



Erie County Industrial Development Agency  
Board of Directors Meeting  
October 27, 2021  
12:00 p.m.

Via Conference Call & Livestreaming

**1.0 Call to Order**

1.1 Call to Order Meeting of the Membership

**2.0 Approval of Minutes:**

2.1 Approval of Minutes of September 22, 2021 Meeting of the Membership (Action Item) (Pages 2-12)

**3.0 Reports / Action Items / Information Items:**

3.1 Financial Report (Informational) (Pages 13-16)

3.2 Approval of 2022 Operating & Capital Budget (Action Item) (Pages 17-27)

3.3 2021 Tax Incentive Induced/Closing Schedule/ Estimated Real Property Tax Impact (Informational) (Pages 28-31)

3.4 Policy Committee Update (Informational 32-34)

**4.0 Inducement Resolution:**

4.1 Sumitomo Rubber USA, LLC (Pages 35-105)

**ECIDA  
Incentives**  
\$1,762,187

**Private  
Investment Municipality**  
\$126,000,000 Tonawanda

**5.0 Compliance Update:**

5.1 Compliance Report 2020 (Separate Attachment)

**6.0 Management Team Reports:**

6.1 2022 Meeting Schedule (Page 106)

**7.0 Adjournment - Next Meeting November 17, 2021 @ 12:00 p.m. (New Date)**

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

- DATE:** September 22, 2021
- LIVE STREAMED:** This meeting is being live-streamed and made accessible on the ECIDA's website at [www.ecidany.com](http://www.ecidany.com).
- PRESENT:** Denise Abbott, Hon. Diane Benczkowski, Rev. Mark E. Blue, Hon. Joseph Emminger, Dottie Gallagher, Hon. Howard Johnson, Tyra Johnson, Hon. Brian Kulpa, Richard Lipsitz, Brenda W. McDuffie, Hon. Glenn R. Nellis, Hon. Darius G. Pridgen, Kenneth A. Schoetz, Paul Vukelic and Renee Wilson
- EXCUSED:** Hon. Bryon W. Brown, James Doherty, Hon. Mark C. Poloncarz, and Sister Denise Roche
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Atiqa Abidi, Assistant Treasurer; Gerald Manhard, Chief Lending Officer; Jamee Lanthier, Compliance Officer; Beth O'Keefe, Business Development Officer; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Operations Assistant; Robbie Ann McPherson, Director, Marketing & Communications, Pat Smith, Bookkeeper; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Deputy County Executive Maria Whyte; Andrew Federick, Erie County Senior Economic Development Specialist; Ben Vollmer on behalf of Renewable properties; Kyle Borland, Mike Thornhill and Barry Carrigan (Nixon Peabody) on behalf of Coca-Cola Beverages Northeast; Kimberly Ferguson, Joe Collura & Kyle Swiat on behalf of Skycatcher Holdings, LLC; Matt Connors on behalf of George Lewis House and Walcot Apartments; Thomas Rybicki on behalf of PM Plastics; and Alex Carducci on behalf of the City of Buffalo

There being a quorum present at 12:03 p.m., the Meeting of the Board of Directors of the Erie County Industrial Development Agency (the "ECIDA" or "Agency"), was called to order by Chair McDuffie.

Ms. McDuffie informed members of the retirement of Vice President Karen Fiala, noting her 39 years of outstanding leadership and responsiveness to the community and her commitment

to the Agency and its members. Ms. McDuffie thanked Ms. Fiala for her community efforts and wished her all the best.

Mr. Cappellino thanked Ms. Fiala for her 39 years of service, her commitment and constant willingness to help, her wonderful attitude and dedication to the Agency.

Ms. Whyte also thanked Ms. Fiala for her dedication and ever present responsiveness. A round of applause for a career well-done followed.

## MINUTES

The minutes of the July 28, 2021 meeting of the members were presented. Mr. Lipsitz moved and Mr. Johnson seconded to approve of the minutes. Ms. McDuffie called for the vote and the minutes were unanimously approved.

## REPORTS/ACTION ITEMS/INFORMATION ITEMS

Financial Report. Ms. Profic noted that the ECIDA finished the month of August with total assets of \$29.3M and net assets were \$20.5M. The monthly income statement shows an overall net loss of \$92,000 for August. Operating revenues of \$231,000 exceeded our monthly budgeted total by \$13,000. Operating expenses of \$216,000 were in line with the monthly budget. Under Special Project Grants, \$58,000 of PPE grant funds were disbursed to 14 grantees in August. The year-to-date Income Statement shows revenues of close to \$2.0M, including administrative fee revenue of \$1.4M. Through August, the Agency has recognized 80% of its annual budgeted administrative fees. Expenses of \$1.7M are \$39,000 below budget. Special project grants, including EDA CARES Act funding, passed through to RDC of \$4.1M and distributions of PPE grant funding. Ms. Profic pointed out that the \$1M allocated for the PPE grant program was done so out of the IDA's excess general funds that had built up over the years, essentially coming out of the savings account. Ms. Profic stated that because those grants must be expensed in the current year, we can expect to continue to see a net loss going forward. Similarly, strategic initiatives are funds that have been Board approved to use from UDAG funds. After taking into account the strategic initiatives and depreciation, there is currently a net loss of \$600,500 for the year. Ms. McDuffie directed that the report be received and filed.

Finance & Audit Committee Update. Ms. Profic advised that the Committee met on September 14 to review and recommend draft budgets to the Boards, subject to changes of \$100,000 or more to be reapproved by the Committee.

Budget Timetable. Ms. Profic presented a visual representation of where we are at in the 2022 budget process. The budgets have been reviewed and discussed in detail twice by the Finance & Audit Committee. After today's presentation of the draft budgets to the Board, there will be two budget Q&A sessions on October 5 and October 7. These optional sessions are for Board or Committee members and will be held virtually.

Resolution to Appoint Vice President. Ms. Profic noted the request to appoint Elizabeth A. O'Keefe as Vice President. Upon motion made by Mr. Lipsitz and seconded by Mr. Blue to

approve of Elizabeth A. O’Keefe as Vice President, Ms. McDuffie called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE “AGENCY”) APPOINTING ELIZABETH A. O’KEEFE AS VICE PRESIDENT OF THE AGENCY

Banking Resolution. Ms. Profic requested the addition of Elizabeth A. O’Keefe as a signer for the bank accounts. Upon motion made by Mr. Lipsitz and seconded by Mr. Blue to approve of Elizabeth A. O’Keefe as additional M&T signor and to have Ms. Profic execute the M&T resolution. Ms. McDuffie called for the vote and the motion was then unanimously approved.

Insurance Brokerage RFQ Recommendations. Ms. Profic summarized the recent Insurance brokerage RFQ process. The ECIDA’s Professional Services RFP process requires proposals for insurance brokerage services to be solicited at least every five years. This situation is somewhat unique, as brokers are not paid directly by the Agency, but rather earn commissions from insurance carriers. In June 2021 ECIDA issued a joint RFQ for the Agency and its affiliates (RDC, ILDC), BUDC and its affiliates, and Western Region Corporation. The RFQ requested services for three years plus two additional one year extensions, however the contacts may be terminated at any time. Agency staff separated the RFQ into Property & Casualty and Health & Benefits brokerage services, as in the past. A total of five proposals were received from individual agencies, with four of those proposing on both P&C and H&B services. After initial evaluation and scoring by the review committee, three firms were interviewed (two for both services, one for only H&B). After the interviews, Lawley is recommended as the top-rated Property & Casualty broker. They have a team of experienced and specialized representatives, access to a large pool of providers and a full-service claims department. They also review our clients’ insurance certificates at no additional charge. Bene-Care is recommended as the top-rated Health & Benefits broker. They offer an individualized approach, review our monthly billings for accuracy, and provide all services in-house. The Finance & Audit Committee reviewed these recommendations at their September 14 meeting and recommend that the Board approve Lawley as Property & Casualty broker of record and Bene-Care as Health & Benefits broker of record.

Upon motion made by Ms. Benczkowski and seconded by Mr. Johnson to approve of the Lawley as Property & Casualty broker and Bene-Care as Health & Benefits broker. Ms. McDuffie called for the vote and the motion was then unanimously approved.

2021 Tax Incentive Induced/Closing Schedule/Estimated Real Property Tax Impact. Ms. Fiala presented this report. Ms. McDuffie directed that the report be received and filed.

Policy Committee Update. Mr. Lipsitz presented the report of the most recently held Policy Committee meeting. Ms. McDuffie directed that the report be received and filed.

Approval of Solar Policy. Mr. Cappellino reviewed the proposed ECIDA Solar Photovoltaic Policy.

Ms. Abbott moved and Ms. Benczkowski seconded to approve of the ECIDA Solar Photovoltaic Policy as proposed. Ms. McDuffie called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") APPROVING AN OFF-SITE COMMERCIAL SOLAR PHOTOVOLTAIC POLICY THEREBY PERMITTING THE AGENCY TO PROVIDE FINANCIAL ASSISTANCE TO OFF-SITE COMMERCIAL SOLAR PHOTOVOLTAIC PROJECTS

**INDUCEMENT RESOLUTIONS**

Bullis Road Solar PILOT, 11061 Bullis Road, Marilla, New York. Mr. Cappellino reviewed this proposed sales tax exemption, mortgage recording tax exemption, and real property tax abatement benefit project which consists of a small-scale community solar project which will generate approximately 4.5MW of clean reliable solar energy when complete. The project will interconnect to NYSEG's existing electrical distribution system. The power generated from this facility will be sold directly to consumers via the state's community Distributed Generation program allowing customers to directly offset their energy use with local solar power while saving money on their electric bills. Electricity generated from the project will power roughly 1,015 homes per year. The project will utilize approximately 10,800 solar modules and 36 string inverters which convert the sun's energy into useable AC power. The Project's cost benefit ratio was presented to and reviewed by the members present and the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project's contemplated community benefits were discussed and considered.

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

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$5,430,942 (which represents the product of 85% multiplied by \$6,389,343, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iii) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Ms. Benczkowski moved and Ms. Wilson seconded to approve the Project. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF RPNY SOLAR 2, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

Coca-Cola Beverages Northeast, LLC, 150 & 200 Milens Road, Tonawanda, New York. Ms. O'Keefe reviewed this proposed sales tax exemption and real property tax abatement benefit project which consists of two adjacent parcels of land located at 150 and 200 Milens Road in the Town of Tonawanda. Phase I will include the demolition of a 14,490 sq. ft. former trucking facility at 150 Milens Road followed by the construction of a building consisting of 20,000 sq. ft. of office space and 43,000 sq. ft. of new warehouse space on the site. Upon completion of Phase I, the company will transfer operations from the warehouse located at 200 Milens Road to the newly constructed warehouse at 150 Milens Road. Phase II will be the demolition of the existing 88,121 sq. ft. warehouse at 200 Milens Road and the construction of a 49,000 sq. ft. warehouse on the site. The Project's cost benefit ratio was presented to and reviewed by the members present and the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project's contemplated community benefits were discussed and considered.

Mr. Emminger spoke in favor of the project.

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

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$19,219,781 (which represents the product of 85% multiplied by \$22,611,507, being the total project cost as stated in the Company’s application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 124 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company’s application for Financial Assistance. In an effort to confirm and verify the Company’s employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency’s “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency’s Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency’s Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency’s Unpaid Real Property Tax Policy.

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

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

Skycatcher Holdings, LLC, 15 Cobham Drive, Orchard Park, New York. Mr. Cappellino reviewed this proposed sales tax exemption and mortgage recording tax exemption benefits project which consists of the renovation of the 14,000 sq. ft. facility at 15 Cobham Drive and then the transferring of operations from the existing leased facility to this new renovated, more efficiently laid-out 25,250 sq. ft. building which will be leased to Sti-Co Industries, Inc. The new facility will provide office space, manufacturing and research and development functional areas. It will be used for manufacturing all antenna systems and related components including raw material parts. Inventory that is now stored offsite will be housed in the new facility which eliminates the need for offsite warehouse space and the associated inefficiency and expense. The Project's cost benefit ratio was presented to and reviewed by the members present and the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project's contemplated community benefits were discussed and considered.

As a condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, through the conclusion of the later of two (2) years following either (x) the construction completion date, or (y) the termination of the Agent Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$2,447,150 (which represents the product of 85% multiplied by \$2,879,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 41 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
  - the number of current FTE employees in the then current year at the Facility; and
  - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 46 FTE employees [representing the sum of (x) 41 Baseline FTE and (y) 5 FTE employees, being the product of 85% multiplied by 6 (being the 6 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.



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

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF SKYCATCHER HOLDINGS, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE “COMPANY”) IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, AND (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

George Lewis House Apartments, 197 Summer Street, Buffalo, New York. Ms. O’Keefe reviewed this proposed sales tax exemption benefit project which consists of the adaptive reuse of a Historic National Register listed building within Elmwood Village. The structure is over 100 years old and has been vacant for 8 years. The project will create 9 apartments with approximately 500 sq. ft. of light commercial space on the first floor and parking will be in the rear of the building. The Project’s cost benefit ratio was presented to and reviewed by the members present and the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project’s contemplated community benefits were discussed and considered.

As a condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, through the conclusion of the later of two (2) years following either (x) the construction completion date, or (y) the termination of the Agent Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$2,443,750 (which represents the product of 85% multiplied by \$2,875,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 1 FTE employee. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's "Quarterly Employment Survey" form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF SINATRA & COMPANY REDEVELOPMENT LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (iv) AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

At this point in time Mr. Pridgen left the meeting.

The Walcot Apartments, 257 Elmwood Avenue, Buffalo, New York. Ms. O'Keefe reviewed this proposed sales tax exemption benefit project which consists of the adaptive reuse and historic tax credit project within the Elmwood Village. This 12,500 sq. ft. mid-century modern

building has been vacant for nearly a decade. The project will create 12 apartments with approximately 500 sq. ft. of light commercial space on the first floor. Ms. O’Keefe reviewed the cost-benefit analysis prepared for this Project.

Mr. Lipsitz noted the Policy Committee confirmed with developer that all real property taxes are current on this property and other properties owned by developer.

As a condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, through the conclusion of the later of two (2) years following either (x) the construction completion date, or (y) the termination of the Agent Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$2,843,250 (which represents the product of 85% multiplied by \$3,345,000, being the total project cost as stated in the Company’s application for Financial Assistance).
- (ii) Employment Commitment – that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to one FTE employee. In an effort to confirm and verify the Company’s employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency’s “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency’s Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency’s Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency’s Unpaid Real Property Tax Policy.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF SINATRA & COMPANY REDEVELOPMENT LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE “COMPANY”) IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii)

APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (iv) AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

At this point in time, Mr. Schoetz left the meeting.

#### **MANAGEMENT TEAM REPORT**

Mr. Cappellino provided this report to the members.

At this point in time Mr. Johnson left the meeting.

There being no further business to discuss, Ms. McDuffie adjourned the meeting of the Agency at 1:10 p.m.

Dated: September 22, 2021

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Gerald Manhard, Assistant Secretary

**Erie County Industrial Development Agency**  
**Financial Statements**  
As of September 30, 2021

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")**

**Balance Sheet**  
September 30, 2021

|  | <b>September 2021</b>       | <b>August 2021</b>          | <b>December 2020</b>        |
|--|-----------------------------|-----------------------------|-----------------------------|
| <b>ASSETS:</b>                               |                             |                             |                             |
| Cash *                                       | \$ 7,309,531                | \$ 7,326,562                | \$ 7,617,692                |
| Restricted Cash & Investments *              | 18,537,205                  | 18,532,103                  | 17,341,353                  |
| Due from Affiliates                          | 639,874                     | 606,034                     | 577,111                     |
| Due from Buffalo Urban Development Corp.     | 142,938                     | 132,180                     | 120,375                     |
| Other Receivables                            | 68,882                      | 72,821                      | 51,916                      |
| Total Current Assets                         | <u>26,698,430</u>           | <u>26,669,700</u>           | <u>25,708,448</u>           |
| Grants Receivable                            | 923,617                     | 923,617                     | 831,498                     |
| Venture Capital Investments, net of reserves | 506,886                     | 506,886                     | 506,886                     |
| Capital Assets                               | 1,190,532                   | 1,198,333                   | 1,249,227                   |
| Total Long-Term Assets                       | <u>2,621,035</u>            | <u>2,628,836</u>            | <u>2,587,611</u>            |
| <b>TOTAL ASSETS</b>                          | <u><u>\$ 29,319,465</u></u> | <u><u>\$ 29,298,535</u></u> | <u><u>\$ 28,296,059</u></u> |
| <b>LIABILITIES &amp; NET ASSETS</b>          |                             |                             |                             |
| Accounts Payable & Accrued Exp.              | \$ 256,775                  | \$ 224,774                  | \$ 239,094                  |
| Deferred Revenues                            | 839,436                     | 896,469                     | 825,000                     |
| Funds Held on Behalf of Others               | 7,680,136                   | 7,680,011                   | 6,134,120                   |
| Total Liabilities                            | <u>8,776,347</u>            | <u>8,801,254</u>            | <u>7,198,214</u>            |
| Net Assets                                   | 20,543,118                  | 20,497,281                  | 21,097,845                  |
| <b>TOTAL LIABILITIES &amp; NET ASSETS</b>    | <u><u>\$ 29,319,465</u></u> | <u><u>\$ 29,298,535</u></u> | <u><u>\$ 28,296,059</u></u> |

\* Cash and restricted cash is invested in checking accounts at M&T Bank. The maximum FDIC insured amount = \$250,000 with the remainder of the cash balance collateralized with government obligations by the financial institution.

