____ N/A • Sunday: _____ N/A • Holidays: _____ N/A
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7 am - 7 pm • Saturday: _____ 7 am - 7 pm • Sunday: _____ 7 am - 7 pm • Holidays: _____ N/A 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ N/A • Saturday: _____ N/A • Sunday: _____ N/A • Holidays: _____ N/A 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration: <u>Construction Vehicles and Equipment during construction hours</u></p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: <u>Existing vegetation within the project area will be removed</u></p>	
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: <u>Residential dark sky friendly lights at entrances and street lights</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: <u>Existing vegetation within the project area will be removed</u></p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: <u>Odors and emissions are possible during construction activities. Project Area and construction activities will be approximately 30 feet from nearest structure.</u></p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____ _____ _____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

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:
DuBols Physical Therapy, Orthodontists Associates of WNY

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: *** NOT to ADG's knowledge
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? *** NOT to ADG's knowledge ☐ 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): _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☒ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.0	3.09	+3.09
• Forested	6.88	3.70	-3.18
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	2.36	2.45	+0.09
• Agricultural (includes active orchards, field, greenhouse etc.)	0.00	0.00	0.00
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.3	0.3	+/-0.00
• Wetlands (freshwater or tidal)	-	-	-
• Non-vegetated (bare rock, earth or fill)	-	-	-
• Other Describe: _____	-	-	-

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? _____ >6.5 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:

Lakemont Silty Clay Loam	26.1 %
Odessa Silty Clay Loam	70.0 %
Rhinebeck Silty Clay Loam	2.2 %

d. What is the average depth to the water table on the project site? Average: _____ 0.7 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.

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 837-16 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... 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: _____
Name - Pollutants - Uses: Bergholtz Creek and tribs - Pathogens; Nutrients; Priority Organics - Recreation; Fish Consumption; Aquat...

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

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

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

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No
If Yes:
i. Name of aquifer: _____

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>Woodland Wildlife _____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat: _____</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Species and listing (endangered or threatened): _____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>i. If Yes: acreage(s) on project site: _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____ 	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ 	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify resource: <u>Griffon Park</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Greenway Trail</u> iii. Distance between project and resource: _____ <u>1.9</u> miles. 	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No 	

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name David M Mazur Date 12/6/2021

Signature David M Mazur Title President

PRINT FORM

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

Agency Use Only [If applicable]
 Project: Woodstream Landing
 Date: 10/10/22

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

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

Tips for completing Part 2:

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

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1, D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>				<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur	
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input 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, D2g	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>	

2. Impact on Geological Features
The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☒ NO ☐ YES
If "Yes", answer questions a - c. If "No", move on to Section 3.

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

3. Impacts on Surface Water
The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☒ YES
If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input checked="" 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"/>

I. 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. (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.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, 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. (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input checked="" 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. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	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 hydrochlorofluorocarbons (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.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

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

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

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input 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 type="checkbox"/> <input 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 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 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.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may 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 checked="" 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 checked="" type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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 checked="" 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 checked="" 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 checked="" type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	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) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation The proposed action may result in a change to existing transportation systems. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input 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. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	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. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	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 type="checkbox"/>	<input checked="" 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, B1d	<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 checked="" 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.) If "Yes", answer questions a - h. If "No", go to Section 18.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action'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, B.3) If "Yes", answer questions a - g. If "No", proceed to Part 3.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

Full Environmental Assessment Form

Part 3 - Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

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

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

Reasons Supporting This Determination:

To complete this section:

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

See Planning Board files and attached information.

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
See Planning Board files and attached information.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Wheatfield Planning Board 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: Woodstream Landing Apartments

Name of Lead Agency: Town of Wheatfield Planning Board

Name of Responsible Officer in Lead Agency: Ms. Susan Agnello-Eberwein Mr. Michael Polk

Title of Responsible Officer: Planning Board Chair Vice Chair

Signature of Responsible Officer in Lead Agency: Michael W. Polk

Date: 10/19/22

Signature of Preparer (if different from Responsible Officer): [Signature]

Date: 10/19/22

For Further Information:

Contact Person: Timothy J. Zuber, PE (Wendel - Town Engineer)

Address: 375 Essjay Road, Williamsville, NY 14221

Telephone Number: 716-688-0766

E-mail: tzuber@wendelcompanies.com

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

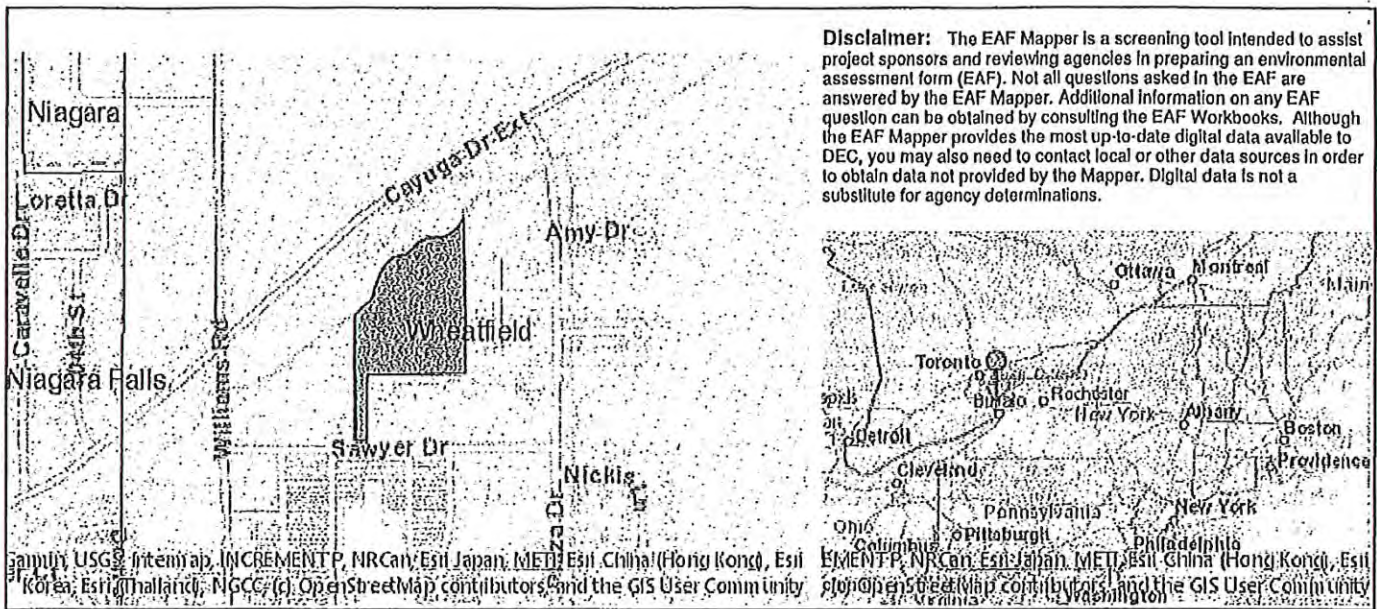
Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)

Applicant (if any)

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

EAF Mapper Summary Report

Thursday, October 21, 2021 2:43 PM



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
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.iv [Surface Water Features - Stream Name]	837-16
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses: Bergholtz Creek and tribs - Pathogens; Nutrients; Priority Organics - Recreation; Fish Consumption; Aquatic Life

E.2.h. [Highway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

WOODSTREAM LANDING - PART 3 ADDITIONAL INFORMATION

In accordance with SEQR requirements, Part 3 of the EAF is utilized to further assess the proposed action and to help determine if the project will or will not have a significant adverse environmental impact.

The following is the evaluation of potential impacts identified as potentially moderate to large, and those identified during the coordinated review process that need further analysis/clarification. Items numbers refer to Part 2 of the Full EAF unless otherwise noted.

On Part 1, B.I.ii of Part 1 of the FEAF; The EAF Mapper indicated that the site is located in a community with an approved Local Waterfront Revitalization Program (LWRP). The Town does have an LWRP but the project site is not within or even near the LWRP area (LWRA).

On Part 1, C.2.b of Part 1 of the FEAF; The EAF Mapper also indicates that the project is located in a Special Planning District, the NYS Heritage Area: West Erie Canal Corridor. Most of Niagara County is in this area and this project has no direct or indirect impacts to the Canal Corridor.

Section 1: Impact on Land

The proposed project will physically alter the land surface of the site (1a and 1f).

This site has groundwater conditions that have seasonally high groundwater (less than 3 feet in depth), similar to much of the Town of Wheatfield. The project will not have any deep foundations or other construction that would impact the water table. Buildings will be slab on grade which will not impact groundwater.

The project could result in increased erosion. However, the project will also have its own, site specific Erosion and Sediment Control Plan. An Erosion and Sediment Control Plan is required as part of the Project's Stormwater Pollution Prevention Plan (SWPPP) which is required by the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001.

As a result, we conclude that the project will not result in a significant adverse impact on land.

Section 3: Impacts on Surface Water

The proposed project may affect one or more wetlands or other surface water bodies (3a, 3d, 3h, and 3i).

The project will result in the disturbance of more than 1-acre of land. Coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001) is required. A site-specific Erosion and Sediment Control Plan is required as part of the Project's Stormwater Pollution Prevention Plan (SWPPP) which is required by the SPDES General Permit. This Erosion and Sediment Control Plan will provide both temporary and permanent practices to reduce potential impacts from erosion.

The project will construct a retention pond (NYSDEC Practice P-2 Wet Pond) in order to meet the Quantity Control and Water Quality/Runoff Reduction requirements of the General Permit. The 10-ft +/- deep pond is designed in accordance with NYSDEC requirements and will outlet to a level spreader along the riparian buffer to Bergholtz Creek.

The EAF Mapper indicated that there could be wetlands within or adjoining the project site. Comments from NYSDEC suggest that hydric soils are present at the site and potential impacts to wetlands should be investigated. The applicant engaged a Wetland Specialist to perform a Preliminary Wetland Determination (PWD) at the site and identified two wetland areas. One area is along the creek and is likely jurisdictional. The project does not propose any disturbance in this area. The other area is within the project site and but the Wetland Specialist is confident that it is isolated and non-jurisdictional. See attached letter.

As a result, we conclude that the project will not result in a significant adverse impact on surface water.

Section 5: Impact on Flooding

The proposed project may result in development on lands subject to flooding (5a, 5b, 5c, 5d, and 5e).

The project site extends to Bergholtz Creek which, in this area, has an associated floodway, 100-yr floodplain and 500-yr floodplain. The proposed development area does not extend into the limits of the floodway. The project area will extend into the limits of the 100-yr and 500-yr floodplain but the proposed structures will not be constructed within these special flood hazard areas. Only supporting fill for grading and parking lots will be constructed in these areas. The applicant will be required to obtain a Floodplain Development Permit from the Town Building Department and all work in the designated floodplain must be per Town and NFIP requirements.

