



**Buffalo and Erie County Industrial Land Development Corporation  
Board of Directors Meeting**

**September 28, 2022**

**@ 12:30 p.m.**

**701 Ellicott Street, Center of Excellence in Bioinformatics and Life Sciences (CBLS)  
The Event Space/Conference Room B2-205, located on the 2nd floor, Buffalo, New York 14203**

**1.0 Call to Order**

**2.0 Approval of Minutes**

2.1 Minutes of the July 27, 2022 Meeting of the Board of Directors (Action Item) (Pages 2-4)

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

3.1 Financial Report (Informational) (Pages 5-8)

3.2 Finance & Audit Committee Update

a) 2023 Budget Timetable (Informational) (Page 9)

b) Review of 2023 Proposed Budget (Informational) (Pages 10-13)

c) Professional Auditing Services Recommendation (Action Item) (Pages 14-17)

3.3 Loan Status Report (Informational) (Page 18)

3.4 Approval of Resolution for Renaissance Commerce Park (RCP) Odell & Ridge Road Sewer & Water Extensions RFP Award (Action Item) (Pages 19-23)

3.5 Approval of Resolution for Sucro Rail Siding Licensing Agreement (Action Item) (Pages 24-40)

**4.0 Management Team Report:**

4.1

**5.0 Adjournment - Next Meeting October 26, 2022 at 12:30 p.m.**

**MINUTES OF THE MEETING  
OF THE BOARD OF DIRECTORS  
OF THE  
BUFFALO AND ERIE COUNTY INDUSTRIAL  
LAND DEVELOPMENT CORPORATION  
(ILDC)**

- MEETING:** July 27, 2022
- LIVE STREAMED:** This meeting is being live-streamed and made accessible on the Erie County Industrial Development Agency website at [www.ecidany.com](http://www.ecidany.com).
- PRESENT:** Denise Abbott, Hon. April Baskin, Hon. Howard Johnson, Richard Lipsitz, Jr. and Hon. Mark C. Poloncarz
- EXCUSED:** Hon. Byron W. Brown and Hon. Maria Whyte
- OTHERS PRESENT:** John Cappellino, President & CEO; Beth O’Keefe, Vice President of Operations; Mollie Profic, Chief Financial Officer/Assistant Secretary; Atiqa Abidi, Assistant Treasurer; Gerald Manhard, Chief Lending Officer/Assistant Secretary; Grant Lesswing, Director of Business Development; Andrew Federick, Business Development Officer, Soma Hawramee, Compliance Portfolio Manager; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant; Sean Fallon, Project Manager; Robbie Ann McPherson, Director of Marketing & Communications; Pat Smith, Senior Bookkeeper; Lori Szewczyk, Director of Grants; Laurie Hendrix, Administrative Coordinator and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Zachary Evans, Erie County; Alex Carducci and Lisa Hicks on behalf of the City of Buffalo

There being a quorum present at 1:08 p.m., the Meeting of the Board of Directors of the Buffalo and Erie County Industrial Land Development Corporation was called to order by Chair Poloncarz.

**MINUTES**

Mr. Lipsitz moved and Mr. Johnson seconded to approve of the June 22, 2022 minutes. Mr. Poloncarz called for the vote and the minutes were unanimously approved.

## REPORTS / ACTION ITEMS / INFORMATION ITEMS

Financial Report. Ms. Profic presented the June 2022 financial report. The balance sheet shows the month ended with total assets of \$17.6M. Cash decreased and loans receivable increased during the month. Liabilities are mainly deferred grant revenue of \$9.1M. Net assets total \$8.1M. Five loans under the County Microloan program closed during the month. The June income statement shows \$171,000 of revenue, mainly \$170,000 received for loans under the County's Microloan program. There were also \$13,000 of expenses and \$2,000 of special project expenses, resulting in net income of \$156,000 in June. The year to date income statement shows revenues of \$461,000 and expenses of \$174,000. Included in this figure is \$100,000 of bond administrative fee revenue that was subsequently paid to ECIDA under the existing shared services agreement. Special project expenses of \$31,000 lead to net income of \$256,000 so far in 2022. Mr. Poloncarz directed that the report be received and filed.

ILDC Loan Status Report. Mr. Manhard provided this report to members. Mr. Poloncarz directed that the report be received and filed.

Approval of Funding Resolution for Signage and Wayfinding with Erie County for Renaissance Commerce Park ("RCP") and Contract to Construct Signage. Mr. Cappellino described the signage plan for the RCP, including the RFP held to solicit bidders to construct and install RCP road signage. Mr. Cappellino thanked Erie County for providing funding for the RCP signage not to exceed \$150,000.

Mr. Johnson moved and Mr. Lipsitz seconded to approve of the ILDC executing the contract for the construction of signage and wayfinding for RCP as well as a related funding agreement with Erie County. Mr. Poloncarz called for the vote, and the following resolution was unanimously approved.

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC") AUTHORIZING THE ILDC TO ENTER INTO A CONTRACT WITH PINTO CONSTRUCTION SERVICES FOR THE ACQUISITION AND INSTALLATION OF ENTRY SIGNAGE AT THE RENAISSANCE COMMERCE PARK AND TO ENTER INTO A GRANT FUNDING AGREEMENT WITH THE COUNTY OF ERIE TO PROVIDE FUNDING FOR THE ACQUISITION AND INSTALLATION OF SUCH ENTRY SIGNAGE AT THE RENAISSANCE COMMERCE PARK

Resolution for 2012A Cantalician Center for Learning, Inc. Consent to Sale of Indenture Amendment. Mr. Cappellino described the request made by The Cantalician Center for Learning Inc. (the "CCL") to merge with and into Learning Disabilities Association of Western New York, Inc. ("LDA"), and requesting the approval of the ILDC to execute amendments to certain bond documents related to the same.

Ms. Abbott moved and Mr. Johnson seconded to approve of the merger between CCL and LDA and authorize the Agency to execute amendments to bond documents related to same. Mr. Poloncarz called for the vote, and the following resolution was unanimously approved.

RESOLUTION AUTHORIZING THE EXECUTION OF CERTAIN AMENDMENTS BY BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION (THE "ISSUER") TO (A) THE ISSUER'S TAX-EXEMPT MULTI-MODE REVENUE BOND (CANTALICIAN CENTER FOR LEARNING INC. PROJECT), SERIES 2012A ISSUED BY THE ISSUER ON FEBRUARY 13, 2012 IN THE ORIGINAL PRINCIPAL AMOUNT OF \$9,525,000 AND (B) CERTAIN DOCUMENTS RELATED THERETO

**MANAGEMENT TEAM REPORT**

Mr. Cappellino informed members that RCP Parcel II-11 has been closed and sold to Uniland for its warehouse facility project.

There being no further business to discuss, Mr. Poloncarz adjourned the meeting at 1:20 p.m.

Dated: July 27, 2022

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Elizabeth A. O'Keefe, Secretary

**Industrial Land Development Corp.**

**Financial Statements**

As of August 31, 2022

**INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")**

**Balance Sheet**

August 31, 2022

	<b>August 2022</b>	<b>July 2022</b>	<b>December 2021</b>
<b>ASSETS:</b>			
Restricted Cash *	\$ 1,908,200	\$ 2,034,511	\$ 2,036,777
Grants Receivable	7,747,401	7,597,401	7,653,095
Loans Receivable, net	970,140	872,031	666,711
Prepaid Expenses	38,092	39,740	-
Prepaid Acquisition Costs	691,778	691,383	688,095
Total Loan Assets	<u>11,355,611</u>	<u>11,235,067</u>	<u>11,044,678</u>
Capital Assets	6,167,200	6,164,245	6,546,068
Total Assets	<u>\$ 17,522,811</u>	<u>\$ 17,399,312</u>	<u>\$ 17,590,746</u>
<b>LIABILITIES &amp; NET ASSETS:</b>			
Accounts Payable	\$ 52	\$ 12	\$ 22,740
Due to/(from) ECIDA	335,088	325,071	458,111
Other Liabilities	9,291,831	9,143,354	9,246,959
Total Liabilities	<u>9,626,971</u>	<u>9,468,437</u>	<u>9,727,810</u>
Restricted Fund Balance	7,895,839	7,930,875	7,862,936
Total Liabilities & Net Assets	<u>\$ 17,522,811</u>	<u>\$ 17,399,312</u>	<u>\$ 17,590,746</u>

<b>Loan Portfolio Summary:</b>	<b>August 2022</b>	<b>July 2022</b>	<b>December 2021</b>
# of Loans	<u>33</u>	<u>30</u>	<u>22</u>

\* Cash is invested in interest bearing accounts at M&T Bank.  
The maximum FDIC insured amount is \$250,000 with the remainder collateralized with government obligations by the financial institution.

**INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")**

**Income Statement**

Month of August 2022

	Actual vs. Budget		
	Actual	Budget	Variance
<b>REVENUES:</b>			
Interest Income - Loans	\$ 1,180	\$ 483	\$ 697
Grant Income - Microloan Program	105,000	-	105,000
Proceeds from (Cost of) Land Sales	(1,954)	20,833	(22,788)
Other Income	600	-	600
Interest Income - Cash & Inv.	40	8	32
<b>Total Revenues</b>	<b>104,865</b>	<b>21,325</b>	<b>83,540</b>
<b>EXPENSES:</b>			
Management Fee - ECIDA	\$ 10,000	\$ 10,000	\$ -
Professional Services	11,252	5,417	5,835
General Office Expenses	(0)	17	(17)
Other Expenses	(328)	2,748	(3,076)
<b>Total Expenses</b>	<b>20,924</b>	<b>18,181</b>	<b>2,743</b>
<b>SPECIAL PROJECT GRANTS:</b>			
Industrial Land Park - ESD	-	291,875	(291,875)
Industrial Land Park - ECIDA	-	8,333	(8,333)
Angola Ag Park - ECIDA Grant	-	8,333	(8,333)
Other grant revenue	1,526	50,612	(49,086)
Industrial Land Park grant reimbursement	(103,625)	-	(103,625)
Industrial Land Park costs	(14,375)	(303,958)	289,583
Angola Ag Park costs	(977)	(8,333)	7,357
Other grant expenses	(1,526)	(51,779)	50,253
	<b>(118,977)</b>	<b>(4,917)</b>	<b>(114,060)</b>
<b>NET INCOME/(LOSS):</b>	<b>\$ (35,036)</b>	<b>\$ (1,773)</b>	<b>\$ (33,263)</b>

\* Represents an allocation of salary and benefit costs from the ECIDA based on time charged to ILDC. The amount booked is currently based on budget.

**INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")**  
**Income Statement**  
Year to Date: August 31, 2022

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
<b>REVENUES:</b>						
Interest Income - Loans	\$ 6,543	\$ 3,867	\$ 2,676	\$ 6,543	\$ 578	\$ 5,965
Grant Income - Microloan Program	388,352	-	388,352	388,352	-	388,352
Proceeds from (Cost of) Land Sales	(181,324)	166,667	(347,991)	(181,324)	-	(181,324)
Other Income	178,300	-	178,300	178,300	5,250	173,050
Interest Income - Cash & Inv.	95	67	30	95	161	(65)
<b>Total Revenues</b>	<b>391,967</b>	<b>170,600</b>	<b>221,368</b>	<b>391,967</b>	<b>5,988</b>	<b>385,978</b>
<b>EXPENSES:</b>						
Management Fee - ECIDA	\$ 180,000	\$ 80,000	100,000	\$ 180,000	\$ 35,000	\$ 145,000
Professional Services	28,872	43,333	(14,462)	28,872	15,139	13,732
General Office Expenses	686	133	552	686	614	72
Other Expenses	(174)	21,983	(22,158)	(174)	1,389	(1,564)
<b>Total Expenses</b>	<b>209,383</b>	<b>145,450</b>	<b>63,933</b>	<b>209,383</b>	<b>52,143</b>	<b>157,240</b>
<b>SPECIAL PROJECT GRANTS:</b>						
Industrial Land Park - ESD	55,682	2,335,000	(2,279,318)	55,682	22,166	33,517
Industrial Land Park - ECIDA	19,775	66,667	(46,891)	19,775	187,255	(167,480)
Angola Ag Park - ECIDA Grant	37,462	66,667	(29,204)	37,462	25,696	11,766
Other grant revenue	41,951	404,895	(362,944)	41,951	276,657	(234,706)
Industrial Land Park grant reimbursement	(103,625)	-	(103,625)	(103,625)	-	(103,625)
Industrial Land Park costs	(148,688)	(2,431,667)	2,282,979	(148,688)	(178,204)	29,516
Angola Ag Park costs	(10,287)	(66,667)	56,380	(10,287)	(22,113)	11,826
Other grant expenses	(41,951)	(414,228)	372,277	(41,951)	(238,694)	196,743
	<b>(149,680)</b>	<b>(39,333)</b>	<b>(110,347)</b>	<b>(149,680)</b>	<b>72,763</b>	<b>(222,443)</b>
<b>NET INCOME/(LOSS):</b>	<b>\$ 32,904</b>	<b>\$ (14,183)</b>	<b>\$ 47,088</b>	<b>\$ 32,904</b>	<b>\$ 26,609</b>	<b>\$ 6,295</b>

\* Represents an allocation of salary and benefit costs from the ECIDA based on time charged to ILDC. The amount booked is currently based on budget.



**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (ECIDA)  
 BUFFALO & ERIE COUNTY REGIONAL DEVELOPMENT CORP (RDC)  
 BUFFALO & ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORP (ILDC)**

**2023 Budget Review Process**

<b><u>Date</u></b>	<b><u>Description</u></b>	
July-August	Review of draft 2023 budgets by ECIDA management. (a) Prioritize any proposed budget requests for initiatives. (b) Formal budget requests compiled.	✓
August 19	Finance & Audit Committee meeting – initial review of proposed budgets.	✓
September 23	Finance & Audit Committee meeting to discuss any updates/recommend proposed budgets to Boards. (No quorum.)	✓
September 28	Review of 2023 draft budgets at Board meetings.	
October 6 1:00 pm	Board Q&A budget session #1 <u>via Zoom</u> (voluntary).	
October 7 10:00 am	Board Q&A budget session #2 <u>in person</u> (voluntary).	
October 17	Adjustments to budget based on Board feedback (if any) and Finance & Audit Committee recommendation of final budgets.	
October 26	Board meetings – action to approve final 2023 budgets.	
November 1	Deadline for final approved budgets to be submitted to the ABO.	

**Buffalo & Erie County  
Industrial Land Development Corp  
Proposed 2023 Budget**

# ***Industrial Land Development Corporation (ILDC)***

## **2023 Budget + 3 Year Forecast**

The Industrial Land Development Corporation (“ILDC”) consists of two sub-funds (Erie County’s Business Development Fund (“BDF”) and a general fund. The ILDC administers the BDF microloan fund on behalf of Erie County for HUD-eligible small businesses that would not otherwise be able to obtain such financing from commercial sources. The ILDC also issues tax-exempt bonds on behalf of various not-for-profit organizations in Erie County.

### **A. Overview of Changes in 2023 Budget:**

A summary of the key changes between the 2023 budget and the projected 2022 results:

- The Erie County BDF microloan fund was reprogrammed into a loan/grant program in the wake of the COVID-19 pandemic, resulting in increased budgeted loan interest income. New loans are funded with grant income from Erie County passed through the ECIDA.
- The ECIDA Management Fee represents a fee charged by the ECIDA for services that its employees provide, since ILDC has no employees of its own. The fee is expected to increase by approximately \$4,000 due to anticipated increases in ECIDA staff salaries and benefit costs.
- Land owned by the ILDC at Renaissance Commerce Park is driving budgeted increases in proceeds from land sales. Professional services consist of legal, consulting, and auditing costs, and are budgeted to increase by about \$16,000 (33%) in 2023. This is due to the legal costs associated with land owned and environmental consulting costs anticipated in 2023. Development and marketing costs are expected to increase in 2023 as well, with the intent to sell property that is owned in both Lackawanna and Evans, NY.
- The Special Projects section of the budget relates to grants. ILDC expects to recognize \$2.6 million from Empire State Development in 2023 related to infrastructure and road work at Renaissance Commerce Park. A total of \$170,000 is budgeted to be used in 2023 for carrying costs related to owned properties, which will be granted by ECIDA’s UDAG fund. Other grant revenue consists of \$283,000 for master planning at the ILDC’s Evans property.

### **B. Summary of Risk Factors impacting the 2023 Budget:**

The following significant risk factors may influence the 2023 budget:

1. Due to numerous uncertainties, the value of collateral, guarantees, etc., the ILDC may experience loan losses that are currently not included in the budget.
2. In the past, the ILDC has generated fee income from issuing tax-exempt debt. These monies are received directly by ILDC and then paid to ECIDA. However, due to the infrequent nature of these activities, and the uncertainty as to when such transactions will occur, ILDC has not included any bond closings in the 2023 budget. It is possible a tax-exempt bond is issued within the next year and both income and expenses will be recognized, accordingly.

