



6122 South Park Avenue
Hamburg, New York 14075
716.648.4145
www.HamburgIDA.com

**Hamburg Industrial Development Agency
Board of Directors Meeting
MEETING AGENDA
Wednesday, December 11, 2024, 7:30 AM
Blasdell Village Hall, Court Room, 121 Miriam Avenue, Blasdell, New York**

Join Zoom Meeting

<https://us02web.zoom.us/j/85240174874?pwd=YzJnU3JicnhSSVZyQ0xxMm1sejlkUT09>

Meeting ID: 852 4017 4874

Passcode: 14075

1. Roll Call
2. Reading and Approval of November 2024 Minutes
3. Report of the Treasurer – November Treasurer Report
4. Executive Director Update

New Business

- Resolution Appointment of Agency Counsel 2025
- Resolution Assumption of Billy - Lee, LLC
- Resolution in Opposition of Development Moratorium

Unfinished Business

- None

5. Privilege of the Floor
6. Executive Session
7. Adjournment

Next meeting: January 8, 2025 7:30 AM Blasdell Village Hall

~ Seasons Greetings ~



Unapproved/draft
(BOD motion for approval at 12/11/24 meeting)

6122 South Park Avenue
Hamburg, New York 14075
716.648.4145
www.HamburgIDA.com

**Hamburg Industrial Development Agency
Board of Directors Meeting
November 13, 2024, 7:30am
Blasdell Village Hall**

Present

Bob Reynolds
Tom Moses
Mary Ann Costello
Jamel Perkins
Bob Hutchison
Janet Plarr
Cam Hall

Excused

Wence Valentin
Andy Palmer

Guests

Jennifer Strong, Neill & Strong
Mary Doran, HIDA
Mike Gacioch, South Park Equity Enterprises, LLC (Zoom)
Dan Kersch, South Park Equity Enterprises, LLC

Executive Director

Sean Doyle

Note: Board Chair, Bob Hutchison ran the board meeting today, Executive Director Doyle was in attendance but under the weather.

- Pledge of Allegiance

-Roll Call

-Motion to open the board meeting at 7:35am

Moved: Janet Plarr **Seconded:** Jamel Perkins
Ayes: Reynolds, Moses, Costello, Hutchison, Plarr, Hall, Perkins
Nays: none
Carried

-Motion to approve the October 2024 board meeting minutes

Moved: Janet Plarr **Seconded:** Mary Ann Costello
Ayes: Reynolds, Moses, Costello, Hutchison, Plarr, Hall, Perkins
Nays: none
Carried

Treasurer, Bob Reynolds, gave an update on the financials. September had income of \$4,670.29 and general operating expenses totaled \$13,111.71, income over expenses negative \$9,265.61, total assets equal \$951,177.03.

-Motion to approve the October 2024 Treasurer Report

Moved: Jamel Perkins **Seconded:** Tom Moses
Ayes: Reynolds, Moses, Costello, Hutchison, Plarr, Hall, Perkins
Nays: none
Carried

WHEREAS, the assistance contemplated by the Agency will include a Consolidation, Extension and Modification Agreement and/or Subordination Agreement relating to the mortgage on the Property; with no mortgage tax abatement; and the continuation, without amendment of the real property tax abatement in accordance with existing Agency Uniform Tax Exemption Policy Guidelines; and

WHEREAS, the New Lessee has submitted an Eligibility Questionnaire and other materials and information to the Agency (collectively hereinafter the "Eligibility Questionnaire") to initiate the accomplishment of the above; and

WHEREAS, no public hearing is required to be held by the Agency; and

WHEREAS, the Eligibility Questionnaire sets forth certain information with respect to the New Lessee, including the following: that the New Lessee desires Agency assistance with respect to the Project. If the assistance is granted, **the New Lessee anticipates retaining 6 FTE and 2 PTE at the Project location**; that there will be no adverse disruption of existing employment at facilities of a similar nature in the Village or Town of Hamburg; if Agency assistance is disapproved, the New Lessee would have to terminate or scale back the Project negatively impacting future growth in New York; and that, therefore, Agency assistance is necessary to encourage the New Lessee to proceed with the Project in the Village and Town of Hamburg; and

WHEREAS, the Agency desires to further encourage the New Lessee with respect to the Project, if by so doing it is able to induce the New Lessee to proceed with the Project in the Village of Hamburg.

NOW, THEREFORE, THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY HEREBY RESOLVES AS FOLLOWS:

Section 1. The Agency hereby determines that the assignment and assumption of the 2019 Project and the financing or other assistance thereof by the Agency pursuant to the New York State Industrial Development Agency Act will promote and is authorized by and will be in furtherance of the policy of the State as set forth in said Act. The Agency further hereby determines, on the basis of the Eligibility Questionnaire and supplemental information furnished by the New Lessee, as follows: (a) it would not have financed or otherwise assisted the Project except to induce the location of the Project in the area to be served by the Project as there is a demonstrable need for the Project; (b) that Agency financing and/or other assistance is reasonably necessary to promote economic development and to induce the New Lessee to proceed with the Project; (c) there will be no substantial adverse disruption of existing employment or facilities of a similar nature to the Project in such area; (d) the Project will allow the New Lessee to expand its business in the Town of Hamburg; (e) the Project will create retain employment and provide substantial capital investment; The Agency further determines, on the basis of the New Lessee's Eligibility Questionnaire that; (f) the Project as represented is reasonably necessary to provide the purposes of the Act, subject to verification and confirmation of such representations prior to the entry into the proposed transaction and (g) the Project is an integral part of the New Lessee's plan to proceed with the Project in the Village of Hamburg.

Section 2. The Chairman, Vice Chairman, Executive Director, Secretary and Assistant Secretary of the Agency and other appropriate officials of the Agency and its agents and employees are hereby authorized and directed to take whatever steps may be necessary to cooperate with the New Lessee to assist in the acquisition and refinancing of the 2019 Project.

Section 3. The New Lessee is authorized to initiate the Project at a total Project Cost of approximately \$34,000,000, subject to the obtaining of all required approvals from the Village of Hamburg and other involved governmental agencies, and to advance such funds as may be necessary to accomplish such purposes.

Section 4. The Agency is hereby authorized to enter into such agreements with the New Lessee, as the Chairman, Vice Chairman, Executive Director, Secretary or Assistant Secretary or other officer may deem necessary in order to accomplish the above.

Section 5. Any expenses incurred by the Agency with respect to the Project and the financing thereof shall be paid by the New Lessee. By acceptance hereof, the New Lessee agrees to pay such expenses and further agrees to indemnify the Agency, its members, directors, officers, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the Project and the financing thereof.

Section 6. The Agency hereby authorizes and approves the continuation in the name if the New Lessee the real property tax abatement benefits structured through the existing **seven year PILOT** ("PILOT Agreement").

Section 7. The Agency hereby authorizes and approves that the value of the assigned, consolidated, extended and modified mortgage to be placed upon the facility of approximately \$21,775,000.00; but that **there will be no** mortgage tax exemption benefit.

