



Creekside Drive

Section I: Applicant Background Information

Applicant Information - Company Receiving Benefit

Applicant Name	445 Creekside Drive, LLC
Applicant Address	1888 Niagara Falls Boulevard, Tonawanda, New York 14150
Phone	716-525-1399
Fax	716-694-2460
E-mail	asteinberg@roadrunner.com
Website	
Federal ID#	32-0462782
NAICS Code	531120
Will a Real Estate Holding Company be utilized to own the Project property/facility	Yes
What is the name of the Real Estate Holding Company	445 Creekside Drive, LLC
Federal ID#	32-0462782
State and Year of Incorporation/Organization	New York/2015
List of stockholders, members, or partners of Real Estate Holding Company	Allan B. Steinberg (sole member)

Individual Completing Application

Name	Martin J. Clifford
Title	Attorney
Address	403 Main Street, Suite 716, Buffalo, NY 14203
Phone	716-845-0333
Fax	716-853-2891
E-Mail	mclifford@cliff-law.com

Company Contact (if different from individual completing application)

Name Allan B. Steinberg
Title Manager
Address 1888 Niagara Falls Boulevard, Tonawanda, New York 14150
Phone 716-525-1399
Fax 716-694-2460
E-Mail asteinberg@roadrunner.com

Company Counsel

Name of Attorney Martin J. Clifford
Firm Name Law Offices of Martin J. Clifford
Address 403 Main Street, Suite 716, Buffalo, NY 14203
Phone 716-845-0333
Fax 716-853-2892
E-Mail mclifford@cliff-law.com

Identify the assistance being requested of the Agency

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

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

Business Organization

Type of Business Limited Liability Company
Type of Ownership
Year Established 2015
State of Organization New York

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

Please include name and % of ownership.

Allan B. Steinberg (100%)

Applicant Business Description

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

Applicant is a single purpose real estate development company formed to develop new office, warehouse distribution and light manufacturing facility at 445 Creekside Drive, Amherst.

Estimated % of sales within Erie County Unknown

Estimated % of sales outside Erie County but within New York State Unknown

Estimated % of sales outside New York State but within the U.S. Unknown

Estimated % of sales outside the U.S. Unknown

(*Percentage to equal 100%)

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

Applicant has no history. Affiliates of applicant engaged in similar businesses purchase substantially all supplies, raw materials and services from firms in Erie County.

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Municipality or Municipalities of current operations

Amherst

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

Yes

In which Municipality will the proposed project be located

Address

445 Creekside Drive, 435 Creekside Drive and 500 Commerce Drive, Amherst, New York.

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

No

(If Yes, you will need to complete Section V of this Application

SBL Number for Property upon which proposed Project will be located

40.07-2-1 (current SBL for 435 Creekside Drive)(portion of); 40.07-2-3.1(current SBL for 500 Commerce Drive)(portion of)

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

89,484.32 (435 Creekside full parcel)

Assessed value of land

\$294,700 (435 Creekside full parcel)

Assessed value of building(s)

\$2,205,300 (435 Creekside full parcel)

Are Real Property Taxes current?

Yes

If no please explain

Town/City/Village of Project Site

Amherst

School District of Project Site

Sweet Home

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

Yes

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

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

No

Describe the present use of the Proposed Project site

The Project site consists of the undeveloped easterly portion of 435 Creekside Drive, all of which is presently owned by Applicant's affiliate. The westerly portion of 435 Creekside Drive contains an existing 117,600 warehouse/office building currently anchored by ConAgra. As part of the Project, title to the easterly portion of 435 Creekside Drive will be conveyed by the affiliate to Applicant prior to commencement of the Project. The Town of Amherst Planning Board has advised Applicant that the easterly Project site will be known as 445 Creekside Drive.

