

NOTICE OF PUBLIC HEARING

Pursuant to Article 18-A of NYS General Municipal Law, a public hearing will be conducted electronically, as hereinafter described, by the Erie County Industrial Development Agency (the "Agency") on November 2, 2020 at 10:30 a.m. regarding the project, as described below, said public hearing, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, to now be conducted electronically as hereinafter described. **PLEASE NOTE the special hearing logistics and instructions included at the end of this notice.**

Tonawanda Pirson LLC, and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf (the "Company"), has submitted an application to the Agency (a copy of which is on file at the office of the Agency) requesting the Agency to undertake a certain project (the "Project") consisting of: (i) the acquisition of a leasehold interest in an approximately 6+/- acre parcel of land located at Pirson Parkway, Town of Tonawanda, Erie County New York (the "Land"); (ii) the construction thereon of an approximately 55,943+/- SF manufacturing and office space facility (the "Improvements"); and (iii) the acquisition and installation therein, thereon or thereabout of certain machinery, equipment and related personal property (the "Equipment"; and, collectively with the Land and the Improvements, the "Facility"), to be subleased to Gear Motions Incorporated (the "Tenant") for use in its business of supplying custom cut and ground gears for OEMs around the world.

The Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance to the Company for qualifying portions of the Project in the form of sales and use tax exemption benefits, mortgage recording tax exemption benefits, and real property tax abatement benefits consistent with the policies of the Agency.

PLEASE NOTE SPECIAL PUBLIC HEARING CONDUCT INSTRUCTIONS AND INFORMATION:

In accordance with Section 859-a of the NYS General Municipal Law, a representative of the Agency will present a copy of the Company's project Application which is also available for viewing on the Agency's website at www.ecidany.com under tab Events/Public Hearings & Meetings. However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the NYS General Municipal Law requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, and pursuant to Governor Cuomo's Executive Order 202.15 issued on April 9, 2020 authorizing the conduct of public hearings through use of telephone conference, video conference and/or other similar service, the Agency will livestream the Public Hearing for those wanting to listen only at <https://www.ecidany.com/streaming>. The Agency will provide public access to provide oral comments during the Public Hearing at <https://www.ecidany.com/public-comment-and-registration>. If you would like to make oral

comments at the Public Hearing, please register to do so no later than 12:00 p.m. on October 30, 2020. After registering, you will receive a confirmation email containing information about joining the call to provide oral comments. Finally, the Agency also encourages all interested parties to submit written comments to the Agency, which will all be included within the public hearing record. Any written comments may be sent on the Agency's website, or mailed to the Agency at 95 Perry Street-Suite 403, Buffalo, NY 14203 until the comment period closes at 4:00 p.m. on November 17, 2020.

Erie County Industrial Development Agency



Gear Motions

Section I: Applicant Background Information

Applicant Information - Company Receiving Benefit

Project Name	Tonawanda Pirson - Gear Motions
Applicant Name	Tonawanda Pirson LLC
Applicant Address	5505 Main Street
Applicant Address 2	
Applicant City	Williamsville
Applicant State	New York
Applicant Zip	14221
Phone	716-632-7230
Fax	716-632-4947
E-mail	sbeiter@zaepfel.com
Website	www.zaepfel.com
Federal ID#	46-3782960
NAICS Code	531120
Will a Real Estate Holding Company be utilized to own the Project property/facility	Yes
What is the name of the Real Estate Holding Company	Tonawanda Pirson LLC
Federal ID#	46-3782960
State and Year of Incorporation/Organization	NY/2013
List of stockholders, members, or partners of Real Estate Holding Company	James A. Zaepfel Gregory J. Zaepfel

Individual Completing Application

Name	Shannon Beiter
Title	CFO
Address	5505 Main Street
Address 2	
City	Williamsville
State	New York
Zip	14221

Phone	716-632-7230
Fax	716-632-4947
E-Mail	sbeiter@zaepfel.com

Company Contact (if different from individual completing application)**Name****Title****Address****Address 2****City****State****Zip****Phone****Fax****E-Mail**Company Counsel

Name of Attorney	Jonathan Schechter
Firm Name	Gross Shuman Brizdle
Address	465 Main Street
Address 2	Suite 600
City	Buffalo
State	New York
Zip	14203
Phone	716-854-4300
Fax	716-854-2787
E-Mail	jschechter@gross-shuman.com

Identify the assistance being requested of the Agency.