The project proposes changes to grades at the site, primarily to drain the site to proposed stormwater management practices. Drainage patterns will remain relatively the same and the retention pond will mitigate any increases in peak runoff as a result of the project. NYSDEC required Erosion and Sediment Controls will also be provided.

As a result, we conclude that the project will not result in a significant adverse impact on flooding.

Section 10: Impact on Historic and Archaeological Resources

The proposed project may occur in or adjacent to an archaeological resource (10b).

The project parcel falls within the limits of a potentially archaeo-sensitive area. The applicant submitted project information to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for review. OPRHP requested a Phase 1 Archaeological Investigation which was completed and submitted back to OPRHP. OPRHP subsequently provided a letter stating that the project will have "no impact" on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places. A copy of this letter is included in the project SWPPP.

As a result, we conclude that the project will not result in a significant adverse impact on historic or archaeological resources.

Section 15: Impacts on Noise, Odor, and Light

The proposed project may result in an increase in noise, odors, or outdoor lighting (15a).

The project will create noise during construction. This will be temporary in nature and should end when construction is complete. The project is required to comply with all Town noise requirements.

As a result, we conclude that the project will not result in a significant adverse impact on lighting, noise or odors.

8.2

**Economic
Development
Administration**

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

EDA REVOLVING LOAN FUND

MANAGEMENT PLAN

September 10, 2025

PART I: REVOLVING LOAN FUND STRATEGY

Niagara County Industrial Development Agency

EDA RLF Management Plan

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ECONOMIC ADJUSTMENT OVERVIEW

Economic Adjustment Problems/Economic Distress

Like many older communities in the Northeast, Niagara County's manufacturing sector has been in decline for decades. In a November 1999 U.S. Department of Housing and Urban Development report, "Now is the Time: Places left behind in the New Economy," Niagara Falls was listed as one of fifteen distressed northeast communities suffering from a combination of persistently high poverty population loss and unemployment. Income and poverty figures confirm the idea suggested by labor force and unemployment data that the area is growing poorer. Niagara County has suffered significantly from the decline of the heavy-industry economy. The loss of manufacturing companies has resulted in the area experiencing a loss of population, economic stagnation, loss of manufacturing sector employment, a high concentration of sites with environmental contamination, and increasing development pressure on Greenfield sites and agricultural lands. The County's population decreased from 235,720 in 1970 to an estimated 211,328 (by the U.S Census Bureau) in July 1, 2017, a loss of 24,392 residents and an overall population decline of 10.4%. The substantial and steady loss of Niagara County's industrial tax base in the last several decades has directly led to declines in almost all standard economic indicators, including low family incomes and higher unemployment levels. The most recent statistics available from the U.S. Census Bureau and the NYS Dept. of Labor indicate that Niagara County has a median household income of \$50,094 compared to \$60,741 statewide and a per capita income of \$27,487 compared to \$34,212 for the State as a whole. The average unemployment in the County in 2017 was 6.2% compared to a statewide level of 4.7%. The County has a poverty rate of 13.6%. These conditions have in turn led to tax burdening, under-funded education, eroding infrastructure, and a reduction in the availability and quality of social services. A declining manufacturing sector, with its good paying jobs, is seen as a major contributor to the County's sharp decline in population.

Comprehensive Economic Development Strategy

The Niagara County, New York Comprehensive Economic Development Strategy dated June 2015 (CEDS) identifies goals and objectives intended to build on the strengths, address the weaknesses, capitalize on opportunities and mitigate threats to the local and regional economy. Specifically, the CEDS has among its goals and objectives, (i) the strengthening of the competitive position of businesses within Niagara County by reducing the costs of doing business through the provision of financial assistance (including through the establishment of revolving loan funds), (ii) expanding key sectors of the economy, such as manufacturing, tourism, agriculture, commerce and transportation, (iii) diversifying the County's economic base by attracting foreign businesses, helping to identify and expand markets for existing businesses, promoting local assets such as the Niagara Falls International Airport and water resources and (iv) improving the quality of life for the people of Niagara County by promoting sustainable development, attracting higher paying jobs to reduce poverty rates and protecting natural resources.

Role of RLF

The Niagara County Industrial Development Agency (NCIDA) formed the Niagara County Development Corporation (NCDC) for the purpose of making affordable loans to businesses within Niagara County. NCIDA formed

the Niagara County Center for Economic Development (NCCED) to serve as an umbrella for economic development services and provides staffing to NCDC. NCDC operates the EDA Revolving Loan Fund (RLF), which plays an integral part in advancing the goals and objectives of the CEDS by providing financial resources to support new and expanding businesses. The primary goal of the RLF is to fill the gap in existing private and public sector sources of financing, thereby facilitating investment decisions, making projects financially feasible and expediting new construction or expansion of operations. The RLF is not intended to be a primary lending institution or a bank of last resort, and is not a source of venture capital. The availability of RLF funds serves as a catalyst to encourage private lenders to extend credit to local businesses or businesses seeking to locate in Niagara County, contributing to economic growth within the County, and provides a source of funding for small-to-medium sized businesses and new businesses who face difficulty in obtaining affordable financing in amounts and in a timeframe needed to meet their requirements.

B. BUSINESS DEVELOPMENT STRATEGY

1. Objectives of the RLF:

- a. Stimulate the Niagara County economic base in order to create new job opportunities for its structurally unemployed and low and moderate income residents.
- b. Retain and expand the real property tax base.
- c. Provide employment for persons with incomes below the poverty level.
- d. Encourage the formation and/or expansion of local enterprise in order to stabilize, expand and diversify its economic base.
- e. Stabilize and expand the tax base in order to relieve the symptoms of severe fiscal distress.
- f. Encourage economic development by providing affordable financing to local firms and encourage private investment.
- g. Assist in the creation and stimulation of private sector capital formation.
- h. Aid small business development.
- i. Redevelop blighted or vacant land and facilities in order to put them in productive use.
- j. Stabilize and diversify the Niagara County economy by providing employers with capital for start-up and/or expansion of locally owned businesses.
- k. Foster and support loan programs by the Empire State Development Corporation, the Job Development Authority, Brownfields Revolving Loan Fund, local development corporations in the cities of Lockport, North Tonawanda, and Niagara Falls, as well as other local organizations.
- l. Aid businesses owned and operated by minorities, women or by persons who are economically disadvantaged.

- m. Provide capital for manufacturing and service companies using new technologies with an emphasis on growth industries.
- n. Provide working capital and financing for export companies.
- o. Provide financing for economic adjustment efforts when conventional lenders may hesitate.

2. Targeted Businesses:

The RLF will be targeted to areas meeting the goals and objectives identified above and also areas where industries have a financial need. Specific targeting criteria include the following:

- a. Assist the growth sectors of the County economy.
- b. Promote the expansion of industries in areas of the County having high unemployment and/or low per capita income.
- c. Assist local industries in the export of their products.
- d. Encourage international firms to locate within the County and in the County's incubator facility.
- e. Support projects that assist in stabilizing and/or expanding the economy.
- f. Assist projects which aid minority and women-owned business, or disadvantaged persons.
- g. Assist projects creating the types of jobs appropriate to the existing local labor force.
- h. Assist firms who can demonstrate they are unable to obtain sufficient capital at reasonable rates to allow for expansion.

3. Business Needs:

Through interaction with local businesses and work with their economic development partners, NCIDA and NCDC have identified other types of assistance needed by targeted businesses, including (i) site location assistance, (ii) incubator facilities for start-up businesses, (iii) Foreign Trade Zone facilities, (iv) business counseling services with respect to business organization, marketing and financial matters, (v) workforce training and workforce recruitment services, and (vi) identification of additional or alternative funding sources.

4. Other Programs and Activities:

Many public, quasi-public, and private organizations are involved in economic development related activities within the County. These include Federal and State agencies, local development corporations, tourism groups, utilities, and a host of other organizations. Such groups are typically involved in planning, promotion, project generation and implementation, or financing of projects. The following are organizations which provide services intended to meet the needs of targeted businesses.

Niagara County Industrial Development Agency (NCIDA)

Functions and Responsibilities

Under the provisions of the New York State Industrial Development Agency Act, the NCIDA is empowered to actively retain, attract, and develop economically sound commerce and industry, thereby fostering job opportunities, general prosperity, and economic welfare for all residents of Niagara County. The Agency facilitates economic growth and expansion through financial incentives and a variety of other support services.

Specific Programs:

- Industrial Revenue Bonds & Leaseback Transactions
- Revolving Loan Funds through the Niagara County Development Corporation (NCDC) and the Niagara Economic Development Fund (NEDF) to finance working capital and fixed assets
- Brownfield Revolving Loan Fund for environmental remediation
- Site Location assistance
- Foreign Trade Zone #34 facility for office, warehousing, and light industrial activities, including the Vantage Center, a 50,000 square foot business incubator and multi-tenant “smart” facility.
- Microenterprise Assistance Program which provides education, technical assistance and loan funds to entrepreneurs and businesses with 5 employees or less
- Coordination of New York State and Federal programs relating to economic development.

Niagara County Department of Economic Development

Functions and Responsibilities

Provide information support for business to assist in marketing, including demographic, economic, geographic and related socio-economic data.

Provide technical data related to land use, zoning, and other planning matters.

Provide natural resource and environmental data.

Provide geographic information systems (GIS) analysis.

Provide technical assistance and information regarding wetland and floodplain regulations.

Provide economic development technical referral services.

Identify, assess and implement redevelopment initiatives that can return Brownfield sites to appropriate and creative new uses.

Specific Programs:

- Niagara County Business Growth & Retention Program
- Local Affiliate Data Center for the U.S. Census Bureau
- Staff and Coordinator for Niagara County Planning Board
- Coordination Center for the Niagara County Economic Development Alliance (NCEDA)
- USEPA Brownfields PILOT Demonstration Program
- USEPA Showcase Community Program
- USEPA Brownfields Cleanup Revolving Loan Fund
- Waterfront/Watershed/Habitat Restoration

Niagara County Community College (NCCC)

NCCC sponsors and administers the following economic development programs and services:

Small Business Development Center

Functions and Responsibilities:

Provides management and technical assistance to start-up and existing small business firms in New York State. Services include counseling entrepreneurs in resolving organizational, financial, marketing, technical, and other problems they might encounter. Assistance is also provided in identifying private and public sources of financing. Special emphasis is placed upon providing counseling services for women, veterans, handicapped and minority entrepreneurs.