Please provide narrative of project (new build, renovations, and/or equipment purchases). Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project

eligibility)

The Project consists of the construction of a spec 68,450 SF high-bay office office, warehouse, distribution and light manufacturing building, together with related site improvements to the Project site and to the northerly portion of 500 Commerce Drive, which is owned by Applicant's second affiliate. The northerly boundary of the 500 Commerce Drive parcel is contiguous with the southerly boundary of the Project site along their common boundary. The site improvements to the 500 Commerce Drive parcel are necessary to afford occupants of the Project site additional parking and the ability of occupants of the Project site to use the loading docks located at the southern boundary of the Project site. Commencement of Project construction is currently anticipated to occur in June, 2015, and completion is anticipated for January, 2016. The Project site is located in the Audubon Industrial Park, which was established in the 1960's and substantially built-out many years ago. There are few if any developable sites at the Park which could be used to construct a modern high-bay warehouse/distribution/light manufacturing facility of the size contemplated by the Project. Completion of the Project should enhance the ability of the Park to compete for start-up and expanding business requiring new such space in the vicinity of the Park, enhance economic activity at the Park and create additional employment opportunities for local residents . Given the building will be constructed on spec, the Applicant is actively attempting to identify potential tenants for the Project. Because many start-up and expanding businesses are not willing or are unable to wait for space to be built, the marketplace requires a developer to complete its building before filling the building subject to fitting out the building for a particular tenant's use. The proposed building would make available at the Park new first class high-bay space ideally suited for start-up or expanding businesses. IDA assistance is critical to the success of the Project to enable the Applicant to provide newly-built office and warehouse/distribution space at affordable rates.

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

Agency assistance is required to make the project economically feasible. IDA assistance would allow the Applicant to construct and market the Project on a spec basis. There are significant risks and costs involved in constructing the proposed building and Applicant would not be able to proceed without the benefit of IDA involvement. Construction of the Project on a spec basis is warranted because of the lack of available new warehouse/light manufacturing/distribution space within the region and within the Park, particularly usable new high-bay space. There is strong demand for more warehouse/distribution space/light manufacturing in the Buffalo metro area, particularly new high-bay warehouse space. As set forth in the CBRE Marketview, Buffalo Industrial, Q4 2014 report, the availability rate continues to decline in the Greater Buffalo Industrial Market for manufacturing and warehouse space, and the availability rate remains below the national average. More specifically, The 2015 Q1Co-Star Industrial Report for the Buffalo/Niagara Falls Industrial Market indicates the warehouse vacancy rate for the north towns market is 3.8% and industrial vacancy rate for the north towns market is 4.1%. The up-front costs involved in site preparation and building shell construction are significant. Applicant estimates it will cost Applicant approximately \$2.6 million dollars before soft costs and the cost of tenant improvements to construct the Project. The carrying costs of this spec Project once the building has been completed makes the Project unfeasible without IDA assistance.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

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

Yes

Describe the present zoning/land use

The property is presently zoned Research Development (RD). The Applicant anticipates the project will be permitted under the Open Development Area permitting process, which will involve the remainder of 435 Creekside Drive and adjacent property owned by Applicant's affiliate at 500 Commerce Drive.

Describe required zoning/land use, if different

If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements

Please see above re Open Development Area.

Is the proposed Project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?

No

If yes, please explain

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

Yes

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

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

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

No

If yes, please explain.

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

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

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

Please check any and all end uses as identified below.

Retail Sales No **Services** No

For purposes of this question, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4) (i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

Yes Manufacturing

Yes Multi-Tenant

No Mixed Use

No Acquisition of Existing Facility

Yes Commercial

No Facility for the Aging

No Housing

Yes Back Office

No Civic Facility (not for profit)

No Equipment Purchase

No Retail

Yes Other

Warehousing

Project Information

Estimated costs in connection with project

Land and/or Building Acquisition

\$ 0 square feet acres

New Building Construction

\$ 1,860,000 68,450 square feet

New Building addition(s)

\$ 0 square feet

Infrastructure Work

\$ 750,000

Renovation

\$ 0 square feet

Manufacturing Equipment

\$ 0

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

\$ 0

Soft Costs: (professional services, etc.)