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")**

**Income Statement**

Month of September 2021

|   | <b>Actual vs. Budget</b> |                  |                  |
|---|--------------------------|------------------|------------------|
|   | <b>Actual</b>            | <b>Budget</b>    | <b>Variance</b>  |
| <b>REVENUES:</b>  |                          |                  |                  |
| Administrative Fees   | \$ 146,820               | \$ 150,000       | \$ (3,180)       |
| Affiliate Management Fees   | 43,500                   | 43,583           | (83)             |
| Interest Income - Cash & Investments  | 294                      | 3,333            | (3,039)          |
| Rental Income   | 115,075                  | 115,375          | (300)            |
| Other Income  | 6,495                    | 6,333            | 162              |
| <b>Total Revenues</b>   | <b>312,185</b>           | <b>318,625</b>   | <b>(6,440)</b>   |
| <b>EXPENSES:</b>  |                          |                  |                  |
| Salaries & Benefits   | \$ 175,068               | \$ 157,140       | \$ 17,928        |
| General Office Expenses   | 20,541                   | 21,283           | (743)            |
| Building Operating Costs  | 16,521                   | 20,358           | (3,837)          |
| Professional Services   | 11,011                   | 7,500            | 3,511            |
| Public Hearings & Marketing   | 1,515                    | 4,583            | (3,068)          |
| Travel, Mileage & Meeting Expenses  | 2,526                    | 2,750            | (224)            |
| Other Expenses  | 352                      | 833              | (481)            |
| <b>Total Expenses</b>   | <b>227,534</b>           | <b>214,449</b>   | <b>13,085</b>    |
| <b>SPECIAL PROJECT GRANTS:</b>  |                          |                  |                  |
| Revenues  | \$ 60,078                | \$ 221,683       | \$ (161,605)     |
| Expenses  | (88,892)                 | (216,250)        | 127,358          |
|   | <b>(28,814)</b>          | <b>5,433</b>     | <b>(34,248)</b>  |
| <b>NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS &amp; DEPRECIATION:</b> |                          |                  |                  |
|   | <b>55,836</b>            | <b>109,610</b>   | <b>(53,773)</b>  |
| <b>OTHER STRATEGIC INVESTMENTS AND INITIATIVES:</b>                             |                          |                  |                  |
| Zero Net Energy costs (Z7+)   | -                        | (52,160)         | 52,160           |
| Bethlehem Steel Industrial Park Grant   | -                        | (16,667)         | 16,667           |
| Angola Ag Park Grant  | -                        | (8,333)          | 8,333            |
| Other Strategic Initiatives   | -                        | -                | -                |
|   | <b>-</b>                 | <b>(77,160)</b>  | <b>77,160</b>    |
| <b>NET INCOME/(LOSS) BEFORE DEPRECIATION:</b>                                   |                          |                  |                  |
|   | <b>55,836</b>            | <b>32,450</b>    | <b>23,386</b>    |
| Depreciation  | (10,000)                 | (10,000)         | -                |
| <b>NET INCOME/(LOSS):</b>   | <b>\$ 45,836</b>         | <b>\$ 22,450</b> | <b>\$ 23,386</b> |

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")**

**Income Statement**

Year to Date: September 30, 2021

|   | Actual vs. Budget   |                     |                     | Actual vs. Prior Year |                       |                    |
|---|---------------------|---------------------|---------------------|-----------------------|-----------------------|--------------------|
|   | Actual              | Budget              | Variance            | Actual                | Prior Year            | Variance           |
| <b>REVENUES:</b>  |                     |                     |                     |                       |                       |                    |
| Administrative Fees   | \$ 1,579,044        | \$ 1,350,000        | \$ 229,044          | \$ 1,579,044          | \$ 1,227,940          | \$ 351,104         |
| Affiliate Management Fees   | 389,300             | 392,250             | (2,950)             | 389,300               | 384,000               | 5,300              |
| Interest Income - Cash & Investments  | 6,185               | 30,000              | (23,815)            | 6,185                 | 32,953                | (26,767)           |
| Rental Income   | 273,535             | 274,375             | (840)               | 273,535               | 228,740               | 44,795             |
| Other Income  | 24,423              | 27,000              | (2,577)             | 24,423                | 20,272                | 4,151              |
| UDAG Venture Investment Reflow  | 2,425               | -                   | 2,425               | 2,425                 | -                     | 2,425              |
| <b>Total Revenues</b>   | <b>2,274,912</b>    | <b>2,073,625</b>    | <b>201,287</b>      | <b>2,274,912</b>      | <b>1,893,905</b>      | <b>381,008</b>     |
| <b>EXPENSES:</b>  |                     |                     |                     |                       |                       |                    |
| Salaries & Benefits   | 1,423,563           | 1,414,263           | 9,300               | 1,423,563             | 1,512,290             | (88,727)           |
| General Office Expenses   | 184,801             | 191,550             | (6,749)             | 184,801               | 167,036               | 17,766             |
| Building Operating Costs  | 164,832             | 183,225             | (18,393)            | 164,832               | 168,930               | (4,098)            |
| Professional Services   | 81,586              | 94,800              | (13,214)            | 81,586                | 55,596                | 25,990             |
| Public Hearings & Marketing   | 62,457              | 41,250              | 21,207              | 62,457                | 52,660                | 9,797              |
| Travel, Mileage & Meeting Expenses  | 9,912               | 24,750              | (14,838)            | 9,912                 | 17,355                | (7,443)            |
| Other Expenses  | 4,198               | 7,500               | (3,302)             | 4,198                 | 3,806                 | 392                |
| <b>Total Expenses</b>   | <b>1,931,351</b>    | <b>1,957,338</b>    | <b>(25,987)</b>     | <b>1,931,351</b>      | <b>1,977,674</b>      | <b>(46,323)</b>    |
| <b>SPECIAL PROJECT GRANTS:</b>  |                     |                     |                     |                       |                       |                    |
| Revenues  | 4,251,094           | 1,995,150           | 2,255,944           | 4,251,094             | 9,937                 | 4,241,157          |
| Expenses  | (4,771,432)         | (1,946,250)         | (2,825,182)         | (4,771,432)           | (23,158)              | (4,748,274)        |
|   | <b>(520,337)</b>    | <b>48,900</b>       | <b>(569,237)</b>    | <b>(520,337)</b>      | <b>(13,220)</b>       | <b>(507,117)</b>   |
| <b>NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS &amp; DEPRECIATION:</b> |                     |                     |                     |                       |                       |                    |
|   | <b>\$ (176,776)</b> | <b>\$ 165,187</b>   | <b>\$ (341,963)</b> | <b>\$ (176,776)</b>   | <b>\$ (96,989)</b>    | <b>\$ (79,787)</b> |
| <b>OTHER STRATEGIC INVESTMENTS AND INITIATIVES:</b>                             |                     |                     |                     |                       |                       |                    |
| Zero Net Energy costs (Z7+)   | \$ -                | \$ (469,437)        | \$ 469,437          | \$ -                  | \$ -                  | \$ -               |
| Bethlehem Steel Industrial Park Grant   | (163,091)           | (200,000)           | 36,909              | (163,091)             | (165,000)             | 1,909              |
| Angola Ag Park Grant  | (49,860)            | (100,000)           | 50,140              | (49,860)              | (860,494)             | 810,634            |
| Bethlehem Steel Industrial Park Grant Reimb                                     | -                   | 250,000             | (250,000)           | -                     | -                     | -                  |
| Buffalo Building Reuse Project (BUDC)   | -                   | (100,000)           | 100,000             | -                     | (100,000)             | 100,000            |
| Canadian Lead Generation (IBN)  | -                   | -                   | -                   | -                     | (72,000)              | 72,000             |
| Gain/(Loss) on Venture Investments  | -                   | -                   | -                   | -                     | (24,050)              | 24,050             |
| Other Strategic Initiatives   | (75,000)            | (125,000)           | 50,000              | (75,000)              | (30,000)              | (45,000)           |
|   | <b>(287,951)</b>    | <b>(744,437)</b>    | <b>456,487</b>      | <b>(287,951)</b>      | <b>(1,251,544)</b>    | <b>963,593</b>     |
| <b>NET INCOME/(LOSS) BEFORE DEPREC:</b>   |                     |                     |                     |                       |                       |                    |
|   | <b>(464,727)</b>    | <b>(579,251)</b>    | <b>114,524</b>      | <b>(464,727)</b>      | <b>(1,348,533)</b>    | <b>883,806</b>     |
| Depreciation  | (90,000)            | (90,000)            | -                   | (90,000)              | (97,500)              | 7,500              |
| <b>NET INCOME/(LOSS):</b>   |                     |                     |                     |                       |                       |                    |
|   | <b>\$ (554,727)</b> | <b>\$ (669,251)</b> | <b>\$ 114,524</b>   | <b>\$ (554,727)</b>   | <b>\$ (1,446,033)</b> | <b>\$ 891,306</b>  |



**Erie County Industrial Development Agency**  
**Proposed 2022 Budget**

# *Erie County Industrial Development Agency (ECIDA)*

## **2022 Budget + 3 Year Forecast**

### **A. Overview of Changes in 2022 Budget**

Presented herein is the projected operating budget for the Erie County Industrial Development Agency's ("ECIDA") year ending December 31, 2022 and a three-year forecast for 2023–2025.

The ECIDA is a not-for-profit, public benefit corporation that provides tax incentives, financing programs and economic development services to Buffalo and Erie County. In accomplishing its mission, the ECIDA does not receive any operational funding from Federal, State, County or local sources. Instead, the key source of revenue for the ECIDA is the administrative fees charged to those companies that utilize its various products and services. The income that the ECIDA generates is utilized to provide salaries to its professional staff for managing various economic development programs, as well as payments for professional fees, general office expenses, public notices/marketing, building costs and other miscellaneous expenses.

For the year ending December 31, 2022, the Agency is projecting net loss from operations of \$44,500. Depreciation, a noncash item, is estimated at \$120,000 and brings the budgeted operating loss to \$164,500. There is also \$796,000 budgeted for external projects, most of which will be funded with existing UDAG funds, rather than operating cash. After reserving \$2,000,000 for future projects the potential net loss for 2022 is \$2,960,000. Most of the budgeted loss would be from existing UDAG funds that have accumulated over several years.

The following significant risk factors may impact the 2022 results:

1. A significant portion of the ECIDA's administrative fee income is derived from a few large tax incentives and/or tax-exempt bond projects. The Agency does not collect a fee until the project (usually construction) is started, since many factors affect project timing. Depending on the timing of these projects, the Agency's fee income can fluctuate significantly from year to year.
2. Changes in the overall national and/or regional economy could result in a decrease in local investment projects that are assisted by the Agency, resulting in a corresponding decrease in administrative fee income.

The following information details the key changes in the 2022 budget compared to the 2021 projected revenues and expenses:

# Erie County Industrial Development Agency (ECIDA) 2022 Budget + 3 Year Forecast

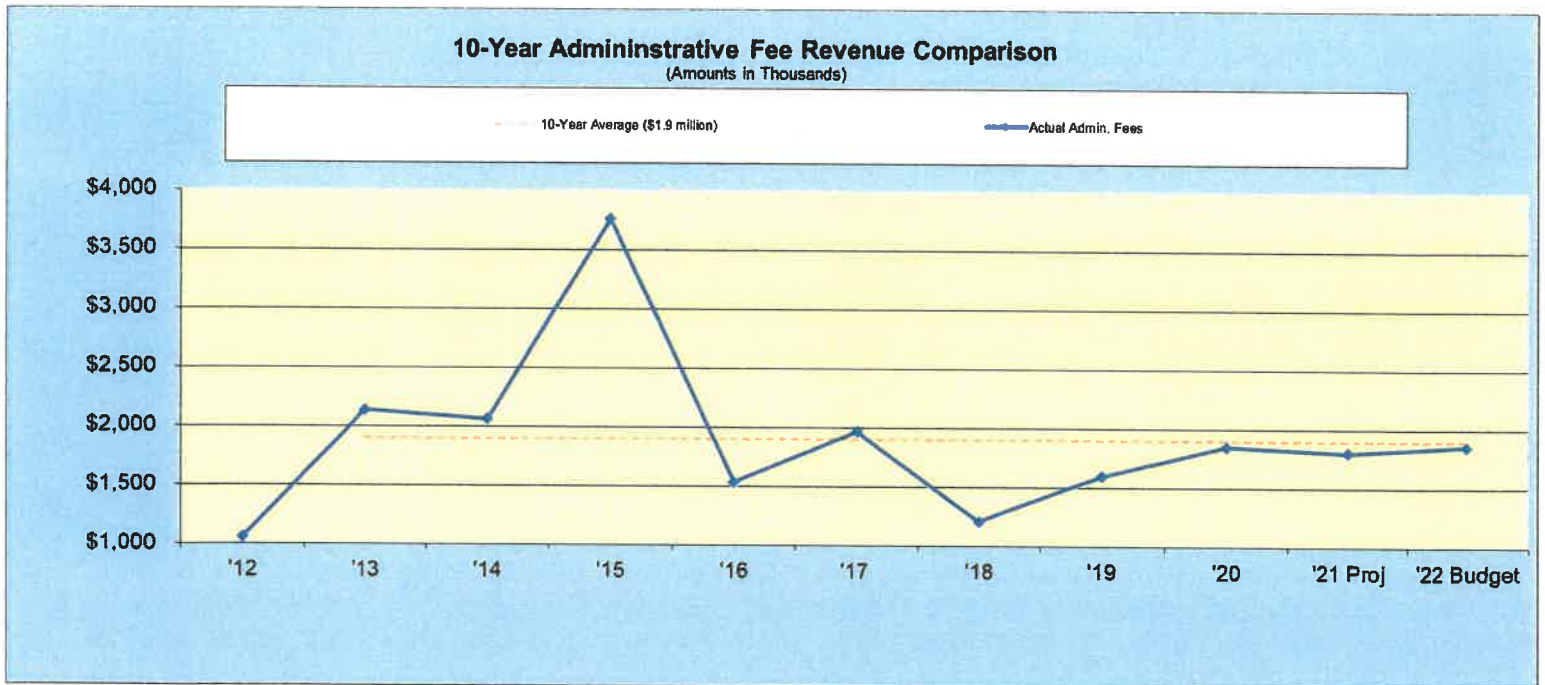
## A. Overview of Changes in 2022 Budget (continued)

### Revenues:

#### **Administrative Fees (2022 Budget - \$1.85 million):**

Administrative fees primarily consist of fees earned by the ECIDA through the provision of tax abatements. During 2021, administrative fees included projects such as Life Technologies in Grand Island, Barcalo Buffalo and 283 Ship Canal Parkway in Buffalo. Additionally, the Agency closed on two bond issuances in 2021, which resulted in fees collected of \$157,000. Since some fees are recognized over multiple years (in accordance with the terms of the related fee agreements), the Agency expects to recognize approximately \$1,300,000 of fees in 2022 related to prior year project approvals. The budgeted figure of \$1.855 million was derived using the 2012-2021 10-year average.

The following chart summarizes the actual administrative fee revenue over the past 10 years compared to the average administrative fee for the 10-year period from 2012-2021:



***Erie County Industrial Development Agency (ECIDA)***  
**2022 Budget + 3 Year Forecast**

**A. Overview of Changes in 2022 Budget (continued)**

***Affiliate Management Fees (increasing < 1% from \$431,500 to \$433,500):***

Affiliate Management Fees represent salary, benefit, and facilities costs charged to ECIDA's affiliated companies (RDC & ILDC) for office space and services that ECIDA employees provide to these organizations, since they have no employees of their own. Affiliate management fees are expected to remain fairly stable in 2022.

***Management Fees – BUDC (increasing 4.9% from \$103,000 to \$108,000):***

Management Fees – BUDC are salaries and benefit costs charged to Buffalo Urban Development Corporation ("BUDC") and its affiliates for services that ECIDA employees provide. ECIDA provides financial reporting, facilities management, and administrative services to BUDC as part of a shared services agreement. Management fees are expected to increase slightly in 2022 due to increased salaries and benefits costs for employees who charge hours to BUDC and its affiliates.

***Rental Income (decreasing 9.4% from \$333,000 to \$301,700):***

Rental Income represents rent received by ECIDA from BUDC for office space, two facilities owned by ECIDA and other smaller agreements. Budgeted rent revenue for leased space at 143 Genesee Street could decrease with the expiration of the lease currently in place. Should the renewal option be exercised, rental income would not see that decrease. Rent received from the Port Terminal management agreement of \$95,500 in 2021 is budgeted at \$98,000 in 2022 based on projections from the management company.

**Expenses:**

***Salaries & Benefits (increasing 6.1% from \$1.97 million to \$2.1 million):***

The increase in the 2022 budgeted salaries and benefits compared to the projected 2021 figures is due to several factors, including organizational shifts in employee responsibilities and titles. Salary increases of 3% and a potential performance incentive pool calculated as 4% of total salaries are included in the budget. Compensation increases are based on an independent compensation study of ECIDA employees, comparing Agency employee salaries with other individuals in the local labor market who have similar titles and responsibilities. These adjustments, if any, will also be reviewed and approved by the ECIDA Board Compensation Committee for Executive Management and by the CEO for other staff. Annual rate increases for health care also contributes to higher employee benefit costs. As an organization of specialized professionals, salaries and benefits account for 75% of total budgeted operating expenses.

***Erie County Industrial Development Agency (ECIDA)***  
**2022 Budget + 3 Year Forecast**

**A. Overview of Changes in 2022 Budget (continued)**

***Professional Services (decreasing 13.7% from \$110,000 to \$95,000):***

Professional Services consist of the following:

|              | <b>2022<br/>Budget</b> | <b>2021<br/>Budget</b> | <b>2021<br/>Projection</b> |
|--------------|------------------------|------------------------|----------------------------|
| Legal        | \$45,000               | \$50,000               | \$26,000                   |
| Consultants  | \$22,000               | \$40,000               | \$57,000                   |
| Auditing     | \$28,100               | \$27,300               | \$27,300                   |
| <b>Total</b> | <b>\$95,100</b>        | <b>\$117,300</b>       | <b>\$110,300</b>           |

In 2022 legal expenses are budgeted at \$45,000 to reflect decreased costs in recent years. Consultant expenses are budgeted at \$22,000 which includes funds for an independent compensation study. Audit costs are set to increase in accordance with the proposal approved in 2017.