Section 8. *The execution and delivery of a Project and Agent Agreement, Closing Agreement, an Assignment and Assumption Agreement and/or Amended and Restated Lease to Agency, and Amended and Restated Leaseback Agreement between the Agency and the New Lessee, each being substantially in the form approved by the Agency for prior transactions or in form approved by the Chairman, Vice Chairman, Executive Director, Secretary or Assistant Secretary is hereby authorized. The appropriate officers of the Agency are hereby authorized to execute, seal, acknowledge and deliver such agreement and any and all papers, instruments, opinions, certificates, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this resolution. The execution and delivery of each such instrument shall be conclusive evidence of due authorization and approval.*

Section 9. *The execution and delivery of a Consolidation, Extension and Modification Agreement and/or Subordination Agreement from the Agency and the New Lessee to a lender selected by the New Lessee and approved by the Chairman, Vice Chairman, Executive Director, Secretary or Assistant Secretary of approximately \$21,775,000 and other ancillary documents, if required, which mortgage and ancillary documents shall be substantially in the form approved by the Agency for prior transactions or in form approved by the Chairman, Vice Chairman, Executive Director, Secretary or Assistant Secretary is hereby authorized. The appropriate officers of the Agency are hereby authorized to execute, seal, acknowledge and deliver such agreement and any and all papers, instruments, opinions, certificates, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this resolution. The execution and delivery of each such instrument shall be conclusive evidence of due authorization and approval.*

Section 10. *The Agency has made and makes no representation or warranty whatsoever, either express or implied, with respect to the merchantability, condition, environmental status, fitness, design, operation or workmanship of any part of the Project, its fitness for any particular purpose, the quality or capacity of the materials in the Project, or the suitability of the Project for the New Lessee's purposes or needs. The New Lessee is satisfied that the Project is suitable and fit for New Lessee's purposes. The Agency shall not be liable in any manner whatsoever to anyone for any loss, damage or expense of any kind or nature caused, directly or indirectly, by the Project property or the use or maintenance thereof or the failure of operation thereof, or the repair, service or adjustment thereof, or by any delay or failure to provide any such maintenance, repairs, service or adjustment, or by any interruption of service or loss of use thereof or for any loss of business howsoever caused, and the New Lessee hereby indemnifies and holds the Agency harmless from any such loss, damage or expense.*

Section 11. *The provisions of Section 875 of the General Municipal Law shall apply to this Project. In the event it is determined that an agent, project operator or other person or entity obtained state sales and use exemptions benefits for which they were not entitled to or which were in excess of the amount authorized or which are for property or services not authorized or taken in cases where such New Lessee, its agents, project operators or other person or entity failed to comply with a material term or condition to use property or services in the manner required by Agreements entered into between the Agency and the applicant with respect to the Project, the agent, project operator or other person or entity shall comply with all the provisions of Section 875 and pay back to the Agency the amount of the state sales and use tax exemptions benefits that they obtained but were not entitled to.*

Section 12. *Should the Agency's participation in this Project be challenged by any party, in the courts or otherwise, the New Lessee shall defend, indemnify and hold harmless the Agency and its members, officers and employees from any and all losses arising from such challenge, including, but not limited to, the fees and disbursements of the Agency's counsel. Should any court of competent jurisdiction determine that the Agency is not authorized under Article 18-A of the General Municipal Law to participate in the Project, this resolution shall automatically become null, void and of no further force and effect, and the Agency shall have no liability to the New Lessee hereunder or otherwise.*

Section 13. *This resolution is subject to compliance with all local building and zoning requirements.*

Section 14. *The Agency has reviewed the Application and has determined that this action is a Type II action under the State Environmental Quality Review Act, being Article 8 of the New York State Environmental Conservation Law.*

Section 15. *The provisions of the Town of Hamburg Industrial Development Agency Policy for Recapture and/or Termination or Modification of Financial Assistance and Local Labor Policy shall be applicable to this Project.*

Section 16. *This Resolution shall take effect immediately and shall continue in full force and effect for one (1) year from the date hereof and on or after such one (1) year anniversary, the Agency may, at its option (a) terminate the effectiveness of this Resolution (except with respect to the obligations of the New Lessee pursuant to Sections 10, 11, 12 and 15 of this Resolution which shall survive any expiration or termination) or (b) allow the New Lessee additional time in which to close the transactions contemplated by this Resolution based upon affirmative actions taken by the New Lessee to complete such transactions. Upon any allowance of additional time to close, the Agency may charge the New Lessee an extension fee in accordance with the Agency's fee schedule.*

Moved: Bob Reynolds

Seconded: Janet Plarr

Bob Reynolds inquired if the Hilbert Access Agreement is set to be transferred to the prospective new owners. Doyle stated he talked to Hilbert College President Dr. Brophy and everything was good.

Mike Gacioch talked to the project on behalf of his family's company HG Equity Enterprises based in Orchard Park, New York. They own and operate apartment complexes across the county, 19 locally including two in Hamburg; Clifton Heights and Bradford Place. They are not developers specifically property managers. They see this as a unique opportunity to own a beautiful property in Hamburg and plan to operate it as it has been.

Cam Hall asked about the "entity to be formed" language in the resolution. Attorney Strong said that was written in as a precaution so they do not have to go back to the board and amend the resolution if another entity was formed.

They are simply transferring the current benefits on the property, 3 years left on the PILOT with no additional benefits. It is not an unusual request and it has been done in the past.

Roll Call Vote: Hall –Aye, Hutchison – Aye, Reynolds – Aye, Perkins – Aye, Moses – Aye, Plarr – Aye, Costello – Aye.

Nays: none

Carried

-Motion to move into Executive Session for personnel issues at 8:00am

Moved: Bob Reynolds

Seconded: Bob Hutchison

Ayes: Reynolds, Moses, Costello, Hutchison, Plarr, Hall, Perkins

Nays: none

Carried

-Motion to move out of Executive Session at 8:05am with no action taken

Moved: Janet Plarr

Seconded: Bob Reynolds

Ayes: Reynolds, Moses, Costello, Hutchison, Plarr, Hall, Perkins

Nays: none

Carried

-Chairman Bob Hutchison proceeded with reading the following resolutions;

Whereas, Sean Doyle is a valued employee of the Town of Hamburg IDA, and works diligently to bring new business into the Town and,

Whereas, the HIDA Board wishes to recognize his hard work, dedication and the unstoppable effort he brings to the job and,

Whereas the HIDA Board wishes to reward Mr. Doyle for his service

Now therefore let it be resolved, that:

1. That the HIDA pay Mr. Doyle a bonus in the amount of \$10,000 for the year 2024 in the first payroll in December

2. This resolution shall take effect immediately.

Moved: Cam Hall

Seconded: Janet Plarr

Ayes: Reynolds, Moses, Costello, Hutchison, Plarr, Hall, Perkins

Nays: none

Carried

Whereas, HIDA Executive Assistant Mary Doran a valued employee of the Town of Hamburg IDA, and a diligent worker and,
Whereas, the HIDA Board wishes to reward Mary for her service, hard work and dedication.