**BUFFALO & ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")**  
**Proposed Budget for 2023**

	<b>Proposed Budget 2023</b>	<b>Approved Budget 2022</b>	<b>Projected 2022</b>	<b>Actual 2021</b>
<b>REVENUES:</b>				
Interest Income - Loans	\$ 13,000	\$ 5,800	\$ 9,815	\$ 1,861
Grant Income	140,000	-	388,352	560,000
Proceeds from Land Sales	300,000	250,000	(144,898)	(146,122)
Other Income	-	-	184,450	9,600
Interest Income - Cash & Investments	200	100	143	206
<b>Total Revenues</b>	<b>453,200</b>	<b>255,900</b>	<b>437,862</b>	<b>425,546</b>
<b>EXPENSES:</b>				
ECIDA Management Fee*	190,000	\$ 120,000	186,000	\$ 124,534
Provision for Loan Losses	15,000	-	-	74,079
Professional Services	65,000	65,000	48,937	28,953
Development & Marketing Expenses	35,000	30,000	-	6,297
Other Expenses	8,175	3,675	19,704	7,887
<b>Total Expenses</b>	<b>313,175</b>	<b>218,675</b>	<b>254,641</b>	<b>241,751</b>
<b>SPECIAL PROJECTS:</b>				
Industrial Land Park - ESD	2,612,350	3,502,500	1,000,000	715,106
Industrial Land Park - ECIDA	70,000	100,000	19,775	187,255
Angola Ag Park - ECIDA	100,000	100,000	37,462	25,696
Other grant revenue	283,304	607,342	366,886	325,650
Industrial Land Park grant reimbursement	(150,000)	-	(103,625)	(104,500)
Industrial Land Park grant costs	(2,682,350)	(3,602,500)	20,825	(194,225)
Angola Ag Park grant costs	(100,000)	(100,000)	(8,333)	(29,681)
Other grant expenses	(297,304)	(621,342)	(49,729)	(287,686)
	(164,000)	(14,000)	1,283,261	637,614
<b>NET INCOME/(LOSS) BEFORE DEPRECIATION:</b>	<b>\$ (23,975)</b>	<b>\$ 23,225</b>	<b>\$ 1,466,482</b>	<b>\$ 821,410</b>
Depreciation	650	975	975	975
<b>NET INCOME/(LOSS):</b>	<b>\$ (24,625)</b>	<b>\$ 22,250</b>	<b>\$ 1,465,507</b>	<b>\$ 820,434</b>

\* Represents an allocation of salary and benefit costs from the ECIDA based on staff time charged to the ILDC.

**BUFFALO & ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")**  
**Proposed Budget and Three Year Forecast 2024-2026**

	<b>Proposed Budget 2023</b>	<b>Forecast 2024</b>	<b>Forecast 2025</b>	<b>Forecast 2026</b>
<b>REVENUES:</b>				
Interest Income - Loans	\$ 13,000	\$ 13,000	\$ 13,650	\$ 12,968
Grant Income	140,000	-	-	-
Proceeds from Land Sales	300,000	300,000	300,000	300,000
Other Income	-	-	-	-
Interest Income - Cash & Investments	200	100	100	100
<b>Total Revenues</b>	<b>453,200</b>	<b>313,100</b>	<b>313,750</b>	<b>313,068</b>
<b>EXPENSES:</b>				
ECIDA Management Fee*	190,000	\$ 55,000	\$ 55,000	\$ 55,000
Provision for Loan Losses	15,000	15,000	15,000	15,000
Professional Services	65,000	50,000	50,000	50,000
Development & Marketing Expenses	35,000	15,000	15,000	15,000
Other Expenses	8,175	2,500	4,000	5,000
<b>Total Expenses</b>	<b>313,175</b>	<b>137,500</b>	<b>139,000</b>	<b>140,000</b>
<b>SPECIAL PROJECTS:</b>				
Industrial Land Park - ESD	2,612,350	-	-	-
Industrial Land Park - ECIDA	70,000	-	-	-
Angola Ag Park - ECIDA	100,000	-	-	-
Other grant revenue	283,304	-	-	-
Industrial Land Park grant reimbursement	(150,000)	(150,000)	(150,000)	(150,000)
Industrial Land Park grant costs	(2,682,350)	-	-	-
Angola Ag Park grant costs	(100,000)	-	-	-
Other grant expenses	(297,304)	-	-	-
	<b>(164,000)</b>	<b>(150,000)</b>	<b>(150,000)</b>	<b>(150,000)</b>
<b>NET INCOME/(LOSS) BEFORE DEPRECIATION:</b>	<b>\$ (23,975)</b>	<b>\$ 25,600</b>	<b>\$ 24,750</b>	<b>\$ 23,068</b>
Depreciation	650	650	650	650
<b>NET INCOME/(LOSS):</b>	<b>\$ (24,625)</b>	<b>\$ 24,950</b>	<b>\$ 24,100</b>	<b>\$ 22,418</b>

\* Represents an allocation of salary and benefit costs from the ECIDA based on staff time charged to the ILDC.



**Item 3.2.c**

**MEMORANDUM**

**TO:** ECIDA, RDC and ILDC Boards of Directors  
**FROM:** Mollie Profic, Treasurer  
**SUBJECT:** Independent Audit Services RFP Recommendation  
**DATE:** September 28, 2022

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The ECIDA's Professional Services Request for Proposals (RFP) Policy requires proposals for Professional Auditing Services to be solicited at least every 5 years. Proposals were last solicited in 2017. On July 25, 2022, the Agency issued an RFP for Professional Auditing Services requesting one CPA firm to jointly audit the Agency and its affiliates and Western Region Corporation ("WRC"). The RFP requested services for three audit years from January 1, 2022 to December 31, 2024, with an option of contracting for an additional two years (2025-2026). The length of the potential contract period coincides with Public Authorities Law which requires rotation of the audit partner every five years.

**Request for Proposal Process:**

The RFP was submitted directly to the top ten accounting firms per the 2022 Business First Book of Lists and any firms not on that list that had proposed in 2017. Ads were also placed in the Buffalo News, the Buffalo Criterion, and Challenger Community News stating the Agency issued an RFP for these services. In addition, the RFP was posted on ECIDA's website. The RFP responses were due on August 26. Four proposals were received from local firms.

**Evaluation Process:**

Proposals were evaluated by Mollie Profic, CFO, Atiqia Abidi, Senior Accountant, and Jerry Manhard, Chief Lending Officer and points were assigned based on the following criteria as stated in the RFP:

- 1) Qualifications and experience of the audit firm. (25%)
- 2) Qualifications and experience of the partners and staff proposed for the engagement. (25%)
- 3) All-inclusive cost for the potential five-year engagement. (40%)
- 4) Minority & women ownership, employee development and/or programs (10%)
- 5) Compliance with local, state or federal statutes and regulations

**Results:**

Lumsden McCormick was the top-rated firm. As a firm they have experience auditing similar clients such as Niagara County IDA and its affiliates, Greater Lockport Development Corporation, and Niagara Frontier Transportation Authority. Their government services practice has 30 staff members and 39% of the firm's partners are female. On the engagement team, both partners and the audit manager have previously served ECIDA and its affiliates. Members of the audit department with expertise in the area prepare and review all information returns (990s). Their tax department is available for assistance on any technical questions. Lumsden McCormick is involved with the Career Opportunities in the Accounting Profession (COAP) Program, a learning program which exposes minority high school and college students to accounting careers, in an effort to grow the presence of historically underrepresented minorities in the profession. The firm is headquartered in downtown Buffalo and is a member of the BDO Alliance USA, a nationwide association that can provide additional resources, if necessary. Their average audit fee over three years for all entities (including single audit costs, if necessary) is \$59,700.

	<b>ECIDA</b>	<b>RDC</b>	<b>ILDC</b>	<b>WRC</b>	<b>Total</b>
2022	\$31,000	\$16,000	\$6,000	\$4,000	\$57,000
2023	32,400	16,900	6,200	4,200	59,700
2024	33,800	17,800	6,400	4,400	62,400
Average	\$32,400	\$16,495	\$6,200	\$4,200	<b>\$59,700</b>

On September 23, 2022 members of the Joint Finance & Audit Committee of ECIDA, RDC, and ILDC reviewed the above and concurred with the staff recommendation. A quorum of the Committee was not present for a vote.

**Recommendation:**

We request that each of the Boards of the ECIDA, RDC, and ILDC approve the selection of Lumsden McCormick, LLP to provide professional auditing services for the 2022-2024 audits with an option of contracting with the firm for the 2025-2026 audits.

**BUFFALO AND ERIE COUNTY  
INDUSTRIAL LAND DEVELOPMENT CORPORATION  
RESOLUTION**

A meeting of the Buffalo and Erie County Industrial Land Development Corporation was convened on Wednesday, September 28, 2022, at 12:00 p.m.

