APPLICATION FOR TAX INCENTIVES

Town of Clarence,
Erie County,
Industrial Development Agency

ELIGIBILIY QUESTIONNAIRE

Section I: Applicant Background Information

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

A) Applicant Information-entity receiving benefit:

Total Project Amount: $950,000

Applicant Name: Custom Controllerzz LLC

Applicant Address: 5923 Donegal Manor Clarence Center NY 14032

Phone: 716-866-9768 Fax: ____________

Website: www.customcontrollerzz.com E-mail: collin@customcontrollerzz.com

Federal ID#: 87-3697091

State and Year of Incorporation/Organization: New York - 2021

List of stockholder, members, or partners of Applicant: Collin Hayes

Will Real Estate Holding Company be utilized to own the Project property/facility? ☑ Yes or ☐ No

What is the name of the Real Estate Holding Company: 8003 Transitzz LLC

Federal ID#: 33-4538787

State and Year of Incorporation/Organization: New York - 2025.

List of stockholder, members, or partners of Applicant: Collin Hayes - 100%

B) Individual Completing Application:

Name: Collin Hayes

Title: President

Address: 5923 Donegal Manor Clarence Center NY 14032

Phone: 716-866-9768 Fax: ____________

E-Mail: collin@customcontrollerzz.com

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

Name: ____________

Title: ____________

Address: ____________

Phone: ____________ Fax: ____________

E-Mail: ______

D) Company Counsel:

Name of Attorney: Anthony M. Koese, Esq.

Firm Name: Lippes Mathias LLP

Address: 50 Fountain Plaza, Suite 1700 Buffalo NY 14202

Phone: 716.853.5100 ext. 1362 Fax: 716.853.5199

E-mail: akroese@lippes.com

E) Identify the assistance being requested of the Agency:

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.	Assignment/Assumption of existing PILOT benefits	☐ Yes or ☑ No
5.	Tax Exempt Financing* *(typically for not-for-profits & small qualified manufacturers)	☐ Yes or ☑ No

F) Business Organization (check appropriate category):

Corporation	☐	Partnership	☐
Public Corporation	☐	Joint Venture	☐
Sole Proprietorship	☐	Limited Liability Company	☑

Other (please specify) ______

Year Established: Under current entity: 2021. Operating since 2011.

State in which Organization is established: NY

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

Name	% of ownership
Collin Hayes	100%

H) Applicant Business Description:

Describe in detail company background, products, customers, goods and services: ______

Manufactuer of custom video game controllers and accessories.

Estimated % of sales within Erie County: 0.023%

Estimated % of sales outside Erie County: 99.98%

Estimated % of sales within New York State: 4.9%

Estimated % of sales outside New York State, but within the US: 94.30%

Estimated % of sales outside the U.S. .80%

(* Percentage to equal 100%)

I) What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County. (You may be asked to provide supporting documentation of the estimated percentage of local purchases.)

0%

ELIGIBILITY QUESTIONNAIRE

Section II: Project Description & Details

A) Location of proposed project facility:

Municipality or Municipalities of current operations: Clarence Center

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

☐ Yes or ☑ No

If Yes, in which Municipality will the proposed project be located:

If No, in which Municipality will the proposed project be located: Clarence

Address of the proposed Project: 8003 Transit Rd

City Clarence State NY Zip Code 14051

SBL Number: 17.00-1-5

Town/City/Village: Clarence School District: Williamsville Central

Present Project Site Owner: Luke Anderson

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 than the Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be

closed or be subject to reduced activity?
☐ Yes or ☑ No

If Yes, you will need to complete Section II (S) and Section IV of this Application.

What are the current real estate taxes on the proposed Project Site? $285.60

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

Land: $________________ Buildings(s): $__________________________

** If available please include a copy of current tax bill.

Are Real Property Taxes current? ☑ Yes or ☐ No If no, please explain ________________

Does the Applicant or any related entity currently hold fee title to the Project site? ☐ Yes or ☑ No

If No, indicate name of present owner of the Project Site: Luke Anderson

Does Applicant or related entity have an option/contract to purchase the Project site? ☑ Yes or ☐ No

Describe the present use of the proposed Project site: Empty Land

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

See attached Addendum to IDA Application at Section II.B.1.