***Erie County Industrial Development Agency (ECIDA)***  
**2022 Budget + 3 Year Forecast**

**B. External Special Projects & Reserves for Future Projects**

The ECIDA’s 2022 budget currently includes \$225,000 for external projects and \$2 million allocated for potential future projects that are consistent with the ECIDA’s strategic plan and the restrictions on the UDAG and/or General Funds as follows:

| Project                              | 2022<br>Budget      | 2021<br>Budget      | 2021<br>Projected<br>Actual |
|--------------------------------------|---------------------|---------------------|-----------------------------|
| <b>External Special Projects</b>     | \$ 225,000          | \$ 225,000          | \$ 247,000                  |
| <b>Industrial Land Park Grant</b>    | 100,000             | 200,000             | 200,000                     |
| <b>Angola Ag Park Grant</b>          | 100,000             | 100,000             | 100,000                     |
| <b>Z7+ Expense Reserve</b>           | 621,319             | 621,319             | 5,000                       |
| <b>Reserves for Future Projects:</b> |                     |                     |                             |
| Venture Capital Co-Investment        | 1,000,000           | 1,000,000           | -                           |
| Forgivable Attraction Loan           | 1,000,000           | 1,000,000           | -                           |
| <b>Total</b>                         | <b>\$ 3,046,319</b> | <b>\$ 3,146,319</b> | <b>\$ 552,000</b>           |

External Special Project allocations of \$225,000 include organizations that have received funding in the past, such as BUDC’s Buffalo Building Reuse Project (\$100,000). Agency staff also hopes to work with community partners to establish a Minority Business Enterprise Assistance Program. These requests will be presented to the ECIDA Board for approval before funding. The Agency’s annual membership expenditure with Invest Buffalo Niagara (\$75,000) will not require specific Board action. The Z7+ Expense Reserve represents the remaining funds from the Board’s \$1.5 million allocation in 2016. The balance of those funds is included in the 2022 budget.

\$100,000 is budgeted for Industrial Land Park (Renaissance Commerce Park), representing the final portion of the \$1 million grant that the Board initially approved to ILDC for site carrying costs. \$100,000 is budgeted for Angola Ag Park, representing one-third of the estimated carrying costs approved by the Board. The Reserves for Future Projects of \$2 million are discussed on the following pages and would also require Board approval prior to funding.



*Erie County Industrial Development Agency (ECIDA)*  
2022 Budget + 3 Year Forecast

**B. External Special Projects & Reserves for Future Projects (continued)**

**Venture Capital Co-Investment**

**Proposal: \$1,000,000**

**The Issue** – Currently, high-growth-potential companies have difficulty attracting angel or seed capital funding when they are in the earliest of their development stages. With the significant public investment in university and college research facilities and scientists, there is a need to commercialize this research in order to provide the “pay-back” on the community’s investment in the form of new high-paying jobs. Currently, there is a lack of early-stage capital for venture companies located in Western New York. Meanwhile, other communities which face similar issues have been successful in utilizing publicly-sponsored funds to support new companies.

Current New York State law does not explicitly allow IDAs to make equity venture investments in private companies. In order to achieve a change in New York State law, ECIDA is working with NYSEDC and the local New York State legislative delegation to pass legislation to codify the powers and duties of an IDA to operate an equity venture program and to provide venture investment to startup entrepreneurs and private companies.

**The Proposal** – In 2015, the ECIDA began the reestablishment of its Venture Capital Fund to provide equity investments in early-stage, high-growth-potential companies. The ECIDA will partner with qualified co-investors from Erie County such as Launch NY, 43 North, Z80 Labs, and/or Rand Capital. In the past, the ECIDA has had several key economic development successes by partnering with Rand Capital, such as its equity investments in GEMCOR II, LLC and Synacor, Inc. (approximately 400 jobs combined). The ECIDA would rely upon the expertise of its partners to conduct the due diligence required to evaluate the business, structure the investment and develop an exit strategy.

**Use of Funds** – To make equity (stock) and/or debt project expenditures in selected businesses.

**Partners** – Launch NY, 43North, Z80 Labs, Rand Capital and other venture capital firms.

**Approval** – The ECIDA Board would approve all project expenditures under this program.

**Consistency with Community Plans** – This strategy is consistent with the County Executive’s, *Initiatives for a Smart Economy 2.0*. One of the goals outlined in the plan is as follows: “*Erie County will create Venture Fund programs and provide venture equity to local entrepreneurs through the ECIDA*”.

# *Erie County Industrial Development Agency (ECIDA)*

## 2022 Budget + 3 Year Forecast

### **B. Special Projects & ECIDA Program Allocations (continued)**

#### **Forgivable Attraction Loan(s)**

**Proposal: \$1,000,000**

**Qualification** – Businesses must be relocating to a HUD-defined distressed area or meet other HUD qualifications and provide a significant regional impact in terms of investment and/or job creation.

**The Issue** – Currently a number of communities across the nation are aggressively pursuing businesses to entice them to their region. One vehicle that communities have used to tip the relocation decision in their favor is the use of a high-impact project expenditure fund. Until 2013, the Buffalo region did not have such a program, while neighboring states were offering these programs with positive results, to Erie County's detriment.

**The Proposal** – The ECIDA would continue to fund a forgivable attraction loan fund that could aid in the attraction of key new businesses that would have a regional employment or investment impact. The attraction incentive would be structured in the form of a loan, with a portion or all of it forgiven if the company establishes their business in Erie County and meets specified investment and/or job goals. The ECIDA would work with Invest Buffalo Niagara to offer this incentive to those businesses that are the most promising and/or target the attraction loan to specific industries or regions (such as Southern Ontario). By providing this incentive, the Buffalo region would be perceived as demonstrating the community's support for the business relocation and could be the tipping point that leads to the relocation of the business as well as related "follow on" investments.

**Use of Funds** – To make project expenditures to companies located outside of Western New York to offset a portion of their investment costs in relocating. Companies assisted would be in one of the regional targeted industry sectors and have a regional employment or investment impact. The program would have a targeted maximum incentive of \$25,000 per job created.

**Partners** – Invest Buffalo Niagara

**Approval** – The ECIDA Board would approve all awards under this program.

**Consistency with Community Plans** – This strategy is consistent with the County Executive's "Initiatives for a Smart Economy 2.0" which states: "*Projects assisted by the ECIDA will be those that bring outside investment and self-sustaining jobs to Erie County while strengthening the regional economic base, helping to create a more inclusive economy and leading to population stabilization throughout the area*".



**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")**  
**Proposed Budget for 2022**

|   | Proposed<br>Budget<br>2022 | Approved<br>Budget<br>2021 | Projected<br>2021   | Actual<br>2020        |
|---|----------------------------|----------------------------|---------------------|-----------------------|
| <b>REVENUES:</b>  |                            |                            |                     |                       |
| Administrative Fees   | \$ 1,855,000               | \$ 1,800,000               | \$ 1,933,000        | \$ 1,850,078          |
| Affiliate Management Fees   | 433,500                    | 407,000                    | 431,500             | 389,151               |
| Management Fees - BUDC  | 108,000                    | 116,000                    | 103,000             | 119,444               |
| Interest Income - Cash & Investments  | 12,500                     | 40,000                     | 8,247               | 37,088                |
| Rental Income   | 301,700                    | 334,000                    | 333,181             | 287,717               |
| Other Income  | 41,000                     | 36,000                     | 30,897              | 29,207                |
| Total Revenues  | 2,751,700                  | 2,733,000                  | 2,839,826           | 2,712,685             |
| <b>EXPENSES:</b>  |                            |                            |                     |                       |
| Salaries & Benefits   | 2,091,500                  | 1,953,352                  | 1,954,705           | 2,003,971             |
| Professional Services   | 95,100                     | 117,300                    | 117,671             | 76,152                |
| General Office Expenses   | 171,560                    | 170,400                    | 147,747             | 154,508               |
| Insurance Expense   | 100,000                    | 85,000                     | 98,655              | 68,147                |
| Public Hearing & Marketing Costs  | 60,000                     | 55,000                     | 83,276              | 73,046                |
| Building Operating Costs  | 243,740                    | 244,300                    | 237,160             | 229,718               |
| Travel, Mileage & Meeting Expenses  | 35,000                     | 33,000                     | 14,552              | 19,726                |
| Other Expenses  | 7,500                      | 10,000                     | 5,597               | 4,394                 |
| Total Expenses  | 2,804,400                  | 2,668,352                  | 2,659,364           | 2,629,662             |
| <b>GRANT INCOME:</b>  |                            |                            |                     |                       |
| Revenues  | 1,194,159                  | 2,660,200                  | 5,349,406           | 112,937               |
| Expenses  | (1,185,959)                | (2,655,000)                | (6,038,900)         | (194,414)             |
|   | 8,200                      | 5,200                      | (689,494)           | (81,477)              |
| <b>NET INCOME (LOSS) BEFORE DEPRECIATION, EXTERNAL SPECIAL PROJECTS AND OTHER RESERVES:</b> | <b>(44,500)</b>            | <b>69,848</b>              | <b>(509,032)</b>    | <b>1,546</b>          |
| Depreciation  | (120,000)                  | (120,000)                  | (120,000)           | (117,025)             |
| <b>NET INCOME (LOSS) BEFORE EXTERNAL SPECIAL PROJECTS AND OTHER RESERVES:</b>               | <b>(164,500)</b>           | <b>(50,152)</b>            | <b>(629,032)</b>    | <b>(115,479)</b>      |
| <b>External Special Projects:</b>   |                            |                            |                     |                       |
| Buffalo Building Reuse Project (BUDC)   | 100,000                    | 100,000                    | 100,000             | 100,000               |
| Annual Membership (IBN)   | 75,000                     | 75,000                     | 75,000              | 50,000                |
| Canadian Lead Generation (IBN)  | -                          | -                          | -                   | 72,000                |
| MBE Assistance Program  | 50,000                     | 50,000                     | -                   | -                     |
| Z7+ consultants/expense reserve   | 621,319                    | 621,319                    | 5,000               | -                     |
| Industrial Land Park grant paid   | 100,000                    | 200,000                    | 200,000             | 185,000               |
| ILDC Land Sale Proceeds (reimbursement)   | (250,000)                  | (250,000)                  | (134,000)           | -                     |
| Angola Ag Park grant paid   | 100,000                    | 100,000                    | 100,000             | 874,494               |
| (Gain)/Loss on Venture Investments  | -                          | -                          | -                   | 127,175               |
| Total Special Projects  | 796,319                    | 896,319                    | 346,000             | 1,408,669             |
| <b>NET INCOME (LOSS) BEFORE OTHER RESERVES:</b>   | <b>(960,819)</b>           | <b>(946,471)</b>           | <b>(975,032)</b>    | <b>(1,524,148)</b>    |
| <b>Reserves for Future Projects:</b>  |                            |                            |                     |                       |
| Venture Capital Co-Investment   | 1,000,000                  | 1,000,000                  | -                   | -                     |
| Forgivable Attraction Loan(s)   | 1,000,000                  | 1,000,000                  | -                   | -                     |
| Total Other Reserves  | 2,000,000                  | 2,000,000                  | -                   | -                     |
| <b>NET INCOME (LOSS):</b>   | <b>\$ (2,960,819)</b>      | <b>\$ (2,946,471)</b>      | <b>\$ (975,032)</b> | <b>\$ (1,524,148)</b> |

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")**  
**Proposed Budget and Three Year Forecast 2023-2025**

|   | Proposed<br>Budget<br>2022 | Forecast<br>2023    | Forecast<br>2024    | Forecast<br>2025    |
|---|----------------------------|---------------------|---------------------|---------------------|
| <b>REVENUES:</b>  |                            |                     |                     |                     |
| Administrative Fees   | \$ 1,855,000               | \$ 1,855,000        | \$ 1,855,000        | \$ 1,855,000        |
| Affiliate Management Fees   | 433,500                    | 447,000             | 460,000             | 474,000             |
| Management Fees - BUDC  | 108,000                    | 111,000             | 114,000             | 117,000             |
| Interest Income - Cash & Investments  | 12,500                     | 13,000              | 13,000              | 13,000              |
| Rental Income   | 301,700                    | 301,700             | 301,700             | 301,700             |
| Other Income  | 41,000                     | 40,000              | 40,000              | 40,000              |
| Total Revenues  | 2,751,700                  | 2,767,700           | 2,783,700           | 2,800,700           |
| <b>EXPENSES:</b>  |                            |                     |                     |                     |
| Salaries & Benefits   | 2,091,500                  | 2,133,000           | 2,176,000           | 2,241,000           |
| Professional Services   | 95,100                     | 110,000             | 140,000             | 140,000             |
| General Office Expenses   | 171,560                    | 177,000             | 182,000             | 187,000             |
| Insurance Expense   | 100,000                    | 103,000             | 106,000             | 109,000             |
| Public Hearing & Marketing Costs  | 60,000                     | 62,000              | 64,000              | 66,000              |
| Building Operating Costs  | 243,740                    | 251,000             | 259,000             | 267,000             |
| Travel, Mileage & Meeting Expenses  | 35,000                     | 36,000              | 37,000              | 38,000              |
| Other Expenses  | 7,500                      | 8,000               | 8,000               | 8,000               |
| Total Expenses  | 2,804,400                  | 2,880,000           | 2,972,000           | 3,056,000           |
| <b>GRANT INCOME:</b>  |                            |                     |                     |                     |
| Revenues  | 1,194,159                  | 250,000             | 250,000             | 250,000             |
| Expenses  | (1,185,959)                | (250,000)           | (250,000)           | (250,000)           |
|   | 8,200                      | -                   | -                   | -                   |
| <b>NET INCOME (LOSS) BEFORE DEPRECIATION, EXTERNAL SPECIAL PROJECTS AND OTHER RESERVES:</b> |                            |                     |                     |                     |
|   | <b>(44,500)</b>            | <b>(112,300)</b>    | <b>(188,300)</b>    | <b>(255,300)</b>    |
| Depreciation  | (120,000)                  | (120,000)           | (120,000)           | (120,000)           |
| <b>NET INCOME (LOSS) BEFORE EXTERNAL SPECIAL PROJECTS AND OTHER RESERVES:</b>               |                            |                     |                     |                     |
|   | <b>(164,500)</b>           | <b>(232,300)</b>    | <b>(308,300)</b>    | <b>(375,300)</b>    |
| <b><u>External Special Projects and Strategic Initiatives:</u></b>                          |                            |                     |                     |                     |
| Buffalo Building Reuse Project (BUDC)   | 100,000                    | 100,000             | 100,000             | 100,000             |
| Annual Membership (IBN)   | 75,000                     | 50,000              | -                   | -                   |
| Canadian Lead Generation (IBN)  | -                          | -                   | -                   | -                   |
| MBE Assistance Program  | 50,000                     | 50,000              | 50,000              | 50,000              |
| Z7+ consultants/expense reserve   | 621,319                    | -                   | -                   | -                   |
| Industrial Land Park grant paid   | 100,000                    | 200,000             | -                   | -                   |
| Industrial Land Park grant (rec'd)  | -                          | -                   | -                   | -                   |
| ILDC Land Sale Proceeds (reimbursement)   | (250,000)                  | (250,000)           | (250,000)           | (200,000)           |
| Angola Ag Park grant paid   | 100,000                    | 100,000             | -                   | -                   |
| Angola Ag Park grant (rec'd)  | -                          | -                   | -                   | -                   |
| (Gain)/Loss on Venture Investments  | -                          | -                   | -                   | -                   |
| Total Special Projects and Other Strategic Investments                                      | 796,319                    | 250,000             | (100,000)           | (50,000)            |
| <b>NET INCOME (LOSS) BEFORE OTHER RESERVES:</b>   |                            |                     |                     |                     |
|   | <b>(960,819)</b>           | <b>(482,300)</b>    | <b>(208,300)</b>    | <b>(325,300)</b>    |
| <b><u>Reserves for Future Projects:</u></b>   |                            |                     |                     |                     |
| Venture Capital Co-Investment   | 1,000,000                  | -                   | -                   | -                   |
| Forgivable Attraction Loan(s)   | 1,000,000                  | -                   | -                   | -                   |
| Total Other Reserves  | 2,000,000                  | -                   | -                   | -                   |
| <b>NET INCOME (LOSS):</b>   |                            |                     |                     |                     |
|   | <b>\$ (2,960,819)</b>      | <b>\$ (482,300)</b> | <b>\$ (208,300)</b> | <b>\$ (325,300)</b> |

**Erie County Industrial Development Agency**  
**Proposed Five Year Capital Budget 2022-2026**

|                                     | <b>2022</b>      | <b>2023</b>      | <b>2024</b>      | <b>2025</b>      | <b>2026</b>      | <b>Total</b>      |
|-------------------------------------|------------------|------------------|------------------|------------------|------------------|-------------------|
| <b>Facilities:</b>                  |                  |                  |                  |                  |                  |                   |
| 143 Genesee Street                  | \$ 20,000        | \$ 20,000        | \$ 20,000        | \$ 20,000        | \$ 20,000        | \$ 100,000        |
| 95 Perry Street                     | 10,000           | 10,000           | 5,000            | 5,000            | 5,000            | 35,000            |
| <b>Total Facilities</b>             | <b>30,000</b>    | <b>30,000</b>    | <b>25,000</b>    | <b>25,000</b>    | <b>25,000</b>    | <b>135,000</b>    |
| <b>Information Technology:</b>      |                  |                  |                  |                  |                  |                   |
| Servers                             | -                | -                | 12,000           | -                | -                | 12,000            |
| CRM Upgrade                         | 10,000           | -                | -                | -                | -                | 10,000            |
| CRM PARIS Report Updates            | 2,400            | -                | -                | -                | -                | 2,400             |
| Misc.                               | 3,000            | 3,000            | 3,000            | 3,000            | 3,000            | 15,000            |
| <b>Total Information Technology</b> | <b>15,400</b>    | <b>3,000</b>     | <b>15,000</b>    | <b>3,000</b>     | <b>3,000</b>     | <b>39,400</b>     |
| <b>GRAND TOTAL</b>                  | <b>\$ 45,400</b> | <b>\$ 33,000</b> | <b>\$ 40,000</b> | <b>\$ 28,000</b> | <b>\$ 28,000</b> | <b>\$ 174,400</b> |

