

County of Cattaraugus  
Industrial Development Agency

BOARD OF DIRECTORS MEETING - AGENDA

Tuesday, August 22, 2024  
CCIDA Office  
9 E. Washington Street  
Ellicottville, NY  
9:00 a.m.

*To access the Board meeting via Zoom/Conference Call, please see the applicable information at the end of the agenda to do so.*

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-Call the Meeting to Order-Time:

-Roll Call- Board of Directors of the CCIDA:

-Approval of July 16, 2024 CCIDA Board of Directors Meeting Minutes:

\*New Application\*

1.) -Olean Manor Inc. /Field of Dreams:

Olean Manor/Field of Dreams is a first-class senior assisted living facility, comprising of 140 beds with full care and full amenities located in Allegany, New York. This phase of the project, calls for the construction of an additional 40 cottages for residents to reside in. These proposed cottages include all of the care and amenities that the residents enjoy in the main campus. We have included several articles and pictures within the packet and application that give a full in depth look at the range of services and care that all residents can partake in. This is a great need in our County that allows seniors to enjoy a beautiful location and have the safety and care that they desire.

-The Total Project Investment: \$9,810,000

\*Application in Process/Project in Process\*

1.) - Olean Town Centre, LLC:

-Olean Town Centre LLC has submitted a revised letter and Application to the Agency seeking NYS sales tax, mortgage tax and real property tax abatement relating to the redevelopment of the Olean Center Mall which currently is approximately 355,000 square feet with additional proposed outparcel(s) construction.

The project will also include building of a new structure to adjoin the existing mall structure comprising of a new mall entrance and inline tenant space, improvements and updates to the existing mall structure, building exterior and façade, replacement of the roof system, renovation of the interior building infrastructure. The project will provide new retail and other commercial opportunities. An overview letter is included in your Board packet.

A Public Hearing was held on **Tuesday, August 20, 2024 at 9:00 a.m.** in the City of Olean Municipal Building. A copy of the Public Hearing Script with full comments is enclosed in your packet for review.

**-The Total Project Investment: \$40,229,315**

√ Resolution – Olean Town Centre, LLC

**-RevRail and Rail Spur in Cattaraugus Update and Resolution:**

-Please find the proposed License Agreement in your board packet for your review. Reconstruction work is slated to begin ASAP with a soft opening for this Fall. *We have also included is a copy of the County Resolution adopted May 8, 2024 relating to Funding of the reconstruction as well.*

√ Resolution – Revolution Rail Company  
Adirondack, LLC

**\*CCIDA Financial Report:**

-Approval of July 2024 Financial Reports

**\*Income for July 2024 (\$4,500.00):**

- \$ 1,500.00 – QSKI LLC - Application Fee
- \$ 1,500.00 – Alle-Catt Wind Energy, LLC - Application Fee
- \$ 1,500.00 – Olean Town Centre - Application Fee

**\*Income for August 2024 (\$8,290.62):**

- \$ 4,090.62 – North Park Administrative Fee (Fee Income 1/2 on their EXPANSION project closing with the IDA)
- \$ 4,200.00 – Refund from ERC Specialists

-General update on projects in process; including the Agency has 5 projects in the closing stage which should close in the 3rd quarter of this year.

## \*Executive Directors Reports:

### -Internal (IDA Meetings/Discussions, Snapshot):

- ✓ Meeting with Olean Business Development Corporation and EDA relating to a possible grant with OBDC.
- ✓ Met with the Ralph Wilson Foundation relating to a possible additional grant application.
- ✓ Continued our bi-weekly meetings the Village of Cattaraugus and Diana Chiak; working on 2 grant applications/submissions for this October relating to key redevelopment projects within the Village.
- ✓ Attended Olean Business Development Corporation Board Meeting.
- ✓ Met with Chairman Burr to discuss several economic projects and key updates.
- ✓ Met with Empire State Development.
- ✓ Attend Cattaraugus County Development Economic Team Board Meeting.
- ✓ Meeting with ESD regarding NYS Grants Program on a possible project in the County.
- ✓ Meeting with Nicole M. and Jacob T. from Business First of Buffalo relating to setting up a date in the near future for a tour and article on several recent CCIDA projects and the growth of economic development.
- ✓ Attended the Cattaraugus County Annual Planning Board Meeting, the IDA was a proud sponsor!
- ✓ Meeting with Senator Borrello to discuss several items of interest and economic development projects in the County.
- ✓ Meeting with Ben Heckathorn with Kinley Construction and tour of their new headquarters which was a recent IDA Project.
- ✓ Meeting with Nick Ferreri of Field of Dreams relating to proposed expansion project.
- ✓ Meeting with Olean Sports Locker on possible new project. More details to follow, exciting news!
- ✓ Meeting with potential buyer of a manufacturing business in the central part of Cattaraugus County.
- ✓ Meeting with Dave Fenske regarding updates on his possible knife project in Franklinville.
- ✓ Meeting with Bob Dingman to discuss lease.

- ✓ Meeting with commercial real estate broker who is negotiating an existing sale of a building within the County.
- ✓ Meeting with Ed Jessup related to potential project in Little Valley.
- ✓ Meeting with Rob Harte at RevRail to discuss potential license agreement and project dates.
- ✓ Meeting at Great Lakes Cheese relating key updates.
- ✓ Meeting with Crystal Abers and Kim LaMendola regarding new business in the County in the Olean area.
- ✓ Attended the Cattaraugus County Republican Party Event.
- ✓ Attended a meeting with JCC/IDA/WDB on a new thrust that we are collaborating on relating to business outreach within the County.

**-External (Points of Interest relating to the CCIDA):**

- ✓ **Bimbo Bakery Closure:** Sadly, announced their anticipated closing of their Olean, NY facility. Great Lakes Cheese will be conducting a targeted job fair on August 26<sup>th</sup> at The Hub in Olean from 8:00 am to 4:00 pm to target and hire as many of the impacted workers at Bimbo. This event is proudly sponsored by the Cattaraugus County Legislature in partnership with the IDA.
- ✓ **Olean Times Herald:** Article: *"Homer Street solar project benefiting city of Olean sold, benefits to continue"*. The IDA has been in contact with the new owner and the Board in the near future will consider approving a Resolution to convey the existing terms of the PILOT to the new owner.
- ✓ **Olean Times Herald:** Article: *"Come Home/Stay Home: Steel adapts to expand footprint"*. A recent article highlighting a great project for Pierce Steel. The IDA was honored to help on this project!
- ✓ **Handout:** *Major Moves Ahead for Pierce Steel Fabricators*. Additional article.
- ✓ **Buffalo Niagara Partnership:** Article: *"Building the Future: How the Federal Tech Hub Funding Will Transform Western and Central New York"*. The supply - chain will be a key topic of growth that could certainly impact and be a benefit to various Cattaraugus County Companies.
- ✓ **CNBC:** Article: *"Markets are clamoring for the Fed to start cutting soon: What is it they're looking for?"*.
- ✓ **Camoin Associates:** Article: *"Reading Between the Lines: What State Business Rankings Really Tell Us"*.

- ✓ **Handout:** *RocketCup Coffee Announcement. Continued growth and great news for RocketCup Coffee!*
- ✓ **Handout:** *Open Interviews for Great Lakes Cheese in September 6<sup>th</sup>.*
- ✓ **Handout:** *Job Fair in Olean sponsored by CCIDA*
- ✓ **Handout:** *Meeting with U.S. Department of Commerce International Trade Administration and Rural Export Center regarding possible opportunities for new markets for our area*
- ✓ **Handout:** *SBA: Small Business Information Event in Randolph*

**Executive Session:** (For a matter of Attorney/Client Privilege)

Motion- :  
:  
Time:

-Motion to reenter the CCIDA Board Meeting-:  
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Time:

**Adjournment:**

Motion- :  
:  
Time:

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**\* Next CCIDA Board of Directors Meeting is  
September 10, 2024 at the IDA Office.**

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## **Zoom Meeting access Information:**

Topic: County of Cattaraugus IDA Board Meeting

Time: Aug 22, 2024 09:00 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85786289608?pwd=OMA7gMVGZicTHDRCgtS-bpfXb3aNiYB.1>

Meeting ID: 857 8628 9608

Passcode: 844282

One tap mobile

+16469313860,,85786289608#,,,,\*844282# US

+19292056099,,85786289608#,,,,\*844282# US (New York)

Dial by your location

- +1 646 931 3860 US

- +1 929 205 6099 US (New York)

Meeting ID: 857 8628 9608

Passcode: 844282

**COUNTY OF CATTARAUGUS  
INDUSTRIAL DEVELOPMENT AGENCY**

**BOARD MEETING MINUTES**

**July 16, 2024**

**CCIDA Offices**

**9 East Washington Street**

**Ellicottville NY 14731**

**11:15 a.m. In Person or via Teleconference Call/Zoom**

**Roll Call:**    -Taken-

**Members**

**Present:**

Mr. Thomas Buffamante-Chairman  
Mr. Joseph Higgins  
Mr. James (Joe) Snyder  
Mr. Brent Driscoll  
Ms. Ginger Schroder  
Mr. Thomas Cullen

**Excused:**

Mr. Michael Wimer

**CCIDA Staff/Counsel:**

Mr. Corey R. Wiktorski, Executive Director CCIDA  
Mr. Robert Murray, Harris Beach PLLC Legal Counsel

**Presenters/Guests:**

Mr. Rick Miller, *Olean Star*  
Mr. Bob Clark, *Olean Times Herald* (via zoom)  
Peter Sorgi, Legal Counsel for Town of Farmersville  
Pam Tilton, Citizen of Town of Farmersville  
Sean Perry, Invenergy/Alle-Catt Wind Energy, LLC  
Daniel Spitzer, Hodgson Russ Legal Counsel for Invenergy/Alle-Catt Wind Energy, LLC

Mr. Buffamante called the meeting to order at 11:18 a.m.

A roll call of the Board of Directors of the CCIDA was taken. Mr. Buffamante, Mr. Higgins, Mr. Snyder, Mr. Driscoll, Ms. Schroder and Mr. Cullen were present. Mr. Wimer was excused.

**A Motion was made by Brent Driscoll seconded by James Snyder** to accept the Board Meeting Minutes from June 11, 2024 as presented to the Board. All in favor. **Motion Carried.** Mr. Wimer was excused.

Mr. Buffamante stated they have a very lengthy Agenda and do need to have an Executive Session at the end.

### **\*New Applications\***

#### **1.) – Alle-Catt Wind Energy, LLC**

-Mr. Wiktor indicated Alle-Catt Wind submitted an Application to the Agency last week which was reviewed and also sent to the Cattaraugus County Legislature which is included your packet together with a list of the land owners in participation, a copy of CCIDA's wind PILOT from the UTEP as well as a breakdown of how a PILOT would look, proposed, if granted. Mr. Wiktor indicated Dan Spitzer and Sean Perry from Invenergy/Alle-Catt are in attendance. Mr. Wiktor asked Mr. Spitzer and Sean to give an overview to the Board. Sean Perry introduced himself to the Board and indicated he works for Alle-Catt Wind Energy and the project has been in development for a significant amount of time in Cattaraugus, Allegany and Wyoming counties. The project has been permitted by the Department of Public Service and the State of New York for up to 83 wind turbines in the Towns of Freedom, Farmersville, Arcade, Rushford and Centerville with a 10-mile transmission line with a point of inter-connection in the Town of Yorkshire. They have completed the permit process with the State for Article 10 for the construction of the wind farm itself and in December of last year they completed their permit process for Article 7 for the transmission facility. Sean indicated they are here today to share updated numbers for turbines and supply costs and like most projects that are going on, they are seeing cost increases across the board in supply chain, labor, fuel, materials so the costs are reflective of the most updated figures. Sean indicated they have contracted with The Wesson Group from Johnstown, New York for their general contractor for the wind farm and O'Connell Electric out of Rochester for construction of the substation, t-line and connection. Sean indicated in terms of a timeline, they are starting site preparation activities at the O&M building this month and anticipate the tree clearing window in March of later this year and would start other operations in April 2025 which will be just over a two-year construction time line so currently they are projecting their COD to be December of 2026 and fully coming online in 2027. Mr. Higgins asked if we had letters of approval from the community and Mr. Wiktor indicated he believes he has two emails that he would have to dig out but Pam is the Town Supervisor and Dustin Bliss who was on a few of the zooms back in February and March have expressed their support and he could certainly ask for letters in support. Mr. Sorgi indicated the Towns have Resolutions from over a year ago and could provide those. Mr. Buffamante asked if we needed something in writing from the County or if they verbally gave the go ahead and Mr. Wiktor indicated he included in the board packet a couple of emails from the County Attorney's Office. Ms. Schroder indicating the only questions that have come up since the application was submitted is the fact that she thinks there is a belief both from leaseholders and from town officials that the project was going to happen without IDA assistance, that was the understanding all along and she notices in the application it states the project is not financially viable without IDA inducements. Ms. Schroder asks if that is the truth. Sean stated in terms of whether or not the project is financially viable, it is with us with; however, the actual layout of the project would change depending on if financial assistance was delivered from the Cattaraugus County IDA. Sean indicated they have PILOT agreements in place with Allegany and Wyoming counties at this point, as well as host community agreements with all five Towns, and should the IDA choose not to grant financial assistance to Alle-Catt, then the layout would change. Ms. Schroder asked how it would change and Sean indicated it would be smaller and potential shift to Allegany and Wyoming county sites. Ms. Schroder asked if they agree that this is a shift from what the developer has been saying all these years and Mr. Spitzer said no, as these things are not locked in as terms of costs and the application presented stated that absent those benefits, the project is not going forward. Mr. Spitzer said the project could go forward without the benefits on a smaller scale and if Cattaraugus County wants to



leave itself out of the benefits and the Towns do not want any of the money, then it is a possibility. Mr. Spitzer said the thing that would change the most is the host community agreements with the Towns. Ms. Schroder stated the host community agreements are dependent upon a PILOT and Mr. Spitzer agreed yes, the host community agreements are hand and hand with the PILOT and a host community agreement and CCIDA requires a host community agreement with a PILOT as most IDAs do and the company has a requirement to give a benefit to the communities and the host agreement disappears if there is no IDA agreement. Ms. Schroder stated that is her point, as a host community agreement is tied to an IDA PILOT for 5,000, but it could be over 5,000 but the benefits decrease to the town and right now under the current taxing scheme, the towns are really cheated under the New York State model so the way to get the Towns any money is through this vehicle. Mr. Spitzer stated to look at this year's model as they update the model every year and this year the model is more favorable. Mr. Spitzer indicated they see a lot of smaller solar projects stop going to the IDAs as what they are doing is more and more host agreements as opposed to PILOTS. Ms. Schroder stated she also noted in the application there was not necessarily a commitment to use of local services, what about local construction as we want local people on the project as the project that was built in Arkwright had a significant amount of out of state labor brought in to build that project despite promises by the developer that they were going to use local labor so what is your position on that? Sean replied it certainly is their intent to secure local materials and local labor as much as possible as they have been in contact with several unions in the area, their general contractor, The Wesson Group, has already begun to secure gravel for the O&M site using local materials from Cattaraugus County and trying to do that as much as possible for cost purposes and as far as terms of local labor requirements, they have reviewed the local labor requirements and will share with their general contractor and their instructions are written into their contract to use as much local labor as possible and if they run into a scenario where they cannot use local labor, they are to provide them with rationale of why they could not provide local labor or procure local labor. Sean further stated after being in contact with local unions there are a lot of projects going on and they have told us they will have some shortages as they work on the Micron, the Bills Stadium and other projects in the area but it is written into their contracts that they have to get construction workers locally as much as possible. Mr. Spitzer stated the hardest part is finding workers and they pay prevailing wages on everything as required on the State level but their biggest concern hiring locally is if they can find the workers locally. Mr. Wiktor stated that was a question he had as the IDA ran into this a little bit with solar companies is meeting with the companies would state they were going to use local workers and then it not happening as gravel was being bought in Pennsylvania and he would propose in language to the Board, if supported, is an opportunity for a job opening forum or to meet with the general contractor and the IDA as well. Mr. Wiktor stated if the IDA could help sponsor a job event in Freedom, Farmersville or wherever needed, he would like to do and Sean stated he agreed as it would make their life easier. Mr. Buffamante asked how many construction jobs they anticipate over the 2 or 3 year period and Sean responded around 400 construction jobs. Mr. Wiktor asked that would be 2 seasons or a full year and Sean indicated they have a small shut down during December, January and February; however, in the first winter season they will have a lot of jobs for the tree clearing, but then from April to November of 2025 as well of April to November of 2026 that will be the big construction season. Mr. Snyder asked what the height of the turbines are at this point and Sean responded 591 feet to tip height. Sean indicated the general trend in the industry has been going bigger as now the units are going to be 4.5 mega-watt capacity per tower. Mr. Driscoll asked how many towers and Sean replied 83 permanent sites for the whole project with 50% of the generation would be in Cattaraugus County. Mr. Murray asked if the costs in the application represent the costs for only for Cattaraugus County and Sean replied yes, that is correct. Mr. Snyder asked if there would be any training for local first responders as he thinks it needs to be part of the contract as sometimes the turbines catch on fire, break and fall down. Mr. Spitzer stated he thinks there is plans within the permits that actual require that, but they are all in on that as there are no developers he knows that do not want first responders to be trained. Sean stated one of their compliance filings is developing an emergency response plan and it is built into their permit. Mr. Driscoll asked if there is insurance and liability requirements and Mr. Spitzer said yes, it is taken care by the lenders and anyone else on the hook and the IDA is to be named as additional insured and Mr. Wiktor stated it is the first thing we do is verify insurance and are indemnified as well with language that is built in. Mr. Murray asked if any of the turbines are located on agricultural district lands and Sean responded yes, there are several turbines that are on agricultural district lands

as part of the Article 10 process and the Ag and Markets has to sign off basically saying they mitigated their impact on the land as much as possible and remediation efforts that need to be maintained when they finish construction in order to restore the site. Mr. Driscoll asked if there was a bond set up for decommissioning and Sean stated yes, there is and the amount is set by the State and he believes they update that every year or every two years. Mr. Driscoll further asked if we get updated as to whether the bond is still existing and Mr. Wiktor said yes, once a year. Mr. Spitzer indicated he believed the individual host agreements also have decommissioning language. Mr. Buffamante stated the application has costs listed at just over \$618 million and but the detail only adds up to about \$442 million, has that been corrected and Sean stated he had not had a chance to respond to Mr. Wiktor's email but it is missing \$180 million for utilities, roads and other infrastructures and Mr. Wiktor asked Sean to address, re-submit, sign and recast to the Board. Mr. Buffamante asked the Board if they would allow to move forward with a public hearing and looking for a general consensus to move on to the next step which would be the public hearing. Mr. Spitzer indicated there would actually be 3 public hearings as it is structured in 3 Towns so technically in Farmersville, Yorkshire and Freedom. Mr. Murray indicated to Mr. Spitzer to make it clear which Towns would require the public hearings. Ms. Schroder asked if the leasehold in the Town of Machias was eliminated and Sean indicated yes, that is correct as they had a proposed access road in the Town of Machias but with their amendments last year with the State, they eliminated that access road. Mr. Spitzer indicated his understanding is the sales tax benefit is for all 3 towns, but the real estate tax benefit is in the Towns of Freedom and Farmersville. Mr. Murray asked if there would be mortgages and Mr. Spitzer said yes, they are still bidding out who is going to be the lender and sees a series of closings, a sales tax closing as they don't need the real property exemption the first year and a mortgage closing. Mr. Wiktor indicated he would work with the County leadership to update them. Mr. Murray indicated he would prefer to have the assessor create separate tax lots and Mr. Spitzer responded that is what he wants to see as well as it makes it so much easier. Mr. Wiktor thanked everyone for coming today and the update. Mr. Buffamante also thanked them for the application and for coming today as they were very helpful. Mr. Spitzer asked Mr. Wiktor if he thought they should give presentations at the public hearings and Mr. Wiktor indicated yes, as it is a unique project to the IDA. Mr. Driscoll recommended the company put up a site map to show where the sites, roads and power station will be for the public to review as well as picture of what the towers will look like. Sean agreed to provide those items. Mr. Spitzer and Sean then left the meeting. Mr. Wiktor indicated he will advise the County of the updates and await the next steps. Ms. Schroder indicated she thinks they will be shocked to learn the project will not move forward without the IDA inducements which now means the IDA is now bringing the project to the County and she is furious. Ms. Schroder said now the IDA is going to have to hold the ball for the project and be responsible for the fact the project is here and since 2017 the company has told the Towns and the leaseholders the project is happening with or without the IDA's assistance as they knew about the IDA's pronouncement from the Legislature from 2018 so they said the project would happen either way and there are leaseholders who only signed because they were told the project was going to happen and they might as well get some money for it. Ms. Schroder further indicated she publicly committed to supporting to the submission of the application on the grounds that the project was happening anyway and rather than the Towns getting hurt financially by the taxing scheme that the State budget passed, we were going to help the Towns through problems they created themselves by entering into host community agreements that were secured by the PILOT. Farmersville and Freedom's host community agreements are 100% dependent upon a PILOT being issued by the IDA and if a PILOT was not issued, no payments would be made to the Towns and the developer would have no incentive to come to the IDA because they already got a better taxing scheme from the State and now we are being told something completely different and Ms. Schroder asked if everyone at the table was not really angry about this as we are now going to be the owners of the project. Mr. Wiktor stated that was a great point. Mr. Driscoll stated what he heard was a little different and what he understood was the project would go forward, but on a smaller scale and Ms. Schroder and Mr. Wiktor replied it would not go forward in our County and Ms. Schroder said we are now responsible to bringing this project to our County and it's a rope-a-dope. Mr. Wiktor indicated what we will require are letters from the Towns as much as we can. Mr. Snyder stated all the Towns around this project have to live with the project and a big chunk of the project needs to be with those elected officials so letters from the Towns and Legislatures would be needed stating whether they are for or against the project. Mr. Wiktor agreed and said some form of Resolution stating whether they want to proceed or not. Ms.

Schroder said she wondered what the project would look like without the IDA inducements as we should have a right to know that and what this developer has done all along has been very cagey about what this project is going to look like, not telling us what the models are for the turbines, where they are going to be located, first it was 116 turbines and now it's down to 83 turbines, they have gone up in size, and it is frustrating that a community cannot know what a project is going to be and the State will give a certificate of operation to a project without ever having to layout what the shadow flicker is going to be, how long the wind turbine blades are going to be as it's approved on one basis and then the developer is allowed to change it so now all the information they submitted is going to change as it is a new model of turbine they are talking about as it's a larger model with longer blades. The question was asked if SEQR was entered into at this point Mr. Murray indicated there is a negative declaration and the next step would be to make a consistency designation as we would have to make our own negative declaration. Mr. Murray stated if the project described in the application is not different than what is in the SEQR documents and forms then we could take comfort that it is consistent. Mr. Wiktor indicated if the findings are grossly different, then the SEQR process would need to be started over. Mr. Buffamante asked Ms. Schroder if the project is different in the application than the SEQR they can still put a larger turbine in? Ms. Schroder responded she has concerns about it as when they received their certificate of operating need it was based upon for instance the State says they cannot exceed 30 hours of shadow flicker with the 3.2 and now there are longer blades with more shadow flicker and there is no study on that and we were upset on the study that was done on the 3.2 and now no study has been done on the 4.8, 5.2 or whatever the turbines are going to be and the same goes for the noise. Ms. Schroder further indicated even the Attorney General said this project was fined for violating the code of conduct for developers in the State of New York because they had direct financial relationships with the Towns that passed the wind laws that now allow this project happen as those people had leases and they sat on the Town Boards and it is outrageous and now think about what we are going to look like as we are the people bringing this project to the floor. Ms. Schroder stated the application should have said the company is seeking benefits because without the benefits, the Towns won't get any money because of the way the Towns negotiated their host community agreements, instead the company is saying we are not going to do this project unless you give us this money so where does that leave us because that is not how it has been represented. Mr. Higgins asked if one of the Towns was the lead agency and Mr. Wiktor indicated it is the Town of Farmersville for all the Towns as there can only be one lead agency. A question was asked if the County agreed to move forward as there was reference to emails or letters from the County Attorney and is that how the IDA got involved. Ms. Schroder indicated it is her understanding the Legislature has asked the IDA to move forward because they were of the opinion, or belief that this project would still happen and we were saving the Towns and now the way she reads it is we are going to be responsible for this project. Ms. Schroder stated she thinks this project is the worst thing that could happen to this County and she has said it all along but if it was going to happen, she wants to make sure the Towns get every penny that is coming to them despite them negotiating a host community agreement dependent upon a third-party agency of which they had no control. Mr. Buffamante stated we asked for a bunch of things such as helping find local labor and local contractors and he thinks we need to get that all in writing and Mr. Wiktor agreed and said we will want to have some sort of claw-back agreement to see who was interviewed, who submitted bids and have that put in our documents. Ms. Schroder asked for the company to tell us what the project will look like without the inducements and Mr. Wiktor agreed. Mr. Buffamante stated our next step would be to get something from the Legislature and Mr. Wiktor agreed that we will need to secure that written document of support or acknowledgement to proceed and we do have them from the Towns of Farmersville and Freedom from 2022 so we will need to get those updated. The question was asked if there was any deviation and Mr. Wiktor stated no as technically it is a 15-year PILOT with a \$5,000 installed compacity. Mr. Wiktor thanked the Board and indicated he would keep them apprised as we hear from the County.

-Alle-Catt Wind Energy LLC has submitted an Application to the Agency seeking NYS sales tax, mortgage tax and real property tax abatement relating to a wind power project consisting of up to 83 wind turbines with a maximum generating capability of approximately 340 MW. Thirty-eight of the turbines will be located in Cattaraugus County in the Towns of Farmersville and Freedom. The project also includes buried electrical cables, pad-mount transformers, access roads, electrical substation, permanent meteorological towers, microwave tower, identflight towers, aircraft detection lighting systems, O&M building and associated improvements. *Please note: The Agency is working with Counsel with respect to the SEQR, as the IDA is an involved Agency. No Official action will be taken on this proposed project. We will discuss possible next steps (ie. SEQR, Public Hearing, etc.).*

**-The Total Project Investment: \$618,874,498**

## **2.) – Olean Town Centre, LLC.**

-Mr. Wiktor indicated Olean Town Centre capsulated a new, revised application and revised letter which is more concise and clearer, Angelo switched attorneys and is using Brandon Cottrell from Hodgson Russ. Mr. Wiktor asked what the Board's support would be to bring what we have counter offered, to be the 14 year PILOT which would be a deviation of our adaptive reuse that would mirror our brownfield PILOT, so years 1-10 is 100% abatement then it scales 20, 40, 60, 80 for next for years on only value added so we are not removing anything from the tax base or affecting it in that way, it's only on if he is to build on new value to the site that the PILOT would be applicable. Mr. Wiktor stated all he is asking of the Board is to allow him to take it to a public hearing in the City of Olean and then bring it back to the Board for discussion, review and questions. Mr. Wiktor stated there was no support for the projects initial PILOT request and terms so we looked at our brownfield and we would deviate from our adaptive reuse policy and use those schedule of benefits as well as sales tax and mortgage tax incentives. Mr. Snyder indicated he is a hard no. Ms. Schroder indicated she is a hard no. Mr. Snyder stated the assessment is still unfair and the PILOT ends up being a 19 year and not a 14 year as it has a 5-<sup>1</sup> year timeframe start date. Mr. Murray stated as an example if the company did well in year 2, the company could ask for the PILOT in year 2 and then it would only be 15 years. Mr. Snyder stated he is less concerned about the PILOT and value added than his is about the assessment as it is simply unfair as the mall was assessed at \$4 million and this guy paid \$6 million on the county records and talked the City assessor into brining the assessment down to \$450,000, a 90% reduction that pushes around about \$190,000 a year of property tax onto everyone else and the Pizza Hut down the street is assessed at the same \$450,000 as the mall property is and it is very unfair and the company has asked us to bake that into the terms of the PILOT. Mr. Buffamante stated the City indicated they are not going to change the assessment and Mr. Snyder said he is a no and Ms. Schroder said then the City should not expect to get our inducements. Mr. Snyder further stated he doesn't even think it is legal as if you look at the State law on real property taxes, they are supposed to be spent fairly and it clearly is not fair. Mr. Higgins stated perhaps the mall is such a mess that it is really only worth that much and Ms. Schroder stated then why did he pay \$6 million for it. Mr. Snyder stated if you explain this assessment to anyone in Olean, they will get mad about it so until they fix the assessment, he is a hard no. Ms. Schroder stated if the City wants the project so bad then they need to do right by the tax payers. Mr. Buffamante stated all he is asking to move it to a public hearing stage, not to approve the project. Mr. Snyder and Ms. Schroder both said they are a no. Mr. Buffamante asked to go around the table and get a roll call vote to move it to a public hearing. Mr. Wiktor asked the Board what they would like him to do as he has exhausted every opportunity. Ms. Schroder indicated it's not that they are not in support of the project as that area needs to be developed, but it needs to be done fairly and not have some tax payers bear more of the burden than others so why doesn't the city work with the assessor to get the value up so people are not being detrimental. Members of the Board asked to obtain the documentation from the assessor to understand how the assessed value was determined and they will revisit at the next Board Meeting.

