



New building

[Instructions and Insurance Requirements Document](#)

Section I: Applicant Background Information

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law.

Applicant Information - Company Receiving Benefit

Project Name Capital Fence
Project Summary Build a 2400 sqft office with attached 9600 sqft warehouse
Applicant Name Capital Fence
Applicant Address 42 North Ellicott Creek Rd
Applicant Address 2
Applicant City Amherst
Applicant State New York
Applicant Zip 14228
Phone (716) 691-7438
Fax
E-mail mtschiferle@capitalfence.com
Website
NAICS Code

Business Organization

Type of Business Corporation
Year Established 1989
State in which Organization is established New York

Individual Completing Application

Name Mark Schiferle
Title president
Address 42 North Ellicott Creek Rd
Address 2
City Amherst
State New York
Zip 14228
Phone (716) 691-7438

Fax (716) 691-0688
E-Mail mtschiferle@capitalfence.com

Company Contact (if different from individual completing application)

Name
Title
Address
Address 2
City
State
Zip
Phone
Fax
E-Mail

Company Counsel

Name of Attorney Ralph Lorigo
Firm Name Ralph C Lorigo
Address 101 Slade Ave
Address 2
City West Seneca
State New York
Zip 14224
Phone (716) 824-7200
Fax (716) 824-8728
E-Mail rlorigo@lorigo.com

Benefits Requested (select all that apply)

Exemption from Sales Tax	Yes
Tax Exempt Financing*	No
* (typically for not-for-profits & small qualified manufacturers)	
Exemption from Mortgage Tax	Yes
Exemption from Real Property Tax	Yes

Applicant Business Description

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

I formed Lormark Const in 1989 building fence and decks under a DBA. In 1998 I renamed and incorporated as Capital Fence. Capital Fence fabricates, installs, and sells both wholesale and retail all types of fence. While originally established as an installation company we have continually grown our wholesale side of the business to the point we need more under roof space to accommodate the demand. While we sell a great deal of wood and chain link materials our driving force is our pvc vinyl fence and railing capabilities along with our gate fabrication. This new building will improve our efficiencies, add jobs, and allow us to increase sales.

Estimated % of sales within Erie County	72 %
Estimated % of sales outside Erie County but within New York State	20 %

Estimated % of sales outside New York State but within the U.S. 5 %

Estimated % of sales outside the U.S. 3 %

(*Percentage to equal 100%)

For your operations, company and proposed project what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County?

10

Describe vendors within Erie County for major purchases

Vehicles, tools, equipment, and supplies.

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

68 & 74 North Ellicott Creek Rd

Town/City/Village of Project Site

Amherst

School District of Project Site

Sweet Home

Current Address (if different)

42 North Ellicott Creek Rd

Current Town/City/Village of Project Site (if different)

Amherst

SBL Number(s) for proposed Project

40.10-1-12 and 40.10-1-13.1

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

2,039

If amount of current taxes is not available, provide assessed value for each.

Land

\$ 75,000.00

Building(s)

\$ 22,800.00

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase 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 (vacant land, existing building, etc.)

68 North Ellicott has a 1600 sqft shop and 74 N Ellicott is a vacant lot

Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated 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 a new 2400 sqft office and 9600 sqft warehouse. We have outgrown our current offices and are in great need of additional warehouse space. We have worked with the town through there site plan process to make the site more presentable. The office will also have a modern indoor display allowing both wholesale and retail customers see the actual products. The warehouse will be set up with a pvc fabricating shop along with space to store finish products. We plan to purchase an additional CNC routing machine to keep up with demand.

Municipality or Municipalities of current operations

Amherst

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

Yes

Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?

No

If the Proposed Project is located in a different Municipality within New York State 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 the Intermunicipal Move Determination section of this application)

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

No

If yes, please explain and identify out-of-state locations investigated, type of assistance offered and provide supporting documentation available

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

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

As indicated earlier any assistance possible would allow us to sooner add employees and or equipment. Given the recent economic slowdown due to Covid 19 economic assistance will help acceleration job growth and recovery. While we have the ability to secure bank financing doesn't mean it won't put a strain on us financially. We could continue to operate the way we are but it would limit further growth. I have chosen to take on this project to allow growth so that my 3 kids can one day takeover and earn good livings while offering continued employment for our long time employees and new hires. Additionally the entire property consists of 4 separate parcels that have been assembled over many years. We are looking pretty shabby and these new buildings would be a positive addition to the town of Amherst.

Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

Assistance is necessary considering the cost of the overall project and the burden it places on a small business. Any cost savings we can realize would be used to bring on additional employees and or equipment. Bottom line is these savings will help jump start further business growth.

Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency

Yes

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

Slower growth and job creation.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

Is your project located near public transportation?

Yes

If yes describe if site is accessible by either metro or bus line (provide route number for bus lines)

Bus line Niagara Falls Blvd

Has a project related site plan approval application been submitted to the appropriate planning department?

Yes

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

Yes

Describe the present zoning/land use

CS zoning

Describe required zoning/land use, if different

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

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

No

If yes, please explain

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

Yes

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

No

If yes, describe the efficiencies achieved

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, include percentage of operating expenses attributed to R&D activities and provide details.

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

For purposes of the following, 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.

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, you will need to complete the Retail section of this application.

Retail Sales	Yes	Services	Yes
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Please check any and all end uses as identified below.