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

**RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND  
DEVELOPMENT CORPORATION (“ILDC”) TO ENTER INTO A CONTRACT  
WITH LUMSDEN MCCORMICK, LLP TO PROVIDE PROFESSIONAL  
AUDITING SERVICES TO THE ILDC**

WHEREAS, the Buffalo and Erie County Industrial Land Development Corporation (the “ILDC”) is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County and to lessen the burdens of government and act in the public interest; and

WHEREAS, the ILDC, in unison and tandem with its affiliates the Erie County Industrial Development (the “Agency”) and the Buffalo and Erie Regional Development Corporation (the “RDC”), utilized the Agency’s Professional Services Requests for Proposals Process (the “RFP Process”), which requires proposals for Professional Auditing Services to be solicited at least every five years; and

WHEREAS, the ILDC, on July 25, 2022, issued a Request for Proposals for Professional Auditing Services (the “Auditing Services RFP”); and

WHEREAS, the Auditing Services RFP was mailed to the top ten accounting firms per the 2022 Buffalo Business First Book of Lists, ads were placed in the Buffalo News, the Buffalo Criterion and Challenger Community News stating that the Agency issued the Auditing Services RFP, and the Auditing Services RFP was posted on Agency’s website, with responses due by August 26, 2022; and

WHEREAS, four (4) proposals were timely received from local firms; and

WHEREAS, an internal ILDC staff committee reviewed and scored the Auditing Services RFP responses in accordance with certain scoring criteria evaluating: (i) the qualifications and experience of the respondents, (ii) the qualifications and experience of the respondent’s partners and staff proposed for the engagement, (iii) the all-inclusive cost figure for the potential five-year engagement, (iv) minority and women ownership, employee development and/or programs related thereto, and (v) compliance with local, State or Federal statutes and regulations; and

WHEREAS, the internal ILDC staff committee has unanimously recommended that Lumsden McCormick, LLP (“Lumsden McCormick”) be selected to provide professional auditing services to the ILDC; and



WHEREAS, the ILDC desires to adopt a resolution which will provide the necessary authority for the ILDC to enter into an engagement with Lumsden McCormick.

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION, AS FOLLOWS:

Section 1. The ILDC hereby confirms that it is authorized to select a professional auditing services firm to provide auditing services to the ILDC consistent with the RFP Policy.

Section 2. Effective with the adoption of this resolution, the ILDC hereby finds, in comparison to the other Auditing Services RFP respondents, that Lumsden McCormick has significant auditing experience auditing similarly situated IDAs, has a large government services practice group consisting of over 30 staff members, with 39% of the firm's partners being female, is involved with the Career Opportunities in the Accounting Profession (COAP) Program, a learning program which exposes minority high school and college students to accounting careers in an effort to grow the presence of historically underrepresented minorities in the profession, has significant government and not-for-profit audit experience, a tax department which is available for assistance on any technical questions, and is a member of BDO Alliance USA, a nationwide association, providing Lumsden McCormick with additional access to resources and knowledge to assist the ILDC.

Section 3. The ILDC hereby selects Lumsden McCormick to provide professional auditing services for the 2022, 2023 and 2024 fiscal years, and hereby directs the ILDC's Finance and Audit Committee to review Lumsden McCormick's 2022, 2023 and 2024 performance and fees and further resolves and confirms that based upon the ILDC's Finance and Audit Committee's satisfactory review of same, and upon the approval of the ILDC's Finance and Audit Committee, that Lumsden McCormick continue to be retained to provide auditing services for the 2025 and 2026 fiscal years.

Section 4. The officers, employees and agents of the ILDC are hereby authorized and directed for and in the name and on behalf of the ILDC 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 ILDC with all of the terms, covenants and provisions of the documents executed for and on behalf of the ILDC.

Section 5. Any and all actions heretofore taken or authorized by the ILDC and/or its officers, employees and agents with respect to this resolution are hereby ratified, approved and confirmed in all aspects.

Section 6. This Resolution shall take effect immediately.

ADOPTED: September 28, 2022



**Loan Status Report  
September 2022**

<b><u>ILDC Loans Approved Since Last Meeting</u></b> (None)	<b><u>Municipality</u></b>	<b><u>Amount</u></b>
--	----------------------------	----------------------

<b><u>ILDC Loans Closed Since Last Meeting</u></b>	<b><u>Municipality</u></b>	<b><u>Amount</u></b>
Stack Burger, LLC	Lackawanna	\$ 35,000
Feelings Rock, Inc.	Clarence	\$ 35,000
Wild Disc, LLC	West Seneca	\$ 35,000
S&R Professional	West Seneca	<u>\$ 35,000</u>
<b>Total:</b>		<b>\$140,000</b>

<b><u>Loans in Closing Process</u></b> (None)	<b><u>Municipality</u></b>	<b><u>Amount</u></b>
--	----------------------------	----------------------

<b><u>Loans in the Pipeline</u></b> Rachacha Designs	<b><u>Municipality</u></b> West Seneca	<b><u>Amount</u></b> \$5,000
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<b><u>2022 - Loans Closed</u></b>	<b><u>YTD Loan Total</u></b>	<b><u>Jobs to be Created</u></b>	<b><u>Retained Jobs</u></b>
12	\$365,000	10	14

**Loan Portfolio Performance**

**Past Due Loans:**

<b><u>Loan</u></b>	<b><u>Outstanding Balance</u></b>	<b><u>Amount Past Due</u></b>	<b><u>Days Past Due</u></b>	<b><u>Comments</u></b>
NONE				

**Portfolio Delinquency Rate** (Past Due Outstanding Loan Balance *divided by* Portfolio Balance):

\$0 / \$944,849    0% Delinquency Rate (30 Loans)

**ILDC Funds Available to Lend:        \$295,852**

MEMORANDUM  
September 21, 2022

To: Members of the Board of Directors of the Buffalo and Erie County Industrial Land Development Corporation

Re: Renaissance Commerce Park – Public Sanitary Sewer and Water Line Extensions

**Background:**

On Friday July 29<sup>th</sup> 2022 the ILDC publicly issued a Request for Bids for construction and installation of public sanitary sewer and water line extensions at Renaissance Commerce Park. The contractor would be responsible for all construction services associated with the installation of the new water and sewer lines, monitoring, testing, and soils management as required in the Soils Management Plan for the Brownfield Cleanup Program parcel.

On September 7<sup>th</sup>, 2022 The ILDC received three bids for the project. As the project engineer C&S Engineers reviewed the bids and is recommending award to Pinto Construction Services as the lowest responsible bidder with a bid amount of **\$5,438,345.31**.

Funding for the project is being provided via a grant from the Federal Economic Development Administration (EDA) and NYS Buffalo Billion funding (ESD). The new utilities will support the continuing effort to redevelop the Renaissance Commerce Park and the reuse of the former brownfield site to create new economic and recreational opportunities for the residents of Erie County.

**Requested Actions:**

Seeking approval to enter into a contract with Pinto Construction Services as the lowest responsible bidder for the construction of public sanitary sewer and water line extension at Renaissance Commerce Park for a bid amount of \$5,438,345.31 and to approve change orders as maybe required for the completion of the project, subject to the approval of the EDA and ESD as funding agencies.



**C&S Companies**  
141 Elm Street, Suite 100  
Buffalo NY 14203  
p: (716) 847-1630  
f: (716) 847-1454  
www.cscos.com

September 13, 2022

John Cappellino  
President/CEO  
Erie County Industrial Development Agency/ECILDC  
95 Perry Street, Suite 403  
Buffalo, NY 14203

Re: Former Bethlehem Steel Public Sanitary Sewer & Waterline Extensions  
EDA Project No. 01-79-15063  
Bid Award Recommendation

File: 135F.001.001

Dear Mr. Cappellino:

On September 7, 2022, ECIDA/ECILDC received three (3) sealed bids at 95 Perry Street, Suite 403 Buffalo, NY for the above referenced project, which were opened and read aloud by John Cappellino, President of the ECIDA/ECILDC. The bids ranged from a low bid of **\$5,438,345.31** submitted by Pinto Construction Services, Inc. to a high bid of \$14,883,822.84 submitted by Zoladz Construction Co. Inc. resulting in a bid range of \$6,445,477.53.

Based on the bids received, Pinto Construction services, Inc. is the apparent low bidder with a bid amount of \$5,438,345.31 (\$5,077,595.31 Base Bid + \$360,750.00 in Allowances). The next apparent low bidder was Mark Cerrone, Inc., with a total bid amount of \$5,795,770.00 (\$5,412,520.00 Base Bid + \$383,250.00 in Allowances). See attached bid tabulation.

The final construction cost estimate prepared by C&S Engineers, Inc. was \$5,571,864.22. The low bid submitted by Pinto Construction Services, Inc. is approximately 2.4% below the engineer's estimate. Given that the bid from Zoladz was significantly higher than the two lower bids, the bid range and bid average results are skewed and are not particularly meaningful. Excluding Zoladz's bid, the difference between the two lowest bids is 6.2%.

C&S Engineers has reviewed Pinto Construction Services' Bid proposal and did not find any errors or irregularities. They have not been debarred from public work and are not on the SAM.Gov Excluded Parties List.