## Tax Incentives Approved - 2021

| Approval Date | Project Name   | Project City/Town           | Private Investment/<br>Project Amount | Minimum Investment<br>Commitment | FT Jobs<br>Retained | PT Jobs<br>Retained | FT Jobs to<br>be Created | PT Jobs to<br>be Created | Job Creation          | Length of Term              | Incentive<br>Amount |
|---------------|--|-----------------------------|---------------------------------------|----------------------------------|---------------------|---------------------|--------------------------|--------------------------|-----------------------|-----------------------------|---------------------|
| Jan-21        | 72 East Niagara, LLC <sup>1</sup>  | Tonawanda                   | \$2,836,736                           | 85% threshold<br>\$2,411,225     | 17                  | 0                   | 3                        | 0                        | 85% -New<br>2 jobs    | Period of PILOT<br>7 Years  | \$146,000           |
| Jan-21        | Calspan Corporation<br>Thermo Fisher - North<br>Expansion                    | Cheektowaga<br>Grand Island | \$13,500,000<br>\$85,000,000          | 85% threshold<br>\$11,475,000    | 143                 | 3                   | 20                       | 0                        | 85% -New<br>17 jobs   | Period of PILOT<br>10 Years | \$599,000           |
| Jan-21        | Pine Pharmaceuticals, LLC  | Tonawanda                   | \$8,615,000                           | 85% threshold<br>\$7,322,750     | 76                  | 7                   | 40                       | 0                        | 85% -New<br>34 jobs   | Period of PILOT<br>10 Years | \$2,912,000         |
| Jan-21        | Sucro Real Estate  | Lackawanna                  | \$19,000,000                          | 85% threshold<br>\$16,150,000    | 5                   | 0                   | 45                       | 0                        | 85% -New<br>38 jobs   | Period of PILOT<br>10 Years | \$3,392,250         |
| Feb-21        | Eastman Machine  | Buffalo                     | \$1,665,000                           | 85% threshold<br>\$1,415,250     | 126                 | 0                   | 3                        | 0                        | 85% -New<br>2 jobs    | Period of PILOT<br>7 Years  | \$124,588           |
| Feb-21        | Time Release Science <sup>2</sup>  | Lackawanna                  | \$30,500,000                          | 85% threshold<br>\$25,925,000    | 103                 | 0                   | 20                       | 0                        | 85% -New<br>17 jobs   | Period of PILOT<br>10 Years | \$4,591,400         |
| Mar-21        | Surmet Ceramics Corp.  | Buffalo                     | \$11,500,000                          | 85% threshold<br>\$9,775,000     | 13                  | 0                   | 18                       | 0                        | 85% -New<br>15 jobs   | Project<br>Completion       | \$65,625            |
| Mar-21        | Terzo Development <sup>1</sup>   | Buffalo                     | \$3,050,000                           | 85% threshold<br>\$2,592,000     | 0                   | 0                   | 1                        | 1                        | 85% -New<br>1 jobs    | Period of PILOT<br>7 Years  | \$304,125           |
| Apr-21        | BLD VII, LLC   | Lackawanna                  | \$14,570,786                          | 85% threshold<br>\$12,385,168    | 0                   | 0                   | 41                       | 0                        | 85% -New<br>35 jobs   | Period of PILOT<br>10 Years | \$4,435,879         |
| May-21        | 283 Ship Canal Parkway, LLC<br>MCG Real Estate Holdings,<br>LLC <sup>1</sup> | Buffalo<br>Buffalo          | \$52,284,244<br>\$8,258,268           | 85% threshold<br>\$7,019,527     | 0                   | 0                   | 76                       | 1                        | 85% -New<br>64 jobs   | Project<br>Completion       | \$3,422,973         |
| Jun-21        | 283 Ship Canal Parkway, LLC <sup>2</sup>                                     | Buffalo                     | \$0                                   | \$0                              | 0                   | 0                   | 0                        | 0                        | 0                     | Period of PILOT<br>15 Years | \$1,961,100         |
| Jul-21        | 132 Dingers Street, LLC  | Buffalo                     | \$7,450,000                           | 85% threshold<br>\$6,332,500     | 0                   | 0                   | 23                       | 0                        | 85% -New<br>20 jobs   | Period of PILOT<br>7 Years  | \$678,750           |
| Jul-21        | Polymer Conversions, Inc.<br>Coca-Cola Beverages<br>Northeast                | Orchard Park<br>Tonawanda   | \$14,250,000<br>\$22,611,507          | 85% threshold<br>\$19,219,781    | 125                 | 0                   | 15                       | 0                        | 85% -New<br>13 jobs   | Period of PILOT<br>10 Years | \$1,163,187         |
| Sep-21        | Skycatcher Holdings, LLC<br>George Lewis House<br>Apartments <sup>1</sup>    | Orchard Park<br>Buffalo     | \$2,879,000<br>\$2,875,000            | 85% threshold<br>\$2,447,150     | 41                  | 0                   | 6                        | 0                        | Base 100%<br>124 jobs | Period of PILOT<br>10 Years | \$2,610,375         |
| Sep-21        | George Lewis House<br>Apartments <sup>1</sup>                                | Buffalo                     | \$2,875,000                           | 85% threshold<br>\$2,443,750     | 0                   | 0                   | 1                        | 0                        | 85% -New<br>1 jobs    | Project<br>Completion       | \$543,000           |
| Sep-21        | George Lewis House<br>Apartments <sup>1</sup>                                | Buffalo                     | \$2,875,000                           | 85% threshold<br>\$2,443,750     | 0                   | 0                   | 1                        | 0                        | 85% -New<br>1 jobs    | Project<br>Completion       | \$82,687            |

## Tax Incentives Approved - 2021

| Approval Date | Project Name                   | Project City/Town | Private Investment/<br>Project Amount | Minimum Investment<br>Commitment | FT Jobs<br>Retained | PT Jobs<br>Retained | FT Jobs to<br>be Created | PT Jobs to<br>be Created | Job Creation        | Length of Term              | Incentive<br>Amount |
|---------------|--------------------------------|-------------------|---------------------------------------|----------------------------------|---------------------|---------------------|--------------------------|--------------------------|---------------------|-----------------------------|---------------------|
| Sep-21        | Walcot Apartments <sup>1</sup> | Buffalo           | \$3,345,000                           | 85% threshold<br>\$2,843,250     | 0                   | 0                   | 1                        | 0                        | 85% - New<br>1 jobs | Project<br>Completion       | \$106,050           |
| Sep-21        | Bullis Road Solar <sup>3</sup> | Marilla           | \$6,389,343                           | 85% threshold<br>\$5,430,942     | 0                   | 0                   | 0                        | 0                        | 0                   | Period of PILOT<br>25 Years | \$596,533           |

| Totals:                 | Totals: | Private Investment/<br>Project Amount | FT Jobs<br>Retained | PT Jobs<br>Retained | FT Jobs<br>Created | PT Jobs<br>Created | Incentive<br>Amount |
|-------------------------|---------|---------------------------------------|---------------------|---------------------|--------------------|--------------------|---------------------|
| Adaptive Reuse Subtotal | 5       | \$20,365,004                          | 17                  | 0                   | 7                  | 2                  | \$1,258,112         |
| 2021 Total              | 20      | \$310,579,884                         | 1,580               | 10                  | 374                | 2                  | \$29,731,709        |

<sup>1</sup> Adaptive Reuse

<sup>2</sup> Ammendatory Inducement

<sup>3</sup> Solar PILOT

**Tax Incentives Closings - 2021**

| Project Name                                   | Project Amount at Closing | FT Jobs at App | Projected Year 2 FT Jobs | PT Jobs at App | Projected Year 2 PT Jobs | Project City | Induced Date | Est. Project Completion Date |
|--|---------------------------|----------------|--------------------------|----------------|--------------------------|--------------|--------------|------------------------------|
| JSCB Series 2011A and 2011B Refunding (Bond)   | \$ 109,135,000            | 0              | 0                        | 0              | 0                        | Buffalo      | 4/28/2021    | N/A                          |
| Barcalo Living & Commerce/Barcalo Buffalo, LLC | \$ 30,252,000             | 9              | 34                       | 0              | 10                       | Buffalo      | 2/26/2020    | 9/30/2023                    |
| Related Affordable/Elmwood Square              | \$ 8,590,000              | 4              | 4                        | 0              | 0                        | Buffalo      | 9/23/2020    |                              |
| 132 Dingens Street, LLC                        | \$ 6,900,000              | 0              | 23                       | 0              | 0                        | Buffalo      | 7/28/2021    | 4/30/2024                    |
| Pine Pharmaceuticals                           | \$ 5,000,000              | 76             | 119                      | 7              | 7                        | Tonawanda    | 1/27/2021    | 3/31/2022                    |
| Terzo Development/Bush Lofts                   | \$ 3,050,000              | 0              | -                        | 0              | 1                        | Buffalo      | 3/24/2021    | 6/30/2023                    |
| Kamax, LLC/Raine Logistics                     | \$ 2,237,556              | 12             | 13                       | 0              | 0                        | West Seneca  | 6/24/2020    | 8/1/2022                     |
| Derby Warehousing, LLC/KPM Exceptional         | \$ 1,332,000              | 6              | 7                        | 1              | 1                        | Derby        | 7/24/2019    | 7/31/2020                    |
| 3310 Benzing Road, LLC/Marathon Drains         | \$ 718,329                | 15             | 17                       | 0              | 0                        | Orchard Park | 3/25/2020    | 3/31/2021                    |
|  |                           |                |                          |                |                          |              |              |                              |
|  |                           |                |                          |                |                          |              |              |                              |
|  |                           |                |                          |                |                          |              |              |                              |
|  |                           |                |                          |                |                          |              |              |                              |
|  |                           |                |                          |                |                          |              |              |                              |
|  |                           |                |                          |                |                          |              |              |                              |
|  |                           |                |                          |                |                          |              |              |                              |
|  | \$ 167,214,885            | 122            | 217                      | 8              | 19                       |              |              |                              |
|  |                           |                |                          |                |                          |              |              |                              |
| Projects Closed = 9                            |                           |                |                          |                |                          |              |              |                              |
| FT Projected New Jobs = 95                     |                           |                |                          |                |                          |              |              |                              |
| PT Projected New Jobs = 11                     |                           |                |                          |                |                          |              |              |                              |

**ESTIMATED TAX IMPACT (SUBJECT TO RESTRICTIONS OF NYS TAX CAP)  
2021 CLOSINGS**

| PROJECT NAME   | EST. OR ACTUAL INCREASE IN ASSESSED VALUE DUE TO PROJECT   | COUNTY TAX RATE | LOCAL TAX RATE | PROJECTED INCREASE IN COUNTY TAXES AS A RESULT OF THE PROJECT OVER ABATEMENT PERIOD | PROJECTED INCREASE IN LOCAL TAXES AS A RESULT OF THE PROJECT OVER ABATEMENT PERIOD |
|--|--|-----------------|----------------|---|--|
| Derby Warehouse  | \$539,900  | \$6.01          | \$28.80        | \$4,800   | \$23,300   |
| 3310 Benzing/Marathon Drains                                     | \$195,000  | \$9.75          | \$43.00        | \$2,800   | \$12,700   |
| Kamax/Raine Logistics  | \$720,000  | \$13.32         | \$66.45        | \$14,400  | \$72,000   |
| Barcalo Buffalo*   | \$9,600,000  | \$5.04          | \$16.75        | \$580,000   | \$321,000  |
| Pine Pharmaceutical  | \$1,250,000  | \$14.16         | \$85.00        | \$37,000  | \$222,000  |
| Terzo/Bush Lofts   | \$1,600,000  | \$5.04          | \$16.75        | \$12,000  | \$40,000   |
| 132 Dingens, LLC   | \$2,000,000  | \$5.04          | \$16.75        | \$15,000  | \$50,000   |
| *denotes company has or intends to file for City 485-a exemption | *The final assessment on each project is determined by the assessor of the respective municipality |                 | <b>Total</b>   | <b>\$666,000</b>  | <b>\$741,000</b>   |

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

- DATE:** October 7, 2021
- LIVE STREAMED:** This meeting is being live-audio streamed and made accessible on the Agency's website at [www.ecidany.com](http://www.ecidany.com).
- PRESENT:** Denise Abbott; Hon. April Baskin; Johanna Coleman; Colleen DiPirro; Hon. William Krebs; Richard Lipsitz; Brenda W. McDuffie; Hon. Glenn Nellis; Laura Smith; David State; Lavon Stephens and Maria Whyte
- EXCUSED:** Rev. Mark Blue; Hon. Bryon W. Brown and Paul Vukelic
- OTHERS PRESENT:** John Cappellino, President & CEO; Beth O'Keefe, Vice President/Secretary; Atiqah Abidi, Assistant Treasurer; Jamee Lanthier, Compliance Officer; Robbie Ann McPherson, Director, Marketing & Communications; Brian Krygier, Systems Analyst; Carrie Hocieniec, Operations Assistant; Pat Smith, Bookkeeper; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Andrew Federick, Erie County Senior Economic Development Specialist; Alex Carducci, on behalf of City of Buffalo; Lisa Hicks on behalf of the City of Buffalo; Glenn Leonardi, Mary Kasprzak and Joe Boctor on behalf of Sumitomo Rubber USA, LLC

There being a quorum present at 9:05 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

**MINUTES**

The amended minutes of the August 5, 2021 Policy Committee meeting were presented. Upon motion made by Mr. Nellis to approve of the amended minutes, and seconded by Ms. McDuffie, the aforementioned amended Policy Committee meeting minutes were unanimously approved.

The minutes of the September 9, 2021 Policy Committee meeting were presented. Upon motion made by Ms. Abbott to approve of the minutes, and seconded by Ms. Coleman, the aforementioned Policy Committee meeting minutes were unanimously approved.

The minutes of the September 23, 2021 Special Policy Committee meeting were presented. Upon motion made by Ms. McDuffie to approve of the minutes, and seconded by Ms.



Abbott, the aforementioned Special Policy Committee meeting minutes were unanimously approved.

## **PROJECT MATRIX**

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

At this point in time, Ms. Smith joined the meeting.

## **PROJECT PRESENTATIONS**

Sumitomo Rubber USA, LLC, 10 Sheridan Drive, Tonawanda, New York 14150. Ms. O'Keefe presented this proposed sales tax benefits and real property tax benefits project involving the construction of an approximately 60,000+/- square-foot facility to be used for manufacturing purposes and the renovation of an existing 15,200+/- square-foot facility and the acquisition by the Company of certain items of machinery, equipment and other tangible personal property. The Project's cost benefit ratio was presented to and reviewed by the members present and the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project's contemplated community benefits were discussed and considered.

Ms. McDuffie spoke in favor of the project. Mr. Lipsitz also spoke in favor of the project.

General discussion ensued.

Ms. O'Keefe stated that in exchange for providing the sales and use tax benefits and real property tax benefits, the approval of this project will be conditioned upon adherence to certain material terms and conditions with respect to the potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

### **Draft Recapture Material Terms**

| Condition        | Term                         | Recapture Provision  |
|------------------|------------------------------|--|
| Total Investment | At project completion        | Investment amount equal to or greater than 85% of project amount.<br>Total Project Amount = \$126,000,000<br>85% = \$107,100,000 |
| Employment       | Coincides with 10-year PILOT | Maintain Base = 1,399<br>Recapture Employment = 1,399  |
| Local Labor      | Construction Period          | Adherence to policy including quarterly reporting  |

|                  |                              |  |
|------------------|------------------------------|--|
| Pay Equity       | Coincides with 10-year PILOT | Adherence to policy  |
| Unpaid Tax       | Coincides with 10-year PILOT | Adherence to policy  |
| Recapture Period | Coincides with 10-year PILOT | Recapture of state and local sales taxes and real property taxes |

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

### **COMPLIANCE REPORT 2020**

Ms. Lanthier provided the Committee members with the ECIDA's 2020 Progress Assessment Report.

### **MWBE UPDATE**

Ms. Whyte presented an update of the most recent Policy Committee meeting whereat the draft MWBE Policy was further discussed and revised.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 9:58 a.m.