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)

See attached Addendum to IDA Application at Section II.B.2.

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

☑ Yes 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:
See attached Addendum to IDA Application at Section II.B.3.

If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and County/City/Town/Village?
See attached Addendum to IDA Application at Section II.B.4.

C) Will Project include leasing any equipment ☐ Yes or ☑ No
If Yes, please describe: ______

D) **Site Characteristics:**

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

Describe the present zoning/land use: 330 Vacant Commercial

Describe required zoning/land use, if different: Project is currently submitted to Town for consideration.

If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements:
Project is currently submitted to Town for consideration under zoning structure.

Is the proposed project located on a site where the known or potential presence of contaminants is complicating the development/use of the property? If yes, please explain: None known to applicant.

E) 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, please provide a copy.

F) Have any studies or assessments been undertaken with respect to the proposed project site that indicate the known or suspected presence of contamination that would complicate the site's development?
☐ Yes or ☑ No. If yes, please provide copies of the study

G) Provide any additional information or details:

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

** Please check any and all end users as identified below.

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

Section III of the Application.

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 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.

Industrial	☐	Back Office	☑
Multi-Tenant	☐	Civic Facility (not for profit)	☐
Mixed Use	☐	Equipment Purchase	☐
Commercial	☑	Retail	☑
Acquisition of Existing Facility	☐	Facility for Aging	☐
Housing	☐		

Other, please explain ____________________

SIC Code: ____________________ NAICS Code: 339930

I) Project Information:

Estimated costs in connection with project:

Land and/or Building Acquisition:	$ 112,500
12 acres ________ square feet	
New Building Construction: 4802 square feet	$ 950,000
New Building Addition(s): ________ square feet	$________
Infrastructure Work:	$________
Reconstruction/Renovation: ________ square feet	$________
Manufacturing Equipment:	$________
Non-Manufacturing Equipment (furniture, fixtures, etc.):	$________
Soft Costs: (professional services, etc.):	$________
Other, Specify: ____________________	$________
TOTAL Project Costs:	$ 1062500

Project refinancing; estimated amount:
(for refinancing of existing industrial revenue bond debt only) $ ________

Sources of Funds for Project Costs:

Bank Financing	$ 900,000
Equity (excluding equity that is attributed to grants/tax credits)	$ 162,500

Tax Exempt Financing (if applicable) $ ____________

Taxable Bond Issuance (If applicable) $ ____________

Public Sources (include sum total of all state and federal Grants and tax credits) $ ____________

Identify each state and federal grant/credit: $ ____________

____

____

Total Sources of Funds for Project Costs: $ 1,062,500

Have any of the above costs been paid or incurred as of the date of this Application: ☐ Yes or ☑ No (CIDA benefits do not apply to expenses incurred prior to Board approval)

If Yes, describe particulars: ____________________________

____

Mortgage Recording Tax Exemption Benefit: Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent bridge financing) $ 900,000

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage Amount as indicated above multiplied by 3/4 of 1% or .0075%): $ 6,750.00

Construction Cost Breakdown:

Total Cost of Construction $ 950,000.00
(sum of 2, 3, 4, 5 and/or 7 in Question I above)

Cost for Materials $ ____________

% sourced in County/City/Town/Village ____________%

% sourced in State (including County/City/Town/Village) ____________%

Cost for Labor: $ ____________

Sales and Use Tax: Gross amount of Costs for goods and services that are subject to State and local Sales Tax and Use tax – said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

$ 441,634.28

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

$ 38,643.00

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

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:

___

IDA PILOT Benefit: 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 as depicted in Section II(1) of the Application.

Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon Sources of Funds for Project Costs as depicted above in Section II(1) of the Application.

J) For proposed facility please indicate # of sq. ft for each of the uses outlined below:

*If company is paying for FFE for tenants, please include in cost breakdown

	Square Footage	Cost	% of Total Cost of Project
Manufacturing/Processing	2,330	$515,525.00	48.52%
Warehouse	1,982	$438,493.75	41.27%
Research & Development			
Commercial			
Retail (see section III)	336	$74,375.00	7%
Office	207	$34,106.25	3.21%
Specify Other			

K) Utilities and services presently serving site. Provide name of utility provider:

Gas: National Fuel

Electric: National Grid Power: New connection - vacant land.

Water: Erie County Water Size: New connection - vacant land.

Sewer: n/a - septic Size: ___

Other (Specify) ___

L) If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council? ☐ Yes or ☑ No.

M) If you answered yes to question above, what level of LEED certification do you anticipate receiving (Check applicable box) ☐ Standard ☐ Silver ☐ Gold ☐ Platinum

N) **<u>What is your project timetable (Provide dates):</u>**

1. Start date: acquisition or construction of facilities: June 2025
2. Completion of project facilities: November 2025
3. Project occupancy – estimated starting date of operations: November 2025
4. Have construction contracts been signed? ☐ Yes or ☑ No
5. Has Financing been finalized? ☐ Yes or ☑ No

** If construction contracts have been signed, please provide copies of executed construction contracts and a complete project budget. The complete project budget should include all related construction costs totaling the amount of the new building construction, and/or new building addition(s), and/or renovation.

O) Have site plans been submitted to the appropriate planning department for approval? ☑ Yes or ☐ No

If Yes, please provide the Agency with a copy of the related State Environmental Quality Review Act ("SEQR") Environmental Assessment Form that may have been required to be submitted along with the site plan application to the appropriate planning department. Please provide the Agency with the status with respect to any required planning department approval:

Before Planning Board on 5/7/25.

Has the Project received site plan approval from the planning department? ☐ Yes or ☑ No

If Yes, please provide the Agency with a copy of the planning department approval along with the related SEQR determination.

P) Is project necessary to expand project employment? ☑ Yes or ☐ No

Is project necessary to retain existing employment? ☐ Yes or ☑ No

Q) **Employment Plan (specific to the proposed project location):**

	Current # of Jobs at proposed location or to be relocated at project location	IF FINANCIAL ASSISTANCE IS GRANTED-project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED-project the number of FTE and PTE jobs to be CREATED upon TWO Years after Project Completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon TWO years after project Completion**
Full time (FTE)	4	4	6	3
Part Time (PTE)	2	2	6	3
Total ***	6	6	12	6

** For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Marker Area, in the fourth column. The Labor Marker Area includes the County/City/Town/Village as well as the following Areas: Immediate municipalities surrounding Clarence.

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

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

Category of Jobs to be Retained and Created	Average Salary or Range of Salary	Average Fringe Benefits or Range of Fringe Benefits
Management	$80,000	$10,000.00 - $20,000.00
Professional		
Administrative		
Production	$52,000	$10,000.00 - $20,000.00
Other		

Employment at other locations in County/City/Town/Village: (provide address and number of employees at each location):

	Address	Address	Address
Full time			
Part Time			
Total			

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

** If any of the facilities described above are located within the State of New York, and you answered Yes to the question, above, you must complete Section IV of this Application.

** Please 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.

S) Is the project reasonably necessary to prevent the project occupant from moving out of New York State?
☐ Yes or ☑ No

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

____

____

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

____

____

U) Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies? ☐ Yes or ☑ No

If yes, please identify which agencies and what other Local, State and/or Federal assistance and the assistance sought and dollar amount that is anticipated to be received: ______________________________

____

Section III: 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.

Please 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, please continue. If no, proceed to section V.

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? 6 %. If the answer is less than 33% do not complete the remainder of the retail determination and proceed to section V.