C&S has worked with Pinto Construction Services on several similar projects in the past. Pinto has performed well based on our own experience and we recommend awarding the contract to Pinto Construction Services in the amount of **\$5,438,345.31**.

We look forward to continue working on this project with you. If you have any questions, please feel free to give us a call.

John Cappellino  
September 13, 2022  
Page 2

Sincerely,  
C&S ENGINEERS, INC.



Victor O'Brien, P.E.  
Department Manager

Enc.

**BUFFALO AND ERIE COUNTY INDUSTRIAL LAND  
DEVELOPMENT CORPORATION  
RESOLUTION**

A regular meeting of the Buffalo and Erie County Industrial Land Development Corporation (“ILDC”) was convened on Wednesday, September 28, 2022 at 12:00 p.m.

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

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL  
LAND DEVELOPMENT CORPORATION (“ILDC”) AUTHORIZING THE  
ILDC TO ENTER INTO A CONTRACT WITH PINTO CONSTRUCTION  
SERVICES TO PROVIDE CONSTRUCTION SERVICES FOR THE  
CONSTRUCTION OF NEW PUBLIC SANITARY SEWER AND WATER  
LINE EXTENSIONS AT ODELL STREET AND RIDGE ROAD IN THE  
RENAISSANCE COMMERCE PARK

WHEREAS, the ILDC is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County, and to lessen the burdens of government and act in the public interest; and

WHEREAS, the ILDC owns approximately 130 acres of real property located within the Renaissance Commerce Park (“RCP”) in Lackawanna, New York, and consistent with its mission, has established and is implementing its Advanced Manufacturing Park – Infrastructure Plan (the “Plan”) thereon for the benefit of the residents of Erie County; and

WHEREAS, related to the Plan, the ILDC completed an Infrastructure Master Plan and prepared a Generic Environmental Impact Statement (“GEIS”) and Findings Statement pursuant to Article 8 of the New York Environmental Conservation Law and the regulations adopted thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQRA”); and

WHEREAS, the Plan calls for the installation of utilities, roadways and other infrastructure improvements to service the RCP occupants; and

WHEREAS, the ILDC desires to install new public sanitary sewer and water line extensions along Odell Street and Ridge Road in the RCP to support the continuing effort to redevelop the RCP (the “Project”); and

WHEREAS, the ILDC, on July 29, 2022, issued a Request for Bids (“RFB”) to provide construction services for the Project; and

WHEREAS, the ILDC received multiple quality proposals in response to the RFB and ILDC staff established a review committee (the “Review Committee”) to analyze and consider said RFB responses; and

WHEREAS, the Review Committee is recommending that the ILDC retain the services of Pinto Construction Services (“PCS”) to undertake the Project.

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. Based upon a review of the PCS RFB response, the proposed Project, the representations made by PCS to the ILDC, the Review Committee recommendation and the ILDC SEQRA Findings, the ILDC hereby determines that no further SEQR compliance is required pursuant to 6 N.Y.C.R.R. Section 617.10(d)(1) because the contemplated Project will be carried out in conformance with the conditions and thresholds established in the GEIS.

Section 2. Subject to the terms of this 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 ILDC, to negotiate and execute a contract with PCS for construction services for the Project, in an amount not to exceed \$5,438,345.31, and any appropriate change orders or scope additions as approved by the Chief Executive Officer, in consultation with the ILDC Board Chair.

Section 3. The officers, employees, and agents of the ILDC are hereby authorized and directed for and in the name and on behalf of the ILDC to do all acts and things required and to execute and deliver all such checks, 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 so acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the ILDC with all of the terms, covenants and provisions of the documents executed for and on behalf of the ILDC.

Section 4. Any and all actions heretofore taken or authorized by the ILDC and/or its officers, employees and agents with respect to this resolution are hereby ratified, approved and confirmed in all aspects.

Section 5. These Resolutions shall take effect immediately.

Dated: September 28, 2022

**BUFFALO AND ERIE COUNTY INDUSTRIAL LAND  
DEVELOPMENT CORPORATION**

**RESOLUTION**

A regular meeting of the Buffalo and Erie County Industrial Land Development Corporation (“ILDC”) was convened on Wednesday, September 28, 2022 at 12:30 p.m.

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

**RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION (“ILDC”) AUTHORIZING THE ILDC TO ENTER INTO A LICENSE AGREEMENT WITH SUCRO REAL PROPERTY NY, LLC (“COMPANY”) TO CONSTRUCT A RAILWAY SIDE AND RAILWAY SPUR AS HEREIN DESCRIBED AT THE RENAISSANCE COMMERCE PARK, LACKAWANNA, NEW YORK (“RCP”)**

WHEREAS, pursuant to Section 1411 of the Not-for-Profit Corporation Law of the State of New York, the Buffalo and Erie County Industrial Land Development Corporation (“ILDC”) was created as a Not-for-Profit Local Development Corporation; and

WHEREAS, the ILDC is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County, and to lessen the burdens of government and act in the public interest; and

WHEREAS, the Erie County Industrial Development Agency (“Agency”), Erie County (“County”), Tecumseh Redevelopment Inc. (“Tecumseh”) and South Buffalo Railway (“SBR”) previously partnered to create a rail corridor of approximately two miles in length (the “Railway”) to replace rail infrastructure located on the eastern edge of the Renaissance Commerce Park (“RCP”), adjacent to New York State Route 5, and relocated same for the purpose of facilitating the development of the RCP while maintaining rail service to existing customers in the RCP; and

WHEREAS, the Company acquired approximately 12.07 acres of real property located at 2303 Hamburg Turnpike, Lackawanna, New York located within the RCP from Tecumseh on or about February 23, 2021 (“Company Premises”); and

WHEREAS, the Company submitted an application (the “Application”) to the Agency requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in the Company Premises and existing improvements located thereon, consisting of two buildings totaling approximately 174,600 square feet (the “Existing Improvements”), (ii) the renovation of the Existing Improvements and the construction of a new approximately 33,600 square foot building (the “Improvements”) all for the purposes of accommodating new bulk and finished product storage, logistical operations, as well as sugar refining operations of the Company, and (iii) the acquisition by the Company in and around the Land, the Existing Improvements, and the Improvements of certain items of machinery,



equipment and other tangible personal property (the "Equipment"; and, together with the Company Premises, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, the Agency approved the Project by Resolution dated January 27, 2021; and

WHEREAS, the ILDC owns approximately 130 acres of real property located within the RCP (the "ILDC Premises"), including certain real property located within a right of way (the "ROW") upon which the relocated Railway was constructed, as more particularly described in Exhibit A attached hereto and made part hereof (the "ILDC Railway Premises"); and

WHEREAS, in direct relation to the Project and related to operations of the Facility, the Company desires to construct and operate a certain railway side and railway spur within the ROW and on a portion of the ILDC Railway Premises (collectively, the "Railway Side and Railway Spur"), for the purpose of connecting the Facility to the Railway; and

WHEREAS, the ILDC desires to negotiate and execute a license agreement with the Company solely for the purpose of allowing the Company to access the ILDC Railway Premises to construct and operate the Railway Side and Railway Spur; and

WHEREAS, pursuant to and in accordance with applicable provisions of the State Environmental Quality Review Act ("SEQR"), the Company has submitted to the ILDC a Short Environmental Assessment Form (the "EAF") with respect to the ILDC's licensing and the Company's construction and operation of the Railway Side and Railway Spur (the "Railway Side and Spur Project").

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. Based upon a review of the Railway Side and Spur Project and representations made by the Company to the ILDC and the EAF, the ILDC finds and determines that: (i) the Railway Side and Spur Project constitutes an "Unlisted Action" within the meaning of SEQR and a coordinated review is optional; (ii) the ILDC has conducted an uncoordinated review of the Railway Side and Spur Project under SEQR; (iii) the Project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (iv) the Project will not have a "significant effect on the environment" as such quoted term is defined in SEQR; and (v) no "environmental impact statement" as such quoted term is defined in SEQR, need be prepared for this action. The ILDC thus issues a Negative Declaration pursuant to 6 N.Y.C.R.R. § 617.7 of the SEQR regulations, which concludes the ILDC's uncoordinated review of the Railway Side and Spur Project.

Section 2. Subject to the terms of this 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 ILDC, to negotiate and execute a license agreement with the Company to permit the Company to access the ILDC Premises at the RCP for the construction of the Railway Side and Railway Spur, including any

appropriate modifications or amendments thereto as approved by the President/Chief Executive Officer, in consultation with the ILDC general counsel.

Section 3. The officers, employees, and agents of the ILDC are hereby authorized and directed for and in the name and on behalf of the ILDC to do all acts and things required and to execute and deliver all such checks, 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 so acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the ILDC with all of the terms, covenants and provisions of the documents executed for and on behalf of the ILDC.