Dated: October 7, 2021

\_\_\_\_\_  
Gerald Manhard, Assistant Secretary

**Sumitomo Rubber 2021 Building Expansion  
\$126,000,000**

**PRIVATE INVESTMENT INDUCEMENT RESOLUTION**

**ELIGIBILITY**

- NAICS Section – 326211

**COMPANY INCENTIVES**

- Approximately \$ 708,750 in sales tax savings
- Approximately \$1,053,437 in real property tax savings

**JOBS & ANNUAL PAYROLL**

- Current Jobs: 1,399
- Annual Payroll: \$ 100,000,000
- Projected new jobs: 0
- Projected retained jobs: 1,399
- Est. salary/yr. of jobs retained: \$ 60,000
- Total jobs after project completion: 1,399
- Construction Jobs: 97

**PROJECTED COMMUNITY BENEFITS\***

- Term: 10 YEARS
- NET Community Benefits: \$ 1,493,593,000
- Spillover Jobs: 35 (temp) 1,354 (perm)
- Total Payroll: \$ 1,535,229,000

**INCENTIVE COST/COMMUNITY BENEFIT RATIO\***

Incentives: \$ 1,762,187  
Community Benefit: \$ 1,629,434,000  
Cost: Benefit Ratio  
• 1:889

Project Title: Sumitomo Rubber 2021 Building Expansion

Project Address: 10 Sheridan Drive, Tonawanda, NY 14150  
(Ken-Ton UFSD)

**Agency Request**

A sales tax and real property tax abatement in connection with the construction of a 60,000 sq ft building and the renovation of a 15,200 sq ft existing facility in the Town of Tonawanda.

|                           |                      |
|---------------------------|----------------------|
| New Building Construction | \$ 6,900,000         |
| Building Renovation       | \$ 6,400,000         |
| Infrastructure            | \$ 2,900,000         |
| Manufacturing Equipment   | \$94,800,000         |
| Soft Costs/Other          | \$15,000,000         |
| <b>Total Project Cost</b> | <b>\$126,000,000</b> |
| 85%                       | \$ 107,100,000       |

**Company Description**

Sumitomo Rubber USA, LLC (SRUSA) is wholly owned by Sumitomo Rubber Industries, Ltd. (SRI) a global tire and rubber company based in Japan. The company makes a wide range of rubber-based products, including automobile tires, golf balls and tennis balls. The SRUSA Tonawanda plant is the only SRI-owned tire manufacturer in the US, having been acquired by SRI on October 1st, 2015 through its dissolution of a joint venture with another major tire manufacturer.

**Project Description**

SRUSA is considering a significant capital investment in the Facility. The investment would involve major replacement of and upgrades to production and other equipment. The Facility is approximately 100 years old and the proposed investment will enhance its efficiency and solidify the Facility's long-term economic future in WNY. The proposed investment will nearly double output at the Facility, resulting in a significantly lower cost per kg that ensures SRUSA tire products can be sold profitably. To achieve the needed, increased production, SRUSA would purchase new mixing, tire building, curing and miscellaneous equipment. A 60,000 square foot building will be added for new tire building equipment on the site that is currently in use as an employee parking lot. Additional limited capital investments will need to be made for building improvements/renovation to an existing 15,200 sq ft building at the Facility. The estimated capital investment would be made over the next 3 years as follows: 2021 = \$78.4M, 2022 = \$41.5M and 2023 = \$6M, totaling \$126M.

\* Inform Analytics/Center for Governmental Research

## Economic Impact: Inform Analytics Cost-Benefit Analysis

The Erie County Industrial Development Agency uses Inform Analytics, a widely-recognized modeling tool from the Center for Governmental Research, to assess the economic impact of a project applying for incentives. This cost:benefit ratio is assessed via a Cost-Benefit Analysis, as is required by Section 859-a (5)(b) of General Municipal Law. For the complete Cost Benefit Analysis – please see the attached Inform Analytics Projected Community Benefits and Community Cost Benefit Analysis.

### Cost: Incentives

| COSTS | Tax Exemption      | Amount    |
|-------|--------------------|-----------|
|       | Property           | 1,053,000 |
|       | Sales              | 709,000   |
|       | Mortgage Recording | 0         |
|       | Total              | 1,762,000 |
|       | Discounted at 2%   | 1,679,000 |

### Benefit: Projected Community Benefit\*

| BENEFITS | Region         | Recipient   | Revenue Type                  | \$ Amount**   |
|----------|----------------|-------------|-------------------------------|---------------|
|          | Erie County    | Individuals | Payroll Temporary             | 6,886,000     |
|          |                |             | Payroll Permanent             | 1,503,306.000 |
|          |                | Public      | Property Taxes                | 280,000       |
|          |                |             | Sales Taxes                   | 24,757,000    |
|          | New York State | Public      | Income Taxes                  | 72,437,000    |
|          |                |             | Sales Taxes                   | 21,432,000    |
|          |                |             | Total Benefits to EC + NYS*** | 1,629,434,000 |
|          |                |             | Discounted at 2%              | 1,493,593,000 |

\*\*includes direct & indirect \$ over project period \*\*\*may not sum to total due to rounding

|                    |                 |
|--------------------|-----------------|
| Discounted Cost    | \$ 1,679,000    |
| Discounted Benefit | \$1,493,593,000 |
| Ratio              | 1:889           |

**Conclusion:** The Cost Benefit for this project is: 1:889. For every \$1 in costs (incentives), this project provides \$889 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$1,042 in benefits to the community.**

### New Tax Revenue Estimated

| Current Yearly Taxes            | Estimated New Assessed Value | Additional County Revenue over abatement period | Additional Local Revenue Over abatement period | New Yearly Taxes Upon Expiration of Abatement Period |
|---------------------------------|------------------------------|---|--|--|
| n/a                             | \$1,320,000                  | \$ 39,113                                       | \$ 240,915                                     | \$ 133,346   |
| Combined Tax Rate:<br>\$ 101.02 |                              |   |  |  |

\* Inform Analytics/Center for Governmental Research

### Draft Recapture Material Terms

| Condition               | Term                         | Recapture Provision  |
|-------------------------|------------------------------|--|
| Total Investment        | At project completion        | Investment amount equal to or greater than 85% of project amount.<br>Total project amount = \$126,000,000<br>85% = \$107,100,000 |
| Employment              | Coincides with 10-year PILOT | Maintain Base = 1,399<br><br>Recapture Employment = 1,399  |
| Local Labor             | Construction period          | Adherence to policy including quarterly reporting  |
| Pay Equity              | Coincides with 10-year PILOT | Adherence to Policy  |
| Unpaid Tax              | Coincides with 10-year PILOT | Adherence to Policy  |
| <u>Recapture Period</u> | Coincides with 10-year PILOT | Recapture of Real Property Taxes, State and Local Sales Taxes  |

Recapture applies to:

State and Local Sales Taxes  
Real Property Tax

### Recapture

Pursuant to New York State General Municipal Law, the agency shall modify, recover, recapture or terminate any financial assistance taken by the company that is in violation of the GML.

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has maintained 1,399 jobs iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

### Project ECIDA History

- 9/28/21 Public hearing held.
- 10/27/21 Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 10/27/21 Lease/Leaseback Inducement Resolution presented to the Board of Directors

### Company ECIDA History

4/26/17 \$9.7 M Inducement Resolution for a 35,000 sq ft expansion of manufacturing space at the Tonawanda facility.

**EVALUATIVE CRITERIA  
MANUFACTURING/WAREHOUSE/DISTRIBUTION  
2021 Sumitomo Rubber Expansion**

|  |  |
|--|--|
| Wage Rate (above median wage for area)   | Average annual salary of jobs to be retained = \$60,000  |
| Regional Wealth Creation (% sales/customers outside area)                        | 100% sales outside the area  |
| In Region Purchases (% of overall purchases)                                     | Approximately 10% of annual supplies, raw material and vendor services are purchased within Erie County and are valued at over \$100 Mil (since 2017).   |
| Research & Development Activities  | Approximately 3.3% of cost of goods sold is attributed to R&D.   |
| Investment in Energy Efficiency  | Energy efficiency is achieved through the increased production capabilities of the new equipment. Upon completion of the project, company is forecasting a 30% reduction in Btu/lb. Energy efficient HVAC and lighting will be utilized in the new building. |
| Locational Land Use Factors, Brownfields or Locally Designated Development Areas | N/A  |
| LEED/Renewable Resources   | Not seeking LEED certification.  |
| Retention/Flight Risk  | Should Sumitomo not move forward with the proposed project, the necessary upgrades to the Facility are unlikely to be undertaken. Sumitomo Rubber USA is considering making investments in other locations, both domestically and outside the U.S.           |
| MBE/WBE Utilization  | MWBE Questionnaire – statement provided by Buffalo Construction Consultants – Project Contractor. Additional information on company procurement and HR.  |
| Workforce Access – Proximity to Public Transportation                            | Supported by NFTA Routes 40 & 35   |

DATED: Sept 2021

**PILOT Worksheet: Estimate of Real Property Tax Abatement Benefits\*\*\* and Percentage of Project Costs financed from Public Sector sources**

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

**PILOT Estimate Table Worksheet-Sumitomo**

| 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 |
|---|--|----------------------|---|----------------------|
| 13,300,000  | \$1,320,000  | 14.11                | 33.76                                   | 53.15                |

\*Apply equalization rate to value

| PILOT Year   | % Payment | County PILOT Amount | Town PILOT Amount | School PILOT Amount | Total PILOT      | Full Tax Payment w/o PILOT | Net Exemption      |
|--------------|-----------|---------------------|-------------------|---------------------|------------------|----------------------------|--------------------|
| 1            | 0.1       | \$1,863             | \$4,456           | \$7,016             | \$13,335         | \$133,346                  | \$120,012          |
| 2            | 0.1       | \$1,863             | \$4,456           | \$7,016             | \$13,335         | \$133,346                  | \$120,012          |
| 3            | 0.1       | \$1,863             | \$4,456           | \$7,016             | \$13,335         | \$133,346                  | \$120,012          |
| 4            | 0.2       | \$3,725             | \$8,913           | \$14,032            | \$26,669         | \$133,346                  | \$106,677          |
| 5            | 0.2       | \$3,725             | \$8,913           | \$14,032            | \$26,669         | \$133,346                  | \$106,677          |
| 6            | 0.2       | \$3,725             | \$8,913           | \$14,032            | \$26,669         | \$133,346                  | \$106,677          |
| 7            | 0.3       | \$5,588             | \$13,369          | \$21,047            | \$40,004         | \$133,346                  | \$93,342           |
| 8            | 0.3       | \$5,588             | \$13,369          | \$21,047            | \$40,004         | \$133,346                  | \$93,342           |
| 9            | 0.3       | \$5,588             | \$13,369          | \$21,047            | \$40,004         | \$133,346                  | \$93,342           |
| 10           | 0.3       | \$5,588             | \$13,369          | \$21,047            | \$40,004         | \$133,346                  | \$93,342           |
| <b>TOTAL</b> |           | <b>\$39,113</b>     | <b>\$93,583</b>   | <b>\$147,332</b>    | <b>\$280,027</b> | <b>\$1,333,464</b>         | <b>\$1,053,437</b> |

**\*\*\* Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff**

**Percentage of Project Costs financed from Public Sector Table Worksheet:**

| Total Project Cost | Estimated Value of PILOT | Estimated Value of Sales Tax Incentive | Estimated Value of Mortgage Tax Incentive | Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.) |
|--------------------|--------------------------|--|---|--|
| 126,000,000        | 1,053,437                | 708,750.00                             | n/a                                       | 3,300,000  |

**Calculate %**

**(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 4.1%**



## Cost Benefit Analysis

prepared using InformAnalytics

### InformAnalytics GLOSSARY

**Total Investment:** Total amount of private investment/cost of project

**Total Net Benefits:** Total of community benefits generated. A calculated projection of indirect economic growth (payroll being spent on goods and services, indirect economic benefits created by construction jobs, etc).

**Direct/Spillover:**

- Direct refers to jobs and payroll created “directly” by the project
- Spillover refers to indirect jobs and payroll (ripple effects of “Direct” private investment)

**Discounted Total:** 2% discount of all projections. An accounting adjustment to allow for a dollar of benefit in the future being worth less than a dollar of benefit today.

**Discounted Total Benefits:** The total projected community benefits, direct or spillover, generated by the project applying for incentives.

**Cost/Benefit Ratio:** The ratio of project cost vs. community benefit, or the community benefit generated by each dollar of incentives approved.

### INCENTIVES DEFINITIONS

*NOTE these are not direct cash incentives; they are savings on future taxes incurred by the project as a result of the project's improvements/construction investment.*

**Property Tax Exemption:** savings on future property taxes. Calculated from the increase in assessed value of the project once the project improvement/construction is completed.

**Sales Tax Exemption:** a limited savings/exemption on future sales tax charges for the qualified purchases of construction materials and/or equipment. The savings amount is calculated using 50% of the total construction costs of the project.

**Mortgage Recording Tax Exemption:** A one-time savings on a portion of the mortgage recording tax paid to Erie County when a mortgage is filed.



# Cost-Benefit Analysis

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

TABLE 2

## Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for Sumitomo Rubber 2021 Building Expansion.

| Description            | Nominal Value      | Discounted Value*  |
|------------------------|--------------------|--------------------|
| Property Tax Exemption | \$1,053,000        | \$970,000          |
| Sales Tax Exemption    | \$709,000          | \$709,000          |
| <b>Total Costs</b>     | <b>\$1,762,000</b> | <b>\$1,679,000</b> |

**May not sum to total due to rounding.**

\* Discounted at 2%

TABLE 3

**State & Regional Impact (Life of Project)**

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

| Description                                 | Direct               | Spillover            | Total                  |
|---|----------------------|----------------------|------------------------|
| <b>REGIONAL BENEFITS</b>                    | <b>\$858,695,000</b> | <b>\$676,534,000</b> | <b>\$1,535,229,000</b> |
| <b>To Private Individuals</b>               | <b>\$844,512,000</b> | <b>\$665,680,000</b> | <b>\$1,510,191,000</b> |
| Temporary Payroll                           | \$5,112,000          | \$1,774,000          | \$6,886,000            |
| Ongoing Payroll                             | \$839,400,000        | \$663,906,000        | \$1,503,306,000        |
| <b>To the Public</b>                        | <b>\$14,184,000</b>  | <b>\$10,854,000</b>  | <b>\$25,038,000</b>    |
| Property Tax Revenue                        | \$280,000            | N/A                  | \$280,000              |
| Temporary Sales Tax Revenue                 | \$83,000             | \$29,000             | \$112,000              |
| Ongoing Sales Tax Revenue                   | \$13,686,000         | \$10,825,000         | \$24,511,000           |
| Purchases Sales Tax Revenue                 | \$134,000            | N/A                  | \$134,000              |
| <b>STATE BENEFITS</b>                       | <b>\$54,880,000</b>  | <b>\$39,325,000</b>  | <b>\$94,205,000</b>    |
| <b>To the Public</b>                        | <b>\$54,880,000</b>  | <b>\$39,325,000</b>  | <b>\$94,205,000</b>    |
| Temporary Income Tax Revenue                | \$250,000            | \$87,000             | \$337,000              |
| Ongoing Income Tax Revenue                  | \$42,594,000         | \$29,843,000         | \$72,437,000           |
| Temporary Sales Tax Revenue                 | \$72,000             | \$25,000             | \$97,000               |
| Ongoing Sales Tax Revenue                   | \$11,848,000         | \$9,371,000          | \$21,219,000           |
| Purchases Sales Tax Revenue                 | \$116,000            | N/A                  | \$116,000              |
| <b>Total Benefits to State &amp; Region</b> | <b>\$913,575,000</b> | <b>\$715,859,000</b> | <b>\$1,629,434,000</b> |
| <b>Discounted Total Benefits (2%)</b>       | <b>\$837,546,000</b> | <b>\$656,047,000</b> | <b>\$1,493,593,000</b> |

TABLE 4

**Benefit to Cost Ratio**

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

| Description        | Benefit*               | Cost*              | Ratio        |
|--------------------|------------------------|--------------------|--------------|
| Region             | \$1,407,234,000        | \$1,350,000        | 1042:1       |
| State              | \$86,359,000           | \$329,000          | 263:1        |
| <b>Grand Total</b> | <b>\$1,493,593,000</b> | <b>\$1,679,000</b> | <b>889:1</b> |

**May not sum to total due to rounding.**

\* Discounted at 2%

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

# MBE/WBE Utilization



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

## **CONSTRUCTION:**

Sumitomo Rubber USA, LLC has hired Buffalo Construction Consultants, Inc as the Project Contractor for the \$126MM expansion project.

## **Policy Statement from Buffalo Construction Consultants, Inc.:**

**WHEREAS**, It is the policy of Buffalo Construction Consultants, Inc. ("BCC") to ensure maximum feasible participation of certified minority-and women-owned business enterprises ("MWBE's"), i.e. independent business concerns which are at least 51 percent owned and controlled by minority group members (citizens of the United States or permanent resident aliens who are Black, Hispanic, Asian, or Native American), and women-owned business enterprises (citizens of the United States or permanent resident aliens in which 51 percent of the business is owned and controlled by a woman) in projects that BCC supports.

**WHEREAS**, BCC has committed to promote equality of economic opportunities for MWBEs and to eliminate barriers to their participation when contracting with BCC. BCC has sought to ensure that MWBEs are given the opportunity to demonstrate their ability to provide their clients with commodities and services at competitive prices.

## **THEREFORE:**

As a reasonable measure to enhance the ability of MWBE's to compete for contracts and to ensure their meaningful participation in the BCC procurement process, BCC will use best efforts to:

- (1) Wherever feasible, participate in and implement outreach initiatives, such as, conferences, contractor fairs and other forums held to enhance the ability of minority and women-owned business enterprises to compete for contracts.
- (2) Make all reasonable efforts to include MWBE's in bidder lists.
- (3) BCC will document their good faith efforts toward utilizing certified minority and women owned business enterprises, including but not limited to those certified MWBEs identified within a utilization plan, and, upon request, will:
  - a. Provide copies of solicitations of certified minority and women owned business enterprises which were solicited to provide bids and any responses thereto;
  - b. Provide documentation to show that it advertised or published an advertisement in an appropriate general circulation, trade and minority – or women-orientated publications;
  - c. Show the specific steps taken to reasonably structure the contract scope of work for subcontracting with, or obtaining supplies from, certified MWBEs that are qualified/competitive.



(4) Any award of such contracts will be in compliance with all procurement laws and will be awarded to a vendor that is deemed qualified, with market competitive pricing and the ability to meet project schedule timelines.

**PROCUREMENT / HUMAN RESOURCES:**

Sumitomo Rubber USA, LLC (SRUSA) is an equal opportunity employer that actively promotes the hiring and utilization of women and minorities.