Now therefore let it be resolved, that:

1. That the HIDA pay Mary Doran a bonus in the amount of \$3,000 for the year 2024 in the first payroll in December
 2. This resolution shall take effect immediately.
-

Moved: Bob Reynolds **Seconded:** Jamel Perkins
Ayes: Reynolds, Moses, Costello, Hutchison, Plarr, Hall, Perkins
Nays: none
Carried

-Privilege of the Floor – no comments

-Motion to adjourn at 8:10am

Moved: Bob Reynolds **Seconded:** Janet Plarr
Ayes: Reynolds, Moses, Costello, Hutchison, Plarr, Hall, Perkins
Nays: none
Carried

Sincerely,

Sean Doyle, Executive Director

**Next meeting: December 11, 2024
7:30am Blasdel Village Hall**

Treasurer's Report

November 2024

12/04/24

Accrual Basis

	Nov 24	Jan - Nov 24
Ordinary Income/Expense		
Income		
Administrative Fees	0.00	209,523.25
Application Fees	0.00	1,000.00
Interest Earnings - Bank Acct	577.56	2,934.62
Interest Earnings CD	0.00	11,125.80
Interest Income Demand Deposit	1,692.33	23,215.23
Refund	0.00	-15,206.06
Reimbursement Account - HDC	0.00	5,000.00
Total Income	2,269.89	237,592.84
Gross Profit	2,269.89	237,592.84
Expense		
Business Expenses		
Meetings/luncheons	0.00	756.87
Mileage	45.85	1,023.09
Total Business Expenses	45.85	1,779.96
Cell Phone	83.33	916.63
Complete Payroll		
Employee Health Insurance	852.90	10,234.80
Employer Payroll Taxes	1,339.20	11,120.22
Payroll and Benefits	17,454.18	137,559.39
Processing Payroll	114.70	1,445.13
Total Complete Payroll	19,760.98	160,359.54
Employer Insurance Policies		
D&O Insurance	0.00	1,450.00
Disability & Paid Family Leave	0.00	877.12
Workers Comp	0.00	508.00
Total Employer Insurance Policies	0.00	2,835.12
Grants	0.00	50,000.00
IT Support	0.00	250.00
Legal & Professional Services		
Audit	0.00	5,250.00
Legal & Professional Services - Other	0.00	125.00
Total Legal & Professional Services	0.00	5,375.00
Membership Dues	1,640.00	6,365.00
Office Expenses		
Postage	0.00	182.89
Subscriptions	0.00	278.90
Supplies	1,251.12	2,020.49
Office Expenses - Other	0.00	97.85
Total Office Expenses	1,251.12	2,580.13
Public Hearings	0.00	3,057.44
Rent	400.00	4,400.00
Sponsorship	0.00	3,130.00
Training	0.00	610.00
Total Expense	23,181.28	241,658.82
Net Ordinary Income	-20,911.39	-4,065.98
Other Income/Expense		
Other Expense		
Other expense	300.00	300.00
Total Other Expense	300.00	300.00
Net Other Income	-300.00	-300.00
Net Income	-21,211.39	-4,365.98

Prepared By: 

Town of Hamburg Industrial Development Agency

Treasurer's Report

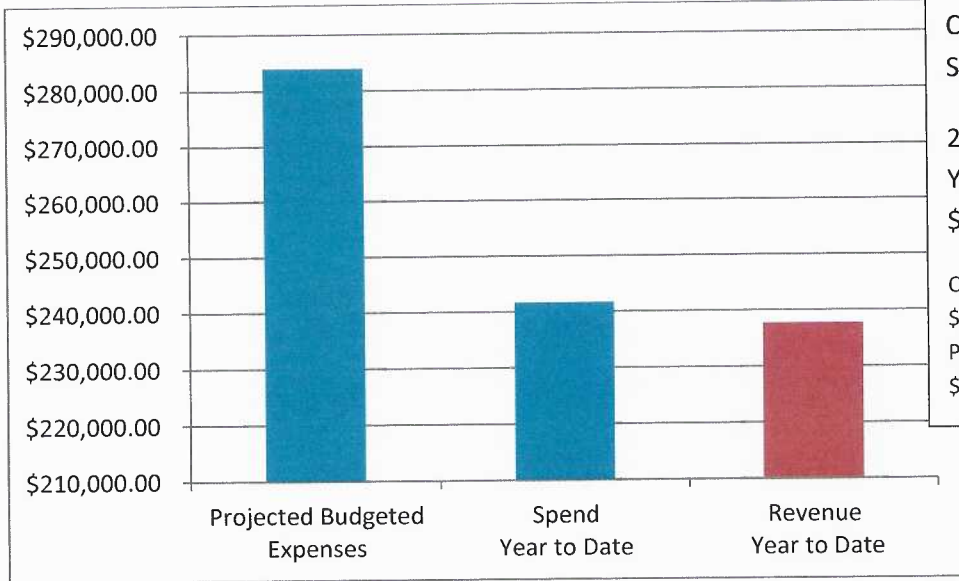
As of November 30, 2024

	Nov 30, 24	Dec 31, 23
ASSETS		
Current Assets		
Checking/Savings		
Cash		
Cash-Checking	5,526.28	21,019.42
Cash-Savings	187,358.92	54,446.99
CD (renewed matures 3/2025)	250,000.00	250,000.00
Demand Deposit Account	487,080.44	608,865.21
Total Cash	929,965.64	934,331.62
Total Checking/Savings	929,965.64	934,331.62
Total Current Assets	929,965.64	934,331.62
TOTAL ASSETS	929,965.64	934,331.62
LIABILITIES & EQUITY		
Equity		
Opening Balance Equity	499,980.27	499,980.27
Retained Earnings	434,351.35	573,013.48
Net Income	-4,365.98	-138,662.13
Total Equity	929,965.64	934,331.62
TOTAL LIABILITIES & EQUITY	929,965.64	934,331.62





Financial Performance



2023 Payment in Lieu of Tax Revenue
 Town \$358,750
 County \$369,514
 School \$833,821 (2024/2025)

2024 Approved PILOT Capital Investment
 Year to Date (YTD)
 \$9,735,000

Capital Investment Since 2018
 \$308,577,884
 PILOT Revenue Since 2018
 \$13,731,421

Receivables due \$33,877

IDA Project Employment

Current Employment (2023): 1311
 New Jobs Created (2023): 376
 New Committed Employment 2024
 Created: 10 Retained: 63
Reported as full time equivalent jobs

Sponsorships and Grants YTD

Pitch Hamburg Inc. \$50,000 – Startup Training
 InVest Buffalo Niagara \$5,000 – Regional Development

Project Activity

CLOSINGS	
Name	Expiration
T&L Beachfront Holdings	July 1, 2026
South Park Equity Enterprises	November 20, 2025

Hamburg Development Corporation
 1 Assumption
 Annual Meeting – January 14, 2025

- 3556 Lakeshore – Gateway Building- under contract
- Jeffrey Blvd – 10ac industrial for sale under contract

Prime Sites

- Corssroads Site – 21ac Industrial Land Sale
- Lake Erie Commerce Center – Build to suit lease
- 5272 South Park – re-use
- 4901 South Park – 60,000 SF sale / lease
- 3651 South Park – new build office
- 3970 Big Tree –10,000 SF for lease
- 4255 McKinley – 9,000 SF office