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 (list specific County or ED region) in which the project will be located? ☐ Yes or ☐ No

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

3. Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality 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 If yes, please provide a third party market analysis or other documentation supporting your response.

4. Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? ☐ Yes or ☐ No

If yes, explain ______________________________

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

Section IV: Inter-Municipal Move Determination

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

Will the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?

☐ Yes 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 County/City/Town/Village ☐ Yes or ☑ No

If Yes to either question, please, explain: ______________________________

____

Section V: Estimate of real property Tax Abatement Benefits and Percentage of Project Costs financed from Public Sector sources

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

PILOT Estimate Table Worksheet

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

*Apply equalization rate to value

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

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

Percentage of Project Costs financed from Public Sector Table Worksheet:

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

Calculate %

(Est. PILOT + Est. sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: ____________%

Section VI: Environmental Questionnaire

General Background Information

Address of Premises: 8003 Transit Rd

Name and Address of Owner of Premises: Luke Anderson
5794 Fisk Rd
Lockport NY 14094

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

Describe the Premises (including the age and date of construction of any improvements) and each of the operations or processes carried out on or intended to be carried on at the Premises: A new construction project for light manufacturing of video game controllers and accessories.

Describe all known former uses of the Premises: Vacant.

Does any person, firm or corporation other than the owner occupy the Premises or any part of it?
No

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

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

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

Has the Premises or any part of it ever been the subject of any enforcement action by any federal, state or local government entity, or does the preparer of this questionnaire have knowledge of:

a) any current federal, state or local enforcement actions ☐ Yes or ☑ No

b) any areas of non-compliance with any federal, state or local laws, ordinances, rules or regulations associated with operations over the past 12 months? ☐ Yes or ☑ No

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

____

Has there been any filing of a notice of citizen suit, or a civil complaint or other administrative or criminal procedure involving the Premises? ☐ Yes or ☑ No

If yes, describe in detail: ____

____

____

Solid and Hazardous Wastes and Hazardous Substances

Does any activity conducted or contemplated to be conducted at the premises generate, treat or dispose of any petroleum, petroleum-related products, solid and hazardous wastes or hazardous substances?
☐ Yes or ☑ No

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

Have any federal, state or local permits been issued to the Premises for the use, generation and/or storage of solid and hazardous wastes? ☐ Yes or ☑ No

If yes, please provide copies of the permits.

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

____

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

Does or is it contemplated that there will occur at the Premises any accumulation or storage of any hazardous wastes on-site for disposal for longer than 90 days? ☐ Yes or ☐ No

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

____

Discharge into Waterbodies

Briefly describe any current or contemplated industrial process discharges (including the approximate volume, source, type and number of discharge points). Please provide copies of all permits for such discharges: None outside of standard waste removal.

____

Identify all sources of discharges of water, including discharges of waste water, process water, contact or noncontact cooling water, and stormwater. Attach all permits relating to the same. Also identify any septic tanks on site Is any waste discharged into or near surface water or groundwaters?
N/A

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

____

____

Air Pollution

Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises? ☐ Yes or ☑ No

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

Are any of the air emission sources permitted? ☐ Yes or ☑ No

If yes, attach a copy of each permit.

Storage Tanks

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

Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks? ☐ Yes or ☑ No

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

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

Provide any records in your possession or known to you to exist concerning any on-site PCBs or PCB equipment, whether used or stored, and whether produced as a byproduct of the manufacturing process or otherwise. Have there been any PCB spills, discharges or other accidents at the Premises?
☐ Yes or ☑ No

If yes, relate all the circumstances: ______________________________

Do the Premises have any asbestos containing materials? ☐ Yes or ☑ No

If yes, please identify the materials: ______________________________

Section VII: Adaptive Reuse Projects

Are you applying for tax incentives under the Adaptive Reuse Program? ☐ Yes or ☑ No

What is the age of the structure (in years)? ____________________

Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended): ____________________