1. Our Purchasing department actively seeks out opportunities to work with women and minority owned businesses. However, most of our purchases are for raw materials from a limited number of suppliers of which there are no MWBE choices.
2. Our Human Resources department is focused on increased hiring of minorities and persons with diverse backgrounds.
3. Key leadership roles in our organization are filled by women or minorities, including our CFO, Senior Counsel, Logistics Manager, Plant Controller, Manager of Environmental, Training Department manager and multiple HR managers in our factory.
4. Women and Minorities represent 27% of the total Sumitomo Rubber USA, LLC workforce.
5. Women and Minorities represent 60% of the Corporate Sumitomo Rubber USA, LLC workforce.



October 4, 2021

Mr. John Cappellino  
President & CEO  
Erie County Industrial Development Agency  
jcappell@ecidany.com

Dear Mr. Cappellino,

I am writing you to express my support on behalf of our USW Local #135L Membership for the application submitted to you by Sumitomo Rubber USA, LLC.

Our Membership includes over one thousand Members who are paid good Union wages and receive outstanding medical benefits. The average compensation for our Members, including wages and benefits, is over one-hundred thousand dollars.

As you may or may not know, most tire manufacturers in the United States are located in the south in right-to-work states to avoid paying living wages to their employees. Sumitomo Rubber USA is a good employer and is willing to commit to manufacturing in Tonawanda, evidenced by their plan to invest one-hundred twenty-two million dollars in the facility. This plant has a two-hundred-million-dollar impact on the WNY Community, and its success is vital to the economic wellbeing of our Members, their families, and the community.

Sumitomo announced its intent to invest one hundred twenty-two million into the Tonawanda plant earlier this year, but the investment was not guaranteed. This investment is critical to improving the efficiency of the Tonawanda plant. The plant was originally constructed as an ammunition plant, and the setup is not ideal for the smooth flow of products and material throughout the plant. The construction of the new building, along with the massive amount of state-of-the-art machinery that will come along with it, will allow us to align our passenger tire operations in a way that makes us more efficient. The secured investment will level the playing field with other tire plants built from the ground up specifically for modern tire manufacturing.

I believe approving the application submitted by Sumitomo Rubber USA will go a long way toward securing the future of this plant and the good-paying Salary and Union jobs that it provides to the citizens of Erie County.

Respectfully,

A handwritten signature in black ink that reads 'Thomas P. O'Shei'.

Thomas P. O'Shei  
President  
USW Local 135L

## PUBLIC HEARING SCRIPT

**Sumitomo Rubber USA, LLC and/or  
Individual(s) or Affiliate(s),  
Subsidiary(ies), or Entity(ies) formed or  
to be formed on its behalf Project**

Public Hearing to be held on September 28, 2021 at 10:00 a.m.,  
at the Town of Tonawanda Town Hall located at 2919 Delaware Avenue (Town Board  
Conference Room #20, Kenmore, NY 14217

### ATTENDANCE:

Mary Kasprzak – Sumitomo Rubber USA  
Glenn Leonardi – Sumitomo Rubber USA

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

*Hearing Officer:* Welcome. This public hearing is now open; it is 10:00 a.m. My name is Beth O’Keefe. I am vice president of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency’s website at [www.ecidany.com](http://www.ecidany.com).

#### **2. PURPOSE:** Purpose of the Hearing.

*Hearing Officer:* We are here to hold the public hearing for Sumitomo Rubber USA, and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf for this project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Friday, September 17, 2021.

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

*Hearing Officer:* The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 10 Sheridan Drive, Town of Tonawanda, Erie County, New York (the "Land"), (ii) the construction on the Land of an approximately 60,000+/- square-foot facility to be used for manufacturing purposes (the "Improvements"), (iii) the renovation of an existing 15,200+/- square-foot facility (the "Existing Improvements"), and (iv) the acquisition by the Company in and around the Improvements and the Existing Improvements of certain items of machinery, equipment and other tangible personal property (the

“Equipment”; and, together with the Land, the Improvements, and the Existing Improvements, the “Facility”).

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits and real property tax abatement benefits (in compliance with Agency's uniform tax exemption policy).

**4. FORMAT OF HEARING: Review rules and manner in which the hearing will proceed.**

*Hearing Officer:* All those in attendance are required to register by signing the sign-in sheet at the front of the room; you will not be permitted to speak unless you have registered. Everyone who has registered will be given an opportunity to make statements and/or comments on the Project.

If you have a written statement or comment to submit for the record, you may leave it at this public hearing, submit it on the Agency's website or deliver it to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes at 4:00 p.m. on October 26, 2021. There are no limitations on written statements or comments.

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

*Hearing Officer:* If anyone is interested in making a statement or comment, please raise your hand, state your name and address; if you are representing a company, please identify the company. I request that speakers keep statements and/or comments to 5 minutes, and if possible, 3 minutes.

Mary Kasprzak – Chief Financial Officer for Sumitomo Rubber USA, LLC. Thank you for your invitation to this morning's public hearing to discuss Sumitomo Rubber USA's application for Erie County IDA incentives in support of a significant investment we are making at our factory in Tonawanda.

Many in Western New York recognize the familiar sight of our factory as they travel the interstate 190 through Tonawanda. Tires have been manufactured in that location for the entire life of everyone in this room, and likely most people in Western New York. In fact, in 2022, our factory will celebrate 100 years of tire making at our home at 10 Sheridan Drive. That long life has occurred with three owners. Our parent company, Sumitomo Rubber Industries in Japan has had varying percentages of ownership since 1986 and acquired complete ownership of the facility in 2015.

With an aging facility comes the requirement to keep pace with technology and cost competitiveness. The investment we have planned will permit us to double the output of the factory, increase the capability of how we manufacture tires, and enable us to preserve our current workforce of 1400 employees. This improved productivity and efficiency will enable our factory to be competitive in an increasingly global, competitive environment for the manufacture of tires. To be able to be a US manufacturer and compete with global manufacturers that can



achieve a lower cost base, not only do we need to create a great product that the market desire, but it must also be a product that consumers are willing to pay for. To do that, and preserve current employment, we must exercise relentless cost control. The incentives we seek from the Erie County IDA for our expansion help us do just that.

We believe this investment creates efficiency and productivity improvement opportunities that can secure manufacturing at our Tonawanda factory and preserve the 1400 great paying jobs that the factory provides. Thank you for your consideration of our application. We are happy to answer any questions you may have.

**6. ADJOURNMENT:**

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 10:07 a.m.

**SIGN IN SHEET  
PUBLIC HEARING**

September 28, 2021, at 10:00 a.m.  
at the Town of Tonawanda Town Hall located at 2919 Delaware Avenue (Town Board  
Conference Room #20), Kenmore, NY 14217, regarding:

**Sumitomo Rubber USA, LLC and/or Individual(s) or Affiliate(s),  
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 10 Sheridan Drive, Tonawanda, New York 14150

| Name           | Company and/or Address   | X box to speak/<br>comment |
|----------------|--|----------------------------|
| Mary Kasprzak  | Sumitomo Rubber USA, LLC<br>10 Sheridan Drive<br>Tonawanda, New York 14150 | X                          |
| Glenn Leonardi | Sumitomo Rubber USA, LLC<br>10 Sheridan Drive<br>Tonawanda, New York 14150 |                            |
|                |  |                            |
|                |  |                            |
|                |  |                            |
|                |  |                            |
|                |  |                            |
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|                |  |                            |
|                |  |                            |
|                |  |                            |

**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:<br>Sumitomo Rubber-USA  |                         |   |
| Project Location (describe, and attach a general location map):<br>10 Sheridan Dr, Tonawanda, NY 14150   |                         |   |
| Brief Description of Proposed Action (include purpose or need):<br>Sumitomo Rubber USA, LLC in Tonawanda (formerly Dunlop Tire) is proposing the construction of an approximately 60,000 square foot, single story addition to their existing plant located at 10 Sheridan Drive. The site of the addition is currently a surface parking lot. |                         |   |
| Name of Applicant/Sponsor:<br>Sumitomo Rubber-USA  | Telephone: 716-879-8302 | E-Mail: ronald_plesh@sumitomorubber-usa.com |
| Address: 10 Sheridan Drive   |                         |   |
| City/PO: Tonawanda   | State: NY               | Zip Code: 14150                             |
| Project Contact (if not same as sponsor; give name and title/role):<br>Ronald Plesh, Design Engineering Manager  | Telephone: SAME         | E-Mail: SAME                                |
| Address:<br>SAME   |                         |   |
| City/PO:   | State:                  | Zip Code:                                   |
| Property Owner (if not same as sponsor):<br>SAME   | Telephone:              | E-Mail:                                     |
| Address:   |                         |   |
| City/PO:   | State:                  | Zip Code:                                   |

**B. Government Approvals**

| <b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.) |   |   |
|---|---|---|
| <b>Government Entity</b>  | <b>If Yes: Identify Agency and Approval(s) Required</b> | <b>Application Date (Actual or projected)</b>                       |
| a. City Counsel, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees                                    |   |   |
| b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission                             | Site Plan Approval                                      | Sept 2021   |
| c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals                                  |   |   |
| d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |   | Est. Oct 2021   |
| e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  | 239m review   | Sept 2021   |
| f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |   |   |
| g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |   |   |
| h. Federal agencies <input type="checkbox"/> Yes <input checked="" 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**

|  |   |
|--|---|
| <b>C.1. Planning and zoning actions.</b>   |   |
| 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"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>  |   |
| <b>C.2. Adopted land use plans.</b>  |   |
| a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| If Yes, identify the plan(s):<br>Remediaton Sites:915018, NYS Heritage Areas:West Erie Canal Corridor  |   |
| _____  |   |
| _____  |   |
| c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes, identify the plan(s):  |   |
| _____  |   |
| _____  |   |

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
 General Industrial (G-1)

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Kenmore-Tonawanda Union Free School District.

b. What police or other public protection forces serve the project site?  
Town of Tonawanda Police, Erie County Sheriff, NYS Police

c. Which fire protection and emergency medical services serve the project site?  
Tonawanda EMS Unit, River Road Volunteer Fire Company

d. What parks serve the project site?  
Kaufman Playground, Aqua Lane Park

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Industrial

b. a. Total acreage of the site of the proposed action? 129+/- acres  
 b. Total acreage to be physically disturbed? 1.4 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 129+/- acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 3% (60,000) Units: SF

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: 8-10 months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

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

i. Total number of structures \_\_\_\_\_ 1

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ 21+/- height; \_\_\_\_\_ 259+/- width; and \_\_\_\_\_ 215+/- length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ 60,000+/- square feet

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

i. Purpose of the impoundment: \_\_\_\_\_

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

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

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

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

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

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  Yes  No  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

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

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

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: \_\_\_\_\_ TBD 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: ECWA
- 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: \_\_\_\_\_

N/A  
 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: \_\_\_\_\_ TBD 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: Tonawanda Wastewater Treatment Plant
- Name of district: Town of Tonawanda
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 N/A \_\_\_\_\_  
 \_\_\_\_\_

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ 0 acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ -129 acres (parcel size)  
 ii. Describe types of new point sources. Roof downspouts  
 \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 Stormwater to be directed to existing stormwater collection system (UG).  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 N/A \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 Construction equipment  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 N/A \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 N/A \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)  
 Project will not create any additional emissions beyond current caps noted in existing permit (9-1464-00030/00199).



h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

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

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No

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

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

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

If Yes:

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

TBD

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

Local utility grid

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

---

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

|  |   |
|--|---|
| <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ daylight hours only</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> | <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ current shift operations</li> <li>• Saturday: _____ current shift operations</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> |
|--|---|

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

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

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

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility: No significant changes from existing.  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_
- ii. Anticipated rate of disposal/processing:
  - \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
  - \_\_\_\_\_ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: \_\_\_\_\_ years

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

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_
- ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_
- iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

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

If Yes: provide name and location of facility: \_\_\_\_\_

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

**E. Site and Setting of Proposed Action**

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

- a. Existing land uses.
  - i. Check all uses that occur on, adjoining and near the project site.
    - Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)
    - Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_
  - ii. If mix of uses, generally describe: \_\_\_\_\_

**b. Land uses and covertypes on the project site.**

| Land use or Coverture  | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|--|-----------------|----------------------------------|--------------------|
| • Roads, buildings, and other paved or impervious surfaces                               | 129+/-          | 129+/-                           | 0                  |
| • Forested   |                 |                                  |                    |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) |                 |                                  |                    |
| • Agricultural (includes active orchards, field, greenhouse etc.)                        |                 |                                  |                    |
| • Surface water features (lakes, ponds, streams, rivers, etc.)                           |                 |                                  |                    |
| • Wetlands (freshwater or tidal)   |                 |                                  |                    |
| • Non-vegetated (bare rock, earth or fill)   |                 |                                  |                    |
| • Other Describe: _____  |                 |                                  |                    |

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: NYSDEC Env Remediation Database (site code 915018)  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
The project area is within the central portion of the site with the three landfill areas (A, B, C) located at the far eastern and western end.  
iii. Describe any development constraints due to the prior solid waste activities:  
Existing industrial facility (operational). Long-term maintenance and monitoring (Site Management) of the landfill caps is on-going

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
Lead, cadmium, chromium, 1/1/1-trichloroethane (TCA), rubber products, arsenic, fly-ash, slag, carbon black, C&D, general plant refuse. 1921-1979 disposal.

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): 915018  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures:  
Landfills capped with modified Part 360 clay caps, long-term maintenance and monitoring (Site Management). Groundwater monitoring to date, indicates that the remedy remains protective of public health and the environment.  
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): 915025, 915148, 915018, C915337, 915044  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
915025 - ROD 1997, removed registry 1996; 915148 - no further action ROD 1999, monitoring/maintenance ongoing; C915337 - RI 2020, ongoing; 915044 - remediation complete, RI amendment 2009

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

- If yes, DEC site ID number: 915018
- Describe the type of institutional control (e.g., deed restriction or easement): Decision document
- Describe any use limitations: N/A
- Describe any engineering controls: cover system, monitoring wells, O&M
- 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? \_\_\_\_\_ N/A 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: Urban land \_\_\_\_\_ 100 %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

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

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ 100 % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 100 % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

h. Surface water features.

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

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

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

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

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

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

---

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

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

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

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

m. Identify the predominant wildlife species that occupy or use the project site:  
 None (urban/industrial setting) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
 If Yes:  
 i. Species and listing: \_\_\_\_\_  
 \_\_\_\_\_

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

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

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

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

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

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

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No  
 If Yes:  
 i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District  
 ii. Name: \_\_\_\_\_  
 iii. Brief description of attributes on which listing is based: \_\_\_\_\_

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

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

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No  
 If Yes:  
 i. Identify resource: Beaver Island State Park, Delaware Park  
 ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): State Park, historic recreation/park  
 iii. Distance between project and resource: \_\_\_\_\_ 0-4 miles.

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

**F. Additional Information**

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

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

**G. Verification**

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

Applicant/Sponsor Name Justin W Steinbach Date October 20, 2021

Signature  Title Planner/Associate (CPL, consultant to applicant)

**PRINT FORM**





**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



|   |   |
|---|---|
| B.i.i [Coastal or Waterfront Area]  | No  |
| B.i.ii [Local Waterfront Revitalization Area]                                       | Yes   |
| C.2.b. [Special Planning District]  | Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.     |
| C.2.b. [Special Planning District - Name]   | Remediation Sites:915018, NYS Heritage Areas:West Erie Canal Corridor                                       |
| E. 1.h [DEC Spills or Remediation Site - Potential Contamination History]           | Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook. |
| E. 1.h.i [DEC Spills or Remediation Site - Listed]                                  | Yes   |
| E. 1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database] | Yes   |
| E. 1.h.i [DEC Spills or Remediation Site - DEC ID Number]                           | 915018  |
| E. 1.h.iii [Within 2,000' of DEC Remediation Site]                                  | Yes   |
| E. 1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]                         | 915025, 915148, 915018, C915337, 915044   |
| E.2.g [Unique Geologic Features]  | No  |
| E.2.h.i [Surface Water Features]  | No  |
| E.2.h.ii [Surface Water Features]   | No  |
| E.2.h.iii [Surface Water Features]  | No  |
| E.2.h.v [Impaired Water Bodies]   | No  |
| E.2.i. [Floodway]   | No  |
| E.2.j. [100 Year Floodplain]  | No  |
| E.2.k. [500 Year Floodplain]  | No  |
| E.2.l. [Aquifers]   | No  |



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

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

|   |
|---|
| <b>Agency Use Only [If applicable]</b>  |
| Project : <span style="border: 1px solid black; padding: 1px;">Sumitomo Rubber USA Expansion</span> |
| Date : <span style="border: 1px solid black; padding: 1px;">10/22/2021</span>                       |

**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.

|   |                                    |   |   |
|---|------------------------------------|---|---|
| <b>1. Impact on Land</b><br>Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)<br><i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> | <input type="checkbox"/> NO        | <input checked="" type="checkbox"/> YES |   |
|   | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b>    | <b>Moderate to large impact may occur</b> |
| a. The proposed action may involve construction on land where depth to water table is less than 3 feet.   | E2d                                | <input checked="" type="checkbox"/>     | <input type="checkbox"/>                  |
| b. The proposed action may involve construction on slopes of 15% or greater.  | E2f                                | <input checked="" type="checkbox"/>     | <input type="checkbox"/>                  |
| c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.  | E2a                                | <input checked="" type="checkbox"/>     | <input type="checkbox"/>                  |
| d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.  | D2a                                | <input checked="" type="checkbox"/>     | <input type="checkbox"/>                  |
| e. The proposed action may involve construction that continues for more than one year or in multiple phases.  | D1e                                | <input checked="" type="checkbox"/>     | <input type="checkbox"/>                  |
| f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).   | D2e, D2q                           | <input checked="" type="checkbox"/>     | <input type="checkbox"/>                  |
| g. The proposed action is, or may be, located within a Coastal Erosion hazard area.   | B1i                                | <input checked="" type="checkbox"/>     | <input type="checkbox"/>                  |
| h. Other impacts: _____<br>_____  |                                    | <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.<br>Specific feature: _____ | E3c                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. Other impacts: _____   |                             | <input type="checkbox"/>      | <input type="checkbox"/>           |