Community Engagement

- Town of Hamburg BOA
- Village EDC – Monthly Meeting
- Stadium Area Zoning
- Village of Hamburg BOA
- Town Code Review



**E-ONE IS HOSTING A
HIRING EVENT**

THURSDAY, DECEMBER 12, 2024 | 5:00PM - 7:00PM
EVENT AT E-ONE WELCOME CENTER
1601 SW 37TH AVE, OCALA, FL 34474

WHAT WE OFFER

- Competitive Pay
- Paid Time Off
- 401K Match
- Vacation & Holidays
- Medical Benefits (start on Day 1)
- Tuition Reimbursement
- Growth Opportunities
- Community Involvement
- Volunteer Opportunities

**WE ARE LOOKING FOR QUALIFIED/EXPERIENCED
INDIVIDUALS TO FILL THE FOLLOWING POSITIONS:**

- Automotive Mechanics
- Automotive Electricians
- Automotive Painters
- Fabricators/CNC Operators
- Welders MIG Aluminum
- Welders MIG Steel
- Material Sanders
- Production Assemblers
- Automotive Plumbers
- Material Handlers

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Advocacy and Legislation

- Amherst / Clarence / ECIDA Meeting
- Hamburg Town Board

Business Development

- Ruh Development – mixed use
- Goodwill – Available office space
- Ford Meeting
- Bank On Buffalo



January 8, 2025 7:30 AM – HIDA Board Meeting

January 14, 2025 – Annual Meeting



NEILL & STRONG

ATTORNEYS AND COUNSELORS P.C.

NATHAN S. NEILL (1949-2018)
JENNIFER L. STRONG, ESQ.

WWW.NEILLSTRONG.COM

716-937-3353 OFFICE
716-937-7222 FAX

13166 MAIN STREET
ALDEN, NEW YORK 14004

JENNIFER L. STRONG, ESQ. | JLSTRONG@NEILLSTRONG.COM

November 18, 2024

Sean Doyle, Executive Director
Chairman Hutchison and Honorable Board
Hamburg Development Companies
6122 South Park Avenue
Hamburg, New York 14075

**Re: Reappointment for Transaction Counsel to the
Town of Hamburg Industrial Development Agency and the
Hamburg New York Land Development Corporation**

Dear Sean and Honorable Board:

I respectfully request that Neill & Strong Attorneys and Counselors P.C. be reappointed to the position of Transaction Counsel for the Town of Hamburg Industrial Development Agency and the Hamburg New York Land Development Corporation for the year 2025.

I have enjoyed working with each of you and to assist in the economic growth of the Town of Hamburg. I look forward to a continued relationship with both Boards.

Thank you for your consideration in regard to this request.

Sincerely yours,

JENNIFER L. STRONG

JLS/

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY CONSENTING TO A CHANGE IN OWNERSHIP OF BILLY-LEE L.L.C.; CONSENTING TO A MORTGAGE WITH EVANS BANK AND; CONSENTING TO THE MERGER OF BILLY-LEE L.L.C WITH 4760 CAMP ROAD L.P. ("NEW LESSEE") IN REGARD TO THE FACILITY KNOWN AS S-4760 CAMP ROAD, HAMBURG, NEW YORK.

WHEREAS, Billy-Lee, LLC (the "Lessee") previously entered into negotiations with the Town of Hamburg Industrial Development Agency (the "Agency") with respect to a lease leaseback transaction for the purchase and equipping of an approximately 9.7 acre parcel with three buildings located at S- 4760 Camp Road, Hamburg, New York, by the Lessee, as Agent for the Agency, for lease to the Agency and subsequent Leaseback to the Lessee, for further sublease to E-One, Inc. ("Sublessee") who will be the sole occupant, all for the provision of a fire truck manufacturing Facility (the "Project"); and

WHEREAS, Billy-Lee, LLC (the "Lessee") further previously entered into negotiations with the Town of Hamburg Industrial Development Agency (the "Agency") with respect to a lease only transaction for the purchase, construction and equipping of an approximately 10,000 square foot addition to an existing building located at S-4760 Camp Road, Hamburg, New York, by the Lessee, as Agent for the Agency, for lease to the Agency and subsequent Leaseback to the Lessee, for further sublease to E-One, Inc. ("Sublessee") who will be the sole occupant, all for the provision of a fire truck manufacturing Facility (the "Project"); and

WHEREAS, the Agency acquired a leasehold interest in the Facility pursuant to a certain Lease to Agency, dated as of February 1, 2018, between BILLY-LEE, L.L.C. as lessor, and the Agency, as lessee, (the "Lease to Agency") and leased the Facility back to BILLY-LEE, L.L.C. pursuant to a certain Leaseback Agreement, dated as of February 1, 2018, between the Agency, as lessor and BILLY-LEE, L.L.C. , as lessee, (the "Leaseback Agreement"); and

WHEREAS, BILLY-LEE L.L.C. and the members of BILLY-LEE, L.L.C. have entered into a Contract with 4760 CAMP ROAD L.P., whereby 4760 CAMP ROAD L.P. will acquire the entire membership interests of BILLY-LEE, L.L.C; and

WHEREAS, BILLY-LEE L.L.C. will enter into a mortgage refinance transaction with EVANS BANK, N.A. in the amount of \$4,275,000.00; and

WHEREAS, BILLY-LEE L.L.C. will merge into 4760 CAMP ROAD L.P.; and

WHEREAS, the New Lessee has submitted an Eligibility Questionnaire and other materials and information to the Agency (collectively hereinafter the "Eligibility Questionnaire") to initiate the accomplishment of the above: the Agency's consent to the sale of the Membership interest in BILLY-LEE L.L.C. to 4760 CAMP ROAD L.P. with the continuation of the existing PILOT; the consent to a mortgage with Evans Bank, N.A in an approximate amount of \$4,275,000.00 with a mortgage tax abatement not to exceed **\$32,063.00**; and consent to the merger of BILLY-LEE L.L.C. into 4760 CAMP ROAD L.P; and

WHEREAS, the assistance contemplated by the Agency will include mortgage tax abatement; and

WHEREAS, the facility will remain occupied by E-One, Inc. ("Sublessee") who will be the sole occupant, and will remain a fire truck manufacturing Facility; accordingly, there will be no change in the Payment in Lieu of Taxes ("PILOT") Provisions that are currently in place. attached as Exhibit C to the Leaseback Agreement; and

WHEREAS, a public hearing is not required to be held by the Agency.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. The Agency hereby consents to the sale of the membership of BILLY-LEE L.L.C. to 4760 CAMP ROAD L.P. , as required by Section 6.1 of the Lease Back Agreement .

Section 2. The Agency has reviewed the request for consent and has determined that this action is a Type II action under the State Environmental Quality Review Act, being Article 8 of the New York State Environmental Conservation Law.

Section 3. The Applicant agrees that if requested consent is granted that the New Lessee will at the Project location and will comply with all reporting requirements pursuant to the Lease to Agency between the Lessee and the Agency dated as of February 1, 2018, the Leaseback Agreement between the Lessee and the Agency dated February 1, 2018; the Closing Agreement between the Lessee and the Agency dated as of February 1, 2018; and the Project and Agent Agreement between Lessee and the Agency dated April 1, 2022.