Specific Programs:

- Small Business Start-up Assistance
- Business Counseling and Business Planning Assistance
- Business Law Proposal Assistance
- Business Marketing Assistance
- Export Assistance
- International Trade Seminars, Services, and Conferences

Workforce Training & Community Development

Functions and Responsibilities:

NCCC's Workforce Training and Community Development Department provides an umbrella for educational services for Niagara Region youth and adults. Foundational instruction, life skills,

employment readiness, vocational training, career development, professional preparation and testing as well as technology education are available in a variety of formats. Workshops, as well as short term and long term training sessions, provide new computer skills and a path to direct entry into a GED, certificate or college program, immediate employment and continuing education to obtain a certificate or academic degree.

Niagara County Employment and Training Department/New York State Department of Labor

Local training and employment services providers help insure that permanent jobs created by RLF assistance are made available to the long-term unemployed and low income persons. NCIDA works with the Niagara County Employment and Training Department which provides local administration of the Workforce Investment Act (“WIA”) for Niagara County residents and businesses. Under the WIA, the County Employment and Training Department provides job seeker services, on-the-job training, customized training, and linkages to partner and community resources.

Additionally, the NCIDA coordinates with the New York State Department of Labor, Division of Employment Services, which provides businesses with a no-fee labor exchange recruitment service with local and statewide employment pools of qualified candidates.

Other Agencies and Programs

The **U.S. Small Business Administration** provides counseling and technical assistance through its Score Program to small and medium businesses.

U.S. Economic Development Administration – Trade Adjustment Center provides technical assistance to firms and localities that have experienced declines in employment and sales caused by increased imports.

Empire State Development provides tax incentive programs, training to increase competitiveness, funds, loans and other means of financial support to stimulate growth, and incentives to foster research and innovation.

The Niagara County Center for Economic Development, an entity formed by NCIDA and the Niagara County Department of Economic Development, provides a “one stop shop” for economic development County-wide.

C. FINANCING STRATEGY

1. Financing Needs:

Small-to-medium sized firms and newer businesses, which are most likely to increase investments in the community and create new jobs, require financing at affordable rates. In addition, viable firms with growth potential and relatively small asset holdings often find themselves unable to put forward sufficient capital to obtain adequate financing. In this type of situation, a credit-worthy borrower is restricted from obtaining

the total amount of the loan requested resulting in a shortfall which may hinder or prohibit expansion opportunities. Many smaller firms have difficulty accepting the terms and conditions of government financing programs, and projecting cash flow on the basis of government funds to be received. Smaller companies are often in need of expedited financing if there is a surge in the demand for their product and machinery and equipment has to be purchased, or an expansion made, to accommodate the order. Production schedules for smaller industries are usually less flexible due to production cost variations. A smaller industry's profitability may be undermined if proper funding is not available when needed.

2. Local Capital Market:

Due to market conditions, both domestic and global, tighter credit standards have resulted in increased rates for small to medium size businesses and industries, effectively placing the cost of capital beyond the affordable reach of many borrowers. The volatile nature of smaller businesses, the unproven status of entrepreneurial ventures, the lack of credit history and unusual financing requirements often conflict with the prudent lending policies of most financial institutions. The net effect is to exclude the smaller, newer companies from access to the capital needed to initiate or expand operations.

Existing public programs are oriented toward larger, more established enterprises. New York State Job Development Authority (JDA) and Industrial Revenue Bonds (IRB's) funding is available for larger industries. These sources of financing often require substantial investment and processing fees. Consequently, there is a gap in the existing array of financing programs for smaller and newer firms. In addition, other financing sources such as private placements, pension funds and insurance companies are available for established medium/large privately held businesses and businesses seeking financing over \$1,000,000, and often involve conservative lending policies which preclude their participation in a typical small and medium-sized business expansion.

An extreme increase in global competition within certain industries, including the automotive manufacturing sector and related industries, has drastically influenced the availability of funds thus making capital funding a critical factor.

3. RLF Financing Niche:

The RLF will provide funding to fill the gap in financing available to small and medium-sized companies and new companies, with an emphasis on the creation and retention of jobs in industrial, light manufacturing and related commercial services businesses. Loan activities will provide support for job creation and retention and for area revitalization by providing financing for start-up businesses and for the expansion and retention of existing businesses. While the RLF will have a County-wide focus, a particular emphasis will be placed on assisting businesses in areas of chronic high unemployment, who employ residents with incomes below the poverty level, and which intend to redevelop and utilize vacant or blighted industrial facilities. Loans will be provided for fixed asset acquisition or improvement and for working capital. The terms of the loans will vary depending on the use of the loan proceeds and the borrower's projected ability to repay. RLF loans will bear interest at a fixed rate. Collateral requirements will vary depending on the nature of the available collateral and assets financed, the risk of default and collateral required by other lenders.

D. EDA REVOLVING LOAN FUND FINANCING POLICIES

1. Eligible Lending Area: Niagara County, New York

2. Allowable Borrowers:

(a) Eligible borrowers include individuals, sole proprietorships, partnerships, corporations (for profit and not-for-profit), limited liability companies, limited liability partnerships, professional service corporations, cooperatives, and any other legally recognized form of business.

(b) Loans may be provided to individuals acting as principals of an eligible entity and who will rent or lease assets to an otherwise eligible borrower.

3. Allowable Lending Activities:

- (a) RLF financing may be used to assist any form of business activity that the NCDC Board determines to be consistent with the purposes of the RLF, that is eligible for funding pursuant to EDA regulations, and that is not specifically ineligible pursuant to this Management Plan.
- (b) RLF funds may be used for any justifiable business purpose including, but not limited to acquisition of fixed assets and current assets including inventory and receivables, permanent working capital, and lines of credit.
- (c) RLF funds may be used for the refinancing of existing debt where (i) there is demonstration of sound economic justification as further detailed at 13 CFR 307.17(b)(6)(i), or (ii) RLF funds will be used to finance the acquisition of lien rights when necessary to preclude a significant loss on an existing RLF loan as further detailed at 13 CFR 307.17(b)(6)(ii). Such refinancing must be demonstrated to be a required element of the project financing and not be indicative of imprudent or ineffective management.

The following activities, as further described at 13 CFR 307.17, may not be assisted with RLF financing:

- (a) Acquisition of an equity position in a private business;
- (b) Subsidization of interest payments on an existing RLF loan;
- (c) Equity contributions required for other Federal loan programs;
- (d) Acquisition of an interest in an existing business either through the purchase of stock or the acquisition of assets, except where the NCDC Board determines there is sufficient economic justification as further detailed at 13 CFR 307.17(b)(4);
- (e) Investment in interest-bearing accounts, certificates of deposit, or any investment unrelated to the RLF;
- (f) Refinancing of existing debt unless (i) there is demonstration of sound economic justification as further detailed at 13 CFR 307.17(b)(6)(i); or (ii) RLF funds will be used to finance the

acquisition of lien rights when necessary to preclude a significant loss on an existing RLF loan as further detailed at 13 CFR 307.17(b)(6)(ii);

- (g) Serve as collateral to obtain credit or other type of financing without EDA's prior written approval;
- (h) Support operations or administration of NCIDA; or
- (i) Any activity that would violate the requirements found in 13 CFR 314, including 314.3 ("Authorized Use of Property") and 314.4 ("Unauthorized Use of Property").

The following business activities, as further defined by the U. S. Small Business Administration, may not be assisted with RLF financing:

- (a) Speculative activities, defined as a business that derives profits from fluctuations in prices;
- (b) Lending activities, including those conducted by banks, finance companies, factors, leasing companies, insurance companies (but not insurance agents or agencies), and similar firms;
- (c) Pyramid sales plans;
- (d) Gambling activities or performances or products of a prurient sexual nature; or
- (e) Illegal activities, including the cultivation, distribution, or sale of marijuana that is illegal under Federal Law.

RLF funding will not be used to induce the relocation of existing jobs within the United States that are located outside of Niagara County to a location within Niagara County in competition with other United States jurisdictions for those same jobs.

4. Loan Size:

RLF assistance must be no greater than the minimum amount necessary to effect the business activity. Applicants must therefore demonstrate that all other private and public sources of debt and equity have either been maximized or are inappropriate, unaffordable, or otherwise unavailable. Consistent with the provisions of 13 CFR 307.15(b)(2)(vii), where institutional debt is included as part of the financing, the NCDC will determine whether such institutional financing has been maximized. Where there is no institutional debt included as part of the financing, the NCDC will require written documentation that an application for such financing has been declined and, in addition, the NCDC will determine whether such financing is unavailable or unaffordable based on its underwriting analysis.

RLF assistance will not be considered where the amount of such required assistance is less than \$50,000, which shall constitute the minimum loan amount. Exceptions may be granted by the NCDC Board on a case-by-case basis where such exception is determined to be in the best interests of the RLF and where the reason for such exception is stated in a Board resolution.

The maximum loan amount shall be \$250,000, provided that at no time shall the maximum loan amount exceed 25% of the EDA RLF Capital Base. Exceptions to the maximum loan amount may be granted by the NCDC Board on a case-by-case basis where such exception is determined to be in the best interests of the RLF and where the reason for such exception is stated in a Board resolution, and provided that such loan amount does not exceed 25% of the EDA RLF Capital Base.

5. Interest Rates:

- (a) RLF loans will bear interest at a fixed rate to be determined on a case-by-case basis by the NCDC Board based on such factors as the risk of default, the value of security, the projected cash flow, and the prevailing commercial lending rates.
- (b) The minimum interest rate is four (4) percentage points (400 basis points) below the lesser of (i) the current money center prime interest rate quoted in the *Wall Street Journal*, or (ii) the maximum interest rate allowed under New York State law.
- (c) In no event shall the interest rate be less than the lower of (i) four percent (4%), or (ii) seventy-five percent (75%) of the prime interest rate listed in the *Wall Street Journal*.
- (d) Should the prime interest rate listed in the *Wall Street Journal* exceed fourteen percent (14%), the minimum RLF interest rate may be fixed at ten percent (10%) if the NCDC Board determines that a higher rate would compromise the RLF's financing strategies.

6. Terms:

- (a) For fixed asset loans, the RLF loan term will generally be consistent with the life of the assets being financed, with such periods being consistent with standard commercial lending policies and in no instance exceeding twenty (20) years for real estate uses and ten (10) years for all other uses. For all loans, the term will be determined by the NCDC based upon such factors as the structure of other related loans, the nature of the collateralized assets, and the borrower's projected ability to repay the loan.
- (b) The NCDC will determine the schedule of loan repayments on a case-by-case basis based on the applicant's projected ability to repay the loan, the projected value of the collateral and other security, and the overall risk assumed by the RLF. Repayment terms may involve standard forms of loan amortization, periods of accruing interest or interest only payments, extended amortization schedules with balloon payments of principal, and/or such other terms as may be determined by the NCDC to be appropriate.
- (c) In consideration of the public funding source of RLF capital and the RLF goal of encouraging targeted industry development by maximizing available capital, the NCDC may apply early call provisions that would allow it to accelerate loan repayments at such time as the borrower has the ability to refinance the RLF debt with institutional financing.