-Olean Town Centre LLC has submitted a revised letter and Application to the Agency seeking NYS sales tax, mortgage tax and real property tax abatement relating to the redevelopment of the Olean Center Mall which currently is approximately 355,000 square feet. The project will include building of a new structure to adjoin the existing mall structure comprising of a new mall entrance and inline tenant space, improvements and updates to the existing mall structure, building exterior and façade, replacement of the roof system, renovation of the interior building infrastructure. The project will provide new retail and other commercial opportunities. A REVISED Application and overview letter is included in your Board packet. *Please note: The Agency is working with Counsel with respect to the SEQR, as the IDA Lead Agency. No Official action will be taken on this proposed project. I would ask the Board to discuss possible next steps (ie. Public Hearing, etc., should the Board see fit to set a date).*

**-The Total Project Investment: \$40,229,315**

### **\*Resolutions from Prior Applications/Projects in Process\***

#### **1.) – North Park LLC/North Park Innovation Group, Inc.**

-North Park LLC/North Park Innovation Group, Inc. has submitted an Application to the Agency for seeking NYS sales tax, mortgage tax and real property tax abatement relating to the construction of an approximately 3,000 - 10,000 square foot addition to the current 12,500 square foot facility that was constructed in 1991 located at 6442 NYS Route 242 E., Ellicottville, NY. The new addition will allow for the needed expansion and growth of the company, which includes retained employment and net new hires as well. *A copy of the cost benefit analysis is included in each Board Member's packet.*

**-The Total Project Investment: \$770,000.**

#### **Resolution:**

**A Motion was made by James Synder seconded by Joseph Higgins. RESOLUTION OF THE COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF NORTH PARK ELLICOTTVILLE LLC, NORTH PARK INNOVATION GROUP, INC., AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS. A roll call of the Board of Directors of the CCIDA was taken, Mr. Buffamante, Mr. Higgins, Mr. Snyder, Mr. Driscoll, Ms. Schroder and Mr. Cullen were present. Mr. Wimer was excused. **Motion Carried.****

## 2.) – QSKI, LLC

-QSKI LLC has submitted an Application to the Agency for seeking NYS sales tax, mortgage tax and real property tax abatement relating to the construction of an approximately 9,000 square foot mixed use building located at 41 Washington Street in the Village of Ellicottville. The project will have ground floor retail, up to 2 suites, and 5 upper floor units of housing.

**-The Total Project Investment: \$2,000,000.**

### Resolution:

**A Motion was made by Brent Driscoll seconded by Ginger Schroder.** RESOLUTION OF THE COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF QSKI, LLC AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, AND (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS. A roll call of the Board of Directors of the CCIDA was taken, Mr. Buffamante, Mr. Higgins, Mr. Snyder, Mr. Driscoll, Ms. Schroder and Mr. Cullen were present. Mr. Wimer was excused. **Motion Carried.**

-Mr. Buffamante indicated he wants to have a discussion as he thinks we have been inconsistent with our policies about not extending a PILOT to QSKI LLC and we need to look at our policies so we do not pick and choose what projects get PILOTs and what projects do not. Mr. Buffamante indicated he wanted to mention that and he will bring it back up a future meeting. Mr. Wiktor stated that was a good point and what he would like to do is with our adaptive reuse and commercial PILOT, in the aspect of housing, revise and update it to make sure housing is addressed. Mr. Wiktor stated he would like to analyze the UTEP more in regards to housing as it is somewhat new to the IDA and wants to make sure our policy is not too rich or not encompassing of housing.

### \*Project Update\*

#### \*RevRail and Rail Spur in Cattaraugus Update:

-Mr. Wiktor gave a brief update on the proposed RevRail Rail Bike project in the Village of Cattaraugus. Things are moving good and rehab work on the should commence by August 1<sup>st</sup>. RevRail is looking to rail bike events in mid-September. Mr. Cullen also gave an update on the projects within the Village of Cattaraugus that coincide with the RevRail project.

**\*CCIDA Financial Report:**

A Motion was made by Brent Driscoll seconded by Thomas Cullen to accept the June 2024 CCIDA Operating Statement as presented to the Board. All in Favor - **Motion Carried**. Mr. Wimer was excused.

**Income for June 2024 (\$8,722.46):**

- \$ 1,500.00 - GSPP 4578 Felton Hill Road East - Application Fee
- \$ 1,500.00 - GSPP 4578 Felton Hill Road West - Application Fee
- \$ 1,500.00 - North Park Ellicottville - Application Fee
- \$ 4,200.00 - Refund from ERC Specialists
- \$ 22.46 - American Power and Gas rebate

**\*Income for July 2024 (\$3,000.00):**

- \$ 1,500.00 - QSKI, LLC - Application Fee
- \$ 1,500.00 - Alle-Catt Wind Energy LLC - Application Fee

- **Update:** Relating to CCIDA Asset Account balances, terms and rates. (*Update sheet is within board packet*).

- *General update on projects in process; including the Agency has 6 projects in the closing stage which should close in the 3rd quarter of this year.*

**\*Executive Directors Reports:**

**-Internal (IDA Meetings/Discussions):**

- ✓ Meeting with Kinley Construction on updates to project.
- ✓ Meeting with Andy and Scott regarding RevRail updates.
- ✓ Meeting with Mayor Burrell and Brad Lockwood regarding cutlery development project.
- ✓ Presentation for Leadership Cattaraugus in Ellicottville.
- ✓ Meeting with Sean Doyle of Hamburg IDA.
- ✓ Meeting regarding EPL Funding for Brownfields.
- ✓ Meeting with Rich Schecter.
- ✓ Meeting with Mike John relating to his project.
- ✓ Meeting with Congressman Langworthy, event.
- ✓ Meeting with developer on possible project in Mansfield.
- ✓ Attend Cattaraugus-Allegany Workforce Development Board Meeting.

- ✓ Meeting with Pete Sorgi and Jason Schwab on possible project.
- ✓ Meeting with Mike Higgins and John Stahley on possible project in Olean.
- ✓ Attend Cattaraugus County Economic Development Meeting in Little Valley.

**-External (Points of Interest relating to the CCIDA):**

- ✓ **Olean Times Herald:** Article: *"Workforce a key factor in Great Lakes Cheese's commitment to area"*.
- ✓ *CCIDA Letter of Support for Village of Franklinville T-Mobile Hometown Grant.*
- ✓ *Update and overview of our Cattaraugus County Economic Development Team working on a funding support from the Ralph Wilson Foundation. Please see the packet included in your Board packet for review and full details. This would be a great win for the County!*
- ✓ **Olean Times Herald:** *"Right Thinkers panel sees successful farming as security issue". Excellent recap of the meeting and roundtable!*
- ✓ **The Villager:** *"Pour Taproom Ellicottville Business Expands to Former Cadillac Jack's Location". A recent IDA project that will now be complete with a new unique dining experience.*
- ✓ **Buffalo Niagara Partnership Government Affairs Advocacy Alert:** *"Region Wins Tech Hub Funding"*.
- ✓ **Harris Beach Memorandum** *"Proposed Amendments to Brownfield Cleanup Program – Prevailing Wage"*.

**Executive Session:**

A Motion was made by Brent Driscoll seconded by Joseph Higgins to go into Executive Session for Matter of Personnel at 1:10 p.m. All in Favor – Motion Carried. Mr. Wimer was excused.

A Motion was made by Joseph Higgins seconded by Thomas Cullen to exit Executive Session and return to the regular meeting at 1:59 p.m. All in Favor – Motion Carried. Mr. Wimer was excused.

A Motion was made by Brent Driscoll seconded by Thomas Buffamante, Joseph Higgins, James Snyder, Ginger Schroder and Thomas Cullen to increase Corey Wiktor's salary to \$135,000, effective January 1, 2024 and approve a bonus amount of \$15,000 to Corey Wiktor and \$6,637 to Crystal Almeter. All in Favor – Motion Carried. Mr. Wimer was excused.

A Motion was made by James Snyder seconded by Ginger Schroder to adjourn the meeting at 1:59 p.m. All in Favor – Motion Carried. Mr. Wimer was excused.

**\* Next CCIDA Board of Directors Meeting: August 22, 2024 at 9:00 a.m.  
at the CCIDA Offices, 9 E. Washington Street, Ellicottville, NY, and also via Zoom.**



# APPLICATION FOR FINANCIAL ASSISTANCE



Name of Applicant: Olean Manor Inc.

Date Submitted: 8/20/2024

County of Cattaraugus Industrial Development Agency  
P. O. Box 1749  
9 East Washington Street  
Ellicottville, New York 14731  
Phone (716) 699-2005  
fax (716) 699-2942  
e-mail [info@cattcoida.com](mailto:info@cattcoida.com)  
web [www.cattcoida.com](http://www.cattcoida.com)

## I. Eligibility Questionnaire - Applicant Background Information

Answer all questions. Use "None" or "Not Applicable" where necessary.

### A) Applicant Information-company receiving benefit:

Applicant Name: Olefin Manor Inc  
Applicant Address: 32607 W. 7th St  
City/Town: Allegany State: NY Zip: 14706  
Phone: 716-483-2876  
E-mail: KKrzyzanowski@fieldof-dreamsallegany.com

### B) Business Organization (check appropriate category):

Corporation  Partnership   
Public Corporation  Joint Venture   
Sole Proprietorship  Limited Liability Company   
Other (specify) \_\_\_\_\_  
Year Established: 7/22/16 State in which Organization is established: NY

### C) Individual Completing Application:

Name: Kristina Krzyzanowski  
Title: Administrator  
Address: 32607 W. 7th St  
City/Town: Allegany State: NY Zip: 14706  
Phone: 716-543-4202 E-Mail: KKrzyzanowski@fieldof-dreamsallegany.com

### D) Company Contact (if different from individual completing application):

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

### E) Company Counsel:

Name of Attorney: Sellstrom Law Firm LLP  
Firm Name: Sellstrom  
Title: \_\_\_\_\_  
Address: East 4th Street  
City/Town: Jamestown State: NY Zip: 14701  
Phone: 716-484-7191 E-Mail: \_\_\_\_\_

### F) Benefits Requested (select all that apply):

1. Exemption from Sales Tax  Yes or  No
2. Exemption from Mortgage Tax  Yes or  No
3. Exemption from Real Property Tax  Yes or  No
4. Tax Exempt Financing \*  Yes or  No

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

**G) Applicant Business Description:**

Describe in detail company background, history, products and customers. Description is critical in determining eligibility: 140 bed Assisted Living facility, an adult daycare for seniors as well as single family senior homes.  
- This project phase is for the continued construction of the 40 cottages.

Estimated % of sales within Cattaraugus County: 100%  
Estimated % of sales outside Cattaraugus County but within New York State: 0  
Estimated % of sales outside New York State but within the U.S.: 0  
Estimated % of sales outside the U.S.: 0  
(\*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 Cattaraugus County 80 %

Identify vendors within Cattaraugus County for major purchases: ID Booth, Cluses Lumber, Southern Tier Electric, Home Depot, Mizza, Armor Building Supply, Austin Security, Allied Alarm, Stark Lumber

**II. Eligibility Questionnaire - Project Description & Details**

**A) Project Location**

Address of Proposed Project Facility: 3260 W. 7th St Allegany NY 14706  
City/Town: Allegany School District: Allegany - Juniata  
SBL Number(s) for proposed Project \_\_\_\_\_

Current Address (if different): \_\_\_\_\_  
City/Town: \_\_\_\_\_

What are the current real estate taxes on the proposed Project site? 1.1% State, 8.0  
If amount of current taxes is not available, provide assessed value for each  
Land: \$ \_\_\_\_\_ Buildings(s): \$ \_\_\_\_\_ *If available include a copy of current tax receipt.*

Are Real Property Taxes current at project location?  Yes or  No. If no, explain: \_\_\_\_\_

Does the Applicant or any related entity currently hold fee title have an option/contract to purchase the Project site?  Yes or  No If No, indicate name of present owner of the Project site: \_\_\_\_\_

Describe the present use of the proposed Project site (vacant land, existing building, etc.):  
Residential homes 40

**B) Project Description**

Provide a narrative of the purpose of the proposed Project (new build, renovations, expansion), square footage of existing buildings (if any) 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. Add an attachment if necessary.):

Provide a Senior Community to assist and supportive living to the Senior population.

Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?  Yes or  No

If the Proposed Project is located in a different municipality within New York State in which current operations are being undertaken, is it expected that any of the facilities in any other municipality will be closed or be subject to reduced activity?  Yes or  No. If Yes, you will need to complete Section V, *The Inter-municipal Move Determination*

Is the project reasonably necessary to prevent the project occupant from moving out of New York State?  Yes or  No. If yes, explain and identify out-of-state locations investigated, type of assistance offered and what competitive factors led you to inquire about sites outside of New York State? Provide supporting documentation if available:

Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?  Yes or  No. If yes, indicate the Agency and nature of the inquiry below:

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):

Due to higher interest rates and increased construction costs, these cottages have increased greatly due to these circumstances. The Agency benefits help to control costs to allow the project to proceed. *(JF)*

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? In other words, by way of example only, you would check the "yes" box if you believe, in the event the Agency was unable to provide financial assistance, that it is likely that you would not undertake the Project.  Yes or  No

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:

Tax exemption is a major % of house cost.

If the Applicant is unable to obtain financial assistance for the Project, what will be the impact on the Applicant and Cattaraugus County? Only Senior Community with individual houses.

**C) Site Characteristics**

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

Describe the present zoning/land use: RI

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

Has a project related site plan approval application been submitted to the appropriate planning department?  Yes or  No

If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.

If No, list the CCIDA as, or ensure that the CCIDA is listed as, an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval and provide to the EAF to the lead agency and to the CCIDA.

If No, because site plan approval is not otherwise required, complete and submit the EAF along with this Application to the CCIDA.

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

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

**D) Project Type**

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

- |                                  |                                     |                           |                                     |
|----------------------------------|-------------------------------------|---------------------------|-------------------------------------|
| Acquisition of Existing Facility | <input type="checkbox"/>            | Life Care Facility (CCRC) | <input checked="" type="checkbox"/> |
| Affordable/Workforce Housing     | <input type="checkbox"/>            | Market Rate Housing       | <input type="checkbox"/>            |
| Assisted Living                  | <input checked="" type="checkbox"/> | Mixed Use                 | <input type="checkbox"/>            |
| Back Office                      | <input type="checkbox"/>            | Multi-Tenant              | <input type="checkbox"/>            |
| Civic Facility (not for profit)  | <input type="checkbox"/>            | Renewable Energy          | <input type="checkbox"/>            |
| Commercial                       | <input type="checkbox"/>            | Research/Design           | <input type="checkbox"/>            |
| Senior Housing                   | <input checked="" type="checkbox"/> | Retail                    | <input type="checkbox"/>            |
| Facility for Aging               | <input type="checkbox"/>            | Warehousing               | <input type="checkbox"/>            |
| Industrial/Manufacturing         | <input type="checkbox"/>            | Other _____               | <input type="checkbox"/>            |
| Tourism Facility/Project         | <input type="checkbox"/>            |                           |                                     |

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

Retail Sales:  Yes or  No

Services:  Yes or  No

\*For purposes of this question, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the New York Tax Law (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.

For the proposed Project Facility, indicate the square footage for each of the uses outlined below:

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

	Square Footage	Cost	% of Total Cost of Project
Manufacturing/Processing			
Warehouse			
Research & Development			
Commercial			
Retail (see retail questionnaire)			
Office			
Renewable Energy			
Specify Other	1450 x 9 - Colby <sup>2</sup>	9,810,000	100%

What is the estimated project timetable (provide dates):

1. Start date: acquisition of equipment or construction of facilities: 2026
2. Estimated completion date of project: 2028
3. Project occupancy – estimated starting date of occupancy: 2028

**E) Overall Project Costs**

Estimated costs in connection with Project:

1. Land and/or Building Acquisition 9 acres 9 square feet \$ 200,000
2. New Building Construction 1450 square feet \$ 8,800,000
3. New Building Addition(s) \_\_\_\_\_ square feet \$ 0
4. Infrastructure Work \$ 750,000
5. Reconstruction/Renovation \_\_\_\_\_ square feet \$ 0
6. Manufacturing Equipment \$ 0
7. Non-Manufacturing Equipment (furniture, fixtures, etc.) \$ 0
8. Soft Costs: (Legal, architect, engineering, etc.) \$ 60,000
9. Other, Specify: \_\_\_\_\_ \$ \_\_\_\_\_

TOTAL Costs: \$ 9,810,000

**Construction Cost Breakdown:**

Total Cost of Construction \$ 9,750,000 (sum of 2,3,4 and 5 above)  
 Cost of materials: \$ 6,000,000  
 % sourced in Cattaraugus County 80 %

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

If yes, describe: Purchase of land.

**Sources of Funds for Project:**

Bank Financing	\$ <u>0</u>
Equity (excluding equity that is attributed to grants/tax credits)	\$ <u>0</u>
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ <u>0</u>
Identify each state and federal grant/credit: (i.e. Historic Tax Credit, New Market Tax Credit, Brownfield Cleanup Program, ESD, other public sources)	
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Sources of Funds for Project Costs:	\$ <u>0</u>

Have you secured financing for the project?  Yes  No. If yes, provide a copy of the loan commitment to the Agency.

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

**Sales and Use Tax Benefit:** 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: \$ 8,800,000

Estimated State and Local Sales and Use Tax Benefit (multiply 8.0% by the figure, above): \$ 704,000

*\*\* 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 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, unless otherwise amended and approved by the Agency. 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.*

**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): \$ 0

Estimated Mortgage Recording Tax Exemption Benefit (multiply the mortgage amount as indicated above by 1.25 %): \$ 0

**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 (487, 485-b, other): \_\_\_\_\_

**IDA PILOT Benefit:** See Section VI of this Application. Agency staff will indicate the 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 year and the sum total of PILOT Benefit abatement amount for the term of the PILOT.

**F) Job Retention and Job Creation**

Is the project necessary to expand project employment?  Yes or  No

Is project necessary to retain existing employment?  Yes or  No

**Employment Plan (Specific to the proposed project location):**

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of 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 (FT)	61	61	64	3
Part Time (PT)	22	22	32	10
Total ***	83	83	96	13

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

\*\*\* By statute, Agency staff must project the number of FT jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the two-year time period following Project completion. Agency staff converts PT jobs into FT jobs by dividing the number of PT jobs by two (2).

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

Category of jobs to be retained and/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	11	100,000-120,000	20,000-25,000	35,000-45,000	15,000-20,000
Professional					
Administrative	1	100,000-120,000			
Production					
Independent Contractor					
Other Skilled	71	40,000-60,000	20,000-25,000	45,000-60,000	15,000-20,000

\*\* 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.



**Payroll Information:**

Annual Payroll at proposed project site upon project completion \$ \_\_\_\_\_  
Estimated average annual salary of jobs to be retained (full time) \$ \_\_\_\_\_  
Estimated average annual salary of jobs to be retained (part time) \$ \_\_\_\_\_  
Estimated average annual salary of jobs to be created (full time) \$ \_\_\_\_\_  
Estimated average annual salary of jobs to be created (part time) \$ \_\_\_\_\_  
Estimated salary range of jobs to be created  
From (full time) \$ 180,000 To (full time) \$ 240,000  
From (part time) \$ 350,000 To (part time) \$ 450,000

III. Part A: Facility Type - Multi-Tenant Determination

If this is a Single-Use facility fill in section A. If this is a Multi-Tenant fill in section B.

**A) For Single Use Facility (to be filled out by developer):**

Occupant Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail: \_\_\_\_\_  
Federal ID #: \_\_\_\_\_ NAICS Code: \_\_\_\_\_

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

Have any tenant leases been entered into for this project  Yes or  No.

If yes, list below and provide square footage to be leased to tenant and NAICS Code for tenant and nature of business.

Tenant Name	Current Address (city, state, zip)	# of sq. ft. and % of total to be occupied at new project site	Briefly describe type of business, products services

N/A

N/A

Part B: Tenant Form

**\*\* This section must be completed for each proposed tenant \*\***

**A Retail Questionnaire will need to be prepared for each proposed tenant if customers will personally visit the tenant to either participate in a retail sale transaction or pay for a service.**

**An Inter-Municipal Move Determination will need to be completed for each proposed tenant that is relocating from another municipality or abandoning an existing facility.**

Property Address: \_\_\_\_\_

City/Town: \_\_\_\_\_

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, explain how Agency benefits are passed to the tenant: \_\_\_\_\_

Estimated date of occupancy: \_\_\_\_\_, 20\_\_\_\_\_

Company Name: \_\_\_\_\_

Current Address: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Local Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Company President/General Manager: \_\_\_\_\_

Number of employees to be relocated to new project location:

Full-Time: \_\_\_\_\_ Part-Time: \_\_\_\_\_ Total: \_\_\_\_\_

List the square footage which the proposed tenant will lease at the Project location: \_\_\_\_\_ SF

List the square footage which the proposed tenant leases at its present location(s): \_\_\_\_\_ SF

Will the project result in relocation from one municipality to another and/or abandonment from other tenant/user(s) facilities in New York State?

Yes or  No.

If Yes, fill out Inter-Municipal-Move Determination form.

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, provide details as to location, and amount of leased space, how long leased? \_\_\_\_\_

N/A

#### IV. Retail Questionnaire

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.

Answer the following:

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

Yes or  No. If the answer is yes, continue below. If no, proceed to next section

For purposes of Question A, 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.

B. What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? 100%. If the answer is less than 33% do not complete the remainder of the retail determination and proceed to 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:

1. Will the project be operated by a not-for-profit corporation  Yes or  No.
2. Is the Project location or facility likely to attract a significant number of visitors from outside the economic development region (Cattaraugus, Erie, Allegany, Chautauqua and Wyoming counties) in which the project will be located?  Yes or  No
3. Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?  Yes or  No
4. Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?  Yes or  No.

If yes, explain would preserve 83 jobs and increase employment by  
131

5. Is the project located in a Highly Distressed Area?  Yes or  No

NIA

V. Inter-Municipal Move Determination

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, then it must be shown that 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: \_\_\_\_\_

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

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?  Yes or  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 the Project involve relocation or consolidation of a project occupant from another municipality?

Within New York State  Yes or  No  
Within Cattaraugus County  Yes or  No

If Yes to either question, explain: \_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

If the project occupant is currently located in Cattaraugus County and will be moving to a different municipality within Cattaraugus County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?  Yes or  No

What factors have led the project occupant to consider remaining or locating in Cattaraugus County? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

NIA

Provide a list of properties considered, and reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.)

Property (Address)

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

Reason

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

NA

**VI. Estimate of Real Property Tax Abatement Benefits\*\* and Percentage of Project Costs financed from Public Sector sources**

\*\* This Section of the Application will be: (i) completed by CCIDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.

**PILOT Estimate Table Worksheet**

CCIDA Staff will insert and/or prepare appropriate PILOT Benefit information.

*JDA will Run a CBA to calculate the PILOT savings.*

**Percentage of Project Costs financed from Public Sector Table Worksheet:**

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
<i>9,810,000</i>		<i>700,000</i>	<i>N/A</i>	<i>N/A</i>

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

## Attachment A: Representations, Certifications and Indemnification

Kristine Krzyzanski (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Administrator (title) of Olean Manor Inc (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. **Job Listings:** In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- B. **First Consideration for Employment:** In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C. **Annual Sales Tax Filings:** In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant. Copies of all filings shall be provided to the Agency.
- D. **Employment Reports:** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
- E. The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide with this Representation, Certification and Indemnification Form copies of any known environmental reports, including any existing Phase I Environmental Site Assessment Report(s) and/or Phase II Environmental Investigations. The Agency may require the Company and/or owner of the premises to prepare and submit an environmental assessment and audit report, including but not necessarily limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the owner and/or the Applicant. All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-05 and shall be conformed over to the Agency so that the Agency is authorized to use and rely on the reports. The Agency, however, does not adopt, ratify, confirm or assume any representation made within reports required herein.



- F. The Applicant and/or the owner, and their successors and assigns, hereby release, defend and indemnify the Agency from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations, penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants' and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Agency, resulting from or arising out of any inquiries and/or environmental assessments, investigations and audits performed on behalf of the Applicant and/or the owner pursuant hereto, including the scope, level of detail, contents or accuracy of any environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations, and audits.
- G. **Hold Harmless Provision:** The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's bond/transaction counsel whether or not the Application, the proposed Project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and agrees that the Agency shall not be liable for and agrees to indemnify, defend, and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (i) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency; (ii) the Agency's acquisition, construction and/or installation of the proposed Project described herein; and (iii) any further action taken by the Agency with respect to the proposed Project including, without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency, any mortgage recording tax exemption claimed by the Applicant and approved by the Agency, and/or any real property tax abatement claimed by the Applicant and approved by the Agency, in connection with the Project, may be subject to recapture and/or termination by the Agency under such terms and conditions as will be established by the Agency and set forth in transaction documents to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of the New York State and local sales and use tax exemption benefit, the amount of the mortgage recording tax exemption benefit, and the amount of the real property tax abatement, if and as applicable, to the best of the Applicant's knowledge, is true, accurate and complete.
- H. This obligation includes an obligation to submit an Agency Fee Payment to the Agency in accordance with the Agency Fee policy effective as of the date of this Application
- I. By executing and submitting this Application, the Applicant covenants and agrees to pay the following fees to the Agency:
- (i) a non-refundable \$1,500.00 application processing and publication fee (the "Application Fee") at time of application submission payable CCIDA;
  - (ii) Unless otherwise agreed to by the Agency, an amount equal to one and one quarter percent (1.0625%) of the total project costs, at the time of issuance of Financial Assistance/closing;
  - (iii) All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel and/or the Agency's bond/transaction counsel, thus note that the Applicant is entitled to receive a written estimate of fees and costs of the Agency's general counsel and the Agency's

bond/transaction counsel; and (2) other consultants retained by the Agency in connection with the proposed project, with all such charges to be paid by the Applicant at the closing.