\$ 125,000

Other Cost

\$ 0

Explain Other Costs

Total Cost

\$ 2,735,000

Project Refinancing; estimated amount (for refinancing of existing debt only)

\$ 0

Sources of Funds for Project Costs:

Estimated Mortgage Amount

\$ 2,900,000

Lender Name, if Known

Evans Bank, NA

Equity

0

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

Yes

If Yes, describe particulars:

Professional fees.

Construction Cost Breakdown:

Total Cost of Construction

\$ 2,610,000 (sum of 2,3,4,5, and/or 7 in Question K, above)

Cost for materials

\$ 1,566,000

% sourced in Erie County

90%

% sourced in State

90% (including Erie County)

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit

\$ 1,566,000

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

\$ 137,025

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

		Cost	% of Total Cost
Manufacturing/Processing	30,803 square feet	\$ 1,174,500	45
Warehouse	30,802 square feet	\$ 1,174,500	45
Research & Development	square feet	\$ 0	0
Commercial	square feet	\$ 0	0
Retail	square feet	\$ 0	0
Office	6,845 square feet	\$ 261,000	10
Specify Other	square feet	\$ 0	0

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

No

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

<BLANK>

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

Will project result in significant utility infrastructure cost or uses

No

What is your project timetable (Provide dates)

Start date : acquisition of equipment or construction of facilities

6/8/2015

End date : Estimated completion date of project

1/15/2016

Project occupancy : estimated starting date of operations

1/15/2016

Have construction contracts been signed?

No

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

Yes

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

No

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Employment Plan (Specific to the proposed project location):

	Current # of jobs at proposed project location or to be relocated at project location	If project is to retain jobs, number of jobs to be retained	Total # of jobs 2 years after project completion	Net total new jobs
Full time	0	0	0	0
Part time	0	0	0	0
Total	0	0	0	

If you estimated new job growth over the next 2 years, please provide a short description of how those estimates were calculated (i.e. jobs per square foot, new contracts/increased revenues, etc.)

Please see Addendum.

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

Address	None		
Full time	0	0	0
Part time	0	0	0
Total	0	0	0

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

No

Payroll Information

Annual Payroll at Proposed Project Site

\$ 0

Estimated average annual salary of jobs to be retained

\$ 0

Estimated average annual salary of jobs to be created

\$ 0

Estimated salary range of jobs to be created

From \$ 0 **To** \$ 0

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

<BLANK>

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

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

Not applicable.

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

No

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

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

No

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

Section III: Adaptive Reuse Projects

Are you applying for tax incentives under the Adaptive Reuse Program?	No
What is the age of the structure (in years)?	0
Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended)	<BLANK>
If yes, number of years vacant?	0
Is the structure currently generating insignificant income? (Insignificant income is defined as income that is 50% or less than the market rate income average for that property class)	<BLANK>
If yes, please provide dollar amount of income being generated, if any	\$
Does the site have historical significance?	No
Are you applying for either State/Federal Historical Tax Credit Programs?	No
If yes, provide estimated value of tax credits	\$
Briefly summarize the financial obstacles to development that this project faces without Amherst IDA or other public assistance. Please provide the Amherst IDA with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages)	
Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide ECIDA with documentation of this support in the form of signed letters from these entities	
Please indicate other factors that you would like ECIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site has historical significance, site or structure is presently delinquent in property tax payments	

Section IV: Retail Determination

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

No

If yes, complete the Retail Questionnaire Supplement below.

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

0 %

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

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

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

<BLANK>

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

<BLANK>

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

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

<BLANK>

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

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

<BLANK>

If yes, explain

Is the project located in a Highly Distressed Area?

<BLANK>

Section V: Inter-Municipal Move Determination

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

Will the project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state? No

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

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

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

Within New York State No

Within Erie County No

If Yes to either question, please, explain

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

No

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

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

The proposed facility will have 32 foot high warehouse space and multiple truck loading docks.

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

<BLANK>

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

Not applicable.

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

Not applicable.

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

Not applicable.