Exemption from Sales Tax	Yes
Exemption from Mortgage Tax	Yes
Exemption from Real Property Tax	Yes
Tax Exempt Financing*	No

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

Business Organization

Type of Business	Limited Liability Company
Type of Ownership	
Year Established	2013
State of Organization	New York

List all stockholders, members, or partners with % of ownership greater than 20%

Please include name and % of ownership.

James A. Zaepfel 75% Gregory J. Zaepfel 25%

Applicant Business Description

Describe in detail company background, products, customers, goods and services. Description is critical in determining eligibility

Tonawanda Pirson, LLC was formed by Zaepfel Development to undertake the construction of a facility for lease to Gear Motions. Zaepfel has developed, owned, managed, built or sold nearly five million square of office, warehouse, industrial and flex space in Western New York, Pennsylvania and the Southeast. Applicant's tenant for 100% of new building will be Gear Motions Incorporated. Gear Motions is a leading gear manufacturer specializing in supplying custom cut and ground gears for OEMs all around the world. They are an employee owned company with 4 divisions in New York, 3 in the Buffalo region and one in Syracuse. The company's divisions specialize in custom, precision gearing for a broad range of industries in the United States and internationally. In Buffalo, there are two locations for our three divisions: On Niagara Street in Buffalo, Oliver Gear and Pro-Gear reside. On Military Ave in Kenmore, Niagara Gear is operating.

Estimated % of sales within Erie County	5%
Estimated % of sales outside Erie County but within New York State	11%
Estimated % of sales outside New York State but within the U.S.	80%
Estimated % of sales outside the U.S.	4%

(*Percentage to equal 100%)

What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County? Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation of the estimated percentage of local purchases

21% for tenant 90% for developer

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Municipality or Municipalities of current operations

Tonawanda and Buffalo

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

Yes

In which Municipality will the proposed project be located

Tonawanda

Address

Pirson Parkway (land parcel on Two Mile Creek)

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?

Yes

If the Proposed Project is located in a different Municipality 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?

Yes

(If yes, you will need to complete the Retail Section of this application)

SBL Number for Property upon which proposed Project will be located

To be assigned

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

part of larger parcel

Assessed value of land

Assessed value of building(s)

0

Are Real Property Taxes current?

Yes

If no please explain

Town/City/Village of Project Site

Town of Tonawanda

School District of Project Site

Kenmore-Tonawanda

Does the Applicant or any related entity currently hold fee title to 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

Please provide narrative of the proposed project and the purpose of the proposed project (new build, renovations, 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)

New build construction of a 55,943 sf facility for the 100% use of Gear Motions Incorporated as a tenant. Facility is to be used 11% for offices and 89% for manufacturing. Applicant's tenant for 100% of new building will be Gear Motions Incorporated. Gear Motions is a leading gear manufacturer specializing in supplying custom cut and ground gears for OEMs all around the world. They are an employee owned company with 4 divisions in New York, 3 in the Buffalo region and one in Syracuse. The company's divisions specialize in custom, precision gearing for a broad range of industries in the United States and internationally. In Buffalo, there are two locations for our three divisions: On Niagara Street in Buffalo, Oliver Gear and Pro-Gear reside. On Military Ave in Kenmore, Niagara Gear is operating.

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 how the Financial Assistance enables the company to undertake the Project to facilitate investment, job creation and/or job retention. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

The Agency's financial assistance is necessary to allow Gear Motions to continue to grow and expand its markets outside of Erie County. The opportunity to combine these two operations into one facility will allow the company to capture additional best practices and share resources to reduce costs and increase profit. The combination of the two operations will allow the company to retain its current customers, maximizing synergies between the two, and build the foundation to grow the business. This new footprint in the Tonawanda location will be well positioned to double the sales over the coming years.

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?

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

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

Yes

Describe the present zoning/land use

Project conforms to current zoning of Waterfront Industrial.

Describe required zoning/land use, if different

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?

No

If yes, please provide copies of the study.

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

Yes - details to be provided.

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?

No

If yes, please explain.

What percentage of annual operating expenses are attributed to the above referenced research and development activities?

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

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, complete the Retail Determination contained in Section IV of the Application.

Please check any and all end uses as identified below.