- J. If the Applicant fails to conclude or consummate the necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable proper or requested action, or withdraws, abandons, cancels, or neglects the Application, or if the Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback or lease/leaseback transaction, then, upon the presentation of an invoice, Applicant shall pay to the Agency, its agents, or assigns all actual costs incurred by the Agency in furtherance of the Application, up to that date and time, including but not necessarily limited to, fees of the Agency's general counsel and/or the Agency's bond/transaction counsel.
- K. The Applicant acknowledges and agrees that all payment liabilities to the Agency and the Agency's general counsel and/or the Agency's bond and/or transaction counsel as expressed in Sections H and I are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
- L. The cost incurred by the Agency and paid by the Applicant, the Agency's general counsel and/or bond/transaction counsel fees and the processing fees, may be considered as a cost of the Project and included in the financing of costs of the proposed Project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.
- M. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL, subject to limited statutory exclusions.**
- N. The Applicant has read and understands the Agency's Policy Respecting Recapture of Agency Benefits (the "Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture or modification of Agency financial assistance so provided and/or previously granted.
- O. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
- § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one 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, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- P. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- Q. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.

- R. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
- S. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF NEW YORK )  
 COUNTY OF CATTARAUGUS ) ss.:

Kristina Krzyzanowski being first duly sworn, deposes and says:

1. That I am the Administrative (Corporate Office) of Olean Hardware Inc (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

  
 (Signature of Officer)

Subscribed and affirmed to me under penalties of perjury  
 this 26<sup>th</sup> day of August, 2024

  
 (Notary Public)

**CRYSTAL L. ALMETER. #01AL5088075**  
 Notary Public, State of New York  
 Qualified in Cattaraugus County  
 My Commission Expires November 10, 2025

## Attachment B: CCIDA Insurance Requirements

### COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY (Insurance Specifications as of November 1, 2022)

A summary of CCIDA insurance requirements follows. Please note that insurance is to be provided by the Company and/or Project owner after Board approval and prior to utilization of CCIDA financial assistance, and shall be maintained during the term of any applicable Agent Agreement and/or Lease Agreement by and between the CCIDA and the Company.

During the term of an Agent Agreement and/or a Lease Agreement entered into with the County of Cattaraugus Industrial Development Agency an **ACORD 25-Certificate of Liability Insurance and ACORD 855 NY-New York Construction Certificate of Liability Addendum** shall be provided evidencing the following insurance is currently maintained and in force with an insurance carrier approved to do business in the State of New York and maintaining an A.M. Best Rating of A- or better showing County of Cattaraugus Industrial Development Agency as Certificate Holder. It is our suggestion that you share these requirements with your current insurance agent, broker or insurance company.

Acceptable Certificates of Insurance shall indicate the following minimal coverage, limits of insurance, policy numbers and policy effective and expiration dates.

**Commercial General Liability:** Agent and subcontractors shall provide such coverage on an occurrence basis for the named insured's premises & operations and products-completed operations. Blanket Contractual Liability provided within the "insured contract" definition may not be excluded or restricted in any way. Property damage to work performed by subcontractors may not be excluded or restricted nor shall the Additional Insured's coverage for claims involving injury to employees of the Named Insured or their subcontractors be excluded or restricted. The "insured contract" exception to the Employers Liability exclusion also may not be removed or restricted in any way.

These coverages are to be properly evidenced by checking the appropriate box(es) on the **ACORD 855-NY Construction Certificate of Liability Addendum's** Information Section, Items G, H, I and L. Policy shall have attached **Designated Location(s) General Aggregate Limit CG 25 04** endorsement.

Limits expressed shall be no less than:

General Aggregate	\$2,000,000
Products-Completed Operations Aggregate	\$2,000,000
Per Occurrence	\$1,000,000
Personal & Advertising Injury	\$1,000,000
Fire Damage Liability	\$ 100,000
Medical Payments (per person)	\$ 5,000

County of Cattaraugus Industrial Development Agency shall be named as Additional Insured per **ISO Form CG 20 26-Additional Insured Designated Person or Organization** to provide coverage for the Additional Insured. Coverage shall apply on a Primary & Non-Contributory basis. All insurance required of the Company shall waive any right of subrogation of the insurer against any person insured under such policy, and waive any right of the insurer to any off-set or counterclaim or any other deduction, whether by attachment or otherwise, in respect of any liability of any person insured under such policy.

**ACORD 855 NY-New York Construction Certificate of Liability Insurance:** It is not uncommon for insurers to modify the standard ISO policy language with endorsements that result in modifications to language preferred by the insurer. This addendum is required to supplement the **ACORD 25-Certificate of Liability Insurance** with additional information that provides a more detailed expression of the types of coverage required. Specifically required coverages may be excluded or limited by the attachment of exclusionary or limitation endorsements. This

addendum provides the insurer the ability to certify coverage provided by the absence of such exclusionary or limiting modifications.

Blanket Additional Insured endorsement to include — Owner, Lessees or Contractors - Automatic Status For Other Parties When Required in Written Construction Agreement — Wording should include any other person or organization you are required to add as an additional insured under the contract or agreement (**Paragraph 2 of CG 20 38 04 13 or equivalent**).

Any scheduled person or organization section of the additional insured endorsement containing wording other than designated names shall not be accepted.

**Automobile Liability:** Business Auto Liability with limits of at least \$1,000,000 each accident. Business Auto coverage must include coverage for liability arising out of all owned, leased, hired and non-owned automobiles.

County of Cattaraugus Industrial Development Agency shall be included as Additional Insured on a Primary & Non-Contributory basis on the auto policy. All insurance required of the Company shall waive any right of subrogation of the insurer against any person insured under such policy and waive any right of the insurer to any off-set or counterclaim or any other deduction, whether by attachment or otherwise, in respect of any liability of any person insured under such policy.

**Umbrella/Excess Liability:** Commercial Umbrella or excess liability for a limit of at least \$5,000,000 per occurrence with a \$5,000,000 Aggregate. Coverage should respond on a follow-form basis and excess over the aforementioned underlying policy limits. County of Cattaraugus Industrial Development Agency shall be named as Additional Insured. Coverage shall apply on a Primary & Non-Contributory basis.

**Workers Compensation/Disability Insurance:**

- i) The Company and/or Project Owner shall provide evidence of insurance and maintain Workers Compensation/Disability insurance as required by statute. County of Cattaraugus Industrial Development Agency shall be named as the Certificate Holder.
- ii) **Accepted Forms:**

Workers Compensation Forms		DBL (Disability Benefits Law) Forms	
CE-200	Exemption	CE-200	Exemption
C-105.2	Commercial Insurer	DB-120.1	Insurers
S1-12	Self-Insurer	DB-155	Self-Insured
GS1-105.2	Group Self-Insured		
U-26.3	New York State Insurance Fund		

If the Company and/or Project owner have no employees, the Company and/or Project owner shall provide a completed and signed Form CE-200 or later revision, which is found on the New York State Workers Compensation Board website: [www.wcb.ny.gov/](http://www.wcb.ny.gov/). This form is to be completed on-line, printed, and signed.

**CCIDA Address:** All evidence of insurance shall be sent to:

County of Cattaraugus Industrial Development Agency  
9 East Washington Street  
Ellicottville, NY 14731

## Attachment C: CCIDA Attorney Fee Schedule

### CCIDA Attorney Fees:

Project Amount	Standard Agency Counsel Fee
<=\$499,000	\$5,000
<=\$500,000 - < \$999,999	\$7,500
>\$1M - <\$1,999,999	\$9,000
>\$2M - <\$3,999,999	\$15,000
>\$4M - < \$5,799,000	\$20,000
>\$5,800,00	1/3 of Agency Administrative Fee (currently 1.0625% of the Project Amount)

If a project application is withdrawn or does not close, the applicant is responsible for any costs incurred by the agency on behalf of the project.



# Image Mate Online

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### Commercial

Property Info

Owner/Sales

Inventory

Improvements

Tax Info

Tax Calculator

Report

Comparables

Parcel History

## Municipality of V. Allegany

SWIS:	042001	Tax ID:	94.037-1-24.2/100
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### Tax Map ID / Property Data

Status:	Active	Roll Section:	Wholly Exem
Address:	3260 N Seventh St		
Property Class:	633 - Aged - home	Site Property Class:	633 - Aged - home
Ownership Code:			
Site:	Com 1	In Ag. District:	No
Zoning Code:	-	Bldg. Style:	Not Applicable
Neighborhood:	20314 -	School District:	Allegany - Limestone
Total Acreage/Size:	0.01	Equalization Rate:	---
Land Assessment:	2024 - \$0	Total Assessment:	2024 - \$3,000,000
Full Market Value:	2024 - \$4,918,033		
Deed Book:	28301	Deed Page:	9002
Grid East:	1176628	Grid North:	762442

### Special Districts for 2024

Description	Units	Percent	Type	Value
FD201-Fire district 1	0	0%		0

### Land Types

Type	Size
Leased Land	0.01 acres

### Photographs

No Photo Available

### Documents

No documents found for this parcel

### Maps

CLICK HERE for information on purchasing tax maps.

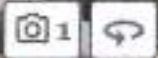
[View Tax Map](#)

[Pin Property on GIS Map](#)



[View fewer services](#)

## Photos of Field of Dreams Senior Living



### Tour Field of Dreams Senior Living

The best way to get to know a community is by scheduling a tour. See the facilities, meet the staff and residents, and get a feel firsthand what it's like to live at Field of Dreams Senior Living.

Who are you looking for?



Full Name



Field of Dreams owner, Nick Ferreri, gives an update on land development on WIVB Channel 4 Buffalo!

February 7, 2024 (<https://fieldofdreamsallegary.com/2024/02/07/>)



Watch the segment at the link below!

<https://www.wivb.com/daytime-buffalo/daytime-buffalo-jan-31-2024/> (<https://www.wivb.com/daytime-buffalo/daytime-buffalo-jan-31-2024/>)



(<https://fieldofdreamsallegany.com/>)



# Cottages

Our cottages are a one-of-a-kind opportunity.

These homes are perfectly designed for you to downsize while still having plenty of space to live independently and stay active in your daily life.

With not one step or stair in the cottages you can feel confident to grow older with no safety concerns or modifications needed.

Field of Dreams Senior Living Independent Living Cottages



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## Living in Style

Our 1450 square-foot cottages have all you need under one roof:

- Two bedrooms
- Two full bathrooms, one with six foot walk-in shower
- Highly efficient in-floor heating
- Central air conditioning
- Kitchen with all appliances included

- ADA-compliant doorways
- Living room with a cozy fireplace
- All-season sunroom
- Covered front porch and rear patio
- First floor laundry and storage
- Oversized 24' x 25' two-car garage

---

## Live More, Worry Less!

- **Never pull a weed or shovel snow again** – included in the land lease, we handle all land maintenance.
- **A secure investment of your resources** – when it's time to move on, we buy the house back for its original price. Funds go back to you or your estate.
- **Our assisted living and memory care community is here for you** – we're always happy to help, now and down the road.

Three houses currently available!

---

## Plan the next new chapter of life at Field of Dreams!

At Field of Dreams, we understand the intricacies of your unique situation. We are committed to helping you and your loved one make the smoothest, safest, and most comfortable transition to our senior living campus.

**CONTACT US**  
(/CONTACT/)

(http://www.facebook.com/fieldofdreamsalleghany)  
(716) 543-4200  
3260 N. 7th Street  
Allegheny, NY 14706

[HOME](#) [ASSISTED LIVING AND MEMORY CARE](#) [DAY PROGRAMS](#) [COTTAGES](#) [ABOUT](#) [CONTACT](#) [BLOG](#)

## Field of Dreams supports Alzheimers cure research at University of Florida

March 4, 2024(<https://fieldofdreamsallegany.com/2024/03/04/>)

The University of Florida (UF) researchers have recently been awarded a substantial grant, amounting to millions of dollars, to conduct pioneering studies on Alzheimer's disease. This remarkable achievement not only highlights the cutting-edge research being undertaken at UF but also underscores the importance of finding effective treatments for this challenging condition.

This announcement aligns perfectly with our mission to provide exceptional care and support to our residents, and aligning and supporting every avenue that could lead to better treatments and ultimately, a cure for Alzheimer's disease.

Read more at the link below about Field of Dreams owner, Nick Ferreri's, involvement in finding a cure with the scientists and researchers at University of Florida.

[www.floridapolitics.com/archives/662940-budget-conference-uf-researchers-score-millions-to-study-alzheimers-turkeys/](http://www.floridapolitics.com/archives/662940-budget-conference-uf-researchers-score-millions-to-study-alzheimers-turkeys/)

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<https://fieldofdreamsallegany.com>



# Lifestyle

Live the good life at Field of Dreams.

Savor life's more relaxed moments in the comfort of our inclusive senior living campus. Beautiful views. Caring staff. Wonderful company.

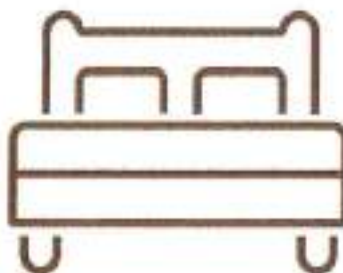
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## Amenities



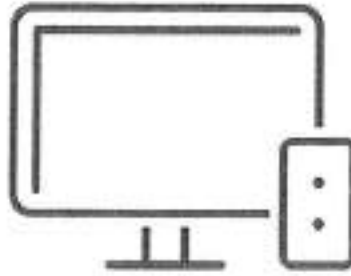
### Private Suites

Find comfort in a private, one-bed suite just for you.



### Shared Suites

Share a two-bed suite with your wife, husband, or friend.



### Lounges

Get cozy by the fireside, read a book, or watch TV.



### Freshly Made Meals

Enjoy a three delicious meals a day prepared by our staff.



### Fitness Center

Get fit. Stay active. Maintain a healthy and happy lifestyle.



### **Beauty Salon & Spa**

Look and feel beautiful with on-site salon services.



### **Religious Services**

Freely practice your faith with one of our different weekly services.



### **Socialization**

Enjoy the company of residents with scheduled activities.



#### **Picnic Pavillion**

Celebrate sunny days with a fresh picnic under the pavilion.



#### **Fishing Ponds**

Fish with friends and family at two fully stocked ponds.



#### **Paved Footpaths**

Take a leisurely stroll alongside the scenic foothills of Allegheny.





### Transportation

Get a quick and comfortable ride to off-site appointments.

## Plan the next new chapter of life at Field of Dreams!

At Field of Dreams, we understand the intricacies of your unique situation. We are committed to helping you and your loved one make the smoothest, safest, and most comfortable transition to a senior living campus.

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(<https://fieldofdreamsallegany.com>)



## Assisted Living and Memory Care

The switch to assisted living is sometimes met with hesitation. Many people feel that moving to an assisted living facility will be isolating and lonely. At Field of Dreams, our mission is to make our residents feel connected, loved, and cared for on a daily basis.

---

### Assisted Living Services

Active seniors who could benefit from day-to-day tasks thrive in assisted living at Field of Dreams—a community where they can truly flourish.

Our youthful mindset and emphasis on social activities stimulates both the mind and body in ways that home care or nursing homes simply can't:

- Vibrant social community
  - Personal care assistance
  - Customized wellness programs
  - Medication and healthcare assistance
  - Scheduled transportation
- 

### Memory Care Services

We understand that caring for those with Alzheimer's disease or other memory impairment issues requires extra patience, understanding, and compassion.

Our residents get all of that and more with our specialized memory care services. We offer the opportunity to feel independent while maintaining a high level of safety and care:

- Certified dementia practitioners
  - Specially trained staff—available 24/7
  - Secured entrances
-

## Licensed and Certified Staff

We're proud to be the only adult care home in the Southern Tier with licensed assisted living and advanced needs memory care. It ensures you and your loved ones get:

- The most qualified staff
  - 24/7 personal and medical assistance
  - Care, regardless of your budget
- 

## Respite Services

Are you the primary caregiver to a friend or family member and need a few days to yourself to take some time to reset and recharge or to travel for an event or vacation, but need care services to do so?

Respite stays are a great option for caregivers to safely step away from their caregiver responsibilities and know that their loved one is in good hands.

We offer respite stays all year long and can range in length from a week, a month, or several months - you might even decide you like it enough to stay on as a resident!

**LEARN MORE**

**([HTTPS://FIELDODREAMSALLEGANY.COM/DAY-PROGRAMS/](https://fieldofdreamsallegany.com/day-programs/))**

---

## Plan the next new chapter of life at Field of Dreams!

At Field of Dreams, we understand the intricacies of your unique situation. We are committed to helping you and your loved one make the smoothest, safest, and most comfortable transition to our senior living campus.

**CONTACT US**

**(/CONTACT/)**



## Adult Day Care and Socialization Program

Our daily respite program is set in a cozy home style environment, and runs Monday through Friday from 8:00 A.M. – 4:30 P.M.

We offer guests a variety of daily activities and entertainment, the opportunity to socialize with peers, delicious meals and snacks, and provide personal care for those that need it.

Guests can even enjoy the pampering they deserve in our full salon or book a massage!

---

## Peace of Mind for Caregivers

Caregivers – this is your chance to take some time to yourselves without any hesitation. You can relax knowing your loved one is being cared for and enjoying their time with us!

This program adds meaningful experiences to your loved one's day and gives you the time you need to recharge, and strengthens your relationship with a welcome reunion at the end of the day.

---

## Program Details

- Full Day (8 hours) – \$98
- Half Day (4 hours) – \$68
- Additional Hour(s) – \$10 per hour
- Hair appointments and Massages available by appointment

Try it out! Join us for a complimentary coffee hour, lunch, or an activity at no cost.

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I was able to review the [Agreement to be Contacted](#), [Terms of Use](#), and [Privacy Policy](#).



🏠 [Get Costs](#)

💬 [Read Reviews](#)

💰 [Get Financing](#)

## Description of Field of Dreams Senior Living

Nestled in the Allegany hills of Cattaraugus County, we offer independent and assisted living options, including memory care support, respite care, and adult day services for seniors who require help with things like personal care and medications,



- Attentive to your needs.
- Available to provide support.
- Able to assist with Medicaid qualification when it is time.
- Interested in your unique circumstance.
- Assessable and responsive to your concerns.
- Honest about what we can and cannot provide.
- Sensitive to the monumental transition that is before you.

## **Field of Dreams Senior Living Amenities**

### **Financing & Payment Options**

- ✓ Rent And Care Fees
- ✓ Accepts Insurance
- ✓ Medicaid Accepted
- ✓ Accepts Check Payments

### **Diet & Nutrition**

- ✓ Special Diets/Dietary Accommodations

### **Guests**

- ✓ Guest Parking

### **Inside Amenities**

- ✓ Entertainment Venues
- ✓ Cable/Satellite TV in Common Area

### **Parking Options**

- ✓ Parking Lot

### **Safety & Security**

- ✓ Gated Facility

### **Therapies**



## **Games Hobbies & Recreation**

- ✓ Tabletop & Other Games/Programs
- ✓ Arts & Crafts Activities/Programs
- ✓ Literary Activities/Programs
- ✓ Educational Activities/Programs
- ✓ Music Activities/Programs
- ✓ Facilitated Field Trips/Outings
- ✓ Horticultural Activities

## **Dining**

- ✓ Guest Meals
- ✓ Communal Dining

## **Health Services**

- ✓ Medication Reminders

## **On-Site Services**

- ✓ Religious Services
- ✓ Veterans Affairs (VA) Aid Assistance

## **Personal Care**

- ✓ Personal Care Assistants
- ✓ Cooking services

## **Specialized Staff**

- ✓ Nurse on Staff (Part time)

## **Resident Information**

- ✓ Offers Respite Care



### **Fitness & Wellness Programs**

- ✓ Fitness & wellness facilities/equipment
- ✓ Salon Services

### **Housekeeping & Maintenance**

- ✓ Laundry Services
- ✓ Linen Services
- ✓ Housekeeping Services

### **Outside Amenities**

- ✓ Garden
- ✓ Walking and Hiking Areas

### **Room Amenities**

- ✓ Wifi/Internet In Unit
- ✓ Cable/Satellite In Unit

### **Staff Training & Qualifications**

- ✓ Staff trained in Medication Management

### **Pets**

- ✓ No Pets

### **Additional Amenity Information**

- ✓ Housing: private room with shared bathroom
- ✓ Dining: Private Dining Room for family gatherings
- ✓ Special Comment: If you're ready to find peace of mind, Field of Dreams is the perfect place to savor your golden years while still enjoying a full and active daily routine in a vibrant social setting.



Brandon R. Cottrell  
Partner  
Hodgson Russ LLP  
Tel: 585.613.3938



July 11<sup>th</sup>, 2024

VIA EMAIL

County of Cattaraugus Industrial Development Agency  
P.O. Box 1749, 9 East Washington Street  
Ellicottville, New York 14731  
Attention: Corey R. Wiktor, Executive Director  
[corey.cattoe@gmail.com](mailto:corey.cattoe@gmail.com)

RE: Olean Town Centre LLC – Application for Financial Assistance

Dear Mr. Wiktor:

We represent Olean Town Centre LLC (the "**Company**"). Prior to our representation of the Company, the Company submitted to the County of Cattaraugus Industrial Development Agency (the "**Agency**") an Application for Financial Assistance (the "**Application**").

During the Agency's review of the Application, and related discussions with respect to structuring a "straight lease" transaction, you have asked for the Company to provide supplemental information with respect to the Application, particularly with respect to a description of the project and the payment-in-lieu-of-taxes ("**PILOT**") structure. Please allow for this letter to serve as the Applicant's response to your request for supplemental information.

As previously discussed, to facilitate the overall development of the Olean Mall (the "**Overall Project**"), the Company will subdivide the Overall Project into six (6) separate tax parcels (each a "**Lot**") as shown on the enclosed overall development plan. By creating separate Lots the Company has positioned itself to pursue development opportunities on a Lot-by-Lot basis, which will enable the Company to maximize the potential of each Lot over the next five (5) years.

For reference, the chart below summarizes the acreage and assessed value for each Lot:

Lot Number	Acreage	Assessed Value
1	1.1	\$85,000
2	0.9	\$30,000
3	1.1	\$35,000
4	3.1	\$50,000
5	16.4	\$230,000
6	2.9	\$20,000

## ***Project Descriptions***

At a high-level, the following are proposed descriptions for each of the projects to be undertaken on each of the Lots. We note that although each proposed Lot project is broadly described, any project to be pursued by the Company will be a "project" as defined in Section 854 of the General Municipal Law (*i.e.* manufacturing, warehousing, research, commercial, renewable energy, industrial purposes, retail, apartments or recreational facility).

- Lot 1: the construction and equipping of an approximately 3,000 square foot single-use building, together with related site improvements and other, ancillary facilities and improvements, including landscaping and parking. The estimated cost of the proposed project on Lot 1 is approximately \$2,830,000, broken down as follows: (i) \$2,500,00 in building construction; (ii) \$30,000 in soft costs; and (iii) \$300,000 in non-manufacturing equipment.
- Lot 2: the construction and equipping of an approximately 3,000 square foot single-use building, together with related site improvements and other, ancillary facilities and improvements, including landscaping and parking. The estimated cost of the proposed project on Lot 2 is approximately \$2,830,000, broken down as follows: (i) \$2,500,00 in building construction; (ii) \$30,000 in soft costs; and (iii) \$300,000 in non-manufacturing equipment.
- Lot 3: the construction and equipping of an approximately 3,000 square foot single-use building, together with related site improvements and other, ancillary facilities and improvements, including landscaping and parking. The estimated cost of the proposed project on Lot 3 is approximately \$2,830,000, broken down as follows: (i) \$2,500,00 in building construction; (ii) \$30,000 in soft costs; and (iii) \$300,000 in non-manufacturing equipment.
- Lot 4: (i) the partial demolition of the former Bon-Ton anchor building (estimated cost of \$595,000); (ii) the interior renovation of approximately 20,500 square feet of the former Bon-Ton anchor building (estimated cost of \$5,000,000) for one or more "projects"; (iii) roof replacement (estimated cost of \$344,500); (iv) new HVAC (estimated cost of \$100,000); (v) paving and striping of the parking lots (estimated cost of \$100,000); (vi) landscaping, reorientation of existing driveways and installation of new entrance pylon sign (estimated cost of \$275,000); and (vii) engineering and architectural services related to the foregoing (estimated cost of \$100,000). The total estimated project costs for Lot 4 would be approximately \$6,514,500.
- Lot 5: a multi-phased project involving (a) (i) the demolition of former tenant spaces (estimated cost of \$342,565); (ii) the replacement of interior "common area" ceilings (estimated cost of \$126,000); (iii) façade restoration (estimated cost of \$200,000); (iv) roof replacement (estimated cost of \$1,100,000); and (v) engineering and architectural services related to the foregoing (estimated cost of \$100,000) and (b) (i) the interior renovation of common areas and new tenant buildouts (estimated cost of \$11,156,250); (ii) the equipping of common areas and new tenant spaces (estimated cost of \$2,000,000); and (iii) soft costs

related to the foregoing (estimated cost of \$400,000). The total estimated project costs for Lot 5 would be approximately \$16,224,815.

- Lot 6: the construction and equipping of an approximately 35,000 square foot building (podium style construction), together with related site improvements and other, ancillary facilities and improvements, including landscaping and parking. The estimated cost of the proposed project on Lot 6 is approximately \$9,000,000.

### ***Job Creation / Retention***

The company commits to creating one (1) FTE job for the overall project - said job will be created either by the company, Umbrella Property Management LLC, Ciminelli or such other entity as the company may choose as property manager of the overall project.

### ***Retail Trade Facility***

One or more of the projects may involve a facility that (a) constitutes more than one-third of the project cost on such Lot and (b) is "primarily used in making retail sales to customers who personally visit such facilities" (as such phrase is used in Section 862(2)(a) of the General Municipal Law). Accordingly, for each Lot we would request that the Agency determine that (x) the predominant purpose of any retail trade facility located on such Lot would be to make available goods or services which would not, but for the project on such Lot, be reasonably accessible to the residents of Olean, New York because of a lack of reasonably accessible retail trade facilities offering such goods or services; and (y) each Lot is located in a "highly distressed area".

### ***PILOT Structure***

The proposed PILOT structure is a deviation from the Agency's Uniform Tax Exemption Policy because we are requesting a Brownfield Redevelopment Project style PILOT, despite the Overall Project qualifying as an Adaptive Reuse Project.

In addition, we are requesting that although all six (6) Lots be subject to a "master PILOT", we are requesting that each Lot have its own fourteen (14) year PILOT, the term of which will commence on the earlier of (a) the date on which the Company elects to commence the PILOT as to such Lot and (b) the date which is five (5) years after the closing of the straight lease transaction.

By way of example only, if the closing occurs on October 1, 2024, then all Lots would commence their respective PILOT (*i.e.* the Lot would be subject to a real property tax abatement) no later than October 1, 2029. Between October 1, 2024 and October 1, 2029, as to any one or more Lots, the Company could commence its PILOT (and until it commences the PILOT, the Company will pay full taxes) – so, for example, on October 1, 2026 the Company could commence the PILOT term for Lots 1 and 2, but continue to pay full taxes (*i.e.* no real property tax abatement) for Lots 3, 4, 5 and 6, and then on October 1, 2028, the Company could commence the PILOT terms for Lots 3, 4, 5 and 6. In that scenario, for Lots 1 and 2 the PILOT would apply from 2026 through 2040 (14 years) and for Lots 3, 4, 5 and 6 the PILOT would apply from 2028 through 2042 (14 years).

Although the PILOT would not take effect at the closing of the straight lease transaction, the Company would require that sales tax exemptions and mortgage recording tax exemptions for all six (6) Lots be made available at closing.