Section 4. Any and all prior actions taken by the ILDC with respect to the contents of this resolution are hereby ratified and confirmed.

Section 5. This resolution shall take effect immediately.

Dated: September 28, 2022

**EXHIBIT A**  
**ILDC RAILWAY PREMISES**



# Short Environmental Assessment Form

## Part 1 - Project Information

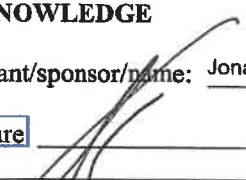
### Instructions for Completing

**Part 1 – Project Information** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Sucro Rail Spur and Rail Siding			
Project Location (describe, and attach a location map): See attached. Portion of lands of Sucro Real Estate NY, LLC and Buffalo and Erie County Industrial Land Development Corporation			
Brief Description of Proposed Action: A new private railroad spur and railroad siding will be constructed off the existing East Harbor Lead Rail east of the Sucro Offices and Finished Product Storage building. The new spur, which will be approximately 1200 feet in total length, will be constructed of stone ballast, wooden ties and track, with switchgear to facilitate movement of cars off and back onto the East Harbor Lead track. See attached. The railroad spur will be constructed on a portion of the lands owned by Sucro Real Estate NY, LLC and a portion of the lands owned by the Buffalo and Erie County Industrial Land Development Corporation that will be permitted by a proposed Construction and Access License Agreement.			
Name of Applicant or Sponsor: Sucro Real Estate NY, LLC		Telephone: (305) 901-5222	
Address: 2020 Ponce de Leon Blvd, Suite 1204		E-Mail: jtaylor@sucro.us	
City/PO: Coral Gables		State: FL	Zip Code: 33134
1. <u>Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</u>			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
2. <u>Does the proposed action require a permit, approval or funding from any other government Agency?</u>			NO
If Yes, list agency(s) name and permit or approval: City of Lackawanna Planning and Development Board, Buffalo and Erie County Industrial Land Development Corporation			YES
3. a. <u>Total acreage of the site of the proposed action?</u> _____ 12.07 acres			
b. <u>Total acreage to be physically disturbed?</u> _____ 0.7 acres			
c. <u>Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</u> _____ 12.07 acres			
4. <u>Check all land uses that occur on, are adjoining or near the proposed action:</u>			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. <u>A permitted use under the zoning regulations?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. <u>Consistent with the adopted comprehensive plan?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. <u>Is the proposed action consistent with the predominant character of the existing built or natural landscape?</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. <u>Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</u> If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. <u>Will the proposed action result in a substantial increase in traffic above present levels?</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. <u>Does the proposed action meet or exceed the state energy code requirements?</u> If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. <u>Will the proposed action connect to an existing public/private water supply?</u> If No, describe method for providing potable water: _____ The proposed Action does not require a water supply.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. <u>Will the proposed action connect to existing wastewater utilities?</u> If No, describe method for providing wastewater treatment: _____ The proposed Action will not generate wastewater		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. <u>Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input checked="" type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
Site was remediated voluntarily under NY State Brownfield Cleanup Program, Site No. C915198 (non-hazardous waste cleanup). A Certificate of Completion was issued by the NYSDEC certifying cleanup was performed in accordance with applicable regulations.		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: Jonathon Taylor	Date: 9/14/2022	
Signature: 	Title: President of Sucro Real Estate NY, LLC	

Project: \_\_\_\_\_

Date: \_\_\_\_\_

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

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

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



Project: \_\_\_\_\_

Date: \_\_\_\_\_

### ***Short Environmental Assessment Form Part 3 Determination of Significance***

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

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

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

**PRINT FORM**

**FIGURE 1**



BASEMAP PER USGS QUADRANGLE BUFFALO SOUTHEAST 2019



**SCALE: 1 INCH = 4,000 FEET**  
**SCALE IN FEET**  
 (approximate)



2568 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

PROJECT NO.: 0555-020-003

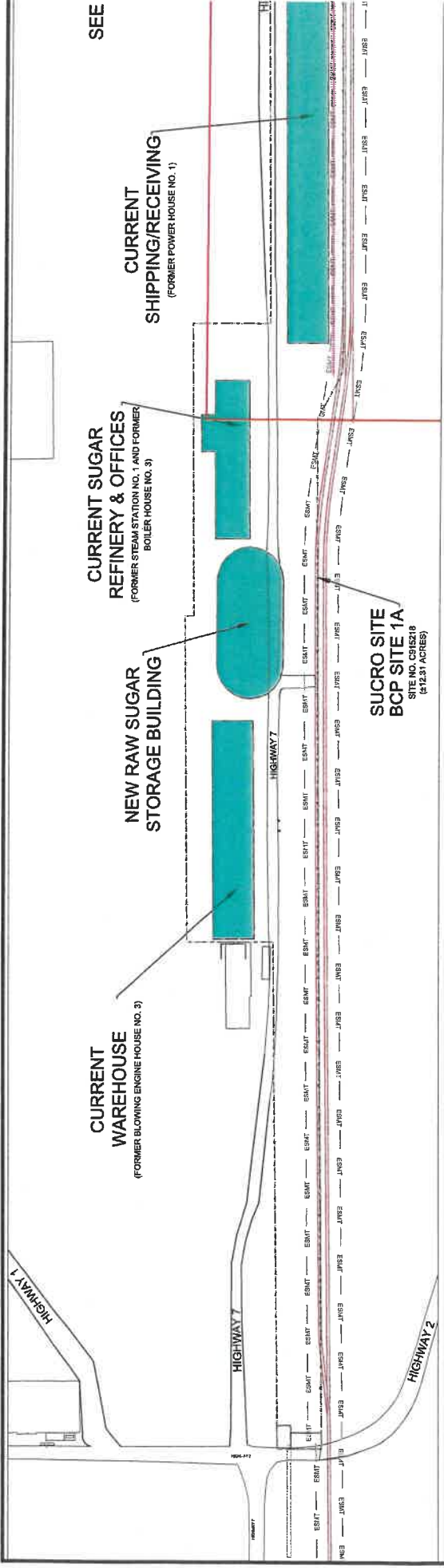
DATE: SEPTEMBER 2022

DRAFTED BY: RFL

**SITE LOCATION & VICINITY MAP**  
 RAIL SPUR ENVIRONMENTAL ASSESSMENT FORM (EAF)

**PHASE IA BUSINESS PARK**  
**BCP SITE NO. C915218**  
**LACKAWANNA, NEW YORK**  
 PREPARED FOR  
**SUCRO REAL ESTATE NY, LLC**

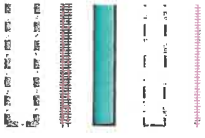
**DISCLAIMER:** PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC.



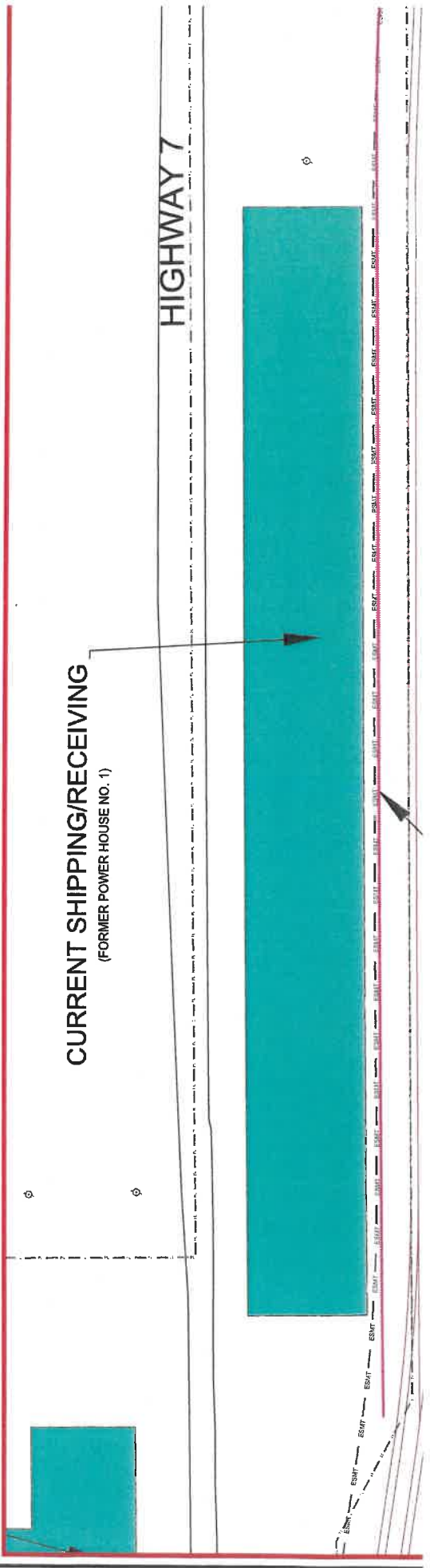
SEE



SCALE: 1 INCH = 300 FEET  
SCALE IN FEET  
(approximate)



INSET FOR PLANNED RAILROAD SPUR



HIGHWAY 7

**Project Location:**

The Project will be located on a portion of the lands owned by Sucro Real Estate NY, LLC located at 2303 Hamburg Turnpike in the City of Lackawanna, County of Erie and State of New York, which lands are further identified as having and is further known as being Brownfield Clean-Up Program Site No. C915218.