7. Fees:

- (a) A fee of two hundred fifty dollars (\$250.00) must accompany all RLF loan applications. Such fee will be in consideration of loan processing costs incurred by the NCDC, and will be considered as and accounted for as RLF Income.
- (b) In consideration of the reservation of funds for approved loan applications, the loan applicant will be charged a commitment fee equal to one percent (1%) of the approved loan amount. The commitment fee will be nonrefundable and will become due and payable concurrent with the applicant's executed acceptance of the loan commitment.
- (c) The commitment fee will be credited to the loan applicant at the time of the loan closing to offset any costs and/or fees associated with the loan closing. The commitment fee will be considered as and accounted for as RLF Income.
- (d) Commitment fees for loans that do not close through no fault of or action by the NCDC will be retained by NCDC and considered as and accounted for as RLF Income. Exceptions to this policy that will allow the return of all or a portion of the commitment fee to the loan applicant may be granted by the NCDC Board on a case-by-case basis in consideration of the reason(s) that the loan did not close.
- (e) Commitment fees for loans that do not close as the result of actions or circumstances solely within the control of the NCDC will be returned in whole to the loan applicant.
- (f) In all other circumstances where a loan does not close, the return of all or a portion of the commitment fee will be at the discretion of the NCDC Board based on the nature of the circumstances.
- (g) Application and commitment fees paid to and retained by NCDC shall be considered as and accounted for as RLF Income and may be applied to closing costs and other administrative expenses. Any balance remaining after payment of such costs and expenses shall be added to the EDA RLF Capital Base.
- (h) Borrowers will be required to pay the NCDC's legal fees associated with a loan closing.
- (i) Borrowers will pay all of the NCDC's third-party costs for documents, instruments, and services associated with the loan closing including, but not limited to surveys, title and lien searches, filing and recording fees, and appraisals.

8. Equity and Collateral:

Equity investments by borrowers may be required to meet the Private Sector Leveraging requirements described below.

The NCDC will determine the required security for each loan on a case-by-case basis based on such factors as the risk of default, the nature and value of the security, and the position of the RLF in relation to other lenders. In determining the appropriate security, the following will apply:

- (a) The NCDC will generally require a security interest in all assets financed with RLF funds. Other assets of the borrower may be required as additional security at the NCDC's option.

- (b) The NCDC may require the personal guarantee of persons having an ownership interest in the borrowing entity.
- (c) The NCDC may, at its discretion, require additional security including, but not limited to additional collateral, guaranties, and the assignment of life insurance.

9. Moratoria:

Requests to accrue interest, defer principal payments, or otherwise temporarily modify the repayment schedule may be approved by the RLF Loan Committee for a period not to exceed 90 days. Extensions for any longer period will require the approval of the NCDC Board.

10. Start-Ups:

Loan applications submitted by start-up companies are subjected to greater scrutiny and require the submission of a business plan which is reviewed as part of the credit analysis and underwriting process. All start-up businesses are offered the services of the Small Business Development Center for assistance in generating a business plan and overall business counseling.

11. Working Capital: Working capital loans are allowed.

12. Credit not otherwise available:

RLF loan funds will not be used as a substitute for available private capital. Borrowers will be required to document that financing is not otherwise available on terms and conditions that permit the completion or successful operation of the activity to be financed, either because bank financing is not available or because a bank will only finance a portion of the amount required.

E. PORTFOLIO STANDARDS AND TARGETS

1. Target Percentages:

The RLF loan portfolio will be structured as a whole to achieve the objectives of the loan fund and address the economic and financial demands of the lending area. No targeted percentages for types of loans have been established.

2. Private Sector Leverage:

At all times, private investment leveraged by RLF loans for the portfolio as a whole must not be less than two dollars for each dollar of RLF funds disbursed. Private leverage means (i) capital invested by borrowers or others; (ii) financing from private entities; or (iii) the non-guaranteed portions and ninety percent (90%) of the guaranteed portions of the U.S. Small Business Administration's 7(a) loans and 504 debenture loans.

RLF loans may generally not exceed forty percent (40%) of the total project cost as determined by the NCDC. The NCDC Board may grant exceptions to the private leveraging limit for individual loans where it determines that (i) the project to be financed will directly address one of the RLF's high priority objectives; (ii) the project will result in extraordinary public benefit to Niagara County and its residents; and (iii) the project cannot be implemented without RLF financing. The reasons for granting any such exceptions must be stated in the authorizing resolution of the NCDC Board.

3. Job Cost Ratio:

The amount of RLF financing may not exceed the ratio of \$40,000 for each employment opportunity to be created or retained. For the purposes of calculating employment opportunities, the following will apply:

- (a) Only permanent jobs will be counted; temporary and construction jobs will not be counted.
- (b) Jobs of 35 or more hours per week will be considered as one full-time job. Part-time permanent jobs of less than 35 hours per week will be converted to full-time equivalent jobs by dividing the number of part-time hours by 40.
- (c) Seasonal jobs will be considered to be permanent jobs if the duration of the working period is long enough to classify the job as the employee's principal occupation.
- (d) Projected employment must be reasonably expected to occur as a direct result of the expanded business activity, and such projection may in no instance extend beyond 36 months from the completion of the financed activities.
- (e) The limit of \$40,000 of RLF financing per employment position may be exceeded in instances where the NCDC Board determines that the expanded business activity will directly and positively impact one or more priority goals of the RLF and will result in an extraordinary degree of other public benefit. Such determination shall be in the form of an approved NCDC Board resolution.

4. Job Cost Ratio (Criteria, if any)

The types of jobs to be created/retained will generally involve moderate income, skilled or semi-skilled and general industrial laborer positions. However, with an objective of supporting businesses using new technologies, the RLF will also be used to support the creation of high technology, skilled and managerial positions.

F. EDA RLF LOAN SELECTION CRITERIA

RFL financing may be used to assist any form of business activity that the NCDC Board determines to be consistent with the purposes and objectives of the RLF, as outlined in this Management Plan, that is eligible for funding pursuant to EDA regulations and that is not specifically ineligible under EDA regulations and this Management Plan. Consideration will be given to such factors as job creation and

retention, acquisition and reuse of vacant or abandoned structures, whether the activity to be funded will contribute to the attraction or retention of a major employer or a foreign business or will otherwise contribute to the economic development or stabilization of the lending area.

G. PERFORMANCE ASSESSMENT PROCESS

NCCED staff will conduct an annual review of the status and performance of all loans, including a financial review of all borrowers based on the annual financial statements submitted by the borrower. The results of the annual review of loans will be presented to the RLF Loan Committee. The NCCED staff will also review annually the management and administrative procedures for the RLF. Proposed revisions or amendments to the RLF Management Plan shall be submitted in writing to the NCIDA/NCDC Board with a detailed description of the proposed change and why such change is necessary or appropriate. Upon approval of any changes to the Management Plan by NCIDA/NCDC, NCIDA/NCDC shall notify EDA of the changes and, to the extent required pursuant to 13 CFR 307.9(c)(2), will request EDA approval of the change. Pursuant to 13 CFR 307.9(c)(1), NCIDA/NCDC shall submit an updated Management Plan to EDA every five (5) years.

PART II: REVOLVING LOAN FUND OPERATIONAL PROCEDURES

(A complete copy of the Operational Procedures for the RLF is attached as Exhibit I)

A. ORGANIZATION STRUCTURE

1. Critical Operational Functions:

An Organizational Chart for NCIDA and NCDC is attached as Exhibit II.

Prospective borrowers will be identified through staff outreach, referrals from economic development partners or lending institutions and from direct inquiries by businesses. Staff, along with a representative from the Small Business Development Center (SBDC), where appropriate, will conduct an initial meeting with the prospective borrower to determine financing requirements and eligibility and to identify sources and uses for funding. Where appropriate, SBDC will be available to assist in preparation of a business plan and loan application and pro forma financial statements. NCCED staff or a third-party service provider will review the application and financial information, conduct any required environmental review, and underwrite the loan. A loan report, which will include a credit analysis, the proposed use of loan proceeds and loan terms, and a recommendation as to approval or denial of the loan, will be presented to the RLF Loan Committee, which will review the loan and make a recommendation to the NCDC Board, which will have sole authority to approve a loan application. If approved, NCCED staff will coordinate the preparation of a commitment letter and appropriate loan documentation with NCDC counsel. The loan closing will be handled by NCDC counsel. Loan servicing, maintenance of loan files and annual loan reviews will be conducted by NCCED staff. The RLF Loan Committee will make recommendations to the NCDC Board regarding loan portfolio management issues, including loan defaults and modifications. Collection actions will be referred, as appropriate, to NCDC counsel.

2. Loan Administration Board:

Final responsibility for RLF decisions is vested in the NCDC Board of Directors. The NCDC Board of Directors is comprised of the nine (9) members of the NCIDA Board. NCIDA Board members are appointed by the Niagara County Legislature and serve at the pleasure of the Legislature and continue to hold office until his or her successor is appointed and qualified. A majority of the entire NCDC Board constitutes a quorum for the transaction of business.

3. Conflicts of Interest:

NCIDA and NCDC shall comply with the conflict-of-interest rules as set forth in the EDA regulations.

As used herein, the term “Interested Party” shall mean any officer, employee, or member of the Board of Directors or other governing body of the NCIDA or NCDC, including any other parties that advise, approve, recommend or otherwise participate in the business decisions of NCIDA or NCDC, such as agents, advisors, consultants, attorneys, accountants or shareholders. An Interested Party also includes the Interested Party’s “Immediate Family” and other persons directly connected to the Interested Party by law or through a business arrangement. “Immediate Family” shall mean as a person’s spouse (or domestic partner or significant other), parents, grandparents, siblings, children and grandchildren, but does not include distant relatives, such as cousins, unless the distant relative lives in the same household as the person.

An Interested Party shall not receive any direct or indirect, financial or personal benefits in connection with the EDA grant award or its use for payment or reimbursement of costs of NCIDA or NCDC. An Interested Party also shall not, directly or indirectly, solicit or accept any gift, gratuity, favor, entertainment or other benefit having monetary value, for himself or herself or for another person or entity, from any person or organization which has obtained or seeks to obtain an RLF loan.

In addition:

- (1) An Interested Party shall not receive, directly or indirectly, any personal or financial benefits resulting from the disbursement of an RLF loan.
- (2) No RLF loan funds shall be lent to an Interested Party.
- (3) Former board members of the NCIDA or NCDC and members of his or her Immediate Family shall not receive a loan from the RLF for a period of two (2) years from the date the board member last served on the NCIDA or NCDC board of directors.

