

Wavepoint 3565 Chadwick Dr.  
SEQRA Resolution

A regular meeting of the County of Chautauqua Industrial Development Agency (the “**Agency**”) was convened in public session, on January 27, 2025, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the “**IDA Office**”).

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

PRESENT:

Gary Henry	Chairman
Daniel Heitzenrater	Vice Chairman
Sagan Sheffield-Smith	Treasurer
Amy Harding	Secretary
John Healy	Member
Daniel DeMarte	Member
Tom Harmon	Member
Kevin Muldowney	Member
Ted Wightman	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Mark Geise	Administrative Director/CEO
Shelby Bilskie	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel

The attached resolution no. 1-27-26-01 was offered by \_\_\_\_\_, seconded by

\_\_\_\_\_:

**Resolution No. 1-27-26-01**

**RESOLUTION OF THE COUNTY OF CHAUTAUQUA INDUSTRIAL  
DEVELOPMENT AGENCY PURSUANT TO THE STATE  
ENVIRONMENTAL QUALITY REVIEW ACT CONCERNING THE  
DETERMINATION OF SIGNIFICANCE FOR WAVEPOINT 3PL, INC.,  
AND/OR ITS AFFILIATES**

**Name of Project:** Wavepoint 3565 Chadwick Dr.

**Location:** 3565 Chadwick Drive, Town of Sheridan, Chautauqua County,  
New York 14048, SBL No. 63.00-1-40

**SEQR Status:** Type I

**Determination  
of Significance:** Negative Declaration

WHEREAS, the County of Chautauqua Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, renovating, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to, among other things, (i) acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein; (ii) to sell, convey, mortgage, lease, pledge, exchange or otherwise dispose of real property in such manner the Agency shall determine; and (iii) acquire, construct, reconstruct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, WAVEPOINT 3PL, INC., a corporation organized and existing

under the laws of the Commonwealth of Pennsylvania and qualified to do business in the State of New York as a foreign corporation (the “**Applicant**”), presented an application for financial assistance (“**Application**”) to the Agency, which Application requested that the Agency consider undertaking a project (the “**Project**”) consisting of: (A)(1) the acquisition of an interest in an approximately 10 acre parcel of land located at 3565 Chadwick Drive, Dunkirk, Town of Sheridan, County of Chautauqua, New York (Tax Parcel ID. 63.00-1-40) (the “**Land**”), (2) the renovation of an approximately 115,000 square foot (“**SF**”) portion of an existing approximately 121,450 SF building on the Land (the “**Building**”), together with related improvements to the Land, and (3) the acquisition of certain furniture, fixtures, machinery, equipment and building materials necessary for the completion thereof (the “**Equipment**” and together with the Land and the Building, collectively, the “**Warehouse and Distribution Facility**”), all of the foregoing for use by the Applicant as a warehouse and distribution facility; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes (collectively, the “**Financial Assistance**”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “**SEQR Act**”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (“**NYSDEC**”), being 6 NYCRR Part 617, et. seq., as amended (the “**Regulations**” and collectively with the SEQR Act, “**SEQRA**”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, on December 19, 2025, the Agency caused to be transmitted to all other potentially Interested and Involved Agencies: (1) a cover letter describing the Project; (2) a copy of the Project Application; (2) a notice of intent to act as Lead Agency; (3) a list of potentially Involved Agencies; (4) a Full Environmental Assessment Form Part I; and (5) an acknowledgement form for the Agency to act as Lead Agency; and

WHEREAS, no other potentially Involved Agency disputed the Agency’s declaration of Lead Agency status within 30 days; and

WHEREAS, the Agency is Lead Agency for the Project and undertook a coordinated review pursuant to 6 NYCRR 617.6(b)(3) of the Regulations; and

WHEREAS, in the future, the Applicant may seek to undertake a project on an approximately 10.2 acre parcel of undeveloped land (the “**Adjacent Land**”) located on

Chadwick Drive in the town of Sheridan (“**Town**”), SBL No. 63.00-1-39.1, adjacent to the Warehouse and Distribution Facility (the “**Future Project**”) and therefore sought the granting of an option to acquire fee title to the Adjacent Land to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency (collectively, the “**Option Transaction**”); and

WHEREAS, pursuant to SEQRA, the Agency is normally required to review an entire set of activities or steps (i.e., the Option Transaction, the Future Project and the Project) in a single environmental review but, if a lead agency believes that circumstances warrant a segmented review, it must clearly state in its determination of significance the supporting reasons and must demonstrate that such review is clearly no less protective of the environment; and

WHEREAS, the Agency determined that a segmented review of the Option Transaction from the Future Project and the Project was warranted under the circumstances and was no less protective of the environment and therefore issued a negative declaration determination for the Option Transaction on December 16, 2025; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the Project may have a significant adverse impact upon the environment, the Agency has received and reviewed:

- (1) the Application;
- (2) Part 1 of a Short Environmental Assessment Form, dated November 12, 2025 (“**EAF**”);
- (3) NYSDEC’s Environmental Resource Mapper (“**ERM**”);
- (4) NYSDEC’s Info Locator mapper (“**Info Locator**”);
- (5) the New York State Cultural Resource Information System (“**CRIS**”); and
- (6) other relevant environmental information (collectively, 1-6 shall be referred to as the “**Environmental Information**”); and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Project, the Agency has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA Regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA Regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA Regulations; and

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts associated with the Project reveals that the Project will not have any potentially significant adverse environmental impacts; and

WHEREAS, it is appropriate that the Agency issue a negative declaration pursuant to SEQRA for the Project.

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

**Section 1.** Based upon a thorough review and examination of the Project and Environmental Information, and upon the Agency's knowledge of the area surrounding the Land and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project:

- (A) The Project is a Type I Action pursuant to SEQRA, because the Project involves the renovation and operation of a building totaling over 100,000 square feet of floor space; and;
- (B) The Agency, as Lead Agency, has undertaken a coordinated review of the Project in accordance with the requirements of SEQRA; and
- (C) No potentially significant adverse impacts on the environment are noted in the Environmental Information and none are known to the Agency.

**Section 2.** With respect to the scope of environmental review, the Agency determines that segmentation of the environmental review for the Project from the environmental review of the Future Project and the Option Transaction is warranted and no less protective of the environment. The reasons supporting this determination are as follows:

- (A) Segmenting the review of the Project from the development of the Future Project and Option Transaction is warranted under the circumstances. The Applicant strongly desired an option to acquire fee title interest in the Adjacent Land, and certainty as to sale transaction terms that such an option presents, prior to moving forward with evaluating whether to develop detailed plans for the Future Project in order to allow the Applicant to secure financing for planning the nature and scope of the Future Project. The Applicant has not yet undertaken any specific planning for the Adjacent Land. Further, the Applicant's plans for the Warehouse and Distribution Facility pursuant to the Application are wholly independent of the Option Transaction and the Project which will not impact in any manner Applicant's determination to move forward with the Project. The Agency's decision to proceed or not proceed with the Project will not result in any changes to the Future Project or otherwise influence the Agency's decision to proceed or not proceed with the Future Project.

- (B) Segmenting the review of the Project from the Option Transaction or the development of the Future Project is no less protective of the environment. There are no specific plans yet to develop the Adjacent Land in connection with the Future Project, accordingly, there are no known potential impacts relating to the Option Transaction or Future Project which could be analyzed in connection with the review of the Project which could combine to exacerbate environmental impacts. Moreover, the Applicant will not be permitted to proceed with the Future Project or any development of the Adjacent Land until completion of a detailed and thorough environmental review specific to the Future Project including a comprehensive analysis of any cumulative impacts from the Future Project and the Project, or such development either under the jurisdiction of the Agency (if an application for financial assistance is filed) or, in the event that the Applicant does not seek any further approvals or incentives from the Agency, the Town as the local zoning jurisdiction. No development of the Adjacent Land is permitted under the Town's local zoning ordinance without Town approval processes subject to SEQRA. The Applicant has acknowledged and understands that the Applicant cannot proceed to develop the Adjacent Land unless/until a SEQRA process has been completed for the development of the Adjacent Land. Furthermore, a SEQRA determination regarding the Project, the planning for which is independent of the Future Project, will not be determinative of any SEQRA determination for the Future Project.
- (C) The Agency acknowledges that segmentation is disfavored under SEQRA. Nonetheless, the Agency believes that it is reasonable to consider segmentation of actions and whether appropriate segmentation findings can reasonably be made on a case by case basis in a manner that is no less protective of the environment. It is important to note that a segmented review of the Project will not create either of the two dangers that SEQRA seeks to avoid. The first danger of segmentation is that the action under review is practically determinative of other future projects. In this case, the Project involves the acquisition of the Land and Equipment and the renovation of an approximately 115,000 square foot portion of the existing Building within the existing footprint for operation as the Warehouse Distribution Facility. Undertaking the Project is not practically determinative of any development on the Adjacent Land, or the SEQRA determination regarding the Future Project. It also does not commit the Applicant or Agency to undertake any development at the Adjacent Land or to undertake or approve the Future Project.
- (D) The second danger of segmentation is that the Project, Option Transaction and the Future Project will be split so as to avoid environmental review. The Agency completed an EAF for the Option Transaction in order to thoroughly analyze the potential adverse environmental impacts associated with the Option Transaction

and, following comprehensive review, issued a negative declaration regarding the Option Transaction. Additionally, the Agency has reviewed the Environmental Information regarding the potential adverse impacts of the Project and has conducted a comprehensive, coordinated review of same. Thus, neither the Option Transaction or Project has escaped any environmental review. Similarly, any development of the Adjacent Land will undergo a detailed review pursuant to SEQRA which will include a review of all cumulative impacts resulting from any Future Project in connection with the Project. Further, no potential development plans have been proposed and no specific future use is known for the Future Project. Any evaluation of the potential impacts of any future development would be impossible and purely speculative, at this time. For this reason, a segmented environmental review between the Option Transaction, the Project, and any future development of the Adjacent Land is warranted under the circumstances.

**Section 3.** Based upon the Agency's review of the Environmental Information and investigations of the potential environmental impacts associated with the Project, considering both the magnitude and importance of each potential environmental impact indicated, and upon the Agency's knowledge of the Land and surrounding area and such further investigations of the Project and its environmental effects as the Agency has deemed appropriate, the Agency has determined that the Project will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. **Impact on Land.** The Project does not involve any physical changes to the Land because the Project is limited to the acquisition of the Land and Equipment and the renovation of an approximately 115,000 SF portion of the existing Building within the existing footprint for operation as the Warehouse Distribution Facility. According to the EAF, no physical disturbance or alterations within or outside the Land will occur as a result of the Project. Based on the foregoing, the Project will not have any adverse impacts to the Land.
2. **Impact on Geological Features.** The Land does not contain, and is not adjacent to, any unique geologic features or National Natural Landmarks. Accordingly, the Project will not create any potentially significant adverse impacts to geological features.
3. **Impact on Surface Water.** As the EAF notes, the Land does not contain any surface waters, but rather has been previously developed with the Building and concomitant parking and infrastructure facilities. Furthermore, the Project does not involve any type of physical alteration to the Land; therefore, it has no potential to adversely affect any water bodies on or around the Land. The Project does not involve the disturbance of undeveloped land or the creation of

additional impervious surface and therefore will not increase the risk of adverse impacts from stormwater erosion. The Project has existing adequate stormwater management facilities in place. There does appear to be a small patch of potential wetlands located on the Adjacent Land; however, potential impacts to wetlands from any proposed development on the Adjacent Land as part of the Future Project will not evade review but rather will be thoroughly analyzed in the SEQRA review of the Future Project at such time as plans for same become more fully developed.

4. **Impact on Groundwater.** As noted above, the Project does not involve any type of physical alteration to the Land or any activities which would typically pose a risk to groundwater. Instead, the Project is limited to the acquisition of the Land and Equipment and the renovation of an approximately 115,000 SF portion of the existing Building within the existing footprint for operation as the Warehouse Distribution Facility. No excavation or new well sources are proposed as part of the Project, and the Project does not involve additional new demands on groundwater. Additionally, the Project is not located over or immediately adjoining a primary, principal, or sole source aquifer. Based on the foregoing, the Project will not adversely impact groundwater resources.
5. **Impact on Flooding.** The EAF states that the Project will not result in the development of lands which are located in a designated floodway, and does not include the impoundment of water. The Project does not involve any type of physical alteration to the Land or any activities which would exacerbate existing conditions with respect to flooding or stormwater erosion. Furthermore, the Project has existing adequate stormwater management facilities in place. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to flooding.
6. **Impact on Air.** The Project will not result in any physical alteration of the Land, and according to the EAF, does not entail the types of activities or operations that require the Agency or Applicant to acquire air registration permits or that are associated with a significant potential for air emissions. Accordingly, the Project is not anticipated to create any significant adverse impacts to air resources.
7. **Impact on Plants and Animals.** The ERM identifies a large area encompassing the Land as potentially containing the short-eared owl, a state endangered species. Notwithstanding, habitat for short-eared owls consist mainly of open fields and marshlands, whereas the majority of the Land is developed with the 121,450 SF Building and associated parking and infrastructure, and landscaped lawn area surrounding same. Furthermore, the Project, limited to the acquisition of the Land and Equipment and the renovation of the existing Building within the existing footprint, will not result in any development or physical alteration of

the Land. In addition, any eventual proposed development of the Adjacent Land in furtherance of the Future Project will be thoroughly analyzed pursuant to SEQRA at such time as plans for same become further developed. Accordingly, the Project is not anticipated to create any significant adverse impacts to any plants or animals.

8. Impact on Agricultural Land Resources. The Land is not located within any designated agricultural district and the Land does not contain any agricultural lands or activities. Furthermore, the Project does not involve the types of activities that could negatively impact any agricultural resources surrounding the Land. Accordingly, the Project will not create any significant adverse impacts to agricultural land.
9. Impact on Aesthetic Resources. The Project is not located on or adjacent to any officially designated and publicly accessible federal, state or local scenic or aesthetic resources. The Project is limited to the acquisition of the Land and Equipment and the renovation of an approximately 115,000 SF portion of the existing Building within the existing footprint and therefore will not have any increase in visual impacts. Accordingly, the Project is not anticipated to create any significant adverse impacts to aesthetic resources.
10. Impact on Historic and Archaeological Resources. The Land is not located adjacent to a building which is listed on the State or National Register of Historic Places and the Project will not result in any development or physical alteration of the Land. Further, the Project is not located in an area flagged as sensitive for archaeological resources. Accordingly, the Project will not create any significant impacts to historic or archaeological resources.
11. Impact on Open Space and Recreation. The Land is not used by members of the community for public recreation, and is not used, or could be used, for hunting, trapping, fishing or shell fishing. Furthermore, the Project will not limit existing open space and recreation in the vicinity of the Land. Accordingly, the Project will not create any significant impacts to open space or recreational resources.
12. Impact on Critical Environmental Areas. The Land is not located in or substantially contiguous to any Critical Environmental Areas. As such, the Project will not create any significant adverse impacts to Critical Environmental Areas.
13. Impact on Transportation. The Project does not entail any changes to existing parking or traffic levels as it does not result in any development or physical alteration of the Land. Instead, the Project limited to the acquisition of the Land and Equipment and the renovation of an approximately 115,000 SF portion of the

existing Building within the existing footprint for operation as the Warehouse Distribution Facility, which is consistent with the prior use of the Land as a warehousing operation. As such, the Project is not anticipated to create any significant adverse impacts to transportation.

14. Impact on Energy. The Project will not result in any increase in the use of energy, and no energy infrastructure improvements are necessary to accommodate the Project. As such, the Project will not create any significant adverse impacts to energy resources.
15. Impact on Noise, Odor and Light. The Project will not result in any development or physical alteration of the Land, or the addition of any new sources of noise odor or light. Instead, the Project is consistent with the prior use of the Land as a warehouse operation. Furthermore, the nearest residential receptor is located approximately 400 feet to the south and is well buffered by a substantial wooded buffer, providing sufficient screening of the Project. Accordingly, the Project is not anticipated to create any significant adverse impacts to noise or odors.
16. Impact on Public Health. The Project will not result in any physical alteration of the Land and does not involve the types of activities or operations that are associated with a significant potential for affecting public health, including the use, creation, disposal or storage of a hazardous or toxic substance. Accordingly, the Project is not anticipated to create any significant adverse impact to public health.
17. Impact on Character of the Community, and Community Plans. The Project is limited to the acquisition of the Land and Equipment and the renovation of an approximately 115,000 SF portion of the existing Building within the existing footprint for operation as the Warehouse Distribution Facility. The Project is a specially permitted use within the Industrial zoning district encompassing the Land, and is consistent with the prior use of the Land as a warehousing operation. Accordingly, the Project will not create any significant adverse impacts to the character of the community or community plans.
18. Impact on Disadvantaged Communities. Per the New York Environmental Justice Law (“EJL”), lead agencies must consider during SEQRA review, whether the proposed action would result in a disproportionate pollution burden on a Disadvantaged Community (“DAC”). New York’s Climate Justice Working Group (“CJWG”) promulgated a map of designated DACs in the State. The Land is not located within a DAC but is located in close proximity to a DAC located approximately 600 feet to the west of the Site. Notwithstanding, as discussed above, the Project will not be a significant source of air, water, noise, or light pollution and therefore will not increase the pollution burden on the

surrounding community, regardless of DAC status. Accordingly, the Project will not result in a disproportionate burden on DACs.

**Section 4.** Since the Project will not have a significant adverse impact on the environment, a negative declaration (“**Negative Declaration**”) pursuant to SEQRA is hereby issued. This Negative Declaration has been prepared pursuant to and in accordance with the requirements of SEQRA.

**Section 5.** The Chairman, the Vice Chairman, the Executive Director and the Administrative Director of the Agency are hereby further authorized on behalf of the Agency, or acting together or individually, to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

**Section 6.** This Resolution, which is adopted by a majority vote of the Agency, shall serve as the Negative Declaration (as defined in 6 NYCRR 617.2(z)) for the Project, and is issued by the Agency pursuant to and in accordance with SEQRA, shall take effect immediately.

**Section 7.** For further information on this Determination of Significance/Negative Declaration contact:

County of Chautauqua Industrial Development Agency  
201 West 3rd Street, Suite 115  
Jamestown, New York 14701-6902  
ATTN: Mark Geise, Administrative Director/CEO  
Phone: 716-661-8900  
Fax: 716-664-4515

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

Gary Henry	VOTING
Daniel Heitzenrater	VOTING
Sagan Sheffield-Smith	VOTING
Amy Harding	VOTING
John Healy	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING
Kevin Muldowney	VOTING
Ted Wightman	VOTING

The foregoing Resolution was thereupon declared \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on January 27, 2026 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “**Open Meetings Law**”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

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

IN WITNESS WHEREOF, we have hereunto set our hand this 27<sup>th</sup> day of January, 2026.

## [Assistant] Secretary

[Vice] Chairman

## **Wavepoint 3PL Inc. Authorizing Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the "Agency") was convened in public session on January 27, 2026, at 10:30 A.M., local time, at the offices of the Agency located at 201 West Third Street, Jamestown, County of Chautauqua, New York (the "IDA Office").

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

**PRESENT:**

Gary Henry	Chairman
Daniel Heitzenrater	Vice Chair
Sagan Sheffield-Smith	Treasurer
Amy Harding	Secretary
Daniel DeMarte	Member
Tom Harmon	Member
John Healy	Member
Kevin Muldowney	Member
Ted Wightman	Member

**NOT PRESENT:**

**THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:**

Mark Geise	Administrative Director/CEO
Shelby Bilskie	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel

The attached resolution no. 01-27-26-02 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

RESOLUTION TAKING OFFICIAL ACTION TOWARD AND APPROVING THE  
STRAIGHT LEASE DOCUMENTS FOR A CERTAIN PROJECT FOR  
WAVEPOINT 3PL INC. AND/OR ITS AFFILIATES

WHEREAS, the County of Chautauqua Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, WAVEPOINT 3PL INC., a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and qualified to do business in the State of New York as a foreign corporation (the "Applicant"), presented an application for financial assistance (the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 10 acre parcel of land located at 3565 Chadwick Drive, Dunkirk, Town of Sheridan, County of Chautauqua, New York (Tax Parcel ID. 63.00-1-40) (the "Land"), (2) the renovation of an approximately 115,000 square foot portion of an existing approximately 121,450 square foot building on the Land (the "Building"), together with related improvements to the Land, and (3) the acquisition of certain furniture, fixtures, machinery, equipment and building materials necessary for the completion thereof (the "Equipment" and together with the Land and the Building, collectively, the "Project Facility"), all of the foregoing for use by the Applicant as a warehouse and distribution facility; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, in accordance with Section 859-a of the Act, any approval of the Project is contingent upon, *inter alia*, a determination by the members of the Agency to proceed with the Project following a determination by the Agency that (A) the public hearing and notice requirements and other procedural requirements contained in the Act relating to the Project have been satisfied; and (B) the undertaking of the Project by the Agency and the granting of the Financial Assistance are and will be in compliance with all other applicable requirements of the Act, SEQRA (as hereinafter defined), and all other statutes, codes, laws, rules and regulations of any governmental authority having jurisdiction over the Project and/or the Project Facility (collectively, the “Applicable Laws”); and

WHEREAS, the Administrative Director/CEO of the Agency (A) caused notice of a public hearing of the Agency pursuant to Section 859-a of the Act (the “Public Hearing”) to hear all persons interested in the Project and the Financial Assistance contemplated by the Agency with respect to the Project, to be mailed on January 9, 2026 to the chief executive officer of the County of Chautauqua (the “County”) and of each other affected tax jurisdiction within which the Project Facility is or is to be located, and posted a copy of the Application on the Agency’s website; (B) caused notice of the Public Hearing to be published on January 10, 2026 in *The Observer*, a newspaper of general circulation available to residents of the County; (C) caused the Public Hearing to be conducted on January 22, 2026, at 2:00 p.m., local time, at Town of Sheridan “Community Center,” 2777 Route 20, Town of Sheridan, County of Chautauqua, New York; (D) caused the Public Hearing to be streamed on the Agency’s website in real-time and a recording of the Public Hearing to be posted on the Agency’s website, all in accordance with Section 857 of the Act, as amended; and (E) caused a written report of the Public Hearing to be prepared which fairly summarizes the views presented at the Public Hearing and collected written comments from the public (collectively, the “Report”) and distributed the Report to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (“NYSDEC”), being 6 N.Y.C.R.R. Part 617, et. seq., as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, the Agency has undertaken a coordinated review of the Project in accordance with SEQRA in which it consulted with all other Involved and Interested Agencies, and the Agency issued a “Negative Declaration” at its January 27, 206, meeting with respect to the Project, and such Negative Declaration is binding upon the Agency and all other Involved and Interested Agencies; and

WHEREAS, the Applicant and/or one (1) or more of its affiliates will (A) execute and deliver a certain Company Lease Agreement (the “Company Lease”), pursuant to which the

Applicant and/or such affiliate(s) will grant to the Agency a leasehold interest in the Project Facility; (B) execute and deliver a certain Agency Lease Agreement (Uniform Project Agreement) (the “Agency Lease”), pursuant to which the Agency will grant to the Applicant and/or such affiliate(s) a subleasehold interest in the Project Facility; (C) execute and deliver a certain Payment in Lieu of Taxes Agreement (the “PILOT Agreement”), pursuant to which the Agency would grant an exemption from real property taxes with respect to the Project Facility; and (D) execute and deliver certain other certificates, documents, instruments and agreements related to the Project (together with the Company Lease, the Agency Lease and the PILOT Agreement, collectively, the “Transaction Documents”);

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

Section 1. In accordance with Section 859-a of the Act, the Agency has prepared a written cost-benefit analysis with respect to the Project and the granting of the Financial Assistance (the “Analysis”). The Agency has reviewed the Application, the Report and the Analysis, and, based upon the representations made by the Applicant to the Agency and information obtained by the Agency, the Agency has reviewed and assessed all material information necessary to afford a reasonable basis for the Agency to make a determination to approve the Financial Assistance. In addition, the Agency hereby makes the following findings and determinations with respect to the Project:

- (a) based on the proposed use of the Project Facility as set forth in the Application, the economic effects of the Project on the area in which it is situated, and the employment reasonably expected to be created and/or maintained by the Project, and an analysis of how the Project contributes to the realization of the public purposes of promoting employment opportunities in the County and the prevention of economic deterioration in the County, the Project will constitute a commercial facility with a significant impact on the area in which it is situated, and will advance the Agency’s purposes by promoting employment opportunities and preventing economic deterioration in the County. Therefore, the Project constitutes a “project” within the meaning of the Act;
- (b) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Applicant to undertake the Project in the County;
- (c) there is a likelihood that the Project would not be undertaken but for the granting of the Financial Assistance by the Agency to the Applicant;
- (d) the completion of the Project Facility, the sublease thereof by the Agency to the Applicant and the operation thereof by the Applicant will not result in the removal of a facility or plant of the Applicant or any other occupant or user of the Project Facility from one area of the State of New York (the “State”) to another area of the State or in the

abandonment of one or more plants or facilities of the Applicant or any other occupant or user located within the State (but outside of the County). Therefore, the provisions of subdivision (1) of Section 862 of the Act are not and will not be violated as a result of the granting of the Financial Assistance by the Agency to the Applicant;

(e) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs, and increasing the overall number of permanent, private sector jobs in the State;

(f) no funds of the Agency shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant, nor shall any funds of the Agency be given in connection with the Project to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State, nor shall any funds of the Agency be used for advertising or promotional materials which depict elected or appointed government officials in either print or electronic media;

(g) the Project Facility does not and will not constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Project. For purposes of this finding, retail sales shall mean: (i) sales by a registered vendor under Article 28 of the New York Tax Law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section 1101 of the New York Tax Law; or (ii) sales of a service to such customers;

(h) the granting of the Financial Assistance by the Agency with respect to the Project will encourage and assist the Applicant in undertaking the Project in the County, will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of the County and the State and improve their standard of living, and thereby serve the public purposes of the Act; and

(i) the Project will not result in the removal or abandonment of a plant or facility of the Applicant or any other occupant or user of the Project Facility, currently located within the County.

Section 3. The Agency hereby ratifies, confirms and approves all actions heretofore taken by the Administrative Director/CEO, the Chief Financial Officer and the staff of the Agency with respect to the Application, the Analysis and the Public Hearing, including, without limitation, (a) those actions required to ensure full compliance with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project, and (b) the appointment of the law firm of Phillips Lytle LLP as Counsel to the Agency with respect to all matters in connection with the Project.

Section 4. The Agency hereby determines that the Agency has fully complied with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project.

Section 5. Having considered fully all comments received at or in connection with the Public Hearing, including correspondence received subsequent to the Public Hearing, the Agency hereby further determines to proceed with the Project and the granting of the Financial Assistance, subject to the terms hereof. The Agency hereby approves the granting of (a) an exemption from real property taxes having an estimated value of \$415,551, (b) an exemption from mortgage recording taxes in the maximum amount of \$58,750, and (c) an exemption from sales and use taxes in the maximum amount of \$80,000.

Section 6. The Agency recognizes that due to the complexities of the proposed transaction it may become necessary that certain of the terms approved hereby may require modifications from time to time which will not affect the intent and substance of the authorizations and approvals by the Agency herein. The Agency hereby authorizes the Chairman, Vice Chair, Administrative Director/CEO and Chief Financial Officer of the Agency, acting individually or jointly, to approve modifications to the terms approved hereby which do not affect the intent and substance of this Resolution, but may include adjustments to the Financial Assistance granted hereunder. The approval of such modifications shall be evidenced by the certificate of determination of an Agency officer or the execution and delivery by some or all such Agency officers of relevant documents containing such modified terms.

Section 7. The Agency is hereby authorized to (a) acquire an interest in the Project Facility pursuant to the Company Lease and the other Transaction Documents, (b) grant a subleasehold interest in the Project Facility pursuant to the Agency Lease and the other Transaction Documents, (c) grant the Financial Assistance, (d) execute one (1) or more fee and leasehold mortgage, assignment of rents and leases, and security agreements in favor of such bank, governmental agency or financial institution as the Applicant may determine (such bank, governmental agency or financial institution, the "Bank"), encumbering the Project Facility, solely to subject the Agency's interest in the Project Facility to the lien thereof, all to secure one (1) or more loans made by the Bank to the Applicant with respect to the Project Facility, and (e) do all things necessary, convenient or appropriate for the accomplishment thereof. All acts heretofore taken by the Agency with respect to the foregoing are hereby approved, ratified and confirmed.

Section 8. The form and substance of the Transaction Documents, in the forms presented to the members of the Agency, together with such changes as the Chairman, the Vice Chair, the Administrative Director/CEO or the Chief Financial Officer may hereafter deem necessary or appropriate, are hereby approved. The Chairman, the Vice Chair, the Administrative Director/CEO and the Chief Financial Officer are hereby authorized, on behalf of the Agency, acting together or individually, to execute and deliver the Transaction Documents to which the Agency is a party and, where appropriate, the Secretary (or Assistant Secretary) of the

Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same. The execution and delivery of each such agreement, approval and consent by such person(s) shall be conclusive evidence of such approval.

Section 9. The Chairman, the Vice Chair, the Administrative Director/CEO and the Chief Financial Officer of the Agency are hereby further authorized, on behalf of the Agency, acting together or individually, to designate any additional Authorized Representatives (as defined in the Agency Lease) of the Agency.

Section 10. The officers, employees and agents of the Agency are hereby authorized and directed, acting individually or jointly, for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Transaction Documents, to execute and deliver all such additional certificates, instruments, agreements and documents, to pay all such fees, charges and expenses, and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, convenient or appropriate to effect the purposes of this Resolution and to cause compliance with all of the terms, covenants and provisions of the Transaction Documents to which the Agency is a party or which are binding on the Agency.

Section 11. The members of the Agency acknowledge the terms and conditions of Section 875(3) of the Act and the duties and obligations of the Agency thereunder with respect to granting of State Sales and Use Taxes (as such term is defined in Section 875 of the Act) with respect to the Project. The members hereby direct the officers of the Agency to comply with such terms and conditions with respect to the Project and hereby direct Counsel to the Agency to include such terms and conditions in all relevant Transaction Documents.

Section 12. The Chairman, the Vice Chair, the Administrative Director/CEO and the Chief Financial Officer of the Agency are hereby authorized and directed to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 13. This Resolution shall take effect immediately.

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

Gary Henry	VOTING
Daniel Heitzenrater	VOTING
Sagan Sheffield-Smith	VOTING
Amy Harding	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING
John Healy	VOTING
Kevin Muldowney	VOTING
Ted Wightman	VOTING

The foregoing Resolution was thereupon declared duly \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on January 27, 2026 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

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

IN WITNESS WHEREOF, we have hereunto set our hand this 27<sup>th</sup> day of January, 2026.

[Assistant] Secretary

[Vice] Chair[man]

## Wavepoint 3PL, Inc.

### Project Description:

- Acquisition of 121,450 SF warehousing and logistics hub, and renovations of 115,000 SF of the building located at 3565 Chadwick Drive, Dunkirk, NY 14048 in the Town of Sheridan within Chadwick Bay Industrial Park. Additionally, the project includes the acquisition and installation of new equipment to upgrade and modernize the facility.
- Parcel # 63.00-1-40
- Total Project Cost - \$6,000,000

### Company Information:

Wavepoint 3PL, Inc.  
5501 Route 89  
North East, PA 16428  
(814) 347-1300

### Project Benefits:

- Project will modernize existing warehouse, support internal growth of their high velocity distribution center, and meet customer demand in Northeast markets
- Creation of temporary and permanent jobs, with payroll
- Local and State Sales Tax revenue
- Local Real Property Tax revenue

### CCIDA Incentives:

- A standard 10-year payment in lieu of taxes (PILOT) on the increased assessment, sales tax abatement in the amount of \$80,000 and mortgage recording tax exemption in the amount of \$58,750. The PILOT will produce payments to the affected taxing jurisdiction, over the life of the project, in the amount of \$860,595, with an incremental increase of \$184,883 and the tax exemption totals \$415,551.

### Jobs:

- Temporary
  - 5 FTEs during construction
- Permanent
  - Up to 20 FTE over 3 years with wages ranging \$40,000 - \$94,950

(continued on next page)

**Cost Benefit Analysis (CBA):**

**Benefit  
to Cost  
Ratio**

	Benefit*	Cost*	Ratio
Local	\$13,941,600	\$475,074	29:1
State	\$742,837	\$40,000	19:1
Grand Total	\$14,684,437	\$515,074	29:1

\*Discounted at the public sector  
discount rate of: 2%

**Timeline:**

- Construction estimated to begin Spring 2026 with completion estimated July 2026

**SEQRA/Lead Agency:**

- CCIDA, Type I Negative Declaration

**Project Milestones:**

- 11/11/2025 - Completed Application
- 12/16/2025 - Due Diligence Resolution and Agreement
- 1/22/26 – Public Hearing
- 1/27/26 – SEQRA & Inducement Resolutions

### APPLICATION FOR FINANCIAL ASSISTANCE

Please respond to all questions in this Application for Financial Assistance (the "Application") by, as appropriate: filling in blanks; checking the applicable term(s); attaching additional text (with appropriate notations, such as "see Schedule 2(A), etc."); or writing "N.A.", signifying "not applicable".

The following amounts are payable to the County of Chautauqua Industrial Development Agency (the "Agency") at the time this Application is submitted to the Agency: (i) a \$1,000 non-refundable application fee (the "Application Fee"); and (ii) a \$1,000 expense deposit for the Agency's Transaction/Bond Counsel fees and expenses (the "Counsel Fee Deposit"). The Application Fee will not be credited against any other fees or expenses which are or become payable to the Agency in connection with this Application or the project contemplated herein (the "Project"). In the event that the subject transaction does not close for any reason, the Agency may use all or any part of the Counsel Fee Deposit to defray the cost of Transaction/Bond Counsel fees and expenses with respect to the Project. In the event that the subject transaction closes, the Counsel Fee Deposit shall be credited against the applicable expenses incurred by the Agency with respect to the Project.

Any approval of financial assistance will be effective for one year. If the subject transaction has not closed within that time, reapproval may be required, which may be conditioned upon payment of some, most or all of the Agency's expected administrative fee and attorneys' fees accrued on that date.

*Note:* Please contact the CCIDA Main Office @ (716) 661-8900 with any questions relative to the application content and/or process.

#### PART I: APPLICANT

**Name:** Wavepoint 3PL Inc  
**Address:** 5501 Route 89, North East PA 16428  
**Phone:** (814) 347-1300  
**NY State Dept. of Labor Reg #:** 844186037  
**Federal Employer ID #:** 844186037  
**NAICS Code #:** 424990  
**NAICS Sector:** 493  
**NAICS Industry:** Goods and Supplies  
**Website:** <https://www.wavepoint.com/>  
 Nature of business (goods to be sold, manufactured, assembled or processed, services rendered):  
 Logistics company providing warehousing, inventory management, and order fulfillment, and transportation solutions

**Contact Name:** Kirk Hill  
**Title:** President  
**Phone Number:** (814) 347-1300  
**E-Mail:** KHELL@WAVEPOINT3PL.COM

**Business Type:**  
 Sole Proprietorship  
 General Partnership  
 Limited Partnership  
 Limited Liability Company  
 Privately Held Corporation  
 Publicly Held Corporation  
 Not-for-Profit Corporation

State/Year of Incorporation/Organization: PA - 2019  
 Qualified to do Business in New York (Yes or No): yes

#### **Owners of 20% or more of Applicant:**

Name	%
Kirk Hill	98%

#### PART II: PROJECT

**Address of proposed project facility:**  
 3565 Chadwick Dr, Dunkirk NY 14048

**Tax Map Parcel Number(s):** 63.00-1-40

**City/Town/Village(s):** Sheridan  
**School District(s):** Dunkirk  
**Current Legal Owner:** 3565 Chadwick Dr LLC  
**Contract to purchase (Yes or No):** Yes  
**Date of purchase:** 1/31/2026  
**Purchase price:** \$ 4,700,000

**Present use of the Project site:**  
 Trucking Terminal

**What are current real estate taxes on the Project site?**

**County/Town:** \$ 25,843.05  
**City/Village:** \$  
**School:** \$ 35,868.46

Are tax cert. proceedings currently pending with respect to the Project real property?

YES  NO

**Proposed User(s)/Tenant(s) of the Facility**  
 (Complete for each User/Tenant for additional User/Tenants of the Company, use space at the end of this section)

**Company Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**City/State/Zip:** \_\_\_\_\_  
**Tax ID No.:** \_\_\_\_\_  
**Contact Name:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Phone Number:** \_\_\_\_\_  
**E-Mail:** \_\_\_\_\_

**% of facility to be occupied by User/Tenant:** \_\_\_\_\_

**Relationship to the Applicant:** \_\_\_\_\_

**OFFICERS OF APPLICANT**

Name: Kirk Hill Title: President  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Owners of 20% or more of User/Tenant:**

Name % Corporate Title  
N/A  
\_\_\_\_\_  
\_\_\_\_\_

**APPLICANT'S LEGAL COUNSEL:**

Firm name: Hodgson Russ LLP  
Address: 140 Pearl Street, Buffalo NY 14202  
Contact: Rafael F. Pignataro  
Phone: (716) 848-1222  
Fax: \_\_\_\_\_  
E-Mail: rpignataro@hodgsonruss.com

Type of Proposed Project (check all that apply):

New Construction of a Facility  
Square footage: \_\_\_\_\_

Addition to Existing Facility  
Square footage of existing facility: \_\_\_\_\_  
Square footage of addition: \_\_\_\_\_

Renovation of Existing Facility  
Square footage of area renovated: 115,000  
Square footage of existing facility: 121,450

Acquisition of Land/Building  
Acreage/square footage of land: 10  
Square footage of building: 121,450

Acquisition of Furniture/Machinery/Equipment  
List principal items or categories:  
Material handling equipment, retrieval and storage systems

Other (specify): \_\_\_\_\_

Briefly describe the purpose of the proposed Project, the reasons why the Project is necessary to the Applicant and why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations:

Wavepoint 3 PL Inc. plans to acquire and upgrade an existing warehouse in Sheridan, New York, to modernize an existing warehousing and logistics hub that support the company's growth and meet customer

demand across the Northeast. Financial assistance is needed to offset the upfront costs for acquisition and internal improvements, making the project feasible at this location. The investment will create 20 new jobs and position

Wavepoint for future expansion to strengthen its distribution network.