Retail Sales No **Services** No

For purposes of this question, 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 Law), or (ii) sales of a service to customers who personally visit the Project.

- | | | |
|--|------------------------|---|
| Yes Manufacturing | No Multi-Tenant | No Mixed Use |
| No Acquisition of Existing Facility | No Commercial | No Facility for the Aging |
| No Housing | No Back Office | No Civic Facility (not for profit) |
| No Equipment Purchase | No Retail | No Other |

Project Information**Estimated costs in connection with project****Land and/or Building Acquisition**

\$ 400,040	square feet	6 acres
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New Building Construction

\$ 3,075,250	55,943 square feet
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New Building addition(s)

\$ 0	square feet
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Infrastructure Work

\$ 721,388

Renovation

\$ 0	square feet
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Manufacturing Equipment

\$ 0

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

\$ 0

Soft Costs: (professional services, etc.)

\$ 102,362

Other Cost

\$ 0

Explain Other Costs**Total Cost**

\$ 4,299,040

Project Refinancing: estimated amount (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:**Equity (excluding equity that is attributed to grants/tax credits):**

\$ 759,327

Bank Financing:

\$ 3,010,336

Tax Exempt Bond Issuance (if applicable):

\$ 0

Taxable Bond Issuance (if applicable):

\$ 0

Public Sources (Include sum total of all state and federal grants and tax credits):

\$ 0

Identify each state and federal grant/credit:**Total Sources of Funds for Project Costs:**

\$3,769,663

Has a financing preapproval letter or loan commitment letter been obtained?

No

Mortgage Recording Tax Exemption Benefit:**Estimated Mortgage Amount (Sum total of all financing – construction and bridge).*****Amount of mortgage, if any, that would be subject to mortgage recording tax.**

\$ 3,796,638

Lender Name, if Known

1,518,655

Estimated Mortgage Recording Tax Exemption Benefit (% of estimated mortgage amount stated above):

\$28,474

Construction Cost Breakdown:**Total Cost of Construction**

\$ 3,990,138

(sum of 2,3,4,5, and/or 7 in Question K, above)

Cost for materials

\$ 1,518,655

% sourced in Erie County

80%%

% sourced in State

90%% (including Erie County)

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

\$ 2,252,155

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):

\$ 197,064

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:**For proposed facility please include # of sq ft for each of the uses outlined below

		Cost	% of Total Cost
Manufacturing/Processing	square feet	\$ 0	0
Warehouse	50,391 square feet	\$ 3,196,638	84
Research & Development	square feet	\$ 0	0
Commercial	square feet	\$ 0	0
Retail	square feet	\$ 0	0
Office	5,552 square feet	\$ 600,000	16
Specify Other	square feet	\$ 0	0

If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?

No

If you answered yes to question above, what level of LEED certification do you anticipate receiving? (Check applicable box)

<BLANK>

Provide estimate of additional construction cost as a result of LEED certification you are seeking

Will project result in significant utility infrastructure cost or uses

No

What is your project timetable (Provide dates)

Start date : acquisition of equipment or construction of facilities

12/1/2020

End date : Estimated completion date of project

6/1/2021

Project occupancy : estimated starting date of operations

6/1/2021

Have construction contracts been signed?

No

Have site plans been submitted to the appropriate planning department for approval?

No

Has the Project received site plan approval from the appropriate planning department?

No

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Employment Plan (Specific to the proposed project location):

	Current # of jobs at proposed project location or to be relocated at project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PT jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PT jobs to be CREATED upon TWO years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PT jobs to be created upon TWO Years after Project Completion **
Full time	35	35	2	2
Part time	0	0	0	0
Total	35	35	2	

** The Labor Market Area includes the Counties of Erie, Niagara, Genesee, Cattaraugus, Wyoming and Chautauqua. For the purposes of this question, please estimate the number of FTE and PT jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column.

***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).

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

Category of Jobs to be Retained and Created	# of Employees Retained and Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	1	\$ 125,500	\$ 41,250	\$ 0	\$ 0
Professional	5	\$ 77,480	\$ 25,568	\$ 0	\$ 0
Administrative	3	\$ 42,592	\$ 14,055	\$ 0	\$ 0
Production	26	\$ 48,392	\$ 15,969	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	\$ 0	\$ 0

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

Address			
Full time	0	0	0
Part time	0	0	0
Total	0	0	0

Will any of the facilities described above be closed or subject to reduced activity?