In addition to the foregoing, members of the NCDC Board are subject to the provisions of the NCDC Code of Ethics and the conflict of interest provisions set forth in NCDC’s by-laws and in the New York Not-For-Profit Corporation Law.

B. LOAN PROCESSING PROCEDURES

1. Standard Loan Application Requirements:

SECTION ONE

- a. History and nature of business
- b. Ownership structure
- c. Management resumes
- d. List of professional advisors (legal, accounting, banking)

SECTION TWO

- a. Project description
- b. Project dollar amounts required (Sources and Uses of Funds form)
- c. Employment Schedule
- d. Environmental Assessment questionnaire

SECTION THREE

- a. Products
- b. Competition
- c. Market area
- d. Main customers
- e. Main suppliers
- f. Union relationships
- g. Description of plants and facilities
- h. Business real estate and insurance

SECTION FOUR

- a. Last 3 years financial statements (reviewed or audited)
- b. Last 3 years Federal tax returns with supporting schedules (if compiled statements)
- c. Interim financial statement (less than 90 days old)
- d. Personal financial statement of all stockholders (holding 20% or more of common stock)
- e. Credit Authorization Letter from primary lender
- *f. Pending litigation
- *g. Bankruptcy or receivership
- *h. Charge or conviction record

SECTION FIVE

- a. Three years projected year-end profit and loss statement
- b. Pro forma balance sheet - after financing
- c. Cash flow statements - monthly/yearly
- d. 3 years projected year end balance sheet
- e. Other financial information as deemed necessary
- f. Agreements and Certifications

* if applicable

2. Credit and Financial Analysis:

- (a) The processing of loan applications will be the responsibility of NCCED staff and/or procured third-party service provider and will generally consist of the following:
- (i) Review of applications for completeness and procurement of appropriate additional information.
 - (ii) Review for RLF eligibility criteria.
 - (iii) Determination of economic feasibility, performance of credit analysis, and assessment of risk, including review of credit reports, financial statements and tax returns.
 - (iv) Determination of amount and terms of RLF financing, including appropriate collateral and equity requirements, if any.
 - (v) Preparation of a written report to the RLF Loan Committee summarizing the review process and providing recommendations as appropriate.
- (b) The NCDC and/or NCDC counsel, or such other person as the Board may, from time to time, designate for such purpose, shall determine (i) the completeness and eligibility of a loan application, and (ii) whether a loan application and associated loan review are appropriate for presentation the RLF Loan Committee for consideration.

3. Environmental Reviews:

Each applicant shall be required to submit an Environmental Assessment Form as part of its application. Environmental reviews will be conducted by an NCCED staff member or procured third-party service providers, who will determine if the project being funded will have a significant adverse environmental impact. Where a loan application involves a construction project, the following procedures shall apply:

- (a) No activity will be financed that would result in an adverse environmental impact unless that impact is to be mitigated to the point of insignificance. When necessary to ensure compliance, the required mitigation will be made part of the loan conditions.
- (b) Any development to be financed will be reviewed against FEMA Insurance Rate Maps to determine if the project is within a floodplain. No activity shall be financed which would result in new above-ground development in a 100-year floodplain. When applicable, loan recipients shall be required to obtain and maintain flood insurance coverage.
- (c) It shall be determined if the project will be located within or adjacent to any wetland area. No activity shall be financed which would result in alteration of any wetland or in any adverse impact on any wetland without consultation with the U.S. Department of the Interior Fish and Wildlife Service and, if applicable, the issuance of a Section 404 permit by the Army Corps of Engineers.
- (d) The State Historic Preservation Office (SHPO) shall be notified of each approved loan which involves significant new construction and expansion. SHPO shall be given the opportunity to comment on the effect of the proposed activity on historic and archaeological resources prior to the loan closing. If SHPO recommends action or has determined that an adverse impact will occur, NCDC and the borrower will work with SHPO and EDA to address any issues identified before the loan is closed.

In addition, with respect to any property which is being acquired or improved with loan proceeds or which will serve as collateral for the loan, all applicants shall provide information as to whether there are any hazardous materials on or adjacent to such property that have been improperly handled and have the potential of endangering public health. Such information shall be reviewed by NCDC counsel, who shall determine, in conjunction with the NCDC, if additional information (including a site assessment) is required. No activity shall be financed which involves unresolved site contamination issues.

4. Loan Write-up:

A loan report shall be prepared as part of the credit and financial analysis.

5. Procedures for Loan Approvals:

The NCDC Board has established the RLF Loan Committee to review RLF Loan applications and make recommendations to the NCDC Board. The NCDC Board appoints the members of the RLF Loan Committee. No loan application may be presented to the NCDC Board for action without a review and recommendation from the RLF Loan Committee.

The NCDC RLF Loan Committee shall review the loan report as prepared by staff or third party service provider and shall recommend approval/declination to the NCDC Board of Directors for Board action.

The Loan Review Committee consists of seven members, including the following:

- Two (2) voting members of the Niagara County Industrial Development Agency (NCIDA).
- Two (2) representatives of the banking or other financial institutions not currently on the NCIDA Board.
- One (1) independent private sector business-person.
- One (1) real estate professional experienced in the County's commercial real estate market.
- One (1) outside financial advisor.

All actions of the RLF Loan Committee and the NCDC Board must be approved by a majority of the members of the committee or board present (if a quorum is present), and shall be documented in the minutes of the committee or board meeting.

All recommendations of the RLF Loan Committee and loan approvals by the NCDC Board shall be consistent with the policies and guidelines set forth in this Management Plan.

C. LOAN CLOSING AND DISBURSEMENT PROCEDURES

1. Loan Closing Documents:

Loan documents required for RLF loans are as follows:

Loan application

Commitment letter
Loan Agreement
Board meeting minutes approving the RLF loan
Promissory note
Security Agreement
Mortgage, if applicable
Intercreditor Agreement with other lender(s), if applicable
Evidence that other financing is not available or is not sufficient
Guaranties or other documents to evidence security for the loan, if applicable
Other appropriate documents as determined by NCDC counsel

2. Loan Agreement Provisions:

The loan agreement shall include the use of loan proceeds, a description of the loan terms and security, any requirements for drawing loan proceeds, appropriate representations and warranties, the conditions of lending, disbursement procedures, affirmative and negative covenants (including compliance with applicable Federal laws and regulations), requirements regarding employment creation and reporting, default provisions, and any other provisions that may be appropriate. The loan agreement shall provide for appropriate remedies in the event of non-compliance, including the ability to accelerate the loan. The loan agreement shall, if applicable, include provisions that protect and hold the Federal government harmless from and against all liabilities that the Federal government may incur as a result of providing RLF grant proceeds to assist directly or indirectly in site preparation or construction, as well as the direct or indirect renovation or repair of any facility or site.

3. Loan Disbursements:

The following guidelines shall generally apply to the disbursement of RLF loan proceeds:

(a) Subject to the borrower's compliance with the terms and conditions of the loan agreement, all documents evidencing and securing the loan, and other guidelines for disbursement, the NCDC may disburse loan proceeds upon the borrower's presentation of vouchers and other such evidence satisfactory to the NCDC that represent paid or accrued expenses of the borrower and which are eligible costs as determined by the NCDC.

(b) Where RLF loan funds will be used by the borrower as working capital, the NCDC Board will establish an appropriate disbursement schedule and the NCDC or its agent will be responsible for ensuring that appropriate documentation of the use of the loan funds is procured.

(c) Where other debt, equity, or grant funding is to be used in conjunction with the RLF financing, such funding must, in the opinion of the NCDC, be firmly committed for such use. Evidence of the commitment(s) must be submitted by the borrower.

(d) Where other debt, equity, or grant funding is to be used in conjunction with the RLF financing, the NCDC will, at its discretion, determine an appropriate draw schedule for RLF funding based on such factors as the nature and magnitude of risk assumed by the NCDC, the nature of the activities being financed, the draw schedule for the other financing, and applicable Federal regulations for the use of EDA funds. The manner and terms of the disbursement of the

RLF financing should normally be included as part of the written report to the Loan Committee and should be included in the approval of the financing by the NCDC Board. However, in instances where the NCDC Board has not prescribed a draw schedule, the NCDC counsel may establish a draw schedule.

D. LOAN SERVICING PROCEDURES

1. Repayment:

(a) The schedule of loan repayments will be determined on a case-by-case basis based on the applicant's projected ability to repay the loan, the projected value of the collateral and other security, and the overall risk assumed by the RLF. Repayment terms may involve standard forms of loan amortization, periods of accruing interest or interest only payments, extended amortization schedules with balloon payments of principal, and/or such other terms as may be determined by the NCDC to be appropriate.

(b) In consideration of the public funding source of RLF capital and the RLF goal of encouraging targeted industry development by maximizing available capital, the NCDC may apply early call provisions that would allow it to accelerate loan repayments at such time as the borrower has the ability to refinance the RLF debt with institutional financing.

2. Monitoring:

NCCED staff shall be responsible for collecting and maintaining evidence of ongoing compliance with loan requirements including insurance, financial reporting, special conditions (affirmative action, CETA, minority business enterprises) and regulatory compliance. NCCED staff shall work with NCDC counsel for the monitoring and continuation of UCC filings and continued perfection of other liens, as applicable. Initial job creation projections are reviewed by NCCED's third party service provider as part of the credit analysis and are reconciled with the project information submitted by the applicant. The loan documents require the delivery of annual employment data reports in a form acceptable to NCDC, which are reviewed and compiled by NCCED staff. The Loan Agreement further permits NCDC, or its agents, to inspect and audit the books and records of the borrower to verify compliance with loan requirements. In the event of a material shortfall in job creation, NCCED staff and/or its third party service provider will meet with the borrower.

3. Loan Files:

Loan files shall be maintained by NCCED staff and shall include the loan application, closing documents, evidence of any private financing, annual financial statements, updated insurance certificates, employment reporting and the results of any other monitoring. All loan documents are stored in fireproof cabinets.

4. Job Creation:

Initial job creation projections are reviewed by NCCED's third party service provider as part of the credit analysis and are reconciled with the project information submitted by the applicant. The loan documents require the delivery of annual employment data reports in a form acceptable to

NCDC, which are reviewed and compiled by NCCED staff. The Loan Agreement further permits NCDC, or its agents, to inspect and audit the books and records of the borrower to verify compliance with loan requirements. In the event of a material shortfall in job creation, NCCED staff and/or its third party service provider will meet with the borrower.