Please list Affiliates/Parents/Subsidiary Entities to Applicant (attach organization chart if necessary)

See attached

Will the Project provide on-site child daycare facilities? If so, please explain: No \_\_\_\_\_

### **PART III. CAPITAL COSTS OF THE PROJECT**

A. Provide an estimate of Project Costs of all items listed below:

<u>Item</u>	<u>Cost</u>
1. Land and/or Building Acquisition:	\$ 4,700,000
2. Building Demolition:	\$ _____
3. Construction/Reconstruction/Renovation:	\$ 500,000
4. Site Work:	\$ _____
5. Infrastructure Work:	\$ _____
6. Furniture, Equipment & Machinery Acquisition (not included in 3. above):	\$ 500,000
7. Architectural/Engineering Fees:	\$ _____
8. Applicant's Legal Fees:	\$ _____
9. Financial Fees:	\$ _____
10. Other Professional Fees:	\$ _____
11. Other Soft Costs (describe): <u>closing costs and lease equity</u>	\$ 300,000
12. Other (describe): _____	\$ _____
Total Project Costs:	<u>\$ 6,000,000</u>

B. Estimated Sources of Funds for Project Costs:

	<u>Source</u>
1. Tax-Exempt IDA Bonds:	\$ _____
2. Taxable IDA Bonds:	\$ _____
3. Conventional Mortgage Loans:	\$ _____
4. SBA or other Governmental Financing: Identify: _____	\$ _____
5. Other Public Sources (e.g., grants, tax credits): Identify: _____	\$ _____
6. Other Public Agency Loans:	\$ _____
7. Other Private Loans:	\$ 4,700,000
8. Equity Investment: (Excluding equity attributable to grants/tax credits)	\$ 1,300,000
Total Funding:	<u>\$ 6,000,000</u>

What percentage of the total project costs are funded/financed from public sector sources: 0 %

C. Requested Financial Assistance

Tax-Exempt Bonds:	\$ _____
Taxable Bonds:	\$ _____
Estimated Value of Sales Tax Benefit: (i.e., gross amount of cost of goods and services that are subject to state and local sales and use taxes multiplied by [8.0%])	\$ 80,000
Estimated Value of Mortgage Tax Benefit: (i.e., principal amount of mortgage loans loans multiplied by [1.25%])	\$ 58,750

Estimated CCIDA PILOT Property Tax Benefit:

Type: Real Property PILOT

Term: 10 years

Schedule Requested: 10 year

Deviation? Yes  No

Will the proposed Project utilize a property tax **No** exemption benefit other than from the Agency: \_\_\_\_\_  
(if so, please describe requested type, term and schedule)

Existing Total Annual Property Taxes on Land and Building: \$ 61,711.51

Estimated Additional Property Taxes on completed Project over the requested PILOT term (without Agency financial assistance): \$ 415,551

Other (specify): \_\_\_\_\_

NOTE: Upon acceptance of this Application by the Agency, the Agency's staff will create a PILOT schedule and indicate the estimated amount of PILOT Benefit/Cost utilizing anticipated tax rates and assessed valuation, make an estimate of the allocation of PILOT payments among the affected tax jurisdictions, and attach such information as Exhibit A hereto.

The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to undertake and document the total amount of capital investment as set forth in this Application.

D. Status of Expenses

Have any of the above costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this application? If YES, describe particulars on a separate sheet.

YES

NO

E. Existing Operations

Does the Applicant or any User(s)/Tenant(s) currently operate in the County? If YES, describe such operations, including whether the proposed Project will result in the relocation or abandonment of such other operation(s).

Yes. WavePoint currently operates in Chautauqua County at 3565 Chadwick Drive, Dunkirk and at 196 Newton St in Fredonia. The proposed Dunkirk Project will not relocate or abandon operations in Fredonia but will expand capacity and support future growth in Dunkirk. Wavepoint will maintain current employment in the County and anticipates adding 20 additional jobs at 3565 Chadwick.

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#### PART IV: COST-BENEFIT ANALYSIS

Provide the current annual payroll in Chautauqua County. Then, estimate projected payroll in years 1, 2, 3, after completion of Project.

	<u>Present</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Full Time:	\$ 2,850,000	\$ 3,424,750	\$ 3,880,242	\$ 4,152,363
Part Time <sup>1</sup> :	\$ _____	\$ _____	\$ _____	\$ _____

If the Applicant presently operates in Chautauqua County, provide the current number of employees in the following occupations. Then, estimate the projected Full Time Equivalent (“FTE”) employees as indicated following completion of the Project:

Current and Planned Occupations	Present Jobs <u>Per Occupation</u>	Est. FTEs Post-Completion:			Est. # of County Residents. by yr. 3
		<u>1 year</u>	<u>2 years</u>	<u>3 years</u>	
Management	5	5	5	5	4
Professional	4	6	7	8	6
Administrative	4	5	5	5	4
Production	_____	_____	_____	_____	_____
Supervisor	4	5	6	6	4
Laborer	47	53	57	60	52
Independent Contractor <sup>2</sup>	_____	_____	_____	_____	_____
Other (describe)	_____	_____	_____	_____	_____

List the average salaries or provide ranges of salaries for the following categories of jobs (on a full-time equivalency basis) projected to be retained/created in Chautauqua County because of the proposed Project:

Category of Jobs to be Retained/Created:	Average Salary or Range of Salary:	Average Fringe Benefits or Range of Fringe Benefits:
Management	\$94,950	30%
Professional	\$82,000	30%
Administrative	\$52,000	30%
Production	_____	_____
Supervisor	\$45,000	30%
Laborer	\$40,000	30%
Independent Contractor <sup>2</sup>	_____	_____
Other	_____	_____

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction, and/or renovation of the Project: <sup>5</sup> \_\_\_\_\_

Please note that the Agency may utilize the foregoing employment projections, among other things, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to retain the above number of jobs, types of occupations and amount of payroll with respect to the proposed project.

<sup>1</sup> NOTE: The Agency converts part-time jobs into FTE's for evaluation and reporting purposes by dividing the number of part-time jobs by two (2).

<sup>2</sup> As used in this chart, this category includes employees of independent contractors.

What percentage of the Applicant's total dollar amount of production, sales or services (including production, sales or services rendered following completion of the Project) are made to customers outside the economic development region (i.e., Western New York)?

66 \_\_\_\_\_ %

Describe any municipal revenues that will result from the Project (excluding any PILOT payments):

N/A

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What is the estimated aggregate annual amount of goods and services to be purchased by the Applicant for each year after completion of the Project, and what portion will be sourced from businesses located in Chautauqua County and the State:

	<u>Amount</u>	<u>% Sourced in Chautauqua County</u>	<u>% Sourced in State</u>
Year 1	\$ 3,000,000	25	30
Year 2	\$ 3,500,000	25	30
Year 3	\$ 4,000,000	25	30

Describe, if applicable, other benefits to the Chautauqua County anticipated as a result of the Project, including a projected annual estimate of additional sales tax revenue generated, directly and indirectly, as a result of undertaking the project:

3565 Chadwick will support local suppliers and contractors as well as support economic activity as a result of new investment and creation of additional jobs in the County.

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If applicable, has construction/reconstruction/renovation work on the Project begun? If YES, indicate the percentage of completion:

1. (a) Site clearance YES  NO  \_\_\_\_\_ % complete
- (b) Environmental Remediation YES  NO  \_\_\_\_\_ % complete
- (c) Foundation YES  NO  \_\_\_\_\_ % complete
- (d) Footings YES  NO  \_\_\_\_\_ % complete
- (e) Steel YES  NO  \_\_\_\_\_ % complete
- (f) Masonry YES  NO  \_\_\_\_\_ % complete
- (g) Interior YES  NO  \_\_\_\_\_ % complete
- (h) Other (describe below): YES  NO  \_\_\_\_\_ % complete

If NO to all of the above categories, what is the proposed date of commencement of construction, reconstruction, renovation, installation or equipping of the Project? March 2026

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Provide an estimated time schedule to complete the Project and when first use of the Project is expected to occur:

Acquisition is anticipated to close no later than q1 of 2026. WavePoint will continue to operate while renovating the facility in Spring of 2026 with full operations by July 2026

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## **PART V: QUESTIONS**

Please answer the following questions. If an answer is "YES" to any question, please provide details in the space provided at the end of the section.

1. Would 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 such plants?

YES  NO

*\*\* If the answer is "No" please continue to question 3.*

2. If the answer is "Yes" please answer the two (2) following questions.

a. Is the Project reasonably necessary to preserve the competitive position of the Applicant, or of a proposed user, occupant or tenant of the Project, in its industry?

YES  NO

b. Is the Project reasonably necessary to discourage the Applicant, or a proposed user, occupant or tenant of the Project, from removing such plant or facility to a location outside of the State of New York?

YES  NO

3. Is there a likelihood that the proposed Project would not be undertaken by the Applicant but for the granting of the financial assistance by the Agency? (If yes, explain; if no, explain why the Agency should grant the financial assistance with respect to the proposed Project).

YES  NO

4. The Applicant certifies that the provisions of Section 862(1) of the General Municipal Law will not be violated if financial assistance is provided by the Agency for the proposed Project.

YES  NO

5. Is an environmental impact statement required by Article 8 of the N.Y. Environmental Conservation Law (i.e., the New York State Environmental Quality Review Act)? If "yes" please complete and attach to the Application.

YES  NO

*\*\* Applicants should consult **Exhibit B** in order to determine which version of the New York State Environmental Assessment Form must be submitted with this Application.*

6. Will customers personally visit the Project site for "retail sales" of Goods and/or Services? "Retail Sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State primarily engaged in the retail sale of tangible personal property, as defined in section 1101(b)(4)(i) of the Tax Law of the State, or (ii) sales of a service to such customers.

Sales of Goods: YES  NO   
Sales of Services: YES  NO

*\*\* If the answer to both is "No" please continue to the next page; if the answer to either is "Yes" please answer the four (4) remaining questions.*

a. What percentage of the cost of the Project (including that portion of the cost to be financed from equity or sources other than Agency financing) will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project?

\_\_\_\_\_ %

b. Is the Project likely to attract a significant number of visitors from outside the economic development region (i.e., Western New York) in which the Project is or will be located?

YES  NO

c. 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 city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services?

YES  NO

d. Will the Project be located in one of the following: (a) an area designated as an empire zone pursuant to Article 18-B of the General Municipal Law; or (b) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (i) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of the households receiving public assistance, and (ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?

YES  NO

Details: Yes. While WavePoint is committed to expanding its operations in Chautauqua County, the high upfront costs associated with the acquisition and improvement

of the Dunkirk facility make the project economically challenging without financial assistance from the Agency. The requested incentives, including a PILOT, are

critical to making the investment feasible in this location and to ensuring consistent and predictable tax payments. Without such assistance, the acquisition would not occur.

## **CERTIFICATIONS AND ACKNOWLEDGMENTS OF THE APPLICANT**

The undersigned, being duly sworn, deposes and says, under penalties of perjury, as follows: that I am the chief executive officer or other representative authorized to bind the Applicant named in the attached application for financial assistance ("Application") and that I hold the office specified below my signature at the end of this Certification and Agreement, that I am authorized and empowered to deliver this Certification and Agreement and the Application for and on behalf of the Applicant, that I am familiar with the contents of said Application (including all schedules, exhibits and attachments thereto), and that said contents are true, accurate and complete to the best of my knowledge and belief.

The grounds of my belief relative to all matters in the Application that are not based upon my own personal knowledge are based upon investigations I have made or have caused to be made concerning the subject matter of this Application, as well as upon information acquired in the course of my duties and from the books and records of the Applicant.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that the Applicant hereby releases the County of Chautauqua Industrial Development Agency, its members, officers, servants, attorneys, agents and employees (collectively, the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend (with counsel selected by the Agency) and hold the Agency harmless from and against any and all liability, damages, causes of actions, losses, costs or expenses incurred by the Agency in connection with: (A) examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the financial assistance requested therein are favorably acted upon by the Agency, (B) the acquisition, construction, reconstruction, renovation, installation and/or equipping of the Project by the Agency, and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, (i) all fees and expenses of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants (if deemed necessary or advisable by the Agency), and (ii) all other expenses incurred by the Agency in defending any suits, actions or proceedings that may arise as a result of any of the foregoing. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels, or neglects the Application or if the Applicant is unable to find buyers willing to purchase the total bond issue required or is unable to secure other third party financing or otherwise fails to conclude the Project, then upon presentation of an invoice by the Agency, its agents, attorneys or assigns, the Applicant shall pay to the Agency, its agents, attorneys or assigns, as the case may be, all fees and expenses reflected in any such invoice.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that each of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants is an intended third-party beneficiary of this Certification and Agreement, and that each of them may (but shall not be obligated to) enforce the provisions of the immediately preceding paragraph, whether by lawsuit or otherwise, to collect the fees and expenses of such party or person incurred by the Agency (whether or not first paid by the Agency) with respect to the Application.

**FIRST:**

The Applicant hereby certifies that, if financial assistance is provided by the Agency for the proposed project, no funds of the Agency (i) shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant or for the purpose of advertising or promotional materials which depict elected or appointed government officials in either print or electronic media, (ii) be given to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State

**SECOND:**

The Applicant hereby certifies that no member, manager, principal, officer or director of the Applicant or any affiliate thereof has any blood, marital or business relationship with any member of the Agency (or any member of the family of any member of the Agency).

**THIRD:**

The Applicant hereby certifies that neither the Applicant nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners (other than equity owners of publicly-traded companies), nor any of their respective employees, officers, directors, or representatives (i) is a person or entity with whom United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury, including those named on OFAC's Specially Designated and Blocked Persons List, or under any statute, executive order or other governmental action, or (ii) has engaged in any dealings or transactions or is otherwise associated with such persons or entities.

**FOURTH:**

The Applicant hereby acknowledges that the Agency shall obtain and hereby authorizes the Agency to obtain credit reports and other financial background information and perform other due diligence on the Applicant and/or any other entity or individual related thereto, as the Agency may deem necessary to provide the requested financial assistance.

**FIFTH:**

The Applicant hereby certifies, under penalty of perjury, that each owner, occupant or operator that would receive financial assistance with respect to the proposed Project is in substantial compliance with applicable federal, state and local tax, worker protection and environmental laws, rules and regulations.

**SIXTH:**

The Applicant hereby acknowledges that the submission to the Agency of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the recapture from the Applicant of an amount equal to all or any part of any tax exemption claimed by reason of the Agency's involvement in the Project.

**SEVENTH:**

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

**EIGHTH:**

Upon successful closing of the required bond issue or other form of financing or Agency assistance, the Applicant shall pay to the Agency an administrative fee set by the Agency (which amount is payable at closing) in accordance with the following schedule:

- (A) All Initial Transactions - One-Hundred basis points (1.00%) of Total Project Costs
  - a. This fee applies to all Initial Transactions except for certain small solar or wind energy systems or farm waste energy systems under RPTL §487, for which the Agency collects no fee (other than Counsel fees).
- (B) Refundings/Assumptions/Modifications: Agency fee shall be determined on a case-by-case basis.

The Agency's bond counsel fees and expenses are payable at closing and are based on the work performed in connection with the Project.

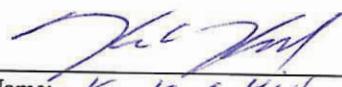
The Agency's bond counsel's fees, general counsel fee and the administrative fees may be considered as a cost of the Project and included as part of any resultant financing, subject to compliance with applicable law.

Regardless of the success of this Application or whether the hoped-for Financial Assistance is realized, Applicant agrees to pay all costs in connection with any efforts by the Agency on behalf of the Applicant including any fees and expenses of the Agency's general counsel, bond counsel, and all applicable recording, filing or other related fees, taxes and charges upon receipt and review of the Application, securing necessary approvals, closing the necessary transaction, and/or terminating any transaction entered into by the Applicant and the Agency.

**NINTH:**

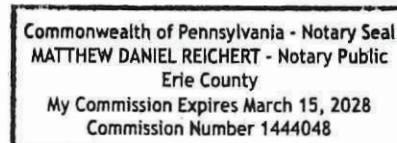
The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or any other appropriate federal, state or local governmental agency or authority as to whether the Project site or any property adjacent to or within the immediate vicinity of the Project site is or has been identified as a site at which hazardous substances are being or have been used, stored, treated, generated, transported, processed, handled, produced, released or disposed of. The Applicant will be required to secure the written consent of the owner of the Project site to such inquiries (if the Applicant is not the owner), upon request of the Agency.

I further acknowledge and agree on behalf of the Applicant that, in the event the Agency shall have used all of its available tax-exempt bond financing allocation from the State of New York, if applicable, and shall accordingly be unable to obtain an additional allocation for the benefit of the Applicant, the Agency shall have no liability or responsibility as a result of the inability of the Agency to issue and deliver tax-exempt bonds for the benefit of the Applicant.

  
\_\_\_\_\_  
Name: *K. K. C. Hill*  
Title: *President*

Subscribed and affirmed to me this 11<sup>TH</sup>  
day of November, 2022

 *1444048*  
Notary Public



The Agency's acceptance of this Application for consideration does not constitute a commitment on the part of the Agency to undertake the proposed Project, to grant any financial assistance with respect to the proposed Project, or to enter into any negotiations with respect to the proposed Project.

Information provided herein may be subject to disclosure under the New York Freedom of Information Law (New York Public Officers Law § 84 et seq.) ("FOIL"). If the Applicant believes that a portion of the material submitted with this Application is protected from disclosure under FOIL, the Applicant should mark the applicable section(s) or page(s) as "confidential" and state the applicable exception to disclosure under FOIL.

---

DATE

## EXHIBIT A

## Financial Assistance Schedule

Agency staff will indicate the amount of PILOT, sales and mortgage recording tax benefits based on estimated Project Costs as contained herein, anticipated tax rates, and assessed valuation, including the annual PILOT Benefit abatement amount for the term of the PILOT as depicted below. This section of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of the completed Application.

A. 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	Total Current Annual Taxes
\$1,000,000	\$2,280,000	\$15.604886	\$4.280676	\$29.964906	\$ 61,710.00

\*Apply equalization rate to value

PILOT Year	% Payment	PILOT Amount	Full Tax Payment without PILOT	Estimated Net Exemption
1. 1	10	\$67194	\$54,836	\$49,352
2. 2	10	\$68,538	\$55,932	\$50,339
3. 3	20	\$75,614	\$57,051	\$45,641
4. 4	20	\$77,126	\$58,192	\$46,554
5. 5	30	\$84,604	\$59,356	\$41,549
6. 6	30	\$86,296	\$60,543	\$42,380
7. 7	40	\$94,197	\$61,754	\$37,052
8. 8	40	\$96,081	\$62,989	\$37,793
9. 9	50	\$104,428	\$64,249	\$32,124
10. 10	50	\$106,516	\$65,534	\$32,767
11.				
12.				
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23.				
24.				
25.				
<b>TOTAL</b>		\$860,595	\$600,434	\$415,551

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

## B. Sales Tax Exemption Benefit:

Estimated Sales Tax exemption for facility construction: \$ combined with equipment

Estimated Sales Tax exemption for fixtures and equipment: \$ 80,000

Estimated Start Date: March 2026

Estimated duration of Sales Tax exemption: 12 months

C. Mortgage Recording Tax Exemption Benefit:

Estimated value of Mortgage Recording Tax exemption: \$ 58,750

D. Other Benefit(s):

#### E. Solar Projects Only: Size

## Community Distribution Facility      Small Alternate Energy Project

## Community Distribution Facility

kW or  MW

Small Alternate Energy Project

F. Battery Energy Storage System Only: Size \_\_\_\_\_ MW

Parcel ID(s):
1. 63.00-1-40
2.
3.
4.
5.
6.
7.
8.
9.
10.

## Exhibit B

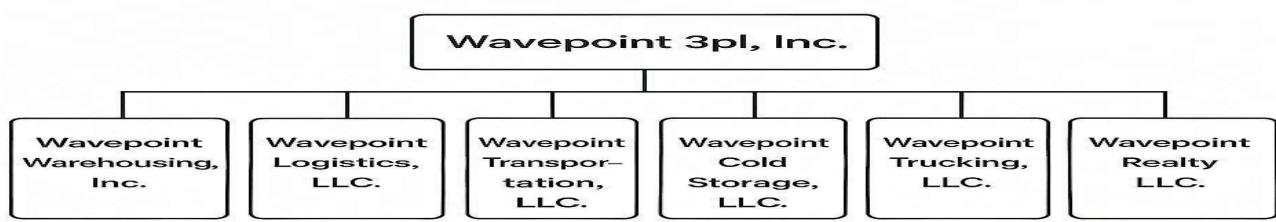
### State Environmental Quality Review Act Compliance Checklist

The County of Chautauqua Industrial Development Agency (“CCIDA”), pursuant to the State Environmental Quality Review Act (“SEQRA”), must evaluate the environmental impacts of a project before deciding whether to undertake the project. The below checklist is intended to aid Applicants in determining which version of NYSDEC’s Environmental Assessment Form (“EAF”), available on NYSDEC’s website, to submit as a part of a complete application package to the CCIDA.

If one or more of the below items applies to the project, then a Full EAF must be prepared for submission. If none of the below items apply, then a Short EAF may be submitted. Please note that the below list is not exhaustive, and Applicants who have completed a short EAF may be required to fill out a Full EAF upon review of the project information by the CCIDA. Applicants should consult with their engineers and consultants to aid them in preparing the EAF.

Does the project involve:

- activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
- a project or action that involves the physical alteration of 10 acres?
  - a project or action that would use ground or surface water in excess of 2,000,000 gallons per day?
  - parking for 500 vehicles?
  - a facility with more than 100,000 square feet of gross floor area?
- the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
- a project or action that involves the physical alteration of 5 acres?
  - a project or action that would use ground or surface water in excess of 1,000,000 gallons per day?
  - parking for 250 vehicles?
  - a facility with more than 50,000 square feet of gross floor area?
- activities which meet at least one of the criteria in **both** Columns A **and** B below:
- |   |   |
|---|---|
| <input type="checkbox"/> Column A:  | <input type="checkbox"/> Column B:  |
| <ul style="list-style-type: none"><li><input type="checkbox"/> occurring wholly or partially within an agricultural district certified by Agriculture and Markets?</li><li><input type="checkbox"/> occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the State or National Register of Historic Places, or has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing?</li><li><input type="checkbox"/> occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks?</li></ul> | <ul style="list-style-type: none"><li><input type="checkbox"/> activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:</li><li><input type="checkbox"/> a project or action that involves the physical alteration of 2.5 acres?</li><li><input type="checkbox"/> a project or action that would use ground or surface water in excess of 500,000 gallons per day?</li><li><input type="checkbox"/> parking for 125 vehicles?</li><li><input type="checkbox"/> a facility with more than 25,000 square feet of gross floor area?</li></ul> |
|   | <ul style="list-style-type: none"><li><input type="checkbox"/> the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:</li><li><input type="checkbox"/> a project or action that involves the physical alteration of 1.25 acres?</li><li><input type="checkbox"/> a project or action that would use ground or surface water in excess of 250,000 gallons per day?</li><li><input type="checkbox"/> parking for 63 vehicles?</li><li><input type="checkbox"/> a facility with more than 12,500 square feet of gross floor area?</li></ul>                |



# Chautauqua County Industrial Development Agency

## MRB Cost Benefit Calculator

Date January 6, 2026  
 Project Title Wavepoint 3PL, Inc.  
 Project Location 3565 Chadwick Dr., Dunkirk, NY 14048



## Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

### Construction Project Costs

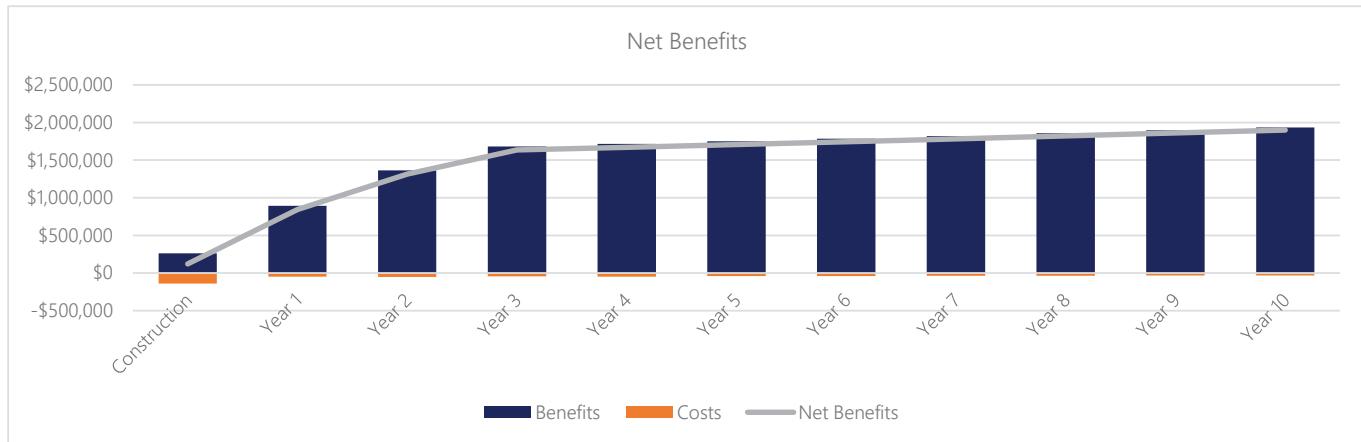
	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	3	1	4
Earnings	\$192,574	\$52,844	\$245,418
Local Spend	\$500,000	\$177,051	\$677,051

### Ongoing (Operations)

Aggregate over life of the PILOT

	Direct	Indirect	Total
Jobs	20	8	28
Earnings	\$9,060,722	\$6,704,789	\$15,765,511

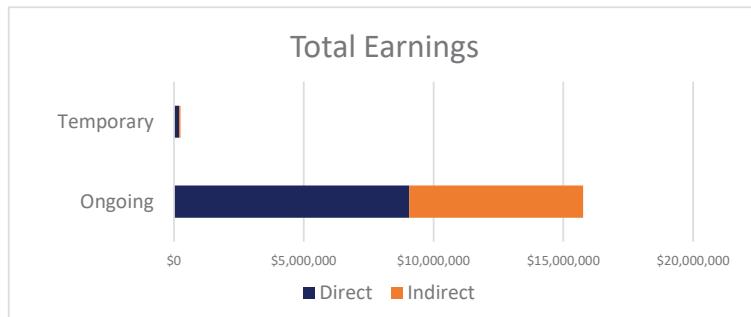
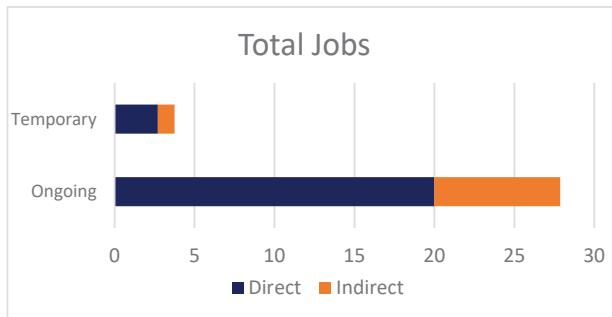
Figure 1



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

Figure 2

Figure 3



# Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

## Estimated Costs of Exemptions

		Nominal Value	Discounted Value*
Property Tax Exemption		\$415,553	\$376,324
Sales Tax Exemption		\$80,000	\$80,000
Local Sales Tax Exemption		\$40,000	\$40,000
State Sales Tax Exemption		\$40,000	\$40,000
Mortgage Recording Tax Exemption		\$58,750	\$58,750
Local Mortgage Recording Tax Exemption		\$58,750	\$58,750
State Mortgage Recording Tax Exemption		\$0	\$0
Total Costs		<b>\$554,303</b>	<b>\$515,074</b>

## State and Local Benefits

		Nominal Value	Discounted Value*
<b>Local Benefits</b>		<b>\$15,632,182</b>	<b>\$13,941,600</b>
To Private Individuals		<b>\$16,010,929</b>	<b>\$14,285,322</b>
Temporary Payroll		\$245,418	\$245,418
Ongoing Payroll		\$15,765,511	\$14,039,904
Other Payments to Private Individuals		\$0	\$0
To the Public		<b>(\$378,748)</b>	<b>(\$343,722)</b>
Increase in Property Tax Revenue		(\$490,824)	(\$443,719)
Temporary Jobs - Sales Tax Revenue		\$1,718	\$1,718
Ongoing Jobs - Sales Tax Revenue		\$110,359	\$98,279
Other Local Municipal Revenue		\$0	\$0
<b>State Benefits</b>		<b>\$832,568</b>	<b>\$742,837</b>
To the Public		<b>\$832,568</b>	<b>\$742,837</b>
Temporary Income Tax Revenue		\$11,044	\$11,044
Ongoing Income Tax Revenue		\$709,448	\$631,796
Temporary Jobs - Sales Tax Revenue		\$1,718	\$1,718
Ongoing Jobs - Sales Tax Revenue		\$110,359	\$98,279
<b>Total Benefits to State &amp; Region</b>		<b>\$16,464,750</b>	<b>\$14,684,437</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$13,941,600	\$475,074	29:1
State	\$742,837	\$40,000	19:1
<b>Grand Total</b>	<b>\$14,684,437</b>	<b>\$515,074</b>	<b>29:1</b>

\*Discounted at the public sector discount rate of: 2%

## Additional Comments from IDA

Acquisition and improvements to facilitate job growth within county.

Does the IDA believe that the project can be accomplished in a timely fashion? Yes  
 Does this project provide onsite childcare facilities? No

**PUBLIC HEARING  
Sheridan Community Center  
2777 Route 20  
Sheridan, NY 14135  
January 22, 2026  
2:00 p.m.**

**Wavepoint 3PL, Inc.**

**Attendees:**

Kristine Morabito, CCIDA Staff

Jason Sample, CCIDA Staff

Gregory Peterson, CCIDA Counsel

Stephen Roach, Sheridan Town Supervisor

MS. MORABITO: Good afternoon. My name is Kristine Morabito. I am a Project Manager and a duly authorized hearing officer of the County of Chautauqua Industrial Development Agency (the "Agency") and I have been authorized to hold a public hearing pursuant to Section 859-a of the New York General Municipal Law, as amended (the "Act").

Today is January 22, 2026 and the time is now 2:13 p.m. We are at the Town of Sheridan "Community Center," 2777 Route 20, Town of Sheridan, County of Chautauqua, New York.

The Agency has received an application for financial assistance in connection with the following matter:

WAVEPOINT 3PL INC., a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and qualified to do business in the State of New York as a foreign corporation (the "Applicant"), presented an application for financial assistance (the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 10 acre parcel of land located at 3565 Chadwick Drive, Dunkirk, Town of Sheridan, County of Chautauqua, New York (Tax Parcel ID. 63.00-1-40) (the "Land"), (2) the renovation of an approximately 115,000 square foot portion of an existing approximately 121,450 square foot building on the Land (the "Building"), together with related improvements to the Land, and (3) the acquisition of certain furniture, fixtures, machinery, equipment and building materials necessary for the completion thereof (the "Equipment" and together with the Land and the Building, collectively, the "Project Facility"), all of the foregoing for use by the Applicant as a warehouse and distribution facility; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency.

The Project Facility would be initially owned, operated and/or managed by the Applicant (or such other designated entity(ies)).

The Applicant (or such other designated entity(ies)) would receive the Financial Assistance from the Agency in the form of potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes.

Notice of this public hearing was published in *The Observer* on January 10, 2026 and provided to the Chief Executive Officer of each affected tax jurisdiction within which the Project Facility is or will be located and all other persons required by applicable law by letter dated January 9, 2026.

The purpose of this public hearing is to provide an opportunity for all interested parties to present their views, both orally and in writing, with respect to the granting of the Financial Assistance contemplated by the Agency or the location or nature of the Project. As set forth in the notice of this public hearing, comments may also be submitted to the Agency in writing or electronically at the following email address: [morabitk@chqgov.com](mailto:morabitk@chqgov.com).

Subject to applicable law, copies of the Application, including an analysis of the costs and benefits of the Project, are available for review by the public online at [www.ccida.com](http://www.ccida.com).

This public hearing is being streamed on the Agency's website in real-time and a video recording of this public hearing is being made and will be posted on the Agency's website, all in accordance with Section 857 of the New York General Municipal Law, as amended. In addition, a report or summary of this hearing will be made and such report or summary of all comments received by the Agency shall be provided to the Agency's members and posted on the Agency's website. Comments received in writing will also be included in the report and any summary of this public hearing.

Is there anyone wishing to be heard with respect to the Project or the Financial Assistance?

Is there anyone wishing to be heard with respect to the Project or the Financial Assistance?

[NO COMMENTS FROM THE PUBLIC]

MS. MORABITO: It is now 2:13 p.m. Let the record show that, no members of the public have indicated a desire to comment with respect to the Financial Assistance or the location or nature of the Project. In addition, no written comments have been received by the Agency with respect to the Financial Assistance or the location or nature of the Project. I therefore call this hearing to a close. Thank you for attending.

Respectfully Submitted By: Kristine Morabito, Project Manager



County of Chautauqua Industrial Development Agency

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### Public Hearing Attendance Sheet

Project: Wavepoint 3PL, Inc.

Public Hearing Location: Sheridan "Community Center", 2777 Route 20, Sheridan NY 14135

Public Hearing Date and Time: January 22, 2026 2:00 p.m.

Full Name (Please Print)

Signature

Affiliation

1. Stephen Roach

A handwritten signature of 'Stephen Roach' in black ink.

Town Supervisor

2. Jason Sample

A handwritten signature of 'Jason Sample' in black ink.

CCIDA

3. Bryan Peterson

A handwritten signature of 'Bryan Peterson' in black ink.

IDA Council

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

11. \_\_\_\_\_

12. \_\_\_\_\_

13. \_\_\_\_\_



County of Chautauqua Industrial Development Agency

Full Name (Please Print)	Signature	Affiliation
14. _____	_____	_____
15. _____	_____	_____
16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
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22. _____	_____	_____
23. _____	_____	_____
24. _____	_____	_____
25. _____	_____	_____
26. _____	_____	_____
27. _____	_____	_____
28. _____	_____	_____
29. _____	_____	_____
30. _____	_____	_____

***Full Environmental Assessment Form***  
***Part 1 - Project and Setting***

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Wavepoint -3565 Chadwick		
Project Location (describe, and attach a general location map): 3565 Chadwick Drive, Dunkirk, NY 14048 Parcel ID: 63.00-1-40		
Brief Description of Proposed Action (include purpose or need):  Wavepoint 3 PL Inc. plans to acquire and upgrade an existing warehouse in Sheridan, New York, to modernize an existing warehousing and logistics hub that support the company's growth and meet customer demand across the Northeast. Financial assistance is needed to offset the upfront costs for acquisition and internal improvements, making the project feasible at this location.  The investment will create 20 new jobs and position Wavepoint for future expansion to strengthen its distribution network.		
Name of Applicant/Sponsor: Wavepoint 3pl, Inc		Telephone: 814-347-1300 E-Mail: <a href="mailto:khill@wavepoint.com">khill@wavepoint.com</a>
Address: 5501 Route 89		
City/PO: North East		State: PA Zip Code: 16428
Project Contact (if not same as sponsor; give name and title/role): Kirk Hill, President		Telephone: 514-347-1300 E-Mail: <a href="mailto:khill@wavepoint.com">khill@wavepoint.com</a>
Address:		
City/PO:		State: Zip Code:
Property Owner (if not same as sponsor): 3565 Chadwick Dr LLC		Telephone: E-Mail:
Address: 1888 Niagara Falls Blvd		
City/PO: Tonawanda		State: NY Zip Code: 14150

## B. Government Approvals

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Sheridan Building Permt	2/2/206
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Sheridan Planning Board	March 2026
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County of Chautauqua IDA	11/12/2025
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the  Yes  No only approval(s) which must be granted to enable the proposed action to proceed?

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site  Yes  No where the proposed action would be located?

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action  Yes  No would be located?

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway;  Yes  No Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)

If Yes, identify the plan(s):

NYS Heritage Areas:Concord Grape Belt Region

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan,  Yes  No or an adopted municipal farmland protection plan?

If Yes, identify the plan(s):

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### C.3. Zoning

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

New York State Property Class Code 447- Trucking Terminal

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

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

### C.4. Existing community services.

a. In what school district is the project site located? Dunkirk

b. What police or other public protection forces serve the project site?

Dunkirk Police

c. Which fire protection and emergency medical services serve the project site?

Dunkirk Fire

d. What parks serve the project site?

Memorial Park and Point Gratiot Park

## D. Project Details

### D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Acquisition of an existing trucking terminal for increased warehouse and logistics operations by Wavepoint.

b. a. Total acreage of the site of the proposed action? 10 acres

b. Total acreage to be physically disturbed? N/A acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 10 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: 6 months

ii. If Yes:

• Total number of phases anticipated

• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

f. Does the project include new residential uses?

Yes  No

If Yes, show numbers of units proposed.

One Family

Two Family

Three Family

Multiple Family (four or more)

Initial Phase

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

At completion

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Initial Phase

Yes  No

If Yes,

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

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?

Yes  No

If Yes,

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

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

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

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

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

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

## D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No

(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

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

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

• Volume (specify tons or cubic yards): \_\_\_\_\_

• Over what duration of time? \_\_\_\_\_

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

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No

If yes, describe. \_\_\_\_\_

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

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

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

viii. Will the excavation require blasting?  Yes  No

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

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

If Yes:

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

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

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iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_

- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

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

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: City of Dunkirk Wastewater Treatment Plant
- Name of district: North Country Industrial Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Will a line extension within an existing district be necessary to serve the project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
• Describe extensions or capacity expansions proposed to serve this project: _____	_____
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
• Applicant/sponsor for new district: _____	_____
• Date application submitted or anticipated: _____	_____
• What is the receiving water for the wastewater discharge? _____	_____
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
none _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. How much impervious surface will the project create in relation to total size of project parcel?	_____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size)
ii. Describe types of new point sources. _____	_____
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____	
• If to surface waters, identify receiving water bodies or wetlands: _____ _____	
• Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input type="checkbox"/> No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input type="checkbox"/> No	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify:	
i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____	
ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____	
iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No	
ii. In addition to emissions as calculated in the application, the project will generate:	_____
• _____ Tons/year (short tons) of Carbon Dioxide (CO <sub>2</sub> )	_____
• _____ Tons/year (short tons) of Nitrous Oxide (N <sub>2</sub> O)	_____
• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)	_____
• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF <sub>6</sub> )	_____
• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)	_____
• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	_____

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Estimate methane generation in tons/year (metric): _____	
ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____	
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____ _____	
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend	
<input type="checkbox"/> Randomly between hours of _____ to _____.	
ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____	
iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____	
iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No	
v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:	
vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No	
viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No	
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Estimate annual electricity demand during operation of the proposed action: _____	
ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____	
iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No	
l. Hours of operation. Answer all items which apply.	
i. During Construction:	
<ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7-3</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	
ii. During Operations:	
<ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7-3</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes:	
i. Provide details including sources, time of day and duration:	_____
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe: _____	
n. Will the proposed action have outdoor lighting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes:	
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:	_____
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Product(s) to be stored _____	_____
ii. Volume(s) _____ per unit time _____ (e.g., month, year)	_____
iii. Generally, describe the proposed storage facilities: _____	_____
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe proposed treatment(s):	_____
ii. Will the proposed action use Integrated Pest Management Practices?	<input type="checkbox"/> Yes <input type="checkbox"/> No
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe any solid waste(s) to be generated during construction or operation of the facility:	_____
• Construction: _____ tons per _____ (unit of time)	_____
• Operation : _____ tons per _____ (unit of time)	_____
ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:	_____
• Construction: _____	_____
• Operation: _____	_____
iii. Proposed disposal methods/facilities for solid waste generated on-site:	_____
• Construction: _____	_____
• Operation: _____	_____

s. Does the proposed action include construction or modification of a solid waste management facility?