If vacant, number of years vacant: ____________________

If underutilized, number of years underutilized: ____________________

Describe the use of the building during the time it has been underutilized: ____________________

Is the structure currently generating insignificant income? (Insignificant income is defined as income that is 50% or less than the market rate income average for that property class) ☐ Yes or ☐ No

If yes, please provide dollar amount of income being generated, if any: ____________________

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

	Number of Units	Sq. Ft. Range Low to High	Rent Range Low to High
1 Bedroom			
2 Bedroom			
3 Bedroom			
Other			

Does the site have historical significance? ☐ Yes or ☐ No

Are you applying for either State/Federal Historical Tax Credit Programs? ☐ Yes or ☐ No

If yes, provide estimated value of tax credits

Briefly summarize the financial obstacles to development that this project faces without Clarence IDA or other public assistance, please provide the Clarence IDA with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages).

Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide Clarence IDA with documentation of this support in the form of signed letters from these entities. Please indicate other factors that you would like Clarence IDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site has historical significance, site or structure is presently delinquent in property tax payments

Section VIII: Senior Citizen Rental Housing Projects

Are you applying for tax incentives under the Senior Rental Housing policy? ☐ Yes or ☑ No

Has the project received written support from the city, town or village government in which it is located?

____

Describe the location of the project as it relates to the project's proximity to the town / village / city center or to a recognized hamlet ____

Is the project consistent with the applicable municipal master plan? ☐ Yes or ☐ No

If yes, please provide a narrative identifying the master plan (by name) and describing how the project aligns with the plan details: ____

Does the project advance efforts to create a walkable neighborhood and community in proximity to important local amenities and services? ☐ Yes or ☐ No

If yes, please provide a narrative describing the walkable nature of the project including access seniors would have to specific neighborhood amenities. ______________________________________

Has a market study shown that there is a significant unmet need in the local community or specific neighborhood where seniors are unable to find appropriate housing opportunities? ☐ Yes or ☐ No

Is the project located in an area (defined as a 1-5 mile radius of the project site) where there are significant local resident populations that are at or below the median income level? ☐ Yes or ☐ No

If yes, please describe how you made this determination based upon census tract and other relevant third party data: ____

Does the project provide amenities that are attractive to seniors and differentiates the project from standard market rate housing? ☐ Yes or ☐ No

If yes, please describe these amenities (examples may include: community rooms, social / recreational activity areas, senior oriented fixtures and safety amenities, security systems, call systems, on site medical services): ____

Are there impediments that hinder the ability to conventionally finance this project and /or negatively impact the project's return on investment? ☐ Yes or ☐ No

If yes, please briefly summarize the financial obstacles to development that this project faces without IDA or other public assistance. Please provide the IDA with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages). ______________________________

____

____

Will the project target (and maintain during the incentive period) a minimum 50% occupancy rate of senior citizens whose income is at or below 60-80% of the median income for Erie County?
☐ Yes or ☐ No

If yes, please describe provide a narrative citing key facts that substantiate this finding.

____

____

TOWN OF CLARENCE INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION POLICY

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

Custom Controllerzz LLC,
a New York limited liability company
By: Collin Hayes
Its: ~~Sole Member~~

8003 Transitzz LLC,
a New York limited liability company
By: Collin Hayes
Its: Sole Member

Sworn to before me this 25th

day of April, 2025

Notary Public
ANTHONY M. KROESE
NOTARY PUBLIC-STATE OF NEW YORK
No. 02KR6370435
Qualified in Erie County
My Commission Expires ~~02-05~~-2026
3-8

(Sublessee Name)

(Owner/Partner/CEO)

Sworn to before me this

day of ______________, 20 ______

Notary Public

Attachment 1: CIDA Fee Schedule

TOWN OF CLARENCE INDUSTRIAL DEVELOPMENT AGENCY
FEE SCHEDULE

Application Fee: At the time of application for approval by the Agency of any transaction there shall be a non-refundable application fee of Five Hundred Dollars ($500.00). If the request is for refinancing of an existing Project of the Agency where no public hearing is required, this Application Fee will be applied as an offset against all or a portion of the Agency Administrative Fee Due.