Section 4. The Agency hereby consents to the execution and delivery of a Mortgage in the amount of \$4,275,000.00 with EVANS BANK, N.A.; an Assignment of Leases and Rents with EVANS BANK, N.A. and other ancillary closing documents.

Section 5. The execution and delivery of Mortgage and the Assignment of Leases and Rents in the form approved by the Chairman, Vice Chairman, Executive Director or Assistant Secretary is hereby authorized. The appropriate officers of the Agency are hereby authorized to execute, seal, acknowledge and deliver such Mortgage and Assignment of Rents as well as all other necessary ancillary documents.

Section 6. The Agency determines that the PILOT provisions shall remain unchanged as there is no change in use or in the occupancy of the Facility.

Section 7. The Agency hereby consents to the merger of BILLY-LEE L.L.C. into 4760 CAMP ROAD L.P. , as required by Section 6.1 of the Lease Back Agreement.

Section 8. 4760 CAMP ROAD L.P. agrees that it will pay all Agency Administrative Fees and legal fees due at closing.

Section 9. This resolution shall take effect immediately.

Adopted: December 11, 2024

Accepted: December ____, 2024

4760 CAMP ROAD L.P.

By _____
Name:
Title:

BILLY-LEE L.L.C.

By _____
Name:
Title:

C) Company Contact (if different from individual completing application)

Name: Michael B. Greenberg

Title: President

Address: 90 Earhart Drive – Suite 6

Address 2:

City: Williamsville State: New York Zip: 14221

Phone: (416) 577-3401 Fax:

Email: mbgreenberg@icloud.com

D) Company Counsel:

Name of Attorney: Keith R. Wesolowski, Esq.

Firm Name: Wesolowski Law Group, P.C.

Address: 63 Park Club Lane

Address 2 :

City: Williamsville State: New York Zip: 14221

Phone: (716) 208-7080 Fax: (716) 778-1230

Email: keith@wesolowskilaw.com

E) Assistance being requested of the Agency (select all that apply):

- 1. Exemption from Sales Tax
- 2. Exemption from Mortgage Tax
- 3. Exemption from Real Property Tax
- 4. Tax Exempt Financing *

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

F) Business Organization (check appropriate category)

- | | | | |
|--------------------|--------------------------|---------------|-------------------------------------|
| Corporation | <input type="checkbox"/> | Partnership | <input checked="" type="checkbox"/> |
| Public Corporation | <input type="checkbox"/> | Joint Venture | <input type="checkbox"/> |

Sole Proprietorship

Limited Liability Company

Type of Business: Real Estate Holding Company (underlying tenant constructs fire trucks and related equipment)

Type of Ownership: Limited Liability Company (Billy-Lee, L.L.C.); Limited Partnership (4760 Camp Road L.P.)

Year Established: 1997 (Billy-Lee, L.L.C.); 2024 (4760 Camp Road L.P.)

State of Organization: New York

G) List all stockholders, members, partners with % of ownership greater than 20%:

Name	% of ownership
Michael B. Greenberg	100% Beneficial (99% as Limited Partner of 4760 Camp Road L.P.; 1% indirectly as Sole Shareholder of BLR Property Maintenance Inc., the 1% General Partner of 4760 Camp Road L.P.)

H) Applicant Business Description

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

Billy-Lee, L.L.C. / 4760 Camp Road L.P. are real estate holding companies.

Project tenant is E-One, Inc. E-One, Inc. constructs fire trucks and related equipment, which it sells to national and international customers. Tenant's activity on the project site will continue following completion of the contemplated transactions.

Estimated % of sales within County:	10%
Estimated % of sales outside County but within New York State:	10%
Estimated % of sales outside New York State but within the U.S.:	70%
Estimated % of sales outside of U.S.	10%

(Percentage to equal 100%)

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

***the Local Labor Area is defined in the Local Labor Policy attachment ([LIVE LINK TO POLICY](#))**

If no, indicate name of present owner of the project site: Billy-Lee, L.L.C. is the current record holder of title to the Project Site. As part of the contemplated transaction Billy-Lee, L.L.C. will be acquired by and merged into 4760 Camp Road L.P.

Does applicant or related entity have an option/contract to purchase the Project site: X Yes No

Describe the present use of the proposed project site: Present use of the project site is by tenant E-One, Inc. for the construction of fire trucks and related equipment. The present use of the project site will not be affected by the contemplated transaction and the tenant will remain on the project site.

B) Please provide narrative of 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)

The current Project Site is being used for the construction of fire trucks and related equipment by tenant E-One, Inc. The Project Site is subject to prior project undertakings with the Agency that run through 2027. The contemplated transaction will not affect activity by the tenant at the site.

The current record holder of title to the Project Site is Billy-Lee, L.L.C., which is 100% owned by the Estate of the late William Savage. Applicant 4760 Camp Road L.P. (Michael B. Greenberg, beneficial owner) is acquiring Billy-Lee, L.L.C. and, with it the Project Site, from the Estate of William Savage. Mr. Greenberg currently owns (through other real estate holding entities) a series of commercial properties in Western New York, including Hamburg Holiday Village Plaza (5470 Camp Road, Hamburg); 485 Sunset Drive, Hamburg; and 4909 Southwester Boulevard, Hamburg. Mr. Greenberg is a "buy-and-hold" investor. Mr. Greenberg's acquisition of the Project Site brings stability to the property in the wake of William Savage's passing, and Mr. Greenberg is undertaking this transaction with a view toward expanding activities at the Project Site as the Project Site approaches the end of its current program through the Hamburg IDA in 2027.

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.

Mr. Greenberg's acquisition of the Project Site will be funded by a mortgage being obtained through Evans Bank, N.A. The present application seeks the Agency's consent to the change in beneficial ownership of the Project Site as well as consent to and participation in the Evans Bank mortgage. The Agency's participation in the Evans Bank mortgage will yield substantial mortgage recording tax savings that will make the acquisition more affordable for Mr. Greenberg, thus enabling him to undertake the acquisition and accelerate expansion at the Project Site.

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

X Yes No

If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and the Town of Hamburg and Erie County.

If the Applicant does not receive the Agency's consent to the beneficial change in ownership, proceeding with the contemplated acquisition would trigger an event of default on the current lease-back arrangement with the Agency for the Project Site. An event of default, if accompanied by a loss in current financial incentives/PILOT program would dramatically increase costs of ownership of the Project Site, as well as costs that would be incurred by the tenant, E-One, Inc. Meanwhile,

Will Project include leasing any equipment: Yes No

If yes, please describe equipment and lease terms

The present application does not require the leasing of any new equipment. That said, the present activity of E-One, Inc. as a tenant at the Project Site will continue and, to the extent that E-One, Inc. is leasing any equipment, such leasing activity will continue.

Site Characteristics:

Will the project meet zoning/land use requirements at the proposed location? Yes No

Describe the present zoning/land use: Industrial

Describe required zoning/land use, if different: No change to zoning/land use required.

If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements. No change to zoning/land use is required by the contemplated transaction.