Section VI: Facility Type - Single or Multi Tenant

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

Multi-Tenant Facility

For Single Use Facility

Occupant Name

Address

Contact Person

Phone

Fax

E-Mail

Federal ID #

SIC/NAICS Code

Multi-Tenant Facility

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

There is a shortage of new high-bay warehouse and light manufacturing space in Amherst and elsewhere in Western New York. The proposed facility will have 32 foot high warehouse space to offer, which is attractive to local manufacturers and distributors on a per square foot basis.

Have any tenant leases been entered into for this project?

No

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

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

General Background Information

Address of Premises

Name and Address of Owner of Premises

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

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

Describe all known former uses of the Premises

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

<BLANK>

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

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

<BLANK>

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

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

<BLANK>

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

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

<BLANK>

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

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

<BLANK>

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

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

<BLANK>

If yes, please provide copies of the permits.

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

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

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

<BLANK>

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

Discharge Into Waterbodies

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

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

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

<BLANK>

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

Air Pollution

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

<BLANK>

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

Are any of the air emission sources permitted?

<BLANK>

If yes, attach a copy of each permit.

Storage Tanks

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

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

<BLANK>

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

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

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

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

<BLANK>

If yes, relate all the circumstances

Do the Premises have any asbestos containing materials?

<BLANK>

If yes, please identify the materials

Addendum to Application

This is an Addendum to the Application to include information with respect to the estimated employment impact of the Project. Although it is not possible to accurately identify specific new employment figures for the proposed Project, the estimated employment projections for the Project provided below are based on like projects in Western New York. The projections depend on the type of businesses that will lease space at the Project.

Applicant estimates there will be one employee per six thousand square feet of warehouse space, and the average salary for each such warehouse employee would be \$28,000 - \$30,000. For light manufacturing/distribution, Applicant estimates approximately three employees per six thousand square feet of rentable space, and the average annual salary of each such employee would be \$30,000-\$33,000. Applicant also estimates there will be five employees per six thousand rentable square feet of office space, and the average salary of each such office employee will be \$34,000 - \$36,000.

Attachment 1: Representations, Certification and Indemnification

CERTIFICATION

STATE OF NEW YORK)
SS:
COUNTY OF ERIE)

Allan B. Steinberg

(Name of Owner, Chief Executive Officer, or General Partner of the Company Submitting Application)

being duly-sworn deposes and says that he/she is the Manager and sole member

of 445 Creekside Drive, LLC

(Title)

(Company Name)

named in the attached application; that he/she has read the foregoing application and attachments and knows the contents thereof; that all statements contained therein are true to his/her knowledge and contain no information or data that is false or incorrect, and are truly descriptive of the project which is intended as the security for the requested financing.

(Complete the following paragraph for corporation only)

Deponent further says that the reason this verification is made by the deponent and not by

(Company Name)

is because the said company is corporation.

The grounds of deponent's belief relative to all matters in the said application which are not stated upon his/her own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his/her duties as an officer of, and from the books and papers of, said corporation.

Deponent acknowledges and agrees that applicant shall be and is responsible for all expenses incurred by the Town of Amherst Industrial Development Agency (hereinafter the "Agency") in connection with this application whether or not resulting in the issuance of a bond(s), lease transaction, or installment sale. If for any reason whatsoever the applicant shall fail to conclude or consummate necessary negotiations or fails to act 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 Agency or applicant are unable to find buyers willing to purchase the total bond issue required, then upon presentation of invoice, applicant shall pay to the Agency, its agents, or assigns all actual expenses involved in this application, up to that date and time, including fees of bond counsel for the Agency and fees of general counsel for the Agency. The costs incurred by the Agency and paid by the applicant, including bond counsel and the Agency's general counsel's fees and the administrative fee (as hereinafter set forth), may be considered as a cost of

the project and included as part of the resultant bond issue or lease agreement.

Deponent further acknowledges that he/she understands the Payment-in-Lieu of Tax (PILOT) policy of the Amherst IDA (as stated in this application) and accepts the terms of the agreement as it applies to the classification of this project.