A portion of the Project will be located on certain adjoining lands owned by the Buffalo and Erie County Industrial Land Development Corporation in the City of Lackawanna, County of Erie and State of New York, which lands are further identified as being Brownfield Clean-Up Program Site Nos. C915197J and C915197K. Sucro Real Estate NY, LLC will be entitled to use a portion of these lands pursuant to a proposed Construction and Access Agreement.

**See attached site plans from Wendel Engineering**

**Supplemental Information:**

The following provides additional information for questions in Part 1 of the Short EAF that resulted in affirmative responses:

**Question 12.b. 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?**

Firstly, the proposed action does not occur wholly or partially within, or substantially contiguous to, any buildings, archaeological sites, or districts that are listed on or been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.

Secondly, although the EAF Mapper identifies the Project Site as being in or adjacent to an area designated as sensitive for archaeological sites, there are no known sites that have been identified as significant according to the 1989 City of Lackawanna Local Waterfront Revitalization Program (LWRP). Specifically, the following excerpts from the LWRP address archeological resources proximate to the Project Area:

- SECTION II Inventory and Analysis, B.10. Historic and Archaeological Resources (Page II-18):

*“There are no structures listed, or eligible for listing, on the National Register of Historic Places within the Lackawanna WRA. A zone of archaeological sensitivity has, however, been identified by the New*

*York State Office of Parks, Recreation and Historic Preservation in the vicinity of Route 5 and Smoke's Creek. In addition, a survey of archaeological sites undertaken by the State University of New York at Buffalo in March 1984 suggests that two sites may be located either within the LWA, or within a one-kilometer proximity to the area in the vicinity of Smoke's Creek.*

*The former Bethlehem Steel employment office near the Buffalo-Lackawanna city line is an early twentieth century structure which is both architecturally and historically significant. The structure's historic significance comes from its association with the Bethlehem Steel Corporation, while the architectural importance stems from its classical, revival style of grey brick on a rusticated ashlar basement. It is topped with a hipped roof. The building, however, is not presently listed on the National or state Registers of Historic places.”*

▪ SECTION III Waterfront Revitalization Program Policies, G. Historic and Scenic Resources Policies (Page III-23):

*“Policy 23 Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities, or the nation”*

*“Policy 23A Protect, enhance, and restore the archaeologically significant site in the vicinity of Smoke’s Creek in the City of Lackawanna”*

*Explanation of Policy*

*“An area of archaeological significance may exist in the vicinity of Smoke’s Creek, as described in Chapter B-9 of the Inventory and Analysis Section. Prior to undertaking major construction activities in this area, anyone proposing such activity shall consult with the NYS Office of Parks, Recreation and Historic Preservation to determine whether significant archaeological resources are present at the site and what measures are necessary to preserve these resources. All practicable means shall be used to preserve significant archaeological resources.*

*This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component therefor which has been officially certified as being imminently dangerous to public health and safety.*

*There are no other resources located in the local waterfront area to which the policy applies.”*

Based on these determinations and the long history of industrial activity on the Site; the creation of man-made lands that the Project Site will occupy (through steel slag deposition); significant prior disturbances to the Project Site through historic demolition and environmental investigations; and the location of the property over 350 feet north of Smokes Creek, no further discussions with SHPO are warranted.

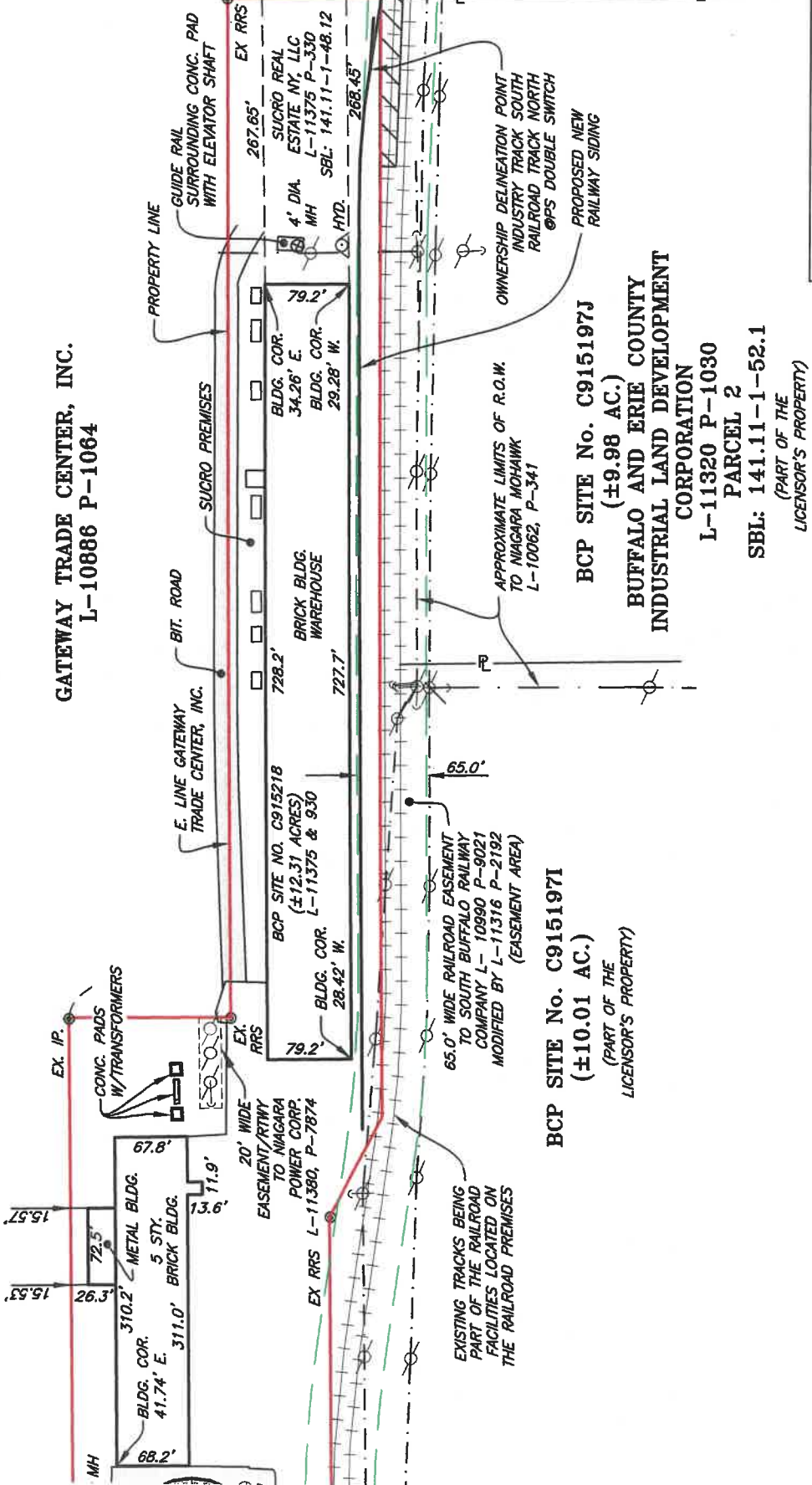
**Question 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?**

NYSDEC is proposing to change the status of the peregrine falcon from Endangered to Special Concern; the project was stalled due to COVID. Species of special concern warrant attention and consideration, but current information does not justify listing as endangered. If a nest is found, it will be left in place and NYSDEC will be notified. However, the peregrine falcon typically nests on cliff edges, bluffs, and other elevated areas, particularly along water bodies. The subject spur will be located on lands that have been previously cleared of trees and offer no habitat opportunity for predatory bird nesting.