### *Transfer of PILOT*

As previously discussed, Mr. Ingrassia's preference is to own all six (6) Lots for the duration of the PILOT term *as described in this letter under PILOT STRUCTURE*. However, there are certain end users (*i.e.* potential tenants) that may require that it acquire a Lot, as opposed to leasing a Lot from the Company. We would request that if the Company uses commercially reasonable efforts to structure an "end user transaction" as a lease, but ultimately sells a Lot to an end user to effectuate a potential project on a Lot that the Agency will agree not to unreasonably condition, withhold or delay its consent to any transfer of PILOT benefits to such user.

As part of the Company's agreement to use commercially reasonable efforts to structure end user transactions as leases, the Company agrees that it will provide the Agency with market data (to the extent available) demonstrating that the end user has historically acquired (and not leased) property to be used by it for its operations.

Should you have any further questions regarding the Application or the information set forth herein, or require additional information, please do not hesitate to contact me.

Very Truly Yours,



Brandon Cottrell

Enc.

cc: Angelo Ingrassia ([autoange@aol.com](mailto:autoange@aol.com))  
Robert Murray ([bmurray@harrisbeach.com](mailto:bmurray@harrisbeach.com))

## PUBLIC HEARING SCRIPT

**Olean Town Centre LLC and/or  
Individual(s) or Affiliate(s),  
Subsidiary(ies), or Entity(ies) formed or  
to be formed on its behalf Project**

Public Hearing to be held on August 20, 2024 at 9:00 a.m.  
at the Olean City Municipal Building, Mayor's Conference Room, 101 East State Street,  
Olean, New York 14760

### ATTENDANCE:

See Attached Sheet

Members of the General Public

### X 1. WELCOME: Call to Order and Identity of Hearing Officer.

Hearing Officer: Welcome. This public hearing is now open; it is 9:06 a.m. My name is Corey R. Wiktor. I am the Executive Director of the County of Cattaraugus Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at [www.cattcoida.com](http://www.cattcoida.com).

### X 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the Olean Town Centre LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. This public hearing is being recorded and will be transcribed for the Board Members of the Agency for their review and comments before they take any further action. We have a sign in sheet for anyone who would like to participate in this public hearing either by presenting oral comments or we would be happy to take written statements. Notice of this hearing appeared in Olean Times Herald on Friday, August 9, 2024.

### X 3. PROJECT SUMMARY: Description of Project and Contemplated Agency Benefits.

Hearing Officer: The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 400-459 North Union Street in the City of Olean, Cattaraugus County, New York and all other lands in the City of Olean where, by license or easement or

other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"), (ii) partial demolition of the former Bon-Ton facility and reconstruction and/or renovation of approximately 20,500 sq. ft. for one or more retail related uses; the construction of three 3,000 sq. ft. single-use buildings; construction of an approximately 35,000 sq. ft. podium style facility (the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Project Facility"). The Facility will be initially operated and/or managed by the Company.

The Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance to the Company for qualifying portions of the Project in the form of sales and use tax exemption benefits, mortgage recording tax benefits, and real property tax abatement benefits. With respect to the contemplated real property tax abatement, the Company requested that the Agency enter into up to six separate payment in lieu of tax agreements having terms that deviate from the Agency's Uniform Tax Exemption Policy standard Qualified Commercial Facility (Renovation) PILOT and Qualified Commercial Facility (New Construction) PILOT by extending the term by six years, with respect to the Qualified Commercial Facility (Renovation) PILOT, and by one year, with respect to the Qualified Commercial Facility (New Construction) PILOT, with adjusted Percentage of Exemption, as follows:

<u>PILOT Year</u>	<u>Percentage of Exemption</u>
1 through 5	100%
6	90%
7	80%
8	70%
9	60%
10	50%
11	50%
12 and thereafter	0%

**X 4. FORMAT OF HEARING:** Review rules and manner in which the hearing will proceed.

Hearing Officer: All those who have joined this conference call will be given an opportunity to make statements and/or comments on the Project if they so desire.

Minutes of the Public Hearing will be transcribed and posted on the Agency's website ([www.cattcoida.com](http://www.cattcoida.com)). Additional information can be obtained from, and written comments may be addressed to: Corey R. Wiktor, Executive Director, County of Cattaraugus Industrial Development Agency, 9 East Washington Street, P.O. Box 1749, Ellicottville, New York 14731; Telephone: 716-699-2005 and electronically at [corey@cattcoida.com](mailto:corey@cattcoida.com) or [Info@cattcoida.com](mailto:Info@cattcoida.com).

**X 5. PUBLIC COMMENT: Hearing Officer gives the Public an opportunity to speak.**

*Hearing Officer:* Those interested in making a statement or comment will be called upon. Please begin by stating your name and address; if you are representing a company, please identify the company. I request that speakers keep statements and/or comments to 5 minutes, and if possible, 3 minutes.

**The Hearing Moderator introduces each participant in the order they registered for this meeting.**

Mayor Aiello: The project is a very positive project for downtown and it is the last big piece of property that needs to be renovated for new businesses and I think the developer has a great track record in what he has done not only in Irondequoit, but in other areas and would encourage the Board to vote yes on this project.

Mr. Smith: I agree with what Mayor Aiello just said, I think it is a great project, the developer has done a great job with his other projects but I do have a couple of questions. How much of a project is it to develop the project?

Mr. Wiktor: The proposed Application states \$40,229,315 and those costs are approximate so that is the level of redevelopment when it is built out from the start to the conclusion in totality.

Mr. Smith: Wow, an empty building that could sit there for years if it doesn't get developed then the County will get stuck with it and we are going to be tearing it down so this project is a great thing for Olean.

Mr. Smith: There are rumors going around about housing, this is not a low-income housing, it is moderate housing, right with the rents I was told is \$700 to \$1,000 is that true?

Mr. Wiktor: Yes, to my knowledge, I can answer in concept to that as the housing piece is not part of the IDA project, but since we are doing the SEQR, we certainly have the information. To what we know to date by information put up by People Inc., it is not low income housing in this case, it is what they are considering a workforce housing which I believe are 50 units and then there are 10 units that would serve some sort of capacity of challenged individuals that can still live on their own through the mission of People Inc. It is not a specific voucher or type of housing program, in my opinion with my information, it is workforce housing with rates that are consistent based off the median income levels of that program for the City of Olean so it is a targeted program that would qualify for Olean with workforce housing, based on the rents. I don't mean to call on the City, but is that basically the context of it?

Mayor Aiello: Yes, it is housing and that we need that type of housing in the City.

Ms. Keri Kerper: A market study was done and it shows the need.

Mr. Wiktor: What leads us to any and all projects, whether it is master plans or empire state development awards, there are a number of parties wanting to be involved in supporting this project. Often when a community or a city revises it's comprehensive plan or its redevelopment whether it is the brownfield, there are specific groups which say how can you create density and workforce housing that may not be here to allow residents to live and work downtown and have them utilize the North Union Street and corridors of East State Street and West State Street so really it is bringing people downtown very similar to the Manny Hanny building and how well that has done in bring people here. We know from a general point of view of economic development in the County that serves 32 towns, 9 villages and 2 cities that housing is always a challenge and I can tell you when we are working with companies whether they are here or looking to invest or come to the County, obviously the City of Olean being our largest commerce base, companies are now looking at quality of life aspects, education, recreation, trails and housing. It's not so much taxes and regulations, it is how do I recruit people and what sort of amenities can I offer, can I walk to school, can I go to a university, so it is very important, a fabric of any city, town or village.

Mr. Smith: May I ask you about the PILOT program? There are rumors going around and I heard 30 years, which I am against 30 years. What would the PILOT program be for and for how long? I understand for other businesses we have to give them or they are not coming.

Mr. Wiktor: I understand, the PILOT would be for 11 years, the proposed PILOT and I think if you look the costs of reconstruction and inflation, we hear those things on the news and this really matters with interest rates, financing and banks doing projects now it is tuff so any sort of benefit is really helping as without it, in my humble opinion doing these 18 years, in today's age the project is not going to happen. There was a recent article in the Buffalo News where they sat down with William Paladino who is the President of Ellicott Development and really it was touched upon if PILOTs are incentives, some have the belief that they are going to do the project regardless, it's just corporate welfare and giving a benefit to a corporation. Many projects in Western New York have been tabled, put off, deemed not financially sound to do because of the rents and those payments as it's just too hard right now. You are seeing a slow down in some of those projects that tried and true developers are saying, this is absolutely something we are seeing across the board whether it is tourism, manufacturing and this project which is a very unique project of 20 plus acres in your downtown corridor, it is as big as it gets for Olean for that size so obviously we understand trying to leverage as much benefit as we can because these projects are skinny enough, and now anytime you have those increased costs, it tends to put the project out of play. Again, it would be 11 years, as proposed.

Mr. Smith: I'm going back with the Mayor to this developer with what he did on the project up on Rochester, just copy it. It is a beautiful development of what they have up there now, he took it from like ours and built it into that. Another question, would it bring and other developments on that property, would he be looking to bring in others?



Mr. Wiktor: Yes, absolutely. I think the big piece of this is allowing the developer to market, now largely as SEQRized site, which is a huge piece, as well as some tax stability in a City that is very friendly and welcoming to business and now has the ability to say now when you run your pro-forma, when you run your construction costs, now you have the ability to shave off some of those development costs for period of 11 years based on that so it is giving insurance of your development costs in those critical years. It is allowing the project to move forward in some instances, if not all, we run the cost benefit analysis showing the return on that proposed PILOT of the return back to the taxing jurisdictions are

Mr. Smith: Does your IDA Board know this is going on?

Mr. Wiktor: Yes, certainly yes.

Mr. Smith: This project is bigger than I thought it was. If we lose this project, we will never get anything like it again in Olean.

Mr. Wiktor: Carly, this is Corey Wiktor of the County of Cattaraugus IDA, we are the Olean Municipal Building in the Mayor's Conference Room for the purpose of the Public Hearing. Would you like to give any comments with respect to the proposed IDA involvement with redevelopment of the mall? Someone responded: Carly who works at Angelo's office will be dialing in.

Mr. Wiktor: Mr. Smith do you have any more comments or questions?

Mr. Smith: I think this is important stuff to let the public know and let the public know more information on this development. When you bring in more stuff around the mall, which people don't know, I didn't know, I'm really hoping it goes.

Mr. Wiktor: Certainly, it is a huge project not only to the City of Olean but your sales tax base, your employment base and you are having your shop local that is everything that constitutes North Union Street, the multiple phases of Walk of Olean and compliments so much your shopping districts.

Mr. Smith: I understand giving the businesses PILOT programs, I believe right Keri?

Ms. Kerper: Yes.

Mr. Piechota: Very rarely do we get a large-scale construction project without one these days. Originally years ago, I would get upset about it, but now it has to happen, that is the way it is now.

Mr. Wiktor: We certainly recognize this. The answer is it is just challenging and we have come through unprecedented times through global pandemic and somewhat of a banking costs now so a lot of these developers are looking at projects they want to do. We run the cost benefit analysis and we look at the costs and we look at our partners at Empire State Development who have 2 types of grants attached to this, obviously the City that is wanting this project fast and wanting a developer that sought this project and kudos to the Mayor and Keri for recruiting this project.

We look at how that shapes not just new companies or prospective companies, having a vibrant downtown is something every community and elected official is going to want.

Mr. Piechota: You are talking a \$40 million project, would it be our local people doing these jobs: electricians, plumbers etc. from right here in this area?

Mr. Wiktor: Great question Gregg. We have had multiple conversations with the developer and everything to date which they have expressed to us is using as much local suppliers, contractors, sub-contractors as they can and I firmly believe they will. It is in our language we require a sense of outreach and developers have reached out to us over the last few years and we have connected with the company and Angelo himself has made those connections. I have no doubt this would put local trades people right to work, no question about it.

Mr. Piechota: I know at your Board Meetings there were issues arising about the assessed value of the property and they had questions on that. Do you have any questions on how I arrived at the value as I know there was mention of other properties, smaller in scale that are the same value as the mall property. I would like your Board to think of it this way, if I am an investor and I come into the City of Olean and looking to purchase a piece of property, am I going to purchase an already established business, with a new lease that's already been just remodeled, or a monster that already needs tens of millions of dollars in roof, mechanicals, updates which take away the 2 anchor tenants, which one are you going to buy for \$450,000? I'm going to buy every single time, the small Pizza Hut, so I wanted to get that on record for the Board.

Mr. Wiktor: I appreciate your comment.

Mr. Piechota: I agree this is what PILOTS are made for, this project right here. A project like this could not happen without a PILOT. The Mall is too far gone, and it's a mall. Current history tells us what malls are doing. The bank could have called the Note, but they didn't because they didn't want the mall. The developer paid \$450,000 cash to Five Star Bank to assume the nearly \$6,000,000 million dollar note, as note on the RP-5217.

Mr. Wiktor: Again, I appreciate your comments. I think this is a wonderful opportunity to put this mall back into play.

Mr. Ingrassia: No other comments than what was already discussed unless someone has a specific question.

Mr. Smith: Angelo, with this project is Kohl's and JCPenney locked in on this project?

Mr. Ingrassia: When I purchased the property, I extended all of the leases, including KeyBank. So as much as you can lock someone in, yes with their lease, they are locked in as much as they can be.

Mr. Smith: Ok, thank you.

Ms. Kerper: In addition to our local support, NYS has committed \$3.25 million towards the project and \$2 million to Olean Town Centre directly and \$1.25 million to the City of Olean with our partnership. The \$2 million is for the mall itself with the roof and HVAC and then the \$1.25

million with the City for the demolition and restore. In addition to any local contractor that would be hired there is an additional 30% minority woman business enterprise attached to that so 30% would be going to those whether it be a firm, suppliers or construction.

Superintendent Morris: This sounds like an amazing project. What they are struggling with is recruitment and when we are able to recruit outside of the area for educators, we have that conundrum about where do we find adequate housing. I heard some of the housing use that has been described, is that housing only specific to People Inc. or is its general housing that we could use as a marketing tool?

Mr. Wiktor: Yes, I believe 50 units are available in that workforce housing, walkable to your campus.

**-OR-**

*Hearing Officer:* Note that no one in attendance wished to make a statement or comment.

**X 6. ADJOURNMENT:**

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 9:48 a.m.

**SIGN IN SHEET  
PUBLIC HEARING**

Public Hearing to be held on August 20, 2024 at 9:00 a.m.  
at the Olean City Municipal Building, Mayor's Conference Room, 101 East State Street,  
Olean, New York 14760

**Olean Town Centre LLC and/or Individual(s) or Affiliate(s),  
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 400-459 North Union Street, Olean, New York 14760

Name	Company and/or Address	X box to speak/ comment
Mr. Gregg Piechota	City of Olean Assessor	X
Ms. Keri Kerper	City of Olean	X
Mayor William Aiello	Mayor of City of Olean	X
Genelle Morris	Olean School Superintendent	X
Rick Smith	Cattaraugus County Legislature	X
Steve Teachman	Cattaraugus County Legislature	
Angelo I.	Olean Centre Mall	

**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: Olean Center Mall Redevelopment		
Project Location (describe, and attach a general location map): 400-450 N Union St, Olean NY 14760		
Brief Description of Proposed Action (include purpose or need): Proposed redevelopment of a 27.39 acre site containing an approximately 355,000 sf existing building, comprising the existing Olean Mall property, through (1) enhancement of the site for an existing building (4,700+/- sf), (2&3) ~3,000 sf quick serve restaurants with associated improvements, (4) demolition of portions of the former Bon Ton department store building (approx. 50k sf to be demolished), with upgrades being a new entrance, with inline tenant space (approx. 20k sf to remain and be enhanced); (5) improvements to the remaining mall structure, including building exterior and façade, roof replacement, and substantial interior renovations; and (6) addition of approximately 35,000 sf building (podium style construction) at the south end of the mall. Finally, development of an outparcel in the northwesterly site area as a multi-story housing development containing 80 apartment units.		
Name of Applicant/Sponsor: Angelo Ingrassia, Olean Town Center, LLC		Telephone: 585-225-0140 E-Mail: autoange@aol.com
Address: 500 Latona Rd, Bldg E, Suite 501		
City/PO: Rochester	State: NY	Zip Code: 14626
Project Contact (if not same as sponsor; give name and title/role): Matt Tomlinson, Marathon Engineering		Telephone: 585-458-7770 E-Mail: mtomlinson@marathoneng.com
Address: 39 Cascade Dr		
City/PO: Rochester	State: NY	Zip Code: 14614
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

**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 Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City Council - PILOT for People Inc	
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City Planning Commission	08/05/24
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No	TBD	
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dept of Health, IDA	TBD
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - Stormwater NYS DOT - Traffic Study (TBD)	TBD
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USACOE - Flooding Easement	TBD
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**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	

**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?

CC: City Center

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? Olean Central School District

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

City of Olean Police Department

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

City of Olean Fire Dept and Emergency Services

d. What parks serve the project site?

Boardman Park, Oak Hill Park, War Veterans Park, Lincoln Park, Marcus 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)? Site maintenance & improvements in anticipation of future development

b. a. Total acreage of the site of the proposed action? 27.39 acres

b. Total acreage to be physically disturbed? 84+ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 27.39 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)? % 25% Units: sq ft

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)  
Mixed-use to facilitate development

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

iii. Number of lots proposed? 7

iv. Minimum and maximum proposed lot sizes? Minimum 1 ac Maximum 25 ac

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

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated 3-4
- Anticipated commencement date of phase 1 (including demolition) 4 month 2023 year
- Anticipated completion date of final phase 12 month 2026 year

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

Industrial development driven by market demand. Generally independent of subsequent phases.

<p>f. Does the project include new residential uses? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>          If Yes, show numbers of units proposed.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 20%; text-align: center; border-bottom: 1px solid black;">One Family</th> <th style="width: 20%; text-align: center; border-bottom: 1px solid black;">Two Family</th> <th style="width: 20%; text-align: center; border-bottom: 1px solid black;">Three Family</th> <th style="width: 25%; text-align: center; border-bottom: 1px solid black;">Multiple Family (four or more)</th> </tr> </thead> <tbody> <tr> <td>Initial Phase</td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black; text-align: center;">60+/-</td> </tr> <tr> <td>At completion of all phases</td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;"></td> </tr> </tbody> </table>		One Family	Two Family	Three Family	Multiple Family (four or more)	Initial Phase				60+/-	At completion of all phases				
	One Family	Two Family	Three Family	Multiple Family (four or more)											
Initial Phase				60+/-											
At completion of all phases															
<p>g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>          If Yes,</p> <p>i. Total number of structures <u>3</u>          ii. Dimensions (in feet) of largest proposed structure: <u>50</u> height; <u>120</u> width; and <u>120</u> length          iii. Approximate extent of building space to be heated or cooled: <u>35k</u> square feet</p>															
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes,</p> <p>i. Purpose of the impoundment: _____          ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> 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): _____</p>															
<p><b>D.2. Project Operations</b></p>															
<p>a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)          If Yes:</p> <p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>          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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>          ix. Summarize site reclamation goals and plan: _____          _____          _____</p>															
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes:</p> <p>i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____          _____</p>															



*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:

\_\_\_\_\_

\_\_\_\_\_

*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: \_\_\_\_\_ 15,000 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: City of Olean Water
- 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: \_\_\_\_\_ 15,000 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): \_\_\_\_\_  
Sanitary wastewater

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

- Name of wastewater treatment plant to be used: Olean Wastewater Treatment Plant
- Name of 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

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Will a line extension within an existing district be necessary to serve the project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul> <p>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):</p> <p>_____</p> <p>_____</p> <p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>None</p>
<p>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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p>_____ Square feet or _____ acres (impervious surface)</p> <p>_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Reconstruction project with anticipated reduction in impervious</u></p> <p>_____</p> <p>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)?</p> <p><u>Existing on-site storm sewer system discharges to Olean Creek</u></p> <p>_____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: <u>Olean Creek</u></li> <li>• Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> </ul> <p>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</p>
<p>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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p><u>Construction equipment</u></p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>
<p>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</p> <p>If Yes:</p> <p>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</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>

b. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  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?  Yes  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?  Yes  No  
 If Yes:  
 i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 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?  Yes  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 1/2 mile of the proposed site?  Yes  No  
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No  
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No  
 If Yes:  
 i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
 1,093,200kWh  
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_  
 Grid/local utility  
 iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.  
 i. During Construction:  
 • Monday - Friday: \_\_\_\_\_ 7am-6pm \_\_\_\_\_  
 • Saturday: \_\_\_\_\_ 7am-6pm \_\_\_\_\_  
 • Sunday: \_\_\_\_\_ 7am-6pm \_\_\_\_\_  
 • Holidays: \_\_\_\_\_ 7am-6pm \_\_\_\_\_  
 ii. During Operations:  
 • Monday - Friday: \_\_\_\_\_ 7am-10pm \_\_\_\_\_  
 • Saturday: \_\_\_\_\_ 7am-10pm \_\_\_\_\_  
 • Sunday: \_\_\_\_\_ 7am-10pm \_\_\_\_\_  
 • Holidays: \_\_\_\_\_ 7am-10pm \_\_\_\_\_

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 checked="" type="checkbox"/> No
Describe: _____	
n. Will the proposed action have outdoor lighting?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes:	
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: <u>Shoebox style downlighting throughout the mall. No light spill proposed.</u>	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?	<input type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Describe proposed treatment(s): <u>Normal lawn &amp; pest treatment</u>	
_____	
ii. Will the proposed action use Integrated Pest Management Practices?	<input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Describe any solid waste(s) to be generated during construction or operation of the facility:	
• Construction: <u>24,000+/-</u> tons per <u>6 months</u> (unit of time)	
• Operation : <u>79+/-</u> tons per <u>year</u> (unit of time)	
ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:	
• Construction: <u>Best management practices - reuse of materials (e.g. millings) when appropriate</u>	
• Operation: <u>Commercial separation of recyclables from solid waste</u>	
iii. Proposed disposal methods/facilities for solid waste generated on-site:	
• Construction: <u>Local licensed waste handler</u>	
• Operation: <u>Local licensed waste handler</u>	

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	23.3	22.8	-0.5
• 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: <u>Lawn/landscaping</u>	4.1	4.6	+0.5

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
 i. If Yes: explain: \_\_\_\_\_

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?  Yes  No  
 If Yes,  
 i. Identify Facilities:  
Olean High School, Olean Intermediate Middle School, Jamestown Community College

e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
 i. Dimensions of the dam and impoundment:  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
 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?  Yes  No  
 If Yes:  
 i. Has the facility been formally closed?  Yes  No  
 • If yes, cite sources/documentation: \_\_\_\_\_  
 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?  Yes  No  
 If Yes:  
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
 \_\_\_\_\_

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?  Yes  No  
 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:  Yes  No  
 Yes - Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes - Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
 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?  Yes  No  
 If yes, provide DEC ID number(s): \_\_\_\_\_  
 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?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >0 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Middlebury silt loam	_____	15.4 %
Allard silt loam	_____	0.8 %
Urban land	_____	83.8 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:

<input checked="" type="checkbox"/> Well Drained:	_____	0.8 % of site
<input checked="" type="checkbox"/> Moderately Well Drained:	_____	15.4 % of site
<input type="checkbox"/> Poorly Drained	_____	83.8 % of site

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	_____	0.8 % 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?  Yes  No  
 If Yes, describe: \_\_\_\_\_

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h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name _____	Classification _____
• Lakes or Ponds:	Name _____	Classification _____
• Wetlands:	Name <u>Riverine - Clean Creek</u>	Approximate Size <u>1610 acres</u>
• Wetland No. (if regulated by DEC)	_____	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: Principal Aquifer, Primary Aquifer

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p>		
<p>small mammals _____</p>	<p>small rodents _____</p>	<p>birds _____</p>
<p>insects _____</p>	<p>amphibians _____</p>	<p>_____</p>
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>		
<p>If Yes:</p>		
<p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p>		
<p>ii. Source(s) of description or evaluation: _____</p>		
<p>iii. Extent of community/habitat:</p>		
<p>• Currently: _____ acres</p>		
<p>• Following completion of project as proposed: _____ acres</p>		
<p>• Gain or loss (indicate + or -): _____ acres</p>		
<p>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? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>		
<p>If Yes:</p>		
<p>i. Species and listing (endangered or threatened): _____</p>		
<p>Longhead Darter, Wavrayed Lampmussel, Rayed Bean, Bluebreast Darter</p>		
<p>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? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>		
<p>If Yes:</p>		
<p>i. Species and listing: _____</p>		
<p>Black Redhorse, Streamline Chub, Hellbender</p>		
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>		
<p>If yes, give a brief description of how the proposed action may affect that use: _____</p>		
<p>No affect</p>		
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>		
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>		
<p>If Yes, provide county plus district name/number: _____</p>		
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>		
<p>i. If Yes: acreage(s) on project site? _____</p>		
<p>ii. Source(s) of soil rating(s): _____</p>		
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>		
<p>If Yes:</p>		
<p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p>		
<p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p>		
<p>_____</p>		
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>		
<p>If Yes:</p>		
<p>i. CEA name: _____</p>		
<p>ii. Basis for designation: _____</p>		
<p>iii. Designating agency and date: _____</p>		



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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource:	<input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District
ii. Name:	Eligible property: 214 North Barry Street
iii. Brief description of attributes on which listing is based:	Embodies distinctive characteristics of a type/period/method of construction; an example of Queen Anne Victorian architecture which historical integrity
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 type="checkbox"/> No

**F. Additional Information**

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

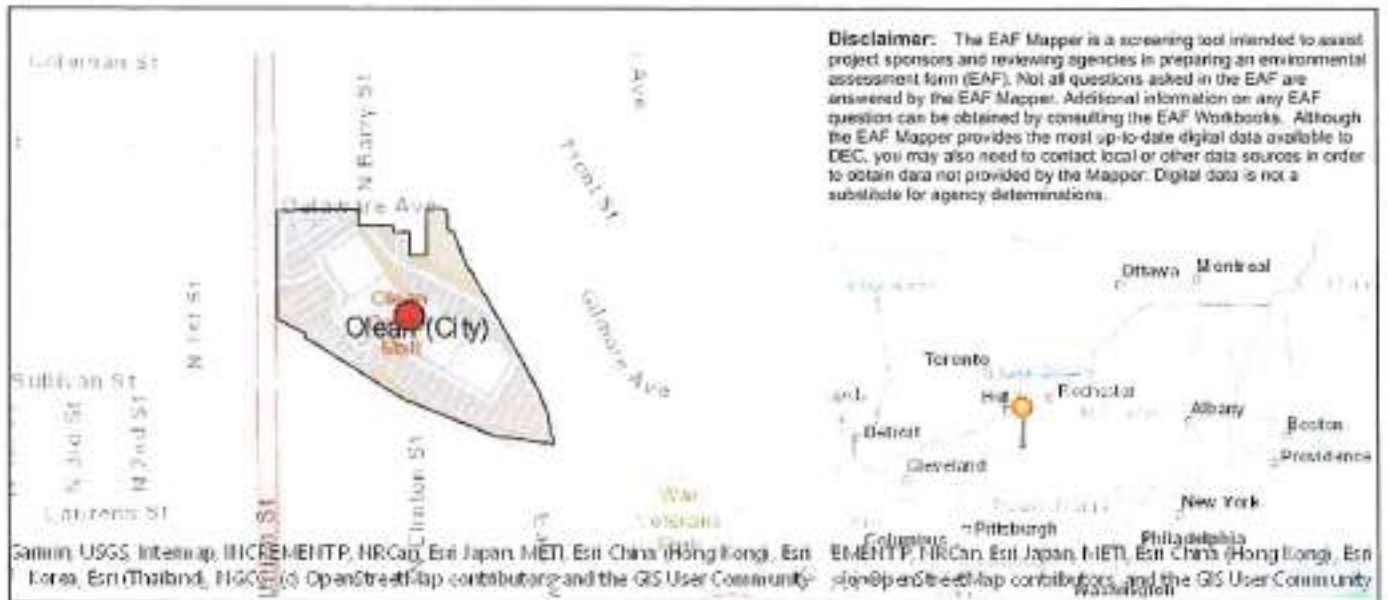
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

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

Applicant/Sponsor Name Matt Tomlinson, Marathon Engineering Date 8/12/24

Signature  Title Project Manager



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
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.j [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.ii [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]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Primary Aquifer
E.2.n. [Natural Communities]	No

E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Longhead Darter, Wavyrayed Lampmussel, Rayed Bean, Bluebreast Darter
E.2.p. [Rare Plants or Animals]	Yes
E.2.p. [Rare Plants or Animals - Name]	Black Redhorse, Streamline Chub, Hellbender
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]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:214 North Barry Street
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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

Agency Use Only [If applicable]  
 Project: Clean Mill Redevelopment Project  
 Date: 8/22/2024

**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>			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>2. Impact on Geological Features</b> 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) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

<b>3. Impacts on Surface Water</b> 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) <span style="float: right;"><input type="checkbox"/> NO <input checked="" type="checkbox"/> YES</span> <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	<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 create a new water body.	D2b, D1h	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: <u>The project's stormwater management system may undergo some modifications but would be developed in accordance with NYS DEC SPDES requirements.</u>	<input type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>Dewatering of shallow groundwater during construction, if necessary, will be conducted in accordance with local, state and federal regulations and resulting dewatering fluids will be properly managed to minimize or avoid negative impacts to water resources.</u>		<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input checked="" 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 I, D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	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 hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: <u>Minor, temporary air emissions would result from vehicle and equipment use during construction and vehicle use during operations.</u>		<input checked="" 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 I, E.2, m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	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: _____ <small>Construction best management practices, including erosion and sediment control, would be in place to minimize any potential impacts on aquatic habitats and water quality</small>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<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 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, E1b	<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"/>



<b>9. Impact on Aesthetic Resources</b> 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.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a.	Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" 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 checked="" 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 checked="" type="checkbox"/> <input checked="" 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 checked="" type="checkbox"/> <input checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
g.	Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<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 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	

d. Other impacts: _____ _____		<input checked="" 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"/>

<b>11. Impact on Open Space and Recreation</b>			
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.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<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 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"/>

<b>12. Impact on Critical Environmental Areas</b>			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<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 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.  NO  YES  
 (See Part I, D.2.j)  
 If "Yes", answer questions a - f. If "No", go to Section 14.