Should this project be subsequently found to be in violation of Article 18A of The New York State General Municipal Law, applicant acknowledges its absolute responsibility to repay all economic benefits received to date (with interest), as agent for the Town of Amherst Industrial Development Agency.

**TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION POLICY**

It shall be the policy of the Town of Amherst Industrial Development Agency that any inducement resolution adopted by the Board of Directors shall remain in full force and effect for a period of one (1) year from the date of its adoption. Thereafter, the Board of Directors may, in its discretion and upon good cause shown, adopt a further resolution extending the period of inducement for one (1) additional year from the date of the expiration of the original inducement. An Agency Extension Fee in the amount of \$500.00 shall be charged to the applicant for each such extension granted. Such Extension Fee shall be in addition to any other Administrative Fee or other fees incurred with respect to the project. Any request for an extension of the period of inducement beyond the one (1) additional year extension contemplated herein shall be addressed by the Board of Directors on a case-by-case basis.

445 CREEKSIDE DRIVE, LLC

(Company Name)

By: X

(Owner/Partner/CEO)

NOTARY

Sworn to before me this 4

day of May, 20 15

Notary Public

JEFFREY A. MURBACH

Notary Public - State of New York

No. 01MU4838899

Qualified in Eric County

My Commission Expires 9-30-2017

ATTACHMENT TO IDA APPLICATION FOR FINANCIAL ASSISTANCE

Local Labor Workforce Certification

Project applicants (the “Company”), as a condition to receiving Financial Assistance (including a sales tax exemption, mortgage recording tax exemption, real property tax abatement, and/or bond proceeds) from the Erie County Industrial Development Agency (the “Agency”), will be required to utilize qualified Local Labor, as defined below, for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the “Project Site”).

Local Labor Defined

Local Labor is defined as individuals residing in Erie County, Niagara County, Chautauqua County, Cattaraugus County, Allegany County, Wyoming County, Genesee County, and Orleans County (collectively, the “Local Labor Area”).

Local Labor Requirement

At least 90% of all Project employees of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively, the “Workers”) working on the Project Site must reside within the Local Labor Area. Companies do not have to be local companies as defined herein, but must employ local Workers residing within the Local Labor Area to qualify under the 90% local labor criteria.

It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the “Local Labor Waiver Request”) based on the following circumstances: (i) warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area Workers are not available; or (iii) documented lack of Workers meeting the Local Labor Area requirement. The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.

Local Labor Reporting Requirement

Companies authorized to receive Financial Assistance from the Agency will be required to file or cause to be filed a Local Labor Utilization Report (the “Report”) on such form as made available by the Agency, and as directed by the Agency, which will identify, for each Worker, the city, town, or village and associated zip code that each such Worker is domiciled in. The Report shall be submitted to the Agency as follows: (i) immediately prior to commencement of construction activities; and (ii) on or by the next following quarterly dates of January 1, April 1, July 1, and October 1 and each quarterly date thereafter through the construction completion date.

In addition, the Agency, or its designated agents, shall have the right, during normal business hours, to examine and copy the applicable books and records of the Company and to perform spot checks of all Workers at the Project site to verify compliance with the Local Labor Requirement throughout the construction period.

Enforcement

If Agency staff determines that: (i) the Local Labor Requirement is not being met; or (ii) Agency staff, upon use of its reasonable discretion, discovers or becomes aware of a compliance issue related to the Local Labor Requirement, then written notice delivered by Certified Mail of said Local Labor Requirement violation (the “Notice of Violation”) shall be provided to the Company. The Company shall have 10 business days thereafter to either: (i) provide written confirmation to the Agency indicating that it has cured the violation and is now in compliance with the Local Labor Requirement; (ii) submit the Local Labor Waiver Request as described above; or (iii) confirm in writing its inability to meet the Local Labor Requirement. If the Company does not respond to the Agency’s Notice of Violation, or if the Company confirms its inability to meet the Local Labor Requirement then the Agency shall immediately terminate any and all Financial Assistance being provided to the Project in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the Project. If a Local Labor Wavier Request is submitted and the Agency declines to issue the requested waiver, then the Company shall have 10 business days after receipt of the notice of the waiver request denial to provide written confirmation to the Agency indicating that it has cured the violation and is now in compliance with the Local Labor Requirement. If the Agency does not receive such confirmation, the Agency shall then immediately terminate any and all Financial Assistance being provided to the Project in accordance with the terms of the underlying agreements between the Agency and the Company with respect to the Project.