Is the proposed project located on a site where the known or potential presence of contaminants is complicating the development/use of the property? If yes, please explain. No – no known/potential presence of contaminants.

Has a Phase 1 Environmental Assessment been prepared or will one be prepared with respect to the proposed project site? Yes No. If yes, please provide a copy.

C) Have any other studies or assessments been undertaken with respect to the proposed project site that indicate the known or suspected presence of contamination that would complicate the site's development? Yes No.

If yes, please provide copies of the study.

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

Not Applicable.

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

Does or will the company or project occupant perform research and development activities on new products/services at the project location? Yes No

If yes, please explain: Not Applicable.

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

Not Applicable.

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 users as identified below.

Retail Sales: Yes No

Services: Yes 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.

Manufacturing	<input checked="" type="checkbox"/>	Back Office	<input type="checkbox"/>
Acquisition of Existing Facility	<input type="checkbox"/>	Retail	<input type="checkbox"/>
Housing	<input type="checkbox"/>	Mixed Use	<input type="checkbox"/>
Equipment Purchase	<input type="checkbox"/>	Facility for Aging	<input type="checkbox"/>
Multi-Tenant	<input type="checkbox"/>	Civic Facility (not for profit)	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	Other _____	<input type="checkbox"/>

D) Project Information:

Estimated costs in connection with Project:

1. Land and/or Building Acquisition:	\$5,700,000.00
1 acres 10,000 square feet	
2. New Building Construction: _____ square feet	\$ _____
3. New Building Addition(s): _____ square feet	\$ _____
4. Infrastructure Work	\$ _____
5. Renovation: _____ square feet	\$ _____
6. Manufacturing Equipment:	\$ _____
7. Non-Manufacturing Equipment (furniture, fixtures, etc.):	\$ _____
8. Soft Costs: (professional services, etc.):	\$100,000.00
9. Other : _____	\$ _____
Total Costs:	\$5,800,000.00

Project refinancing, estimated amount:
(for refinancing of existing debt only)

\$ N/A

Have any of the above costs been paid or incurred as of the date of this application?

X Yes No

If yes, describe the particulars:

Applicant has incurred costs for professional services associated with the contemplated transaction, as well as customary lender charges (such as loan commitment, appraisal, and environmental review charges).

Sources of Funds for Project Costs:

Bank Financing: \$4,275,000.00

Equity (excluding equity that is attributed to grants/tax credits): \$1,525,000.00

Tax Exempt Bond Issuance (if applicable): \$ _____

Taxable Bond Issuance (if applicable): \$ _____

Public Sources (include sum total of all state and federal grants and tax credits): \$ _____

Identify each state and federal grant/credit:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Total Sources of Funds for Project Costs: \$5,800,000.00

Has a financing preapproval letter or loan commitment letter been obtained? X Yes No

Mortgage Recording Tax Exemption Benefit:

Estimated mortgage amount (sum total of all financing- construction and bridge). \$4,275,000.00

Amount of mortgage, if any, that would be subject to mortgage recording tax. \$4,275,000.00

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by .0075) \$32,062.50

Name of Lender (if known): Evans Bank, N.A.

Construction Cost Breakdown:

Total Cost of Construction: \$0.00 (This can be a calculation of sum 2,3,4,5, 7 in D (above))

Cost for materials:	\$	N/A	
% sourced in Town of Hamburg			_____ %
% sourced in Erie County			_____ %
% sourced in New York State			_____ %

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:

\$ N/A

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

\$ N/A

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

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:

Upon completion of the contemplated transaction, the Project will only utilize a continuation of the current Agency PILOT benefit.

E) For the proposed facility, please indicate the square footage for each of the uses outlined below:

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

Yes No

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

Project tenant has previously investigated locations in Florida, Louisiana, Michigan, Pennsylvania, and South Dakota.

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

Project tenant has identified the factors of Labor Costs, Property Taxes, and Regulation as being competitive factors that prompted inquiries about sites outside of New York State.

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

Yes No

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

Project tenant has previously been contacted by agencies in the Carolinas and characterizes prior contacts as having been in the nature of "recruiting" relocation candidates.

Do you anticipate in applying for any other assistance for this project? Yes No

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

Not Applicable

	Square Footage	Cost	% of Total Cost of Project
Manufacturing	10000	\$600,000	100%
Warehouse			
Research and Development			
Commercial			
Retail			
Office			
Specify Other			

If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building council? Yes No

If you answered yes to the question above, what level of LEED certification do you anticipate receiving? Not Applicable.

Provide estimate of additional construction cost as a result of LEED certification you are seeking. Not Applicable.

Will project result in significant utility infrastructure cost or uses: Yes No

F) **What is your project timetable (Provide Dates):**

1. Start Date: acquisition of equipment or construction of facilities: December 13, 2024 (Finance Closing)
2. Estimated completion date of project: December 13, 2024 (Acquisition Closing)
3. Project Occupancy – estimated starting date of operations: Already occupied and underway.
4. Have construction contracts been signed? Yes No
5. Have site plans been submitted to the appropriate planning department?
 Yes No (Not Applicable)

Has the Project received site plan approval from the appropriate planning department? Yes No

G) Is the project necessary to expand project employment: Yes No

Is the project necessary to retain existing employment: Yes No

Employment Plan (Specific to the proposed project location):

	Current # of jobs at proposed location or to be relocated at project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED 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 PTE jobs to be created two years after Project completion
Full Time (FTE)	130	130		
Part Time (PTE)	N/A			
Total	130	130		

*For purpose of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column. The Labor Market Area includes the Town of Hamburg and balance of Erie County as well as the following areas:

Primarily Town of Hamburg and Erie County.

**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 PTE jobs into FTE jobs by dividing the number of PTE jobs by two (2).

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

Category of Jobs to be Retained and Created	#of employee 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					
Professional					
Administrative					
Production	130	50,000	15,000		
Independent Contractor					
Other					

Employment at other locations in the Town of Hamburg or- Erie County (provide address and number of employees at each location):

	Address	Address	Address
Full Time	N/A		
Part Time	N/A		
Total	N/A		

H) Will any of the facilities described above be closed or subject to reduced activity? Yes No

I) Payroll Information

Annual payroll at proposed project site: \$6,000,000

Estimated average annual salary of jobs to be retained (full time): \$58,000

Estimated average annual salary of jobs to be retained (part time):

Estimated average annual salary of jobs to be created (full time): \$58,000

Estimated average annual salary of jobs to be created (part time):

Estimated salary range of jobs to be created:

From (Full Time): \$40,000 to (Full Time): \$55,000

From (Part Time): to (Part Time):

Section III: facility Type – Single or Multi-Tenant

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

For Single Use Facility

Occupant Name: 4760 Camp Road L.P. (Real Estate Holding)
E-One, Inc. (Single-Use Tenant)

Address: 4760 Camp Road, Hamburg, NY 14075 (Occupant)
90 Earhart Drive – Suite 6, Williamsville, NY 14221 (Real Estate Holding)

Contact Person: Michael B. Greenberg
Phone: (416) 577-3401
Fax
E-Mail: mbgreenberg@icloud.com
Federal ID #: 99-4154795
SIC/NAICS Code: 922160 (Fire Truck Manufacturing) / 531390 (Real Estate Holding Company)

Multi-Tenant Facility (to be filled out by developer)

Please explain what market conditions support the construction of this multi-tenant facility
Not Applicable.