Yes  No

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: \_\_\_\_\_ years

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

If Yes:

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

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

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

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

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

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

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

## E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	10	10	
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Dam's existing hazard classification: _____	
iii. Provide date and summarize results of last inspection: _____	
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? • If yes, cite sources/documentation: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____	
iii. Describe any development constraints due to the prior solid waste activities: _____	
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes – Spills Incidents database      Provide DEC ID number(s): _____ <input type="checkbox"/> Yes – Environmental Site Remediation database      Provide DEC ID number(s): _____ <input type="checkbox"/> Neither database	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. If site has been subject of RCRA corrective activities, describe control measures: _____	
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____	

v. Is the project site subject to an institutional control limiting property uses?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? _____</li> <li>• Explain: _____ _____ _____</li> </ul>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>E.2. Natural Resources On or Near Project Site</b>		
a. What is the average depth to bedrock on the project site? _____		16 feet
b. Are there bedrock outcroppings on the project site? If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. Predominant soil type(s) present on project site: sandy silt _____		100 % _____ % _____ %
d. What is the average depth to the water table on the project site? Average: _____ 7 feet		
e. Drainage status of project site soils:		<input type="checkbox"/> Well Drained: _____ % of site <input checked="" type="checkbox"/> Moderately Well Drained: 100 % of site <input type="checkbox"/> Poorly Drained: _____ % of site
f. Approximate proportion of proposed action site with slopes:		<input checked="" type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site
g. Are there any unique geologic features on the project site? If Yes, describe: _____		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Surface water features.		
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Do any wetlands or other waterbodies adjoin the project site? If Yes to either i or ii, continue. If No, skip to E.2.i.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?		<input type="checkbox"/> Yes <input type="checkbox"/> No
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:		
<ul style="list-style-type: none"> <li>• Streams: Name _____</li> <li>• Lakes or Ponds: Name _____</li> <li>• Wetlands: Name _____</li> <li>• Wetland No. (if regulated by DEC) _____</li> </ul>		Classification _____ Classification _____ Approximate Size _____
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____		
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? If Yes:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Name of aquifer: _____		

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

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

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

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: Sheridan Bay Park

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

## F. Additional Information

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

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

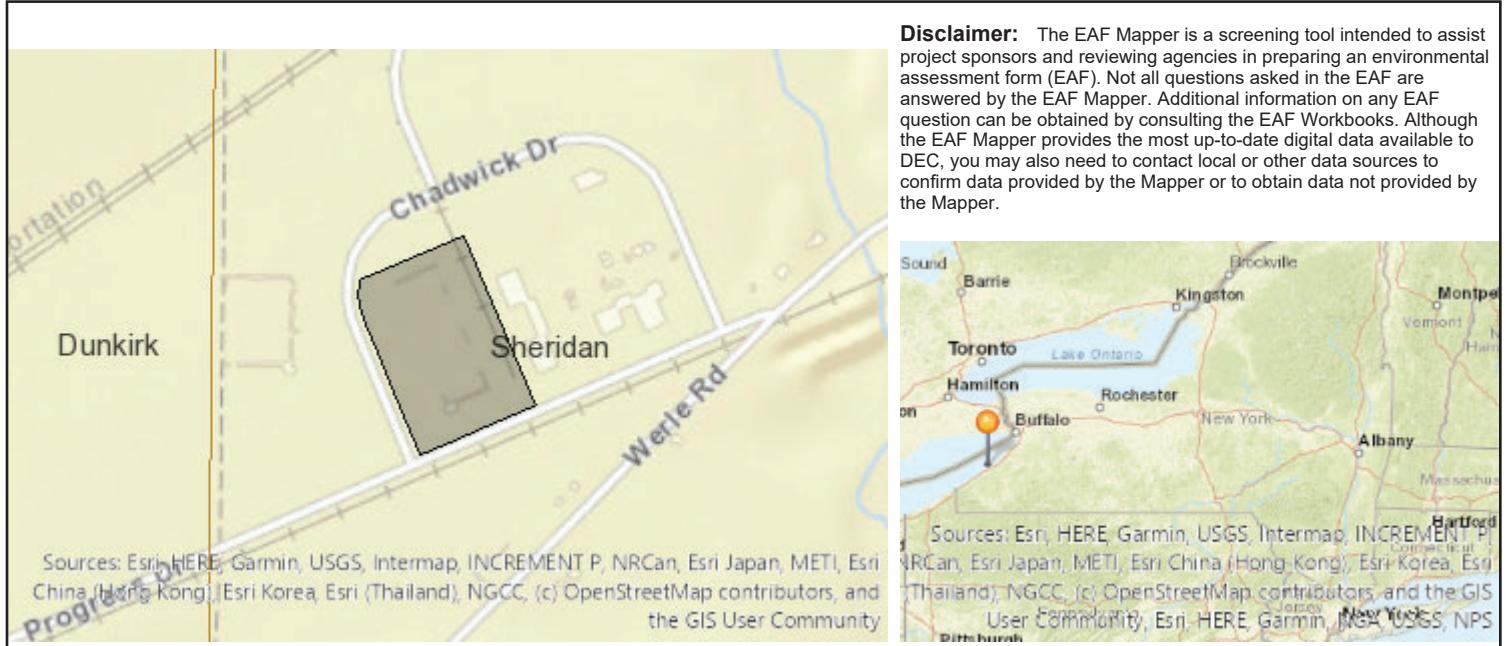
## G. Verification

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

Applicant/Sponsor Name Wavepoint 3PL Inc Date 11/12/2025

Signature 

Title President



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:Concord Grape Belt Region
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.h.ii [Surface Water Features]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.h.iii [Surface Water Features]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	No

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

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

<b>Agency Use Only [If applicable]</b>	
Project :	Wavepoint 3565 Chadwick Dr.
Date :	1/27/26

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

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

**Tips for completing Part 2:**

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

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

## 2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO  YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

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

## 3. Impacts on Surface Water

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

NO  YES

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

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

I. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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#### 4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.  
(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

*If "Yes", answer questions a - h. If "No", move on to Section 5.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

#### 5. Impact on Flooding

The proposed action may result in development on lands subject to flooding.  
(See Part 1. E.2)

*If "Yes", answer questions a - g. If "No", move on to Section 6.*

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

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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## 6. Impacts on Air

The proposed action may include a state regulated air emission source.

(See Part 1. D.2.f., D.2.h, D.2.g)

*If "Yes", answer questions a - f. If "No", move on to Section 7.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

## 7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

NO  YES

*If "Yes", answer questions a - j. If "No", move on to Section 8.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

## 8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

*If "Yes", answer questions a - h. If "No", move on to Section 9.*

NO

YES

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

## 9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

*If "Yes", answer questions a - g. If "No", go to Section 10.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

## 10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

*If "Yes", answer questions a - e. If "No", go to Section 11.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

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

## 11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

(See Part 1. C.2.c, E.1.c., E.2.q.)

*If "Yes", answer questions a - e. If "No", go to Section 12.*

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

## 12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)

*If "Yes", answer questions a - c. If "No", go to Section 13.*

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.

(See Part 1. D.2.j)

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

NO

YES

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

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.

(See Part 1. D.2.k)

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

NO

YES

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

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

The proposed action may result in an increase in noise, odors, or outdoor lighting.

(See Part 1. D.2.m., n., and o.)

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

NO

YES

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

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

## 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

*If "Yes", answer questions a - m. If "No", go to Section 17.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.

(See Part 1. C.1, C.2. and C.3.)

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

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.

(See Part 1. C.2, C.3, D.2, E.3)

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

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

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

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

**Reasons Supporting This Determination:**

To complete this section:

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

See attached resolution for basis of this determination.

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

SEQR Status:  Type 1  Unlisted

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

Upon review of the information recorded on this EAF, as noted, plus this additional support information  
See attached resolution for basis of this determination.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
County of Chautauqua Industrial Development Agency \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Wavepoint 3565 Chadwick Dr.

Name of Lead Agency: County of Chautauqua Industrial Development Agency

Name of Responsible Officer in Lead Agency: Mark Geise

Title of Responsible Officer: Administrative Director/Chief Executive Officer

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Mark Geise

Address: 201 West 3rd Street, Suite 115

Telephone Number: 716-661-4515

E-mail: Geise, Mark <geisem@chqgov.com>

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

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

Applicant (if any)

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

**Main Rd Med Group, LLC -  
SEQRA and Approving Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the “**Agency**”) was convened in public session on January 27, 2026, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the “**IDA Office**”).

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

**PRESENT:**

Gary Henry	Chairman
Daniel Heitzenrater	Vice Chairman
Sagan Sheffield-Smith	Treasurer
Amy Harding	Secretary
John Healy	Member
Daniel DeMarte	Member
Tom Harmon	Member
Kevin Muldowney	Member
Ted Wightman	Member

**NOT PRESENT:**

**THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:**

Mark Geise	Administrative Director/CEO
Shelby Bilskie	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel

The attached resolution no. 1-27-26-03 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

**Resolution No. 1-27-26-03**

**RESOLUTION OF THE COUNTY OF CHAUTAUQUA INDUSTRIAL  
DEVELOPMENT AGENCY PURSUANT TO THE STATE  
ENVIRONMENTAL QUALITY REVIEW ACT CONCERNING THE  
DETERMINATION OF SIGNIFICANCE FOR A CERTAIN PROJECT FOR  
MAIN RD MED GROUP, LLC, AND/OR ITS AFFILIATES**

**Name of Project:** Main Rd Med Group, LLC

**Location:** 879 Route 5 & 20, 845 Route 5 & 20, 12644 Seneca Street, V/L  
Southerland Road, 682 Southerland Road and V/L Route 5 & 20,  
Irving, Town of Hanover, County of Chautauqua, New York  
(Section: 33.00; Block: 2; Lots: 17, 18, 19, 22, 23, 24, 25, 26 and 29)

**SEQR Status:** Type I

**Determination  
of Significance:** Negative Declaration

WHEREAS, the County of Chautauqua Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, renovating, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to, among other things, (i) acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein; and (ii) acquire, construct, reconstruct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, MAIN RD MED GROUP, LLC, a limited liability company organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited liability company (the “**Applicant**”), presented an application for financial assistance (the “**Application**”) to the Agency, which Application requested that the Agency consider undertaking a project (the “**Project**”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 32.9 acre parcel of land located at 879 Route 5 & 20, 845 Route 5 & 20, 12644 Seneca Street, V/L Southerland Road, 682 Southerland Road and V/L Route 5 & 20, Irving, Town of Hanover (“**Town**”), County of Chautauqua, New York (Section: 33.00; Block: 2; Lots: 17, 18, 19, 22, 23, 24, 25, 26 and 29) (the “**Land**”), (2) the renovation of an existing approximately 173,000 square foot (“**SF**”) building on the Land (the “**Building**”), together with related improvements to the Land, and (3) the acquisition of certain furniture, fixtures, machinery, equipment and building materials necessary for the completion thereof (the “**Equipment**” and together with the Land and the Building, collectively, the “**Project Facility**”), all of the foregoing for use as a medical office building; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes (collectively, the “**Financial Assistance**”); (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and (D) the sublease of the Project Facility by the Applicant to New York Med Center LLC or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency for purposes of operating the Project Facility; and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law (“**ECL**”), Chapter 43-B of the Consolidated Laws of New York, as amended (the “**SEQR Act**”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (“**NYSDEC**”), being 6 NYCRR Part 617, et. seq., as amended (the “**Regulations**” and collectively with the SEQR Act, “**SEQRA**”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, the Land and the Building were previously used as a hospital known as “Lakeshore Hospital” consisting of an emergency and radiology department, and 218 beds for inpatient care, as well as 6,400 SF of medical office space (the “**Prior Use**”) which ceased operations in 2019; and

WHEREAS, the Project will include behavioral health and recovery services in its initial phase with approximately 162-180 beds for inpatient treatment as well as the 6,400 SF medical office space being reoccupied, with other services such as an

emergency department and radiology and laboratory services to also follow in later phases to be completed by 2029; and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Project, the Agency has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and

WHEREAS, on August 28, 2025, the Agency caused to be transmitted to all other potentially Interested and Involved Agencies: (1) a cover letter describing the Project; (2) a copy of the Project Application; (2) a notice of intent to act as Lead Agency; (3) a list of potentially Involved Agencies; (4) a Full Environmental Assessment Form Part I; and (5) an acknowledgement form for the Agency to act as Lead Agency; and

WHEREAS, no other potentially Involved Agency disputed the Agency's declaration of Lead Agency status within 30 days; and

WHEREAS, the Agency is Lead Agency for the Project and undertook a coordinated review pursuant to 6 NYCRR 617.6(b)(3) of the Regulations; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the Project may have a significant adverse impact upon the environment, the Agency has received and reviewed:

1. Part 1 of a Full Environmental Assessment Form dated July 17, 2025 (the "EAF");
2. the Application;
3. A presentation containing the Project design plans prepared by CPL ("Plans");
4. NYSDEC's Environmental Resource Mapper ("ERM");
5. NYSDEC's Info Locator Mapper ("Info Locator");
6. New York State Department of Parks, Recreation, and Historic Preservation, Cultural Resource Information System Mapper ("CRIS Mapper");
7. Sample (a) regulated medical waste, (b) pharmaceutical waste, and (c) hazardous materials management plans (collectively a-c, the "Waste Management Plans"), dated June 1, 2025;
8. Email correspondence ("NYSDOT Comments") from the New York Department of Transportation ("NYSDOT") dated October 1, 2025;
9. Letter correspondence from NYSDEC to the Agency providing comments on the potential impacts of the Project ("NYSDEC Comment Letter"), dated September 19, 2025;

10. A Technical letter regarding the Project's anticipated traffic impacts from Passero Associates ("Passero") dated October 24, 2025 ("Traffic Letter");
11. Email correspondence from the Town of Hanover Wastewater Superintendent regarding sewer capacity available for the Project dated October 28, 2025 ("Town Sewer Comments")
12. A Sanitary Development Report ("Sewer Report") for the Project dated January 9, 2026 prepared by Passero; and
13. other relevant information (collectively, 1-13 the "Environmental Information").

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts associated with the Project reveals that the Project will not have any potentially significant adverse environmental impacts; and

WHEREAS, it is appropriate that the Agency issue a negative declaration pursuant to SEQRA for the Project.

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

**Section 1.** Based upon a thorough review and examination of the Project and Environmental Information, and upon the Agency's knowledge of the area surrounding the Land and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project:

- (A) The Project is Type I Action pursuant to SEQRA, because the Project involves the renovation and operation of a building totaling over 100,000 square feet of floor space; and
- (B) The Agency has undertaken a coordinated review of the Project in accordance with the requirements of SEQRA; and
- (C) No potentially significant adverse impacts on the environment are noted in the Environmental Information and none are known to the Agency.

**Section 2.** Based upon the Agency's review of the Environmental Information and investigations of the potential environmental impacts associated with the Project, considering both the magnitude and importance of each potential environmental impact indicated, and upon the Agency's knowledge of the Land and surrounding area and such further investigations of the Project and its environmental effects as the Agency has deemed appropriate, the Agency has determined that the Project will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. Impact on Land. The Project consists of the redevelopment and renovation of the existing approximately 173,000 SF Building presently occupying the Land. Renovations will be limited to interior and exterior rehabilitation, wholly within the existing footprint of the Building. Critically, the Project will not disturb any additional acreage within or outside of the Land. The Land is zoned B-1: Business, and L: Light Industrial; the Project is permitted in both districts.

Approximately 11.6 acres of the Land are undeveloped forest, which will not be impacted by the Project. The Project does not involve any substantial excavation, mining or dredging. Based on the foregoing, the Project will not create any potentially significant adverse impacts to land resources or land use.

2. Impact on Geological Features. The Project does not contain and is not adjacent to any unique geologic features or National Natural Landmarks. Furthermore, the Project will not disturb any additional acreage within or outside the Land. Accordingly, the Project will not create any potentially significant adverse impacts to geological features.
3. Impact on Surface Water. The NYSDEC Mapper indicates the Land does not contain and is not contiguous to any surface water or wetland resources. Furthermore, the Project does not involve the disturbance of undeveloped land or the creation of additional impervious surfaces and therefore will not increase the risk of adverse impacts from stormwater erosion. As explained in the NYSDEC Comment Letter, the NYSDEC freshwater wetland regulations have been recently updated, significantly broadening the NYSDEC's jurisdiction over freshwater wetlands in the state, and requiring that project proponents obtain a jurisdictional determination ("JD") as to whether any regulated wetlands are on-site. However, per NYSDEC's wetland regulations under 6 NYCRR 663.4 (d)(1), projects which are "[c]ontinuing lawfully existing uses and continuing all activities normally and directly associated with any such use . . . [and] does not involve expansion or significant alteration of the existing use and does not affect additional wetland area" are specifically exempt from NYSDEC's freshwater wetland permitting requirements.

As the Project is a continuation of a lawfully existing use of a medical campus and does not involve any expansion or alteration of the Land or any wetlands, it would be exempt from NYSDEC's wetland permit requirements regardless of whether a JD were to identify regulated wetlands on the Land. Notwithstanding any requirements NYSDEC might impose on the Project regarding wetland permitting, because the Project will not actually result in any disturbance of the Land or adjacent areas, it will therefore not impact any wetlands. If at such time the Applicant determines to expand operations of the Project, it will be required

to comply with all Town and state requirements including site plan approval and wetland permitting where applicable.

Finally, the Project does not propose any discharge to or disturbance of any surface water resources beyond the Land. Accordingly, the Project will not create any significant adverse impacts on surface water.

4. Impact on Groundwater. The Project will not require any excavation which would impact groundwater. The Project will not utilize a well to meet its water demand but instead it will be serviced by an existing public water supply. The Project is not located over or immediately adjoining a primary, principal, or sole source aquifer.

The Project will involve the generation and disposal of medical waste. However, medical waste generated from the Project will not pose a threat to groundwater resources as it is subject to comprehensive regulation under Article 13, Title XIII of New York Public Health Law (“PHL”) and Article 27, Title 15 of the ECL. These statutes, and the regulations promulgated thereunder, create a comprehensive regulatory regime for the tracking, storage, containment, treatment, disposal, and transfer of regulated medical waste within the state. These requirements are designed to mitigate any potential adverse impacts to human health and the environment, including groundwater and surface water resources. As discussed further below, the Applicant has adequate disposal protocols in place, as described in the Applicant’s Waste Management Plans, for the proper handling and disposal of all medical related waste generated through operation of the Project.

The Project will not otherwise involve the use, generation, or disposal of hazardous substances. Furthermore, the Project will utilize existing public sewer facilities for disposal of its sanitary waste water rather than an on-site waste water treatment facility. The NYSDEC Comment Letter noted that a sewer extension approval may be required for the Project. However, the Project, being a continuation of a previously compliant medical campus, is expected to have substantially less sewer flows in comparison to the Prior Use. As detailed in the Sewer Report, the Project will require less staffing and will have less inpatient beds in comparison to the Prior Use, resulting in a reduction in sewer flows of approximately 24.5% from the Prior Use. Furthermore, the Town Sewer Comments confirmed that adequate sewer capacity for the Project has already been allocated and planned for in the Town’s ongoing sewer upgrades regardless of whether a sewer extension approval will be required from NYSDEC. The Town Sewer Comments further explain that the Town’s wastewater treatment facility is currently running at approximately 50% of its capacity, with an additional 200,000-300,000 gallons per day available, which is more than

adequate to serve the Project's additional demand of approximately 30,000 gallons per day. Therefore, there Project will not create an impact to the Town's wastewater system. Based on the foregoing, the Project is not anticipated to create any significant adverse impacts to groundwater.

5. Impact on Flooding. The Land is not within a 100-year floodplain and the Project will not result in the development of any lands which are subject to flooding. Furthermore, the Project will not increase the amount of impervious surface on the Land or create a new source of stormwater discharge. Accordingly, the Project is not anticipated to create any significant adverse impacts to flooding.
6. Impact on Air. The Project will not include or create significant sources of air emissions, and it does not entail the types of activities or operations that require the Applicant to obtain air registration permits or that are associated with a significant potential for air emissions. Given the limited disturbance of the Project, any impacts to air quality from construction activities will be minor and temporary in nature. Accordingly, the Project is not anticipated to create any significant adverse impacts to air resources.
7. Impact on Plants and Animals. The Project will not cause an increase in disturbance to any previously undeveloped acreage on the Land but rather will be limited to renovation of the existing Building. The ERM indicates the Land is in the vicinity of the Black Redhorse, which is an aquatic fish species listed as special concern by the State. Notwithstanding, there are no surface water resources located within the Land, and the Project will not disturb any aquatic habitat within or outside the Land. Therefore, the Project will not impact the Black Redhorse. Accordingly, the Project is not anticipated to create any significant adverse impacts to plants or animals.
8. Impact on Agricultural Land Resources. The Land is not located within any designated agricultural district and the Land does not contain any agricultural lands or activities. Furthermore, the Project does not involve the types of activities that could negatively impact any agricultural resources surrounding the Land. Accordingly, the Project will not create any significant adverse impacts to agricultural land.
9. Impact on Aesthetic Resources. The Project is not located on or adjacent to any officially designated and publicly accessible federal, state or local scenic or aesthetic resources. The Project is limited to the renovation of the existing Building, which is currently vacant. The re-use of the Building for the Project will mitigate any impacts that would have resulted if the Building had remained unused and become derelict. The Project will not have any adverse visual impacts because it does not involve increased disturbance on the Land and is

limited to renovation of the Building within its existing footprint. The updating of the Building's exterior through the Project will have a beneficial visual impact by removing outdated and damaged design features. Further limiting any impacts to aesthetic resources, existing vegetative buffers and mature trees will be retained to provide natural screening. Based on the foregoing, the Project is not anticipated to create any significant adverse impacts to aesthetic resources.

10. **Impact on Historic and Archaeological Resources.** According to the CRIS Mapper, there are no known historic or archaeological resources located on or substantially contiguous to the Land. Furthermore, the Project will not increase disturbance on the Land or beyond, but instead is limited to renovation and reuse of the existing Building within its existing footprint. Accordingly, based on the above, the Project will not create any significant impacts to historic or archeological resources.
11. **Impact on Open Space and Recreation.** The Land is not used by members of the community for public recreation, and is not used, or could be used, for hunting, trapping, fishing or shell fishing. Accordingly, the Project will not create any significant impacts to open space or recreational resources.
12. **Impact on Critical Environmental Areas.** According to the EAF, the Project is not located in or substantially contiguous to any Critical Environmental Areas. Accordingly, the Project will not create any significant impacts to Critical Environmental Areas.
13. **Impact on Transportation.** The Project will not increase or decrease the existing 366 parking spaces on the Land. The Project will not involve regular truck trips to the Land but instead will create traffic in keeping with the character of the Prior Use of the Land and Building as a medical campus. The Traffic Letter confirms that the Project will have no negative impacts on the service levels of the surrounding intersections and will not result in any significant traffic delays.

The Traffic Letter explains that the Prior Use of the Project Facility as a hospital employed more than 900 people at the time of its closure whereas the Project will only employ approximately 250 people. Based on the reduced employee count and number of beds (~162-180) proposed for the Project, the Traffic Letter explained that the Project is conservatively expected to generate 40 entering/28 exiting vehicle trips during AM peak hour; and 32 entering/54 exiting vehicle trips during the PM peak hour. Based on these results, which the Traffic Letter explains is below the NYSDOT threshold for requiring a full traffic impact study, the Traffic Letter concludes that the Project will not result in adverse impacts to traffic on the surrounding roadways. Based on the foregoing, the Project is not anticipated to create any significant adverse impacts on transportation.

14. **Impact on Energy.** The Project will obtain electric power from the local distribution utility, which has adequate capacity to serve the Project. According to the EAF, the Project will not require new or upgraded electrical substations. Accordingly, the Project will not create any significant adverse impacts on energy.
15. **Impact on Noise, Odor and Light.** The Project will result in an increase in noise during construction, which will be limited and temporary in duration. During regular operation, the Project will create noise consistent with the Prior Use of the Land and Building as a medical campus with emergency service operations. The Project does not propose any activities that would be a significant source of odors. The Project will utilize the existing lighting on the Land and no additional lighting is proposed. Accordingly, the Project will not create any significant adverse impacts on noise, odor, or light.
16. **Impact on Public Health.** The Project does not involve the types of activities or operations that are associated with a significant potential for affecting public health, including the use, creation, disposal or storage of a hazardous or toxic substance. As discussed above, the Project will not adversely impact the Town wastewater system, and will not adversely impact traffic.

Medical waste generated by the Project will be properly disposed of pursuant to the PHL and ECL and the regulations promulgated thereunder, including requirements for the preparation and adherence to an approved regulated medical waste plan. Pursuant to such requirements, Applicant has provided the sample Waste Management Plans demonstrating Project compliance with medical waste disposal requirements including providing procedures for containment and storage; treatment and disposal, and; transfer of regulated medical and pharmaceutical waste for off-site treatment. These protocols include (but are not limited to):

- proper design and labeling of medical waste containers;
- storage protocols including timing of storage in patient areas, design and labeling of storage areas;
- transportation protocols including the requirement that medical waste is tracked from the generation site to the disposal facility, and transported by NYSDEC licensed transporters; and
- treatment and disposal protocols including the use of incineration and autoclaves for decontamination, the destruction of sharps prior to disposal, and radiation detection screening systems.

The Applicant has confirmed that the above protocols will be implemented for the Project. Furthermore, the Project does not involve significant air emissions or impacts from noise, odor, or light. Accordingly, the Project is not anticipated to create any significant adverse impacts to public health.

17. **Impact on Character of the Community and Community Plans.** The Project is consistent with the underlying zoning classifications and will not have any other significant environmental impacts to the surrounding community as described above. The Project is not anticipated to result in secondary development effects or significant population growth. Furthermore, the Project will maintain significant existing forestland and buffers. The Project is in character with nearby commercial and professional uses adjacent to the Project including the neighboring adult day care facility, the Chautauqua Professional Building, and the Lakeshore Medical Specialty Clinic. Further, the Project, will not result in significant traffic or other impacts such as noise or odor. Finally, the Project will have a beneficial impact on the surrounding community character through the renovation and reuse of the vacant Building and Land, which will improve the visual impact of the Land and provide community medical services. Accordingly, the Project will not create any significant adverse impacts to the character of the community or community plans.
18. **Impact on Disadvantaged Communities.** Per the New York Environmental Justice Law (“EJL”), lead agencies must consider during SEQRA review, whether the proposed action would result in a disproportionate pollution burden on a Disadvantaged Community (“DAC”). New York’s Climate Justice Working Group (“CJWG”) promulgated a map of designated DACs in the State. However, the Project is not located in or near a designated DAC, the closest one being located approximately .5 miles away in Erie County. Notwithstanding, as discussed above, the Project will not be a significant source of air, water, noise, or light pollution and therefore will not increase the pollution burden on the surrounding community, regardless of DAC status. On the contrary, the Project is expected to have a positive economic impact on the surrounding community by providing economic development and creating jobs and concomitant economic benefits to the surrounding community. Accordingly, the Project will not result in a disproportionate burden on DACs.

**Section 3.** Since the Project will not have a significant adverse impact on the environment, a negative declaration (“**Negative Declaration**”) pursuant to SEQRA is hereby issued, and the EAF Parts II and III prepared by the Agency are hereby adopted. This Negative Declaration has been prepared pursuant to and in accordance with the requirements of SEQRA.

**Section 4.** The Chairman, the Vice Chairman, the Chief Executive Officer and the Chief Financial Officer of the Agency are hereby further authorized on behalf of the Agency, or acting together or individually, to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

**Section 5.** This Resolution, which is adopted by a majority vote of the Agency, shall serve as the Negative Declaration (as defined in 6 NYCRR 617.2(z)) for the Project, and is issued by the Agency pursuant to and in accordance with SEQRA in connection with the Agency's environmental impact review, shall take effect immediately.

**Section 6.** For further information on this Negative Declaration contact:

County of Chautauqua Industrial Development Agency  
201 West 3rd Street, Suite 115  
Jamestown, New York 14701-6902  
ATTN: Mark Geise, Administrative Director/CEO  
Phone: 716-661-8900  
Fax: 716-664-4515

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

Gary Henry	VOTING
Daniel Heitzenrater	VOTING
Sagan Sheffield-Smith	VOTING
Amy Harding	VOTING
John Healy	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING
Kevin Muldowney	VOTING
Ted Wightman	VOTING

The foregoing Resolution was thereupon declared \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the “**Agency**”), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on January 27, 2026 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “**Open Meetings Law**”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

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

IN WITNESS WHEREOF, we have hereunto set our hand this 27<sup>th</sup> day of January, 2026.

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[Assistant] Secretary

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[Vice] Chairman

## **Main Rd Med Group LLC Authorizing Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the “Agency”) was convened in public session on January 27, 2026, at 10:30 A.M., local time, at the offices of the Agency located at 201 West Third Street, Jamestown, County of Chautauqua, New York (the “IDA Office”).

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

### **PRESENT:**

Gary Henry	Chairman
Daniel Heitzenrater	Vice Chair
Sagan Sheffield-Smith	Treasurer
Amy Harding	Secretary
Daniel DeMarte	Member
Tom Harmon	Member
John Healy	Member
Kevin Muldowney	Member
Ted Wightman	Member

### **NOT PRESENT:**

### **THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:**

Mark Geise	Administrative Director/CEO
Shelby Bilskie	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel

The attached resolution no. 01-27-26-04 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

RESOLUTION TAKING OFFICIAL ACTION TOWARD AND APPROVING THE  
STRAIGHT LEASE DOCUMENTS FOR A CERTAIN PROJECT FOR  
MAIN RD MED GROUP LLC AND/OR ITS AFFILIATES

WHEREAS, the County of Chautauqua Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, MAIN RD MED GROUP LLC, a limited liability company organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited liability company (the "Applicant"), presented an application for financial assistance (the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 32.9 acre parcel of land located at 879 Route 5 & 20, 845 Route 5 & 20, 12644 Seneca Street, V/L Southerland Road, 682 Southerland Road and V/L Route 5 & 20, Irving, Town of Hanover, County of Chautauqua, New York (Section: 33.00; Block: 2; Lots: 17, 18, 19, 22, 23, 24, 25, 26 and 29) (the "Land"), (2) the renovation of an existing approximately 173,000 square foot building on the Land (the "Building"), together with related improvements to the Land, and (3) the acquisition of certain furniture, fixtures, machinery, equipment and building materials necessary for the completion thereof (the "Equipment" and together with the Land and the Building, collectively, the "Project Facility"), all of the foregoing for use as a medical office building; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes (collectively, the "Financial Assistance"); (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and (D) the sublease of the Project Facility by the Applicant to New York Med

Center LLC or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency for purposes of operating the Project Facility; and

WHEREAS, in accordance with Section 859-a of the Act, any approval of the Project is contingent upon, inter alia, a determination by the members of the Agency to proceed with the Project following a determination by the Agency that (A) the public hearing and notice requirements and other procedural requirements contained in the Act relating to the Project have been satisfied; and (B) the undertaking of the Project by the Agency and the granting of the Financial Assistance are and will be in compliance with all other applicable requirements of the Act, SEQRA (as hereinafter defined), and all other statutes, codes, laws, rules and regulations of any governmental authority having jurisdiction over the Project and/or the Project Facility (collectively, the “Applicable Laws”); and

WHEREAS, the Administrative Director/CEO of the Agency (A) caused notice of a public hearing of the Agency pursuant to Section 859-a of the Act (the “Public Hearing”) to hear all persons interested in the Project and the Financial Assistance contemplated by the Agency with respect to the Project, to be mailed on September 11, 2025 to the chief executive officer of the County of Chautauqua (the “County”) and of each other affected tax jurisdiction within which the Project Facility is or is to be located, and posted a copy of the Application on the Agency’s website; (B) caused notice of the Public Hearing to be published on September 13, 2025 in *The Observer*, a newspaper of general circulation available to residents of the County; (C) caused the Public Hearing to be conducted on October 3, 2025, at 1:30 p.m., local time, at Town of Hanover Town Hall, 68 Hanover Street, Town of Hanover, County of Chautauqua, New York; (D) caused the Public Hearing to be streamed on the Agency’s website in real-time and a recording of the Public Hearing to be posted on the Agency’s website, all in accordance with Section 857 of the Act, as amended; and (E) caused a written report of the Public Hearing to be prepared which fairly summarizes the views presented at the Public Hearing and collected written comments from the public (collectively, the “Report”) and distributed the Report to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (“NYSDEC”), being 6 N.Y.C.R.R. Part 617, et. seq., as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, the Agency has undertaken a coordinated review of the Project in accordance with SEQRA in which it consulted with all other Involved and Interested Agencies, and the Agency issued a “Negative Declaration” at its January 27, 206, meeting with respect to the Project, and such Negative Declaration is binding upon the Agency and all other Involved and Interested Agencies; and

WHEREAS, the Agency now desires to make its determination to proceed with the Project and to grant the Financial Assistance, subject to obtaining confirmation of the undertaking of the Project and the granting of the Financial Assistance from the County Executive of Chautauqua County, New York, in accordance with Section 862(c) of the Act (the “Executive Approval”), and otherwise subject to the terms hereof; and

WHEREAS, the Applicant and/or one (1) or more of its affiliates will (A) execute and deliver a certain Company Lease Agreement (the “Company Lease”), pursuant to which the Applicant and/or such affiliate(s) will grant to the Agency a leasehold interest in the Project Facility; (B) execute and deliver a certain Agency Lease Agreement (Uniform Project Agreement) (the “Agency Lease”), pursuant to which the Agency will grant to the Applicant and/or such affiliate(s) a subleasehold interest in the Project Facility; (C) execute and deliver a certain Payment in Lieu of Taxes Agreement (the “PILOT Agreement”), pursuant to which the Agency would grant an exemption from real property taxes with respect to the Project Facility; and (D) execute and deliver certain other certificates, documents, instruments and agreements related to the Project (together with the Company Lease, the Agency Lease and the PILOT Agreement, collectively, the “Transaction Documents”);

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

Section 1. In accordance with Section 859-a of the Act, the Agency has prepared a written cost-benefit analysis with respect to the Project and the granting of the Financial Assistance (the “Analysis”). The Agency has reviewed the Application, the Report and the Analysis, and, based upon the representations made by the Applicant to the Agency and information obtained by the Agency, the Agency has reviewed and assessed all material information necessary to afford a reasonable basis for the Agency to make a determination to approve the Financial Assistance. In addition, the Agency hereby makes the following findings and determinations with respect to the Project:

(a) based on the proposed use of the Project Facility as set forth in the Application, the economic effects of the Project on the area in which it is situated, and the employment reasonably expected to be created and/or maintained by the Project, and an analysis of how the Project contributes to the realization of the public purposes of promoting employment opportunities in the County and the prevention of economic deterioration in the County, the Project will constitute a commercial facility with a significant impact on the area in which it is situated, and will advance the Agency’s purposes by promoting employment opportunities and preventing economic deterioration in the County. Therefore, the Project constitutes a “project” within the meaning of the Act;

(b) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Applicant to undertake the Project in the County;

(c) there is a likelihood that the Project would not be undertaken but for the granting of the Financial Assistance by the Agency to the Applicant;

(d) the completion of the Project Facility, the sublease thereof by the Agency to the Applicant and the operation thereof by the Applicant will not result in the removal of a facility or plant of the Applicant or any other occupant or user of the Project Facility from one area of the State of New York (the "State") to another area of the State or in the abandonment of one or more plants or facilities of the Applicant or any other occupant or user located within the State (but outside of the County). Therefore, the provisions of subdivision (1) of Section 862 of the Act are not and will not be violated as a result of the granting of the Financial Assistance by the Agency to the Applicant;

(e) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs, and increasing the overall number of permanent, private sector jobs in the State;

(f) no funds of the Agency shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant, nor shall any funds of the Agency be given in connection with the Project to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State, nor shall any funds of the Agency be used for advertising or promotional materials which depict elected or appointed government officials in either print or electronic media;

(g) although the Project Facility may constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Proposed Project, the predominant purpose of the Project would be to make available goods or services (i.e., behavioral health services and substance use disorder treatment) which would not, but for the Project, be reasonably accessible to the residents of the town within which the Project Facility would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services. For purposes of this representation, retail sales shall mean: (A) sales by a registered vendor under Article 28 of the New York Tax Law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of Section 1101 of the New York Tax Law; or (B) sales of a service to such customers;

(h) the granting of the Financial Assistance by the Agency with respect to the Project will encourage and assist the Applicant in undertaking the Project in the County, will promote the job opportunities, health, general prosperity and economic welfare of the

inhabitants of the County and the State and improve their standard of living, and thereby serve the public purposes of the Act; and

(i) [the Project will not result in the removal or abandonment of a plant or facility of the Applicant or any other occupant or user of the Project Facility, currently located within the County.]

Section 3. The Agency hereby ratifies, confirms and approves all actions heretofore taken by the Administrative Director/CEO, the Chief Financial Officer and the staff of the Agency with respect to the Application, the Analysis and the Public Hearing, including, without limitation, (a) those actions required to ensure full compliance with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project, and (b) the appointment of the law firm of Phillips Lytle LLP as Counsel to the Agency with respect to all matters in connection with the Project.

Section 4. The Agency hereby determines that the Agency has fully complied with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project, subject to obtaining the Executive Approval. The Agency hereby authorizes the Chairman, the Vice Chair, the Administrative Director/CEO and the Chief Financial Officer, acting together or individually, to request the Executive Approval from the County Executive of Chautauqua County, New York.

Section 5. Having considered fully all comments received at or in connection with the Public Hearing, including correspondence received subsequent to the Public Hearing, the Agency hereby further determines to proceed with the Project and the granting of the Financial Assistance, subject to obtaining the Executive Approval and otherwise subject to the terms hereof. The Agency hereby approves the granting of (a) an exemption from real property taxes having an estimated value of \$1,980,446, (b) an exemption from mortgage recording taxes in the maximum amount of \$406,250, and (c) an exemption from sales and use taxes in the maximum amount of \$2,100,000.

Section 6. The Agency recognizes that due to the complexities of the proposed transaction it may become necessary that certain of the terms approved hereby may require modifications from time to time which will not affect the intent and substance of the authorizations and approvals by the Agency herein. The Agency hereby authorizes the Chairman, Vice Chair, Administrative Director/CEO and Chief Financial Officer of the Agency, acting individually or jointly, to approve modifications to the terms approved hereby which do not affect the intent and substance of this Resolution, but may include adjustments to the Financial Assistance granted hereunder. The approval of such modifications shall be evidenced by the certificate of determination of an Agency officer or the execution and delivery by some or all such Agency officers of relevant documents containing such modified terms.

Section 7. Subject to obtaining the Executive Approval, the Agency is hereby authorized to (a) acquire an interest in the Project Facility pursuant to the Company Lease and the other Transaction Documents, (b) grant a subleasehold interest in the Project Facility pursuant to the Agency Lease and the other Transaction Documents, (c) grant the Financial Assistance, (d) execute one (1) or more fee and leasehold mortgage, assignment of rents and leases, and security agreements in favor of such bank, governmental agency or financial institution as the Applicant may determine (such bank, governmental agency or financial institution, the “Bank”), encumbering the Project Facility, solely to subject the Agency’s interest in the Project Facility to the lien thereof, all to secure one (1) or more loans made by the Bank to the Applicant with respect to the Project Facility, and (e) do all things necessary, convenient or appropriate for the accomplishment thereof. All acts heretofore taken by the Agency with respect to the foregoing are hereby approved, ratified and confirmed.

Section 8. The form and substance of the Transaction Documents, in the forms presented to the members of the Agency, together with such changes as the Chairman, the Vice Chair, the Administrative Director/CEO or the Chief Financial Officer may hereafter deem necessary or appropriate, are hereby approved. The Chairman, the Vice Chair, the Administrative Director/CEO and the Chief Financial Officer are hereby authorized, on behalf of the Agency, acting together or individually, to execute and deliver the Transaction Documents to which the Agency is a party and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same. The execution and delivery of each such agreement, approval and consent by such person(s) shall be conclusive evidence of such approval.

Section 9. The Chairman, the Vice Chair, the Administrative Director/CEO and the Chief Financial Officer of the Agency are hereby further authorized, on behalf of the Agency, acting together or individually, to designate any additional Authorized Representatives (as defined in the Agency Lease) of the Agency.

Section 10. The officers, employees and agents of the Agency are hereby authorized and directed, acting individually or jointly, for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Transaction Documents, to execute and deliver all such additional certificates, instruments, agreements and documents, to pay all such fees, charges and expenses, and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, convenient or appropriate to effect the purposes of this Resolution and to cause compliance with all of the terms, covenants and provisions of the Transaction Documents to which the Agency is a party or which are binding on the Agency.

Section 11. The members of the Agency acknowledge the terms and conditions of Section 875(3) of the Act and the duties and obligations of the Agency thereunder with respect to granting of State Sales and Use Taxes (as such term is defined in Section 875 of the Act) with respect to the Project. The members hereby direct the officers of the Agency to comply with

such terms and conditions with respect to the Project and hereby direct Counsel to the Agency to include such terms and conditions in all relevant Transaction Documents.

Section 12. The Chairman, the Vice Chair, the Administrative Director/CEO and the Chief Financial Officer of the Agency are hereby authorized and directed to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 13. This Resolution shall take effect immediately.