Yes

Payroll Information

Annual Payroll at Proposed Project Site

\$ 1,898,825

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

\$ 54,252

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

\$ 0

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

\$ 48,392

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

\$ 0

Estimated salary range of jobs to be created

From (Full Time)	\$ 48,000	To (Full Time)	\$ 50,000
From (Part Time)	\$ 0	To (Part Time)	\$ 0

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

No

If yes, please explain and identify out-of-state locations investigated

What competitive factors led you to inquire about sites outside of New York State?

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

No

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

Do you anticipate applying for any other assistance for this project?

No

If yes, what type of assistance (Historic Tax Credits, 485(a), Grants, Utility Loans, Energy Assistance, Workforce Training)

Section III: 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 Gear Motions Incorporated
Address 1750 Milton Avenue
Contact Person Dean Burrows
Phone 315-447-4025
Fax 315-488-0196
E-Mail Dean.Burrows@gearmotions.com
Federal ID # IOGI: 16-0577460 / NGC: 16-0847628
SIC/NAICS Code SIC: 3566 / NAICS: 333612

Multi-Tenant Facility.

Please explain what market conditions support the construction of this multi-tenant facility

Have any tenant leases been entered into for this project?

<BLANK>

If yes, please fill out the Tenant Information section of this application, for each tenant.

Tenant Name	Current Address (city, state, zip)	# of sq ft and % of total to be occupied at new projet site	SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.
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■ Section IV: Tenant Information

PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)**Tenant Name**

Gear Motions Incorporated

Property Address:

1750 Milton Avenue

City/Town/Village

Syracuse, NY 13209

The following information is an outline relative to the potential client and their proposed contract to sublease space in the above reference facility

Amount of space to be leased (square feet)

55,943

What percentage of the building does this represent?

100

Are terms of lease:

NET

If GROSS lease, please explain how Agency benefits are passed to the tenant**Estimated date of occupancy**

12/1/2020

PART 2 TO BE COMPLETED BY PROPOSED TENANT**Company Name:**

Gear Motions Incorporated

Local Contact Person:

Dean Burrows

Title:

President and CEO

Current Address:

1750 Milton Avenue, Syracuse, NY 13209

Phone:

315-447-4025

Fax:

315-488-0196

E-Mail:

Dean.Burrows@gearmotions.com

Website:

www.garmotions.com

Company President/General Manager:

Dean Burrows

Number of employees moving to new project location:**Full-Time:**

35

Part-Time:

0

Total:

35

Do you anticipate increasing employment within the next two years?

If yes, how many additional employees moving to new project location?

Full-Time:

2

Part-Time:

0

Total:

2

Please describe briefly the nature of the business in which the proposed tenant is/will be engaged. This should include NAICS Code; type of business and products or services; percent of total sales in Erie County and the United States:

PRECISION GEAR MANUFACTURER. THE NAICS CODE IS 333612. SALES IN ERIE COUNTY ARE 4.6% SALES IN THE UNITED STATES IN 2019 WAS 95.4%

Attach additional information as necessary.

History of Company (i.e. start-up, recent acquisition, publicly traded)

OLIVER GEAR WAS FOUNDED IN 1892 AND IS THE OLDEST CONTINUALLY OPERATING GEAR MANUFACTURER IN THE U.S.. NIAGARA GEAR WAS FOUNDED IN 1947 AND WAS ACQUIRED BY GEAR MOTIONS IN 2014.

Please list the square footage which the proposed tenant will lease at the Project location

55,943

Please list the square footage which the proposed tenant leases at its present location(s)

62,000

Describe the economic reason for either the increase or decrease in leased space.

CONSOLIDATION OF DUPLICATE DEPARTMENTS (QUALITY, SHIPPING/RECEIVING) WILL DRIVE EFFICIENCY AND REDUCE FLOORSPACE NEEDS.

Will the project result in a relocation and/or abandonment of other tenant/user(s) facilities in Erie County, or New York State?

Yes

Where is company relocating from?

Address:

OGI: 1120 NIAGARA STREET / NGC: 941 MILITARY ROAD

City/Town/Village:

BUFFALO / BUFFALO

State:

NY / NY

Zip:

14213 / 14217

If yes, please provide reason for move; i.e. larger/smaller facility required, competitive position, lease expiration, etc.