**3. Impacts on Surface Water**

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

NO

YES

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

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

|                                  |  |                          |                          |
|----------------------------------|--|--------------------------|--------------------------|
| 1. Other impacts: _____<br>_____ |  | <input type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------|--|--------------------------|--------------------------|

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

|  | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.                           | D2c                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer.<br>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: _____<br>_____   |                             | <input type="checkbox"/>      | <input type="checkbox"/>           |

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

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

|                                  |  |                          |                          |
|----------------------------------|--|--------------------------|--------------------------|
| g. Other impacts: _____<br>_____ |  | <input type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------|--|--------------------------|--------------------------|

**6. Impacts on Air**

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

NO

YES

|   | Relevant Part I Question(s)            | No, or small impact may occur  | Moderate to large impact may occur   |
|---|--|--|--|
| a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:<br>i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )<br>ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)<br>iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)<br>iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )<br>v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions<br>vi. 43 tons/year or more of methane | D2g<br>D2g<br>D2g<br>D2g<br>D2g<br>D2h | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><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: _____<br>_____  |  | <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.)  
*If "Yes", answer questions a - j. If "No", move on to Section 8.*

NO

YES

|  | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.                  | E2o                         | <input 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.<br>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.<br>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"/> |

|  |                                    |  |   |
|--|------------------------------------|--|---|
| <b>8. Impact on Agricultural Resources</b>   |                                    |  |   |
| 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>  |                                    |  |   |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b>   | <b>Moderate to large impact may occur</b> |
| a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.   | E2c, E3b                           | <input type="checkbox"/>               | <input type="checkbox"/>                  |
| b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).  | E1a, E1b                           | <input type="checkbox"/>               | <input type="checkbox"/>                  |
| c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.   | E3b                                | <input type="checkbox"/>               | <input type="checkbox"/>                  |
| d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District. | E1b, E3a                           | <input type="checkbox"/>               | <input type="checkbox"/>                  |
| e. The proposed action may disrupt or prevent installation of an agricultural land management system.  | E1 a, E1b                          | <input type="checkbox"/>               | <input type="checkbox"/>                  |
| f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.   | C2c, C3, D2c, D2d                  | <input type="checkbox"/>               | <input type="checkbox"/>                  |
| g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.   | C2c                                | <input type="checkbox"/>               | <input type="checkbox"/>                  |
| h. Other impacts: _____  |                                    | <input type="checkbox"/>               | <input type="checkbox"/>                  |



|  |   |                                      |  |  |                              |
|--|---|--------------------------------------|--|--|------------------------------|
| <b>9. Impact on Aesthetic Resources</b><br>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.)<br><i>If "Yes", answer questions a - g. If "No", go to Section 10.</i> |   |                                      |  | <input checked="" type="checkbox"/> NO               | <input type="checkbox"/> YES |
|  | <b>Relevant Part I Question(s)</b>  | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b>            |  |                              |
| 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:<br>i. Seasonally (e.g., screened by summer foliage, but visible during other seasons)<br>ii. Year round                               | E3h                                  | <input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/> |                              |
| d.   | The situation or activity in which viewers are engaged while viewing the proposed action is:<br>i. Routine travel by residents, including travel to and from work<br>ii. Recreational or tourism based activities | E3h<br>E2q,<br>E1c                   | <input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><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:<br>0-1/2 mile<br>1/2 -3 mile<br>3-5 mile<br>5+ mile   | D1a, E1a,<br>D1f, D1g                | <input type="checkbox"/>                             | <input type="checkbox"/>                             |                              |
| g.   | Other impacts: _____<br>_____   |                                      | <input type="checkbox"/>                             | <input type="checkbox"/>                             |                              |

|   |  |                                      |   |  |                              |
|---|--|--------------------------------------|---|--|------------------------------|
| <b>10. Impact on Historic and Archeological Resources</b><br>The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)<br><i>If "Yes", answer questions a - e. If "No", go to Section 11.</i> |  |                                      |   | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES |
|   | <b>Relevant Part I Question(s)</b>   | <b>No, or small impact may occur</b> | <b>Moderate to large impact may occur</b> |  |                              |
| a.  | The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places. | E3e                                  | <input type="checkbox"/>                  | <input type="checkbox"/>               |                              |
| b.  | The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.  | E3f                                  | <input type="checkbox"/>                  | <input type="checkbox"/>               |                              |
| c.  | The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.<br>Source: _____   | E3g                                  | <input type="checkbox"/>                  | <input type="checkbox"/>               |                              |

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

|   |                                    |  |   |
|---|------------------------------------|--|---|
| <b>11. Impact on Open Space and Recreation</b>  |                                    |  |   |
| 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.<br>(See Part 1. C.2.c, E.1.c., E.2.q.)<br><i>If "Yes", answer questions a - e. If "No", go to Section 12.</i> |                                    | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES              |
|   | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b>   | <b>Moderate to large impact may occur</b> |
| 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: _____<br>_____  |                                    | <input type="checkbox"/>               | <input type="checkbox"/>                  |

|  |                                    |  |   |
|--|------------------------------------|--|---|
| <b>12. Impact on Critical Environmental Areas</b>  |                                    |  |   |
| The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)<br><i>If "Yes", answer questions a - c. If "No", go to Section 13.</i> |                                    | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES              |
|  | <b>Relevant Part I Question(s)</b> | <b>No, or small impact may occur</b>   | <b>Moderate to large impact may occur</b> |
| 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: _____<br>_____   |                                    | <input type="checkbox"/>               | <input type="checkbox"/>                  |



**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.  
(See Part 1. D.2.j)

 NO YES

*If "Yes", answer questions a - f. If "No", go to Section 14.*

|   | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. Projected traffic increase may exceed capacity of existing road network.                           | D2j                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The proposed action may result in the construction of paved parking area for 500 or more vehicles. | D2j                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. The proposed action will degrade existing transit access.  | D2j                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| d. The proposed action will degrade existing pedestrian or bicycle accommodations.                    | D2j                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| e. The proposed action may alter the present pattern of movement of people or goods.                  | D2j                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| f. Other impacts: _____<br>_____  |                             | <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.  
(See Part 1. D.2.k)

 NO YES

*If "Yes", answer questions a - e. If "No", go to Section 15.*

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

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.  
(See Part 1. D.2.m., n., and o.)

 NO YES

*If "Yes", answer questions a - f. If "No", go to Section 16.*

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

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

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  
*If "Yes", answer questions a - m. If "No", go to Section 17.*

NO       YES

|   | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|-----------------------------|-------------------------------|------------------------------------|
| a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.   | E1d                         | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The site of the proposed action is currently undergoing remediation.   | E1g, E1h                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.   | E1g, E1h                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).   | E1g, E1h                    | <input type="checkbox"/>      | <input type="checkbox"/>           |
| e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the 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<br>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,<br>D2r            | <input type="checkbox"/>      | <input type="checkbox"/>           |
| m. Other impacts: _____<br>_____  |                             |                               |                                    |

**17. Consistency with Community Plans**

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

NO

YES

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

|  | Relevant Part I Question(s)       | No, or small impact may occur | Moderate to large impact may occur |
|--|-----------------------------------|-------------------------------|------------------------------------|
| a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).                                | C2, C3, D1a<br>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,<br>D1d, D1f,<br>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<br>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: _____<br>_____   |                                   | <input type="checkbox"/>      | <input type="checkbox"/>           |

**18. Consistency with Community Character**

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

NO

YES

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

|  | Relevant Part I Question(s)    | No, or small impact may occur | Moderate to large impact may occur |
|--|--------------------------------|-------------------------------|------------------------------------|
| a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community. | E3e, E3f, E3g                  | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)                       | C4                             | <input type="checkbox"/>      | <input type="checkbox"/>           |
| c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.         | C2, C3, D1f<br>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<br>E1a, E1b<br>E2g, E2h | <input type="checkbox"/>      | <input type="checkbox"/>           |
| g. Other impacts: _____<br>_____   |                                | <input type="checkbox"/>      | <input type="checkbox"/>           |

**PRINT FULL FORM**

**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.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

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

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

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Erie County Industrial Development Agency \_\_\_\_\_ 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: Type 1

Name of Lead Agency: Erie County Industrial Development Agency

Name of Responsible Officer in Lead Agency: Elizabeth OKeefe

Title of Responsible Officer: Vice President

Signature of Responsible Officer in Lead Agency:  Date: 10/22/2021

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

**For Further Information:**

Contact Person: Elizabeth OKeefe

Address: ECIDA, 95 Perry St, Suite 403, Buffalo, NY 14203

Telephone Number: 716-856-6525

E-mail: bokeefe@ecidany.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>

**PRINT FULL FORM**

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
INDUCEMENT RESOLUTION**

**SUMITOMO RUBBER USA, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S),  
SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS  
BEHALF**

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

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

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

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

**WHEREAS**, the Company has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 10 Sheridan Drive, Town of Tonawanda, Erie County, New York (the "Land"), (ii) the

construction on the Land of an approximately 60,000+/- square-foot facility to be used for manufacturing purposes (the “Improvements”), (iii) the renovation of an existing 15,200+/- square-foot facility (the “Existing Improvements”), and (iv) the acquisition by the Company in and around the Improvements and the Existing Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land, the Improvements, and the Existing Improvements, the “Facility”); and

**WHEREAS**, pursuant to General Municipal Law Section 859-a, on September 28, 2021, at 10:00 a.m., at the Town of Tonawanda Town Hall located at 2919 Delaware Avenue (Town Board Conference Room #20), Kenmore, NY 14217, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

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

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

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

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

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company’s application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency Policy Committee review and recommendations of the Project



and its October 7, 2021 resolution to approve the Project subject to the terms and conditions as described herein, the Policy Committee and Agency board member review of the Project's cost benefit ratio, the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project's contemplated community benefits, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

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

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

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

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

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

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

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

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



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

(i) The Project constitutes a "Type I Action" as defined under 6 N.Y.C.R.R. § 617.4 of SEQR, subject to a coordinated review. The Agency intends to act as Lead Agency and has notified all of the Involved Agencies that it intends to act as Lead Agency under SEQR, and no objection to the Agency assuming such status has been made and as such the Agency will act as Lead Agency.

(ii) The Project will be constructed upon land previously developed as a surface parking lot. The Agency further determines that the Project will not require an air permit and therefore there will be no impact on air quality, that no ground or surface water quality or quantity will be adversely impacted and the site will utilize on-site stormwater management, the action will not have a substantial adverse change in existing traffic levels as the site is located in a developed urban area having adequate road capacity and the site is served by public transportation, that there will be no adverse change in noise levels as the use is similar to the existing character of the neighborhood, the Project will not substantially increase solid waste production and lighting will be code compliant and thus will not impact adjacent properties, that there will be no flooding impacts and the Project will not result in the removal or destruction of vegetation or fauna or otherwise impact fish and wildlife species or impact significant habitat areas or threatened or endangered animal or plant species, that the Project is not located within or adjacent to a Critical Environmental Area, that the Project is consistent with the community's current neighborhood uses and existing neighborhood character, that the Project will not impact historic or archeological resources, that the Project will not result in a substantial increase in energy consumption, that the Project will not create a hazard to human health, that no substantial change in use of land, agricultural, open space or recreational resources will result, that the Project will not encourage or attract a large number of people to the site, the Project does not involve changes in two or more elements of the environment, no one of which has a significant adverse impact on the environment, but when considered together results in a substantial adverse impact, and the Project does not include two or more related actions, none of which has or would have a significant impact on the environment, and as such.

(iii) The Project will result in no major impacts and, therefore, is one which will not have a "significant effect on the environment" as such quoted term is defined in SEQR, and that no "environmental impact statement" as such quoted term is defined in SEQR needs to be prepared for this action.

(iv) All of the provisions of SEQR that are required to be complied with as a condition precedent to the approval of the Financial Assistance contemplated by the Agency with respect to the Project, and the participation by the Agency in undertaking the Project, have been satisfied. This determination constitutes a "negative declaration" (as such quoted terms are defined under SEQR) for purposes of SEQR and the Agency incorporates these findings in Parts II and III of the EAF, as applicable.

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

(i) *Wage Rate (above median wage for area):* Average annual salary of jobs to be retained: \$60,000.

(ii) *Regional Wealth Creation (% sales/customers outside area):* 100% sales outside the area.

(iii) *In Region Purchases (% of overall purchases):* Approximately 10% of annual supplies, raw material and vendor services are purchased within Erie County and are valued at over \$100 million (since 2017).

(iv) *Research and Development Activities:* Approximately 3.3% of cost of goods sold is attributed to R&D.

(v) *Investment in Energy Efficiency:* Energy efficiency is achieved through the increased production capabilities of the new equipment. Upon completion of the project, company is forecasting a 30% reduction in Btu/lb. Energy efficient HVAC and lighting will be utilized in the new building.

(vi) *Locational Land Use Factors, Brownfields or Locally Designated Development Areas:* N/A.

(vii) *LEED/Renewable Resources:* Not seeking LEED certification.

(viii) *Retention/Flight Risk:* Should Sumitomo not move forward with the proposed project, the necessary upgrades to the Facility are unlikely to be undertaken. Sumitomo Rubber USA is considering making investments in other locations, both domestically and outside the U.S.

(ix) *MBE/WBE Utilization:* MWBE Questionnaire-statement provided by Buffalo Construction Consultants, Project Contractor.

(x) *Workforce Access-Proximity to Public Transportation:* Supported by NFTA Routes 40 and 35.

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

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition,

construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the authority to appoint the Company to act as agent of the Agency, if said appointment is not duly made, as herein expressed, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, and/or the Assistant Treasurer).

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

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$8,100,000, and, therefore, the value of the sales and use tax exemption benefits (“sales and use tax exemption benefits”) authorized and approved by the Agency cannot exceed \$708,750, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the real property tax abatement benefits (“PILOT benefits”) to be provided over the term of the PILOT Agreement are estimated to be approximately \$1,053,437, resulting in estimated total PILOT payments of \$280,027 over the term of the PILOT Agreement.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits and/or partial abatements from real property taxes benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; (v) the New York

State and local sales and use tax exemption benefits and/or the partial abatement from real property taxes benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, the Employment Commitment, and/or the Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the New York State and local sales and use tax exemption benefits and/or the partial abatement from real property taxes benefits are taken in cases where the Company fails to comply with the Equal Pay Commitment and/or the Unpaid Real Property Tax Policy Commitment, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

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

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

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$107,100,000 (which represents the product of 85% multiplied by \$126,000,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 1,399 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
  - the number of current FTE employees in the then current year at the Facility; and
  - that within two (2) years of Project completion, the Company has maintained FTE employment at the Facility equal to 1,399 FTE employees. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.

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

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

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

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

purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

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

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

Dated: October 27, 2021



## Sumitomo Rubber 2021 Building Expansion

[Instructions and Insurance Requirements Document](#)

### Section I: Applicant Background Information

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law.

#### Applicant Information - Company Receiving Benefit

|                            |   |
|----------------------------|---|
| <b>Project Name</b>        | Sumitomo Rubber 2021 Building Expansion   |
| <b>Project Summary</b>     | Expansion to increase the efficiency and productivity of Sumitomo Rubber USA, LLC's Tonawanda Plant |
| <b>Applicant Name</b>      | Sumitomo Rubber USA, LLC ("SRUSA")  |
| <b>Applicant Address</b>   | 10 Sheridan Drive   |
| <b>Applicant Address 2</b> |   |
| <b>Applicant City</b>      | Tonawanda   |
| <b>Applicant State</b>     | New York  |
| <b>Applicant Zip</b>       | 14150   |
| <b>Phone</b>               | (716) 879-8200  |
| <b>Fax</b>                 |   |
| <b>E-mail</b>              | timothy_sprunger@sumitomorubber-usa.com   |
| <b>Website</b>             | <a href="https://sumitomorubber-usa.com/">https://sumitomorubber-usa.com/</a>                       |
| <b>NAICS Code</b>          | 326211  |

#### Business Organization

|   |                           |
|---|---------------------------|
| <b>Type of Business</b>                           | Limited Liability Company |
| <b>Year Established</b>                           | 1999                      |
| <b>State in which Organization is established</b> | Ohio                      |

#### Individual Completing Application

|                  |                                  |
|------------------|----------------------------------|
| <b>Name</b>      | Joseph Boctor                    |
| <b>Title</b>     | Financial Analyst/Tax Specialist |
| <b>Address</b>   | 10 Sheridan Drive                |
| <b>Address 2</b> |                                  |
| <b>City</b>      | Tonawanda                        |
| <b>State</b>     | New York                         |
| <b>Zip</b>       | 14150                            |
| <b>Phone</b>     | (716) 879-8885                   |

**Fax****E-Mail** Joseph\_Boctor@sumitomorubber-  
usa.comCompany Contact (if different from individual completing application)**Name****Title****Address****Address 2****City****State****Zip****Phone****Fax****E-Mail**Company Counsel

**Name of Attorney** Glenn Leonardi  
**Firm Name** Sumitomo Rubber USA, LLC  
**Address** PO Box 1109  
**Address 2**  
**City** Buffalo  
**State** New York  
**Zip** 14150  
**Phone** (716) 879-8505  
**Fax**  
**E-Mail** glenn\_leonardi@sumitomorubber-  
usa.com

Benefits Requested (select all that apply).

|   |     |
|---|-----|
| <b>Exemption from Sales Tax</b>         | Yes |
| <b>Exemption from Mortgage Tax</b>      | No  |
| <b>Exemption from Real Property Tax</b> | Yes |
| <b>Tax Exempt Financing*</b>            | No  |

\* (typically for not-for-profits &amp; small qualified manufacturers)

Applicant Business Description

**Describe in detail company background, history, products and customers. Description is critical in determining eligibility. Also list all stockholders, members, or partners with % ownership greater than 20%.**



SRUSA is the successor to the entity formerly known as Goodyear Dunlop Tires North America, Ltd. SRUSA is a single member limited liability company solely owned by SRI America, Inc. SRI America, Inc. is wholly owned by SRI USA, Inc., which is a wholly owned subsidiary of Sumitomo Rubber Industries Ltd ("SRI"). SRI is a publicly traded corporation based in Japan. SRUSA's existing tire manufacturing facility (and U.S. headquarters) is located in Tonawanda, NY ("Facility"). SRUSA's primary business is the manufacturing of tires for passenger vehicle, truck/bus and motorcycle markets. The Facility was established in the 1920s as the first Dunlop Tire manufacturing facility in the United States (then known as Dunlop USA). SRI acquired a majority equity share of Dunlop USA in 1986 and, since that time, has owned and operated the Facility, in whole or in part, through various subsidiaries, affiliates and joint ventures. In October, 2017, SRI re-organized its North American operations and, through the SRI subsidiaries noted above, became the one hundred percent (100%) owner of SRUSA. Products manufactured by SRUSA are sold to its affiliate, Sumitomo Rubber North America, LLC, a California limited liability company ("SRNA"). SRNA sells the products through dealers and distributors throughout North America. The Facility is currently the only existing U.S. tire manufacturing facility owned by SRI's subsidiaries and affiliates. It is significantly less efficient than a modern tire manufacturing plant. SRI is also considering making the investment in other locations, both domestically and outside the U.S.

|   |       |
|---|-------|
| <b>Estimated % of sales within Erie County</b>                            | 0 %   |
| <b>Estimated % of sales outside Erie County but within New York State</b> | 0 %   |
| <b>Estimated % of sales outside New York State but within the U.S.</b>    | 100 % |
| <b>Estimated % of sales outside the U.S.</b>                              | 0 %   |

(\*Percentage to equal 100%)

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

10

**Describe vendors within Erie County for major purchases**

In connection with operation of the Facility, SRUSA has made over \$100 Million in direct payments to vendors located in Erie County and another approximately \$46 million in direct payments to vendors in other areas of NYS since 2017. A confidential list of SRUSA's major vendors within Erie County can be provided upon request.