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

Gary Henry	VOTING
Daniel Heitzenrater	VOTING
Sagan Sheffield-Smith	VOTING
Amy Harding	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING
John Healy	VOTING
Kevin Muldowney	VOTING
Ted Wightman	VOTING

The foregoing Resolution was thereupon declared duly \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on January 27, 2026 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

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

IN WITNESS WHEREOF, we have hereunto set our hand this 27<sup>th</sup> day of January, 2026.

[Assistant] Secretary

[Vice] Chairman

## Main Rd Med Group, LLC

### Project Description:

- Adaptive reuse of 173,000 SF former hospital building on 32.9 acres for redevelopment to provide health care services including behavioral health and addiction recovery services as well as possible medical offices and commercial/retail space.  
Parcel # Section: 32.00, Block: 2, Lots: 17, 18, 19, 22, 23, 24, 25, 26, 29
- Total Project Cost - \$42,199,744
- Initial Tenant New York Med Center, LLC

### Company Information:

Main Rd Med Group, LLC  
701 Brickell Ave., 17<sup>th</sup> Floor  
Miami, FL 33131

New York Med Center, LLC  
845 Routes 5 & 20  
Irving, NY 14081  
(716) 961-4265

### Project Benefits:

- Creation of temporary and permanent jobs, with payroll
- Local and State Sales Tax revenue
- Local Real Property Tax revenue
- New municipal water and sewer fee revenue
- Adaptive reuse of long vacant former hospital building prominently located on a central town corridor.

### CCIDA Incentives:

- A 15-year adaptive reuse payment in lieu of taxes (PILOT) on the increased assessment, sales tax abatement in the amount of \$2,100,000 and mortgage recording tax exemption in the amount of \$406,250. The PILOT will produce payments to the affected taxing jurisdiction, over the life of the project in the amount of \$2,467,388, with an incremental increase of \$903,056 and exemptions totaling \$1,980,446.

### Jobs:

- Temporary
  - 121 FTEs during construction
- Permanent
  - Up to 302 FTE over 3 years with wages ranging \$35,000 - \$325,000

(continued on next page)

**Cost Benefit Analysis (CBA):**

Benefit  
to Cost  
Ratio

	Benefit*		Cost*	Ratio
	Local	\$322,517,057	\$3,172,687	102:1
State	\$16,616,320	\$1,050,000	16:1	
Grand Total	\$339,133,377		\$4,222,687	80:1

\*Discounted at the public sector  
discount rate of: 2%

**Timeline:**

- Construction estimated to begin September/October 2025 with completion estimated July 2028

**SEQRA/Lead Agency:**

- CCIDA Lead Agency, Type I Negative Declaration

**Project Milestones:**

- 7/17/2025 - Completed Application
- 8/26/2025 - Due Diligence Resolution and Preliminary Agreement
- 10/3/2025 – Public Hearing
- 1/27/2026– SEQRA & Inducement Resolutions

### APPLICATION FOR FINANCIAL ASSISTANCE

Please respond to all questions in this Application for Financial Assistance (the "Application") by, as appropriate: filling in blanks; checking the applicable term(s); attaching additional text (with appropriate notations, such as "see Schedule 2(A), etc."); or writing "N.A.", signifying "not applicable".

The following amounts are payable to the County of Chautauqua Industrial Development Agency (the "Agency") at the time this Application is submitted to the Agency: (i) a \$1,000 non-refundable application fee (the "Application Fee"); and (ii) a \$1,000 expense deposit for the Agency's Transaction/Bond Counsel fees and expenses (the "Counsel Fee Deposit"). The Application Fee will not be credited against any other fees or expenses which are or become payable to the Agency in connection with this Application or the project contemplated herein (the "Project"). In the event that the subject transaction does not close for any reason, the Agency may use all or any part of the Counsel Fee Deposit to defray the cost of Transaction/Bond Counsel fees and expenses with respect to the Project. In the event that the subject transaction closes, the Counsel Fee Deposit shall be credited against the applicable expenses incurred by the Agency with respect to the Project.

Any approval of financial assistance will be effective for one year. If the subject transaction has not closed within that time, reapproval may be required, which may be conditioned upon payment of some, most or all of the Agency's expected administrative fee and attorneys' fees accrued on that date.

*Note:* Please contact the CCIDA Main Office @ (716) 661-8900 with any questions relative to the application content and/or process.

#### PART I: APPLICANT

Name: Main Rd Med Group LLC  
 Address: 701 Brickell Ave 17th floor Miami, FL 33131  
 Phone: 201-325-4728  
 NY State Dept. of Labor Reg #: N/A  
 Federal Employer ID #: 99-3178509  
 NAICS Code #: 531120  
 NAICS Sector: Lessors of Real Estate  
 NAICS Industry: Real Estate  
 Website: \_\_\_\_\_  
 Nature of business (goods to be sold, manufactured, assembled or processed, services rendered):  
 Medical office building for healthcare services and commercial use

Contact Name: Mateo Rengifo  
 Title: Trustee of Medical Health Care Irrevocable Trust  
 Phone Number: 210-325-4728  
 E-Mail: support@mainrdmedgroup.com

Business Type:  
 Sole Proprietorship  
 General Partnership  
 Limited Partnership  
 Limited Liability Company  
 Privately Held Corporation  
 Publicly Held Corporation  
 Not-for-Profit Corporation

State/Year of Incorporation/Organization: DE/2024  
 Qualified to do Business in New York  
 (Yes or No): Yes

#### Owners of 20% or more of Applicant:

Name	%
Medical Health Care Irrevocable Trust	100%

#### PART II: PROJECT

Address of proposed project facility:  
 see attached document

Tax Map Parcel Number(s): 33.00-2-17, 18, 19, 22, 23, 24, 25, 26, 29

City/Town/Village(s): Irving/ Town of Hanover  
 School District(s): Silver Creek  
 Current Legal Owner: Main Rd Med Group LLC  
 Contract to purchase (Yes or No): No  
 Date of purchase: \_\_\_\_\_  
 Purchase price: \$ \_\_\_\_\_

Present use of the Project site:  
**Vacant hospital site**

What are current real estate taxes on the Project site?

County/Town: \$11,420.65  
 City/Village: \$ \_\_\_\_\_  
 School: \$22,405.05

Are tax cert. proceedings currently pending with respect to the Project real property?

YES  NO

Proposed User(s)/Tenant(s) of the Facility  
 (Complete for each User/Tenant for additional User/Tenants of the Company, use space at the end of this section)

Company Name: New York Med Center LLC  
 Address: 845 Rt 5 and 20  
 City/State/Zip: Irving, NY 14081  
 Tax ID No.: 33-2212680  
 Contact Name: Raymond Manning  
 Title: CEO  
 Phone Number: 716-228-0733  
 E-Mail: rmanning@nymedctr.org

% of facility to be occupied by User/Tenant:  
 100%

Relationship to the Applicant:  
 Tenant-Leasee

**OFFICERS OF APPLICANT**

Name: Mateo Rengifo Title: Trustee of Medical Health Care Irrevocable Trust

**Owners of 20% or more of User/Tenant:**

Name	%	Corporate Title
Nicholas DiTomasso	90%	Principal Manager

**APPLICANT'S LEGAL COUNSEL:**

Firm name: Lipsitz Green Scime Cambria  
Address: 42 Delaware Ave Suite 120 Buffalo, NY 14202  
Contact: Amy Vigneron  
Phone: 716-849-1333 Ext 319  
Fax: 716-855-1580  
E-Mail: [avigneron@lgclaw.com](mailto:avigneron@lgclaw.com)

Type of Proposed Project (check all that apply):

- New Construction of a Facility  
Square footage: \_\_\_\_\_

Addition to Existing Facility  
Square footage of existing facility: \_\_\_\_\_  
Square footage of addition: \_\_\_\_\_

Renovation of Existing Facility  
Square footage of area renovated: 173,000  
Square footage of existing facility: 173,000

Acquisition of Land/Building  
Acreage/square footage of land: \_\_\_\_\_  
Square footage of building: \_\_\_\_\_

Acquisition of Furniture/Machinery/Equipment  
List principal items or categories:  
Maintenance equipment, life safety equipment,  
furnishings for medical offices, patient rooms, commercial space

Other (specify): \_\_\_\_\_

Briefly describe the purpose of the proposed Project, the reasons why the Project is necessary to the Applicant and why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations:

To provide medical office building for healthcare services to the area that are no longer available for the Substance Use Disorders and Behavioral Health Services. We will be re-vitalizing an area and building that has sat vacant for 5 years. It will need significant renovations and repairs to turn it into a psychiatric facility due to regulations. In order to accomplish this task, we seek assistance to lessen some of the tax burden on the organization that will not be fully operational to capacity until the 3 year renovation project is complete.

Please list Affiliates/Parents/Subsidiary Entities to Applicant (attach organization chart if necessary)

Medical Health Care Irrevocable Trust DE/2024 (Trust has 100% ownership of Main Rd Med Group LLC)

FEIN 33-4130942 701 Brickell Ave. 17th floor. Miami. FL 33131

Will the Project provide on-site child daycare facilities? If so, please explain: **No**

### PART III. CAPITAL COSTS OF THE PROJECT

A. Provide an estimate of Project Costs of all items listed below:

<u>Item</u>	<u>Cost</u>
1. Land and/or Building Acquisition:	\$ _____
2. Building Demolition:	\$ _____
3. Construction/Reconstruction/Renovation:	\$ <u>15,000,000</u>
4. Site Work:	\$ _____
5. Infrastructure Work:	\$ <u>5,000,000</u>
6. Furniture, Equipment & Machinery Acquisition (not included in 3. above):	\$ <u>17,000,000</u>
7. Architectural/Engineering Fees:	\$ <u>200,000</u>
8. Applicant's Legal Fees:	\$ <u>50,000</u>
9. Financial Fees:	\$ <u>2,800,000</u>
10. Other Professional Fees:	\$ <u>30,000</u>
11. Other Soft Costs (describe): <u>insurance, accounting, permits, engineering</u>	\$ <u>2,119,744</u>
12. Other (describe): _____	\$ _____
	Total Project Costs:
	<u>\$42,199,744</u>

B. Estimated Sources of Funds for Project Costs:

	<u>Source</u>
1. Tax-Exempt IDA Bonds:	\$ _____
2. Taxable IDA Bonds:	\$ _____
3. Conventional Mortgage Loans:	\$ _____
4. SBA or other Governmental Financing: Identify: _____	\$ _____
5. Other Public Sources (e.g., grants, tax credits): Identify: _____	\$ _____
6. Other Public Agency Loans:	\$ _____
7. Other Private Loans:	\$ <u>32,199,744</u>
8. Equity Investment: (Excluding equity attributable to grants/tax credits)	\$ <u>10,000,000</u>
	Total Funding:
	<u>\$42,199,744</u>

What percentage of the total project costs are funded/financed from public sector sources: 0 %

C. Requested Financial Assistance

Tax-Exempt Bonds:	\$ _____
Taxable Bonds:	\$ _____
Estimated Value of Sales Tax Benefit: (i.e., gross amount of cost of goods and services that are subject to state and local sales and use taxes multiplied by [8.0%])	\$ <u>2,100,000</u>
Estimated Value of Mortgage Tax Benefit: (i.e., principal amount of mortgage loans loans multiplied by [1.25%])	\$ <u>406,250</u>

### Estimated CCIDA PILOT Property Tax Benefit:

Type: ADAPTIVE RE-USE

Term: 15 years

Schedule Requested: 15 years

Deviation? Yes  No

Will the proposed Project utilize a property tax exemption benefit other than from the Agency: **no**

exemption benefit other than from the Agency: \_\_\_\_\_  
(if so, please describe requested type, term  
and schedule)

Existing Total Annual Property Taxes on Land and Building: \$ 53,516.82

Estimated Additional Property Taxes on completed Project over the requested PILOT term (without Agency financial assistance): \$1,980,446

Other (specify): \_\_\_\_\_

NOTE: Upon acceptance of this Application by the Agency, the Agency's staff will create a PILOT schedule and indicate the estimated amount of PILOT Benefit/Cost utilizing anticipated tax rates and assessed valuation, make an estimate of the allocation of PILOT payments among the affected tax jurisdictions, and attach such information as Exhibit A hereto.

The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to undertake and document the total amount of capital investment as set forth in this Application.

#### D. Status of Expenses

Have any of the above costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this application? If YES, describe particulars on a separate sheet.

YES

NO

## E. Existing Operations

Does the Applicant or any User(s)/Tenant(s) currently operate in the County? If YES, describe such operations, including whether the proposed Project will result in the relocation or abandonment of such other operation(s).

no

#### PART IV: COST-BENEFIT ANALYSIS

Provide the current annual payroll in Chautauqua County. Then, estimate projected payroll in years 1, 2, 3, after completion of Project.

	<u>Present</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Full Time:	\$0	\$4,800,000	\$11,608,261	\$19,095,713
Part Time <sup>1</sup> :	\$0	\$179,837	\$359,674	\$716,348

If the Applicant presently operates in Chautauqua County, provide the current number of employees in the following occupations. Then, estimate the projected Full Time Equivalent (“FTE”) employees as indicated following completion of the Project:

Current and Planned Occupations	Present Jobs Per Occupation	Est. FTEs Post-Completion:			Est. # of County Residents. by yr. 3
		<u>1 year</u>	<u>2 years</u>	<u>3 years</u>	
Management	0	21	23	28	5
Professional	0	36	118	205	150
Administrative	0	10	25	40	25
Production	0	—	—	—	—
Supervisor	0	1	3	4	2
Laborer	0	4	9	25	12
Independent Contractor <sup>2</sup>	0	—	—	—	—
Other (describe)	0	—	—	—	—

List the average salaries or provide ranges of salaries for the following categories of jobs (on a full-time equivalency basis) projected to be retained/created in Chautauqua County because of the proposed Project:

Category of Jobs to be Retained/Created:	Average Salary or Range of Salary:	Average Fringe Benefits or Range of Fringe Benefits:
Management	<b>75,000-325,000</b>	<b>benefits included</b>
Professional	<b>64,000-300,000</b>	<b>benefits included</b>
Administrative	<b>45,000-64,000</b>	<b>benefits included</b>
Production	—	—
Supervisor	<b>85,000-95,000</b>	<b>benefits included</b>
Laborer	<b>35,000-55,000</b>	<b>benefits included</b>
Independent Contractor <sup>2</sup>	—	—
Other	—	—

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction, and/or renovation of the Project: 121

Please note that the Agency may utilize the foregoing employment projections, among other things, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to retain the above number of jobs, types of occupations and amount of payroll with respect to the proposed project.

<sup>1</sup> NOTE: The Agency converts part-time jobs into FTE's for evaluation and reporting purposes by dividing the number of part-time jobs by two (2).

<sup>2</sup> As used in this chart, this category includes employees of independent contractors.

What percentage of the Applicant's total dollar amount of production, sales or services (including production, sales or services rendered following completion of the Project) are made to customers outside the economic development region (i.e., Western New York)?

5 \_\_\_\_\_ %

Describe any municipal revenues that will result from the Project (excluding any PILOT payments):

Water and sewer services will benefit from this project from increased utilization.

Building Permits/Signage Permits will need to be secured for the project producing revenue for the town.

What is the estimated aggregate annual amount of goods and services to be purchased by the Applicant for each year after completion of the Project, and what portion will be sourced from businesses located in Chautauqua County and the State:

	<u>Amount</u>	<u>% Sourced in Chautauqua County</u>	<u>% Sourced in State</u>
Year 1	\$12,000,000	10%	50%
Year 2	\$13,000,000	12%	50%
Year 3	\$15,000,000	15%	50%

Describe, if applicable, other benefits to the Chautauqua County anticipated as a result of the Project, including a projected annual estimate of additional sales tax revenue generated, directly and indirectly, as a result of undertaking the project:

Improved Access to Care: Residents would have better access to specialized treatment for mental health and substance use disorders, reducing the need to travel long distances for care.

Economic Growth: The hospital will create jobs for healthcare professionals, administrative staff, and support services. This would stimulate the local economy and potentially attract related businesses into the medical office spaces.

Sales Tax Revenue: While specific projections for additional sales tax revenue are not readily available, the hospital's operations and increased local spending by employees and visitors could indirectly boost sales tax collections.

Community Well-being: Enhanced mental health services could lead to a healthier population, reducing the burden on emergency services and law enforcement.

If applicable, has construction/reconstruction/renovation work on the Project begun? If YES, indicate the percentage of completion:

1. (a) Site clearance YES  NO \_\_\_\_\_ % complete
- (b) Environmental Remediation YES  NO \_\_\_\_\_ % complete
- (c) Foundation YES  NO \_\_\_\_\_ % complete
- (d) Footings YES  NO \_\_\_\_\_ % complete
- (e) Steel YES  NO \_\_\_\_\_ % complete
- (f) Masonry YES  NO \_\_\_\_\_ % complete
- (g) Interior YES  NO \_\_\_\_\_ % complete
- (h) Other (describe below): YES  NO \_\_\_\_\_ % complete

If NO to all of the above categories, what is the proposed date of commencement of construction, reconstruction, renovation, installation or equipping of the Project? September/October 2025

Provide an estimated time schedule to complete the Project and when first use of the Project is expected to occur:

First use will start September/October 2025 and schedule to complete July 1, 2028. It will be a 3 year project to

update all areas of the building. First unit should be able to be opened by January 2026 and will

continue to open unit by unit until fully renovated and operational.

## **PART V: QUESTIONS**

Please answer the following questions. If an answer is "YES" to any question, please provide details in the space provided at the end of the section.

1. Would 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 such plants?

YES  NO

*\*\* If the answer is "No" please continue to question 3.*

2. If the answer is "Yes" please answer the two (2) following questions.

a. Is the Project reasonably necessary to preserve the competitive position of the Applicant, or of a proposed user, occupant or tenant of the Project, in its industry?

YES  NO

b. Is the Project reasonably necessary to discourage the Applicant, or a proposed user, occupant or tenant of the Project, from removing such plant or facility to a location outside of the State of New York?

YES  NO

3. Is there a likelihood that the proposed Project would not be undertaken by the Applicant but for the granting of the financial assistance by the Agency? (If yes, explain; if no, explain why the Agency should grant the financial assistance with respect to the proposed Project).

YES  NO

4. The Applicant certifies that the provisions of Section 862(1) of the General Municipal Law will not be violated if financial assistance is provided by the Agency for the proposed Project.

YES  NO

5. Is an environmental impact statement required by Article 8 of the N.Y. Environmental Conservation Law (i.e., the New York State Environmental Quality Review Act)? If "yes" please complete and attach to the Application.

YES  NO

*\*\* Applicants should consult **Exhibit B** in order to determine which version of the New York State Environmental Assessment Form must be submitted with this Application.*

6. Will customers personally visit the Project site for "retail sales" of Goods and/or Services? "Retail Sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State primarily engaged in the retail sale of tangible personal property, as defined in section 1101(b)(4)(i) of the Tax Law of the State, or (ii) sales of a service to such customers.

Sales of Goods: YES  NO   
Sales of Services: YES  NO

*\*\* If the answer to both is "No" please continue to the next page; if the answer to either is "Yes" please answer the four (4) remaining questions.*

a. What percentage of the cost of the Project (including that portion of the cost to be financed from equity or sources other than Agency financing) will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project?

100 %

b. Is the Project likely to attract a significant number of visitors from outside the economic development region (i.e., Western New York) in which the Project is or will be located?

YES  NO

c. 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 city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services?

YES  NO

d. Will the Project be located in one of the following: (a) an area designated as an empire zone pursuant to Article 18-B of the General Municipal Law; or (b) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (i) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of the households receiving public assistance, and (ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?

YES  NO

Details: Medical Office Building leased to facility providing services in the form of patient care for both inpatient and outpatient services in regards to Behavioral Health Services and Substance Use Disorder treatment. Potential creation of Laboratory Services, Radiology Services, and Emergency Department Services in Phase 2 of our project.

## **CERTIFICATIONS AND ACKNOWLEDGMENTS OF THE APPLICANT**

The undersigned, being duly sworn, deposes and says, under penalties of perjury, as follows: that I am the chief executive officer or other representative authorized to bind the Applicant named in the attached application for financial assistance ("Application") and that I hold the office specified below my signature at the end of this Certification and Agreement, that I am authorized and empowered to deliver this Certification and Agreement and the Application for and on behalf of the Applicant, that I am familiar with the contents of said Application (including all schedules, exhibits and attachments thereto), and that said contents are true, accurate and complete to the best of my knowledge and belief.

The grounds of my belief relative to all matters in the Application that are not based upon my own personal knowledge are based upon investigations I have made or have caused to be made concerning the subject matter of this Application, as well as upon information acquired in the course of my duties and from the books and records of the Applicant.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that the Applicant hereby releases the County of Chautauqua Industrial Development Agency, its members, officers, servants, attorneys, agents and employees (collectively, the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend (with counsel selected by the Agency) and hold the Agency harmless from and against any and all liability, damages, causes of actions, losses, costs or expenses incurred by the Agency in connection with: (A) examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the financial assistance requested therein are favorably acted upon by the Agency, (B) the acquisition, construction, reconstruction, renovation, installation and/or equipping of the Project by the Agency, and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, (i) all fees and expenses of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants (if deemed necessary or advisable by the Agency), and (ii) all other expenses incurred by the Agency in defending any suits, actions or proceedings that may arise as a result of any of the foregoing. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels, or neglects the Application or if the Applicant is unable to find buyers willing to purchase the total bond issue required or is unable to secure other third party financing or otherwise fails to conclude the Project, then upon presentation of an invoice by the Agency, its agents, attorneys or assigns, the Applicant shall pay to the Agency, its agents, attorneys or assigns, as the case may be, all fees and expenses reflected in any such invoice.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that each of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants is an intended third-party beneficiary of this Certification and Agreement, and that each of them may (but shall not be obligated to) enforce the provisions of the immediately preceding paragraph, whether by lawsuit or otherwise, to collect the fees and expenses of such party or person incurred by the Agency (whether or not first paid by the Agency) with respect to the Application.

**FIRST:**

The Applicant hereby certifies that, if financial assistance is provided by the Agency for the proposed project, no funds of the Agency (i) shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant or for the purpose of advertising or promotional materials which depict elected or appointed government officials in either print or electronic media, (ii) be given to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State

**SECOND:**

The Applicant hereby certifies that no member, manager, principal, officer or director of the Applicant or any affiliate thereof has any blood, marital or business relationship with any member of the Agency (or any member of the family of any member of the Agency).

**THIRD:**

The Applicant hereby certifies that neither the Applicant nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners (other than equity owners of publicly-traded companies), nor any of their respective employees, officers, directors, or representatives (i) is a person or entity with whom United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury, including those named on OFAC's Specially Designated and Blocked Persons List, or under any statute, executive order or other governmental action, or (ii) has engaged in any dealings or transactions or is otherwise associated with such persons or entities.

**FOURTH:**

The Applicant hereby acknowledges that the Agency shall obtain and hereby authorizes the Agency to obtain credit reports and other financial background information and perform other due diligence on the Applicant and/or any other entity or individual related thereto, as the Agency may deem necessary to provide the requested financial assistance.

**FIFTH:**

The Applicant hereby certifies, under penalty of perjury, that each owner, occupant or operator that would receive financial assistance with respect to the proposed Project is in substantial compliance with applicable federal, state and local tax, worker protection and environmental laws, rules and regulations.

**SIXTH:**

The Applicant hereby acknowledges that the submission to the Agency of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the recapture from the Applicant of an amount equal to all or any part of any tax exemption claimed by reason of the Agency's involvement in the Project.

**SEVENTH:**

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

**EIGHTH:**

Upon successful closing of the required bond issue or other form of financing or Agency assistance, the Applicant shall pay to the Agency an administrative fee set by the Agency (which amount is payable at closing) in accordance with the following schedule:

- (A) All Initial Transactions - One-Hundred basis points (1.00%) of Total Project Costs
  - a. This fee applies to all Initial Transactions except for certain small solar or wind energy systems or farm waste energy systems under RPTL §487, for which the Agency collects no fee (other than Counsel fees).
- (B) Refundings/Assumptions/Modifications: Agency fee shall be determined on a case-by-case basis.

The Agency's bond counsel fees and expenses are payable at closing and are based on the work performed in connection with the Project.

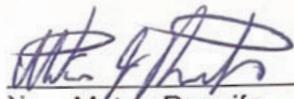
The Agency's bond counsel's fees, general counsel fee and the administrative fees may be considered as a cost of the Project and included as part of any resultant financing, subject to compliance with applicable law.

Regardless of the success of this Application or whether the hoped-for Financial Assistance is realized, Applicant agrees to pay all costs in connection with any efforts by the Agency on behalf of the Applicant including any fees and expenses of the Agency's general counsel, bond counsel, and all applicable recording, filing or other related fees, taxes and charges upon receipt and review of the Application, securing necessary approvals, closing the necessary transaction, and/or terminating any transaction entered into by the Applicant and the Agency.

NINTH:

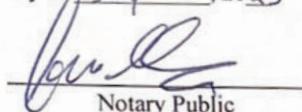
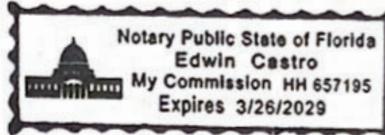
The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or any other appropriate federal, state or local governmental agency or authority as to whether the Project site or any property adjacent to or within the immediate vicinity of the Project site is or has been identified as a site at which hazardous substances are being or have been used, stored, treated, generated, transported, processed, handled, produced, released or disposed of. The Applicant will be required to secure the written consent of the owner of the Project site to such inquiries (if the Applicant is not the owner), upon request of the Agency.

I further acknowledge and agree on behalf of the Applicant that, in the event the Agency shall have used all of its available tax-exempt bond financing allocation from the State of New York, if applicable, and shall accordingly be unable to obtain an additional allocation for the benefit of the Applicant, the Agency shall have no liability or responsibility as a result of the inability of the Agency to issue and deliver tax-exempt bonds for the benefit of the Applicant.



Name: Mateo Renaifo  
Title: Trustee

Subscribed and affirmed to me this 30<sup>th</sup>  
day of July, 2025

  
\_\_\_\_\_  
Notary Public

The Agency's acceptance of this Application for consideration does not constitute a commitment on the part of the Agency to undertake the proposed Project, to grant any financial assistance with respect to the proposed Project, or to enter into any negotiations with respect to the proposed Project.

Information provided herein may be subject to disclosure under the New York Freedom of Information Law (New York Public Officers Law § 84 et seq.) ("FOIL"). If the Applicant believes that a portion of the material submitted with this Application is protected from disclosure under FOIL, the Applicant should mark the applicable section(s) or page(s) as "confidential" and state the applicable exception to disclosure under FOIL.

07/17/2025

DATE

**Main Rd Med Group, LLC**  
845 Routes 5 & 20, Irving, NY 14081

8/19/2025

Current Assessed Value	Est. New Total Assessed Value <sup>1</sup>	Parcel ID#	Current County Tax	Current Town/City/Village Tax	Current School Tax	Current Total Tax Excludes Special Districts/Ad Valorem Levies/Chargebacks <sup>2</sup>
\$2,637,800	\$7,500,000	33.00-2-17,18,19-22,23,24,25,26,29	\$7,274	4146.6	\$22,405	\$33,826

**A. PILOT Estimate Table Worksheet**

Dollar Value of Total New Construction and Renovation Costs (Total Project Cost)	Construction/Reconstruction/Renovation Costs per Application	Estimated New Assessed Value on Improvements of Property Subject to IDA	County Tax Rate/\$1,000	Local Tax Rate (Town/City/Village)/\$1,000	School Tax Rate/\$1,000	Current Total Tax Excludes Special Districts/Ad Valorem Levies/Chargebacks <sup>2</sup>
						Combined Tax Rate
\$42,199,744	\$15,000,000	\$4,862,200	11.909407	3.507548	18.876126	\$4,293,081

PILOT Year	Property Tax Without Project Excludes Special Districts/ Ad Valorem Levies/Chargebacks	% Payment on Improvements	PILOT on Improvements Only	Total PILOT Amount <sup>3</sup>	Full Tax Payment on Improvements without PILOT	Estimated Net Exemption
1	\$90,458	10%	16,674	\$107,132	\$166,740	\$150,066
2	\$94,113	10%	17,040	\$104,153	\$166,740	\$150,066
3	\$94,113	10%	17,348	\$111,460	\$173,476	\$156,328
4	\$95,995	10%	17,695	\$113,690	\$176,946	\$159,251
5	\$97,915	10%	18,048	\$115,963	\$180,465	\$162,436
6	\$99,873	30%	55,228	\$155,102	\$184,094	\$128,866
7	\$101,811	30%	55,533	\$155,344	\$184,770	\$131,445
8	\$103,908	30%	57,450	\$161,368	\$191,532	\$134,047
9	\$105,986	30%	58,609	\$164,595	\$195,362	\$136,754
10	\$108,106	30%	59,781	\$167,887	\$199,270	\$139,489
11	\$110,268	50%	101,627	\$211,896	\$203,265	\$101,627
12	\$112,454	50%	103,444	\$214,368	\$206,050	\$102,444
13	\$114,723	50%	105,733	\$220,456	\$211,466	\$105,733
14	\$117,017	50%	107,948	\$224,865	\$215,696	\$107,848
15	\$119,358	50%	110,005	\$229,363	\$220,010	\$110,005
<b>TOTAL</b>	<b>\$1,564,333</b>		<b>\$903,056</b>	<b>\$2,467,388</b>	<b>\$2,883,501</b>	<b>\$1,980,446</b>

**B. Sales Tax Exemption Benefit**

Estimated Sales Tax exemption for facility construction  
Estimated Sales Tax exemption for fixtures and equipment

**\$2,100,000**  
combined with construction

Estimated duration of Sales Tax exemption:

12 months

**C. Mortgage Recording Tax Exemption Benefit**

Estimated value of Mortgage Recording Tax exemption

September/October 2025

**\$0**

**D. Other Benefits**

Estimated value of Other Benefits

**N/A**

**Total Estimated PILOT Savings**

Sales Tax from Application

Mortgage Tax from Application

**SAVINGS**

\$1,980,446  
\$2,100,000  
\$209,260  
\$4,482,636

<sup>1</sup>Estimated New Total Assessed Value = Average of Estimates Provided by Assessor to Client

<sup>2</sup>Assessor will not be using a dummy parcel. Current Tax will be fixed with a 2% escalator and PILOT applied to the current and increased assessments.

PILOT does not reduce existing assessment, special district taxes, chargebacks or ad valorem levies.

<sup>3</sup> Several Parcels Currently Receiving Exemption on Section Roll 8 Until Next Tax Status Date

All Estimates

## Exhibit B

### State Environmental Quality Review Act Compliance Checklist

The County of Chautauqua Industrial Development Agency (“CCIDA”), pursuant to the State Environmental Quality Review Act (“SEQRA”), must evaluate the environmental impacts of a project before deciding whether to undertake the project. The below checklist is intended to aid Applicants in determining which version of NYSDEC’s Environmental Assessment Form (“EAF”), available on NYSDEC’s website, to submit as a part of a complete application package to the CCIDA.

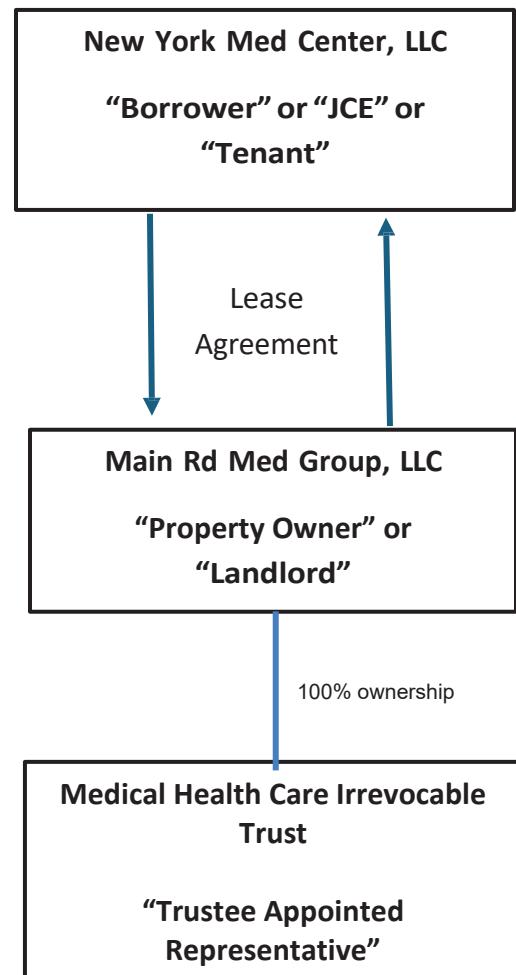
If one or more of the below items applies to the project, then a Full EAF must be prepared for submission. If none of the below items apply, then a Short EAF may be submitted. Please note that the below list is not exhaustive, and Applicants who have completed a short EAF may be required to fill out a Full EAF upon review of the project information by the CCIDA. Applicants should consult with their engineers and consultants to aid them in preparing the EAF.

Does the project involve:

- activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
- a project or action that involves the physical alteration of 10 acres?
  - a project or action that would use ground or surface water in excess of 2,000,000 gallons per day?
  - parking for 500 vehicles?
  - a facility with more than 100,000 square feet of gross floor area?
- the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
- a project or action that involves the physical alteration of 5 acres?
  - a project or action that would use ground or surface water in excess of 1,000,000 gallons per day?
  - parking for 250 vehicles?
  - a facility with more than 50,000 square feet of gross floor area?
- activities which meet at least one of the criteria in **both** Columns A **and** B below:
- |   |   |
|---|---|
| <input type="checkbox"/> Column A:  | <input type="checkbox"/> Column B:  |
| <ul style="list-style-type: none"><li><input type="checkbox"/> occurring wholly or partially within an agricultural district certified by Agriculture and Markets?</li><li><input type="radio"/> occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the State or National Register of Historic Places, or has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing?</li><li><input type="radio"/> occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks?</li></ul> | <ul style="list-style-type: none"><li><input type="checkbox"/> activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:</li><li><input type="radio"/> a project or action that involves the physical alteration of 2.5 acres?</li><li><input type="radio"/> a project or action that would use ground or surface water in excess of 500,000 gallons per day?</li><li><input type="radio"/> parking for 125 vehicles?</li><li><input type="radio"/> a facility with more than 25,000 square feet of gross floor area?</li></ul> <ul style="list-style-type: none"><li><input type="radio"/> the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:</li><li><input type="radio"/> a project or action that involves the physical alteration of 1.25 acres?</li><li><input type="radio"/> a project or action that would use ground or surface water in excess of 250,000 gallons per day?</li><li><input type="radio"/> parking for 63 vehicles?</li><li><input type="radio"/> a facility with more than 12,500 square feet of gross floor area?</li></ul> |



NEW YORK MEDICAL CENTER  
845 RT 5 AND 20  
IRVING, NY 14081



Parcel ID	Location Address	Acreage
064689-33.00-2-17	879 Rt 5 & 20 Irving, NY 14081	1.5
064689-33.00-2-18	845 Rt 5 & 20 Irving, NY 14081	5.2
064689-33.00-2-19	12644 Seneca St Irving, NY 14081	1.7
064689-33.00-2-22	V/L Southerland Rd Irving, NY 14081	3.5
064689-33.00-2-23	682 Southerland Rd Irving, NY 14081	3.6
064689-33.00-2-24	V/L Rt 5 & 20 Irving, NY 14081	1
064689-33.00-2-25	V/L Rt 5 & 20 Irving, NY 14081	1.6
064689-33.00-2-26	V/L Rt 5 & 20 Irving, NY 14081	5.2
064689-33.00-2-29	V/L Southerland Rd Irving, NY 14081	9.6
<b>TOTALS:</b>		<b>32.9</b>

Main Rd Med Group LLC



## Market Demand for Treatment & Care

### Market Need

Mental illnesses are common in the United States. In 2023, a survey by Mental Health America found that more than 50 million Americans are experiencing a mental illness. Of those with a mental health condition or concern, only 45% received mental health services in the past year.<sup>2</sup>

Studies show that half of all mental disorders begin by age 14 and three-quarters present by age 24. Meanwhile, of adults with any mental disorder in a one-year period, 14.4% have one disorder, 5.8% experience two disorders, and 6% experience three or more.<sup>3</sup> These rates of prevalence, high enough among the general population, can be even higher for at-risk communities such as veterans, the LGBTQ community, minority races and ethnicities, and women, as well as individuals experiencing stressful life events.

The COVID-19 pandemic negatively impacted the state of America's mental health, with four in 10 adults reporting symptoms of anxiety or depressive disorder, up from one in 10 in 2019.<sup>4</sup> KFF Health Tracking Poll indicated that adults had specific negative impacts on their mental health and well-being as of July 2020; approximately 36% had trouble sleeping, 32% had difficulty eating, 12% increased alcohol or substance abuse, and 12% had worsening chronic conditions due to stress and worry related to COVID-19. Isolation and unemployment caused by the pandemic only exasperated these conditions.