For an extension of an inducement, each extension of six months shall require payment of one quarter of the Agency Administrative Fee.

Agency Administrative Fees:

1. New Projects

The Agency Administrative Fee for new Projects shall be 1% of the dollar amount of the Project as determined by the Agency. One quarter of the Agency Administrative Fee or .25% must be received by the Agency prior to the issuance of a Sales Tax Letter by the Agency except for installment sale transactions when the entire Agency Administrative Fee of 1% is due at time of the issuance of the Sale Tax Letter. The balance of the Agency Administrative Fee or .75% shall be due on the closing of the transaction.

2. Refinancing's

The Agency Administrative Fee for refinancings shall be $500 plus one percent (1%) of any new money being financed.

By way of illustration, if the Agency authorized a Project with a Project Cost of $1,200,000, the initial Agency Administrative Fee payable would have been a total of $12,000 with .25% or $3,000 due at the time of the sales tax letter and $9,000 payable at the closing. For purpose of illustration, we will assume that the Project was financed through bonds or a note and mortgage in the principal amount of $1,000,000. At the end of five years, the Lessee comes to the Agency for assistance in refinancing the Project with a new borrowing of $1,300,000. The Lessee will have to advise the Agency of the outstanding principal balance remaining on the bond or note. For purpose of illustration, we will assume that the principal balance has been reduced by $100,000 leaving a remaining principal balance of $900,000. The Lessee would have to pay an Agency Administrative Fee of 1% on the amount over the original $1,200,000 authorized and for which the Agency Administrative Fee was paid or 1% of $100,000 ($1,000) plus an administrative fee of 1% on the difference between the $1,000,000 originally borrowed and the remaining principal balance or 1% of $100,000 ($1,000) because that amount would also constitute new money. This would be in addition to the $500 refinancing fee for a total Agency Administrative Fee of $2,500.

3. Sublease Approvals

The Agency fee for approval of a new sublease for the entire Project shall be $500.

4. Approval of Lease Assignment and Assumptions

The Agency Administrative Fee for approval of Lease Assignments and Assumptions shall be one quarter percent (.25%) of Agency Administrative Fee which would have been due if the Project was a new Project but reduced by the percentage of the benefit already received with respect to real property tax abatement.

By way of illustration, if it is assumed that the Agency provided a ten-year real property tax abatement as set forth below

Year	Tax Paid	Abatement
2013	10%	90%
2014	10%	90%
2015	10%	90%
2016	20%	80%
2017	20%	80%
2018	20%	80%
2019	30%	70%
2020	30%	70%
2021	30%	70%
2022	30%	70%
Total Abatement		7.9 years of abatement

If after year 2018, an application was received requesting that the Agency approve the assignment and assumption of the lease agreement, four years of abatement are remaining. If you add up the percentage of abatement for each year the total remaining abatement is 2.8 years of abatement. The fee would be 0.25% of the percentage remaining of the real property tax abatement (2.8 divided by 7.9 = 0.354430380 x 0.25% or 0.0025 times the original Project Cost). Assuming the original Project Cost was $1,000,000, the fee at the time of the original Project would have been $10,000. The fee for the assignment and assumption would be $1,000,000 x 0.0025 x 0.354430380 = $886.08.

Additional Fees

Additional costs associated with meeting the Agency's current environmental policy are the responsibility of the Applicant.

If the Project Application is withdrawn or does not close, the Applicant is responsible for any costs, including Agency Counsel Fees, incurred by the Agency on behalf of the Project.