5. Defaulted Loans:

For loan repayments that are 15 days past due, the NCDC will notify the borrower of the delinquency and encourage prompt payment. Delinquencies that continue for 60 days will be referred to the RLF Loan Committee for appropriate action. Notwithstanding the above, the NCDC's agent, or such other person charged with the responsibility of monitoring the activity of borrowers, shall immediately notify the NCDC Board of any bankruptcy or other serious event that would negatively affect the financial status of an RLF borrower. If an event of default shall occur and continue beyond any applicable notice and cure period, interest shall, in the discretion of NCDC, accrue at a default rate of interest, in accordance with the terms of the promissory note. In the event a collection action is commenced, amounts recovered shall be applied in the following order of priority: first, to costs of collection; second, toward outstanding penalties and fees; third, toward accrued interest to the extent due and payable; and fourth, toward the outstanding principal balance.

6. Write-Offs:

A determination that a loan is uncollectible will be made after consultation with NCDC counsel and will be based on the circumstances of the particular loan transaction, including the availability and value of any collateral, a review of any actions taken to collect the debt, any amount recovered to date, the existence of any additional remedies or avenues for payment and the likelihood of any additional recovery. After such a determination is made, NCCED staff will coordinate with NCDC's auditors to insure proper accounting of the write-off.

E. ADMINISTRATIVE PROCEDURES

1. New RLF's: Not applicable

2. Accounting:

The NCDC will maintain an interest-bearing checking account or accounts in which all RLF Capital and Income cash-on-hand will be maintained. All loan repayments and other cash receipts and all disbursements will be deposited to, withdrawn from, or drawn on such account(s) as applicable. The NCDC will implement appropriate procedures for cash management consistent with applicable Federal regulations. The RLF shall be operated in accordance with generally accepted accounting principles as in effect from time to time in the United States.

3. Administrative Costs:

RLF Income may be used to offset the direct administrative costs of the RLF, in accordance with 13 CFR 307.12. Administrative costs not paid from RLF Income shall be paid from the unrestricted funds of the NCDC. For the payment of administrative expenses, the following will apply:

- (a) For costs incurred for third-party goods or services, NCCED staff will be responsible for reviewing invoices, bills, receipts, or other appropriate evidence of the expense and for processing and paying such costs to the extent they are eligible pursuant to the RLF program and appropriately documented. Any such requests for payment will be processed and paid consistent with the standard operating procedures of the NCDC.
- (b) Direct NCCED staff costs must be documented by timesheets, invoices, or other appropriate information to evidence the nature of the cost. Such costs may include, but are not limited to employee salaries, benefits, and other compensation at rates not to exceed those paid by NCDC for work not provided in connection with the RLF. Any requests for the payment of RLF funds for NCCED staff costs will be processed and paid consistent with the standard operating procedures of the NCDC.

4. Capital Utilization and Sequestration:

The NCIDA Treasurer monitors RLF activity on an on-going basis and provides monthly reports to the NCIDA/NCDC Board. The Treasurer generates the semi-annual reports required by the EDA which confirms the capital utilization. NCCED staff actively markets the RLF with the intent of achieving and maintaining appropriate levels of loan activity and capital utilization.

5. EDA Reporting:

NCIDA/NCDC shall file semi-annual reports with the EDA in accordance with 13 CFR 307.14, including an Income and Expense statement if required pursuant to 13 CFR 307.14 (c).

6. Audits:

NCIDA and NCDC engage an independent auditor to conduct annual financial audits in accordance with generally accepted accounting standards in the United States and applicable government standards and requirements for Federal awards and major Federal programs. EDA RLF funds shall be subject to audit on an annual basis and the full value of the RLF (including outstanding loans and available cash) shall be shown on NCIDA's Schedule of Federal Expenditures.

EXHIBIT I
RLF OPERATIONAL PROCEDURES

PART II - OPERATIONAL PROCEDURES

Section 1. GENERAL

1.01 Approving Authority. The Operational Procedures are adopted by the Board of Directors of the Niagara County Development Corporation (the "NCDC") and are intended to serve as the primary administrative guidelines for all activities of the Niagara County Revolving Loan Fund (the "RLF") that are financed in whole or in part with funding provided by the Economic Development Administration of the U. S. Department of Commerce (the "EDA"). Any revisions or amendments to the Operational Procedures will require the approval of the NCDC Board by an adopted resolution and must be submitted to and approved by the EDA.

1.02 Objectives. The primary objectives of the RLF are to facilitate the expansion and retention of business activity within Niagara County, create and retain employment opportunities, and maintain and expand the County's commercial and industrial tax base, all such objectives to be consistent with the Revolving Loan Fund Strategy as set forth in Part I of the Revolving Loan Fund Plan.

1.03 Form of Assistance. The RLF will provide assistance only in the form of secured commercial loans.

Section 2. ELIGIBILITY REQUIREMENTS

2.01 Eligible Activities.

- (a) The principal business activity that will be primarily impacted by the RLF financing must be located within Niagara County.
- (b) RLF financing may be used to assist any form of business activity that the NCDC Board determines to be consistent with the purposes of the RLF, that is eligible for funding pursuant to EDA regulations, and that is not specifically ineligible pursuant to Section 2.02.

2.02 Eligible Uses of RLF Funds.

- (a) RLF funds may be used for any justifiable business purpose including, but not limited to fixed assets, current assets including inventory and receivables, permanent working capital, and lines of credit.
- (b) RLF funds may be used for the refinancing of existing debt where (i) there is demonstration of sound economic justification as further detailed at 13 CFR 307.17((b)(6)(i), or (ii) RLF funds will be used to finance the acquisition of lien rights when necessary to preclude a significant loss on an existing RLF loan as further detailed at 13 CFR 307.17(b)(6)(ii). Such refinancing

must be demonstrated to be a required element of the project financing and not be indicative of imprudent or ineffective management.

2.03 Ineligible Activities.

- (a) The following activities, as further described at 13 CFR 307.17, may not be assisted with RLF financing:
 - (i) Acquisition of an equity position in a private business;
 - (ii) Subsidization of interest payments on an existing RLF loan;
 - (iii) Equity contributions required for other Federal loan programs;
 - (iv) Acquisition of an interest in an existing business either through the purchase of stock or the acquisition of assets, except where the NCDC Board determines there is sufficient economic justification as further detailed at 13 CFR 307.17(b)(4).
 - (v) Investment in interest-bearing accounts, certificates of deposit, or any investment unrelated to the RLF; or
 - (vi) Refinancing of existing debt unless (A) there is demonstration of sound economic justification as further detailed at 13 CFR 307.17(b)(6)(i); or (B) RLF funds will be used to finance the acquisition of lien rights when necessary to preclude a significant loss on an existing RLF loan as further detailed at 13 CFR 307.17(b)(6)(ii).
 - (vii) Serve as collateral to obtain credit or any other type of financing without EDA's prior written approval;
 - (viii) Support operations or administration of NCIDA; or
 - (ix) Any activity that would violate the requirements found in 13 CFR 314, including 314.3 ("Authorized Use of Property") and 314.4 ("Unauthorized Use of Property").
- (b) The following business activities, as further defined by the U. S. Small Business Administration, may not be assisted with RLF financing:
 - (i) Speculative activities, defined as a business that derives profits from fluctuations in prices;
 - (ii) Lending activities, including those conducted by banks, finance companies, factors, leasing companies, insurance companies (but not insurance agents or agencies), and similar firms;
 - (ii) Pyramid sales plans;
 - (iv) Gambling activities or performances or products of a prurient sexual nature; or

- (v) Illegal activities, including the cultivation, distribution, or sale of marijuana that is illegal under Federal law.
- (c) RLF financing will not be used to induce the relocation of existing jobs within the United States that are located outside of Niagara County to a location within Niagara County in competition with other United States jurisdictions for those same jobs.

2.05 Eligible Borrowers.

- (a) Eligible borrowers include individuals, sole proprietorships, partnerships, corporations (for profit and not-for-profit), limited liability companies, limited liability partnerships, professional service corporations, cooperatives, and any other legally recognized form of business.
- (b) Loans may be provided to individuals acting as principals of an eligible entity and who will rent or lease assets to an otherwise eligible borrower.

Section 3. RLF STANDARDS

3.01 Employment/Cost Ratio. The amount of RLF financing may not exceed the ratio of \$40,000 for each employment opportunity to be created or retained. For the purposes of calculating employment opportunities, the following will apply:

- (a) Only permanent jobs will be counted; temporary and construction jobs will not be counted.
- (b) Jobs of 35 or more hours per week will be considered as one full-time job. Part-time permanent jobs of less than 35 hours per week will be converted to full-time equivalent jobs by dividing the number of part-time hours by 40.
- (c) Seasonal jobs will be considered to be permanent jobs if the duration of the working period is long enough to classify the job as the employee's principal occupation.
- (d) Projected employment must be reasonably expected to occur as a direct result of the expanded business activity, and such projection may in no instance extend beyond 36 months from the completion of the financed activities.
- (e) The limit of \$40,000 of RLF financing per employment position may be exceeded in instances where the NCDC Board determines that the expanded business activity will directly and positively impact one or more priority goals of the RLF and will result in an extraordinary degree of other public benefit. Such determination shall be in the form of an approved NCDC Board resolution.

3.02 RLF Financing Amount. RLF assistance must be no greater than the minimum amount necessary to effect the business activity. Applicants must therefore demonstrate that all other private and public sources of debt and equity have either been maximized or are inappropriate, unaffordable, or otherwise unavailable. Consistent with the provisions of 13 CFR 307.15(b)(2)(vii), where institutional debt is included as part of the financing, the NCDC will determine whether such institutional financing has been maximized.

Where there is no institutional debt included as part of the financing, the NCDC will require written documentation that an application for such financing has been declined and, in addition, the NCDC will determine whether such financing is unavailable or unaffordable based on its underwriting analysis.

3.03 Minimum Amount of RLF Assistance. RLF assistance will not be considered where the amount of such required assistance is less than \$50,000, which shall constitute the minimum loan amount. Exceptions to this Section 3.03 may be granted by the NCDC Board on a case-by-case basis where such exception is determined to be in the best interests of the RLF and where the reason for such exception is stated in a Board resolution.

3.04 Maximum Amount of RLF Assistance. The maximum loan amount shall be \$250,000, provided that at no time shall the maximum loan amount exceed 25% of the EDA RLF Capital Base. Exceptions to the maximum loan amount may be granted by the NCDC Board on a case-by-case basis where such exception is determined to be in the best interests of the RLF and where the reason for such exception is stated in a Board resolution, and provided that such loan amount does not exceed 25% of the EDA RLF Capital Base.

3.05 Private Leveraging

(a) Loan Portfolio Requirement

At all times, private investment leveraged by RLF loans for the portfolio as a whole must not be less than two dollars for each dollar of RLF funds disbursed. For the purposes of this Section 5.02, private leverage means (i) capital invested by borrowers or others; (ii) financing from private entities; or (iii) the non-guaranteed portions and ninety percent (90%) of the guaranteed portions of the U.S. Small Business Administration's 7(a) loans and 504 debenture loans.