Communities of color were disproportionately impacted by the pandemic. Forty-eight percent of Black adults and 46% of Hispanic or Latino adults reported symptoms of anxiety or a depressive disorder, compared to only 41% of white adults.<sup>5</sup> Annually, more individuals of color report mental illness, with

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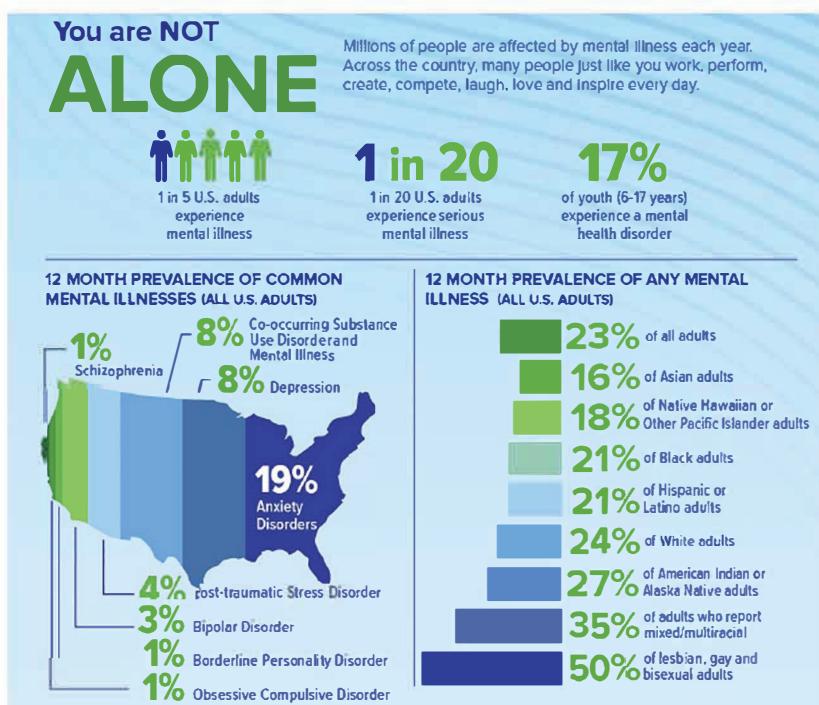
<sup>2</sup> Mental Health America. "The State of Mental Health in America" Source: <https://mhanational.org/sites/default/files/2023-State-of-Mental-Health-in-America-Report.pdf>

<sup>3</sup> Mental Health First Aid. 5 Surprising Mental Health Statistics. February 2019. Source: <https://www.mentalhealthfirstaid.org/2019/02/5-surprising-mental-health-statistics/>

<sup>4</sup> Panchal, Nirmita. "The Implications of COVID-19 for Mental Health and Substance Use" February 10, 2021. Source: <https://www.kff.org/coronavirus-covid-19/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/>

<sup>5</sup> Panchal, Nirmita. "The Implications of COVID-19 for Mental Health and Substance Use" February 10, 2021. Source: <https://www.kff.org/coronavirus-covid-19/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/>

higher prevalence of mental illness among individuals of American Indian or Alaska Native adults and mixed race/multiracial individuals. The following infographic reflects these findings.<sup>6</sup>



In addition to negatively impacting communities of color, the pandemic also created a negative impact on the mental health of less affluent individuals. Approximately 35% of households earning less than \$40,000 stated COVID had a major negative impact on their mental health.<sup>7</sup> According to the Centers for Disease Control, 8.7% of Americans with incomes below the poverty level report severe psychological distress. Low-income communities frequently experience insecurity about food, housing, and income.<sup>8</sup>

## Substance Abuse

Substance abuse, which can be a comorbidity with mental health issues, impacts 15.3% of Americans. Addiction, substance abuse, and overdose deaths have increased dramatically over the past few years. In 2021, more than 106,000 Americans died from drug-involved overdoses, of which 80,411 were caused by an opioid. In 2021, the number of Americans who died from a drug overdose was more than six times the number in 1999. More than 75% of overdose deaths involved an opioid. More than 220 Americans die

<sup>6</sup> National Alliance on Mental Illness. "Mental Health by the Numbers" Source: <https://www.nami.org/mhstats>

<sup>7</sup> Panchal, Nirmita. "The Implications of COVID-19 for Mental Health and Substance Use" February 10, 2021. Source: <https://www.kff.org/coronavirus-covid-19/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/>

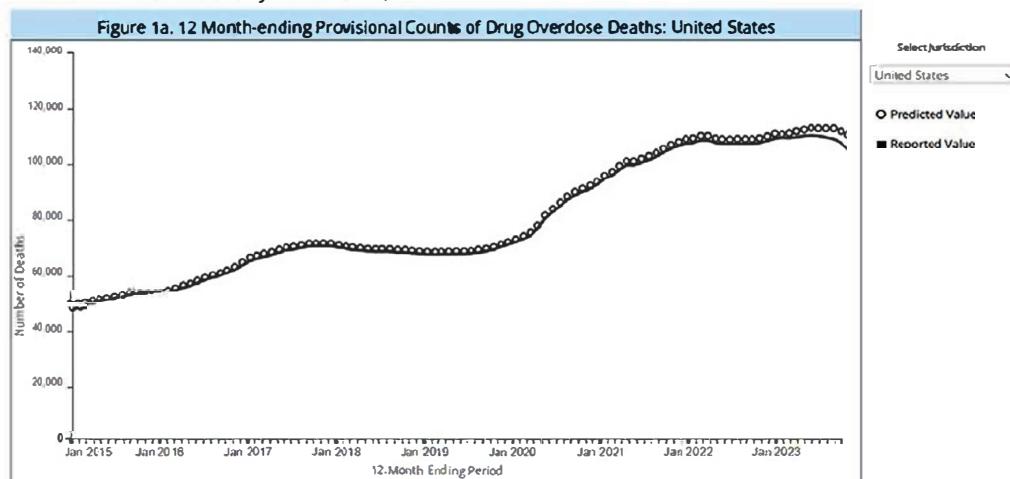
<sup>8</sup> Anxiety & Depression Association of America. "Low-Income" Source: <https://adaa.org/find-help/by-demographics/low-income>

each day from an opioid overdose.<sup>9</sup> Today, synthetic opioids, such as fentanyl, are responsible for a rising number of overdose deaths.

In the 12 months ending in October 2023, 105,303 Americans had died of a drug overdose. While deaths from overdose declined slightly from the projected number, as shown on the following chart, the number of overdose deaths has generally increased since 2021.<sup>10</sup>

### 12 Month-ending Provisional Number and Percent Change of Drug Overdose Deaths

Based on data available for analysis on: March 3, 2024



In Chautauqua County, where New York Med Center, LLC is located, 30.9 people out of 100,000 died from opioids in 2020, compared to 21.8 people out of 100,000 for the rest of the state. As shown on the following chart, these deaths have been increasing both within the county and the state over the past decade.<sup>11</sup>

#### Opioid Deaths Crude Rate per 100,000, 2010-2020

Source: New York State Department of Health, Opioid Data Dashboard and County Opioid Quarterly Reports

[https://webb1.health.ny.gov/SASStoredProcess/quest?\\_program=/EBI/PHIG/apps/opioid\\_dashboard/op\\_dashboard&p=it&ind\\_id=op51](https://webb1.health.ny.gov/SASStoredProcess/quest?_program=/EBI/PHIG/apps/opioid_dashboard/op_dashboard&p=it&ind_id=op51) and

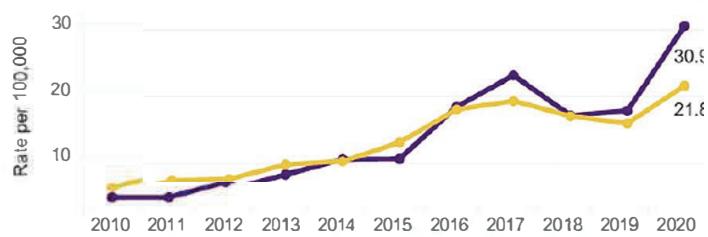
<https://www.health.ny.gov/statistics/opioid/>

An asterisk (\*) indicates the rate is unstable.

❖ Opioid overdose deaths in Chautauqua County in 2020: 40

Opioid Death Rate per 100,000 Population

County to Rest of State	2017	2018	2019	2020
Chautauqua	23.4	17.3	18.0	30.9 <span style="color: red;">▲</span>
(ROS)	19.5	17.2	16.1	21.8 <span style="color: red;">▲</span>



<sup>9</sup> Centers for Disease Control and Prevention. "Understanding the Opioid Overdose Epidemic" Source: <https://www.cdc.gov/opioids/basics/epidemic.html>

<sup>10</sup> Centers for Disease Control and Prevention. "National Vital Statistics System" Source: Products - Vital Statistics Rapid Release - Provisional Drug Overdose Data (cdc.gov)

<sup>11</sup> New York State Department of Health. Chautauqua County Substance Use Disorder Key Indicators. Source: [chautauqua\\_county\\_key\\_sud\\_indicators\\_06152022.pdf](http://chautauqua_county_key_sud_indicators_06152022.pdf) (ny.gov)

In addition to a rise in opioid overdose deaths, the number of emergency department visits related to opioids within the county has also skyrocketed. As shown on the following chart, in 2020, 158.3 per 100,000 people in Chautauqua County received emergency room treatment, compared to 55 per 100,000 people in the rest of the state.<sup>12</sup>

#### Opioid Emergency Department (ED) Visits, 2016-2020

Source: New York State Department of Health, Opioid Data Dashboard and County Quarterly Reports  
[https://webbi1.health.ny.gov/SASSStoredProcess/quest?\\_program=%2FEBI%2FPHIG%2Fapps%2Fopioid\\_dashboard%2Fop\\_dashboard&p=it&ind\\_id=op53](https://webbi1.health.ny.gov/SASSStoredProcess/quest?_program=%2FEBI%2FPHIG%2Fapps%2Fopioid_dashboard%2Fop_dashboard&p=it&ind_id=op53) and  
<https://www.health.ny.gov/statistics/opioid/>  
 An asterisk (\*) indicates the rate is unstable, while (s) indicates that the data do not meet reporting criteria.



## Industry Analysis

### Current State of the Industry

The *Mental Health and Substance Abuse Treatment* industry is experiencing significant strain, primarily due to the exacerbation of the mental health crisis and the opioid epidemic during the pandemic. Outpatient mental health clinics are struggling to meet the unprecedented demand for mental health services, resulting in an overburdened infrastructure. The undersized behavioral health workforce is a critical bottleneck, preventing the expansion needed to address the growing number of individuals seeking treatment. Despite these challenges, the industry has maintained steady revenue growth, with a current valuation of \$32.6 billion and employing 326,000 people across 16,460 businesses.<sup>13</sup> Market research firm IBISWorld breaks down the major revenue categories and sources of payment within this industry.

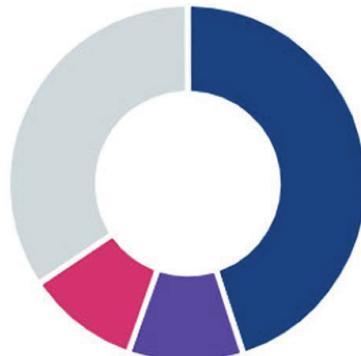
<sup>12</sup> New York State Department of Health. Chautauqua County Substance Use Disorder Key Indicators. Source: chautauqua\_county\_key\_sud\_indicators\_06152022.pdf (ny.gov)

<sup>13</sup> Brocker, Marley. "Mental Health & Substance Abuse Clinics in the US." Nov. 2023. Source: IBISWorld.com

Mental Health & Substance Abuse Clinics in the US

## Products & Services Segmentation

Industry revenue in 2023 broken down by key product and service lines.



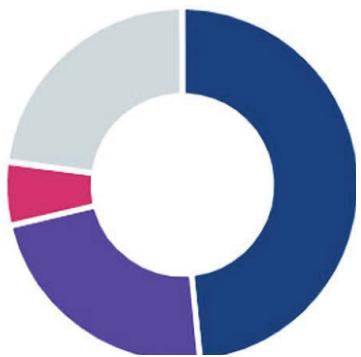
- Outpatient treatment services for mental disorders only (\$14.7bn) 45.0%
- Outpatient treatment for substance-use disorders only (\$3.4bn) 10.4%
- Outpatient treatment for co-occurring disorders (\$3.3bn) 10.2%
- Other services (\$11.2bn) 34.4%

IBSWorld

Mental Health & Substance Abuse Clinics in the US

## Major Market Segmentation

Industry revenue in 2023 broken down by key markets



- Government payers (\$15.8bn) 48.4%
- Private payers (\$7.5bn) 22.9%
- Out-of-pocket payments (\$1.9bn) 5.8%
- All other sources of revenue (\$7.5bn) 22.9%

IBSWorld

## Forecast of Trends

Looking ahead, the *Mental Health and Substance Abuse Treatment* industry is expected to continue its trajectory of growth, albeit at a slightly slower pace. Revenue is projected to grow at a compound annual

growth rate (CAGR) of 2.9% from 2023 to 2028, compared to 3.1% from 2018 to 2023.<sup>14</sup> Employment in the industry is also expected to increase, with a forecasted CAGR of 3.4% over the next five years. Business establishments within the sector are anticipated to grow at a CAGR of 4.8%, reflecting ongoing expansion efforts despite existing workforce limitations. Wage growth, while still positive, is expected to decelerate slightly, increasing at a rate of 3.3% annually from 2023 to 2028.<sup>15</sup>

## Forces Impacting the Industry

The Substance Abuse and Mental Health Services Administration (SAMHSA) plays a pivotal role by allocating billions in funding to support mental health services, clinic development, and workforce enhancement. This financial support is critical for maintaining and expanding access to care. Additionally, the industry operates within a complex regulatory environment, with federal and state regulations dictating operational parameters. Internally, the shortage of a qualified behavioral health workforce is a significant challenge, hindering the ability of clinics to meet the rising demand for services. The interplay of these external and internal forces shapes the industry's capacity to grow and respond to the evolving mental health landscape.

## Competitive Analysis

The number of *Mental Health and Substance Abuse Treatment* establishments in New York accounts for 5.4% of the 23,827 establishments within the national industry while also generating 6.9% of the total national industry's revenue of \$32.6 billion, ranking New York second in the nation for the number of establishments and for industry revenue.<sup>16</sup>

### Establishments in New York

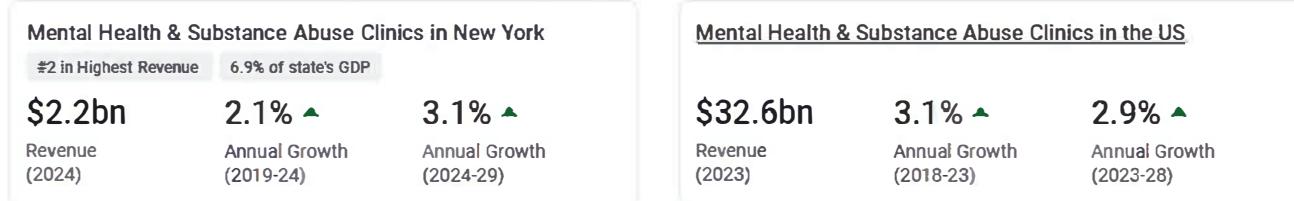
Mental Health & Substance Abuse Clinics in New York			Mental Health & Substance Abuse Clinics in the US		
#2 in Highest Establishments					
1,282	5.3% ▲	4.9% ▲	23,827	6.6% ▲	4.7% ▲
Establishments (2024)	Annual Growth (2019-24)	Annual Growth (2024-29)	Establishments (2023)	Annual Growth (2018-23)	Annual Growth (2023-28)

### Revenue in New York

<sup>14</sup> Brocker, Marley. "Mental Health & Substance Abuse Clinics in the US." Nov. 2023. Source: IBISWorld.com

<sup>15</sup> Brocker, Marley. "Mental Health & Substance Abuse Clinics in the US." Nov. 2023. Source: IBISWorld.com

<sup>16</sup> Brocker, Marley. "Mental Health & Substance Abuse Clinics in the US." Nov. 2023. Source: IBISWorld.com



The Project will face competition from existing operators providing inpatient and outpatient healthcare, as well as specializing in addiction treatment, near Irving, New York. A majority of potential competitors for the Project are located in Buffalo or the surrounding metropolitan area. These competitors operate multiple recovery centers or rehabilitation housing. The Medical Center's most direct competitors are overviewed below. A map of their location relative to the Project follows.

#### Horizon Health Services | [Horizon-health.org](http://Horizon-health.org)

- **Overview:** Horizon Health Services has more than 20 locations within Erie, Niagara, and Genesee counties, as well as provides telehealth services for individuals living in the state of New York. Horizon provides treatment, recovery, and support services to children, adolescents, adults, and families affected by mental health and substance use disorders. The company provides counseling, specialty care, stabilization and medically supervised withdrawal detoxification, intensive residential substance use rehabilitation, and medication-assisted treatment for substance use.

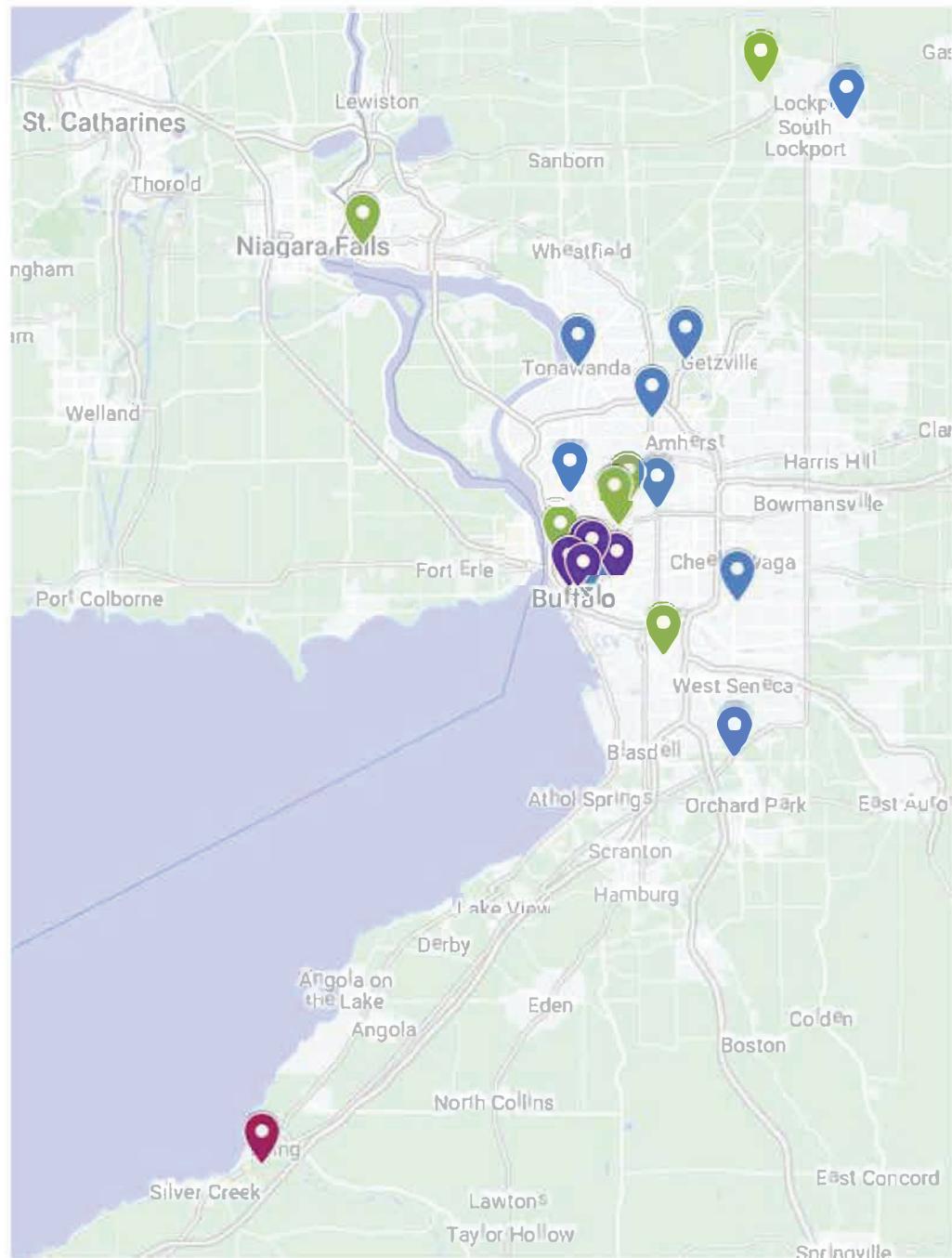
#### Best Self Behavioral Health | [bestselfwny.org](http://bestselfwny.org)

- **Overview:** Best Self Behavioral Health operates multiple outpatient clinics for children, families, young adults, and adults struggling with addiction, behavioral health, and homelessness. Best Self Behavioral Health operates Renaissance Addiction Services, which provides residential treatment programs and operates 47 beds in West Seneca, New York. The company also operates the Lighthouse Women's Residence, which provides a supportive recovery environment for pregnant and parenting women with their children while providing treatment for substance-free lifestyles.

#### Caz Recovery | [Cazenoviarecovery.org](http://Cazenoviarecovery.org)

- **Overview:** Operating in Western New York, Caz Recovery provides residential care for individuals with substance use disorders. The company offers rehabilitation care and ongoing individual or group counseling. Caz Recovery additionally provides medication assisted treatments to patients. The company operates 10 residential recovery homes for individuals undergoing treatment.

New York Med Center, LLC's location is reflected in red on the following map, while locations operated by Horizon Health are shown in blue; Caz Recovery's locations are in green; and Best Self Behavioral Health are reflected in purple. A site not located on the map below is a proposed fifty-four-unit senior housing development in nearby Silver Creek. This future site would not impact the Project's available beds model as it is a single service facility dedicated to senior long-term housing for seniors.



# Chautauqua County Industrial Development Agency

## MRB Cost Benefit Calculator

Date August 15, 2025  
 Project Title Main Rd Med Group, LLC  
 Project Location 845 Main Road, Irving, NY 14081



## Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

### Construction Project Costs

\$42,199,744

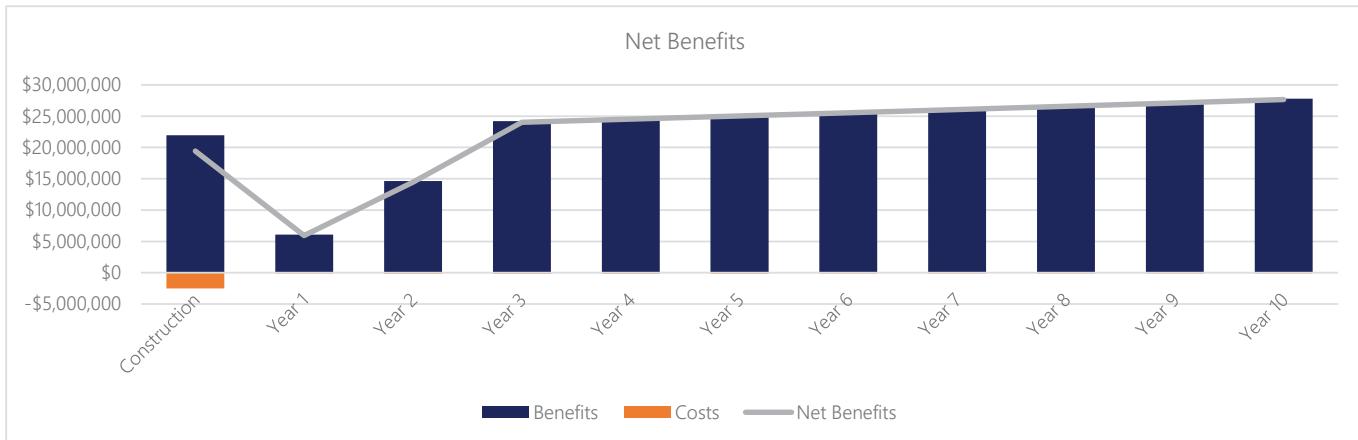
Temporary (Construction)			
	Direct	Indirect	Total
Jobs	229	88	317
Earnings	\$16,253,173	\$4,460,010	\$20,713,183
Local Spend	\$42,199,744	\$14,943,044	\$57,142,788

### Ongoing (Operations)

Aggregate over life of the PILOT

	Direct	Indirect	Total
Jobs	302	60	362
Earnings	\$307,840,435	\$47,171,917	\$355,012,352

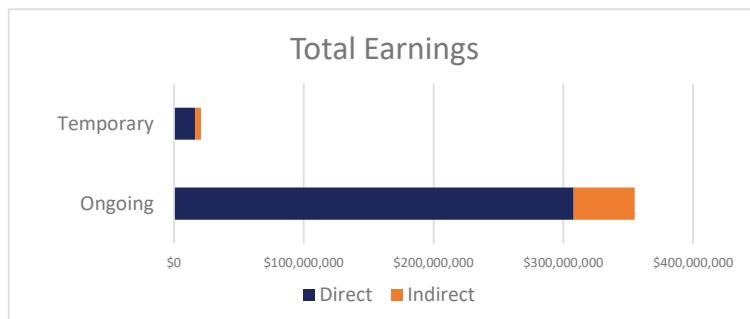
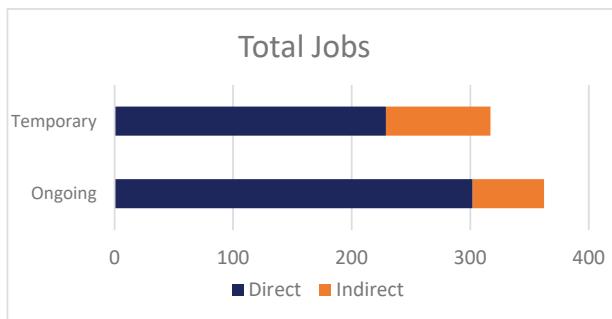
Figure 1



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

Figure 2

Figure 3



## Fiscal Impacts



### Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$1,980,442	\$1,716,437
Sales Tax Exemption	\$2,100,000	\$2,100,000
Local Sales Tax Exemption	\$1,050,000	\$1,050,000
State Sales Tax Exemption	\$1,050,000	\$1,050,000
Mortgage Recording Tax Exemption	\$406,250	\$406,250
Local Mortgage Recording Tax Exemption	\$406,250	\$406,250
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	<b>\$4,486,692</b>	<b>\$4,222,687</b>

### State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$379,258,676</b>	<b>\$322,517,057</b>
To Private Individuals	<b>\$375,725,535</b>	<b>\$319,544,622</b>
Temporary Payroll	\$20,713,183	\$20,713,183
Ongoing Payroll	\$355,012,352	\$298,831,440
Other Payments to Private Individuals	\$0	\$0
To the Public	<b>\$3,533,141</b>	<b>\$2,972,435</b>
Increase in Property Tax Revenue	\$903,062	\$735,622
Temporary Jobs - Sales Tax Revenue	\$144,992	\$144,992
Ongoing Jobs - Sales Tax Revenue	\$2,485,086	\$2,091,820
Other Local Municipal Revenue	\$0	\$0
<b>State Benefits</b>	<b>\$19,537,728</b>	<b>\$16,616,320</b>
To the Public	<b>\$19,537,728</b>	<b>\$16,616,320</b>
Temporary Income Tax Revenue	\$932,093	\$932,093
Ongoing Income Tax Revenue	\$15,975,556	\$13,447,415
Temporary Jobs - Sales Tax Revenue	\$144,992	\$144,992
Ongoing Jobs - Sales Tax Revenue	\$2,485,086	\$2,091,820
<b>Total Benefits to State &amp; Region</b>	<b>\$398,796,403</b>	<b>\$339,133,377</b>

### Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$322,517,057	\$3,172,687	102:1
State	\$16,616,320	\$1,050,000	16:1
<b>Grand Total</b>	<b>\$339,133,377</b>	<b>\$4,222,687</b>	<b>80:1</b>

\*Discounted at the public sector discount rate of: 2%

### Additional Comments from IDA

Additional new water and sewer revenues to Town. Undisclosed lease payments to property owner.

Does the IDA believe that the project can be accomplished in a timely fashion? Yes  
 Does this project provide onsite childcare facilities? No

## **PUBLIC HEARING**

**Hanover Town Hall  
68 Hanover St.  
Silver Creek, NY 14136  
October 3, 2025  
1:30 p.m.**

**MAIN RD MED GROUP, LLC**

**Attendees:**

Kristine Morabito, CCIDA Staff

Jason Sample, CCIDA Staff

Gregory Peterson, CCIDA Counsel

Louis F. Pelletter, Town of Hanover Supervisor

Elizabeth VanCheri, Town of Hanover Clerk

Aimee Rogers, Town of Hanover Councilperson

MS. MORABITO: Good afternoon. My name is Kristine Morabito. I am a Project Manager and a duly authorized hearing officer of the County of Chautauqua Industrial Development Agency (the "Agency") and I have been authorized to hold a public hearing pursuant to Section 859-a of the New York General Municipal Law, as amended (the "Act").

Today is October 3, 2025 and the time is now 1:34 p.m. We are at the Town of Hanover Town Hall, 68 Hanover Street, Town of Hanover, County of Chautauqua, New York.

The Agency has received an application for financial assistance in connection with the following matter:

MAIN RD MED GROUP LLC, a limited liability company organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited liability company (the "Applicant"), presented an application for financial assistance (the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 32.9 acre parcel of land located at 879 Route 5 & 20, 845 Route 5 & 20, 12644 Seneca Street, V/L Southerland Road, 682 Southerland Road and V/L Route 5 & 20, Irving, Town of Hanover, County of Chautauqua, New York (Section: 33.00; Block: 2; Lots: 17, 18, 19, 22, 23, 24, 25, 26 and 29) (the "Land"), (2) the renovation of an existing approximately 173,000 square foot building on the Land (the "Building"), together with related improvements to the Land, and (3) the acquisition of certain furniture, fixtures, machinery, equipment and building materials necessary for the completion thereof (the "Equipment" and together with the Land and the Building, collectively, the "Project Facility"), all of the foregoing for use as a medical office building; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes (collectively, the "Financial Assistance"); (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and (D) the sublease of the Project Facility by the Applicant to New York Med Center LLC or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency for purposes of operating the Project Facility.

The Project Facility would be initially owned, operated and/or managed by the Applicant (or such other designated entity(ies)).

The Applicant (or such other designated entity(ies)) would receive the Financial Assistance from the Agency in the form of potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes.

Notice of this public hearing was published in the *Observer* on September 13, 2025 and provided to the Chief Executive Officer of each affected tax jurisdiction within which the Project Facility is or will be located and all other persons required by applicable law by letter dated September 11, 2025.

The purpose of this public hearing is to provide an opportunity for all interested parties to present their views, both orally and in writing, with respect to the granting of the Financial Assistance contemplated by the Agency or the location or nature of the Project. As set forth in the notice of this public hearing, comments may also be submitted to the Agency in writing or electronically at the following email address:

[morabitk@chqgov.com](mailto:morabitk@chqgov.com).

Subject to applicable law, copies of the Application, including an analysis of the costs and benefits of the Project, are available for review by the public online at [www.ccida.com](http://www.ccida.com).

This public hearing is being streamed on the Agency's website in real-time and a video recording of this public hearing is being made and will be posted on the Agency's website, all in accordance with Section 857 of the New York General Municipal Law, as amended. In addition, a report or summary of this hearing will be made and such report or summary of all comments received by the Agency shall be provided to the Agency's members and posted on the Agency's website. Comments received in writing will be also be included in the report and any summary of this public hearing.

MS. MORABITO: Is there anyone wishing to be heard with respect to the Project or the Financial Assistance?

MR. PELLETTER: Well I guess I can say -Lou Pelletter, Town of Hanover Supervisor - we have certainly been instrumental in helping them rehabilitate the building and we're grateful that they are restoring the building and bringing it back to a useful purpose with all the beds and employees that they have coming in. I'm hoping that they make their deadline in January. We have supported them right along and will continue to support them. I am interested in exactly what the number are and I guess I'll look on the website and see exactly what they're looking at down the line, but we are very supportive of them from the very beginning and will help them moving forward.

MS. MORABITO: Thank you for your comments.

MS. MORABITO: Is there anyone else wishing to be heard with respect to the Project?

AIMEE ROGERS: I'm Aimee Rogers, I'm on the Town Council as well. I guess I was expecting to see the totals, I'm sorry I haven't seen like what is the IDA considering

MS. MORABITO: Ok

AIMEE ROGERS: Are they considering - how much taxes or real estate.

MS. MORABITO: Right. They'd be provided in the application on our website

AIMEE ROGERS: Then they'll be up there.

MS. MORABITO: Yes

AIMEE ROGERS: So nothing is provided at this forum, don't have a sheet or anything.

MS. MORABITO: No, it's provided in advance of the meeting.

AIMEE ROGERS: Oh ok, I missed that.

MS. MORABITO: That's ok

MS. MORABITO: Is there anyone else wishing to be heard with respect to the Project or the related Financial Assistance?

AIMEE ROGERS: I guess one more, I'm sorry (indecipherable)

MS. MORABITO: Yeah Aimee please go ahead.

AIMEE ROGERS: We are excited that they are going to be doing this in the community, it's well needed and we love the different steps, the levels that they want to, the phases I should say, so we are looking forward to that, to help the community out. Thank you, I just wanted to throw that in there.

MS. MORABITO: Yes please, that's why we're here. Thank you for your comments.

MS. MORABITO: Are there any other comments, or anyone else wishing to speak with regard to the project or the financial assistance?

MS. MORABITO: Let the record show that, no other members of the public have indicated a desire to comment with respect to the Financial Assistance or the location or nature of the Project. In addition, no written comments have been received by the Agency with respect to the project, or the location or nature of the Project. I therefore call this hearing to a close at 1:43 p.m. Thank you for attending.

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Respectfully submitted by: Kristine Morabito, CCIDA Project Manager



County of Chautauqua Industrial Development Agency

### Public Hearing Attendance Sheet

Project: Main Rd Med Group LLC

Public Hearing Location: Hanover Town Hall, 68 Hanover Street, Silver Creek, NY 14136

Public Hearing Date and Time: October 3, 2025 1:30 p.m.

Full Name (Please Print)	Signature	Affiliation
1. Louis F. Pellegrino	Louis F. Pellegrino	Town
2. Elizabeth VanCheri	Elizabeth VanCheri	Town
3. Aimee Rogers	Aimee Rogers	Town
4. Jason Sample		CCIDA
5. Greg Peterson		CCIDA
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		

***Full Environmental Assessment Form***  
***Part 1 - Project and Setting***

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Wavepoint -3565 Chadwick		
Project Location (describe, and attach a general location map): 3565 Chadwick Drive, Dunkirk, NY 14048 Parcel ID: 63.00-1-40		
Brief Description of Proposed Action (include purpose or need):  Wavepoint 3 PL Inc. plans to acquire and upgrade an existing warehouse in Sheridan, New York, to modernize an existing warehousing and logistics hub that support the company's growth and meet customer demand across the Northeast. Financial assistance is needed to offset the upfront costs for acquisition and internal improvements, making the project feasible at this location.  The investment will create 20 new jobs and position Wavepoint for future expansion to strengthen its distribution network.		
Name of Applicant/Sponsor: Wavepoint 3pl, Inc		Telephone: 814-347-1300 E-Mail: <a href="mailto:khill@wavepoint.com">khill@wavepoint.com</a>
Address: 5501 Route 89		
City/PO: North East		State: PA Zip Code: 16428
Project Contact (if not same as sponsor; give name and title/role): Kirk Hill, President		Telephone: 514-347-1300 E-Mail: <a href="mailto:khill@wavepoint.com">khill@wavepoint.com</a>
Address:		
City/PO:		State: Zip Code:
Property Owner (if not same as sponsor): 3565 Chadwick Dr LLC		Telephone: E-Mail:
Address: 1888 Niagara Falls Blvd		
City/PO: Tonawanda		State: NY Zip Code: 14150

## B. Government Approvals

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Sheridan Building Permt	2/2/206
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Sheridan Planning Board	March 2026
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County of Chautauqua IDA	11/12/2025
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the  Yes  No only approval(s) which must be granted to enable the proposed action to proceed?

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site  Yes  No where the proposed action would be located?

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action  Yes  No would be located?

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway;  Yes  No Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)

If Yes, identify the plan(s):

NYS Heritage Areas:Concord Grape Belt Region

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan,  Yes  No or an adopted municipal farmland protection plan?

If Yes, identify the plan(s):

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### C.3. Zoning

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

New York State Property Class Code 447- Trucking Terminal

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

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

### C.4. Existing community services.

a. In what school district is the project site located? Dunkirk

b. What police or other public protection forces serve the project site? Dunkirk Police

c. Which fire protection and emergency medical services serve the project site? Dunkirk Fire

d. What parks serve the project site? Memorial Park and Point Gratiot Park

## D. Project Details

### D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Acquisition of an existing trucking terminal for increased warehouse and logistics operations by Wavepoint.

b. a. Total acreage of the site of the proposed action? 10 acres

b. Total acreage to be physically disturbed? N/A acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 10 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ 6 months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

f. Does the project include new residential uses?

Yes  No

If Yes, show numbers of units proposed.

One Family

Two Family

Three Family

Multiple Family (four or more)

Initial Phase

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

At completion

of all phases

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

g. Does the proposed action include new non-residential construction (including expansions)?

Yes  No

If Yes,

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

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?

Yes  No

If Yes,

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

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

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

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

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

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

## D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No

(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

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

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

• Volume (specify tons or cubic yards): \_\_\_\_\_

• Over what duration of time? \_\_\_\_\_

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

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No

If yes, describe. \_\_\_\_\_

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

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

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

viii. Will the excavation require blasting?  Yes  No

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

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

If Yes:

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

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

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iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_

- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

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

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: City of Dunkirk Wastewater Treatment Plant
- Name of district: North Country Industrial Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Will a line extension within an existing district be necessary to serve the project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
• Describe extensions or capacity expansions proposed to serve this project: _____	_____
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
• Applicant/sponsor for new district: _____	_____
• Date application submitted or anticipated: _____	_____
• What is the receiving water for the wastewater discharge? _____	_____
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
none _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. How much impervious surface will the project create in relation to total size of project parcel?	_____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size)
ii. Describe types of new point sources. _____	_____
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____	
• If to surface waters, identify receiving water bodies or wetlands: _____ _____	
• Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input type="checkbox"/> No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input type="checkbox"/> No	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify:	
i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____	
ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____	
iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No	
ii. In addition to emissions as calculated in the application, the project will generate:	_____
• _____ Tons/year (short tons) of Carbon Dioxide (CO <sub>2</sub> )	_____
• _____ Tons/year (short tons) of Nitrous Oxide (N <sub>2</sub> O)	_____
• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)	_____
• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF <sub>6</sub> )	_____
• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)	_____
• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	_____

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Estimate methane generation in tons/year (metric): _____	
ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____	
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____ _____	
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend	
<input type="checkbox"/> Randomly between hours of _____ to _____.	
ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____	
iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____	
iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:	
vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Estimate annual electricity demand during operation of the proposed action: _____	
ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____	
iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
l. Hours of operation. Answer all items which apply.	
i. During Construction:	
<ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7-3</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	
ii. During Operations:	
<ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7-3</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes:	
i. Provide details including sources, time of day and duration:	_____
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe: _____	
n. Will the proposed action have outdoor lighting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes:	
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:	_____
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Product(s) to be stored _____	_____
ii. Volume(s) _____ per unit time _____ (e.g., month, year)	_____
iii. Generally, describe the proposed storage facilities: _____	_____
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe proposed treatment(s):	_____
ii. Will the proposed action use Integrated Pest Management Practices?	<input type="checkbox"/> Yes <input type="checkbox"/> No
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe any solid waste(s) to be generated during construction or operation of the facility:	_____
• Construction: _____ tons per _____ (unit of time)	_____
• Operation : _____ tons per _____ (unit of time)	_____
ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:	_____
• Construction: _____	_____
• Operation: _____	_____
iii. Proposed disposal methods/facilities for solid waste generated on-site:	_____
• Construction: _____	_____
• Operation: _____	_____

s. Does the proposed action include construction or modification of a solid waste management facility?

Yes  No

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: \_\_\_\_\_ years

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

If Yes:

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

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

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

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

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

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

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

## E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	10	10	
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Dam's existing hazard classification: _____	
iii. Provide date and summarize results of last inspection: _____	
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? • If yes, cite sources/documentation: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____	
iii. Describe any development constraints due to the prior solid waste activities: _____	
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes – Spills Incidents database      Provide DEC ID number(s): _____ <input type="checkbox"/> Yes – Environmental Site Remediation database      Provide DEC ID number(s): _____ <input type="checkbox"/> Neither database	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. If site has been subject of RCRA corrective activities, describe control measures: _____	
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____	

v. Is the project site subject to an institutional control limiting property uses?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? _____</li> <li>• Explain: _____ _____ _____</li> </ul>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>E.2. Natural Resources On or Near Project Site</b>		
a. What is the average depth to bedrock on the project site? _____		16 feet
b. Are there bedrock outcroppings on the project site? If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. Predominant soil type(s) present on project site: sandy silt _____		100 % _____ % _____ %
d. What is the average depth to the water table on the project site? Average: _____ 7 feet		
e. Drainage status of project site soils:		<input type="checkbox"/> Well Drained: _____ % of site <input checked="" type="checkbox"/> Moderately Well Drained: 100 % of site <input type="checkbox"/> Poorly Drained: _____ % of site
f. Approximate proportion of proposed action site with slopes:		<input checked="" type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site
g. Are there any unique geologic features on the project site? If Yes, describe: _____		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Surface water features.		
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Do any wetlands or other waterbodies adjoin the project site? If Yes to either i or ii, continue. If No, skip to E.2.i.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?		<input type="checkbox"/> Yes <input type="checkbox"/> No
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:		
<ul style="list-style-type: none"> <li>• Streams: Name _____</li> <li>• Lakes or Ponds: Name _____</li> <li>• Wetlands: Name _____</li> <li>• Wetland No. (if regulated by DEC) _____</li> </ul>		Classification _____ Classification _____ Approximate Size _____
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____		
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? If Yes:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Name of aquifer: _____		

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

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify resource: _____	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

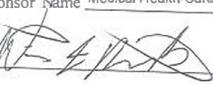
#### F. Additional Information

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

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

#### G. Verification

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

Applicant/Sponsor Name Medical Health Care Irrevocable Trust Date 07/17/2025  
 Signature  Title Trustee

## EAF Mapper Summary Report

Tuesday, March 18, 2025 1:22 PM



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



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:Concord Grape Belt Region
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No

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

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

<b>Agency Use Only [If applicable]</b>	
Project :	Wavepoint 3565 Chadwick Dr.
Date :	1/27/26

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

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

**Tips for completing Part 2:**

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

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

## 2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

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

## 3. Impacts on Surface Water

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

NO

YES

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

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

1. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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#### 4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.  
(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

*If "Yes", answer questions a - h. If "No", move on to Section 5.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

#### 5. Impact on Flooding

The proposed action may result in development on lands subject to flooding.  
(See Part 1. E.2)

*If "Yes", answer questions a - g. If "No", move on to Section 6.*

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

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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## 6. Impacts on Air

The proposed action may include a state regulated air emission source.