	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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: Projected traffic increases may cause a decrease in the level of service of the existing, recently modified intersections and road network serving the project site. The municipal site plan review process will ensure that traffic impacts are minimized or appropriately mitigated.		<input type="checkbox"/>	<input checked="" type="checkbox"/>

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part I, D.2.k)  
 If "Yes", answer questions a - e. If "No", go to Section 15.

	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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part I, D.2.m., n., and o.)  
 If "Yes", answer questions a - f. If "No", go to Section 16.

	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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: <u>Vehicle and equipment use during construction may exceed</u>		<input checked="" 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.)

NO

YES

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

	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 checked="" type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: <u>Potential site contamination and regulated building materials from historic uses will be managed according to local, state, and federal guidelines.</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**17. Consistency with Community Plans**

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

 NO YES

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

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

	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, E1b	<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.

 NO YES

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

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

	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"/>

**PRINT FULL FORM**

**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 narrative

**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  
site plans and project documents

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Cattaraugus County 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: Olean Mall Redevelopment Project

Name of Lead Agency: Cattaraugus County Industrial Development Agency

Name of Responsible Officer in Lead Agency: Corey R. Wiktor

Title of Responsible Officer: Executive Director

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Corey R. Wiktor

Address: P.O. Box 1749, 9 East Washington Street, Elicottville, New York 14731

Telephone Number: (716) 899-2005

E-mail: corey.cattco@gmail.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>

## **State Environmental Quality Review (SEQR) - Part 3 Narrative for Proposed Olean Mall Redevelopment Project, Olean, New York**

Olean Town Center LLC ("Applicant") proposes the redevelopment of an approximately 27.39 acre shopping mall campus (the "project") located at 400-459 North Union Street in the City of Olean, Cattaraugus County, New York as described below:

Lot 1: currently improved with an approximately 4,700 square foot existing single-use building and would have related site improvements and other ancillary facilities and improvements, including landscaping and parking.

Lot 2: the construction and equipping of an approximately 3,000 square foot single-use building with drive-thru, together with related site improvements and other, ancillary facilities and improvements, including landscaping and parking.

Lot 3: the construction and equipping of an approximately 3,000 square foot single-use building with drive-thru, together with related site improvements and other ancillary facilities and improvements, including landscaping and parking.

Lot 4: (i) the partial demolition (approximately 50,000 square feet) of the of the former Bon-Ton anchor building; (ii) the interior renovation of approximately 20,500 square feet of the former Bon-Ton anchor building; (iii) paving and striping of the parking lots; (iv) landscaping, reorientation of existing driveways and installation of new entrance pylon sign.

Lot 5: a multi-phased project involving (a) (i) the demolition of former tenant spaces; (ii) the replacement of interior "common area" ceilings; (iii) façade restoration; and (b) (i) the interior renovation of common areas and new tenant buildouts Lot 6: the construction and equipping of an approximately 35,000 square foot building (podium style construction), together with related site improvements and other, ancillary facilities and improvements, including landscaping and parking.

Lot 6: the construction and equipping of an approximately 35,000 square foot building (podium style construction), together with related site improvements and other ancillary facilities and improvements, including landscaping and parking.

Lot 7: the construction of approximately 60 units of multifamily housing in a multi-story structure together with landscaping and parking.

The Cattaraugus County IDA ("IDA"), as the designated lead agency under SEQRA, has considered the impacts of short-term construction activities, as well as the long-term operation of the project in preparing its determination of significance for the proposed action. The IDA carefully reviewed the information and answers given in the Part 1 EAF by the Applicant. This information informed the IDA's preparation of the Part 2 EAF. In addition, the Part 1 EAF was circulated to the list of involved and interested agencies. Any comments from these agencies were taken into account in the IDA's consideration of its Determination





of Significance. In order to assess whether the potential impacts identified by the IDA may have a significant adverse impact on the environment, the impacts reasonably expected to result from the proposed action were compared against the criteria for determining significance provided in 6 NYCRR 617.7.

Based on this analysis, the IDA has not identified any large, significant adverse impacts on the environment as a result of the proposed action. Instead, the potential impacts identified using Part 2 of the EAF were found to be small, moderate, temporary or minor in importance, particularly in consideration of their magnitude, geographic scope, irreversibility, duration, number of people affected, and probability. The IDA therefore issues a Negative Declaration for the project.

The following is provided to document the reasoning and findings of the IDA with regard to the significance of potential environmental impacts, including the conclusion that no potentially significant adverse environmental impacts have been found.

### **Impacts on Land and Erosion**

The proposed project involves the redevelopment of a mall site located in Center City (CC) district. The proposed project is permitted within this zoning district, and there would be no change in land use.

The total acreage to be physically disturbed is approximately 8 acres. Any site preparation involving excavation would occur within previously disturbed soils and there are no anticipated excavations to deeper limits than previously performed for the original mall construction. The foundations for new structures are anticipated to be spread footers meeting frost depth requirements (size to be specified by structural engineers) typical of commercial buildings and quick service restaurants. Any removals off-site would consist of construction debris from demolition activities.

Additionally, the existing parking field would be maintained in its current footprint. The parking field would include enhancements to reduce surface pavement and add new green space.

The proposed project would be constructed in 3 to 4 phases over the next few years. All work would be conducted within the project site's boundaries and would not encroach on adjacent or neighboring properties. If groundwater is encountered during construction, standard dewatering techniques would be employed. The construction site would have appropriate erosion and sediment control measures in place to manage groundwater and prevent contamination.

Lawn and pest treatment chemicals may be used as part of the landscape maintenance program. The property management company would implement a plan to minimize the use of chemicals and prioritize environmentally friendly practices.



The project would not have a significant adverse impact on soil resources resulting in erosion. As noted above, the construction site would have appropriate erosion and sediment control measures in place to manage groundwater and prevent contamination. The Applicant would be required to obtain, and comply with, all applicable NYSDEC permits relating to wastewater and stormwater discharges. Further the Applicant would be required to comply with all NYSDEC permitting requirements and regulations governing erosion and sediment control. Therefore, no potentially significant adverse impacts on land have been identified.

### **Impacts on Water Resources**

The proposed action would be constructed exclusively within previously developed areas of the mall campus and would not have any direct impacts on surface water or groundwater resources in the area, which include Olean Creek flowing along the eastern site boundary and the glacial outwash sand and gravel aquifer that underlies portions of the City of Olean including the project site. No physical impacts to the bed or banks of Olean Creek are planned in connection with the proposed action. Although the entire bank of the creek, which is not located within the Project Site, is currently green space, the introduction of more permeable surfaces on the Project Site would minimize stormwater impacts. Additionally, while lawn and pest treatment chemicals may be used as part of the landscape maintenance program, the property management company would implement a plan to minimize the use of chemicals and prioritize environmentally friendly practices. Best management practices would be used to prevent runoff of treatment chemicals to Olean Creek. Furthermore no withdrawals of surface water from Olean Creek or groundwater from the aquifer are planned in connection with the redevelopment project.

The current stormwater management system servicing the mall campus discharges directly to Olean Creek. This system may undergo some modifications internally within the mall campus to accommodate the site improvements and new construction, but would continue to discharge to Olean Creek through the current outlet. The project site consists almost entirely of impervious surfaces and reductions in the area of impervious surfaces on the mall campus are planned in connection with additional landscaping and greenspace elements of the proposed action and should reduce the quantity of stormwater discharged from the site to Olean Creek by incorporating additional green space. Furthermore, any modifications to the stormwater control system would be designed in accordance with applicable local, state and federal requirements to ensure that there are no negative impacts to the quality of the discharge to Olean Creek.

During construction of the proposed site improvements and new construction elements, a Stormwater Pollution Prevention Plan (SWPPP) developed in accordance with local and state requirements would be implemented to prevent stormwater impacts. The Project would also be subject to all requirements and regulations related to wastewater and stormwater discharges as implemented by NYSDEC. This would include erosion and



sedimentation control measures to minimize sediment laden runoff or discharges from the property. Similarly, standard dewatering techniques would be employed should shallow groundwater be encountered during excavation activities required for the improvements. Any dewatering fluids generated during construction would be properly managed to prevent impacts to surface water or groundwater resources. All dewatering activities would comply with local, state, and federal regulations to ensure the protection of groundwater resources. Therefore, no potentially significant adverse impacts on water resources have been identified.

### **Impacts on Flooding/Floodplains**

The project site is located within the 100-year floodplain and consists almost entirely of impervious surfaces. The proposed project would result in reductions in the area of impervious surfaces on the mall campus in connection with additional landscaping and greenspace elements and should reduce the quantity of stormwater discharged from the site to Olean Creek by incorporating additional green space. Furthermore, any modifications to the stormwater control system would be designed in accordance with applicable local, state and federal requirements. Temporary erosion and sediment control practices would be installed to limit and capture stormwater runoff during construction. The proposed project would comply with all local, state, and federal requirements for building in a floodplain. As such, no potentially significant adverse flooding impacts or impacts to the floodplain have been identified as a result of the proposed project.

### **Impacts on Air Quality**

No new air registrations or permits are associated with the proposed project. Minor, temporary air emissions would result from the use of construction vehicles and equipment as well as staff, resident, customer, delivery, repair, maintenance, and waste management vehicles during operations. Therefore, no potentially significant adverse impacts to air quality have been identified as a result of the proposed project.

### **Impacts on Animals**

New York State-listed rare, threatened, and endangered aquatic species were flagged by the Environmental Assessment Form (EAF) Mapper Summary. The Project is not anticipated to adversely impact populations of Longhead Darter, Wavyrayed Lampmussel, Rayed Bean, Bluebreast Darter, Black Redhorse, Streamline Chub or Hellbender. The project site remains entirely within previously disturbed or impervious areas, and no work is proposed adjacent to or within the bed or the banks of the Olean Creek.

During construction of the proposed site improvements and new construction elements, a Stormwater Pollution Prevention Plan (SWPPP) developed in accordance with local and state requirements would be implemented to prevent stormwater impacts. The project



would also be subject to all requirements and regulations related to wastewater and stormwater discharges as implemented by NYSDEC. Construction best management practices, including erosion and sediment control, would be in place to minimize any potential impacts on aquatic habitats and water quality. As noted above, lawn and pest treatment chemicals may be used as part of the landscape maintenance program. The property management company would implement a plan to minimize the use of chemicals and prioritize environmentally friendly practices.

The United States Department of the Interior Fish and Wildlife Service (USFWS) IPaC tool flagged the endangered Northern Long-eared Bat as a species which may potentially occur on or near the project site. No clearing of forested areas is proposed. In a letter dated October 6, 2022, the USFWS indicated that the proposed action is not likely to result in an unauthorized take of the Northern Long-eared Bat. Therefore, no potentially significant adverse impacts to animals have been identified as a result of the proposed project.

### **Impacts on Agricultural Resources**

The project site is not located within a New York State Agricultural District nor is it located on or near agricultural lands. Therefore, no potentially significant adverse impacts to agricultural resources have been identified as a result of the proposed project.

### **Impacts on Scenic, Aesthetic, Historic, and Archaeological Resources**

The Olean Creek, a Class C Stream as identified by NYSDEC, flows along the eastern boundary of the project site. The proposed project is designed to be located entirely within previously disturbed or impervious areas and no work is proposed in the bed or banks of the creek. Additionally, the project site is substantially contiguous to a historic building located at 214 North Barry Street; however, the proposed project is not anticipated to have any impact on this historic building and would not impact views of this historic building. Based on a review of the NYS Cultural Resource Information System (CRIS) Mapper, the project site is also located within an area of potential archaeological sensitivity. The proposed project was reviewed by the New York State Parks, Recreation and Historic Preservation Office and in its letter dated September 26, 2022, the New York State Parks, Recreation and Historic Preservation Office determined that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places would be impacted by the proposed project. Therefore, the no potentially significant adverse impacts to scenic, aesthetic, historic, or archaeological resources have been identified as a result of the proposed project.

### **Impacts on Open Spaces and Recreation**

The Olean Creek, a Class C Stream as identified by NYSDEC, flows along the eastern boundary of the project site. Fishing activities occur in Olean Creek. The project is designed



to be located entirely within previously disturbed or impervious areas and no work is proposed in the bed or banks of the creek. As such, there would be no direct impact on recreational activities within the vicinity of the project site, including hunting, trapping, or fishing. Therefore, no potentially significant adverse impacts to open spaces and recreation have been identified as a result of the proposed project.

### **Impacts on Critical Environmental Areas**

Review of the NYS Environmental Resources Mapper (ERM) indicates the project site is not located within a Critical Environmental Area (CEA). Therefore, no potentially significant adverse impacts to CEAs have been identified as a result of the proposed project.

### **Impacts on Traffic and Transportation**

Primary components of the proposed action involve the reconfiguration of an existing retail mall facility supplemented by a separate 60-unit multi-family housing structure on the mall property. Additionally, two 3,000 square foot single-use buildings with drive-through facilities would be constructed within the footprint of the existing mall property. The existing primary access and egress point from the project site would remain, as would internal traffic circulation patterns. The two single-use buildings with drive-through facilities would be accessed exclusively from the mall access road via the existing mall entrance and exit.

Historically, during the time of greater occupancy, the mall generated traffic levels that exceeded current levels associated with the reduced occupancy at the mall. Additional trips to be generated by the redeveloped mall, multi-family housing facility and outparcel businesses are expected to offset to some degree the reduction experienced as a result of the mall's decline. Further, the proposed redevelopment is anticipated to have a minimal impact on traffic levels and would not significantly increase demand for transportation facilities or services. It is not expected that the trips generated by the project would exceed trips previously generated by a fully occupied mall.

Substantial modifications to the roadway network and intersections servicing the property were completed within the last decade. This includes modifications to the geometry of North Union Street (NY Route 16) in the vicinity of the project site and the intersection of the mall access road with North Union Street, which went from a signalized intersection to a roundabout.

Additionally, peak trip generation would occur at different times for retail related uses and housing related uses. Parking has been planned to meet the needs of new and existing tenants without creating excess demand, therefore there is no anticipated significant new increase in parking demand that would strain the current capacity.



Also, public transportation facilities are conveniently located within a reasonable distance from the site and pedestrian and bicycle accommodations would remain well-integrated with existing routes. There would also be provisions made for alternative-fueled vehicles including increasing the availability of Electric Vehicle charging stations.

As part of the municipal site plan review process, the City of Olean, consulting as necessary with the New York State Department of Transportation (NYSDOT), would verify that the existing transportation network is capable of accommodating the traffic to be generated by the proposed action at acceptable levels of service. This assessment would occur as successive components of the proposed action are advanced through the municipal site plan review process and would ensure that project related traffic impacts are minimized or appropriately mitigated prior to the implementation of each project phase. Therefore, no potentially significant adverse impacts to traffic and transportation have been identified as a result of the proposed project.

#### **Impacts on Local Utilities and Energy Use**

The electrical energy demand from the proposed action is expected to be similar to levels historically consumed by the mall during past periods of higher occupancy. The incorporation of more energy efficient building techniques, materials and fixtures for new construction elements of the proposed action, as well as renovations to portions of the existing mall, is anticipated to result in a measure of energy conservation.

Additionally, the capacities of the local utilities are sufficient to provide services to the project, including to such utilities after the Project becomes operational. The existing local utility would be able to supply required additional energy without requiring a new, or an upgrade to an existing substation. The project site is also currently serviced by public water and sewer utilities with the capacity required for the proposed action. Therefore, no potentially significant adverse impacts to local utilities or energy have been identified as a result of the proposed project.

#### **Impacts on Noise, Odor and Light**

Noise levels during construction of the proposed action would likely temporarily exceed ambient noise levels in the project vicinity during active demolition and construction work. However, the site is located in a commercial area and adjacent to major transportation infrastructure including North Union Street (NY Route 16) to the west and an active railroad line to the south. Noise generated by these features would likely mask temporary construction noise from the site during daytime hours. Furthermore, the demolition and construction activities associated with the proposed action would be required to comply with the City of Olean noise ordinance. This



ordinance prohibits such activities between the hours of 10:00 PM and 7:00 AM Sunday through Saturday. The applicant has indicated that the hours of construction activity would be limited to 7:00 AM to 6:00 PM daily, which are within those permitted under the City's noise ordinance. Operating noise levels from the components of the proposed action are expected to be similar to those generated by the current mall facility. Therefore, no potentially significant adverse noise impacts have been identified as a result of the proposed action.

The Project is not anticipated to result in odors significant enough to result in an adverse impact to the surrounding areas.

Lighting associated with the renovated mall, multi-family housing structure and out-parcel buildings and their associated parking areas would be consistent with illumination levels within the current mall campus and surrounding commercial corridor. Proposed lighting consists of LED and dark-sky compliant fixtures. New light fixtures would be designed and installed to minimize light spill and related impacts. As a result, no potentially significant adverse lighting impacts have been identified as a result of the proposed action.

### **Impacts on Public Health and Solid Waste**

The project would not create a hazard to public health. To the contrary, the project would present a significant improvement to the environment, particularly with respect to revitalizing a blighted/abandoned mall site and living accommodations of residents within the community as the project includes the development of new multi-family housing.

Based upon the age of the existing mall complex and the results of a Phase I Environmental Site Assessment (ESA) conducted in 2020, there is the potential for hazardous building materials (i.e., asbestos, lead paint, etc.) and soil and/or groundwater contamination stemming from historical site usage to be present within the building and on the project site, respectively. As such, building demolition and renovation, site grading, and foundation and infrastructure excavation activities have the potential to encounter hazardous building materials and subsurface contamination. However, corresponding impacts to public health would be minimized or avoided through compliance with applicable regulations and safety requirements, environmental monitoring during construction and abatement and/or remediation of contaminants encountered in accordance with local, state and federal requirements. More specifically, the following measures are to be employed during the redevelopment project and would eliminate the potential for substantial public health impacts:

#### Hazardous Building Materials

- Prior to demolition and renovation work, inspections by property certified professionals would be conducted to identify any hazardous building materials;



- Abatement of any such materials would be performed by properly licensed contractors;
- Demolition and renovation work would be conducted in accordance with NYS Industrial Code Rule 56;
- Monitoring would be conducted pursuant to applicable regulatory requirements; and
- All such materials would be handled, transported and disposed of at properly permitted off-site facilities.

#### Contaminated Media

- Environmental monitoring would be conducted by a Qualified Environmental Professional (QEP) during activities that have the potential to expose or disturb contaminated media (i.e., soil, fill, groundwater, etc.);
- The QEP would oversee and ensure that all impacted media are managed in accordance with applicable local, state and federal regulations;
- The QEP would comply with applicable regulatory reporting requirements upon discovery of contamination;
- Regulatory requirements for the control, remediation and/or removal of all contaminated material encountered during the redevelopment project would be complied with, inclusive of any precautions or corrective measures required to safeguard human health and the environment.

Additionally, while solid waste is anticipated to be generated during construction and operation of the facility, the project would not result in a significant increase in the generation of solid waste. During construction approximately 24,000 tons per every six months would be disposed of during construction, and approximately 79 tons per year would be disposed of during operations, these are not levels significant to cause an adverse impact. Any materials that cannot be reused or recycled would be disposed of by a local licensed waste handler. Therefore, no potentially significant adverse public health impacts or impacts stemming from solid waste disposal have been identified as a result of the proposed action.

#### **Impacts to Community Plans, Growth, and Character**

The project site is located in the City Center (CC) zoning district, the intent of which is to enable higher intensity mixed use development supportive of a vibrant urban environment. The proposed project is consistent with the current zoning and is intended to revitalize the mall property through a mix of commercial and residential improvements and development. The City of Olean is currently in the process of updating their Comprehensive Development Plan and, through this ongoing process, has identified improvements to the mall campus as well as improvements to the diversity of housing through new development as priorities





moving forward. The proposed action is consistent with these priorities and supportive of a number of the preliminary goals established through the comprehensive planning update process, including:

- Improve housing and neighborhoods
- Advance economic development
- Promote optimal and efficient land use
- Enhance quality of life

The proposed action is intended to revitalize the existing mall property, which has been in decline due to changing market conditions and consumer behaviors. The mall property and nearby properties located along the North Union Street corridor have a character consistent with a mature suburban retail/commercial corridor. The improvements and new construction planned in connection with the proposed action would prevent the mall from further decline and would modernize and improve the aesthetics of the property by revitalizing a blighted/abandoned property which would encourage economic growth and community revitalization. Furthermore, the project involves the development of much needed multi-family housing which would have a beneficial impact on both residents and businesses within the County.

As such, positive impacts to the character of this corridor are expected to result from this redevelopment project. Therefore, no potentially significant adverse impacts to Community Plans, Growth, or Character have been identified as a result of the proposed project.

**COUNTY OF CATTARAUGUS INDUSTRIAL  
DEVELOPMENT AGENCY  
INDUCEMENT RESOLUTION**

**OLEAN TOWN CENTRE LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S),  
SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS  
BEHALF**

A regular meeting of the County of Cattaraugus Industrial Development Agency was convened on Thursday, August 22, 2024 at 9:00 a.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF OLEAN TOWN CENTRE LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iv) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH PILOT AGREEMENTS; AND (v) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

**WHEREAS**, County of Cattaraugus Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws 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 536 of the 1971 Laws of New York, as amended, constituting Section 890-b 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, warehousing, research, commercial and industrial 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 Company has submitted an application to the Agency (the “Application”) requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 400-459 North Union Street in the City of Olean, Cattaraugus County, New York and all other lands in the City of Olean where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the “Land”), (ii) partial demolition of the former Bon-Ton facility and reconstruction and/or renovation of approximately 20,500 sq. ft. for one or more retail related uses (the “Existing Improvements”); the construction of three 3,000 sq. ft. single-use buildings; construction of an approximately 35,000 sq. ft. podium style facility (the “Improvements”); and (iii) the acquisition by the Company in and around the Existing Improvements and the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land, Existing Improvements and the Improvements, the “Facility”). The Facility will be initially operated and/or managed by the Company; and

**WHEREAS**, the Agency contemplates that it will provide financial assistance to the Company for qualifying portions of the Project in the form of sales and use tax exemption benefits, mortgage recording tax benefits, and real property tax abatement benefits (collectively, the “Financial Assistance”). With respect to the contemplated real property tax abatement, and in recognition of the speculative nature of the Project, the Company requested that the Agency enter into up to six separate payment in lieu of tax agreements (each a “PILOT Agreement” and collectively, the “PILOT Agreements”), said PILOT Agreement(s) to be entered into no later than August 22, 2029, having terms that deviate from the Agency’s Uniform Tax Exemption Policy (the “UTEP”) standard Qualified Commercial Facility (Renovation) PILOT and Qualified Commercial Facility (New Construction) PILOT by extending the term by six years, with respect to the Qualified Commercial Facility (Renovation) PILOT, and by one year, with respect to the Qualified Commercial Facility (New Construction) PILOT, with an adjusted Percentage of Exemption, as follows:

<b><u>PILOT Year</u></b>	<b><u>Percentage of Exemption</u></b>
1 through 5	100%
6	90%
7	80%
8	70%
9	60%
10	50%
11	50%
12 and thereafter	0%

; and

**WHEREAS**, notice letters detailing the requested PILOT Agreement and UTEP deviation as so described herein were mailed or delivered to the chief executive officers of each Affected Tax Jurisdiction on August 6, 2024; and

**WHEREAS**, at this August 22, 2024, meeting of the Agency, the Agency allowed representatives of all Affected Tax Jurisdictions present at the meeting to address the Agency with respect to the deviation from the Agency's UTEP; and

**WHEREAS**, the Project constitutes a "retail" project as defined under Section 862 of the Act and as such requires additional findings; and

**WHEREAS**, the Agency must, prior to providing any Financial Assistance to such a "retail" Project find that: (1) the Project is likely to attract a significant number of visitors from outside the economic development region in which the Project is located as established by section two hundred thirty of the New York Economic Development Law; or (2) the predominant purpose of the Project would be to make available goods or services which would not, but for the Project, be reasonably accessible to residents of the City of Olean because of a lack of reasonably accessible retail trade facilities offering such goods or services; or (3) the Project is located in a "highly distressed area" as such term is defined in Section 854(18) of the Act, and, in addition, find that the undertaking of the Project will serve the public purposes of the Act by preserving permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State; and thereafter obtain the approval of the chief executive officer of the County of Cattaraugus, New York, confirming the Agency's finding; and

**WHEREAS**, the Project is located in census tract 9617, which is contiguous to census tract 9615, which is considered to be a distressed census tract and therefore is in a "highly distressed area" as such term is defined in Section 854(18) of the Act; and

**WHEREAS**, pursuant to General Municipal Law Section 859-a, on August 20, 2024, at 9:00 a.m., at the Olean City Municipal Building, Mayor's Conference Room #119, 101 East State Street, Olean, New York 14760, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

**WHEREAS**, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the "Agent Agreement"), (ii) negotiate and enter into a lease agreement(s) (the "Lease Agreement") and related leaseback agreement(s) (the "Leaseback Agreement") with the Company, pursuant to which the Agency will retain a leasehold interest(s) in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Facility; and (iii) provide Financial Assistance to the Company in the form of (a) an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility, (b) a mortgage recording tax exemption benefit for the financing related to the Project, and (c) a partial abatement from real property taxes benefit through an

eleven (11) year term PILOT Agreement(s) for the benefit of each municipality and school district having taxing jurisdiction over the Project; and

**WHEREAS**, by resolution dated August 22, 2024, the Agency adopted a negative declaration with respect to the Project in compliance with the New York State Environmental Quality Review Act; and

**WHEREAS**, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

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

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, and Agency board member review of and recommendations related to the Project and its resolution to approve the Project subject to the terms and conditions as described herein, the Agency board member review of the Project's cost benefit ratio, the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project's contemplated community benefits, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Cattaraugus County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to

the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Act's abandonment procedures; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis satisfactorily identifying the Project's cost-benefit ratio, the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, the extent to which the Project will create or retain permanent, private sector jobs, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions of the Act.