(b) Individual Loans

RLF loans may generally not exceed forty percent (40%) of the total project cost as determined by the NCDC. The NCDC Board may grant exceptions to the private leveraging limit for individual loans where it determines that (i) the project to be financed will directly address one of the RLF's high priority objectives; (ii) the project will result in extraordinary public benefit to Niagara County and its residents; and (iii) the project cannot be implemented without RLF financing. The reasons for granting any such exceptions must be stated in the authorizing resolution of the NCDC Board.

Section 4. LENDING POLICIES

4.01 Term of Loans. For fixed asset loans, the RLF loan term will generally be consistent with the life of the assets being financed, with such periods being consistent with standard commercial lending policies and in no instance exceeding twenty (20) years for real estate uses and ten (10) years for all other uses. For all loans, the term will be determined by the NCDC based upon such factors as the structure of other related loans, the nature of the collateralized assets, and the borrower's projected ability to repay the loan.

4.02 Interest Rate.

- (a) RLF loans will bear interest at a fixed rate to be determined on a case-by-case basis by the NCDC Board based on such factors as the risk of default, the value of security, the projected cash flow, and the prevailing commercial lending rates.
- (b) The minimum interest rate is four (4) percentage points (400 basis points) below the lesser of (i) the current money center prime interest rate quoted in the *Wall Street Journal*, or (ii) the maximum interest rate allowed under State law.
- (c) In no event shall the interest rate be less than the lower of (i) four percent (4%), or (ii) seventy-five percent (75%) of the prime interest rate listed in the *Wall Street Journal*.
- (d) Should the prime interest rate listed in the *Wall Street Journal* exceed fourteen percent (14%), the minimum RLF interest rate may be fixed at ten percent (10%) if the NCDC Board determines that a higher rate would compromise the RLF's financing strategies.

4.03 Repayment Terms.

- (a) The NCDC will determine the schedule of loan repayments on a case-by-case basis based on the applicant's projected ability to repay the loan, the projected value of the collateral and other security, and the overall risk assumed by the RLF. Repayment terms may involve standard forms of loan amortization, periods of accruing interest or interest only payments, extended amortization schedules with balloon payments of principal, and/or such other terms as may be determined by the NCDC to be appropriate.
- (b) In consideration of the public funding source of RLF capital and the RLF goal of encouraging targeted industry development by maximizing available capital, the NCDC may apply early call provisions that would allow it to accelerate loan repayments at such time as the borrower has the ability to refinance the RLF debt with institutional financing.

4.04 Security. The NCDC will determine the required security for each loan on a case-by-case basis based on such factors as the risk of default, the nature and value of the security, and the position of the RLF in relation to other lenders. In determining the appropriate security, the following will apply:

- (a) The NCDC will generally require a security interest in all assets financed with RLF funds. Other assets of the borrower may be required as additional security at the NCDC's option.
- (b) The NCDC may require the personal guarantee of persons having an ownership interest in the borrowing entity.
- (c) The NCDC may, at its discretion, require additional security including, but not limited to additional collateral, guaranties, and the assignment of life insurance.

4.05 Subordination.

- (a) RLF promissory notes shall not be subordinated to any other lending interest except where the Board determines that such subordination is a reasonable and non-negotiable

requirement of the senior lender. Any such subordination shall be subject to terms and conditions acceptable to the Board.

- (b) The NCDC will generally allow a subordination of RLF collateral interests to private institutional lenders where necessary to facilitate the maximum financial participation by the private lenders.
- (c) The standing of the RLF financing relative to other public or quasi-public lenders will be negotiated on a case-by-case basis.
- (d) The NCDC will generally require the subordination to RLF financing of all notes payable to any officer, owner, or similarly affiliated party to the borrower where such subordination is appropriate and feasible. The terms and conditions of any such subordination shall be established by the Board on a case-by-case basis.
- (e) The use of and/or participation in intercreditor agreements shall be at the discretion of the NCDC Board.

Section 5. APPLICATION PROCESSING

5.01 Loan Applications. Applications for RLF financing must include all of the information required by the RLF Application Form (attached hereto as Appendix A), and any additional information as may be reasonably requested by the NCDC.

5.02 Application Fee. A fee of two hundred fifty dollars (\$250.00) must accompany all RLF loan applications. Such fee will be in consideration of loan processing costs incurred by the NCDC and will be considered and accounted for as RLF Income.

5.03 Application Processing.

- (a) The processing of loan applications will be the responsibility of Niagara County Center for Economic Development (the "NCCED") staff and/or procured third-party services and will generally consist of the following:
 - (i) Review of applications for completeness and procurement of appropriate additional information.
 - (ii) Review for RLF eligibility criteria.
 - (iii) Determination of economic feasibility, performance of credit analysis, and assessment of risk.
 - (iv) Determination of amount and terms of RLF financing, including appropriate security.

- (v) Preparation of a written report to the RLF Loan Committee summarizing the review process and providing recommendations as appropriate.
- (b) The NCDC/RLF attorney, or such other person as the Board may, from time to time, designate for such purpose, shall determine (i) the completeness and eligibility of a loan application, and (ii) whether a loan application and associated loan review are appropriate for presentation the Loan Committee for consideration.

5.04 Loan Committee.

- (a) The NCDC Board has established a Loan Committee to review RLF loan applications and to make recommendations to the NCDC Board. No loan application may be presented to the NCDC Board for action without a review and recommendation(s) by the Loan Committee. The Loan Committee will also be responsible for reviewing and making recommendations to the NCDC Board as appropriate regarding loan portfolio management issues.
- (b) The Loan Review Committee will consist of seven members, each appointed by the NCDC Board to a one-year term and to include the following:
 - Two voting members of the Niagara County Industrial Development Agency (NCIDA);
 - Two representatives of banking or other financial institutions who not currently on the board of the NCIDA;
 - One independent private sector business-person;
 - One real estate professional experienced in the County’s commercial real estate market; and
 - One outside financial advisor

Vacancies occurring prior to the expiration of a term will be filled for the remainder of the term by an NCDC Board appointment as soon as practicable.

5.05 Loan Approvals. The NCDC Board shall have sole authority to approve RLF loans. Such authority shall include the commitment to lend RLF funds, the interest rate(s) to be charged, the repayment terms, the requisite security for the loan, and other appropriate conditions of lending and covenants of the borrower.

5.06 Loan Declinations.

- (a) Loan applications may be declined by the Loan Committee, the NCDC Executive Director, or such other person as may be designated by the NCDC Board to oversee the daily operations of the RLF, based on a lack of application completeness or a failure to meet the eligibility

criteria pursuant to Section 2. In such instances, the applicant will be notified in writing of the reason(s) for disapproval.

- (b) Loan applications may be declined by the Loan Committee for reasons relating to credit issues and financial feasibility. The occurrence of any such disapproval shall be conveyed to the NCDC Board for informational purposes, and the applicant will be notified in writing of the reason(s) for disapproval.
- (c) Loan applications may be declined by the NCDC Board for any reason or reasons that represent a reasonable determination that the approval of the RLF application would not meet the objectives of the RLF and/or would not represent an appropriate or prudent use of RLF funds. In such instances, the applicant will be notified in writing of the reason(s) for disapproval.

Section 6. POST-APPROVAL PROCESS

6.01 Commitment Letter. Within ten (10) calendar days from the date of the NCDC Board's approval of a RLF loan, the NCDC attorney shall issue a commitment letter to the applicant that includes, at a minimum, the following information:

- (a) The amount of the approved loan, the applicable interest rate, the term of the loan, the terms of repayment, and the expiration date of the commitment.
- (b) The required use of the loan funds.
- (c) The NCDC's requirements for collateral and additional security - including guarantees, pledges of assets, assignment of life insurance, etc.
- (d) Summary information regarding employment requirements.
- (e) Any other conditions of lending.
- (f) A listing and explanation of any fees to be charged and other closing costs that will be the responsibility of the borrower.
- (g) A listing of those conditions and requirements of the borrower that must be fulfilled precedent to a loan closing.
- (h) Any other information that could reasonably be expected to influence the borrower's decision to accept the terms of the loan commitment.

6.02 Commitment Fee.

- (a) In consideration of the reservation of funds for approved loan applications, the loan applicant will be charged a commitment fee equal to one percent (1%) of the approved loan amount. The commitment fee will be nonrefundable and will become due and payable concurrent with the applicant's executed acceptance of the loan commitment.

- (b) The commitment fee will be credited to the loan applicant at the time of the loan closing to offset any costs and/or fees associated with the loan closing. The commitment fee will be considered as and accounted for as RLF Income.
- (c) Commitment fees for loans that do not close through no fault of or action by the NCDC will be retained by NCDC, will be considered as and accounted for as RLF Income. Exceptions to this policy that will allow the return of all or a portion of the commitment fee to the loan applicant may be granted by the NCDC Board on a case-by-case basis in consideration of the reason(s) that the loan did not close.
- (d) Commitment fees for loans that do not close as the result of actions or circumstances solely within the control of the NCDC will be returned in whole to the loan applicant.
- (e) In all other circumstances where a loan does not close, the return of all or a portion of the commitment fee will be at the discretion of the NCDC Board based on the nature of the circumstances.

6.03 Loan Closing Fees and Costs.

- (a) Borrowers will be required to pay the NCDC's legal fees associated with a loan closing.
- (b) Borrowers will pay all of the NCDC's third-party costs for documents, instruments, and services associated with the loan closing including, but not limited to surveys, title and lien searches, filing and recording fees, and appraisals.

6.04 Loan Closings. The NCDC attorney will have the responsibility to prepare and/or require the preparation of all appropriate closing documents. The NCDC attorney will determine the appropriate closing documents to be executed based upon the terms and conditions of the loan approval and standard commercial lending policies. Such documents will generally include the following:

- (a) A loan agreement that includes a description of the loan terms and security, appropriate representations and warranties, the conditions of lending, affirmative and negative covenants (including compliance with applicable Federal laws and regulations), requirements regarding employment creation and reporting, default provisions, and any other provisions that may be appropriate.
- (b) A note or notes to evidence the indebtedness and the terms of repayment.
- (c) The appropriate documents to evidence and record mortgages, liens, guaranties, and such other security as may be required by the terms of the loan.
- (d) Other appropriate documents as determined by the NCDC attorney.

6.05 Security. The NCDC attorney will be responsible for perfecting all of the RLF's security interests including, where appropriate, the execution of security agreements, the filing of financing statements, the execution and filing of mortgage documents, the execution of guaranties, and any other appropriate actions to adequately protect the RLF's security interests. Intercreditor agreements may be executed

where appropriate to further protect the RLF's interests and to facilitate the processing of defaults and foreclosures.