(See Part 1. D.2.f., D.2.h, D.2.g)

*If "Yes", answer questions a - f. If "No", move on to Section 7.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

## 7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

NO  YES

*If "Yes", answer questions a - j. If "No", move on to Section 8.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

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

## 8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

*If "Yes", answer questions a - h. If "No", move on to Section 9.*

NO

YES

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

## 9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

*If "Yes", answer questions a - g. If "No", go to Section 10.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

## 10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

*If "Yes", answer questions a - e. If "No", go to Section 11.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

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

## 11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

(See Part 1. C.2.c, E.1.c., E.2.q.)

*If "Yes", answer questions a - e. If "No", go to Section 12.*

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

## 12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)

*If "Yes", answer questions a - c. If "No", go to Section 13.*

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.

(See Part 1. D.2.j)

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

NO

YES

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

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.

(See Part 1. D.2.k)

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

NO

YES

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

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

The proposed action may result in an increase in noise, odors, or outdoor lighting.

(See Part 1. D.2.m., n., and o.)

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

NO

YES

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

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

## 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

*If "Yes", answer questions a - m. If "No", go to Section 17.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.

(See Part 1. C.1, C.2. and C.3.)

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

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.

(See Part 1. C.2, C.3, D.2, E.3)

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

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

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

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

**Reasons Supporting This Determination:**

To complete this section:

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

See attached resolution for basis of this determination.

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

SEQR Status:  Type 1  Unlisted

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

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

See attached resolution for basis of this determination.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
County of Chautauqua Industrial Development Agency as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Wavepoint 3565 Chadwick Dr.

Name of Lead Agency: County of Chautauqua Industrial Development Agency

Name of Responsible Officer in Lead Agency: Mark Geise

Title of Responsible Officer: Administrative Director/Chief Executive Officer

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Mark Geise

Address: 201 West 3rd Street, Suite 115

Telephone Number: 716-661-4515

E-mail: Geise, Mark <geisem@chqgov.com>

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

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

Applicant (if any)

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

## **Dunkirk Landing LLC Due Diligence Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the “Agency”) was convened in public session on January 27, 2026, at 10:30 A.M., local time, at the offices of the Agency located at 201 West Third Street, Jamestown, County of Chautauqua, New York (the “IDA Office”).

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

**PRESENT:**

Gary Henry	Chairman
Daniel Heitzenrater	Vice Chair
Sagan Sheffield-Smith	Treasurer
Amy Harding	Secretary
Daniel DeMarte	Member
Tom Harmon	Member
John Healy	Member
Kevin Muldowney	Member
Ted Wightman	Member

**NOT PRESENT:**

**THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:**

Mark Geise	Administrative Director/CEO
Shelby Bilskie	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel

The attached resolution no. 01-27-26-05 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

RESOLUTION TAKING PRELIMINARY ACTION TOWARD THE  
ACQUISITION AND STRAIGHT LEASING OF A CERTAIN PROJECT FOR DUNKIRK  
LANDING LLC AND/OR ITS AFFILIATES AND AUTHORIZING THE EXECUTION AND  
DELIVERY OF A PRELIMINARY AGREEMENT WITH RESPECT TO SUCH  
TRANSACTION

WHEREAS, the County of Chautauqua Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, industrial and commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, DUNKIRK LANDING LLC, a limited liability company duly organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of Dunkirk Landing LLC and/or an entity or entities formed or to be formed on behalf of any of the foregoing (collectively, the "Applicant"), presented an application for financial assistance (the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 1.51 acre parcel of land known as 208-214 and 220 Washington Avenue, City of Dunkirk, County of Chautauqua, New York (Tax Map Parcel ID Nos. 79.57-1-2, 69-75, 79-81) (the "Washington Parcel"), (2) the demolition of the existing buildings and structures on the Washington Parcel, (3) the construction of an approximately 53,995 square foot building and an outdoor playground and recreational space on the Washington Parcel, together with related improvements to the Washington Parcel (collectively, the "Washington Building"), and (4) the acquisition of certain furniture, fixtures, machinery, equipment and building materials necessary for the completion thereof (collectively, the "Washington Equipment" and together with the Washington Parcel and the Washington Building, collectively, the "Washington Project Facility"), all of the foregoing for use by the Applicant as a workforce multifamily residential rental facility consisting of approximately 48 residential units; (B)(1) the acquisition of an interest in an approximately 2.15 acre parcel of land known as 160-164 East 4th Street, City of

Dunkirk, County of Chautauqua, New York (Tax Map Parcel ID No. 79.57-2-15.1) (the “East 4th Parcel” and together with the Washington Parcel, the “Land”), (2) the demolition of the existing buildings and structures on the East 4th Parcel, (3) the construction of an approximately 41,658 square foot building, and an outdoor playground and recreational space on the East 4th Parcel, together with related improvements to the East 4th Parcel (collectively, the “East 4th Building” and together with the Washington Building, the “Building”), and (4) the acquisition of certain furniture, fixtures, machinery, equipment and building materials necessary for the completion thereof (collectively, the “East 4th Equipment” and together with the Washington Equipment, the “Equipment”; the East 4th Parcel, the East 4th Building and the East 4th Equipment being referred to herein, collectively, as the “East 4th Project Facility” and together with the Washington Project Facility, the “Project Facility”), all of the foregoing for use by the Applicant as a mixed-use commercial/workforce multifamily residential rental facility consisting of approximately 30 residential units and approximately 5,624 square feet of commercial space; (C) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, the Agency has given due consideration to the Application and to the representations made by the Applicant therein, in certain supplemental documents and at this meeting, including, without limitation, representations of the Applicant that: (A) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Applicant to undertake the Project in the County of Chautauqua, New York; (B) the completion of the Project and the leasing and operation of the Project Facility by the Applicant and/or its related designee will not result in the removal of a facility or plant of the Applicant, such related designee or any other occupant of the Project Facility from one area of the State of New York (the “State”) to another area of the State or in the abandonment of one or more plants or facilities of the Applicant, such related designee or any other occupant of the Project Facility in the State; (C) the Project Facility will not constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Project; (D) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs and increasing the overall number of permanent, private sector jobs in the State; and (E) the granting of the Financial Assistance by the Agency will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of the County of Chautauqua, New York, and improve their standard of living, and prevent unemployment and economic deterioration, and thereby serve the public purposes of the Act; and

WHEREAS, any approval of the Project is contingent upon, among other things, a final determination by the members of the Agency to proceed with the Project following determinations by the Agency that: (A) the public hearing and notice requirements and other procedural requirements contained in the Act relating to the Project and the Financial Assistance

have been satisfied; and (B) the undertaking of the Project by the Agency and the granting of the Financial Assistance are and will be in compliance with all other applicable requirements of the Act, Article 8 of the Environmental Conservation Law (the “SEQR Act”) and the regulations adopted pursuant thereto (the “Regulations” and together with the SEQR Act, collectively, “SEQRA”), and all other statutes, codes, laws, rules and regulations of any governmental authority having jurisdiction over the Project or the Project Facility (collectively, the “Applicable Laws”); and

WHEREAS, the portion of the Financial Assistance consisting of an exemption from real property taxes, if granted, may represent a deviation from the Agency’s uniform tax exemption policy and guidelines with respect to the making of payments in lieu of real property taxes; and

WHEREAS, the Agency desires to encourage the Applicant to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of the County of Chautauqua, New York, and to prevent unemployment and economic deterioration, by undertaking the Project in the County of Chautauqua, New York; and

WHEREAS, although a resolution authorizing the undertaking of the Project has not yet been submitted for approval by the Agency, a preliminary agreement (the “Preliminary Agreement”) relative to the proposed undertaking of the Project by the Agency has been presented for approval by the Agency;

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

Section 1. The Agency hereby authorizes the Administrative Director/CEO of the Agency, prior to the granting of any Financial Assistance with respect to the Project: (A) to establish a time, date and place (if applicable) for a public hearing (the “Public Hearing”) of the Agency to hear all persons interested in the location and nature of the Project and the proposed Financial Assistance being contemplated by the Agency with respect to the Project, said Public Hearing to be held in the city, town or village within which the Project Facility is or will be located, subject to Applicable Laws; (B) to cause notice of said Public Hearing to be given to the public by publishing a notice of said Public Hearing in a newspaper of general circulation available to residents of the governmental units within which the Project Facility is or will be located, such notice to comply with the requirements of and to be published in accordance with the requirements of the Act; (C) to cause notice of said Public Hearing, pursuant to the Act, to be given to the chief executive officer of the County of Chautauqua, New York, and of each city, town, village, school district and other affected tax jurisdiction in which the Project Facility is or will be located; (D) to conduct the Public Hearing or to authorize a hearing officer to conduct the Public Hearing in accordance with the Act; (E) to cause a report of the Public Hearing fairly summarizing the views presented at said Public Hearing to be promptly prepared and cause copies of said report to be made available to the members of the Agency; (F) to establish a time, date and place (if applicable) for a meeting of the Agency (the “IDA Meeting”) to consider whether to approve a proposed deviation from the Agency’s uniform tax exemption policy in accordance with the Act if the Administrative Director/CEO determines that the portion of the

Financial Assistance consisting of an exemption from real property taxes constitutes a deviation from such policy; (G) to cause notice of any such proposed deviation from the Agency's uniform tax exemption policy and of the IDA Meeting to be given to the affected tax jurisdictions in accordance with the Act; and (H) to otherwise comply with all other procedural and other requirements imposed on the Agency pursuant to Applicable Laws with respect to the Project and/or the Financial Assistance.

Section 2. The Applicant is hereby authorized to conduct such environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary or convenient to enable the Agency to make its determination whether to proceed with the Project and to grant the Financial Assistance; provided, however, that such authorization shall not entitle or permit the Applicant to commence the acquisition, construction, installation or equipping of the Project Facility unless and until the Agency shall determine that all requirements of Applicable Laws have been fulfilled. The officers, agents and employees of the Agency are hereby directed to proceed to do such things or perform such acts as may allow the Agency to proceed to its final consideration of the Project. This Resolution constitutes an authorization to conduct concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning with respect to the Project within the meaning of Section 617.3(c)(2) of the Regulations and a determination of compliance with technical requirements within the meaning of Section 617.3(c)(2) of the Regulations and does not constitute, and shall not be deemed to constitute, either an approval by the Agency of the Project for the purposes of the Act or SEQRA or a commitment by the Agency to approve the Project or to grant the Financial Assistance.

Section 3. Any expenses incurred by the Agency with respect to the Project and the financing thereof shall be paid by the Applicant as set forth in the Preliminary Agreement.

Section 4. The findings of the Agency set forth herein are expressly conditioned upon full compliance of the Applicant, the Project and the Project Facility with all Applicable Laws, and the Applicant shall be required to provide evidence of same satisfactory to the Agency prior to the granting of any Financial Assistance.

Section 5. If, following full compliance with all Applicable Laws, the Agency adopts a future resolution (the "Future Resolution") determining to proceed with the Project and to grant the Financial Assistance, or any portion thereof, with respect to the Project and the Applicant complies with all conditions set forth in the Preliminary Agreement and the Future Resolution, then the Agency will (A) acquire an interest in the Project Facility pursuant to a deed, lease agreement, assignment of lease, license, bill of sale and/or other documentation to be negotiated between the Agency and the Applicant (the "Company Lease"); (B) lease (with the obligation to purchase), license or sell the Project Facility to the Applicant or related designee pursuant to an agency lease agreement or an installment sale agreement (the "Agency Lease") to be negotiated between the Agency and the Applicant; and (C) provide the Financial Assistance with respect to the Project, all as contemplated by the Preliminary Agreement and the Future Resolution.

Section 6. The form, terms and substance of the Preliminary Agreement (in substantially the form presented at this meeting) are in all respects approved, and the Chairman, Vice Chair, Administrative Director/CEO and Chief Financial Officer of the Agency are each hereby authorized, empowered and directed, acting individually or jointly, to execute and deliver said Preliminary Agreement in the name and on behalf of the Agency, with such changes therein as shall be approved by the officer executing same on behalf of the Agency, the execution thereof by such officer to constitute conclusive evidence of such officer's approval of any and all changes or revisions therein from the form now before this meeting, and the Agency hereby ratifies and approves any action heretofore taken by the Agency with respect to the Preliminary Agreement.

Section 7. From and after the execution and delivery of the Preliminary Agreement, the officers, agents and employees of the Agency are hereby authorized, empowered and directed, acting individually or jointly, to proceed with the undertakings provided for therein on the part of the Agency, and are further authorized to do all such acts and things and to execute all such documents as may be necessary or convenient to carry out and comply with the terms and provisions of the Preliminary Agreement as and when executed.

Section 8. The law firm of Phillips Lytle LLP, Jamestown, New York, is hereby appointed Counsel to the Agency with respect to all matters in connection with the Project. Counsel for the Agency is hereby authorized, at the expense of the Applicant, to work with the Applicant, counsel to the Applicant, and others to prepare, for submission to the Agency, all documents necessary to effect the transactions contemplated by this Resolution.

Section 9. The Chairman, Vice Chair, Administrative Director/CEO and Chief Financial Officer of the Agency are each hereby authorized and directed to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 10. This Resolution shall take effect immediately.

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

Gary Henry	VOTING
Daniel Heitzenrater	VOTING
Sagan Sheffield-Smith	VOTING
Amy Harding	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING
John Healy	VOTING
Kevin Muldowney	VOTING
Ted Wightman	VOTING

The foregoing Resolution was thereupon declared duly \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on January 27, 2026 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

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

IN WITNESS WHEREOF, we have hereunto set our hand this 27<sup>th</sup> day of January, 2026.

[Assistant] Secretary

[Vice] Chair[man]

## PRELIMINARY AGREEMENT

THIS PRELIMINARY AGREEMENT (this "Preliminary Agreement") dated as of the 27th day of January, 2026, between the COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT AGENCY (the "Agency"), a public benefit corporation organized and existing under the laws of the State of New York, and DUNKIRK LANDING LLC, a limited liability company duly organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of Dunkirk Landing LLC and/or an entity or entities formed or to be formed on behalf of any of the foregoing (collectively, the "Applicant").

### WITNESSETH:

WHEREAS, the Agency is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, industrial and commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, DUNKIRK LANDING LLC, a limited liability company duly organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of Dunkirk Landing LLC and/or an entity or entities formed or to be formed on behalf of any of the foregoing (collectively, the "Applicant"), presented an application for financial assistance (the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 1.51 acre parcel of land known as 208-214 and 220 Washington Avenue, City of Dunkirk, County of Chautauqua, New York (Tax Map Parcel ID Nos. 79.57-1-2, 69-75, 79-81) (the "Washington Parcel"), (2) the demolition of the existing buildings and structures on the Washington Parcel, (3) the construction of an approximately 53,995 square foot building and an outdoor playground and recreational space on the Washington Parcel, together with related improvements to the Washington Parcel (collectively, the "Washington Building"), and (4) the acquisition of certain furniture, fixtures, machinery, equipment and building materials necessary for the completion thereof (collectively, the "Washington Equipment" and together with the Washington Parcel and the Washington Building, collectively, the "Washington Project Facility"), all of the foregoing for use by the Applicant as a workforce multifamily residential rental facility consisting of approximately 48 residential units; (B)(1) the acquisition of an interest in an approximately 2.15 acre parcel of land

known as 160-164 East 4th Street, City of Dunkirk, County of Chautauqua, New York (Tax Map Parcel ID No. 79.57-2-15.1) (the “East 4th Parcel” and together with the Washington Parcel, the “Land”), (2) the demolition of the existing buildings and structures on the East 4th Parcel, (3) the construction of an approximately 41,658 square foot building, and an outdoor playground and recreational space on the East 4th Parcel, together with related improvements to the East 4th Parcel (collectively, the “East 4th Building” and together with the Washington Building, the “Building”), and (4) the acquisition of certain furniture, fixtures, machinery, equipment and building materials necessary for the completion thereof (collectively, the “East 4th Equipment” and together with the Washington Equipment, the “Equipment”; the East 4th Parcel, the East 4th Building and the East 4th Equipment being referred to herein, collectively, as the “East 4th Project Facility” and together with the Washington Project Facility, the “Project Facility”), all of the foregoing for use by the Applicant as a mixed-use commercial/workforce multifamily residential rental facility consisting of approximately 30 residential units and approximately 5,624 square feet of commercial space; (C) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, the members of the Agency held a meeting on January 27, 2026 and approved a resolution (the “Preliminary Resolution”) requiring the execution and delivery of this Preliminary Agreement by the Applicant and authorizing its execution and delivery by the Agency, and authorizing the Agency to pursue preliminary action toward the undertaking of the Proposed Project;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Agency and the Applicant agree as follows:

Article 1. Representations; No Commitments.

Section 1.01. The Applicant hereby represents to the Agency that:

(A) Based on the proposed use of the Project Facility, the economic effects of the Proposed Project on the area in which it is situated, the employment reasonably expected to be created by the acquisition, construction, installation, equipping and operation of the Project Facility, and an analysis of how the Proposed Project would contribute to the realization of the public purposes of promoting job opportunities in the County of Chautauqua (the “County”), and the prevention of economic deterioration in the County, the Proposed Project would constitute a commercial facility with a significant impact on the area in which it is situated, and would advance the Agency’s purposes by promoting job opportunities and preventing economic deterioration in the County. Therefore, the Proposed Project would constitute a “project” within the meaning of the Act.

(B) The execution, delivery and performance by the Applicant of this Preliminary Agreement have been duly authorized by all necessary company action, and this Preliminary Agreement has been duly executed and delivered by the Applicant and is the legal, valid and binding obligation of the Applicant enforceable against the Applicant in accordance with its terms.

(C) The Project Facility will not constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Proposed Project. For purposes of this representation, retail sales shall mean: (A) sales by a registered vendor under Article 28 of the New York Tax Law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of Section 1101 of the New York Tax Law; or (B) sales of a service to such customers.

(D) The undertaking of the Proposed Project will not result in the removal of a facility or plant of the Applicant, any related designee or any other occupant of the Project Facility from one area of the State of New York to another area of the State of New York or in the abandonment of one or more plants or facilities of the Applicant, any related designee or any other occupant of the Project Facility located in the State of New York. Therefore, the provisions of subdivision (1) of Section 862 of the Act would not be violated as a result of the granting of the Financial Assistance by the Agency to the Applicant.

(E) Each owner, occupant or operator that would receive Financial Assistance with respect to the Proposed Project is in substantial compliance with applicable federal, state and local tax, worker protection and environmental laws, rules and regulations.

(F) As of the date of this Preliminary Agreement, the Applicant is in substantial compliance with all provisions of Article 18-A of the General Municipal Law, including, but not limited to, the provisions of Section 859-a and Section 862(1) thereof.

(G) The granting by the Agency of the Financial Assistance with respect to the Proposed Project would be an inducement to the Applicant to undertake the Proposed Project in the County.

(H) The Applicant would not undertake the Proposed Project in the County without the granting of the Financial Assistance by the Agency.

(I) The Project Facility is located entirely within the boundaries of the City of Dunkirk and is not located within the boundaries of any other incorporated

village or city. The Project Facility is located entirely within the boundaries of the City of Dunkirk School District

(J) The Applicant plans to invest a total of at least \$38,212,740 in the Project Facility.

Section 1.02. This Preliminary Agreement does not commit the Agency to undertake the Proposed Project or to grant to the Applicant any Financial Assistance with respect to the Proposed Project. The members of the Agency shall decide, in their sole and absolute discretion, whether or not to undertake the Proposed Project and to grant such Financial Assistance, and then only following a determination by the members of the Agency that all requirements of applicable laws, rules and regulations and the policies and procedures of the Agency (collectively, "Legal Requirements") have been fulfilled.

Article 2. Undertakings on the Part of the Agency.

Based upon the statements, representations and undertakings of the Applicant, and subject to the conditions set forth herein, the Agency agrees as follows:

Section 2.01. The Agency agrees to review the Application and to proceed with its consideration of the Proposed Project and the Financial Assistance relating to the Proposed Project, subject to the conditions contained in this Preliminary Agreement, including, but not limited to, the provision of Section 1.02 above and the following conditions:

(A) The Agency shall receive, in form and substance satisfactory to the Agency, such rulings, approvals, resolutions, consents, certificates, opinions of counsel and other instruments and proceedings as shall be specified by the Agency in connection with the Proposed Project and the various documents to be executed in connection with the Proposed Project;

(B) The Applicant shall provide the Agency and all other "involved/interested agencies" with all information and statements that may be required by said respective entities to ensure compliance by said entities with the New York State Environmental Quality Review Act and the regulations promulgated thereunder (collectively, "SEQRA");

(C) The Applicant shall comply with and shall provide the Agency with all information, documentation and statements required for the Agency to comply with the requirements of all Legal Requirements; and

(D) The Applicant shall pay or reimburse the Agency for all expenses incurred by the Agency in connection with the Proposed Project (including, without limitation, counsel fees and disbursements).

Article 3. Undertakings on the Part of the Applicant.

Based upon the statements, representations and undertakings of the Agency and subject to the conditions set forth herein, the Applicant agrees as follows:

Section 3.01. The Applicant hereby agrees to indemnify, defend (with counsel selected by the Agency) and hold the Agency (and its members, officers, agents, attorneys and employees) harmless from any and all liability, damages, causes of actions, losses, costs or expenses incurred by the Agency in connection with: (A) review, examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application, the Proposed Project or the Financial Assistance are favorably acted upon by the Agency, and (B) any further action taken by the Agency with respect to the Application or the Proposed Project; including, without limiting the generality of the foregoing, (i) all fees and expenses of the Agency's general counsel, transaction counsel, economic development consultant, real property tax valuation consultant and other experts and consultants (if deemed necessary or advisable by the Agency) heretofore or hereafter incurred, and (ii) all other expenses incurred by the Agency in defending any suits, actions or proceedings that may arise as a result of any of the foregoing. If, for any reason whatsoever, the Agency decides not to proceed with consideration of the Application or the proposed Project or the Applicant fails to conclude or consummate necessary negotiations or fails within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels, or neglects the Application or if the Applicant is unable to secure third party financing, if required, or otherwise fails to conclude the Proposed Project, then upon presentation of an invoice by the Agency, its agents, attorneys or assigns, the Applicant shall pay to the Agency, its agents, attorneys or assigns, as the case may be, all fees and expenses reflected in any such invoice.

Section 3.02. The Applicant agrees that each of the Agency's general counsel, transaction counsel, economic development consultant, real property tax valuation consultant and other experts and consultants is an intended third-party beneficiary of this Preliminary Agreement, and that each of them may (but shall not be obligated to) enforce the provisions of Section 3.01 of this Preliminary Agreement, whether by lawsuit or otherwise, to collect the fees and expenses of such party or person incurred by the Agency (whether or not first paid by the Agency) with respect to the Application. The Applicant further agrees that the Agency may (but shall not be obligated to) directly enforce the provisions of Section 3.01 of this Preliminary Agreement against the Applicant, whether by lawsuit or otherwise, to collect such fees and expenses.

Section 3.03. The Applicant will take such further action and adopt such further proceedings as the Agency may deem necessary to implement its aforesaid undertakings or as the Agency may deem appropriate in pursuance thereof.

Section 3.04. This Preliminary Agreement is intended to facilitate discussion regarding the Proposed Project, and neither this Preliminary Agreement nor any discussions or course of conduct between the parties or their representatives shall constitute an agreement, offer or legally binding commitment by the Agency to undertake the Proposed Project or to grant the Financial Assistance. This Preliminary Agreement does not purport to summarize or contain all the conditions, covenants, representations, warranties and other provisions that would be contained in the definitive documentation between the Agency and the Applicant relating to the Proposed Project.

#### Article 4. General Provisions.

Section 4.01. (A) All notices and other communications hereunder shall be in writing and shall be deemed given (i) when mailed by United States registered or certified mail, postage prepaid, return receipt requested, (ii) when delivered by hand delivery to the undersigned, or (iii) one (1) day after deposit with Federal Express or other nationally recognized overnight courier for delivery, addressed as follows:

(1) To the Agency:

County of Chautauqua Industrial Development Agency  
201 West 3rd Street, Suite 115  
Jamestown, NY 14701  
Attn: Mark Geise

(2) To the Applicant:

Dunkirk Landing LLC  
1055 Saw Mill Road, Suite 204  
Ardsley, NY 10502  
Attn: Gabe Regan

(B) The Agency and the Applicant may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates and other communications shall be sent.

Section 4.02. All covenants and agreements herein contained by or on behalf of the Agency and the Applicant shall bind and inure to the benefit of the respective permitted successors and assigns of the Agency and the Applicant, as the case may be, whether so expressed or not.

Section 4.03. The obligations and agreements of the Agency contained herein shall be deemed the obligations and agreements of the Agency, and not of any member, officer, agent or employee of the Agency in his individual capacity, and the members, officers, agents and employees of the Agency shall not be liable personally hereon or be subject to any personal liability or accountability based upon or in respect hereof or of any transaction contemplated hereby. The obligations and agreements of the Agency contained herein shall not constitute or give rise to an obligation of the State of New York or of the County, and neither the State of New York nor the County, shall be liable thereon; and further, such obligations and agreements shall not constitute or give rise to a general obligation of the Agency, but rather shall constitute limited obligations of the Agency payable solely from the revenues of the Agency derived and to be derived from the lease, sale or other disposition of the Project Facility.

Section 4.04. Notwithstanding any provision of this Preliminary Agreement to the contrary, the Agency shall not be obligated to take any action pursuant to any provision hereof unless (A) the Agency shall have been requested to do so in writing by the Applicant; and (B) if compliance with such request is reasonably expected to result in the incurrence by the Agency (or any member, officer, agent or employee of the Agency) of any liability, fees, expenses or other costs, the Agency shall have received from the Applicant security or indemnity satisfactory to the Agency for protection against all such liability and for the reimbursement of all such fees, expenses and other costs.

Section 4.05. This Preliminary Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. Signatures by facsimile or in Portable Document Format shall be deemed to constitute originals.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have entered into this Preliminary Agreement as of the date and year first written above.

DUNKIRK LANDING LLC

COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT AGENCY

By: \_\_\_\_\_

Name:

Title:

By: \_\_\_\_\_

Name: Shelby Bilskie

Title: Chief Financial Officer

## Dunkirk Landing, LLC

### Project Description:

- Acquisition, demolition and new construction at 208-214 Washington Ave., 220 Washington Ave., and 160-164 E. 4<sup>th</sup> Street, Dunkirk, NY 14048 into 78 newly constructed workforce housing apartments with a commercial space designed for daycare at the 4<sup>th</sup> Street location
- Total Project Cost - \$ 38,212,740

### Company Information:

Dunkirk Landing, LLC  
1055 Saw Mill River Rd., Suite 204  
Ardsley, NY 10502  
(914) 693-6613

### Project Benefits:

- Creation of temporary and permanent jobs, with payroll
- Local and State Sales Tax revenue
- Local Real Property Tax revenue
- The redevelopment of this building will provide needed workforce housing in the City of Dunkirk, and daycare, both of which will support the walkability and vitality of the City
- Redevelopment would be transformative to Washington Avenue, East 4<sup>th</sup> Street, and downtown City of Dunkirk
- Local officials and community in general are eager to see the Washington Avenue site returned to productive use and improvements at East 4<sup>th</sup> Street
- Project will provide new, energy efficient affordably priced rental units for workers in need of quality housing near their workplace
- Project will increase municipal revenue by providing future payment of new water and sewer fees, ad valorem taxes and property taxes (including on parcels currently off the tax roll)

### CCIDA Incentives:

- A 30-year payment in lieu of taxes (PILOT) agreement on the increased assessment, which is a deviation from our standard Uniform Tax Exemption Policy (UTEP). The PILOT will produce payments to the affected taxing jurisdiction, over the life of the project, in an amount to be determined before final approval and tax exemption totaling an amount to be determined before final approval.

### Jobs:

- Temporary
  - 69 FTEs during construction
- Permanent
  - Manager and Supervisor 2 FTE through years 1-3 – estimated annual salary of \$130,000

(Continued)

**Cost-Benefit Analysis:**

- Will be determined before final approval

**Timeline:**

- Construction estimated to begin March 2026 with first occupancy November 2027

**SEQRA/Lead Agency:**

- City of Dunkirk, Negative Declaration (Unlisted)

**Project Milestones:**

- 01/16/2024 - Original Completed Application Received
- 01/23/2024- Due Diligence Resolution
- 05/21/2024 – Updated Due Diligence Resolution
- 01/27/2026- Updated Due Diligence Resolution
- TBD- Public Hearing
- TBD- Deviation and Authorizing Resolutions

### APPLICATION FOR FINANCIAL ASSISTANCE

Please respond to all questions in this Application for Financial Assistance (the "Application") by, as appropriate: filling in blanks; checking the applicable term(s); attaching additional text (with appropriate notations, such as "see Schedule 2(A), etc.); or writing "N.A.", signifying "not applicable".

The following amounts are payable to the County of Chautauqua Industrial Development Agency (the "Agency") at the time this Application is submitted to the Agency: (i) a \$1,000 non-refundable application fee (the "Application Fee"); and (ii) a \$1,000 expense deposit for the Agency's Transaction/Bond Counsel fees and expenses (the "Counsel Fee Deposit"). The Application Fee will not be credited against any other fees or expenses which are or become payable to the Agency in connection with this Application or the project contemplated herein (the "Project"). In the event that the subject transaction does not close for any reason, the Agency may use all or any part of the Counsel Fee Deposit to defray the cost of Transaction/Bond Counsel fees and expenses with respect to the Project. In the event that the subject transaction closes, the Counsel Fee Deposit shall be credited against the applicable expenses incurred by the Agency with respect to the Project.

Any approval of financial assistance will be effective for one year. If the subject transaction has not closed within that time, reapproval may be required, which may be conditioned upon payment of some, most or all of the Agency's expected administrative fee and attorneys' fees accrued on that date.

*Note:* Please contact the CCIDA Main Office @ (716) 661-8900 with any questions relative to the application content and/or process.

#### PART I: APPLICANT

Name: Dunkirk Landing LLC  
 Address: 1055 Saw Mill River Rd, Ardsley, NY 10502  
 Phone: (914) 693-6613  
 NY State Dept. of Labor Reg #: \_\_\_\_\_  
 Federal Employer ID #: 33-4109581  
 NAICS Code #: 531110  
 NAICS Sector: 53  
 NAICS Industry: Real Estate  
 Website: \_\_\_\_\_  
 Nature of business (goods to be sold, manufactured, assembled or processed, services rendered):  
Real Estate

Contact Name: Gabe Regan  
 Title: Development Associate  
 Phone Number: (914) 693-6613  
 E-Mail: gabe@reganddevelopment.com

Business Type:

Sole Proprietorship  
 General Partnership  
 Limited Partnership  
 Limited Liability Company  
 Privately Held Corporation  
 Publicly Held Corporation  
 Not-for-Profit Corporation

State/Year of Incorporation/Organization: \_\_\_\_\_  
 Qualified to do Business in New York  
 (Yes or No): Yes

Owners of 20% or more of Applicant:  
 Name %  
Dunkirk Landing Manager LLC 100%

#### PART II: PROJECT

Address of proposed project facility:  
208-214 and 220 Washington Ave / 160-164 E 4th Street, Dunkirk, NY 14048

Tax Map Parcel Number(s): 79.57-1-2,69,70,71,72,73,74,75,79,80,81  
 79.57-2-15.1

City/Town/Village(s): City of Dunkirk  
 School District(s): Dunkirk City School District  
 Current Legal Owner: David P. Paradis, Washington Ave Revitalization Corp, Beta of Dunkirk, Dunkirk Housing Authority  
 Contract to purchase (Yes or No): Yes  
 Date of purchase: TBD  
 Purchase price: \$ 510,000

Present use of the Project site:  
dilapidated buildings, storage yard, parking lot, vacant commercial space

What are current real estate taxes on the Project site?

County/Town: \$ 3,065.78  
 City/Village: \$ 8,186.68  
 School: \$ 6,301.24

Are tax cert. proceedings currently pending with respect to the Project real property?

YES  NO

Proposed User(s)/Tenant(s) of the Facility  
 (Complete for each User/Tenant for additional User/Tenants of the Company, use space at the end of this section)

Company Name: TBD Daycare

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Tax ID No.: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

% of facility to be occupied by User/Tenant:  
6%

Relationship to the Applicant:

None

**OFFICERS OF APPLICANT**

Name: Dunkirk Landing Manager LLC

Title:  
Managing Member

**Owners of 20% or more of User/Tenant:**

Name %  
TBD

## Corporate Title

**APPLICANT'S LEGAL COUNSEL:**

Firm name: Cannon Heyman & Weiss LLP

Address: 54 State Street, Suite 1001, Albany, NY 12207

Contact: Chris Babcock

Phone: 518-807-0224

Fax:

E-Mail: cbabcock@chwattys.com

Type of Proposed Project (check all that apply):

- New Construction of a Facility Building 1 (160-164 E 4): 41,658 gross SF,  
Square footage: \_\_\_\_\_ Building 2 (208-220 Washington): 53,995 gross SF

Addition to Existing Facility  
Square footage of existing facility: \_\_\_\_\_  
Square footage of addition: \_\_\_\_\_

Renovation of Existing Facility  
Square footage of area renovated: \_\_\_\_\_  
Square footage of existing facility: \_\_\_\_\_

Acquisition of Land/Building  
Acreage/square footage of land: 208-214 Washington: 1.09 acres; 220 Washington: 18,270 SF; 160-164 E 4th: 2.15 Acres  
Square footage of building: 208-220 Washington: 37,237 Sqft; 160-164 E 4th: 10,000 Sqft

Acquisition of Furniture/Machinery/Equipment  
List principal items or categories:  
Common area tables and chairs in common area. Office equipment.  
Playground equipment. Daycare equipment.

Other (specify): Demolition of existing buildings on 208-220 Washington parcel as well as existing building located at 160-164 E 4th  
208-220 Washington will include include demo on 37,237 sqft. 160-164 E 4th will include demo of 10,000 Sqft.

Briefly describe the purpose of the proposed Project, the reasons why the Project is necessary to the Applicant and why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations:

See last page of application under caption identical to the question

Please list Affiliates/Parents/Subsidiary Entities to Applicant (attach organization chart if necessary)

Dunkirk Landing Manager LLC, Dunkirk Landing Associates LLC.

Org chart attached

Will the Project provide on-site child daycare facilities? If so, please explain: Yes, 5,624 square feet of commercial space dedicated for children's daycare

Will be located at the 160-164 East 4th site.

### PART III. CAPITAL COSTS OF THE PROJECT

**A.** Provide an estimate of Project Costs of all items listed below:

<u>Item</u>	<u>Cost</u>
1. Land and/or Building Acquisition:	\$ 510,000
2. Building Demolition:	\$ 500,000
3. Construction/Reconstruction/Renovation:	\$ 20,738,041
4. Site Work:	\$ 3,719,999.79
5. Infrastructure Work:	\$ 200,000
6. Furniture, Equipment & Machinery Acquisition (not included in 3. above):	\$ 15,000
7. Architectural/Engineering Fees:	\$ 721,007
8. Applicant's Legal Fees:	\$ 175,000
9. Financial Fees:	\$ 630,347
10. Other Professional Fees:	\$
11. Other Soft Costs (describe): <small>Accounting, appraisal, permits, taxes, insurance, survey, title, HCR fees, interest, market study, contingency, environmental</small>	\$ 4,470,641.4
12. Other (describe): <small>Environmental remediation, Dev. Fee, Operating reserve, working capital</small>	\$ 6,532,704
Total Project Costs:	<u>\$ 38,212,740.2</u>

**B.** Estimated Sources of Funds for Project Costs:

	<u>Source</u>
1. Tax-Exempt IDA Bonds:	\$ 0
2. Taxable IDA Bonds:	\$ 0
3. Conventional Mortgage Loans:	\$ 1,000,000
4. SBA or other Governmental Financing: Identify: <small>HCR SHOP, HCR HOME, HCR CIF</small>	\$ 8,802,953
5. Other Public Sources (e.g., grants, tax credits): Identify: <small>LHHTC, SLIHC, Brownfield Credits, NYSDOH, ESD Infrastructure, Solar, NY Sun Incentive</small>	\$ 26,217,190
6. Other Public Agency Loans:	\$
7. Other Private Loans:	\$
8. Equity Investment: (Excluding equity attributable to grants/tax credits)	\$ 2,192,599
Total Funding:	<u>\$ 38,212,740</u>

What percentage of the total project costs are funded/financed from public sector sources: 91 %

**C.** Requested Financial Assistance

Tax-Exempt Bonds:	\$ _____
Taxable Bonds:	\$ _____
Estimated Value of Sales Tax Benefit: (i.e., gross amount of cost of goods and services that are subject to state and local sales and use taxes multiplied by [8.0%])	\$ 1,500,000
Estimated Value of Mortgage Tax Benefit: (i.e., principal amount of mortgage loans loans multiplied by [1.25%])	\$ 282,509.17

Estimated CCIDA PILOT Property Tax Benefit:

Type: Multi-family housing

Term: 30-year

Schedule Requested: Deviation

Deviation? Yes  No

Will the proposed Project utilize a property tax No exemption benefit other than from the Agency: \_\_\_\_\_  
(if so, please describe requested type, term and schedule)

Existing Total Annual Property Taxes on Land and Building: \$ 17,553.7

Estimated Additional Property Taxes on completed Project over the requested PILOT term (without Agency financial assistance): \$ 3,690,149

Other (specify): \_\_\_\_\_

NOTE: Upon acceptance of this Application by the Agency, the Agency's staff will create a PILOT schedule and indicate the estimated amount of PILOT Benefit/Cost utilizing anticipated tax rates and assessed valuation, make an estimate of the allocation of PILOT payments among the affected tax jurisdictions, and attach such information as Exhibit A hereto.

The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to undertake and document the total amount of capital investment as set forth in this Application.

D. Status of Expenses

Have any of the above costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this application? If YES, describe particulars on a separate sheet.

YES

NO

E. Existing Operations

Does the Applicant or any User(s)/Tenant(s) currently operate in the County? If YES, describe such operations, including whether the proposed Project will result in the relocation or abandonment of such other operation(s).

No

For D: earnest money deposits on land purchase and necessary pre-development expenses.

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#### PART IV: COST-BENEFIT ANALYSIS

Provide the current annual payroll in Chautauqua County. Then, estimate projected payroll in years 1, 2, 3, after completion of Project.

	<u>Present</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Full Time:	\$ _____	\$ 136,000	\$ 139,300	\$ 142,699
Part Time <sup>1</sup> :	\$ _____	\$ _____	\$ _____	\$ _____

If the Applicant presently operates in Chautauqua County, provide the current number of employees in the following occupations. Then, estimate the projected Full Time Equivalent ("FTE") employees as indicated following completion of the Project:

Current and Planned Occupations	Present Jobs <u>Per Occupation</u>	Est. FTEs Post-Completion:			Est. # of County Residents. by yr. 3
		<u>1 year</u>	<u>2 years</u>	<u>3 years</u>	
Management	0 _____	1 _____	1 _____	1 _____	1 _____
Professional	_____	_____	_____	_____	_____
Administrative	_____	_____	_____	_____	_____
Production	_____	_____	_____	_____	_____
Supervisor	0 _____	1 _____	1 _____	1 _____	1 _____
Laborer	_____	_____	_____	_____	_____
Independent Contractor <sup>2</sup>	_____	_____	_____	_____	_____
Other (describe)	_____	_____	_____	_____	_____

List the average salaries or provide ranges of salaries for the following categories of jobs (on a full-time equivalency basis) projected to be retained/created in Chautauqua County because of the proposed Project:

Category of Jobs to be Retained/Created:	Average Salary or Range of Salary:	Average Fringe Benefits or Range of Fringe Benefits:
Management	60,000	13,000
Professional	_____	_____
Administrative	_____	_____
Production	_____	_____
Supervisor	50,000	13,000
Laborer	_____	_____
Independent Contractor <sup>2</sup>	_____	_____
Other	_____	_____

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction, and/or renovation of the Project: 69

Please note that the Agency may utilize the foregoing employment projections, among other things, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to retain the above number of jobs, types of occupations and amount of payroll with respect to the proposed project.