- | | | |
|--|---------------------------|-------------------------------------|
| No Acquisition of Existing Facility | No Assisted Living | No Back Office |
| No Civic Facility (not for profit) | Yes Commercial | No Equipment Purchase |
| No Facility for the Aging | No Industrial | No Life Care Facility (CCRC) |
| No Market Rate Housing | No Mixed Use | No Multi-Tenant |
| No Retail | No Senior Housing | No Other |

For proposed facility please include the square footage for each of the uses outlined below

If applicant is paying for FFE for tenants, include in cost breakdown.

		Cost	% of Total Cost
Manufacturing/Processing	4,800 square feet	\$63,998,400	40%

Warehouse	4,800 square feet	\$63,998,400	40%
Research & Development	square feet	\$0	0%
Commercial	square feet	\$0	0%
Retail	square feet	\$0	0%
Office	2,000 square feet	\$26,666,000	17%
Specify Other	400 square feet	\$5,333,200	3%

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 < BLANK >

Will project result in significant utility infrastructure cost or uses Yes

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

7/1/2020

End date : Estimated completion date of project

3/15/2021

Project occupancy : estimated starting date of occupancy

3/15/2021

Project Information

Estimated costs in connection with Project

Land and/or Building Acquisition

\$ 300,000 square feet 1 acres

New Building Construction

\$ 1,600,000 square feet

New Building addition(s)

\$ 0 square feet

Reconstruction/Renovation

\$ 0 square feet

Manufacturing Equipment

\$ 30,000

Infrastructure Work

\$ 50

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

\$ 15,000

Soft Costs: (Legal, architect, engineering, etc.)

\$ 125,000

Other Cost

\$ 75,000

Explain Other Costs Demolition of existing structures

Total Cost 2,145,050

Construction Cost Breakdown:

Total Cost of Construction	\$1,615,050 (sum of 2, 3, 4 and 5 in Project Information, above)
Cost of materials	\$700,000.00
% sourced in Erie County	50%

Sales and Use Tax:

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 \$1,500,000.00

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above): \$131,250.00

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

Project refinancing estimated amount, if applicable (for refinancing of existing debt only) \$0

Have any of the above costs been paid or incurred as of the date of this Application? No

If Yes, describe particulars:

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits): \$650,000

Bank Financing: \$0

Tax Exempt Bond Issuance (if applicable): \$0

Taxable Bond Issuance (if applicable): \$0

Public Sources (Include sum total of all state and federal grants and tax credits): \$0

Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)

Total Sources of Funds for Project Costs: \$650,000

Have you secured financing for the project? No

Mortgage Recording Tax Exemption Benefit:

Amount of mortgage, if any that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing). 15,000

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of \$112

mortgage amount as indicated above multiplied by ¾ of 1%):

Real Property Tax Benefit:

Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other):

IDA PILOT Benefit: Agency staff will indicate the estimated amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in the PILOT worksheet in the additional document section.

Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon the Sources of Funds for Project Costs as depicted above. The percentage of Project Costs financed from public sector sources will be depicted in the PILOT worksheet in the additional document section.

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

No

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return.

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time	18	18	4	22
Part time	2	2	2	4
Part time	20	20	6	

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.)

The new building will improve efficiencies, increase production, and increase overall revenue. Our hope would be to put on even more people.

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	1	\$230,000	\$0	\$0	\$0
Professional	2	\$100,000	\$5,000	\$0	\$0

Administrative	4	\$60,000	\$5,000	\$2,000	\$2,000
Production	22	\$50,000	\$5,000	\$0	\$0
Independent Contractor	0	\$0	\$0	\$0	\$0
Other	0	\$0	\$0	\$0	\$0

** Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

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

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

Payroll Information

Annual Payroll at Proposed Project Site upon completion

1,500,000

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

1,400,000

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

100,000

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

60,000

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

20,000

Estimated salary range of jobs to be created

From (Full Time)	50,000	To (Full Time)	100,000
From (Part Time)	20,000	To (Part Time)	30,000

Section III: Facility Type - Single or Multi Tenant

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

Single Use Facility

For Single Use Facility.

Occupant Name Capital Fence
Address 42 North Ellicott Creek Rd
Contact Person Capital Fence
Phone (716) 691-7438
Fax (716) 691-0688
E-Mail mtschiferle@capitalfence.com
Federal ID # 16-6482906
SIC/NAICS Code

SS

Section V: Retail Determination

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

Please answer the following:

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?

Yes

If yes, complete the Retail Questionnaire Supplement below.

Will any portion of the project consist of facilities or property that is primarily used in making sales of goods or services to customers who personally visit the project site?

<BLANK>

If the answer is yes, please continue. If no, proceed to the next section.

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?

20 %

If the answer to this is less than 33% do not complete the remainder of the page, proceed to the next section.

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 VI: Adaptive Reuse Projects

Adaptive Reuse is the process of adapting old structures or sites for new purposes.

Are you applying for tax incentives under the Adaptive Reuse Program?

No

Section VII: 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.

Current Address

City/Town

State

Zip Code

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?

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.)

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?

Our primary business takes place in Erie county

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

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.

Section VIII: Senior Housing

IDA tax incentives may be granted to projects under the Agency's Senior Citizen Rental Housing policy when the project consists of a multi-family housing structure where at least 90% of the units are (or are intended to be) rented to and occupied by a person who is 60 years of age or older.

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

No