Have any tenant leases been entered into for this project?

Not Applicable.

If yes, please fill out a tenant form in section VII, for each tenant.

Section IV: Tenant Information

Section V: Environmental Questionnaire

General Background Information

Address of Premises: 4760 Camp Road, Hamburg, NY 14075

Name and Address of Owner of Premises: Billy-Lee, L.L.C., 4760 Camp Road, Hamburg, NY 14075
Billy-Lee, L.L.C. to be acquired by and merged into 4760 Camp Road L.P., 90 Earhart Drive – Suite 6,
Williamsville, NY 14221

Describe the general features of the Premises (include terrain, location of wetlands, coastlines, rivers, streams, lakes, etc.). The subject property is a standard industrial site of approximately 9.71 acres in size, with frontage on NYS Route 75. The property contains two principal structures, separated by an asphalt surface/parking lot. The back of the lot consists of unremarkable vegetation.

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. The Premises have been owned and/or occupied by the current record holder of title since 1997 and have been improved in connection with a prior (and continuing) Hamburg IDA Project. Since 2010, the Premises have been leased by E-One, Inc. for the manufacturing/construction of fire trucks and related fire prevention/fire fighting equipment.

Describe all known former uses of the Premises. Specific prior uses of the Premises are unknown.

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

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

Pursuant to a certain Sublease Agreement dated June 2010 (as modified and extended), E-One, Inc. occupies the Premises and uses it for their operations relating to the manufacturing/construction of fire trucks and related fire prevention/fire fighting equipment.

Have there been any spills, releases or unpermitted discharges of petroleum, hazardous substances, chemicals or hazardous wastes at or near the Premises? No.

If yes, describe and attach any incident reports and the results of any investigations. Not Applicable.

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? No.

If yes, please state the results of the enforcement action (consent order, penalties, no action, etc.) and describe the circumstances. Not Applicable.

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. Not Applicable.

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. Not Applicable.

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. Not Applicable.

Identify the transporter of any hazardous and/or solid wastes to or from the Premises. None.

Identify the solid and hazardous waste disposal or treatment facilities which have received wastes from the Premises for the past two (2) years. None.

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. Not Applicable.

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 current; none contemplated.

Identify all sources of discharges of water, including discharges of waste water, process water, contact or noncontact cooling water, and storm water. 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. Not Applicable.

Air Pollution

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

If yes, describe each such source, including whether it is a stationary combustion installation, process source, exhaust or ventilation system, incinerator or other source. Tenant E-One, Inc. operates a permitted paint booth for the painting of manufactured fire trucks and related equipment.

Are any of the air emission sources permitted? Yes (permitted paint booth).

If yes, attach a copy of each permit.

Storage Tanks

List and describe all above and underground 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? No.

If yes, please provide all details regarding the event, including the response taken, all analytical results or reports developed through investigation (whether internal or external), and the agencies which were involved. Not Applicable.

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. None.

Have there been any PCB spills, discharges or other accidents at the Premises? No.

If yes, relate all the circumstances. Not Applicable.

Do the Premises have any asbestos containing materials? No.

If yes, please identify the materials. Not Applicable.

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 No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state? Yes No

*If yes to either question explain how, notwithstanding the aforementioned closing or activity reduction the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry: Not Applicable.

Does the Project involve relocation or consolidation of a project occupant from another municipality?

Within New York State: Yes No

Within Erie County: Yes No

*If yes to either question, please explain: Not Applicable

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 docks etc.). Not Applicable – Continuing Present Use at Site.

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? Not Applicable.

What factors have lead the project occupant to consider remaining or locating in Erie County? Not Applicable.

If the current facility is to be abandoned, what is going to happen to the current facility that project occupant is located in? Not Applicable.

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

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)? Not Applicable.

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.) Not Applicable.

If vacant, number of years vacant. Not Applicable.

If underutilized, number of years underutilized. Not Applicable.

Describe the use of the building during the time it has been underutilized: Not Applicable.

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.) Not Applicable.

If yes, please provide dollar amount of income being generated, if any. Not Applicable.

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

Does the site have historical significance? Not Applicable.

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

If yes, provide estimated value of tax credits. Not Applicable.

Briefly summarize the financial obstacles to development that this project faces without agency or other public assistance. Please provide the agency 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 agency and other tax credits included indicating below average return on investment rates compared to regional industry averages). Not Applicable.

Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide agency with documentation of this support in the form of signed letters from these entities. Not Applicable.

Please indicate other factors that you would like HIDA 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. Not Applicable.

Section VIII Senior Citizen Rental Housing Projects

Agency tax incentives may be granted to projects under the Agency

Are you applying for tax incentives under the Senior Rental Housing policy? No.

If yes, please answer the following questions. If no, please proceed to the next section of this application. Not Applicable.

Projects applying for tax incentives under the Senior Citizen Rental Housing program will be evaluated based upon the answers you supply to the following criteria based questions. Please note that approval of Senior Citizen Rental Housing project incentives does not require that all will be considered. Not Applicable.

Has the project received written support from the city, town or village government in which it is located? Not Applicable.

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. Not Applicable.

Is the project consistent with the applicable municipal master plan? Not Applicable.

If yes, please provide a narrative identifying the master plan (by name) and describing how the project aligns with the plan details. Not Applicable.

Does the project advance efforts to create a walkable neighborhood and community in proximity to important local amenities and services? Not Applicable.

If yes, please provide a narrative describing the walkable nature of the project including access seniors would have to specific neighborhood amenities. Not Applicable.

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? Not Applicable.

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? Not Applicable.

If yes, please describe how you made this determination based upon census tract and other relevant third party data. Not Applicable.

Does the project provide amenities that are attractive to seniors and differentiates the project from standard market rate housing? Not Applicable.

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). Not Applicable.

Are there impediments that hinder the ability to conventionally finance this project and /or negatively impact the project's return on investment? Not Applicable.

If yes, please briefly summarize the financial obstacles to development that this project faces without agency or other public assistance. Please provide the agency 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 agency and other tax credits included indicating below average return on investment rates compared to regional industry averages). Not Applicable.

Section IX: Retail Determination

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

- A) Will any portion of the project (including that portion of the cost 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? Yes No

***If yes, please complete the retail questionnaire supplement below . If no, proceed to Section X**

For purposes of Question A, the term "retail sales" means (i) sales by 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.

- B) 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? Less than 33%. If the answer is **less than 33%** do not complete the remainder of the retail determination.

If the answer to Question 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:

1. Will the project be operated by a not-for-profit corporation Yes No
2. Is this 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? Yes No

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

3. 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 proposed project site needed because of a lack of reasonably accessible retail trade facilities offering such goods or services? Yes No

**if yes, please provide-market analysis supporting your response.*

4. Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? Yes No
5. Is the project located in a Highly Distressed Area? Yes No

Section X: Estimate of Real Property Tax Abatement Benefits and Percentage of Project Costs Financed from Public Sector Sources

Section X of this Application will be (i) completed by Agency Staff based upon information contained with the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.