THE MOVE WILL BE TO CONSOLIDATE OUR BUFFALO OPERATIONS TO IMPROVE EFFICIENCY, REDUCE COSTS, AND LEVERAGE SCALE TO INCREASE OUR COMPETITIVE POSITION.

If owned, what will happen to the existing facility once vacated?

BOTH EXISTING FACILITIES VACATED WILL BE SOLD.

If leased, when does lease expire?

1/1/2015

Are any of the proposed tenant's current operations located in facilities which have received an Industrial Development Agency benefit?

Yes

If yes, please provide details as to location, and amount of leased space, how long leased?

941 MILITARY ROAD RECEIVED IDA IN THE PAST. THE LAST BENEFIT WAS THE ADDITION IN 2007 OF 6,870 SQUARE FEET OF MANUFACTURING SPACE TO THE CURRENT COMPANY OWNED FACILITY.

Is location necessary to:

Discourage your company from moving out of New York State

Yes

Maintain your company's competitiveness within the industry:

Yes

(if yes is checked on one or both please provide specific explanation as an attachment on company letterhead)

Will tenant/user's use of the project involve the sales of goods OR services to customers who personally visit the facility

No

If the answer is YES, are sales taxes collectible under Article 28 of the Tax Law of the State of New York on sales of these goods

No

Were local economic development officials contacted about the availability of alternative sites within the community you are leaving?

Yes

If yes, who was contacted and what was the outcome?

-CAROLYN POWELL AND KIM GRANT FROM INVEST BUFFALO NIAGARA-TOURED NUMEROUS EXISTING PROPERTIES AND NONE MET OUR SHORT AND LONG TERM REQUIREMENTS.

If no, why not?

Will present location be your company's headquarters?

No

If No, Where is the location of HQ:

City:

SYRACUSE

State:

NEW YORK

Form Completed By:

DEAN BURROWS

Relationship to Company:

PRESIDENT, GEAR MOTIONS

Section V: Environmental Questionnaire

General Background Information

Address of Premises Pirson Parkway, Tonawanda, NY - Address to be determined

Name and Address of Owner of Premises Tonawanda Pirson LLC 5505 Main Street Williamsville, NY 14221

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

Property known as "Mudflats"

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

Intended use to include general office and warehouse/manufacturing facility.

Describe all known former uses of the Premises

Vacant

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

History of radioactive materials from the Landfill site.

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

US Army Corps of Engineers in their September 2008 Record of Decision for the Mudflats Operable Unit gave an opinion that there was "no further action required".

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?

No

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

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

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

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?

No

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

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

None

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

None

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?

No

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

Are any of the air emission sources permitted?

<BLANK>

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

None

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

<BLANK>

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?

No

If yes, please identify the materials

Section VI: 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.

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? Yes

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

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:

THE COST TO MAINTAIN MANUFACTURING IN NEW YORK IS APPROXIMATELY 18-21% HIGHER THAN OTHER STATES INCENTIVIZING US TO RELOCATE. THE ASSISTANCE REQUESTED WILL HELP TO OFFSET SOME OF THIS DIFFERENCE.

Does this project involve relocation or consolidation of a project occupant from another municipality or abandonment of an existing facility?

Within New York State Yes

Within Erie County Yes

If Yes to either question, please, explain OGI - FROM THE CITY OF BUFFALO, OLIVER GEAR WILL RELOCATE TO TONAWANDA IN ERIE COUNTY. NGC - FROM KENMORE, NIAGARA GEAR WILL RELOCATE WITHIN TONAWANDA.

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

Yes

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.)

OLIVER GEAR IS SITUATED ON A PIECE OF PROPERTY THAT DOES NOT HAVE THE ABILITY TO EXPAND. THE PROPERTY IS IN THE MIDDLE OF A RENAISSANCE FOR NIAGARA STREET AND OLIVER GEAR'S MANUFACTURING PRESENCE IS NOT ALIGNED TO THE VISION OR FUTURE OF THE AREA.

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.)

- GRADE LEVEL DOCKS (2) -18-22' CEILING HEIGHT - ROOM FOR EXPANSION (30,000 FT. MORE)- AIR CONDITIONED - 50,000 MFG SPACE - RECESSED DOCKS (3) - 5,000 OFFICE SPACE

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?