DRAWING NAME  
05.021

**LEGEND:**  
 AC. = ACRES  
 APPROX. = APPROXIMATE  
 AVE. = AVENUE  
 BIT. = BITUMINOUS  
 CB. = CATCH BASIN  
 CH. = CHAIN  
 CONC. = CONCRETE  
 COR. = CORNER  
 C.T.V. = CENTERLINE  
 DIA. = DIAMETER  
 DIST. = DISTANCE  
 E. = EAST  
 ENC. = ENCROACHMENT  
 EX. = EXISTING  
 FNC. = FENCE  
 GAR. = GARAGE  
 IP. = IRON PIPE  
 LIBER. = LIBERATION  
 L. = LINE  
 M.H. = MANHOLE  
 MS. = MEASURED  
 N. = NORTH  
 O/H. = OVERHEAD  
 O/L. = ON LINE  
 P. = PAGE  
 PAV'T. = PAVEMENT  
 RD. = ROAD  
 S. = SOUTH  
 ST. = STREET  
 W. = WITH  
 W.D. = WOOD  
 W.F. = WOODFRAME

ESMT. = EASEMENT  
 EX. = EXISTING  
 FNC. = FENCE  
 GAR. = GARAGE  
 IP. = IRON PIPE  
 LIBER. = LIBERATION  
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 ST. = STREET  
 W. = WITH  
 W.D. = WOOD  
 W.F. = WOODFRAME



PAGE 1 OF 2

**NOTES:**  
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**PRELIMINARY**

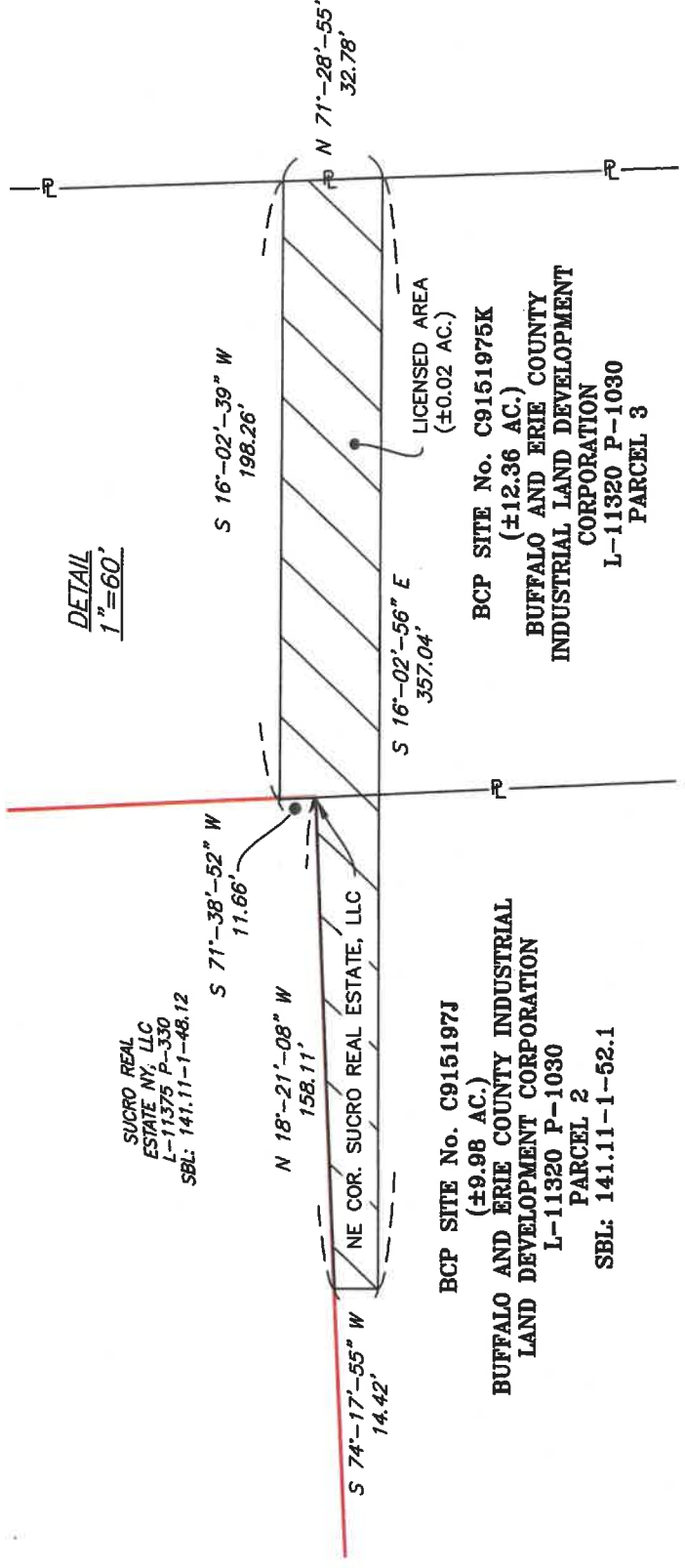
MAP OF  
INDUSTRIAL SIDETRACK PLAN  
FOR SUCROCAN SOURCING

BCP SITE (±) BUFFALO A INDUSTRIAL COI L-11 P

Centerpo  
Wendel WD Architer  
SITUATE IF OF TV I CITY  
CREW DDA

DRAWING NAME  
05.021

- LEGEND:**
- BIT. = BITUMINOUS
  - CB = CATCH BASIN
  - CH. = CHAIN
  - CONC. = CONCRETE
  - COR. = CORNER
  - C.T.V. = CABLE TV
  - ENC. = ENCROACHMENT
  - DIA. = DIAMETER
  - DIST. = DISTANCE
  - E. = EAST
  - E.B. = ELECTRICAL BOX
  - J. = JUNCTION
  - BO. = BOX
  - CL. = CENTERLINE
  - AC. = ACRES
  - APPROX. = APPROXIMATE
  - AVE. = AVENUE
  - ESMT. = EASEMENT
  - EX. = EXISTING
  - FNC. = FENCE
  - GAR. = GARAGE
  - IP. = IRON PIPE
  - L. = LIBER
  - MANH. = MANHOLE
  - MAP. = MAP
  - MEAS. = MEASURED
  - N. = NORTH
  - O/H. = OVERHEAD
  - RD. = ROAD
  - ON. = ON LINE
  - PO. = PORCH
  - PP. = POWER POLE
  - ST. = STREET
  - STORY. = STORY
  - P. = PAGE
  - PAV. = PAVEMENT
  - RD. = ROAD
  - S. = SOUTH
  - ST. = STREET
  - WD. = WOOD
  - W.F. = WOODFRAME
  - TUB. = TELEPHONE
  - J. = JUNCTION
  - LINE. = LINE
  - TY. = TYPICAL
  - W. = WEST
  - WI. = WITH
  - WOOD. = WOOD
  - ST. = STREET
  - W.F. = WOODFRAME
  - SUCRO BOUNDARY
  - EASEMENT



BCP SITE No. C915197J  
(±9.98 AC.)  
BUFFALO AND ERIE COUNTY INDUSTRIAL  
LAND DEVELOPMENT CORPORATION  
L-11320 P-1030  
PARCEL 2  
SBL: 141.11-1-52.1

BCP SITE No. C9151975K  
(±12.36 AC.)  
BUFFALO AND ERIE COUNTY  
INDUSTRIAL LAND DEVELOPMENT  
CORPORATION  
L-11320 P-1030  
PARCEL 3

SUCRO REAL  
ESTATE NY, LLC  
L-11375 P-330  
SBL: 141.11-1-48.12

DETAIL  
1"=60'

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE, AND STATE OF NEW YORK, BEING PARTS OF LOT 25 OF THE OGDEN GORE TRACT AND BEING DESIGNATED AS PART OF BCP SITE NUMBER C915197J AND C915197K, BEING PARCEL 2 AND PARCEL 3 OF THE LANDS CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION BY DEED RECORDED IN THE ERIE COUNTY CLERKS OFFICE IN LIBER 11320 OF DEEDS AT PAGE 1030, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LANDS CONVEYED TO SUCRO REAL ESTATE NY, LLC, BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11375 OF DEEDS AT PAGE 330;

THENCE S 71°-38'-52" W, ALONG THE NORTH LINE OF LANDS OF SUCRO REAL ESTATE NY, LLC A DISTANCE OF 11.66 FEET TO POINT;

THENCE THROUGH THE LANDS OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION AND PART OF C915197J AND C915197K, LANDS THE FOLLOWING FOUR (4) COURSES:

- N 16°-02'-39" W, A DISTANCE OF 198.26 FEET TO A POINT;
  - N 71°-28'-55" E, A DISTANCE OF 32.78 FEET TO A POINT;
  - S 16°-02'-56" E, A DISTANCE OF 357.04 FEET TO A POINT;
  - S 74°-17'-55" W, A DISTANCE OF 14.42 FEET TO A POINT ON THE EAST LINE SUCRO REAL ESTATE NY, LLC.
- THENCE N 18°-21'-08" W, ALONG SAID EAST LINE, A DISTANCE OF 158.11 FEET TO THE POINT OR PLACE OF BEGINNING, CONTAINING 0.02 ACRES, OR MORE OR LESS

NOTE: ALL BEARINGS ARE REFERENCED TO NAD83 STATE PLANE WEST ZONE USING THE NYS DOT REAL TIME NETWORK

PAGE 2 OF 2

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PRELIMINARY

Centerpo 1  
Wendel WD Architec  
SITUATE IN  
OF  
T  
1  
CITY

CREW DDA