PILOT Estimate Table Worksheet:

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000

*Apply equalization rate to value

PILOT year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
Total:							

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

Percentage of Project Costs Financed from Public Sector Table Worksheet:

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)

--	--	--	--	--

Calculate %

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

Section XI: Representations, Certifications and Indemnification

Michael B. Greenberg (name of CEO or other authorized representative of Applicant) confirms and says that he is the President (title) of 4760 Camp Road L.P. (name of corporation or other entity) named in the attached Application (the "Applicant"), that he has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. Job Listings: In accordance with Section 858-b(2) of the New York General Municipal Law.
- B. First Consideration for Employment: In accordance with Section 858-b(2) of the New York General Municipal Law.
- C. Annual Sales Tax Filings: In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant. Copies of all filings shall be provided to the Agency.
- D. Employment Reports: The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization, and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and the Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
- E. The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide with this Representation, Certification and Indemnification Form copies of any known environmental reports, including any existing Phase I Environmental Investigations. The Agency may require the Company and/or owner of the premises to prepare and submit an environmental assessment and audit report, including but not necessarily limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the owner and/or the Applicant. All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-05, and shall be conformed over to the Agency so that the Agency is authorized to use and rely on the reports. The Agency, however, does not adopt, ratify, confirm or assume any representation made within reports required herein.

- F. The Applicant and/or the owner, and their successors and assigns, hereby release, defend and indemnify the Agency from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations, penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants', and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Agency, resulting from or arising out of any inquiries and/or environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations, and audits.
- G. Hold Harmless Provision: The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's bond/transaction counsel whether or not the Application, the proposed Project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (i) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed Project describes herein or the tax exemptions and other assistance requires herein are favorably acted upon by the Agency; (ii) the Agency's acquisition, construction, and/or installation of the proposed Project described herein; and (iii) any further action taken by the Agency with respect to the proposed Project including, without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency, any mortgage recording tax exemption claimed by the Applicant and approved by the Agency, and/or any real property tax abatement claimed by the Applicant and approved by the Agency, in connection with the Project, may be subject to recapture and/or termination by the Agency under such terms and conditions as will be established by the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of the New York State and local sales and use tax exemption benefit, the amount of the mortgage recording tax exemption benefit, and the amount of the real property tax abatement, if and as applicable, to the best of the Applicant's knowledge, is true, accurate and correct.
- H. This obligation includes an obligation to submit an Agency Fee Payment to the Agency in accordance with the Agency Fee policy effective as of the date of this Application.
- I. By executing and submitted this Application, the Applicant covenants and agrees to pay the following fees to the Agency and the Agency's general counsel and/or the Agency's bond/transaction counsel, the same to be paid at the times indicated:
- a. A non-refundable \$500 application and publication fee (the "Application Fee");

- b. A \$500 expense deposit for the Agency's Counsel Fee Deposit;
- c. Unless otherwise agreed to by the Agency, an amount equal to one percent (_1_%) of the total project costs.
- d. All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel and/or the Agency's bond/transaction counsel, thus note that the Applicant is entitled to receive a written estimate of fees and costs of the Agency's general counsel and the Agency's bond/transaction counsel; and (2) other consultants retained by the Agency in connection with the proposed project, with all such charges to be paid by the Applicant at the closing.
LINK TO FEE SCHEDULE

- J. If the Applicant fails to conclude or consummate the necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback or lease/leaseback transaction, then, upon the presentation of an invoice, Applicant shall pay to the Agency, its agents, or assigns all actual costs incurred by the Agency in furtherance of the Application, up to that date and time, including but not necessarily limited to, fees of the Agency's general counsel and/or the Agency's bond/transaction counsel.
- K. The Applicant acknowledges and agrees that all payment liabilities to the Agency and the Agency's general counsel and/or the Agency's bond and/or transaction counsel as expressed in Sections H and I are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
- L. The cost incurred by the Agency and paid by the Applicant, the Agency's general counsel and/or bond/transaction counsel fees and the processing fees, may be considered as a cost of the Project and included in the financing of costs of the proposed Project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.
- M. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.
- N. The Applicant acknowledges that it has read and understands of the LINK Agency's Policy for Termination of Agency Benefits and Recapture of Agency Benefits Previously Granted (the "Termination and Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Termination and Recapture Policy is applicable to the Project that is the subject of this Application and that the Agency will implement the Termination and Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.

O. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

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

P. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state, and federal tax, worker protection and environmental laws, rules and regulations.

Q. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of any amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement in the Project.

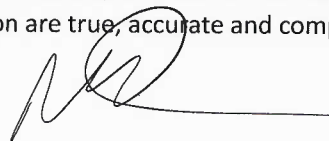
R. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

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

T.

1. That I am the President (Corporate Office) of 4760 Camp Road L.P. (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.

2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.



(Signature of Officer)



6122 South Park Avenue
Hamburg, New York 14075
716.648.4145
www.HamburgIDA.com

December 11, 2024

Hon. Randall Hoak, Supervisor
Town of Hamburg
6100 South Park Ave
Hamburg, New York 14075

Re: Multifamily Moratorium

Dear Supervisor Hoak:

INTRO sentence based on board resolution

First, a recently completed comprehensive plan adopted by the Town Board in December 2022 included provisions for development and extensive input from numerous consultant and constituent perspectives and hundreds of town residents. Housing was the least noted area of concern. (1,397 responses) In fact, 390 **survey respondents were interested in mixed-use multifamily developments** and 1,071 respondents were interested in adaptive re-use of existing sites. Last, 66% of survey respondents are recommending the town continue to grow. This moratorium is not in line with the money, time and effort dedicated to the adopted town plan, nor is it in line with the wishes of the resident survey respondents.

In addition, The Town of Hamburg is intending to be considered as “pro housing community.” (a community dedicated to take action to address the housing shortage in New York State) The moratorium will cause Hamburg to miss out on several state grant opportunities including NY Forward, NY Main Street Program and Downtown Revitalization Initiative. These programs have offered valuable financial support to small businesses in the town, leveraging capital improvements and job growth. **The action will hurt small businesses and decrease job opportunities in the town.**

Last, the moratorium, if enacted, will deter developer interest and confidence in the town. This will **negatively impact several other economic development priorities**. There are current projects in the planning board agenda, what happens to the people who were interested in investing in the town and now are suddenly put to a halt? This will decrease investor confidence in the town, Investors will seek out other opportunities in neighboring areas. We have several key areas of redevelopment including the stadium area, the McKinley Mall and the proposed brownfield redevelopment area. A moratorium will hinder or halt investment in these key areas.

We appreciate the efforts of the town board on driving the future of the Town of Hamburg. It is interesting to look into the notion of the moratorium. You can see after a deep dive into the subject, it will negatively impact the tax base, re-use development and job opportunities in the town. Please contact me directly at (716) 648-4145 if you have any questions or if you require any additional information. Thank you for your partnership and efforts to increase the tax base and employment opportunities in the Town of Hamburg through sustainable development.

Regards,

Robert Hutchison

Board Chairperson, Hamburg Industrial Development Agency