6.06 Loan Disbursements. The following guidelines shall generally apply to the disbursement of RLF loan proceeds:

- (a) Subject to the borrower's compliance with the terms and conditions of the loan agreement, all documents evidencing and securing the loan, and other guidelines for disbursement as detailed in this Section 6.06, the NCDC may disburse loan proceeds upon the borrower's presentation of vouchers and other such evidence satisfactory to the NCDC that represent paid or accrued expenses of the borrower and which are eligible costs as determined by the NCDC.
- (b) Where RLF loan funds will be used by the borrower as working capital, the NCDC Board will establish an appropriate disbursement schedule and the NCDC or its agent will be responsible for ensuring that appropriate documentation of the use of the loan funds is procured.
- (c) Where other debt, equity, or grant funding is to be used in conjunction with the RLF financing, such funding must, in the opinion of the NCDC, be firmly committed for such use. Evidence of the commitment(s) must be submitted by the borrower.
- (d) Where other debt, equity, or grant funding is to be used in conjunction with the RLF financing, the NCDC will, at its discretion, determine an appropriate draw schedule for RLF funding based on such factors as the nature and magnitude of risk assumed by the NCDC, the nature of the activities being financed, the draw schedule for the other financing, and applicable Federal regulations for the use of EDA funds. The manner and terms of the disbursement of the RLF financing should normally be included as part of the written report to the Loan Committee and should be included in the approval of the financing by the NCDC Board. However, in instances where the NCDC Board has not prescribed a draw schedule, the NCDC attorney may establish a draw schedule.

Section 7. LOAN MANAGEMENT

7.01 General. The NCDC will establish and use appropriate systems for the accounting and collection of RLF loan repayments and shall procure and maintain appropriate documents and records associated with RLF assistance in a manner consistent with the rules and requirements of the EDA and with standard commercial lending practices.

7.02 Delinquencies. For loan repayments that are 15 days past due, the NCDC will notify the borrower of the delinquency and encourage prompt payment. Delinquencies that continue for 60 days will be referred to the Loan Committee for appropriate action. Notwithstanding the above, the NCDC's agent, or such other person charged with the responsibility of monitoring the activity of borrowers, shall immediately notify the NCDC Board of any bankruptcy or other serious event that would negatively affect the financial status of an RLF borrower.

7.03 Annual Financial Review. The NCDC will conduct an annual financial review for all borrowers with outstanding RLF loans based primarily on the annual financial statements submitted by the borrower. Additional information may be procured as appropriate. The reviews will be presented to the Loan Committee for further action or recommendations as appropriate.

7.04 Adjustment of Terms and Conditions. Requests by the borrower for adjustment of any of the terms and conditions of a closed RLF loan will be reviewed to determine whether the adjustment is in the best interests of the NCDC. Requests will be processed in accordance with the following:

- (a) Requests to adjust the interest rate, term of the loan, or security for the loan will be presented to the Loan Committee for review and recommendations and presented to the NCDC Board for action. Any such adjustments will require approval of the NCDC Board.
- (b) Requests to accrue interest, defer principal payments, or otherwise temporarily modify the repayment schedule may be approved by the Loan Committee for a period not to exceed 90 days. Extensions for any longer period will require the approval of the NCDC Board.
- (c) Requests for changes respecting any covenants or conditions of a financial nature must be approved by the NCDC Board as to content and the NCDC attorney as to form.
- (d) Requests for any other changes to the covenants or conditions of the loan including, but not limited to such areas as reporting requirements, cost documentation, and maintenance of records may be approved by the NCDC attorney or referred to the Loan Committee at the discretion of the NCDC attorney.

SECTION 8. Loan Servicing and Cash Management

Except as otherwise noted below, servicing and cash management for RLF loans will be the responsibility of NCCED staff and will involve the following activities:

8.01 Collections. The billing of borrowers for amounts as due; the receipt and posting of payments; the notification of borrowers for past due accounts; and the preparation and dissemination of monthly loan portfolio status reports to the NCDC attorney and the RLF consultant.

8.02 Disbursements.

- (a) For loan disbursements, the NCDC attorney and the RLF consultant will be jointly responsible for ensuring that all conditions precedent to the disbursement of loan funds have been met. The RLF consultant will be responsible reviewing all project cost documentation and the status of all other project funding sources and determining the appropriate amount, if any, of RLF funds to disburse to a borrower. No disbursement of RLF loan funds may be made without the written authorization of the NCDC attorney and the RLF consultant specifying the amount to be disbursed, the payee(s), and the use of funds. Upon receipt of such authorization, NCCED staff will, as soon as practicable, disburse the RLF funds as directed and record such disbursement in an appropriate manner.
- (b) For the payment of administrative expenses, the following will apply:

- (i) For costs incurred for third-party goods or services, NCCED staff will be responsible for reviewing invoices, bills, receipts, or other appropriate evidence of the expense and for processing and paying such costs to the extent they are eligible pursuant to the RLF program and appropriately documented. Any such requests for payment will be processed and paid consistent with the standard operating procedures of the NCDC.
- (ii) Direct NCCED staff costs must be documented by timesheets, invoices, or other appropriate information to evidence the nature of the cost. Such costs may include, but are not limited to employee salaries, benefits, and other compensation at rates not to exceed those paid by NCCED for work not provided pursuant to his Agreement. Any requests for the payment of RLF funds for NCCED staff costs will be processed and paid consistent with the standard operating procedures of the NCDC.

8.03 Cash Management. The NCDC will maintain an interest-bearing checking account or accounts in which all RLF Capital and Income cash-on-hand is maintained. All loan repayments and other cash receipts and all disbursements will be deposited to, withdrawn from, or drawn on such account(s) as applicable. The NCDC will implement appropriate procedures for cash management consistent with applicable Federal regulations.

8.04 On-going Monitoring of Borrower Compliance. Collecting and maintaining evidence of ongoing compliance with loan requirements including insurance, financial reporting, special conditions (affirmative action, CETA, minority business enterprises).

SECTION 9. Exceptions

9.01 Exceptions.

- (a) The NCDC may deviate from the Eligibility Requirements (Section 2), RLF Standards (Section 3), and Lending Policies (Section 4) only where it is determined by the NCDC Board that such deviation will result in an extraordinary public benefit to Niagara County. The nature of the deviation and the nature and extent of public benefit to result must be stated in an approved NCDC Board Resolution. In no instance shall any such deviation be inconsistent with the laws, regulations, rules, or policies of the EDA.
- (b) Any other deviations from the Operational Procedures will require the authorization of the NCDC Board and shall not be inconsistent with the laws, regulations, rules, or policies of the EDA.

NCIDA AND NCDC CORPORATE STRUCTURE EXHIBIT II

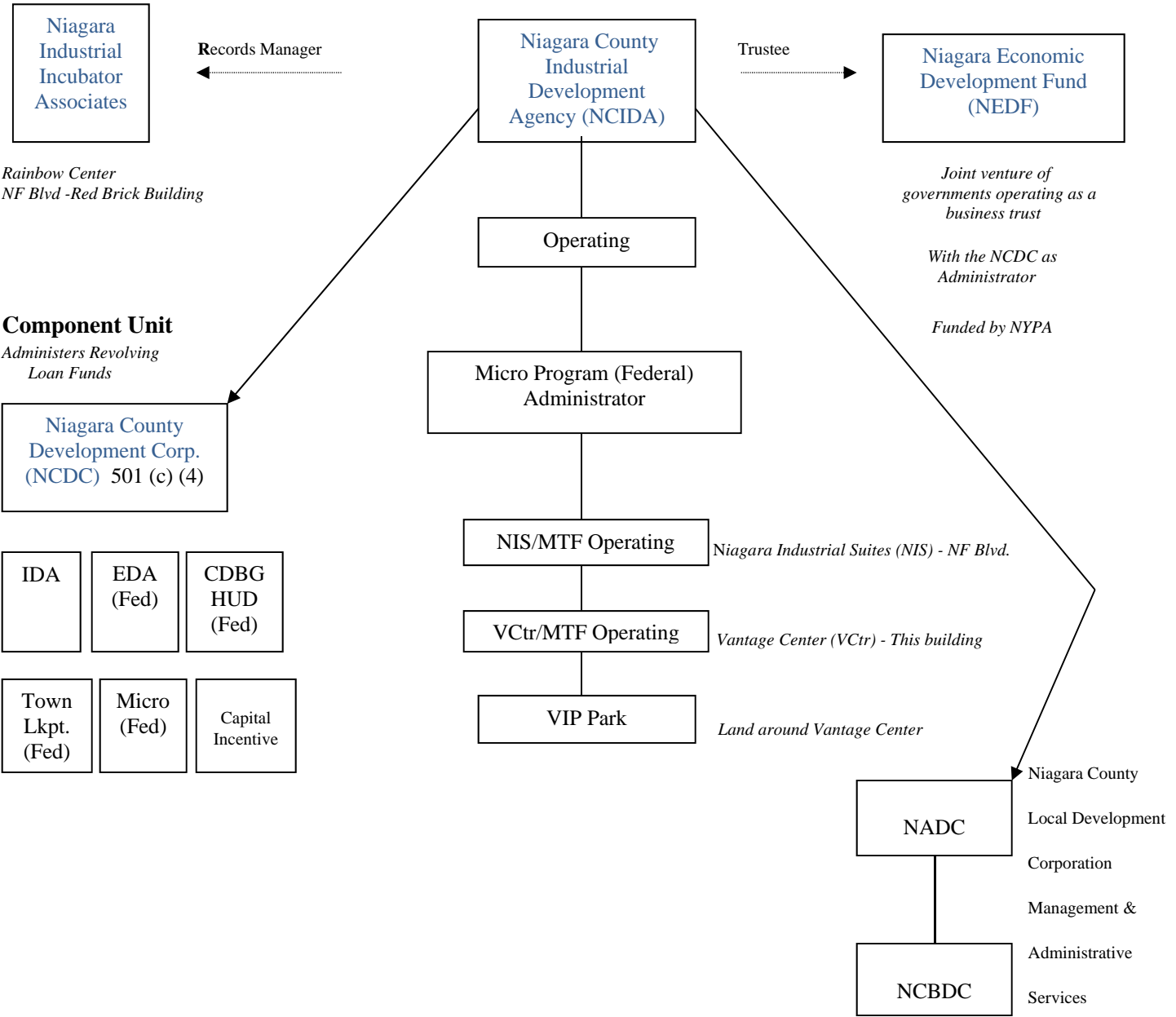
Limited Partnership

- 1. NFTA
- 2. NCIDA
- 3. Private Investors

Joint Venture

- 1. NY Power Authority (NYPA)
- 2. City of Niagara Falls
- 3. Empire State Development Corp.
- 4. NCIDA

PRIMARY GOVERNMENT



October 2011