(I) The Project is situated within a "highly distressed area" as such term is defined in Section 854(18) of the Act and therefore qualifies for Financial Assistance under Section 862(2)(b)(ii) of the Act. The Agency hereby finds that, as required under Section 862(2)(c) of the Act, the undertaking of the Project will serve the public purpose of the Act by preserving permanent, private sector jobs or increasing the overall number of permanent, private sector jobs in New York State. In compliance with Section 862(2)(c) of the Act, prior to providing Financial Assistance to the project, the Chief Executive Officer of the County of Cattaraugus shall provide written confirmation confirming that the Project will serve the public purpose of the Act by preserving permanent private sector jobs or increasing the overall number of permanent, private sector jobs in the State of New York.

(J) The Project qualifies for Agency Financial Assistance as it meets the Agency's general uniform criteria for project evaluation, said criteria established by New York State and the Agency as required under General Municipal Law Section 859-a(5) as evidenced by the following:

- (i) Extent to which the Project will create or retain jobs: The Project will retain at least one FTE employee position and create at least one new FTE employee position, however, assuming the Project is able to attract new tenants, many more full-time and part-time employee positions will be created because of the Company's investment.
- (ii) The estimated total value of Financial Assistance is approximately \$5,321,532 over the 11-year real property tax abatement benefit period.
- (iii) The estimated amount of private sector investment to be made by the Company is \$40,229,315.
- (iv) Likelihood of the Project being accomplished in a timely fashion: There is a high likelihood that the Project will be completed in a timely manner,

with initial demolition and improvements beginning in the fourth quarter of 2024, and phased development anticipated to occur in five phases over the next five years, or sooner, based upon the ability of the Company to attract end-users.

- (v) Extent of new revenue provided to local taxing jurisdictions: By rehabilitating and creating new retail space and facilities, it is anticipated that new retail tenants will establish facilities at the Project site, thus attracting visitors to the Facility and to the City Olean resulting in new and increased sales tax revenues.
- (vi) The extent to which the Project will create local construction jobs. The Company will utilize local construction contractors to the maximum extent possible.

(K) The proposed Financial Assistance to be provided under the PILOT Agreement(s) with respect to the Project deviates from the terms of the UTEP. The Agency hereby approves of the PILOT Agreement deviation as described herein. In making this determination, the Agency has considered the following factors as required by the Act and its UTEP, no single one of which is determinative:

- The nature of the proposed project: The Project is primarily a retail project that will provide significant opportunity for the retention and creation of new tenancies and employment opportunities at the Project Facility, in that it will allow for the retention of employee positions for existing tenants at the Project Facility, with the potential to create additional full and part time employee positions by virtue of increasing overall tenant occupancy at the Project Facility, and indirect secondary benefits (including consumer purchasing opportunities, new sales tax revenues, and employee expenditures on local goods and services) to residents of Cattaraugus County.

- The nature of the property before the project begins: The Project Facility is comprised of the existing Olean Mall (the "Mall").

- The economic condition of the area at the time of the application and the economic multiplying effect the project will have on the area: The Project involves the renovation, construction and equipping of the Mall site. The condition of the Mall has steadily deteriorated over the last several years. The construction component of the Project contemplates an approximate \$40,000,000 investment in the Mall and its existing facilities, as well as related construction of new Mall facilities to increase overall occupancy. The Project Facility, upon completion, will revitalize the existing Mall campus, attract new retail tenants, and has the potential to create new employment opportunities in the community through expanded tenant occupancy opportunities at the Project Facility.

- The extent to which the project will create or retain permanent, private sector jobs, the number of jobs to be created/retained and/or the salary ranges of such jobs: The Project will, by attracting new Mall tenants, create new full time and part time employee positions, predominantly at retail service level wages and management level wages.

- The estimated value of tax exemptions to be provided: Sales tax exemption benefits are estimated at \$1,551,560, mortgage recording tax exemption benefits are estimated at \$437,991, and real property tax abatement benefits are estimated at \$3,331,981 over the term of the 11 year PILOT Agreement.

- The economic impact of the project and the proposed tax exemptions on affected tax jurisdictions: The Project has the potential to attract and generate new retail and commercial activity over the term of the PILOT Agreement. It will revitalize a current blighted and declining Mall structure and area within the urban core of the City of Olean. The Project will generate new sales tax revenues and new part-time and full-time employment opportunities for City and County residents.

- The impact of the proposed project on existing and proposed businesses and economic development projects in the vicinity: See above. In addition, by revitalizing a blighted and vacant area of the City of Olean, it is anticipated that increased interest, traffic, visitors and shoppers to this area of the City of Olean may spur additional investment and revitalization efforts on adjacent properties.

- The amount of private sector investment generated or likely to be generated by the proposed project: The Project involves up to a \$40,299,315.00 private sector investment.

- The likelihood of accomplishing the proposed project in a timely fashion: The Project is contemplated to be undertaken in up to six different phases, with initial demolition and construction activities beginning as early as fall/winter 2024. One or more phases are anticipated to be completed within the next five years.

- The effect of the proposed project upon the environment and surrounding property: The Project will not have a significant adverse impact on the environment, and rehabilitating this blighted, near vacant structure will have a positive impact on the community.

- The extent to which the proposed project will require the provision of additional services including, but not limited to, educational, transportation, emergency medical or police and fire services: It is not likely that the Project will require additional governmental services.

- The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts in which the project is located: The proposed Project will most likely increase local sales tax revenues resulting from direct purchases made by customers who visit the Project Facility within Cattaraugus County. PILOT Agreement payments will provide new revenues to municipalities and the school district compared to the amount of real property taxes that would otherwise be received in the event that the proposed Project does not move forward.

- The extent to which the proposed project will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the project is located: The tenants occupying the Project Facility will retain and create part time and full time employment opportunities, thus increasing local wages and related incidental spending, locally and within the region, providing wealth creation. The Project will also attract new tenants, which will increase



otherwise absent retail opportunities for consumers. The impact of the Project is a positive one on the community, as it will continue to promote job opportunities, eliminate blight, and increase the general prosperity and economic welfare for the residents of Cattaraugus County.

(L) As an additional consideration with respect to the Agency's approval of the requested PILOT Agreements(s) and deviation from the Agency's UTEP as related thereto, the Agency's approval of the PILOT Agreements(s) is subject to the Land and the Existing Improvements thereon being taxed without abatement, such that the Company shall be responsible for the payment of 100% of the amount of general taxes and assessments payable to each Affected Tax Jurisdiction as if the Facility's Existing Improvements were owned by the Company and the Agency did not have a leasehold interest therein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the appointment of the Company as agent of the Agency, if utilized, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, and/or the Executive Director).

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$19,394,505, and, therefore, the value of the sales and use tax exemption benefits ("sales and use tax exemption benefits") authorized and approved by the Agency cannot exceed \$1,551,560, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the value of the mortgage recording tax exemption benefit ("mortgage recording tax exemption benefits") shall not exceed \$437,991; and

(iii) authorizes and approves that the real property tax abatement benefits ("PILOT benefits") to be provided over the term of the PILOT Agreement are estimated

to be approximately \$3,331,981 resulting in estimated total PILOT payments of \$1,568,059 over the term of the PILOT Agreement.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits, and/or mortgage recording tax exemption benefits, and/or partial abatements from real property taxes benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; and/or (v) the New York State and local sales and use tax exemption benefits and/or mortgage recording tax exemption benefits, and/or the partial abatement from real property taxes benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, the Employment Commitment, and/or the Construction Jobs and Local Labor/Vendor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

C. Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment - the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$40,229,315, being the total project cost as stated in the Company's application for Financial Assistance.
- (ii) Employment Commitment – that there is at least one existing full time equivalent (“FTE”) employee located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and

- the number of current FTE employees in the then current year at the Facility; and
  - that within two (2) years of Project completion, the Company has created one new FTE employee position at the Facility.
- (iii) Construction Jobs and Local Labor/Vendor Commitment - that the Company will utilize local labor and local vendors to the maximum extent possible for construction purposes.

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, and/or the Executive Director, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver (A) an Agent Agreement, (B) the Lease Agreement whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement whereby the Agency leases the Project back to the Company, and (D) the PILOT Agreement and (E) related documents; provided, however, that (i) the rental payments under the Leaseback Agreement to the Company include payments of all costs incurred by the Agency arising out of or related to the Project, the Project's approvals, and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy, or procedures for deviation have been complied with accordingly.

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, and/or the Executive Director, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the "Agency Documents"); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, and/or the Executive Director of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, and/or the Executive Director of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 6. The Executive Director of the Agency is hereby authorized and directed to give notice in writing to the chief executive officer of each affected tax jurisdiction regarding the proposed deviation of the terms of PILOT Agreement from the Agency's Uniform Tax Exemption Policy, and to do such further things or perform such acts as may be necessary to comply with Section 874 of the Act.

Section 7. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the Agency's policies.

Section 8. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, and/or the Executive Director.

Dated: August 22, 2024

**SEQRA RESOLUTION**  
***(Olean Mall Redevelopment)***

A regular meeting of the County of Cattaraugus Industrial Development Agency was convened on Thursday, August 22, 2024 at 9:00 a.m.

The following resolution was duly offered and seconded, to wit:

**RESOLUTION OF THE COUNTY OF CATTARAUGUS INDUSTRIAL  
DEVELOPMENT AGENCY ISSUING A NEGATIVE DECLARATION  
PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY  
REVIEW ACT FOR THE OLEAN MALL REDEVELOPMENT**

**WHEREAS**, the County of Cattaraugus Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws 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 536 of the 1971 Laws of New York, as amended, constituting Section 890-b 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, warehousing, research, commercial and industrial 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 Olean Town Centre LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies) or Entity(ies) formed or to be formed on its behalf (individually and/or collectively, the "Company") has submitted an application (the "Application") for certain financial assistance to the Agency with respect to a project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 400-459 North Union Street in the City of Olean, Cattaraugus County, New York and all other lands in the City of Olean where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"), (ii) partial demolition of the former Bon-Ton facility and reconstruction and/or renovation of approximately 20,500 sq. ft. for one or more retail related uses; the construction of two 3,000 sq. ft. single-use buildings; improvements to an approximately 4,700 square foot existing single-use building and related site improvements; construction of an approximately 35,000 sq. ft. podium style facility (the "Improvements"); (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Project Facility"), (iv) and the

development of an outparcel as a multi-story housing development containing 60 apartment units, which will provide significant environmental benefits to the region by promoting, attracting and developing economically sound commerce and industry to advance job opportunities, general prosperity and economic welfare of the people of the County of Cattaraugus; and facilitate a component of a comprehensive, long-term, and cost-effective solution to the economic and community challenges currently facing the City of Olean and the County of Cattaraugus; and

**WHEREAS**, the Agency must comply with Article 8 of the New York Environmental Conservation Law and the regulations adopted thereto at 6 N.Y.C.R.R Part 617 (collectively referred to as "SEQRA"), and determine whether or not the Project presents a potential significant adverse environmental impact; and

**WHEREAS**, to assist the Agency in determining whether the undertaking of the Project may have a potential significant adverse effect upon the environment, the Company has prepared and submitted to the Agency a Full Environmental Assessment Form (the "EAF") and supporting correspondence (the EAF and supporting correspondence collectively referred to as the "SEQRA Materials"), and copies of said SEQRA Materials are on file in the office of the Agency and are readily accessible to the public; and

**WHEREAS**, the Agency retained a consultant, Labella Associates ("Labella"), to support the Agency in its review and analysis of the Project and SEQRA Materials; and

**WHEREAS**, by letter dated February 6, 2024, the Agency distributed notice of its intent to act as lead agency to complete the SEQRA review of the Project to all involved and interested agencies, forwarded copies of the EAF to all such involved and interested agencies, and requested that each involved agency consent to the Agency acting as lead agency pursuant to SEQRA and provide any applicable comments to be considered by the Agency in reaching its determination of environmental significance for the Project; and

**WHEREAS**, none of the involved agencies objected to the Agency acting as lead agency within the regulatory 30-day time period pursuant to SEQRA; and

**WHEREAS**, the Agency desires to declare itself as Lead Agency under 6 N.Y.C.R.R. §617.6 of SEQRA; and

**WHEREAS**, the Agency has reviewed all information provided in the Part 1 of the EAF and the SEQRA Materials submitted by the Company regarding the activities proposed for the Project and the potential impacts of the Project on the environment, and completed the responses required in Parts 2 and 3 of the EAF, as such Parts 1, 2, and 3 of the EAF are enclosed herein within Exhibit "A"; and

**WHEREAS**, the Agency has considered the significance of the potential adverse environmental impacts of the Project by; (a) using the criteria specified in 6 N.Y.C.R.R § 617.7 of the SEQRA regulations; (b) examining the EAF and the SEQRA Materials for the Project in order to identify potential environmental impacts; and (c) thoroughly analyzing the identified potential environmental impacts to determine their significance and scope.

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

Upon due consideration by the Agency of the SEQRA Materials, the comments provided by the involved agencies and the public, as well as the surveys and studies completed, the Agency makes the following findings:

Section 1. The Agency has considered the Project pursuant to the parameters set forth in 6 N.Y.C.R.R. §§ 617.2(b) and 617.3(g) of the SEQRA regulations.

Section 2. The Agency classifies the Project as a Type I action pursuant to the SEQRA regulations.

Section 3. The Agency declares itself "Lead Agency" as said term is defined by SEQRA with respect to undertaking a coordinated review of the Project pursuant to SEQRA;

Section 4. The Agency has carefully reviewed the SEQRA Materials, the Application and the criteria set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, as well as considered the comments received from the involved agencies and the public regarding the Project. Based on the foregoing, the Agency has thoroughly and comprehensively analyzed the potential relevant areas of environmental concern, and finds that the Project will not result in a potential significant adverse impact on the environment for the following reasons:

(a) Land. The Project will not have a significant adverse impact on land. While the Project Site total acreage is approximately 27.39 acres, the total acreage to be physically disturbed is +/- 8 acres. Any site preparation involving excavation is within previously disturbed soils and there are no anticipated excavations to deeper limits than previously performed for the original mall construction. Any removals off-site will be construction debris from demolition. Additionally, the existing parking field will be maintained in its current footprint, and regarding the foundations for new structures the foundations are anticipated to be spread footers meeting frost depth requirements typical of commercial buildings and quick service restaurants. The Project will also not result in the modification or destruction of any unique or unusual land forms (e.g., cliffs, dunes, fossils, caves) or other significant land resources.

(b) Air Quality. While air emissions may occur during the phases of construction due to the use of construction equipment, the Project will not present a potential significant adverse impact on air. Additionally, the Project will not include a state regulated air emissions source.

(c) Water Resources. The Project will not result in a potential significant adverse environmental impact to water quality. Standard dewatering techniques will be employed if groundwater is encountered during construction. Additionally, the construction site will have appropriate erosion and sediment control measures in place to manage groundwater and prevent contamination and compliance with all local, state, and federal regulations will be strictly observed to prevent negative impacts on the stormwater discharge to Olean Creek. The Company will be required to obtain, and comply with, a State Pollution Discharge Elimination System

("SPDES") permit. And the Project will also be subject to all requirements and regulations related to wastewater and stormwater discharges as implemented by NYSDEC. Some modifications to the on-site stormwater management system may occur but it would continue to discharge to Olean Creek through the current outlet. And, as the Project Site consists of almost entirely impervious surfaces, redevelopment is anticipated to reduce stormwater runoff volume by incorporating additional green space.

Although the entire bank of the creek, which is not located within the Project Site, is currently green space, the introduction of more permeable surfaces on the Project Site will minimize stormwater impacts. Additionally, while lawn and pest treatment chemicals may be used as part of the landscape maintenance program, the property management company will implement a plan to minimize the use of chemicals and prioritize environmentally friendly practices. Best management practices will be used to prevent runoff of treatment chemicals to Olean Creek. Therefore, no potential significant adverse impacts to water resources are anticipated.

(d) Traffic and Transportation. The Project will not have a significant adverse impact on existing traffic and transportation levels. Traffic patterns and access points to the Project Site are proposed to remain the same and no changes to the circulation to the public roads are anticipated; the anticipated traffic will remain well within the capacity of the existing infrastructure. Further, the proposed redevelopment is anticipated to have a minimal impact on traffic levels and will not significantly increase demand for transportation facilities or services. It is not expected that the trips generated by the project will exceed trips previously generated by a fully occupied mall. Additionally, peak trip generation will occur at different times for retail related uses and housing related uses. Further the existing parking field will be maintained in its current footprint. Parking has been planned to meet the needs of new and existing tenants without creating excess demand, therefore there is no anticipated significant new increase in parking demand that would strain the current capacity.

No modifications are planned for the traffic routing around the retained mall footprint as the surrounding streets have infrastructure designed to handle significantly larger traffic volumes than those anticipated in relation to the Project. Also, public transportation facilities are conveniently located within a reasonable distance from the site and pedestrian and bicycle accommodations will remain well-integrated with existing routes. There will also be provisions made for alternative-fueled vehicles including increasing the availability of Electric Vehicle charging stations. Therefore, it is not anticipated that the Project will have a significant adverse impact on traffic and transportation levels.

(e) Noise. The Project will not result in significant levels of noise resulting in an adverse impact to the surrounding areas.

(f) Odor. The Project is not anticipated to result in odors significant enough to result in an adverse impact to the surrounding areas.

(g) Solid Waste. While solid waste is anticipated to be generated during construction and operation of the facility, the Project will not result in a significant increase in the generation



of solid waste. During construction approximately 24,000 +/- tons per every six months will be disposed of during construction, and 79 +/- tons per year will be disposed of during operation, these are not levels significant to cause an adverse impact. Any materials that cannot be reused or recycled will be disposed of by a local licensed waste handler.

(h) Erosion. The Project will not have a significant adverse impact on soil resources resulting in erosion. The construction site will have appropriate erosion and sediment control measures in place to manage groundwater and prevent contamination. The Company will be required to obtain, and comply with, all applicable NYSDEC permits relating to wastewater and stormwater discharges. Further the Company will be required to comply with all NYSDEC permitting requirements and regulations governing erosion and sediment control.

(i) Vegetation and Wildlife. The Project will not result in a potential significant adverse impact to existing vegetation and potential wildlife located on, and in the vicinity of, the Project Site. Measures will be in place to minimize any potential impacts on aquatic habitats and water quality. Further, the entire Project is to be developed within previously disturbed or impervious areas; no work is proposed adjacent to Olean Creek or within the embankment area so no impacts to vegetation and wildlife are anticipated. The Project will not present a potential adverse impact to a variety of listed or rare animal and vegetative species noted in the region. The Project is not anticipated to adversely impact populations of *Longhead Darter*, *Wavyrayed Lampmussel*, *Rayed Bean*, *Bluebreast Darter*, *Black Redhorse*, *Steamline Chub* or *Hellbender*.

Additionally, by letter dated October 6, 2022, the United States Department of the Interior Fish and Wildlife Service indicated that the proposed Action is not likely to result in an unauthorized take of the *Northern Long-eared Bat*. This determination remains applicable due to the fact that the environmental conditions and project scope have not changed since the date of this correspondence.

(j) Critical Environmental Area. The Project Site is not located in nor does it adjoin a state listed critical environmental area therefore no potential adverse impacts to a critical environmental area are anticipated.

(k) Aesthetic and Historical Resources. The Project site is substantially contiguous to a historic building located at 214 North Barry Street, however the Project is not anticipated to have any impact on this historic building. Further, by letter dated September 26, 2022, the New York State Parks, Recreation and Historic Preservation Office indicated that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

(l) Energy. The electrical energy demand from the proposed action is expected to be similar to levels historically consumed by the mall during past periods of higher occupancy, and use of new energy efficient buildings and materials and fixtures are anticipated to result in a measure of energy conservation. The existing local utility will be able to supply required additional energy without requiring a new, or an upgrade to an existing substation.

(m) Agricultural Resources. The Project will not result in an adverse impact to agricultural resources and/or established agricultural districts located in the region. No agricultural lands currently exist at the Project Site.

(n) Open Space and Recreational Uses. The Project Site is currently used for commercial/retail use. The Project Site, however, which will occupy a footprint of approximately 27.39 acres, will not result in a significant reduction in open space or recreational lands. The Project is designed to be located entirely within previously disturbed or impervious areas. As such, there will be no direct impact on hunting, trapping, or fishing activities within the vicinity of the Project Site.

(o) Public Health. The Project will not create a hazard to public health. To the contrary, the Project will present a significant improvement to the environment, particularly with respect to revitalizing a blighted/abandoned mall site and living accommodations of residents within the community as the Project includes the development of new multi-family housing. As the Project Site contains property that has been historically used as a foundry, machine shop, oil and gas manufacturing, and contained underground storage tanks, a full Phase I Environmental Site Assessment was conducted. During any construction activities having the potential to expose or disturb contaminated soil, fill, groundwater or other media, a Qualified Environmental Professional will be monitoring on site. This professional will oversee and ensure that all impacted media are managed in accordance with local, state, and federal regulations by conducting regular inspections at the site and conducting sampling to ensure that any identified contamination issues will be addressed promptly. Proper precautions will be taken to safeguard human health and the environment, including implementing appropriate safety measures and handling procedures. As a result, the Project will not present a potential significant adverse impact to public health and safety.

(p) Growth and Community Character. The Project will not have a significant adverse impact on the character of the community or neighborhood. The Project is consistent with community character as it involves the redevelopment of a site that previously contained a large retail mall. Therefore, the Project does not represent a potential significant adverse environmental impact to growth and community character, but, in fact, represents a potential significant benefit to improving the community character by revitalizing a blighted/abandoned property which will encourage economic growth and community revitalization. Furthermore, the Project involves the development of much needed multi-family housing which will have a beneficial impact on both residents and businesses within the County.

Section 5. Based on the foregoing, and the additional analyses set forth in Parts 1, 2 and 3 of the EAF, the Agency finds that the Project will not have a potential significant adverse impact on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and, in particular, pursuant to the criteria found at 6 N.Y.C.R.R. § 617.7(b) of the SEQRA regulations. The Agency therefore issues a Negative Declaration for the Project pursuant to SEQRA.

Section 6. This Resolution has been prepared in accordance with Article 8 of the New York Environmental Conservation Law by the Members of the County of Cattaraugus

Industrial Development Agency, 9 Washington Street, Ellicottville, NY 14731. Additional information regarding this Resolution may be obtained from the Agency at its office, telephone number (716) 699-2005.

Section 7. The Agency further directs that notice of this resolution shall be filed and circulated to the extent required by any applicable ordinance, statute or regulation.

Section 8. Any and all actions heretofore taken or authorized by the Agency and/or its members, officers, employees and agents with respect to this Resolution are hereby ratified, approved and confirmed in all aspects.

Section 9. This Resolution shall take effect immediately upon adoption.

Dated: August 22, 2024

**COUNTY OF CATTARAUGUS  
INDUSTRIAL DEVELOPMENT AGENCY**

**RESOLUTION**

A regular meeting of the County of Cattaraugus Industrial Development Agency was convened on Thursday, August 22, 2024 at 9:00 a.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING: (i) THE NEGOTIATION AND EXECUTION OF A CERTAIN RAILWAY LICENSE AGREEMENT (THE "LICENSE AGREEMENT") BY AND BETWEEN THE AGENCY AND REVOLUTION RAIL COMPANY ADIRONDACK, LLC ("REVOLUTION") PERMITTING REVOLUTION TO OPERATE AND UTILIZE CERTAIN RAILWAY PROPERTY OWNED BY THE AGENCY AS MORE PARTICULARLY DESCRIBED HEREIN (THE "RAILWAY FACILITIES"); (ii) THE NEGOTIATION AND EXECUTION OF A CERTAIN AGREEMENT WITH SCOTT SYMANS AND/OR AFFILIATED BUSINESS ENTITIES THEREOF IN AN AMOUNT NOT TO EXCEED \$260,000.00 FOR CONSTRUCTION AND ENGINEERING SERVICES IN RELATION TO THE AGENCY'S REHABILITATION OF THE RAILWAY FACILITIES (THE "RAILWAY WORK"); AND (iii) THE NEGOTIATION AND EXECUTION OF A GRANT AGREEMENT BETWEEN THE COUNTY OF CATTARAUGUS (THE "COUNTY") AND THE AGENCY RELATIVE TO THE COUNTY'S REIMBURSEMENT OF THE AGENCY FOR THE RAILWAY WORK IN THE AMOUNT OF \$120,000

WHEREAS, the County of Cattaraugus Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws 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 536 of the 1971 Laws of New York, as amended, constituting Section 890-b 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, warehousing, research, commercial and industrial 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, the Agency currently owns certain railroad properties located within Cattaraugus County (the "County") between Milepost 437.48 to Milepost 427.00, which is part of the New York and Lake Erie Railroad (the "Railway Facilities"); and

WHEREAS, Revolution Rail Company Adirondack, LLC (“Revolution”) operates rail biking facilities on railway corridors throughout New York State, creating unique tourism experiences for the general public; and

WHEREAS, Revolution has expressed interest in operating a rail biking facility on the Railway Facilities, and has requested that the Agency enter into a license agreement (the “License Agreement”), which shall grant Revolution the right to utilize the Railway Facilities and operate a rail biking tourism facility on the Railway Facilities, subject to the terms and conditions contained in a License Agreement; and

WHEREAS, the License Agreement would provide for the Agency’s licensure of use of the Railway Facilities to Revolution for the sole purpose of permitting Revolution to undertake rail biking tourism operations thereon, with said license term to commence on November 1, 2024, and end on October 31, 2031, with an option for an additional five-year term thereafter, for an initial annual license fee of \$10,000, increasing by \$2,500 each year thereafter during the each year of the initial term, and during each year of the renewal term; and

WHEREAS, ancillary to the Agency’s powers to develop economically sound commerce and industry to advance the general prosperity and economic welfare of citizens of Cattaraugus County and the people of the State of New York, the Agency desires to enter into a License Agreement with Revolution for rail biking tourism purposes; and

WHEREAS, prior to Revolution’s use of the Railway Facilities, certain improvements and rehabilitation work must be completed on the Railway Facilities to ensure the Railway Facilities are in good working order (the “Railway Work”); and

WHEREAS, ancillary thereto, the Agency requires certain design, engineering, construction, and administration services to complete the Railway Work (the “Railway Work Services”); and

WHEREAS, the Agency desires to retain Scott Symans and/or affiliated business entities thereof (the “Contractor”) for the Railway Work Services; and

WHEREAS, pursuant to Section B(2)(d) of the Agency’s Procurement Policy, and in lieu of seeking proposal and quotations for the Railway Work Services, the Agency may make an “emergency procurement” as so related to the Railway Work Services if delays caused by soliciting quotes would endanger an economic development opportunity, or in this case, the rail biking tourism opportunity; and

WHEREAS, the Executive Director has determined that the expedient completion of the Railway Work Services is necessary to enable Revolution to commence operations as soon as practicable to ensure the rail biking facilities are available to residents of Cattaraugus County and beyond for the fall tourism season, creating immediate and tangible economic benefits for the citizens of Cattaraugus County and businesses located within the proximity of the Railway Facilities; and

WHEREAS, in accordance with the Agency's Procurement Policy and to facilitate the expedient completion of the Railway Work, the Agency desires to enter into an agreement with the Contractor in an amount not to exceed \$260,000.00 to complete the Railway Work Services on the Agency's behalf (the "Construction Agreement"); and

WHEREAS, on May 8, 2024, as so related to the County's power to encourage and promote tourism within the County, the County Legislature approved a grant of up to \$120,000 (the "Railway Grant") for the purpose of reimbursing the Agency for the Railway Work, and ancillary thereto, the County has requested that the Agency enter into an agreement to confirm the obligations of the Agency and the County with respect to reimbursing the Agency for undertaking the Railway Work (the "Railway Grant Agreement"), and the Agency has determined it is in the best interest of the Agency to enter into the Railway Grant Agreement to facilitate the completion of the Railway Work; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA prior to undertaking the action as described herein.