<sup>1</sup> NOTE: The Agency converts part-time jobs into FTE's for evaluation and reporting purposes by dividing the number of part-time jobs by two (2).

<sup>2</sup> As used in this chart, this category includes employees of independent contractors.

What percentage of the Applicant's total dollar amount of production, sales or services (including production, sales or services rendered following completion of the Project) are made to customers outside the economic development region (i.e., Western New York)?

0 %

Describe any municipal revenues that will result from the Project (excluding any PILOT payments):

Water and sewer fees, ad valorem tax revenues, new real property tax revenue from parcels currently exempt

What is the estimated aggregate annual amount of goods and services to be purchased by the Applicant for each year after completion of the Project, and what portion will be sourced from businesses located in Chautauqua County and the State:

	<u>Amount</u>	<u>% Sourced in Chautauqua County</u>	<u>% Sourced in State</u>
Year 1	\$ 547,454	71	29
Year 2	\$ 563,189	71	29
Year 3	\$ 579,383	71	29

Describe, if applicable, other benefits to the Chautauqua County anticipated as a result of the Project, including a projected annual estimate of additional sales tax revenue generated, directly and indirectly, as a result of undertaking the project:

Annual additional sales tax revenue generated: \$10,400 + 3% every year

If applicable, has construction/reconstruction/renovation work on the Project begun? If YES, indicate the percentage of completion:

- |    |                               |                              |   |
|----|-------------------------------|------------------------------|---|
| 1. | (a) Site clearance            | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> % complete |
|    | (b) Environmental Remediation | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> % complete |
|    | (c) Foundation                | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> % complete |
|    | (d) Footings                  | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> % complete |
|    | (e) Steel                     | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> % complete |
|    | (f) Masonry                   | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> % complete |
|    | (g) Interior                  | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> % complete |
|    | (h) Other (describe below):   | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> % complete |

If NO to all of the above categories, what is the proposed date of commencement of construction, reconstruction, renovation, installation or equipping of the Project? Environmental remediation started before the end of 2025

Provide an estimated time schedule to complete the Project and when first use of the Project is expected to occur:

New construction of the project should start in March of 2026. The construction will wrap up in October of 2027 with occupancy

starting in November of 2027.

## PART V: QUESTIONS

Please answer the following questions. If an answer is "YES" to any question, please provide details in the space provided at the end of the section.

1. Would 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 such plants?

YES  NO

*\*\* If the answer is "No" please continue to question 3.*

2. If the answer is "Yes" please answer the two (2) following questions.

a. Is the Project reasonably necessary to preserve the competitive position of the Applicant, or of a proposed user, occupant or tenant of the Project, in its industry?

YES  NO

b. Is the Project reasonably necessary to discourage the Applicant, or a proposed user, occupant or tenant of the Project, from removing such plant or facility to a location outside of the State of New York?

YES  NO

3. Is there a likelihood that the proposed Project would not be undertaken by the Applicant but for the granting of the financial assistance by the Agency? (If yes, explain; if no, explain why the Agency should grant the financial assistance with respect to the proposed Project).

YES  NO

4. The Applicant certifies that the provisions of Section 862(1) of the General Municipal Law will not be violated if financial assistance is provided by the Agency for the proposed Project.

YES  NO

5. Is an environmental impact statement required by Article 8 of the N.Y. Environmental Conservation Law (i.e., the New York State Environmental Quality Review Act)? If "yes" please complete and attach to the Application.

YES  NO

*\*\* Applicants should consult **Exhibit B** in order to determine which version of the New York State Environmental Assessment Form must be submitted with this Application.*

6. Will customers personally visit the Project site for "retail sales" of Goods and/or Services? "Retail Sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State primarily engaged in the retail sale of tangible personal property, as defined in section 1101(b)(4)(i) of the Tax Law of the State, or (ii) sales of a service to such customers.

Sales of Goods: YES  NO

Sales of Services: YES  NO

*\*\* If the answer to both is "No" please continue to the next page; if the answer to either is "Yes" please answer the four (4) remaining questions.*

a. What percentage of the cost of the Project (including that portion of the cost to be financed from equity or sources other than Agency financing) will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project?

5.86 %

b. Is the Project likely to attract a significant number of visitors from outside the economic development region (i.e., Western New York) in which the Project is or will be located?

YES  NO

c. 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 city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services?

YES  NO

d. Will the Project be located in one of the following: (a) an area designated as an empire zone pursuant to Article 18-B of the General Municipal Law; or (b) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (i) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of the households receiving public assistance, and (ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?

YES  NO

Details: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **CERTIFICATIONS AND ACKNOWLEDGMENTS OF THE APPLICANT**

The undersigned, being duly sworn, deposes and says, under penalties of perjury, as follows: that I am the chief executive officer or other representative authorized to bind the Applicant named in the attached application for financial assistance ("Application") and that I hold the office specified below my signature at the end of this Certification and Agreement, that I am authorized and empowered to deliver this Certification and Agreement and the Application for and on behalf of the Applicant, that I am familiar with the contents of said Application (including all schedules, exhibits and attachments thereto), and that said contents are true, accurate and complete to the best of my knowledge and belief.

The grounds of my belief relative to all matters in the Application that are not based upon my own personal knowledge are based upon investigations I have made or have caused to be made concerning the subject matter of this Application, as well as upon information acquired in the course of my duties and from the books and records of the Applicant.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that the Applicant hereby releases the County of Chautauqua Industrial Development Agency, its members, officers, servants, attorneys, agents and employees (collectively, the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend (with counsel selected by the Agency) and hold the Agency harmless from and against any and all liability, damages, causes of actions, losses, costs or expenses incurred by the Agency in connection with: (A) examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the financial assistance requested therein are favorably acted upon by the Agency, (B) the acquisition, construction, reconstruction, renovation, installation and/or equipping of the Project by the Agency, and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, (i) all fees and expenses of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants (if deemed necessary or advisable by the Agency), and (ii) all other expenses incurred by the Agency in defending any suits, actions or proceedings that may arise as a result of any of the foregoing. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels, or neglects the Application or if the Applicant is unable to find buyers willing to purchase the total bond issue required or is unable to secure other third party financing or otherwise fails to conclude the Project, then upon presentation of an invoice by the Agency, its agents, attorneys or assigns, the Applicant shall pay to the Agency, its agents, attorneys or assigns, as the case may be, all fees and expenses reflected in any such invoice.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that each of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants is an intended third-party beneficiary of this Certification and Agreement, and that each of them may (but shall not be obligated to) enforce the provisions of the immediately preceding paragraph, whether by lawsuit or otherwise, to collect the fees and expenses of such party or person incurred by the Agency (whether or not first paid by the Agency) with respect to the Application.

**FIRST:**

The Applicant hereby certifies that, if financial assistance is provided by the Agency for the proposed project, no funds of the Agency (i) shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant or for the purpose of advertising or promotional materials which depict elected or appointed government officials in either print or electronic media, (ii) be given to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State

**SECOND:**

The Applicant hereby certifies that no member, manager, principal, officer or director of the Applicant or any affiliate thereof has any blood, marital or business relationship with any member of the Agency (or any member of the family of any member of the Agency).

**THIRD:**

The Applicant hereby certifies that neither the Applicant nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners (other than equity owners of publicly-traded companies), nor any of their respective employees, officers, directors, or representatives (i) is a person or entity with whom United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury, including those named on OFAC's Specially Designated and Blocked Persons List, or under any statute, executive order or other governmental action, or (ii) has engaged in any dealings or transactions or is otherwise associated with such persons or entities.

**FOURTH:**

The Applicant hereby acknowledges that the Agency shall obtain and hereby authorizes the Agency to obtain credit reports and other financial background information and perform other due diligence on the Applicant and/or any other entity or individual related thereto, as the Agency may deem necessary to provide the requested financial assistance.

**FIFTH:**

The Applicant hereby certifies, under penalty of perjury, that each owner, occupant or operator that would receive financial assistance with respect to the proposed Project is in substantial compliance with applicable federal, state and local tax, worker protection and environmental laws, rules and regulations.

**SIXTH:**

The Applicant hereby acknowledges that the submission to the Agency of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the recapture from the Applicant of an amount equal to all or any part of any tax exemption claimed by reason of the Agency's involvement in the Project.

**SEVENTH:**

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

**EIGHTH:**

Upon successful closing of the required bond issue or other form of financing or Agency assistance, the Applicant shall pay to the Agency an administrative fee set by the Agency (which amount is payable at closing) in accordance with the following schedule:

- (A) All Initial Transactions - One-Hundred basis points (1.00%) of Total Project Costs
  - a. This fee applies to all Initial Transactions except for certain small solar or wind energy systems or farm waste energy systems under RPTL §487, for which the Agency collects no fee (other than Counsel fees).
- (B) Refundings/Assumptions/Modifications: Agency fee shall be determined on a case-by-case basis.

The Agency's bond counsel fees and expenses are payable at closing and are based on the work performed in connection with the Project.

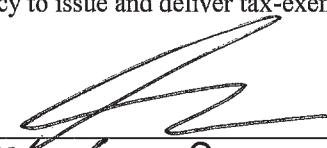
The Agency's bond counsel's fees, general counsel fee and the administrative fees may be considered as a cost of the Project and included as part of any resultant financing, subject to compliance with applicable law.

Regardless of the success of this Application or whether the hoped-for Financial Assistance is realized, Applicant agrees to pay all costs in connection with any efforts by the Agency on behalf of the Applicant including any fees and expenses of the Agency's general counsel, bond counsel, and all applicable recording, filing or other related fees, taxes and charges upon receipt and review of the Application, securing necessary approvals, closing the necessary transaction, and/or terminating any transaction entered into by the Applicant and the Agency.

**NINTH:**

The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or any other appropriate federal, state or local governmental agency or authority as to whether the Project site or any property adjacent to or within the immediate vicinity of the Project site is or has been identified as a site at which hazardous substances are being or have been used, stored, treated, generated, transported, processed, handled, produced, released or disposed of. The Applicant will be required to secure the written consent of the owner of the Project site to such inquiries (if the Applicant is not the owner), upon request of the Agency.

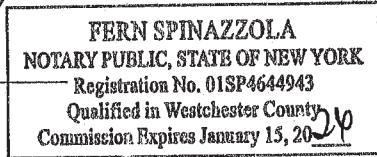
I further acknowledge and agree on behalf of the Applicant that, in the event the Agency shall have used all of its available tax-exempt bond financing allocation from the State of New York, if applicable, and shall accordingly be unable to obtain an additional allocation for the benefit of the Applicant, the Agency shall have no liability or responsibility as a result of the inability of the Agency to issue and deliver tax-exempt bonds for the benefit of the Applicant.



Name: *Carter Ryan*  
Title: *Manager of Procurement*

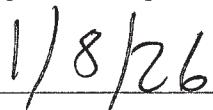
Subscribed and affirmed to me this 8<sup>th</sup> day of January, 2024

Notary Public



The Agency's acceptance of this Application for consideration does not constitute a commitment on the part of the Agency to undertake the proposed Project, to grant any financial assistance with respect to the proposed Project, or to enter into any negotiations with respect to the proposed Project.

Information provided herein may be subject to disclosure under the New York Freedom of Information Law (New York Public Officers Law § 84 et seq.) ("FOIL"). If the Applicant believes that a portion of the material submitted with this Application is protected from disclosure under FOIL, the Applicant should mark the applicable section(s) or page(s) as "confidential" and state the applicable exception to disclosure under FOIL.



1/8/24

DATE

Applicant: **Dunkirk Landing LLC**Project Address: 208-214 Washington Ave., 220 Washington Ave., 160-164 E. 4th St. Dunkirk, NY 14048  
Parcel IDs 79.57-1-2,69,70, 71, 72, 73, 74 75, 79, 80, 81; 79.57-2-15.1**Total Project Cost \$38,212,740**Current Tax Total **\$ 17,553.70****A. PILOT Estimate Table Worksheet**

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value on Improvements of Property Subject	County Tax Rate/\$1,000	Village Tax Rate/\$1,000	City Tax Rate/\$1,000	School Tax Rate/\$1,000	Total Tax Rate
\$37,702,640	\$988,578	13.406476	0	34.687066	27.564431	75.657973

PILOT Year	Effective Gross Income	PILOT Amount	Without PILOT	Estimated Net Exemption
1	\$853,408	\$17,554	\$74,794	\$57,240
2	\$870,476	\$17,554	\$76,290	\$58,736
3	\$887,886	\$17,554	\$77,816	\$60,262
4	\$905,643	\$17,554	\$79,372	\$61,818
5	\$923,756	\$17,554	\$80,959	\$63,406
6	\$942,231	\$18,845	\$82,578	\$63,734
7	\$961,076	\$19,222	\$84,230	\$65,008
8	\$980,298	\$19,606	\$85,915	\$66,309
9	\$999,903	\$19,998	\$87,633	\$67,635
10	\$1,019,902	\$20,398	\$89,386	\$68,988
11	\$1,040,300	\$20,806	\$91,173	\$70,367
12	\$1,061,106	\$21,222	\$92,997	\$71,775
13	\$1,082,328	\$21,647	\$94,857	\$73,210
14	\$1,103,974	\$22,079	\$96,754	\$74,674
15	\$1,126,054	\$22,521	\$98,689	\$76,168
16	\$1,148,575	\$22,971	\$100,663	\$77,691
17	\$1,171,546	\$23,431	\$102,676	\$79,245
18	\$1,194,977	\$23,900	\$104,729	\$80,830
19	\$1,218,877	\$24,378	\$106,824	\$82,446
20	\$1,243,254	\$24,865	\$108,961	\$84,095
21	\$1,268,119	\$25,362	\$111,140	\$85,777
22	\$1,293,482	\$25,870	\$113,363	\$87,493
23	\$1,319,351	\$26,387	\$115,630	\$89,243
24	\$1,345,738	\$26,915	\$117,942	\$91,028
25	\$1,372,653	\$27,453	\$120,301	\$92,848
26	\$1,400,106	\$28,002	\$122,707	\$94,705
27	\$1,428,108	\$28,562	\$125,161	\$96,599
28	\$1,456,671	\$29,133	\$127,665	\$98,531
29	\$1,485,804	\$29,716	\$130,218	\$100,502
30	\$1,515,520	\$30,310	\$132,822	\$102,512
<b>TOTAL</b>	<b>\$34,621,123</b>	<b>\$691,368</b>	<b>\$3,034,243</b>	<b>\$2,342,875</b>

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

\*Assessed Value After Renovation/581-A Valuation Estimate \$988,578 provided by client

**B. Sales Tax Exemption Benefit:**

Estimated Sales Tax Exemption for facility construction and equipment	<b>\$ 1,500,000</b>
Estimated Start Date:	<b>3/13/2026</b>
Estimated Duration of Sales Tax Exemption:	<b>22 months</b>

**C. Mortgage Recording Tax Exemption Benefit:**

Estimated Value of Mortgage Recording Tax Benefit	<b>\$ 282,509</b>
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**D. Other Benefit(s):**

	<b>\$ -</b>
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**581-A VALUATION ESTIMATE**

		Housing	Commercial	Total
Net Rental Income		828,100	25,308	853,408
Operating Expense Excluding RE Tax		(632,707)	(11,101)	(643,808)
Net Operating Income Excl. RE Tax		<u>195,393</u>	<u>14,207</u>	<u>209,600</u>
Effective RE Tax Rate	(Equalization Rate) x (Tax rate as percentage)	3.328951%	3.328951%	3.328951%
Market Rate Capitalization Rate	Estimated. To be finally determined by Assessor.	6.000000%	6.000000%	6.000000%
Effective Capitalization Rate	Arithmetic sum	9.328951%	9.328951%	9.328951%
Estimated Value	Arithmetic quotient	2,094,480	152,289	2,246,769
Equalization Rate	Local Valuation Ratio	44.00%	44.00%	44.00%
Assessed Value	Arithmetic product	921,571	67,007	988,578

**581-A TAX ESTIMATE**

Assessed Value	Per Above	921,571	67,007	988,578
Tax Rate	Local Tax Rate	7.565797%	7.565797%	7.565797%
Estimated Ad Valorem Tax	Arithmetic product	69,724	5,070	74,794

TAXES PER RATE AND VALUATION	Mill Rate	Taxable Value	Total Tax
County	13.406476	988,578	13,253.35
City	34.687066	988,578	34,290.89
School	27.564431	988,578	27,249.60
Total	75.657973		74,793.84

All Estimates

§ 581-a. Assessment of residential real property. Notwithstanding any other provision of law, the assessed valuation of real property used for residential rental purposes where at least twenty percent of the residential units are subject to an agreement with a municipality, the state, the federal government, or an instrumentality thereof, which agreement restricts occupancy of those units to tenants who qualify in accordance with an income test, shall be determined using the income approach as applied to the actual net operating income, after deducting for reserves required by any federal, state or municipal programs. For the purposes of this section "net operating income" shall mean the actual or anticipated net income that remains after all operating expenses are deducted from effective gross income, but before mortgage debt service and book depreciation are deducted. The assessed valuation of real property used for such residential rental purposes shall be determined using the actual net operating income, and shall not include federal, state or municipal income tax credits, subsidized mortgage financing, or project grants, where such subsidies are used to offset the project development cost in order to provide for lower initial rents as determined by regulations promulgated by the division of housing and community renewal.

Note: For those properties not yet in operation for a full year, Anticipated Net Income is generally taken as that shown on applications to NYS HCR.

## Regan Development Dunkirk PILOT Application

### Properties:

**207 Park Ave: 79.57-1-71**

**Park Ave: 79.57-1-72**

**E 2<sup>nd</sup> Street: 79.57-1-2,69,70,73**

**211 Park: 79.57-1-74**

**215 Park: 79.57-1-75**

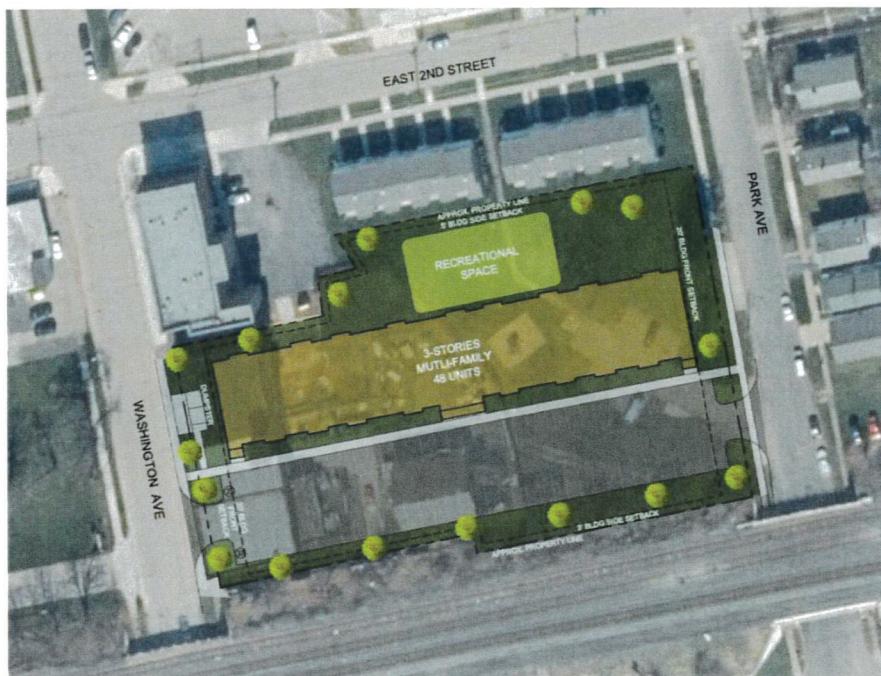
**Park Ave Rear: 79.57-1-80**

**208-214 Washington Ave: 79.57-1-81**

**220 Washington Ave: 79.57-1-79**

**160-164 E 4<sup>th</sup> Street: 79.57-2-15.1**

Building 2 will be built on the Washington Ave/2<sup>nd</sup> Street/Park Ave block of the city. See layout below. We will eventually merge all of the lots to make for one big lot.



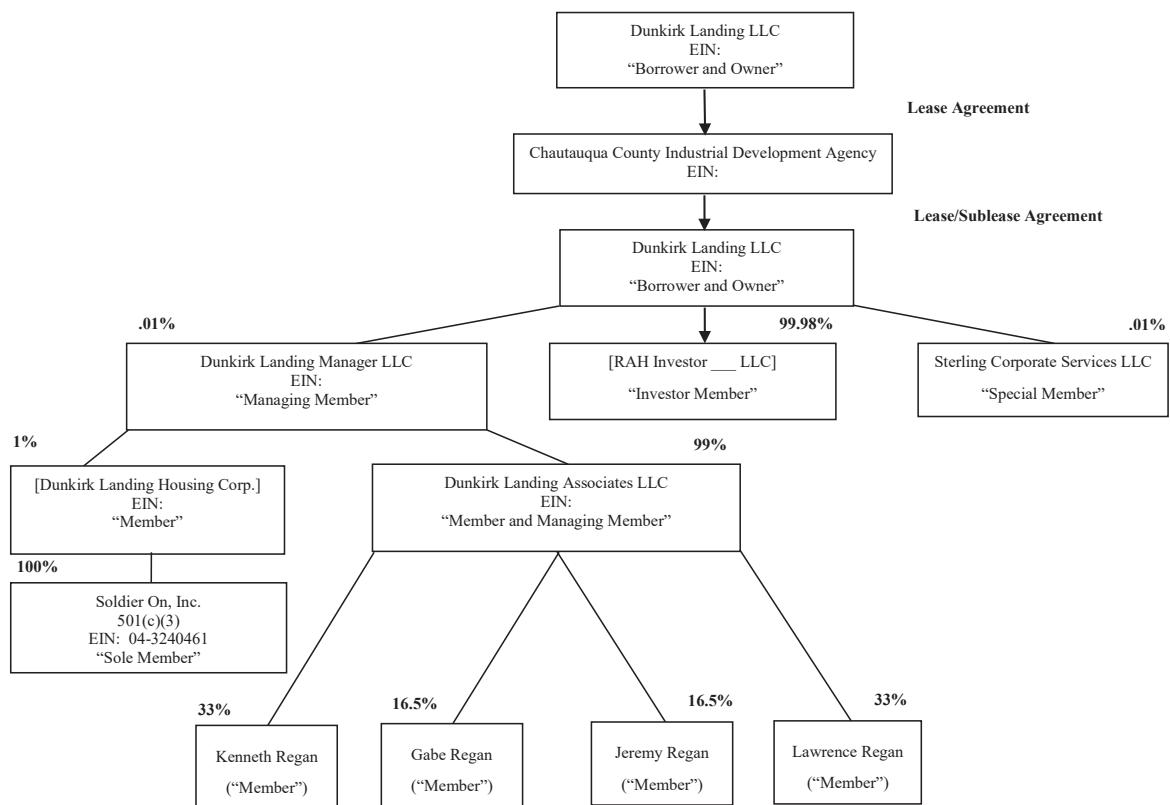
Building 1 will be built on 160-164 E 4<sup>th</sup> parcel. See layout below.



**Briefly describe the purpose of the proposed Project, the reasons why the Project is necessary to the Applicant and why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations:**

- We are looking to develop 78-units of workforce, rental housing to create new, energy-efficient, affordably priced housing for the City of Dunkirk. Building 2 (208-220 Washington Ave) will house 48 units and building 1 (160-164 E 4<sup>th</sup> St) will house 30 units. We are looking to support Dunkirk in their efforts in revitalizing the downtown core of the city. The project will also include a 5,624 square foot commercial space dedicated for a children's daycare center. The daycare will be located in building 1: 160-164 E 4<sup>th</sup>. The Agency's financial assistance is necessary as an affordable, workforce development with NYSHCR funding cannot support itself by paying regular taxes. The project will need a tax abatement in the form of a PILOT to keep itself afloat.

## DUNKIRK LANDING – ORGANIZATIONAL CHART



## **GCI Lighthouse Energy Storage, LLC - Due Diligence Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the “Agency”) was convened in public session on January 27, 2026, at 10:30 A.M., local time, at the offices of the Agency located at 201 West 3rd Street, Jamestown, County of Chautauqua, New York (the “IDA Office”).

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

### **PRESENT:**

Gary Henry	Chairman
Daniel Heitzenrater	Vice Chair
Sagan Sheffield-Smith	Treasurer
Amy Harding	Secretary
Daniel DeMarte	Member
Tom Harmon	Member
John Healy	Member
Kevin Muldowney	Member
Ted Wightman	Member

### **NOT PRESENT:**

### **THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:**

Mark Geise	Administrative Director/CEO
Shelby Bilskie	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel

The attached resolution no. 01-27-26-06 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

RESOLUTION APPROVING UNDERTAKING DUE DILIGENCE FOR A CERTAIN  
PROJECT FOR GCI LIGHTHOUSE ENERGY STORAGE, LLC AND/OR ITS AFFILIATES  
AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DUE DILIGENCE  
AGREEMENT WITH RESPECT TO SUCH TRANSACTION

WHEREAS, the County of Chautauqua Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, industrial and commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, GCI LIGHTHOUSE ENERGY STORAGE, LLC, a limited liability company duly organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited liability company, on behalf of itself and/or the principals of GCI Lighthouse Energy Storage, LLC and/or an entity or entities formed or to be formed on behalf of any of the foregoing (collectively, the "Applicant"), presented an application for financial assistance (the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 15.9 acre parcel of land located at 653 Brigham Road, City of Dunkirk, Chautauqua County, New York (collectively, the "Land"), (2) the construction of foundations and improvements covering approximately 492,228 square feet of the Land (collectively, the "Improvements"), and (3) the acquisition and installation of certain furniture, fixtures, machinery, equipment and building materials necessary for the completion thereof (the "Equipment" and together with the Land and the Improvements, collectively, the "Project Facility"), all of the foregoing for use by the Applicant and/or its affiliates or designees as battery energy storage facility with an interconnection capacity of up to 250 megawatts; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes, mortgage recording taxes, and sales and use taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to

purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, the Agency has given due consideration to the Application and to the representations made by the Applicant therein, in certain supplemental documents and at this meeting, including, without limitation, representations of the Applicant that: (A) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the Applicant to undertake the Project in the County of Chautauqua, New York; (B) the completion of the Project and the leasing and operation of the Project Facility by the Applicant and/or its designee will not result in the removal of a facility or plant of the Applicant, such designee or any other occupant of the Project Facility from one area of the State of New York (the "State") to another area of the State or in the abandonment of one or more plants or facilities of the Applicant, such designee or any other occupant of the Project Facility in the State; (C) the Project Facility will not constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Project; (D) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs and increasing the overall number of permanent, private sector jobs in the State; and (E) the granting of the Financial Assistance by the Agency will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of the County of Chautauqua, New York, and improve their standard of living, and prevent unemployment and economic deterioration, and thereby serve the public purposes of the Act; and

WHEREAS, any approval of the Project is contingent upon, among other things, a final determination by the members of the Agency to proceed with the Project following determinations by the Agency that: (A) the public hearing and notice requirements and other procedural requirements contained in the Act relating to the Project and the Financial Assistance have been satisfied; and (B) the undertaking of the Project by the Agency and the granting of the Financial Assistance are and will be in compliance with all other applicable requirements of the Act, Article 8 of the Environmental Conservation Law (the "SEQR Act") and the regulations adopted pursuant thereto (the "Regulations" and together with the SEQR Act, collectively, "SEQRA"), and all other statutes, codes, laws, rules and regulations of any governmental authority having jurisdiction over the Project or the Project Facility (collectively, the "Applicable Laws"); and

WHEREAS, the portion of the Financial Assistance consisting of an exemption from real property taxes, if granted, may represent a deviation from the Agency's uniform tax exemption policy and guidelines with respect to the making of payments in lieu of real property taxes; and

WHEREAS, the Agency desires to encourage the Applicant to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of the County of Chautauqua, New York, and to prevent unemployment and economic deterioration, by undertaking the Project in the County of Chautauqua, New York; and

WHEREAS, although a resolution authorizing the undertaking of the Project has not yet been submitted for approval by the Agency, a due diligence agreement (the "Due Diligence

Agreement") relative to the proposed undertaking of the Project by the Agency has been presented for approval by the Agency;

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

Section 1. The Agency hereby authorizes the Administrative Director/CEO of the Agency, prior to the granting of any Financial Assistance with respect to the Project: (A) to establish a time, date and place (if applicable) for a public hearing (the "Public Hearing") of the Agency to hear all persons interested in the location and nature of the Project and the proposed Financial Assistance being contemplated by the Agency with respect to the Project, said Public Hearing to be held in the city, town or village within which the Project Facility is or will be located, subject to Applicable Laws; (B) to cause notice of said Public Hearing to be given to the public by publishing a notice of said Public Hearing in a newspaper of general circulation available to residents of the governmental units within which the Project Facility is or will be located, such notice to comply with the requirements of and to be published in accordance with the requirements of the Act; (C) to cause notice of said Public Hearing, pursuant to the Act, to be given to the chief executive officer of the County of Chautauqua, New York, and of each city, town, village, school district and other affected tax jurisdiction in which the Project Facility is or will be located; (D) to conduct the Public Hearing or to authorize a hearing officer to conduct the Public Hearing in accordance with the Act; (E) to cause a report of the Public Hearing fairly summarizing the views presented at said Public Hearing to be promptly prepared and cause copies of said report to be made available to the members of the Agency; (F) to establish a time, date and place (if applicable) for a meeting of the Agency (the "IDA Meeting") to consider whether to approve a proposed deviation from the Agency's uniform tax exemption policy in accordance with the Act if the Administrative Director/CEO determines that the portion of the Financial Assistance consisting of an exemption from real property taxes constitutes a deviation from such policy; (G) to cause notice of any such proposed deviation from the Agency's uniform tax exemption policy and of the IDA Meeting to be given to the affected tax jurisdictions in accordance with the Act; and (H) to otherwise comply with all other procedural and other requirements imposed on the Agency pursuant to Applicable Laws with respect to the Project and/or the Financial Assistance.

Section 2. The Applicant is hereby authorized to conduct such environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary or convenient to enable the Agency to make its determination whether to proceed with the Project and to grant the Financial Assistance; provided, however, that such authorization shall not entitle or permit the Applicant to commence the acquisition, construction, installation or equipping of the Project Facility unless and until the Agency shall determine that all requirements of Applicable Laws have been fulfilled. The officers, agents and employees of the Agency are hereby directed to proceed to do such things or perform such acts as may allow the Agency to proceed to its final consideration of the Project. This Resolution constitutes an authorization to conduct concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning with respect to the Project within the meaning of Section 617.3(c)(2) of the Regulations and a determination of compliance with technical requirements within the meaning of Section 617.3(c)(2) of the Regulations and does not constitute, and shall

not be deemed to constitute, either an approval by the Agency of the Project for the purposes of the Act or SEQRA or a commitment by the Agency to approve the Project or to grant the Financial Assistance.

Section 3. Any expenses incurred by the Agency with respect to the Project and the financing thereof shall be paid by the Applicant as set forth in the Due Diligence Agreement.

Section 4. The findings of the Agency set forth herein are expressly conditioned upon full compliance of the Applicant, the Project and the Project Facility with all Applicable Laws, and the Applicant shall be required to provide evidence of same satisfactory to the Agency prior to the granting of any Financial Assistance.

Section 5. If, following full compliance with all Applicable Laws, the Agency adopts a future resolution (the "Future Resolution") determining to proceed with the Project and to grant the Financial Assistance, or any portion thereof, with respect to the Project and the Applicant complies with all conditions set forth in the Due Diligence Agreement and the Future Resolution, then the Agency will (A) acquire an interest in the Project Facility pursuant to a deed, lease agreement, assignment of lease, license, bill of sale and/or other documentation to be negotiated between the Agency and the Applicant (the "Company Lease"); (B) lease (with the obligation to purchase), license or sell the Project Facility to the Applicant or its designee pursuant to an agency lease agreement or an installment sale agreement (the "Agency Lease") to be negotiated between the Agency and the Applicant; and (C) provide the Financial Assistance with respect to the Project, all as contemplated by the Due Diligence Agreement and the Future Resolution.

Section 6. The form, terms and substance of the Due Diligence Agreement (in substantially the form presented at this meeting) are in all respects approved, and the Chairman, Vice Chair, Administrative Director/CEO and Chief Financial Officer of the Agency are each hereby authorized, empowered and directed, acting individually or jointly, to execute and deliver said Due Diligence Agreement in the name and on behalf of the Agency, with such changes therein as shall be approved by the officer executing same on behalf of the Agency, the execution thereof by such officer to constitute conclusive evidence of such officer's approval of any and all changes or revisions therein from the form now before this meeting, and the Agency hereby ratifies and approves any action heretofore taken by the Agency with respect to the Due Diligence Agreement.

Section 7. From and after the execution and delivery of the Due Diligence Agreement, the officers, agents and employees of the Agency are hereby authorized, empowered and directed, acting individually or jointly, to proceed with the undertakings provided for therein on the part of the Agency, and are further authorized to do all such acts and things and to execute all such documents as may be necessary or convenient to carry out and comply with the terms and provisions of the Due Diligence Agreement as and when executed.

Section 8. The law firm of Phillips Lytle LLP, Jamestown, New York, is hereby appointed Counsel to the Agency with respect to all matters in connection with the Project. Counsel for the Agency is hereby authorized, at the expense of the Applicant, to work with the

Applicant, counsel to the Applicant, and others to prepare, for submission to the Agency, all documents necessary to effect the transactions contemplated by this Resolution.

Section 9. The Chairman, Vice Chair, Administrative Director/CEO and Chief Financial Officer of the Agency are each hereby authorized and directed to distribute copies of this Resolution to the Applicant and to the affected tax jurisdictions to the extent required by Applicable Laws and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 10. This Resolution shall take effect immediately.

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

Gary Henry	VOTING
Dan Heitzenrater	VOTING
Sagan Sheffield-Smith	VOTING
Amy Harding	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING
John Healy	VOTING
Kevin Muldowney	VOTING
Ted Wightman	VOTING

The foregoing resolution was thereupon declared duly \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on January 27, 2026 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

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

IN WITNESS WHEREOF, we have hereunto set our hand this 27<sup>th</sup> day of January, 2026.

[Assistant] Secretary

## [Vice] Chair[man]

## PRELIMINARY AGREEMENT

THIS PRELIMINARY AGREEMENT (this "Preliminary Agreement") dated as of the 27th day of January, 2026, between the COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT AGENCY (the "Agency"), a public benefit corporation organized and existing under the laws of the State of New York, and GCI LIGHTHOUSE ENERGY STORAGE, LLC, a limited liability company duly organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited liability company, on behalf of itself and/or the principals of GCI Lighthouse Energy Storage, LLC and/or an entity or entities formed or to be formed on behalf of any of the foregoing (collectively, the "Applicant").

### WITNESSETH:

WHEREAS, the Agency is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, industrial and commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, the Applicant presented an application for financial assistance (the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 15.9 acre parcel of land located at 653 Brigham Road, City of Dunkirk, Chautauqua County, New York (collectively, the "Land"), (2) the construction of foundations and improvements covering approximately 492,228 square feet of the Land (collectively, the "Improvements"), and (3) the acquisition and installation of certain furniture, fixtures, machinery, equipment and building materials necessary for the completion thereof (the "Equipment" and together with the Land and the Improvements, collectively, the "Project Facility"), all of the foregoing for use by the Applicant and/or its affiliates or designees as battery energy storage facility with an interconnection capacity of up to 250 megawatts; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from real property taxes, mortgage recording taxes, and sales and use taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, the members of the Agency held a meeting on January 27, 2026 and approved a resolution (the "Preliminary Resolution") requiring the execution and delivery of this Preliminary Agreement by the Applicant and authorizing its execution and delivery by the Agency, and authorizing the Agency to pursue preliminary action toward the undertaking of the Proposed Project;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Agency and the Applicant agree as follows:

**Article 1. Representations; No Commitments.**

**Section 1.01. The Applicant hereby represents to the Agency that:**

(A) Based on the proposed use of the Project Facility, the economic effects of the Proposed Project on the area in which it is situated, the employment reasonably expected to be created by the acquisition, construction, installation, equipping and operation of the Project Facility, and an analysis of how the Proposed Project would contribute to the realization of the public purposes of promoting job opportunities in the County of Chautauqua (the "County"), and the prevention of economic deterioration in the County, the Proposed Project would constitute a commercial facility with a significant impact on the area in which it is situated, and would advance the Agency's purposes by promoting job opportunities and preventing economic deterioration in the County. Therefore, the Proposed Project would constitute a "project" within the meaning of the Act.

(B) The execution, delivery and performance by the Applicant of this Preliminary Agreement have been duly authorized by all necessary company action, and this Preliminary Agreement has been duly executed and delivered by the Applicant and is the legal, valid and binding obligation of the Applicant enforceable against the Applicant in accordance with its terms.

(C) The Project Facility will not constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Proposed Project. For purposes of this representation, retail sales shall mean: (A) sales by a registered vendor under Article 28 of the New York Tax Law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of Section 1101 of the New York Tax Law; or (B) sales of a service to such customers.

(D) The undertaking of the Proposed Project will not result in the removal of a facility or plant of the Applicant, any related designee or any other occupant of the Project Facility from one area of the State of New York to another area of the State of New York or in the abandonment of one or more plants or facilities of the Applicant, any related designee or any other occupant of the Project Facility located

in the State of New York. Therefore, the provisions of subdivision (1) of Section 862 of the Act would not be violated as a result of the granting of the Financial Assistance by the Agency to the Applicant.

(E) Each owner, occupant or operator that would receive Financial Assistance with respect to the Proposed Project is in substantial compliance with applicable federal, state and local tax, worker protection and environmental laws, rules and regulations.

(F) As of the date of this Preliminary Agreement, the Applicant is in substantial compliance with all provisions of Article 18-A of the General Municipal Law, including, but not limited to, the provisions of Section 859-a and Section 862(1) thereof.

(G) The granting by the Agency of the Financial Assistance with respect to the Proposed Project would be an inducement to the Applicant to undertake the Proposed Project in the County.

(H) The Applicant would not undertake the Proposed Project in the County without the granting of the Financial Assistance by the Agency.

(I) The Project Facility is located entirely within the boundaries of the City of Dunkirk and is not located within the boundaries of any other incorporated village or city. The Project Facility is located entirely within the boundaries of the City of Dunkirk School District

(J) The Applicant plans to invest a total of approximately \$500,000,000 in the Project Facility.

Section 1.02. This Preliminary Agreement does not commit the Agency to undertake the Proposed Project or to grant to the Applicant any Financial Assistance with respect to the Proposed Project. The members of the Agency shall decide, in their sole and absolute discretion, whether or not to undertake the Proposed Project and to grant such Financial Assistance, and then only following a determination by the members of the Agency that all requirements of applicable laws, rules and regulations and the policies and procedures of the Agency (collectively, "Legal Requirements") have been fulfilled.