Yes

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

THE KEY FACTOR WAS OUR EMPLOYEES. THE AVERAGE SENIORITY IS IN EXCESS OF 20 YEARS AND THE ABILITY TO FIND THIS LEVEL OF SKILLS ELSEWHERE WAS DEEMED LIMITED AND WOULD HURT OUR ABILITY TO BE SUCCESSFUL IN THE FUTURE.

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

CURRENT FACILITIES WILL BE SOLD. IF UNABLE TO SELL, THEY WILL BE LEASED OUT.

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.

SEE ATTACHED

Section VII: Adaptive Reuse Projects

Are you applying for tax incentives under the Adaptive Reuse Program? No

What is the age of the structure (in years)? 0

Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended) <BLANK>

If vacant, number of years vacant. 0

If underutilized, number of years underutilized. 0

Describe the use of the building during the time it has been underutilized:

Is the structure currently generating insignificant income? (Insignificant income is defined as income that is 50% or less than the market rate income average for that property class) <BLANK>

If yes, please provide dollar amount of income being generated, if any \$

If apartments are planned in the facility, please indicate the following:

	Number of Units	Sq. Ft. Range Low to High	Rent Range Low to High
1 Bedroom	0		\$
2 Bedroom	0		\$
3 Bedroom	0		\$
Other	0		\$

Does the site have historical significance? No

Are you applying for either State/Federal Historical Tax Credit Programs? No

If yes, provide estimated value of tax credits \$

Briefly summarize the financial obstacles to development that this project faces without ECIDA or other public assistance. Please provide the ECIDA with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages)

Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide ECIDA with documentation of this support in the form of signed letters from these entities

Please indicate other factors that you would like ECIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site has historical significance, site or structure is presently delinquent in property tax payments

Project is located in a long term vacant or under utilized area in the Town of Tonawanda next to the 290 Expressway. This Project will further the Town of Tonawanda's efforts to rebuild its commercial tax base.

Section VIII: Senior Citizen Rental Housing Projects

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

No

Has the project received written support from the city, town or village government in which it is located?

<BLANK>

Describe the location of the project as it relates to the project's proximity to the town / village / city center or to a recognized hamlet.

Is the project consistent with the applicable municipal master plan?

<BLANK>

If yes, please provide a narrative identifying the master plan (by name) and describing how the project aligns with the plan details

Does the project advance efforts to create a walkable neighborhood and community in proximity to important local amenities and services?

<BLANK>

If yes, please provide a narrative describing the walkable nature of the project including access seniors would have to specific neighborhood amenities.

Has a market study shown that there is a significant unmet need in the local community or specific neighborhood where seniors are unable to find appropriate housing opportunities?

<BLANK>

Is the project located in an area (defined as a 1 – 5 mile radius of the project site) where there are significant local resident populations that are at or below the median income level?

<BLANK>

If yes, please describe how you made this determination based upon census tract and other relevant third party data.

Does the project provide amenities that are attractive to seniors and differentiates the project from standard market rate housing?

<BLANK>

If yes, please describe these amenities (examples may include: community rooms, social / recreational activity areas, senior-oriented fixtures and safety amenities, security systems, call systems, on site medical services)

Are there impediments that hinder the ability to conventionally finance this project and /or negatively impact the project's return on investment?

<BLANK>

If yes, please briefly summarize the financial obstacles to development that this project faces without IDA or other public assistance. Please provide the IDA with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages)

Will the project target (and maintain during the incentive period) a minimum 50% occupancy rate of senior citizens whose income is at or below 60-80% of the median income for Erie County?

<BLANK>

If yes, please describe provide a narrative citing key facts that substantiate this finding.

Section IX: Retail Determination

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.

What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? 0 %

If the answer to this is **less than 33%** do not complete the remainder of the page and proceed to the next section (Section V: Inter-Municipal Move Determination).

If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

Will the project be operated by a not-for-profit corporation? <BLANK>

Is the project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located? <BLANK>

If yes, please provide a third party market analysis or other documentation supporting your response.

Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality? Are services provided at the proposed project site needed because of a lack of reasonably accessible retail trade facilities offering such goods or services? <BLANK>

If yes, please provide a market analysis supporting your response.

Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in the State of New York? <BLANK>

If yes, explain

Is the project located in a Highly Distressed Area? <BLANK>