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

Section 1. The Agency hereby determines that pursuant to 6 N.Y.C.R.R. §617.5(c)(1) of the SEQRA regulations, the Railway Work and Railway Work Services are a Type II Action constituting "maintenance or repair involving no substantial changes in an existing structure or facility," and accordingly, no findings or determination of significance are required under SEQRA. In addition, the licensing of the Railway Facilities as contemplated herein also constitutes a Type II Action pursuant to 6 N.Y.C.R.R. §617.5(c)(21), (26) and (32) of the SEQRA regulations, in that the licensing activity concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of local legislative decisions in connection with the same and accordingly, no findings or determination of significance are required under SEQRA.

Section 2. Subject to the terms hereof, the Executive Director is hereby authorized on behalf of the Agency to negotiate, execute, and deliver, in consultation with the Agency's Chairperson and general counsel, the License Agreement, consistent with the terms contained herein, and to take all actions necessary and execute any other related documents necessary to effectuate the foregoing.

Section 3. Subject to the terms hereof, the Agency hereby determines that the expedient completion of the Railway Work is necessary to ensure the rail biking facilities are available for the fall tourism season, and as so permitted by the Agency's emergency procurement authority contained within its Procurement Policy, hereby authorizes the Executive Director, on behalf of the Agency to negotiate, execute, and deliver, in consultation with the Agency's Chairperson and general counsel, the Construction Agreement in an amount not to exceed

260,000.00, and to take all actions necessary and execute any other related documents necessary to effectuate the foregoing.

Section 4. Subject to the terms hereof, the Executive Director is hereby authorized on behalf of the Agency to negotiate, execute, and deliver, in consultation with the Agency's Chairperson and general counsel, the Railway Grant Agreement, and to take all actions necessary and execute any other related documents necessary to effectuate the foregoing.

Section 5. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments 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, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 6. Any and all actions heretofore taken or authorized by the Agency and/or its members, officers, employees and agents with respect to this Resolution are hereby ratified, approved and confirmed in all aspects.

Section 7. This Resolution shall take effect immediately.

Dated: August 22, 2024

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR  
CATTARAUGUS REVRAIL PROJECT AND ADJUSTING VARIOUS APPROPRIATION ACCOUNTS**

Pursuant to Sections 363, 366 and 450 of the County Law.

I. WHEREAS, the Cattaraugus County Industrial Development Agency is desirous of promoting tourism in Cattaraugus County, and

II. WHEREAS, the County desires to be a strong partner in promoting tourism through the RevRail Project in Cattaraugus County and will provide reimbursement of up to \$120,000.00 to assist with the cost of the necessary agreements associated with the Project, and

III. WHEREAS, the Cattaraugus County Industrial Development Agency (IDA) will act as lead agency in arranging for the RevRail Project agreements and may submit invoices to the County for reimbursement out of the \$120,000.00, and

IV. WHEREAS, various appropriation accounts must be adjusted in order to cover the cost of the aforementioned reimbursement, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus County Industrial Development Agency in order to promote tourism in Cattaraugus County through the above-described project, for a term commencing May 9, 2024 and terminating December 31, 2024, according to the above-described terms, and be it further

II. RESOLVED, that the County Administrator is hereby directed to appropriate \$120,000.00 from Committed Fund Balance for Economic Development Account ED.913.0000, and be it further

III. RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Appropriation Account:		
ED.642.6420.0000.21129.41603	RevRail Project	\$120,000.00.



	A	B	C	D	E	F
2	<b>County of Cattaraugus</b>		<b>OPERATING STATEMENT</b>			
3	<b>Industrial Development Agency</b>					
4	July, 2024	2024	2024	2024	2024	2023
5		APPROVED	M-T-D	Y-T-D	BALANCE	Y-T-D
6		BUDGET	ACTUAL	ACTUAL	REMAINING	COMPARISON
7						
8	<b>INCOME:</b>					
9	Interest on Accounts	\$20,000	\$13	\$5,976	\$14,024	\$126
10	<b>Apps &amp; Fees</b>	\$500,000	\$4,500	\$491,211	\$8,789	\$904,777
11	CCCRC/Other Misc. Income	\$0	\$0	\$3,505	\$1,778	\$4,811
12	Total	\$520,000	\$4,513	\$500,692	\$24,591	\$909,714
13						
14						
15	<b>EXPENSES:</b>					
16	Wages	\$200,000	\$14,955	\$112,154	\$87,846	\$94,177
17	Fringe Benefits	\$80,000	\$4,976	\$35,216	\$44,784	\$28,371
18	A- Performance Bonus	\$20,000	\$0	\$0	\$20,000	\$22,230
19	Board Meeting/Operations	\$2,000	\$0	\$1,069	\$931	\$521
20	I- Business Development	\$10,000	\$4,688	\$12,837	-\$2,837	\$10,649
21	Office Supplies/Service Contracts	\$1,800	\$0	\$900	\$900	\$1,366
22	D- Office Maint./Repairs/Equip	\$6,000	\$1,100	\$4,778	\$1,222	\$6,400
23	E- Office Phones/Cell/fax/internet serv	\$7,000	\$433	\$6,186	\$814	\$5,234
24	Postage	\$1,200	\$57	\$584	\$616	\$735
25	Public Hearings	\$1,000	\$147	\$510	\$490	\$484
26	Travel/Mileage	\$3,000	\$20	\$87	\$2,913	\$37
27	Service Charges		\$75	\$260		\$340
28	Rent	\$17,100	\$1,425	\$9,975	\$7,125	\$11,400
29	Real Estate Taxes	\$100	\$0	\$87	\$13	\$91
30	Utilities	\$4,500	\$293	\$2,518	\$1,982	\$3,263
31	Property/Fire/Liability Insurance	\$5,000	\$30	\$3,936	\$1,064	\$4,977
32	Education/Training/Prof. Development	\$4,000	\$0	\$0	\$4,000	\$0
33	Professional Associations	\$8,500	\$0	\$1,150	\$7,350	\$2,845
34	C- Professional Services	\$30,000	\$6,850	\$63,233	-\$33,233	\$96,835
35	F-Publications	\$200	\$0	\$1,328	-\$1,128	\$0
36	Marketing/Promotion/Networking	\$1,000	\$0	\$0	\$1,000	\$0
37	Railroad Services	\$25	\$0	\$0	\$25	\$0
38	H-Miscellaneous	\$100	\$0	-\$1	\$101	\$0
39	Project Expenses	\$5,000	\$2,250	\$3,750	\$1,250	\$2,780
40	B- Consulting Expense	\$36,000	\$5,500	\$28,500	\$7,500	\$63,592
41	G-Great Lakes Cheese	\$0	\$0	\$55,500	-\$55,500	\$93,725
42	Total Expenses	\$443,525	\$42,799	\$344,557	\$99,228	\$450,052
43						
44	Net Difference	\$76,475	-\$38,286	\$156,135	-\$74,637	\$459,662
45						
46	A-Yearly payment			I- Includes Sponsoring Events		
47	B-Includes Yearly payment					
48	C-Includes payments due Harris Beach					
49	D- Includes IT invoices, accounting software, computer storage, monthly office cleaning, yearly window cleaning, lawn					
50	E- Includes monthly cell phones, internet, apple storage, storage back up and office phone lines					
51	F- Publications and ad made in local directory					
52	G-Fees to Harris Beach					
53	H- Adjustment for New CCB Account					

COUNTY OF CATTARAUGUS IDA

Balance Sheet

July 31, 2024

ASSETS

Current Assets		
CATT CO. BANK	\$	266,912.43
CATT. CO. CAPITAL RES. CORP.		58,347.29
New CCB ISC Account 800027476		1,538,706.47
CD's		216,506.91
KeyBank Investment		114,137.83
PETTY CASH		75.21
SECURITY DEPOSIT - RENT		2,775.00
Accounts Receivable		10,000.00
lease asset		73,708.92
Deferred Outflows		79,305.00
lease liability		(56,156.72)
ACCTS RECEIVABLE		(4,023.14)
PREPAID EXPENSES		150.06
		<hr/>
Total Current Assets		2,300,445.26
Property and Equipment		
EQUIPMENT		38,423.95
LEASEHOLD IMPROVEMENTS		22,173.08
LAND		149,298.92
RAILROAD/IMPROVEMENTS		907,199.96
ACCUM DEPRECIATION		(870,546.17)
		<hr/>
Total Property and Equipment		246,549.74
Other Assets		
		<hr/>
Total Other Assets		0.00
		<hr/>
Total Assets	\$	<u>2,546,995.00</u>

LIABILITIES AND CAPITAL

Current Liabilities		
NYS RETIREMENT LOAN ACCT.	\$	(126.69)
Employee Health Ins Payable		3.00
Federal Payroll Taxes		(8,951.70)
NYS WITHHOLDING		4,842.41
Social Security Tax Payable		2,264.51
Medicare Withholding Tax Pay		529.60
NYS PENSION-EMPLOYEE PORTION		55.84
NYS Retirement Employer Portio		16,429.00
Deferred Inflows		10,002.00
accumulated amort lease asset		17,552.20
ACCOUNTS PAYABLE		6,650.87
ACCTS. PAYABLE SERV. AGREEME		15,000.00
ACCRUED PAYROLL		7,883.29
		<hr/>
Total Current Liabilities		72,134.33
Long-Term Liabilities		
Pension Liability		133,287.00
		<hr/>
Total Long-Term Liabilities		133,287.00
		<hr/>
Total Liabilities		205,421.33

Unaudited - For Management Purposes Only

COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
July 31, 2024

Capital		
Retained Earnings	1,875,367.40	
CONTRIBUTED CAPITAL	310,072.06	
Net Income	<u>156,134.21</u>	
Total Capital		<u>2,341,573.67</u>
Total Liabilities & Capital		<u>\$ 2,546,995.00</u>

COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
July 31, 2023

ASSETS

Current Assets		
CATT CO. BANK	\$	461,526.33
SAVINGS CCB		5,209.49
SAVINGS FT		8,295.72
CATT. CO. CAPITAL RES. CORP.		443,248.05
Five Star CD		450,000.00
CD's		631,419.00
KeyBank Investment		107,621.82
PETTY CASH		120.40
SECURITY DEPOSIT - RENT		1,350.00
Accounts Receivable		10,000.00
lease asset		73,708.92
Deferred Outflows		87,556.00
lease liability		(69,451.29)
ACCTS RECEIVABLE		346.86
lease amortization expense		4,257.63
		<hr/>
Total Current Assets		2,215,208.93
Property and Equipment		
EQUIPMENT		38,350.45
LEASEHOLD IMPROVEMENTS		22,173.08
LAND		149,298.92
RAILROAD/IMPROVEMENTS		907,199.96
ACCUM DEPRECIATION		(870,546.17)
		<hr/>
Total Property and Equipment		246,476.24
Other Assets		
net pension asset		50,186.00
		<hr/>
Total Other Assets		50,186.00
		<hr/>
Total Assets	\$	<u><u>2,511,871.17</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
NYS RETIREMENT LOAN ACCT.	\$	107.31
Employee Health Ins Payable		3.00
Federal Payroll Taxes		1,843.22
NYS WITHHOLDING		3,997.09
Social Security Tax Payable		1,483.14
Medicare Withholding Tax Pay		347.14
NYS PENSION-EMPLOYEE PORTION		(107.31)
NYS Retirement Employer Portio		10,710.00
Deferred Inflows		179,281.00
accumulated amort lease asset		4,257.63
ACCOUNTS PAYABLE		39,930.00
interest expenses		(1,442.37)
		<hr/>
Total Current Liabilities		240,409.85
Long-Term Liabilities		
		<hr/>
Total Long-Term Liabilities		0.00
		<hr/>

Unaudited - For Management Purposes Only

COUNTY OF CATTARAUGUS IDA  
Balance Sheet  
July 31, 2023

Total Liabilities		240,409.85
Capital		
Retained Earnings	1,501,726.87	
CONTRIBUTED CAPITAL	310,072.06	
Net Income	<u>459,662.39</u>	
Total Capital		<u>2,271,461.32</u>
Total Liabilities & Capital	\$	<u><u>2,511,871.17</u></u>

# Open Interviews

**Location:**

The HUB- 301 N Union St, Olean, NY  
4<sup>th</sup> Floor, Suite 402

**Dates and Times:**

Monday, August 26<sup>th</sup> 8:00am to 4:30pm

**Open Roles:** Entry Level, Skilled Operators,  
Warehouse, FSQA and Maintenance

**Shift Differential:** \$1.00/hour

**Shifts:** All shifts

Must be 18 years or older to apply.

- Have valid photo I.D.

Positions	Starting Hourly Pay
Entry Level	\$18.00 \$21.40
Skilled	\$23.60 \$25.05
Warehouse	\$22.90
Maintenance	\$26.20 to \$32.50



Apply in advance at [www.greatlakescheese.com/careers](http://www.greatlakescheese.com/careers)

Great Lakes Cheese is interviewing for full and part time jobs including entry level, skilled operators, warehouse and maintenance roles across all shifts with competitive pay, benefits and an ownership culture. Open interviews will take place at the Hub at 301 north union street in Olean Monday, August 26th, from 8am until 4:30pm. Before attending the interviews, vist [Greatlakescheese.com](http://Greatlakescheese.com) to learn more. On behalf of Great Lakes Cheese and the Cattaraugus County Legislature in partnership with the Cattaraugus County IDA.

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 Virus-free: [www.avast.com](http://www.avast.com)



Seven Mountains Media of NY, LLC  
 3163 NYS Rte. 417  
 Olean, NY 14760-1853

## WPIG-FM Order Confirmation

**OrderID: 1027-001**

Sponsor: CATTARAUGUS COUNTY IDA  
 Product: AUGUST 26 INTERVIEWS  
 Estimate/PO:  
 AccountRep: DICK BALES  
 BillingCycle: Calendar Month  
 InvoiceType: Detail  
 Run Dates: 8/15/2024 - 8/25/2024  
 Items Ordered: 55  
 Ordered Amount: \$1,100.00

CATTARAUGUS COUNTY IDA  
 PO BOX 1749  
 ELLICOTTVILLE, NY 14731

**Scheduled Station(s): WPIG-FM / WMXO-FM \*\*\* Only WPIG-FM schedule on this CATTARAUGUS COUNTY IDA**

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Run Dates	Run Weeks	Run Times	Mo	Tue	We	Thu	Fri	Sat	Sun	Week Total	Length	Description	Avail Type	Copy ID	Qty	Item Cost	Total Cost
01 8/21/2024 - 8/25/2024	All Weeks	6A-7P			10	10	10	10	10	50	:30	Spot		P1027-001	50	[Package]	[Package]
02 8/21/2024 - 8/25/2024	All Weeks	12:00 AM - 05:00 AM			1	1	1	1	1	5	:30	Spot		P1027-001	5	[Package]	[Package]
Package																	
Calendar Month Projected Billing:																	
Jul-24		0.00															
			Aug-24							1,100.00							
									Sep-24					0.00		Q3-2024	1,100.00

Confirmed Correct; Payment Guaranteed

Accepted for WPIG-FM





Seven Mountains Media of NY, LLC  
 3163 NYS Rte. 417  
 Olean, NY 14760-1853

# WMXO-FM Order Confirmation

OrderID: 1027-001

Sponsor: CATTARAUGUS COUNTY IDA  
 Product: AUGUST 26 INTERVIEWS  
 Estimate/PO:  
 AccountRep: DICK BALES  
 BillingCycle: Calendar Month  
 InvoiceType: Detail  
 Run Dates: 8/15/2024 - 8/25/2024  
 Items Ordered: 55  
 Ordered Amount: \$700.00

CATTARAUGUS COUNTY IDA  
 PO BOX 1749  
 ELLICOTTVILLE, NY 14731

**Scheduled Station(s): WPIG-FM / WMXO-FM \*\*\* Only WMXO-FM schedule on this CATTARAUGUS COUNTY IDA**

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Run Dates	Run Weeks	Run Times	Mo	Tue	We	Thu	Fri	Sat	Sun	Week Total	Length	Description	Avail Type	Copy 10	Qty	Item Cost	Total Cost
01 8/15/2024 - 8/25/2024	All Weeks	6A-7P			10	10	10	10	10	50	:30	Spot		P1027-001	50	[Package]	[Package]
02 8/21/2024 - 8/25/2024	All Weeks	12:00 AM - 06:00 AM			1	1	1	1	1	5	:30	Spot		P1027-001	5	[Package]	[Package]
Calendar Month Projected Billing:																	
Jul-24		0.00															
Aug-24						700.00											
Sep-24																	
																	700.00

Confirmed Correct; Payment Guaranteed

Accepted for WMXO-FM

[https://www.oleantimesherald.com/news/homer-street-solar-project-benefiting-city-of-olean-sold-benefits-to-continue/article\\_61ff8ab2-55c0-11ef-bc28-6374a331316f.html](https://www.oleantimesherald.com/news/homer-street-solar-project-benefiting-city-of-olean-sold-benefits-to-continue/article_61ff8ab2-55c0-11ef-bc28-6374a331316f.html)

CENTERPIECE

FEATURED

## Homer Street solar project benefiting city of Olean sold, benefits to continue

By BOB CLARK [bclark@oleantimesherald.com](mailto:bclark@oleantimesherald.com)

Aug 8, 2024



Solar panels installed on Homer Street in Olean have been sold, but will continue to offer net metering credits to the city of Olean, ClearCapital officials said. Solar panels collect light even on a cloudy day, but typically generate less than on a sunny day outside of certain circumstances, according to the National Oceanographic and Atmospheric Administration.

Bob Clark/Olean Times Herald

**OLEAN** — A solar project that has saved the city hundreds of thousands of dollars on power bills has a new owner.

CleanCapital announced Thursday that it has acquired the 3.9-megawatt Homeridae solar project on Homer Street, as well as the Steel Sun II site built on the grounds of the Bethlehem Steel brownfield in Lackawanna, from BQ Energy Development. The projects were developed by BQ, which CleanCapital acquired in 2022.

"The acquisition of BQ Energy and its assets — and the subsequent merging of our teams — immediately expanded CleanCapital's scope," said Thomas Byrne, CEO of CleanCapital. "No other organization has the breadth of capabilities or deep expertise that we can offer. Plus, with the tailwinds of Inflation Reduction Act and the rapid increase in corporate demand for clean energy, converting environmentally compromised land into a source of clean energy presents a unique opportunity as we transition the grid to clean energy."

Paul Curran, chief development officer at CleanCapital and former BQ CEO, added, "The work we did at BQ Energy, including developing and operating these two exceptional projects, is a source of great pride for me. Our focus now is to execute on the more than 100 projects in our pipeline and deliver more clean megawatts to our customers as expeditiously as we can."

Both sites benefited from the Department of Environmental Conservation Region 9 brownfield cleanup program, and officials said both projects were financed by M&T Bank's Commercial Equipment Finance Group.

Ground was broken at the Olean site in 2018 on land that was the tank farm for the former Socony-Vacuum Oil refinery, opening in 2019 and providing energy credits to the city of Olean. Under the agreement, the city received credits for energy produced at the site, with CleanCapital receiving some of the income while the rest goes to the city as net metering credits to offset the city's power bills.

"The net metering credits generated by the Homeridae solar project have been a significant benefit to our city budget, allowing us to reallocate savings toward other essential services for our community," said Mayor Bill Aiello. "We are excited to see the ongoing positive impact of this oil refinery turned solar project that provides reliable and clean energy to the City of Olean."

City Auditor Lens Martial told the Times Herald that the contract will remain in place after the acquisition. The project has saved Olean taxpayers significantly, he noted.

Figures provided by Martial indicate that in the 2023-34 fiscal year, the program generated around \$397,000 in credits against around \$451,000 in power bills — offsetting all but about \$54,000 in electricity bills, or about an 88% discount.

The amount of credits fluctuate through the year.

“The figures are not the same every month,” Martial said. “Some are better than others.”

For example, from October through January the city paid nothing for its electricity and generated credits above what the city would have paid. Other months saw power usage above the amount of credits generated.

Along with assisting general operations, some of the credits were used to offset power needs at the water and wastewater treatment plants. The city’s water and wastewater divisions have budgets separate from the general fund which covers most of the city government’s day to day operations. Water and sewer funds are paid for primarily through water and sewer bills, as well as agreements selling services to neighboring municipalities.

The company also operates a 4MW project in North Olean, the Solean project, which sells power to St. Bonaventure University; and a 1.5MW project, Solean West, which is in partnership with Olean General Hospital.

Steel Sun II is located on the former Bethlehem Steel site on Buffalo’s waterfront. The energy generated by this project is contracted to Kaleida Health and Canisius University.

*(Contact City Editor Bob Clark at [bclark@oleantimesherald.com](mailto:bclark@oleantimesherald.com).)*

**Bob Clark**

City Editor

[https://www.oleantimesherald.com/news/come-home-stay-home-pierce-steel-adapts-to-expand-footprint/article\\_6c4e7190-4ba2-11ef-bc5e-4fa00e924399.html](https://www.oleantimesherald.com/news/come-home-stay-home-pierce-steel-adapts-to-expand-footprint/article_6c4e7190-4ba2-11ef-bc5e-4fa00e924399.html)

CENTERPIECE

FEATURED

## Come Home/Stay Home: Pierce Steel adapts to expand footprint

By JOHN BARTIMOLE Special to Olean Times Herald

Jul 27, 2024



Pierce Steel's location on Route 16.

Courtesy Pierce Steel

OLEAN — Pierce Steel, along with so many other area manufacturers, was doing business as usual as the 21st century began.

And that was the problem for the long-standing, family-owned business.

"In 2001, 100% of our sales came within 60 miles of Olean," Mike DeRose, president and CEO of the company since that year, said. "Literally, we used to have a salesman driving around in a pickup truck, making cold calls on companies that we thought might need our products. That was a low probability, low success scenario. If we had kept going down that path, we wouldn't be here today."

Indeed, the company now provides its products around the world, featuring such prestigious clients as NASA, and continues to expand its workforce and its footprint, recently moving from its 7th Street location to the sprawling former Sanzo facility on Route 16. Quite a progression for a company that

began in 1887 and was eventually bought by Milo Mazza, DeRose's uncle, and Joe DeRose, his father, in 1967.

So, what changed Pierce Steel's fortunes and future?

"About 10-12 years ago, we started getting into search engine optimization (SEO)," DeRose said. SEO is a process that improves the quality and quantity of results of a particular search term, leading more traffic — and more qualified traffic — to a particular website.

"We're a small company, in a small town, and we realized we had to expand our customer base if we were going to thrive, or even survive," he said. "We had to up our exposure on the Internet and use the Internet and our website to showcase our talents and abilities to companies that probably weren't aware of us.

"Thanks to SEO, we now have customers flying to us, and they're usually prequalified, because they've looked at our website and they know we match what they want."

Consequently, the company is growing — not only in physical space, but also in employees.

"Obviously, we need to expand our workforce," he said. "Until we moved, we literally couldn't add another person in the office or in the plant. Our move enabled us to double our capacity and to add employees.

"We're already starting to add new employees in engineering, CAD, welders, warehouse manager," he continued. "We just hired a graduate from a JCC-Olean program, and we do a lot with the Dream It/Do It program, which is grooming the next generation of the types of workers we need."

For all of its progress and changes, Pierce remains a family operation.

"I grew up here, and I still have Uncle Milo's desk to remind me of the family legacy," he continued. "My mom still works here, and, to be honest, sometimes I feel like a slacker because when I'm leaving at night, the only car left in the parking lot is my mom's — and she's still working after I go home at 5 or 6 in the evening."

DeRose has three children who work at the business during summers, but he is "not forcing the business on anybody. I'd like to see them do what I did — I worked for five or six years at Lockheed-Martin in Owego. While I was there, I always had it in the back of my mind to come back home. And

I did."

And that's the whole intent of Come Home/Stay Home.

**PIERCE STEEL**

# MAJOR MOVES AHEAD FOR PIERCE STEEL FABRICATORS



## ANNOUNCEMENT

Pierce Steel Fabricators is thrilled to announce a significant milestone: our relocation to a new, state-of-the-art facility. After more than 50 years, we have outgrown our previous location and are moving to a spacious 45,000 square foot establishment, more than double the size of our previous building.

## OUR COMMITMENT TO EXCELLENCE



### Deep Industry Experience

While being in business for over 100 years, we provide customized solutions and maintain a steadfast commitment to craftsmanship.



### Customer Satisfaction

Customer satisfaction is our priority; our new facility will enable us to provide the highest standards of quality and efficiency.



### Investment and Innovation

We invest in the latest technology to expand our skilled workforce and to continue to provide innovative solutions and superior craftsmanship.

## Why the Move?

- Continuous growth led to expansion
- New facility is equipped with modern amenities to enhance operational efficiency and service delivery
- Ample space for fabrication, assembly, and storage
- Loading docks streamline logistics and ensure faster turnaround times


### What Does This Mean For You?


- This move signifies our unwavering commitment to exceeding our customers' expectations
- With increased capacity and improved capabilities, we will deliver even higher-quality products and services
- Whether you rely on us for custom fabrication, precision welding, or specialized projects, we will accommodate your needs more effectively than ever before

### Our New Address

**Pierce Steel Fabricators**  
**3165 Route 16 N**  
**Olean, NY 14760**

**Contact Us**

 (716) 372-7652

 [www.piercesteel.com](http://www.piercesteel.com)



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## Building the Future: How the Federal Tech Hub Funding Will Transform Western and Central New York

### Blog Categories

July 18, 2024

The federal funding secured through the [Tech Hubs program](#) presents significant economic opportunities for Western and Central New York. This is just the start of what will be a transformative journey for the region, and the Buffalo Niagara Partnership will continue leading the way with its partners in Rochester and Syracuse.

"The collaboration and dedicated work that brought us here serve as the catalyst for this transformational opportunity within the SMART I-Corridor. We have the necessary components to lead the resurgence of advanced manufacturing and semiconductor production in the U.S." - BNP President & CEO Dottie Gallagher.

Here are a few ways this Tech Hub funding will impact the region.



*Libby March/ Buffalo News*

## Strengthening Our Technological Infrastructure

With the creation of the New York Semiconductor Manufacturing and Research Technology Innovation Corridor (NY SMART I-Corridor), we are set to leverage the combined assets of Buffalo, Rochester, and Syracuse. This corridor aims to become a globally recognized hub for semiconductor manufacturing and innovation. The federal investment of \$40 million will support key initiatives including workforce development, supply chain enhancements, and technological advancements. By attracting new suppliers and advancing research and development, we will strengthen our position in the global market.

## Creating Job Opportunities and Developing Skills

One of the most significant impacts of the Tech Hubs program will be the creation of high-paying jobs in our region. The collaboration among industry leaders, educational institutions, and workforce development organizations will ensure that we have a skilled workforce ready to meet the demands of the growing tech industry. Training programs and partnerships with local universities will be crucial in preparing our workforce for the opportunities ahead.