## Section II: Eligibility Questionnaire - Project Description & Details

### Project Location

#### Address of Proposed Project Facility

10 Sheridan Drive

#### Town/City/Village of Project Site

Tonawanda

#### School District of Project Site

Ken-Ton UFSD

#### Current Address (if different)

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

#### SBL Number(s) for proposed Project

65.17-2-1./A, 65.17-2-1.111, 65.17-2-1.111/A, 65.17-2-1.12, and 65.17-2-1.13.

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

550,585 (estimated)

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

Land

\$ 1,441,500

Building(s)

\$ 4,168,500

If available include a copy of current tax receipt.

#### Are Real Property Taxes current at project location?

Yes

#### If no please explain

\*The ECIDA has an unpaid tax policy and you will be required to certify all taxes and PILOTS are current.

#### Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site?

Yes

#### If No, indicate name of present owner of the Project Site

#### Does Applicant or related entity have an option/contract to purchase the Project site?

Yes

#### Describe the present use of the proposed Project site (vacant land, existing building, etc.)

Employee Parking Lot/ current manufacturing facility

#### Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)

SRUSA is considering a significant capital investment in the Facility, which is the only existing U.S. tire manufacturing facility owned by SRI's subsidiaries and affiliates. The investment would involve major replacement of and upgrades to production and other equipment. The Facility is approximately 100 years old and the proposed investment will enhance its efficiency and solidify the Facility's long-term economic future in WNY. The proposed investment will nearly double output at the Facility, resulting in a significantly lower cost per kg that ensures SRUSA tire products can be sold profitably. To achieve the needed, increased production, SRUSA would purchase new mixing, tire building, curing and miscellaneous equipment. A 60,000 square foot building will be added for new tire building equipment on the site that is currently in use as an employee parking lot. Additional limited capital investments will need to be made for building improvements/construction to an existing building to renovate 15,200 square feet of space at the Facility. Estimated capital investment (approximately \$126 million total) would be made over the next 3 years as follows: 2021 = \$78.4M 2022 = \$41.5M 2023 = \$6M Total = ~\$126.0M

#### Municipality or Municipalities of current operations

Tonawanda

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

Yes

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

No

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

No

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

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

Yes

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

The Facility is not efficient in its current state and sprawling footprint. A modern tire factory has an efficient linear layout. For the Facility to be competitive, upgrades to production and other equipment is critical. The proposed project will increase production and efficiency, thereby ensuring the Facility is profitable in a competitive market. The financial assistance/incentives are necessary to reduce operating costs for the Facility and provide more certainty regarding operating expenses, such as real property taxes and utilities, including a lower cost water source. SRUSA has been a productive member of the community for nearly 100 years and support from the local and State governments is critical. Without the proposed project, SRUSA is considering making investment in other locations, both domestically and outside the U.S.

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

Yes

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

Empire State Excelsior Jobs Tax Credit Program: \$3.3MM NY Power Authority: 2,000 Kilowatts of Low Cost Power

**If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:**

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

SRUSA is in a fight for competitiveness in the North American tire market. For the Facility to be competitive, upgrades to production and other equipment is critical. These upgrades will enhance the Facility's efficiency and solidify the Facility's long-term economic future in WNY. The financial assistance/incentives are necessary to reduce operating costs for the Facility and provide more certainty regarding operating expenses, such as real property taxes and utilities, including a lower cost water source. Without the proposed project, the necessary upgrades to the Facility are not likely to be undertaken, and SRUSA is considering making investment in other locations, both domestically and outside the U.S.

**Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency**

Yes

**If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and Erie County?**

The financial assistance is a material factor in SRUSA's parent company's decision making process. The Facility is the only existing U.S. tire manufacturing facility owned by SRI's subsidiaries and affiliates. Without the necessary financial assistance, SRUSA is considering making the investment in other locations, both domestically and outside the U.S. Additionally, SRUSA has made over \$100 million in direct payments to vendors located in Erie County and another approximately \$46 million in direct payments to vendors in other areas of NYS since 2017. Financial assistance will help retain the current well-paying jobs, add additional jobs, and continue the hundreds of millions of dollars of direct expenditures with vendors in Erie County and other indirect, positive economic impacts within Erie County and across the State.

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Site Characteristics

**Is your project located near public transportation?**

Yes

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

NFTA Routes 40 and 35 run along River Road and Sheridan Road adjacent to the Site.

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

Yes

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

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

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

Yes

**Describe the present zoning/land use**

General Industrial District

**Describe required zoning/land use, if different**

No change is required

**If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements****Is the proposed Project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?**

No

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

Yes

If yes, please provide a copy.

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

Yes

If yes, please provide copies of the study.

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

Yes

**If yes, describe the efficiencies achieved**

Energy efficiency is achieved through the increased production capabilities of the new equipment. The energy deadload (lighting, HVAC load, pipe losses, equipment idle load, equipment efficiency) becomes a smaller percentage of the overall energy consumption reducing the Btu/lb. Upon completion of the expansion project we are forecasting the plants Btu/lb will be reduced by approximately 30%. Energy efficient HVAC equipment and lighting will be utilized in the new building.

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

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

Yes

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

approximately 3.3% of cost of goods sold. We develop some tires on site.

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

For purposes of the following, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax



**Estimated costs in connection with Project**

**1.) Land and/or Building Acquisition**

\$ 0 square feet acres

**2.) New Building Construction**

\$ 6,900,000 60,000 square feet

**3.) New Building addition(s)**

\$ 0 square feet

**4.) Reconstruction/Renovation**

\$ 6,400,000 15,200 square feet

**5.) Manufacturing Equipment**

\$ 94,800,000

**6.) Infrastructure Work**

\$ 2,900,000

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

\$ 0

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

\$ 15,000,000

**9.) Other Cost**

\$ 0

**Explain Other Costs**

**Total Cost** \$ 126,000,000

Construction Cost Breakdown:

|                                   |  |
|-----------------------------------|--|
| <b>Total Cost of Construction</b> | \$ 16,200,000 (sum of 2, 3, 4 and 6 in Project Information, above) |
| <b>Cost of materials</b>          | \$ 8,100,000   |
| <b>% sourced in Erie County</b>   | 100%   |

Sales and Use Tax:

|   |              |
|---|--------------|
| <b>Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit</b> | \$ 8,100,000 |
| <b>Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):</b>  | \$ 708,750   |

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

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

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

**If Yes, describe particulars:**

Sources of Funds for Project Costs:

|  |                |
|--|----------------|
| <b>Equity (excluding equity that is attributed to grants/tax credits):</b>   | \$ 122,700,000 |
| <b>Bank Financing:</b>   | \$ 0           |
| <b>Tax Exempt Bond Issuance (if applicable):</b>   | \$ 0           |
| <b>Taxable Bond Issuance (if applicable):</b>  | \$ 0           |
| <b>Public Sources (Include sum total of all state and federal grants and tax credits):</b>   | \$ 3,300,000   |
| <b>Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)</b> | 0              |
| <b>Total Sources of Funds for Project Costs:</b>   | \$126,000,000  |
| <b>Have you secured financing for the project?</b>   | No             |

Mortgage Recording Tax Exemption Benefit:

Amount of mortgage, if any that would be subject to mortgage recording tax:

|  |     |
|--|-----|
| <b>Mortgage Amount (include sum total of construction/permanent/bridge financing).</b>   |     |
| <b>Lender Name, if Known</b>   |     |
| <b>Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):</b> | \$0 |

Real Property Tax Benefit:

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

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

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

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

See attached policy statement from Project Contractor re: participation of certified MWBEs.

**Is project necessary to expand project employment?**

Yes

**Is project necessary to retain existing employment?**

Yes

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

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

By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the TWO Year time period following Project completion. Agency staff converts PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

|                  | <b>Current # of jobs at proposed project location or to be relocated at project location</b> | <b>If financial assistance is granted – project the number of FT and PT jobs to be retained</b> | <b>If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion</b> | <b>Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **</b> |
|------------------|--|---|--|---|
| <b>Full time</b> | 1,399  | 1,399   | 0  | 0   |
| <b>Part time</b> | 0  | 0   | 0  | 0   |
| <b>Total</b>     | 1,399  | 1,399   | 0  | 0   |

#### Salary and Fringe Benefits for Jobs to be Retained and Created

| <b>Category of Jobs to be Retained and/or Created</b> | <b># of Employees Retained and/or Created</b> | <b>Average Salary for Full Time</b> | <b>Average Fringe Benefits for Full Time</b> | <b>Average Salary for Part Time (if applicable)</b> | <b>Average Fringe Benefits for Part Time (if applicable)</b> |
|---|---|-------------------------------------|--|---|--|
| <b>Management</b>                                     | 21  | \$ 169,433                          | \$ 50,829                                    | \$ 0  | \$ 0   |
| <b>Professional</b>                                   | 265   | \$ 83,422                           | \$ 25,026                                    | \$ 0  | \$ 0   |
| <b>Administrative</b>                                 | 59  | \$ 45,467                           | \$ 13,640                                    | \$ 0  | \$ 0   |
| <b>Production</b>                                     | 1,040   | \$ 58,350                           | \$ 18,672                                    | \$ 0  | \$ 0   |
| <b>Independent Contractor</b>                         | 0   | \$ 0                                | \$ 0   | \$ 0  | \$ 0   |
| <b>Other</b>  | 14  | \$ 193,825                          | \$ 58,147                                    | \$ 0  | \$ 0   |

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

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

| <b>Address</b>   |   |   |   |
|------------------|---|---|---|
| <b>Full time</b> | 0 | 0 | 0 |
| <b>Part time</b> | 0 | 0 | 0 |
| <b>Total</b>     | 0 | 0 | 0 |

#### Payroll Information

##### **Annual Payroll at Proposed Project Site upon completion**

100,000,000

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

60,000

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

0

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

0

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



0

**Estimated salary range of jobs to be created**

|                         |   |                       |   |
|-------------------------|---|-----------------------|---|
| <b>From (Full Time)</b> | 0 | <b>To (Full Time)</b> | 0 |
| <b>From (Part Time)</b> | 0 | <b>To (Part Time)</b> | 0 |

## Section III: Environmental Questionnaire

INSTRUCTIONS: Please complete the following questionnaire as completely as possible. If you need additional space to fully answer any question, please attach additional page(s).

### General Background Information

#### **Address of Premises**

10 Sheridan Drive, Tonawanda, NY 14150

#### **Name and Address of Owner of Premises**

Sumitomo Rubber USA, LLC, 10 Sheridan Drive, Tonawanda, NY 14150

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

General flat terrain, no wetlands, coastlines, rivers or streams. Coordinates are 42.58 N 78.55W.

#### **Describe the Premises (including the age and date of construction of any improvements) and each of the operations or processes carried out on or intended to be carried on at the Premises**

Multi-building manufacturing facility constructed in 1919-1921

#### **Describe all known former uses of the Premises**

Tire manufacturing only.

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

No

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

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

Yes

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

Minor petroleum spills have occurred over the years on and near the Premises that were reported to the applicable regulatory agency. A hazardous chemical release occurred on adjacent Polymer Applications property in 1988 and was remediated through the Superfund Program.

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

Yes

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

• There was a consent order issued 4/23/91 to investigate landfills on site. Entered into ROD 4/93. Eventually ended in a 30 year monitoring plan which we are now in year 27 of monitoring. • Wetlands violation 4/19/19 for putting excavated material into a federally regulated wetland • There may be other violations that were corrected without consent orders

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

No

#### **If yes, describe in full detail**

### Solid And Hazardous Wastes And Hazardous Substances

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

Yes

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

The Facility is a Small Quantity Generator of Hazardous Waste, no treatment or disposal on-Site. NYD 002 111 078

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

No

**If yes, please provide copies of the permits.**

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

Veolia, Covanta, Modern Disposal, and Safety-Kleen

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

Veolia in West Carrollton, OH, Middlesex, NJ, Flanders, NJ and West Bridgewater, MA Covanta in Niagara Falls, NY Modern Disposal in Model City, NY Safety-Kleen in Smithfield, KY and Linden, NJ

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

Yes

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

As a Small Quantity Generator the Facility is permitted to store hazardous waste on-Site for 180 days

### Discharge Into Waterbodies

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

SPDES Permit NY 0101575 - 3M GPD Storm Permit - surface water run-off TTN San Permit - 1-2M gallons per month

**Identify all sources of discharges of water, including discharges of waste water, process water, contact or noncontact cooling water, and stormwater. Attach all permits relating to the same. Also identify any septic tanks on site**

See response above. No septic tanks, or any Underground Storage Tanks are on-Site.

**Is any waste discharged into or near surface water or groundwaters?**

No

**If yes, please describe in detail the discharge including not only the receiving water's classification, but a description of the type and quantity of the waste**

### Air Pollution

**Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises?**

Yes

**If yes, describe each such source, including whether it is a stationary combustion installation, process source, exhaust or ventilation system, incinerator or other source**

See Title V Air Permit 9-1464-00030/00199 attached.

**Are any of the air emission sources permitted?**

Yes

**If yes, attach a copy of each permit.**

Storage Tanks

List and describe all above and under ground storage tanks at the Premises used to store petroleum or gasoline products, or other chemicals or wastes, including the contents and capacity of each tank. Please also provide copies of any registrations/permits for the tanks

Petroleum Bulk Storage Registration 9-067202.

Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks?

No

If yes, please provide all details regarding the event, including the response taken, all analytical results or reports developed through investigation (whether internal or external), and the agencies which were involved

Polychlorinated Biphenyls ("PCB" or "PCBs") And Asbestos

Provide any records in your possession or known to you to exist concerning any on-site PCBs or PCB equipment, whether used or stored, and whether produced as a byproduct of the manufacturing process or otherwise.

Have there been any PCB spills, discharges or other accidents at the Premises?

No

If yes, relate all the circumstances

Do the Premises have any asbestos containing materials?

Yes

If yes, please identify the materials

ACM still exists on some piping, window caulk, roof flashing, floor tiles, drywall compound, and cove base adhesives and is encapsulated.

## **Section IV: Facility Type - Single or Multi Tenant**

**Is this a Single Use Facility or a Multi-Tenant Facility?**

Single Use Facility

For Single Use Facility

**Occupant Name**

**Address**

**Contact Person**

**Phone**

**Fax**

**E-Mail**

**Federal ID #**

**SIC/NAICS Code**

SS

## **Section VI: Retail Determination**

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Please answer the following:

**Will any portion of the project (including that portion of the costs to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?**

No

If yes, complete the Retail Questionnaire Supplement below. **If no, proceed to the next section.**

## **Section VII: Adaptive Reuse Projects**

Adaptive Reuse is the process of adapting old structures or sites for new purposes.

**Are you applying for tax incentives under the Adaptive Reuse Program?**

No

## Section VIII: Inter-Municipal Move Determination

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, Agency financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

### Current Address

City/Town

State

Zip Code

**Will the project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?**

No

**Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?**

No

**If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:**

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

Within New York State

No

Within Erie County

No

**If Yes to either question, please, explain**

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

No

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

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

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

No

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

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

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



## **Section IX: Senior Housing**

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

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

No



**ECIDA & RDC Board of Directors  
Monthly Meeting Schedule - 2022  
Meetings are held on Wednesday's and start at 12:00 p.m.**

January 26

February 23

March 23

April 27 (Annual Meeting)

May 25

June 22

July 27

August 24

September 28

October 26

November 30

December 21