## Article 2. Undertakings on the Part of the Agency.

Based upon the statements, representations and undertakings of the Applicant, and subject to the conditions set forth herein, the Agency agrees as follows:

Section 2.01. The Agency agrees to review the Application and to proceed with its consideration of the Proposed Project and the Financial Assistance relating to the Proposed Project,

subject to the conditions contained in this Preliminary Agreement, including, but not limited to, the provision of Section 1.02 above and the following conditions:

(A) The Agency shall receive, in form and substance satisfactory to the Agency, such rulings, approvals, resolutions, consents, certificates, opinions of counsel and other instruments and proceedings as shall be specified by the Agency in connection with the Proposed Project and the various documents to be executed in connection with the Proposed Project;

(B) The Applicant shall provide the Agency and all other "involved/interested agencies" with all information and statements that may be required by said respective entities to ensure compliance by said entities with the New York State Environmental Quality Review Act and the regulations promulgated thereunder (collectively, "SEQRA");

(C) The Applicant shall comply with and shall provide the Agency with all information, documentation and statements required for the Agency to comply with the requirements of all Legal Requirements; and

(D) The Applicant shall pay or reimburse the Agency for all expenses incurred by the Agency in connection with the Proposed Project (including, without limitation, counsel fees and disbursements).

### Article 3. Undertakings on the Part of the Applicant.

Based upon the statements, representations and undertakings of the Agency and subject to the conditions set forth herein, the Applicant agrees as follows:

Section 3.01. The Applicant hereby agrees to indemnify, defend (with counsel selected by the Agency) and hold the Agency (and its members, officers, agents, attorneys and employees) harmless from any and all liability, damages, causes of actions, losses, costs or expenses incurred by the Agency in connection with: (A) review, examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application, the Proposed Project or the Financial Assistance are favorably acted upon by the Agency, and (B) any further action taken by the Agency with respect to the Application or the Proposed Project; including, without limiting the generality of the foregoing, (i) all fees and expenses of the Agency's general counsel, transaction counsel, economic development consultant, real property tax valuation consultant and other experts and consultants (if deemed necessary or advisable by the Agency) heretofore or hereafter incurred, and (ii) all other expenses incurred by the Agency in defending any suits, actions or proceedings that may arise as a result of any of the foregoing. If, for any reason whatsoever, the Agency decides not to proceed with consideration of the Application or the proposed Project or the Applicant fails to conclude or consummate necessary negotiations or fails within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels, or neglects the Application or if the Applicant is unable to secure third party financing, if required, or otherwise fails to conclude the Proposed Project, then upon presentation of an invoice by the Agency, its

agents, attorneys or assigns, the Applicant shall pay to the Agency, its agents, attorneys or assigns, as the case may be, all fees and expenses reflected in any such invoice.

Section 3.02. The Applicant agrees that each of the Agency's general counsel, transaction counsel, economic development consultant, real property tax valuation consultant and other experts and consultants is an intended third-party beneficiary of this Preliminary Agreement, and that each of them may (but shall not be obligated to) enforce the provisions of Section 3.01 of this Preliminary Agreement, whether by lawsuit or otherwise, to collect the fees and expenses of such party or person incurred by the Agency (whether or not first paid by the Agency) with respect to the Application. The Applicant further agrees that the Agency may (but shall not be obligated to) directly enforce the provisions of Section 3.01 of this Preliminary Agreement against the Applicant, whether by lawsuit or otherwise, to collect such fees and expenses.

Section 3.03. The Applicant will take such further action and adopt such further proceedings as the Agency may deem necessary to implement its aforesaid undertakings or as the Agency may deem appropriate in pursuance thereof.

Section 3.04. This Preliminary Agreement is intended to facilitate discussion regarding the Proposed Project, and neither this Preliminary Agreement nor any discussions or course of conduct between the parties or their representatives shall constitute an agreement, offer or legally binding commitment by the Agency to undertake the Proposed Project or to grant the Financial Assistance. This Preliminary Agreement does not purport to summarize or contain all the conditions, covenants, representations, warranties and other provisions that would be contained in the definitive documentation between the Agency and the Applicant relating to the Proposed Project.

#### Article 4. General Provisions.

Section 4.01. (A) All notices and other communications hereunder shall be in writing and shall be deemed given (i) when mailed by United States registered or certified mail, postage prepaid, return receipt requested, (ii) when delivered by hand delivery to the undersigned, or (iii) one (1) day after deposit with Federal Express or other nationally recognized overnight courier for delivery, addressed as follows:

(1) To the Agency:

County of Chautauqua Industrial Development Agency  
201 West 3rd Street, Suite 115  
Jamestown, NY 14701  
Attn: Mark Geise

(2) To the Applicant:

GCI Lighthouse Energy Storage, LLC  
428 South Main Street, Suite B-624

Davidson, NC 28036  
Attn: Joshua Drellack

(B) The Agency and the Applicant may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates and other communications shall be sent.

Section 4.02. All covenants and agreements herein contained by or on behalf of the Agency and the Applicant shall bind and inure to the benefit of the respective permitted successors and assigns of the Agency and the Applicant, as the case may be, whether so expressed or not.

Section 4.03. The obligations and agreements of the Agency contained herein shall be deemed the obligations and agreements of the Agency, and not of any member, officer, agent or employee of the Agency in his individual capacity, and the members, officers, agents and employees of the Agency shall not be liable personally hereon or be subject to any personal liability or accountability based upon or in respect hereof or of any transaction contemplated hereby. The obligations and agreements of the Agency contained herein shall not constitute or give rise to an obligation of the State of New York or of the County, and neither the State of New York nor the County, shall be liable thereon; and further, such obligations and agreements shall not constitute or give rise to a general obligation of the Agency, but rather shall constitute limited obligations of the Agency payable solely from the revenues of the Agency derived and to be derived from the lease, sale or other disposition of the Project Facility.

Section 4.04. Notwithstanding any provision of this Preliminary Agreement to the contrary, the Agency shall not be obligated to take any action pursuant to any provision hereof unless (A) the Agency shall have been requested to do so in writing by the Applicant; and (B) if compliance with such request is reasonably expected to result in the incurrence by the Agency (or any member, officer, agent or employee of the Agency) of any liability, fees, expenses or other costs, the Agency shall have received from the Applicant security or indemnity satisfactory to the Agency for protection against all such liability and for the reimbursement of all such fees, expenses and other costs.

Section 4.05. This Preliminary Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. Signatures by facsimile or in Portable Document Format shall be deemed to constitute originals.

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IN WITNESS WHEREOF, the parties hereto have entered into this Preliminary Agreement as of the date and year first written above.

GCI LIGHTHOUSE ENERGY  
STORAGE, LLC

COUNTY OF CHAUTAUQUA INDUSTRIAL  
DEVELOPMENT AGENCY

By: \_\_\_\_\_

Name:  
Title:

By: \_\_\_\_\_

Name: Shelby Bilskie  
Title: Chief Financial Officer

## **GCI Lighthouse Energy Storage LLC**

### **Project Description:**

- Acquisition of approximately 15.9 acres of land located at 653 Brigham Rd., City of Dunkirk, NY 14048
- Construction of foundations and improvements covering approximately 492,228 SF of the Land
- Acquisition and installation of machinery, equipment and building materials necessary for completion of a battery energy storage facility with an interconnection capacity of up to 250 megawatts
- Parcel # 96.05-1-1
- Total Project Cost – Up to \$500,000,000

### **Company Information:**

GCI Lighthouse Energy Storage, LLC or it's designee  
428 South Main St.  
Suite B-624  
Davidson, NC 28036  
(585) 857-6528

### **Project Benefits:**

- Project will be instrumental in the energy transition in New York, to enable renewable integration and increase grid reliability by increasing capacity, ancillary services, and grid-forming capabilities.
- Project also has strong potential to reduce renewable curtailment in NYISO Zone A by absorbing surplus wind and hydro generation and shifting it to peak demand periods, supporting New York's decarbonization and reliability goals and enhancing the economic viability of renewable energy facilities in Chautauqua County
- Creation of temporary jobs, with payroll
- Local and State Sales Tax revenue
- Local Real Property Tax revenue

### **CCIDA Incentives:**

- PILOT, Sales Tax, and Mortgage Recording Tax Exemptions to be determined before approval is made

### **Jobs:**

- Temporary
  - 50-80 FTEs during construction
- Permanent
  - Unclear, possible zero FTE

(continued on next page)

**Cost Benefit Analysis (CBA):**

- To be determined prior to approval

**Timeline:**

- Project viability is subject to NYSERDA Award. Should it proceed, permits are expected in 2028 with commercial operation anticipated in 2030

**SEQRA/Lead Agency:**

- City of Dunkirk, Type I Negative Declaration

**Project Milestones:**

- 1/09/2026 - Completed Application
- 1/27/2026 - Due Diligence Resolution and Agreement
- TBD – Public Hearing
- TBD – Inducement Resolution

### APPLICATION FOR FINANCIAL ASSISTANCE

Please respond to all questions in this Application for Financial Assistance (the "Application") by, as appropriate: filling in blanks; checking the applicable term(s); attaching additional text (with appropriate notations, such as "see Schedule 2(A), etc."); or writing "N.A.", signifying "not applicable".

The following amounts are payable to the County of Chautauqua Industrial Development Agency (the "Agency") at the time this Application is submitted to the Agency: (i) a \$1,000 non-refundable application fee (the "Application Fee"); and (ii) a \$1,000 expense deposit for the Agency's Transaction/Bond Counsel fees and expenses (the "Counsel Fee Deposit"). The Application Fee will not be credited against any other fees or expenses which are or become payable to the Agency in connection with this Application or the project contemplated herein (the "Project"). In the event that the subject transaction does not close for any reason, the Agency may use all or any part of the Counsel Fee Deposit to defray the cost of Transaction/Bond Counsel fees and expenses with respect to the Project. In the event that the subject transaction closes, the Counsel Fee Deposit shall be credited against the applicable expenses incurred by the Agency with respect to the Project.

Any approval of financial assistance will be effective for one year. If the subject transaction has not closed within that time, reapproval may be required, which may be conditioned upon payment of some, most or all of the Agency's expected administrative fee and attorneys' fees accrued on that date.

*Note:* Please contact the CCIDA Main Office @ (716) 661-8900 with any questions relative to the application content and/or process.

#### PART I: APPLICANT

Name: GCI Lighthouse Energy Storage,LLC or its designee  
 Address: 428 South Main St, Suite B-624 Davidson, NC 28036  
 Phone: +1 585 857 6528  
 NY State Dept. of Labor Reg #: \_\_\_\_\_  
 Federal Employer ID #: 93-2663455  
 NAICS Code #: 221118  
 NAICS Sector: 22 - Utilities  
 NAICS Industry: Other Electric Power Generation  
 Website: https://gci.energy/  
 Nature of business (goods to be sold, manufactured, assembled or processed, services rendered):  
Energy storage

Contact Name: Joshua Drellack  
 Title: Chief Development Officer  
 Phone Number: +1 702 302 3005  
 E-Mail: josh@gci.energy

Business Type:  
 Sole Proprietorship  
 General Partnership  
 Limited Partnership  
 Limited Liability Company  
 Privately Held Corporation  
 Publicly Held Corporation  
 Not-for-Profit Corporation

State/Year of Incorporation/Organization: DE/2023  
 Qualified to do Business in New York  
 (Yes or No): Yes

Owners of 20% or more of Applicant:  
 Name %  
 100% owned by GCI SaleCo 2, LLC.

#### PART II: PROJECT

Address of proposed project facility:  
653 BRIGHAM ROAD DUNKIRK, NY 14048  
 Tax Map Parcel Number(s): 96.05-1-1  
 City/Town/Village(s): City of Dunkirk  
 School District(s): Dunkirk City School District  
 Current Legal Owner: Press Holdings, LLC  
 Contract to purchase (Yes or No): No  
 Date of purchase: \_\_\_\_\_  
 Purchase price: \$ \_\_\_\_\_

Present use of the Project site:  
vacant  
 What are current real estate taxes on the Project site?  
 County/Town: \$ 497.55  
 City/Village: \$ 1,254.73  
 School: \$ 1,022.64  
 Are tax cert. proceedings currently pending with respect to the Project real property?  
 YES  NO

Proposed User(s)/Tenant(s) of the Facility  
 (Complete for each User/Tenant for additional User/Tenants of the Company, use space at the end of this section)

Company Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Tax ID No.: \_\_\_\_\_  
 Contact Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 E-Mail: \_\_\_\_\_

% of facility to be occupied by User/Tenant: \_\_\_\_\_

Relationship to the Applicant:  
 \_\_\_\_\_

**OFFICERS OF APPLICANT**

Name:	Title:
Mitchell Bauer	President, GCI
Joshua Drellack	Chief Development Officer
Raghu Reddy	Chief of Staff

**Owners of 20% or more of User/Tenant:**

Name	%	Corporate Title

**APPLICANT'S LEGAL COUNSEL:**

Firm name: Barclay Damon LLP (counsel to Neoen)  
 Address: 125 East Jefferson Street, Syracuse, NY 13202  
 Contact: Matthew S. Moses  
 Phone: 315.425.2726  
 Fax:    
 E-Mail: mmoses@barclaydamon.com

Type of Proposed Project (check all that apply):

- New Construction of a Facility  
 Square footage: 492,228
- Addition to Existing Facility  
 Square footage of existing facility: \_\_\_\_\_  
 Square footage of addition: \_\_\_\_\_
- Renovation of Existing Facility  
 Square footage of area renovated: \_\_\_\_\_  
 Square footage of existing facility: \_\_\_\_\_
- Acquisition of Land/Building  
 Acreage/square footage of land: \_\_\_\_\_  
 Square footage of building: \_\_\_\_\_
- Acquisition of Furniture/Machinery/Equipment  
 List principal items or categories:  
 Batteries containers, HV & MV transformers, inverters  
 cables
- Other (specify): \_\_\_\_\_

Briefly describe the purpose of the proposed Project, the reasons why the Project is necessary to the Applicant and why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations:

Lighthouse is a Battery Energy Storage System with an interconnection capacity of up to 250 MW, in the city of Dunkirk, within an Energy Community and a Disadvantaged Community.

Lighthouse will be instrumental in the energy transition in NY to enable renewable integration and increase grid reliability. This project will also be crucial for Neoen, a global leading renewable energy player, who intends to acquire the project.

The project is only economically viable if awarded in the very competitive NYSERDA tender. The Agency's financial assistance is key to increase the competitiveness of the project and enable it to be awarded.

Please list Affiliates/Parents/Subsidiary Entities to Applicant (attach organization chart if necessary)

GCI Lighthouse Energy Storage, LLC is owned by GCI SaleCo2, LLC, itself a subsidiary of Grid Connected Infrastructure, LLC (a developer), owned by Grid Connected Development, LLC

the Parent Company.

Will the Project provide on-site child daycare facilities? If so, please explain: No

### PART III. CAPITAL COSTS OF THE PROJECT

A. Provide an estimate of Project Costs of all items listed below:

<u>Item</u>	<u>Cost</u>
1. Land and/or Building Acquisition:	\$ <u>TBD</u>
2. Building Demolition:	\$ <u>TBD</u>
3. Construction/Reconstruction/Renovation:	\$ <u>TBD</u>
4. Site Work:	\$ <u>TBD</u>
5. Infrastructure Work:	\$ <u>TBD</u>
6. Furniture, Equipment & Machinery Acquisition (not included in 3. above):	\$ <u>TBD</u>
7. Architectural/Engineering Fees:	\$ <u>TBD</u>
8. Applicant's Legal Fees:	\$ <u>TBD</u>
9. Financial Fees:	\$ <u>TBD</u>
10. Other Professional Fees:	\$ <u>TBD</u>
11. Other Soft Costs (describe): _____	\$ <u>TBD</u>
12. Other (describe): _____	\$ <u>TBD</u>
Total Project Costs:	<u>\$ UP TO 500M</u>

B. Estimated Sources of Funds for Project Costs:

	<u>Source</u>
1. Tax-Exempt IDA Bonds:	\$ <u>0</u>
2. Taxable IDA Bonds:	\$ <u>0</u>
3. Conventional Mortgage Loans:	\$ <u>TBD</u>
4. SBA or other Governmental Financing: Identify: _____	\$ <u>0</u>
5. Other Public Sources (e.g., grants, tax credits): Identify: _____	\$ <u>0</u>
6. Other Public Agency Loans:	\$ <u>0</u>
7. Other Private Loans:	\$ <u>TBD</u>
8. Equity Investment: (Excluding equity attributable to grants/tax credits)	\$ <u>TBD</u>
Total Funding:	<u>\$ up to 500M</u>

What percentage of the total project costs are funded/financed from public sector sources: 0 %

C. Requested Financial Assistance

Tax-Exempt Bonds:	\$ <u>0</u>
Taxable Bonds:	\$ <u>0</u>
Estimated Value of Sales Tax Benefit: (i.e., gross amount of cost of goods and services that are subject to state and local sales and use taxes multiplied by [8.0%])	\$ <u>up to 40M</u>
Estimated Value of Mortgage Tax Benefit: (i.e., principal amount of mortgage loans loans multiplied by [1.25%])	\$ <u>up to 6M</u>

Estimated CCIDA PILOT Property Tax Benefit:

Type: Deviation

Term: 2y construction +25y operation

Schedule Requested: TBD

Deviation? Yes  No

Will the proposed Project utilize a property tax exemption benefit other than from the Agency: No  
(if so, please describe requested type, term and schedule)

Existing Total Annual Property Taxes on Land and Building: \$ 2,774.92

Estimated Additional Property Taxes on completed Project over the requested PILOT term (without Agency financial assistance): \$ TBD

Other (specify): \_\_\_\_\_

NOTE: Upon acceptance of this Application by the Agency, the Agency's staff will create a PILOT schedule and indicate the estimated amount of PILOT Benefit/Cost utilizing anticipated tax rates and assessed valuation, make an estimate of the allocation of PILOT payments among the affected tax jurisdictions, and attach such information as Exhibit A hereto.

The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to undertake and document the total amount of capital investment as set forth in this Application.

D. Status of Expenses

Have any of the above costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this application? If YES, describe particulars on a separate sheet.

YES

NO

E. Existing Operations

Does the Applicant or any User(s)/Tenant(s) currently operate in the County? If YES, describe such operations, including whether the proposed Project will result in the relocation or abandonment of such other operation(s).

**No. GCI is a developer and it will be Neoen's first asset in the USA.**

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#### PART IV: COST-BENEFIT ANALYSIS

Provide the current annual payroll in Chautauqua County. Then, estimate projected payroll in years 1, 2, 3, after completion of Project.

	<u>Present</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Full Time:	\$ <u>0</u>	\$ <u>TBD</u>	\$ <u>TBD</u>	\$ <u>TBD</u>
Part Time <sup>1</sup> :	\$ <u>0</u>	\$ <u>TBD</u>	\$ <u>TBD</u>	\$ <u>TBD</u>

If the Applicant presently operates in Chautauqua County, provide the current number of employees in the following occupations. Then, estimate the projected Full Time Equivalent (“FTE”) employees as indicated following completion of the Project:

Current and Planned Occupations	Present Jobs <u>Per Occupation</u>	Est. FTEs Post-Completion:			Est. # of County Residents. by yr. 3
		<u>1 year</u>	<u>2 years</u>	<u>3 years</u>	
Management	_____	_____	_____	_____	_____
Professional	_____	_____	_____	_____	_____
Administrative	_____	_____	_____	_____	_____
Production	_____	_____	_____	_____	_____
Supervisor	_____	_____	_____	_____	_____
Laborer	_____	_____	_____	_____	_____
Independent Contractor <sup>2</sup>	_____	_____	_____	_____	_____
Other (describe)	_____	_____	_____	_____	_____

List the average salaries or provide ranges of salaries for the following categories of jobs (on a full-time equivalency basis) projected to be retained/created in Chautauqua County because of the proposed Project:

Category of Jobs to be Retained/Created:	Average Salary or Range of Salary:	Average Fringe Benefits or Range of Fringe Benefits:
Management		
Professional		
Administrative		
Production		
Supervisor		
Laborer		
Independent Contractor <sup>2</sup>		
Other		

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction, and/or renovation of the Project: 50-80 \_\_\_\_\_

Please note that the Agency may utilize the foregoing employment projections, among other things, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to retain the above number of jobs, types of occupations and amount of payroll with respect to the proposed project.

<sup>1</sup> NOTE: The Agency converts part-time jobs into FTE's for evaluation and reporting purposes by dividing the number of part-time jobs by two (2).

<sup>2</sup> As used in this chart, this category includes employees of independent contractors.

What percentage of the Applicant's total dollar amount of production, sales or services (including production, sales or services rendered following completion of the Project) are made to customers outside the economic development region (i.e., Western New York)?

TBD \_\_\_\_\_ %

Describe any municipal revenues that will result from the Project (excluding any PILOT payments):

TBD

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What is the estimated aggregate annual amount of goods and services to be purchased by the Applicant for each year after completion of the Project, and what portion will be sourced from businesses located in Chautauqua County and the State:

	<u>Amount</u>	<u>% Sourced in Chautauqua County</u>	<u>% Sourced in State</u>
Year 1	\$ <u>TBD</u>	TBD	TBD
Year 2	\$ <u>TBD</u>	TBD	TBD
Year 3	\$ <u>TBD</u>	TBD	TBD

Describe, if applicable, other benefits to the Chautauqua County anticipated as a result of the Project, including a projected annual estimate of additional sales tax revenue generated, directly and indirectly, as a result of undertaking the project:

Other anticipated benefits include indirect outcomes generated by the maintenance team who will visit the project several times a year (food, lodging, gas ...). There will also be some annual sales tax generated by the maintenance of the BESS, in case of equipment replacement (hard to assess at this stage). In addition, Lighthouse will significantly enhance grid reliability by providing capacity, ancillary services, and grid-forming capabilities, while effectively displacing fossil-fuel peaker plants. The project also has a strong potential to reduce renewable curtailment in NYISO Zone A by absorbing surplus wind and hydro generation and shifting it to peak demand periods, supporting New York's decarbonization and reliability goals and enhancing the economic viability of renewable energy facilities in Chautauqua County

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If applicable, has construction/reconstruction/renovation work on the Project begun? If YES, indicate the percentage of completion:

1. (a) Site clearance YES  NO  \_\_\_\_\_ % complete
- (b) Environmental Remediation YES  NO  \_\_\_\_\_ % complete
- (c) Foundation YES  NO  \_\_\_\_\_ % complete
- (d) Footings YES  NO  \_\_\_\_\_ % complete
- (e) Steel YES  NO  \_\_\_\_\_ % complete
- (f) Masonry YES  NO  \_\_\_\_\_ % complete
- (g) Interior YES  NO  \_\_\_\_\_ % complete
- (h) Other (describe below): YES  NO  \_\_\_\_\_ % complete

If NO to all of the above categories, what is the proposed date of commencement of construction, reconstruction, renovation, installation or equipping of the Project? 2029

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Provide an estimated time schedule to complete the Project and when first use of the Project is expected to occur:

NYSERDA Award: Q1/Q2 2026; Execution of Interconnection Agreement: Q1 2027 ; All permits expected: 2028;

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Notice to Proceed: 2028; COD: 2030

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## **PART V: QUESTIONS**

Please answer the following questions. If an answer is "YES" to any question, please provide details in the space provided at the end of the section.

1. Would 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 such plants?

YES  NO

*\*\* If the answer is "No" please continue to question 3.*

2. If the answer is "Yes" please answer the two (2) following questions.

a. Is the Project reasonably necessary to preserve the competitive position of the Applicant, or of a proposed user, occupant or tenant of the Project, in its industry?

YES  NO

b. Is the Project reasonably necessary to discourage the Applicant, or a proposed user, occupant or tenant of the Project, from removing such plant or facility to a location outside of the State of New York?

YES  NO

3. Is there a likelihood that the proposed Project would not be undertaken by the Applicant but for the granting of the financial assistance by the Agency? (If yes, explain; if no, explain why the Agency should grant the financial assistance with respect to the proposed Project).

YES  NO

4. The Applicant certifies that the provisions of Section 862(1) of the General Municipal Law will not be violated if financial assistance is provided by the Agency for the proposed Project.

YES  NO

5. Is an environmental impact statement required by Article 8 of the N.Y. Environmental Conservation Law (i.e., the New York State Environmental Quality Review Act)? If "yes" please complete and attach to the Application.

YES  NO

*\*\* Applicants should consult **Exhibit B** in order to determine which version of the New York State Environmental Assessment Form must be submitted with this Application.*

6. Will customers personally visit the Project site for "retail sales" of Goods and/or Services? "Retail Sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State primarily engaged in the retail sale of tangible personal property, as defined in section 1101(b)(4)(i) of the Tax Law of the State, or (ii) sales of a service to such customers.

Sales of Goods: YES  NO

Sales of Services: YES  NO

*\*\* If the answer to both is "No" please continue to the next page; if the answer to either is "Yes" please answer the four (4) remaining questions.*

a. What percentage of the cost of the Project (including that portion of the cost to be financed from equity or sources other than Agency financing) will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project?

\_\_\_\_\_ %

b. Is the Project likely to attract a significant number of visitors from outside the economic development region (i.e., Western New York) in which the Project is or will be located?

YES  NO

c. 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 city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services?

YES  NO

d. Will the Project be located in one of the following: (a) an area designated as an empire zone pursuant to Article 18-B of the General Municipal Law; or (b) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (i) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of the households receiving public assistance, and (ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?

YES  NO

Details: Yes. The Project would not be undertaken by the Applicant without the financial assistance from the Agency. The Project does not exist outside the framework of the highly competitive NYSERDA tender

and has no standalone economic viability. With a tender volume of approx. 1 GW, only a limited number of projects (the most competitive ones) will ultimately be awarded, and deployed across the State.

In this context, Sales Tax, Mortgage Recording Tax and Property Tax exemptions are critical differentiators in improving project competitiveness, as they represent a substantial portion of the Project's capital expenditures.

Projects benefiting from the most favorable tax treatment are significantly better positioned to submit competitive bids and ultimately secure an award.

Accordingly, the financial assistance requested from the Agency is a decisive factor in determining whether the Project can proceed.

## **CERTIFICATIONS AND ACKNOWLEDGMENTS OF THE APPLICANT**

The undersigned, being duly sworn, deposes and says, under penalties of perjury, as follows: that I am the chief executive officer or other representative authorized to bind the Applicant named in the attached application for financial assistance ("Application") and that I hold the office specified below my signature at the end of this Certification and Agreement, that I am authorized and empowered to deliver this Certification and Agreement and the Application for and on behalf of the Applicant, that I am familiar with the contents of said Application (including all schedules, exhibits and attachments thereto), and that said contents are true, accurate and complete to the best of my knowledge and belief.

The grounds of my belief relative to all matters in the Application that are not based upon my own personal knowledge are based upon investigations I have made or have caused to be made concerning the subject matter of this Application, as well as upon information acquired in the course of my duties and from the books and records of the Applicant.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that the Applicant hereby releases the County of Chautauqua Industrial Development Agency, its members, officers, servants, attorneys, agents and employees (collectively, the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend (with counsel selected by the Agency) and hold the Agency harmless from and against any and all liability, damages, causes of actions, losses, costs or expenses incurred by the Agency in connection with: (A) examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the financial assistance requested therein are favorably acted upon by the Agency, (B) the acquisition, construction, reconstruction, renovation, installation and/or equipping of the Project by the Agency, and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, (i) all fees and expenses of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants (if deemed necessary or advisable by the Agency), and (ii) all other expenses incurred by the Agency in defending any suits, actions or proceedings that may arise as a result of any of the foregoing. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels, or neglects the Application or if the Applicant is unable to find buyers willing to purchase the total bond issue required or is unable to secure other third party financing or otherwise fails to conclude the Project, then upon presentation of an invoice by the Agency, its agents, attorneys or assigns, the Applicant shall pay to the Agency, its agents, attorneys or assigns, as the case may be, all fees and expenses reflected in any such invoice.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that each of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants is an intended third-party beneficiary of this Certification and Agreement, and that each of them may (but shall not be obligated to) enforce the provisions of the immediately preceding paragraph, whether by lawsuit or otherwise, to collect the fees and expenses of such party or person incurred by the Agency (whether or not first paid by the Agency) with respect to the Application.

**FIRST:**

The Applicant hereby certifies that, if financial assistance is provided by the Agency for the proposed project, no funds of the Agency (i) shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant or for the purpose of advertising or promotional materials which depict elected or appointed government officials in either print or electronic media, (ii) be given to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State

**SECOND:**

The Applicant hereby certifies that no member, manager, principal, officer or director of the Applicant or any affiliate thereof has any blood, marital or business relationship with any member of the Agency (or any member of the family of any member of the Agency).

**THIRD:**

The Applicant hereby certifies that neither the Applicant nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners (other than equity owners of publicly-traded companies), nor any of their respective employees, officers, directors, or representatives (i) is a person or entity with whom United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury, including those named on OFAC's Specially Designated and Blocked Persons List, or under any statute, executive order or other governmental action, or (ii) has engaged in any dealings or transactions or is otherwise associated with such persons or entities.

**FOURTH:**

The Applicant hereby acknowledges that the Agency shall obtain and hereby authorizes the Agency to obtain credit reports and other financial background information and perform other due diligence on the Applicant and/or any other entity or individual related thereto, as the Agency may deem necessary to provide the requested financial assistance.

**FIFTH:**

The Applicant hereby certifies, under penalty of perjury, that each owner, occupant or operator that would receive financial assistance with respect to the proposed Project is in substantial compliance with applicable federal, state and local tax, worker protection and environmental laws, rules and regulations.

**SIXTH:**

The Applicant hereby acknowledges that the submission to the Agency of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the recapture from the Applicant of an amount equal to all or any part of any tax exemption claimed by reason of the Agency's involvement in the Project.

**SEVENTH:**

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

**EIGHTH:**

Upon successful closing of the required bond issue or other form of financing or Agency assistance, the Applicant shall pay to the Agency an administrative fee set by the Agency (which amount is payable at closing) in accordance with the following schedule:

- (A) All Initial Transactions - One-Hundred basis points (1.00%) of Total Project Costs
  - a. This fee applies to all Initial Transactions except for certain small solar or wind energy systems or farm waste energy systems under RPTL §487, for which the Agency collects no fee (other than Counsel fees).
- (B) Refundings/Assumptions/Modifications: Agency fee shall be determined on a case-by-case basis.

The Agency's bond counsel fees and expenses are payable at closing and are based on the work performed in connection with the Project.

The Agency's bond counsel's fees, general counsel fee and the administrative fees may be considered as a cost of the Project and included as part of any resultant financing, subject to compliance with applicable law.

Regardless of the success of this Application or whether the hoped-for Financial Assistance is realized, Applicant agrees to pay all costs in connection with any efforts by the Agency on behalf of the Applicant including any fees and expenses of the Agency's general counsel, bond counsel, and all applicable recording, filing or other related fees, taxes and charges upon receipt and review of the Application, securing necessary approvals, closing the necessary transaction, and/or terminating any transaction entered into by the Applicant and the Agency.

**NINTH:**

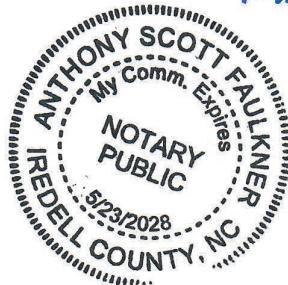
The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or any other appropriate federal, state or local governmental agency or authority as to whether the Project site or any property adjacent to or within the immediate vicinity of the Project site is or has been identified as a site at which hazardous substances are being or have been used, stored, treated, generated, transported, processed, handled, produced, released or disposed of. The Applicant will be required to secure the written consent of the owner of the Project site to such inquiries (if the Applicant is not the owner), upon request of the Agency.

I further acknowledge and agree on behalf of the Applicant that, in the event the Agency shall have used all of its available tax-exempt bond financing allocation from the State of New York, if applicable, and shall accordingly be unable to obtain an additional allocation for the benefit of the Applicant, the Agency shall have no liability or responsibility as a result of the inability of the Agency to issue and deliver tax-exempt bonds for the benefit of the Applicant.

  
Name: Mitchell Bauer  
Title: Manager

Subscribed and affirmed to me this 9  
day of January, 2026

  
Notary Public



The Agency's acceptance of this Application for consideration does not constitute a commitment on the part of the Agency to undertake the proposed Project, to grant any financial assistance with respect to the proposed Project, or to enter into any negotiations with respect to the proposed Project.

Information provided herein may be subject to disclosure under the New York Freedom of Information Law (New York Public Officers Law § 84 et seq.) ("FOIL"). If the Applicant believes that a portion of the material submitted with this Application is protected from disclosure under FOIL, the Applicant should mark the applicable section(s) or page(s) as "confidential" and state the applicable exception to disclosure under FOIL.

---

DATE

## EXHIBIT A

### Financial Assistance Schedule

Agency staff will indicate the amount of PILOT, sales and mortgage recording tax benefits based on estimated Project Costs as contained herein, anticipated tax rates, and assessed valuation, including the annual PILOT Benefit abatement amount for the term of the PILOT as depicted below. This section of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of the completed Application.

#### A. 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	Total Current Annual Taxes
TBD	TBD				2,774.92

\*Apply equalization rate to value

PILOT Year	% Payment	PILOT Amount	Full Tax Payment without PILOT	Estimated Net Exemption
1. TBD	TBD	TBD	TBD	TBD
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
<b>TOTAL</b>				

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

#### B. Sales Tax Exemption Benefit:

Estimated Sales Tax exemption for facility construction: \$ \_\_\_\_\_  
Estimated Sales Tax exemption for fixtures and equipment: \$ combined: up to 40M  
Estimated Start Date: 2027/2028  
Estimated duration of Sales Tax exemption: until 2031

Parcel ID(s):
1.96.05-1-1
2.
3.
4.
5.
6.
7.
8.
9.
10.

#### C. Mortgage Recording Tax Exemption Benefit:

Estimated value of Mortgage Recording Tax exemption: \$ up to 6M

#### D. Other Benefit(s):

E. Solar Projects Only: Size \_\_\_\_\_  kW or  MW  
 Community Distribution Facility  Small Alternate Energy Project

F. Battery Energy Storage System Only: Size up to 250 MW

## Exhibit B

### State Environmental Quality Review Act Compliance Checklist

The County of Chautauqua Industrial Development Agency (“CCIDA”), pursuant to the State Environmental Quality Review Act (“SEQRA”), must evaluate the environmental impacts of a project before deciding whether to undertake the project. The below checklist is intended to aid Applicants in determining which version of NYSDEC’s Environmental Assessment Form (“EAF”), available on NYSDEC’s website, to submit as a part of a complete application package to the CCIDA.

If one or more of the below items applies to the project, then a Full EAF must be prepared for submission. If none of the below items apply, then a Short EAF may be submitted. Please note that the below list is not exhaustive, and Applicants who have completed a short EAF may be required to fill out a Full EAF upon review of the project information by the CCIDA. Applicants should consult with their engineers and consultants to aid them in preparing the EAF.

Does the project involve:

- activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
- a project or action that involves the physical alteration of 10 acres?
  - a project or action that would use ground or surface water in excess of 2,000,000 gallons per day?
  - parking for 500 vehicles?
  - a facility with more than 100,000 square feet of gross floor area?
- the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
- a project or action that involves the physical alteration of 5 acres?
  - a project or action that would use ground or surface water in excess of 1,000,000 gallons per day?
  - parking for 250 vehicles?
  - a facility with more than 50,000 square feet of gross floor area?
- activities which meet at least one of the criteria in **both** Columns A **and** B below:
- |   |   |
|---|---|
| <input type="checkbox"/> Column A:  | <input checked="" type="checkbox"/> Column B:   |
| <ul style="list-style-type: none"><li><input type="checkbox"/> occurring wholly or partially within an agricultural district certified by Agriculture and Markets?</li><li><input type="checkbox"/> occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the State or National Register of Historic Places, or has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing?</li><li><input type="checkbox"/> occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks?</li></ul> | <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:</li><li><input checked="" type="checkbox"/> a project or action that involves the physical alteration of 2.5 acres?</li><li><input type="checkbox"/> a project or action that would use ground or surface water in excess of 500,000 gallons per day?</li><li><input type="checkbox"/> parking for 125 vehicles?</li><li><input type="checkbox"/> a facility with more than 25,000 square feet of gross floor area?</li></ul> |
|   | <ul style="list-style-type: none"><li><input type="checkbox"/> the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:</li><li><input type="checkbox"/> a project or action that involves the physical alteration of 1.25 acres?</li><li><input type="checkbox"/> a project or action that would use ground or surface water in excess of 250,000 gallons per day?</li><li><input type="checkbox"/> parking for 63 vehicles?</li><li><input type="checkbox"/> a facility with more than 12,500 square feet of gross floor area?</li></ul>                                      |



County of Chautauqua Industrial Development Agency



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Chairman  
Owner  
Fancher Chair Co., Inc.

**Dan Heitzenrater**  
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Business Representative  
Millwrights Local #1163

**RESOLUTION 01-27-26-07 OF THE MEMBERS OF THE  
COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT AGENCY  
APPROVING ENTRY INTO VARIOUS GRANT AGREEMENTS WITH  
CHAUTAUQUA COUNTY**

**January 27, 2026**

I, Gary Henry, Chairman of the County of Chautauqua Industrial Development Agency, a public benefit corporation (“CCIDA”) hereby certify that at a meeting of the Members of the CCIDA duly called and held at the CCIDA Board Room, 201 West Third Street, Jamestown, County of Chautauqua New York at 10:00 a.m. on the 27<sup>th</sup> day of January, 2026 at which a quorum was present, the following resolutions were unanimously adopted:

WHEREAS, The Chautauqua County desires to Contract with the CCIDA to carryout/manage the following projects and enhanced business development/marketing services:

- Chautauqua County shall provide a sum of \$170,917 for Business Development, Assistance, and Promotion; and
- Chautauqua County shall provide a sum of \$80,000 for Tourism Business and Destination Development and Promotion.

NOW, THEREFORE, BE IT RESOLVED, that the Administrative Director, Chief Financial Officer, Chairman, or any officer of CCIDA be and hereby is authorized to execute and deliver any and all documents necessary to effectuate the foregoing resolution, and given full ability to enter into agreements and expend funds in a manner consistent with the goals of the CCIDA, and that such actions be and hereby are ratified in all respects.

By \_\_\_\_\_  
Authorized Representative

Date \_\_\_\_\_



County of Chautauqua Industrial Development Agency

**RESOLUTION NUMBER 01-27-26-08**

**OF THE MEMBERS OF THE**

**COUNTY OF CHAUTAUQUA**

**INDUSTRIAL DEVELOPMENT AGENCY**

**TO AUTHORIZE THE EXECUTION OF A USER AGREEMENT AND OTHER DOCUMENTS FOR  
THE NYSDOT EQUITABLE BUSINESS OPPORTUNITIES (EBO) SYSTEM**

*January 27, 2026*

**WHEREAS**, the New York State Department of Transportation (NYSDOT) maintains an online Equitable Business Opportunities (EBO) system for use in managing civil rights reporting requirements for Federal Aid transportation projects, and the County of Chautauqua Industrial Development Agency (CCIDA) requires EBO system access for the Monofrax Track Expansion and Rehabilitation Project (PINs 5936.89.301) and other future Federal Aid projects; and

**WHEREAS**, requests for EBO system access and log-in credentials require a copy of a resolution authorizing such access.

**NOW, THEREFORE, BE IT RESOLVED THAT** the CCIDA hereby authorizes the CCIDA Controller to request NYSDOT Equitable Business Opportunities access credentials for use on the Monofrax Track Expansion and Rehabilitation Project (PINs 5936.89.301) and for future Federal Aid projects

**NOW THEREFORE, BE IT RESOLVED**, that the Administrative Director, Chairman, Chief Financial Officer, or any officer of the CCIDA, are each hereby authorized by the Members to execute and deliver a User Agreement and any and all other documents and other instruments necessary or convenient, in order to effectuate the above.

By \_\_\_\_\_  
Chairman

Date \_\_\_\_\_