The foregoing terms have been read, reviewed and understood by the Company and all appropriate personnel. The undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialmen. Furthermore, the undersigned realizes and understands that failure to abide by the terms herein could result in the Agency revoking all or any portion of Financial Assistance, whether already received or to be received by the Company, as it deems reasonable in its sole discretion for any violation hereof.

445 CREEKSIDE DRIVE, LLC

X By: 

Name: Alan B. Steinberg

Title: Manager

Sworn to before me this 4 day
of May, 2015



Notary Public

JEFFREY A. MURBACH

Notary Public - State of New York

No. 01M/L4836899

Qualified in Erie County

My Commission Expires 9-30-2017

Section VII: Tenant Form

This section must be completed for each proposed tenant.

NOTE: A Retail Determination (Section IV) and An Inter-Municipal Move Determination (Section V) should be completed for each tenant using the facility to make sales of goods or services or will be relocating from another municipality or abandoning an existing facility.

PART I--TO BE COMPLETED BY LESSEE (DEVELOPER)

Property Address : 445 Creekside Drive _____

City/Town/Village: Amherst _____

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

Not applicable at this time.

Tenant Name: _____

Amount of space to be leased: _____ SF. What percentage of the building does this represent? _____ %

Are terms of the lease: GROSS or NET

If GROSS lease, please explain how Agency benefits are passed to the tenant:

Estimated date of occupancy: _____, 20_____

PART II TO BE COMPLETED BY PROPOSED TENANT

Company Name: _____

Local Contact Person: _____ Title: _____

Phone: _____ Fax: _____

E-mail: _____ Web site: _____

Company President/General Manager: _____

Number of employees at new project location:

Full-Time: _____ Part-Time: _____ Total: _____

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

History of Company (i.e. start-up, recent acquisitions, publicly traded): _____

Please list the square footage which the proposed tenant will lease at the IDA project location: _____ SF

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

Will the project result in a relocation and/or abandonment of other tenant/user(s) facilities in Erie County, or New York State? Yes or No. Where is company relocating from?

Address _____ City/Town/Village: _____ State: _____ Zip: _____

If yes, please provide reason for move; ie larger facility, competitive, lease expiration, etc.

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

If leased, when does lease expire? _____, 20_____

Are any of the proposed tenant's current operations located in facilities which have received an Industrial Development Agency benefit? Yes or No. If yes, please provide details as to location, and amount of leased space, how long leased? _____

Is location necessary to:

Discourage your company from moving out of New York State: Yes or No

Maintain your company's competitiveness within the industry: Yes or No (if yes is checked on one or both please provide specific explanation as an attachment on company letterhead)

Will tenant/user's use of the project involve the sales of goods OR services to customers who personally visit the facility Yes or No If the answer is YES, are sales taxes collectible under Article 28 of the Tax Law of the State of New York on sales of these goods Yes or No

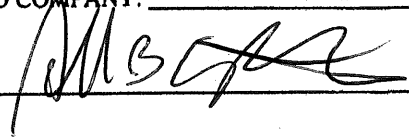
Were local economic development officials contacted about the availability of alternative sites within the community you are leaving? Yes or No If yes, what was the outcome? _____

If no, why not? _____

Will present location be your company's headquarters? Yes or No If No, Where is the location of HQ: City: _____ State: _____

FORM COMPLETED BY: Allan B. Steinberg
(please print)

RELATIONSHIP TO COMPANY: 445 Creekside Drive, LLC

SIGNATURE: X  DATE: May 4, 2015