## Boosting Regional Economic Growth

The federal funding and the designation as a Tech Hub will act as a catalyst for regional economic growth. By fostering innovation and supporting the development of critical technologies, we are poised to attract further investments and drive economic prosperity. The economic ripple effects will be felt across various sectors, from manufacturing to research and development.



*Dottie Gallagher with Ben Sio and Robert Simpson of [CenterState CEO](#) and Joseph Stefko of [OneROC](#)*

## **Moving Forward Together**

As we move forward, the BNP remains committed to supporting this transformation. We are dedicated to creating an environment that nurtures innovation, attracts investment, and ultimately enhances the quality of life for all residents. We commend our more than 100 collaborators in this effort, with special thanks to Senator Chuck Schumer for his visionary leadership in advancing the legislation that created the Tech Hubs program.

Together, we can pave the way for a brighter, more prosperous future for Western and Central New York.

CNBC

ECONOMY

## Markets are clamoring for the Fed to start cutting soon: 'What is it they're looking for?'

PUBLISHED THU, AUG 1 2024 8:53 AM EDT UPDATED 2 HOURS AGO

### KEY POINTS

- Markets are pricing in an aggressive path for interest rate cuts starting in September with a quarter percentage point reduction, which would be the first since the early days of the Covid crisis.
- "The Fed needs to start that process back gradually to normal, which means gradually reducing interest rates," said economist Claudia Sahm, known for devising a rule that uses unemployment as a yardstick for recessions.
- DoubleLine CEO Jeffrey Gundlach also thinks the Fed is risking recession by holding a hard line on rates.



Federal Reserve Chairman Jerome Powell arrives to speak at a news conference following a Federal Open Market Committee meeting at the William McChesney Martin Jr. Federal Reserve Board Building on July 31, 2024 in Washington, DC.

Andrew Harnik | Getty Images

If the Federal Reserve is starting to set the table for interest rate reductions, some parts of the market are getting impatient for dinner to be served.

"What is it they're looking for?" Claudia Sahm, chief economist at New Century Advisors, said on CNBC just after the Fed concluded its meeting Wednesday. "The bar is getting set pretty high and that really doesn't make a lot of sense. The Fed needs to start that process back gradually to normal, which means gradually reducing interest rates."

Known for formulating [the Sahm Rule](#) that uses changes in the inflation rate to gauge when recessions occur, Sahm has been clamoring for the central bank to start easing monetary policy so it doesn't drag the economy into recession. The rule states that when the three-month average of the unemployment rate is half a percentage point above its 12-month low, the economy is in recession.

The 4.1% jobless level is only a short distance from triggering the rule, and Sahm said the Fed's insistence on holding short-term interest rates at their highest level in 23 years is endangering the economy.

"We don't need a weak economy to get that last little bit out of inflation," she said. "We do not have to be afraid of a good economy. If the inflation job is done, or we're on that glide path, it's OK, the Fed can start stepping aside."

Asked about the Sahn Rule during his [post-meeting news conference](#), Fed Chair [Jerome Powell](#) called it a "statistical regularity" that doesn't necessarily hold true this time around as the jobs picture remains strong and the pace of wage gains decelerates.

"What it looks like is a normalizing labor market, job creation and a pretty decent level of wages going up at a strong level but coming down gradually," he said. "If it turns out to ... show something more than that, then we're well positioned to respond."

### **Cautious approach**

Markets, though, are pricing in an aggressive path for rate cuts starting in September with a quarter percentage point reduction, which would be the first since the early days of the Covid crisis.

After that, markets expect cuts in November and December, with an about 11% probability assigned to the equivalent of a full percentage point lopped off the fed funds rate by year-end, according to the [CME Group's FedWatch](#) gauge of 30-day fed funds futures contracts.

Instead of starting to take its foot off the brake, [the Fed on Wednesday](#) said it is keeping its overnight borrowing rate in a range between 5.25%-5.50%. The [post-meeting statement](#) did note progress made on inflation, but also reiterated that policymakers on the rate-setting Federal Open Market Committee need "greater confidence" that inflation is heading back to 2% before they will be ready to lower rates.

DoubleLine CEO [Jeffrey Gundlach](#) also thinks the Fed is risking recession by holding a hard line on rates.

"That's exactly what I think because I've been at this game for over 40 years, and it seems to happen every single time," Gundlach said, speaking to CNBC's Scott Wapner on "[Closing Bell](#)" on Wednesday. "All the other underlying aspects of employment data are not improving. They're deteriorating. And so once it starts to get to that upper level, where they have to start cutting rates, it is going to be more than they think."

In fact, he thinks the Fed could end up slashing rates by 1.5 percentage points over the next year, a pace that's more aggressive than the policymakers charted when they [last updated the "dot plot"](#) of individual projections.

Gundlach figures that the [consumer price index](#) will be below 3% soon, making real rates, or the difference with the fed funds rate, particularly high.

"If you have a positive real interest rate that's even one and a half percent, that would suggest you have 150 basis points of room to cut rates without even thinking that you're being excessive about it," he said. "I think they should have cut today, quite frankly."

## Reading Between the Lines: What State Business Rankings Really Tell Us

August 1, 2024 [Dillion Roberts](#)



Let's face it: We're obsessed with rankings. From sports teams to restaurants, we love to see who comes out on top. In the world of economic development, state business rankings have become the Super Bowl of bragging rights.

[CNBC's annual "Top States for Business" list](#) has become the big kahuna that keeps policymakers, site selectors, and corporate bigwigs on the edge of their seats each year.

For folks in economic development, these rankings can be a double-edged sword. One minute, you're popping champagne because your state moved up a spot; the next, you're pulling your hair out trying to explain why you dropped three places.

I saw a LinkedIn post recently from a state leader talking about how they were only three points behind the first-place winner this year, which is truly not a big margin at all, but it does take away the ability to brag (second place doesn't have quite the same impact as first, of course).

I've had other economic development professionals tell me they don't look at these rankings, and they don't matter to them. Still, when you look at the marketing materials across state economic development websites, you find the opposite is true: These state business rankings are definitely being used by economic development organizations, corporate executives, and site selection consultants to market and evaluate states.

But here's the thing: While these rankings might make for splashy headlines, they are also like trying to describe a person using only their SAT score. Sure, it tells you a lot about one aspect of who they are, but does it cover the whole picture? Not even close.

So, what's an economic development professional, site selection consultant, or corporate executive to do? Ignore the rankings altogether? Hardly. But it's time we took a hard look at what these numbers really mean, how they shape our strategies, where they fall short, and how they can be useful in site selection and economic development decision-making.

## Decoding CNBC's State Business Rankings

The CNBC Top States for Business rankings have become a key barometer in economic development. At its core, the ranking system is a data-driven attempt to quantify the business climate of all 50 states. The 2024 edition evaluates states across ten key categories, each weighted differently:

1. Infrastructure (17%)
2. Workforce (15%)
3. Economy (14%)
4. Quality of Life (13%)
5. Cost of Doing Business (11%)
6. Technology and Innovation (10%)
7. Business Friendliness (10%)
8. Education (5%)
9. Access to Capital (3%)
10. Cost of Living (2%)

These weights aren't arbitrary. They're based on how frequently each factor appears in state economic development marketing materials — a clever way to align the rankings with real-world priorities. This approach offers a unique perspective on what's truly driving business decisions on the ground.

Each category is scored using 128 metrics based on data from authoritative sources, such as the US Census Bureau, the US Bureau of Labor Statistics, and individual state economic development departments.

The weights shifted this year, with infrastructure taking the top spot for the first time since the rankings began in 2007. While workforce remains crucial, it's no longer the primary factor used by CNBC to rank a state's economic climate.

The metrics have also changed over the years to reflect emerging trends. This year, new considerations included states' artificial intelligence readiness and the impact of insurance market challenges in certain states.

Interestingly, CNBC also incorporated data from the Site Selectors Guild this year, focusing on infrastructure metrics like site readiness programs, certified site inventory, and overall investment in site development.

For those of us in the trenches of economic development, understanding these rankings can provide valuable insights into how our states are perceived and where we might focus our efforts for improvement.

For others in site selection or corporate location decision-making, state business rankings will never be the only metric driving their decisions. Still, it can still influence their overall first impression of a state as a viable option for relocation or expansion.

## Recent Top-Ranked States and Their Key Strengths

In 2024, Virginia was ranked as the top state for business in the CNBC ranking, attributed to its strong site readiness program and high infrastructure score. Virginia is also often praised for its strong workforce, excellent education system, and business-friendly regulatory environment.

Virginia has consistently performed well on CNBC's state business rankings over the past few years, consistently appearing in the top three since 2021. This consistency suggests a robust, well-rounded approach to economic development beyond just infrastructure.

North Carolina has long been recognized for its strong economy, access to capital, and technology and innovation ecosystem. It finished first in the rankings in 2022 and 2023 but dropped to #2 in 2024. This indicates that the state may need to bolster its infrastructure and address any gaps identified by the new ranking methodology to regain the top spot.

Texas has moved up three spots into the third position this year, which is no surprise to those familiar with how well the state has done attracting new business investment in recent years. Texas is lauded for its robust infrastructure, strong economy, and relatively low cost of doing business.

Reflecting that success, *Site Selection Magazine* also ranked Texas as the top state in its [2023 business climate rankings](#), with Virginia ranked #3. These states have both done excellent work leveraging their strengths to attract major corporate investments and foster economic growth.





Now, in comparison to CNBC's list, *Area Development* magazine ranked the following states as [their top ten for doing business in November 2023](#):

1. Georgia
2. South Carolina
3. Tennessee
4. North Carolina
5. Ohio
6. Alabama
7. Indiana
8. Texas
9. Virginia
10. Mississippi

There are some similarities between the two lists, as well as some big differences, with several states appearing in one list but not the other.

*Area Development's* list has a large concentration of states in the South, which makes logical sense due to the amount of capital investment we see moving into the Southern market, the economic growth of those states and the region, and the general feeling of business friendliness. But for CNBC's ranking system, it isn't that simple or obvious.

Each ranking system has a different algorithm and methodology, which is interesting to look at and consider, especially when these rankings carry as much weight as they do in today's market.

Scores for CNBC's Top 3 States For Business, 2024

Category	Virginia	North Carolina	Texas
INFRASTRUCTURE	273*	235	224
WORKFORCE	232	209	297*
ECONOMY	227	256	292*
QUALITY OF LIFE	189*	142	75
COST OF DOING BUSINESS	160	170	197*
TECHNOLOGY & INNOVATION	167	175	207*
BUSINESS FRIENDLINESS	170	195*	144
EDUCATION	91*	72	58
ACCESS TO CAPITAL	58	54	68*
COST OF LIVING	28*	24	20
<b>OVERALL</b>	<b>1595*</b>	<b>1592</b>	<b>1577</b>

Source: CNBC

These scores show intense competition among states to be the most attractive for businesses. Virginia claimed the top spot with 1,595 points, narrowly beating North Carolina with 1,592 points and Texas with 1,577 points.

Texas excelled in several key categories:

- Workforce

- Economy
- Cost of doing business
- Technology and innovation
- Access to capital

This makes Texas a powerhouse for economic opportunities and innovation, with a strong workforce and business-friendly policies. However, Texas scored lower in quality of life and education.

Virginia's strengths were in:

- Infrastructure
- Quality of life
- Education
- Cost of living

This creates a balanced and sustainable environment for businesses and their employees. Virginia's high infrastructure score suggests it is well-prepared to support growth.

North Carolina's key assets were:

- Business friendliness
- Workforce

This makes it appealing for businesses seeking a supportive regulatory environment and a reliable labor pool. However, North Carolina's lower score in access to capital could be a limitation.

The razor-thin margin between these top three states emphasizes the importance of tailoring economic development strategies to leverage each state's strengths while addressing areas needing improvement.

### **What's Missing from CNBC's State Business Rankings?**

While the CNBC Top States for Business rankings hold significant sway in our field, it's crucial to approach them with a discerning eye. Let's explore some of the challenges these rankings face:

- **Weighting Worries:** While data-informed, the category weights may not capture every business's nuanced priorities. What's critical for a tech startup might be less relevant for a manufacturing plant.

- **Timing Troubles:** Even recent data can quickly become outdated in our fast-paced economy. The rankings might not always reflect the current economic landscape, particularly in rapidly evolving sectors.
- **The Generalization Game:** By attempting to create a one-size-fits-all ranking, CNBC and others may oversimplify the complex needs of diverse industries. A state ranked poorly overall might still be ideal for specific sectors.
- **Short-Term Shine:** There's a risk that states might prioritize quick wins to boost their rankings, potentially at the expense of more sustainable, long-term economic strategies.
- **Regional Realities:** State-level rankings can mask significant internal state variations. A thriving metro area might skew perceptions of a state with struggling rural regions or vice versa. Also, some states have regions that are a great fit for certain industries but perform poorly in the overall rankings due to their statewide scoring.

Overall, CNBC's rankings are the most comprehensive and well-researched on the market, and they do provide value to economic development professionals, site consultants, and corporate executives considering expansion or relocation. They offer a broad snapshot of a state's business climate and can spark important conversations. However, they're just one piece of a much larger puzzle.

When working with site selectors or corporate decision-makers, it's crucial to emphasize that these state business rankings aren't the be-all and end-all. They're a starting point, not the finish line. The best locations for expansion or relocation will always depend on a company's specific needs, goals, and industry.

In essence, while the CNBC rankings offer a useful bird's-eye view, the real insights often lie in the details — the local workforce, specific infrastructure, targeted incentives, and the many other factors that make a location truly right for a particular business.

### **Beyond State Business Rankings: A Holistic View of Business-Friendly States**

While state business rankings offer a quick snapshot, perceptive economic developers know there's more to the story. Let's dive into some key factors that often fly under the radar:

- **Industry Ecosystems:** It's not just about individual businesses but the entire network. A thriving cluster of complementary firms, suppliers, and research institutions can be a game-changer for specific sectors.
- **Regulatory Agility:** States that can adapt their regulatory environment to support business growth and innovation have a distinct edge. It's about being responsive, not just business-friendly on paper.
- **Fiscal Health:** Long-term stability matters. States that can maintain consistent tax rates and invest in infrastructure steadily over time offer a predictable environment for business planning.

- **Labor Market Flexibility:** Beyond just “workforce,” the flexibility of the labor market, including unionization rates, right-to-work laws, and the ease of hiring and firing, can significantly impact a state’s attractiveness to businesses.
- **Environmental and Sustainability Factors:** As more businesses prioritize sustainability, factors such as environmental regulations, availability of green infrastructure, and incentives for renewable energy can be important.
- **Transportation and Logistics:** While “infrastructure” may cover some of this, a deeper look at transportation networks, supply chain logistics, and market accessibility can be valuable for certain industries.

But here’s where it gets interesting — some states are punching above their weight class, regardless of their overall ranking:

- **Take Indiana, for example:** Often a middle-of-the-pack player on CNBC’s list, it’s become a powerhouse in advanced manufacturing. Its secret? Leveraging a strong workforce, low cost of doing business, low cost of living, and a strategic location.
- **Or look at Colorado:** Despite high business costs, they’ve cultivated a booming tech ecosystem by doubling down on quality of life and innovation.
- **And don’t forget Michigan:** Once struggling with economic transitions, they’ve reinvented themselves by focusing on emerging industries like mobility and clean energy, even when their overall rankings were less than stellar.
- **Don’t Count Utah Out:** Utah dropped to #13 in 2024, but it still has one of the strongest economies in the country, with a robust infrastructure, and is highly touted as a business-friendly state.

These success stories underscore a crucial point: It’s not about playing to the state business rankings; it’s about playing to your strengths.

**Different industries have different needs:**

- Tech startups might prioritize venture capital access over tax rates.
- Manufacturers often care more about infrastructure and logistics.
- Life sciences companies typically seek proximity to research hubs and highly educated talent.

**And let’s not forget regional variations within states:**

- Urban centers offer talent concentration and innovation ecosystems.
- Rural areas can provide cost advantages and natural resources.

- Coastal regions might excel in sectors like marine science or international trade.

**The key takeaway?** Economic development isn't a one-size-fits-all game. It's about understanding and leveraging your unique advantages to cultivate industry clusters and develop competitive niches.

This nuanced approach moves us beyond the simplistic chase for good rankings. Instead, it focuses on crafting sustainable, long-term growth strategies tailored to local strengths and opportunities. That's the kind of sophisticated economic development that truly moves the needle.

### **Beyond the State Business Rankings: Fresh Perspectives on Business Climate**

While traditional state business rankings offer valuable insights, savvy economic developers are expanding their toolkit. Let's explore some alternative approaches to sizing up and promoting your state's business environment:

#### **Camoin Associates' 6-I Framework**

Included in a few of the strategic economic development plans that our Strategic Planning Team has conducted for statewide organizations, including the State of Utah and the State of Rhode Island, is a framework consisting of six different categories, referred to as the "6 I's," which ranks states by the key fundamentals of economic prosperity:

1. Innovation
2. Investment
3. International
4. Infrastructure
5. Intellectual capital
6. Interest

Our staff ranks these categories using specific, proprietary metrics and compares them to all other states across the country to understand where a state stands, its strengths, and its weaknesses, allowing us to analyze the fundamentals of prosperity comprehensively.

#### **Use Industry and Geography-Specific Analysis**

- **Industry-Focused Studies:** Dive deep into an analysis tailored to specific industries, such as advanced manufacturing, life sciences, or agriculture. It's about understanding your target industries at a detailed and comprehensive level.
- **Cluster Analysis:** Evaluate the strength of your industry ecosystems. Consider factors like supply chain integration, specialized workforce, and research capabilities.

- **Innovation Metrics:** Track patent activity, R&D spending, and startup formation rates. It's about quantifying your innovation success and ecosystem.
- **Geographic Competitiveness Assessment:** This tool pits your state or region against others for competitiveness within specific industry clusters. It's all about knowing where you stand in the competitive landscape.

Camoin Associates has conducted countless target industry studies, cluster analyses, and geographic competitiveness assessments, allowing our clients to gain actionable insights as part of strategic plans, comprehensive economic development strategies, or through individual studies and assessments.

[> Learn more about our Industry Analytics and Strategy Services.](#)

### Consider Long-Term Economic Indicators

- **Economic Resilience:** How well does your state weather economic storms? Adaptability is key in today's fast-changing markets, especially considering the impact of natural disasters nationwide.
- **Productivity Growth:** Keep an eye on labor productivity trends. It's a solid indicator of economic efficiency and wage growth potential.
- **Income Mobility:** Assess the opportunities for economic advancement. It's a powerful draw for skilled workers looking to climb the ladder.
- **Foreign Direct Investment (FDI) Trends:** Analyze international investment patterns. It's a great gauge of your global competitiveness.

You can paint a more nuanced, actionable picture of a state's business climate by embracing these alternative approaches. This allows for laser-focused strategies that go beyond what traditional rankings can offer. Moreover, these fresh perspectives can provide compelling narratives for business attraction. They highlight unique strengths and opportunities that might get lost in broader rankings. They also offer a framework for continuous improvement, ensuring our economic development initiatives stay in tune with the evolving needs of businesses and workers.

Ultimately, it's about telling a richer, more accurate story of what your state offers. That's how you stand out in a crowded field and attract the economic growth that truly matters.

**Do you want to discover your state or region's unique economic development strengths and obtain actionable recommendations on how to maximize and market those strengths to attract new business investment?**

**Camoin Associates can help.**

Hello RocketCup Lovers!

We have an exciting secret to share with you all...

Are you ready??

Downstairs at the Caltaraugus Cafe, we're thrilled to announce that we'll soon be opening a one of a kind roastery and speakeasy bar! While it's not open just yet, we're hard at work getting everything ready, and we can't wait for you to come and experience it with us once it's complete.

The best part? Once we open, you'll be able to watch us roast our beans while enjoying your favorite drink in our shhhhhhh speakeasy. Whether you're in the mood for a perfectly brewed coffee or a delicious cocktail, we've got you covered!

But that's not all—we've designed three exclusive Coffee Clubs to make your RocketCup experience even better, whether you're brewing at home or savoring a cup in our cozy cafes.

#### Online Subscriptions

Experience the convenience of having your favorite coffee delivered straight to your door. Choose between 1 or 2 pounds, and decide how often you want your delivery—every 4, 6, or 8 weeks. Plus, enjoy a special FREE gift with your first order! Sign up now at [RocketCup Online](#).

#### Mug Club

Join our Mug Club and make every visit to RocketCup extra special. For just \$100, you'll receive your very own RocketCup mug, which you can keep at our cafes or take home. Enjoy a free drink every month (12 drinks a year!) and a complimentary RocketCup T-shirt. It's the perfect way to enjoy your coffee in style.

#### Coffee Club

Prefer picking up your coffee in person? The Coffee Club is for you! Start with 1 pound for \$30, and each additional pound is just \$15. Every month, pick up your fresh coffee at your favorite RocketCup Cafe, receive a free T-shirt, a complimentary small drink with each pickup, and enjoy 10% off your drinks when you visit us.

Stay tuned for more exciting updates...

Fuel your dreams this weekend with RocketCup!

Talk to you soon...

RocketCup Team,

Wholesale and Marketing:

[mackenzie@rocketcupcoffee.com](mailto:mackenzie@rocketcupcoffee.com)

[tom@rocketcupcoffee.com](mailto:tom@rocketcupcoffee.com)

Olean: (716) 379-8087

Cattaraugus: (716) 202-0290

# Open Interviews

**Location:** Main Office 1958 Integrity Way, Franklinville, NY, 14737

**Dates and Times:**

Friday, September 6<sup>th</sup> 3:00pm-7:00pm

Saturday, September 7<sup>th</sup> 7:00am- 2:00pm

**Open Roles:** Entry Level, Skilled Operators, Warehouse, FSQA and Maintenance

**Shift Differential:** \$1.00/hour

**Shifts:** All shifts

Must be 18 years or older to apply.

Please come prepared for potential plant tour.

- Must wear long pants with no holes or tears
- Enclosed toe and heel footwear
- All jewelry must be removed
- Have valid photo I.D.

Apply in advance at [www.greatlakescheese.com/careers](http://www.greatlakescheese.com/careers)

Positions	Starting Hourly Pay
Entry Level	\$18.00 \$21.40
Skilled	\$23.60 \$25.05
Warehouse	\$22.90
Maintenance	\$26.20 to \$32.50







# JOB FAIR

THURSDAY, SEPTEMBER, 12TH

10AM-2PM

Lincoln Park Pavilion  
Olean, NY

## EMPLOYERS ATTENDING:

Ticket to Work & Benefit Advisement  
Cutco Corporation  
Catt County Corrections  
Healthy Community Alliance  
IBEW Local Union 106  
7 Mountains Media /The Goat  
Cancer Services Program  
CA BOCES  
JCC Workforce Development  
Northstar  
Allegheny Bradford Corp.  
Goodwill (SCSEP)  
Dresser Utility Solutions  
St Bonaventure University

Catt One Stop WIOA Youth  
Salamanca Rehab & Nursing Center  
Great Lakes Cheese  
Cattaraugus County  
Genesis House  
Beacon Light  
HomeCare & Hospice  
Parallel Employment Group  
FCI McKean Bureau of Prisons  
Intandem  
Scull Manufacturing  
Laborers Local 621  
Fidelis Care  
Core The Learning Center  
and MANY MORE.....

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Cattaraugus-Allegany  
Workforce Development Board



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COUNTY IDA  SEVEN  
MOUNTAINS IDA

A proud partner of the

American Job Center  
network

From: Kimberly LaMendola <[KLamendola@southern-tierwest.org](mailto:KLamendola@southern-tierwest.org)>

Date: August 8, 2024 at 4:13:06 PM EDT

To: Bob Forness <[bforness@oleanbd.com](mailto:bforness@oleanbd.com)>, Brianna Shay <[briannashay@mail.sunyscc.edu](mailto:briannashay@mail.sunyscc.edu)>, Cory Wiktor <[Cory.cattco@gmail.com](mailto:Cory.cattco@gmail.com)>, Courtney Curatolo <[CourtneyCuratolo@mail.sunyscc.edu](mailto:CourtneyCuratolo@mail.sunyscc.edu)>, Crystal Abers <[cabers@cattco.org](mailto:cabers@cattco.org)>, Jason Miller <[jmiller@caawfny.com](mailto:jmiller@caawfny.com)>, "Martel, Kathleen" <[KathleenMartel@mail.sunyscc.edu](mailto:KathleenMartel@mail.sunyscc.edu)>, Keri Kerper <[kkerper@cityofolean.org](mailto:kkerper@cityofolean.org)>, Kimberly LaMendola <[KLamendola@southern-tierwest.org](mailto:KLamendola@southern-tierwest.org)>, mhagenev@economicrecoverycorps.org, Mo Sumbundu <[Mo.Sumbundu@esd.ny.gov](mailto:Mo.Sumbundu@esd.ny.gov)>, Richard Zink <[rzink@southern-tierwest.org](mailto:rzink@southern-tierwest.org)>, Tom Cullen <[tcullen@sbu.edu](mailto:tcullen@sbu.edu)>, Tony Sowers <[tsowers@cattco.org](mailto:tsowers@cattco.org)>

Subject: Catt Co Econ Dev Team invitation for US Dept. of Commerce meeting

Hi Team -

I've been in recent communication with Rosanna Masucci of the US Dept. of Commerce's International Trade Administration and Rural Export Center in regard to her requests to meet with us and others in the Southern Tier to talk about their program, services, and possible opportunities for new markets for our rural businesses.

She reached out to let me know that she and a colleague will be in Salamanca in September and to see if she could meet with us at STW, as well as any other colleagues who we think might be interested.

We've set the meeting date for **Wednesday, September 18, 9:00 - 10:00 am at Southern Tier West.**

I'll send a calendar invitation to all of you but wanted to put this out to you first for context.

Thanks - Kim

From: Rosanna Masucci (Federal) <[Rosanna.Masucci@trade.gov](mailto:Rosanna.Masucci@trade.gov)>

Sent: Monday, August 5, 2024 4:38 PM

To: Kimberly LaMendola <[KLamendola@southern-tierwest.org](mailto:KLamendola@southern-tierwest.org)>

Subject: USDOC meeting request

Hi Kim,

I hope you are enjoying your summer! I am going to be in Salamanca Sept 17-18 with a colleague of mine from our Rural Export Center. Would you and the STW team be available for a meeting in the afternoon on Sept 17 or morning on Sept 18?

We would love to learn more about your organization and about companies that you work with who might be interested in finding new customers in other countries.

At your convenience, please let me know if you are available and I look forward to meeting.

Thanks – Rosanna

Rosanna Masucci, Director

Commercial Service Buffalo NY

U.S. Department of Commerce | International Trade Administration

[rosanna.masucci@trade.gov](mailto:rosanna.masucci@trade.gov) | tel: 716-551-4191

# SMALL BUSINESS

## INFORMATION EVENT

Come talk to different local organizations that assist small businesses!

The Small Business Development Center at JCC provides free and confidential business guidance in Chautauqua, Cattaraugus, and Allegany counties.



**Thu. Sep. 5, 2024**

**5:30 pm - 7:00 pm**

Randolph Municipal Building,

Community Room

72 Main St.

Randolph, NY 14772

**NO APPOINTMENT NEEDED**

Meet  
representatives  
from the following  
agencies:

- Small Business Development Center at JCC
- Small Business Administration
- Jamestown Community College: Workforce Development
- Cattaraugus-Allegany: Workforce Development Board
- Pursuit Lending
- Southern Tier West
- Pursuit Lending
- Laine Business Accelerator
- Cattaraugus County
- Cattaraugus County IDA



Jamestown Community College