Agency Counsel Fees

Bond/Mortgage/Lease Project Cost	Legal Fee
to $750,000	$5,000*
$750,001 to $1,500,000	$7,500
$1,500,001 to $3,000,000	$10,000
$3,000,001 to $5,000,000	$12,500
$5,000,001 to $10,000,000	$15,000

above $10,000,000	$20,000 minimum with additional legal fees payable based upon the circumstances and work involved

* With respect to legal fees for Projects up to $750,000, this Legal Fee would include only two drafts of documents. In addition, if due to delays caused by the Lessee or the Lender, the closing is delayed beyond a sixty day period from the date of the first draft, additional time may also be billed by Agency Counsel in his or her discretion. If further drafts are required or the closing is unreasonably delayed, additional time shall be billed at the hourly rate then in effect for Agency Counsel for the additional time only.

Legal Fees for refinancings shall be based upon the dollar amount refinanced in accordance with the above schedule. In the case of minor amendments of the prior loan documents, Agency Counsel Fees shall be charged on a time basis at the hourly rate then in effect for Agency Counsel. Agency Counsel shall determine whether the amendment to the prior loan documents is a minor amendment in his or her sole reasonable discretion.

Installment Sale Transactions	Legal Fee
to $750,000	$3,000*
$750,001 to $1,500,000	$5,000
$1,500,001 to $3,000,000	$7,500
over $3,000,000	$10,000 minimum with additional legal fees payable based upon the circumstances and work involved

* With respect to legal fees for Projects up to $750,000, this Legal Fee would include only two drafts of documents. In addition, if due to delays caused by the Lessee or the Lender, the closing is delayed beyond a sixty day period from the date of the first draft, additional time may also be billed by Agency Counsel in his or her discretion. If further drafts are required or the closing is unreasonably delayed, additional time shall be billed at the hourly rate then in effect for Agency Counsel for the additional time only.

Legal Fees for Assignment and Assumptions shall be on a time basis.

In addition to counsel fees, disbursement of up to $1,000 will be added to each closing. If additional transcripts above the normal amount are required (5 for lease only and 7 for bond or mortgage transactions), they will be billed to reflect the additional copy cost and the additional binding costs and may exceed the $1,000 total.

The above Fees Policies have been reviewed and accepted by the applicant CH

Initial Here

Attachment 2: Local Labor Workforce Certification

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

Local Labor Defined

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

Local Labor Requirement

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

It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the "Local Labor Waiver Request") based on the following circumstances:

(i) Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers;
(ii) Specialized construction for which Local Labor Area Workers are not available;
(iii) Documented lack of Workers meeting the Local Labor Area requirement. The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request; or
(iv) Significant cost differentials in bids whereby use of Local Labor significantly increases the cost of the project. A cost differential of 25% is deemed significant.

Local Labor Reporting Requirement

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

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

Enforcement

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

The above Certification has been reviewed and accepted by the applicant CH

Initial Here

Attachment 3: CIDA Sublease Approval Form

TOWN OF CLARENCE INDUSTRIAL DEVELOPMENT AGENCY
SUBLEASE APPROVAL FORM
SUB-TENANT QUESTIONNAIRE – TO BE COMPLETED BY PROPOSED TENANT

1. COMPANY NAME: ______________________________
2. PRIMARY CONTACT: ______________________________
3. TITLE: ______________________________
4. COMPANY PRESIDENT / GENERAL MANAGER:

   NAME: ______________ TITLE: ______________
5. COMPANY SIC (NACIS) CODE: ______________________________
6. BUSINESS DESCRIPTION *(Describe in detail company background, products, customers, goods and services)*: ______________________________

   ____

   ____
7. HISTORY OF COMPANY: ______________________________

   ____
8. DOES THIS OCCUPANCY CONSTITUTE A RELOCATION? Yes ________ No _____
9. IF YES, WHERE IS COMPANY PRESENTLY RELOCATING FROM? *(City, State or Province, Country)*

   Address: ______________________________

   City: ______________ State: __________ Zip: __________

   a.) Is location to Clarence necessary to: (Check one or both if applicable)

   - Discourage your company from moving out of New York State? __________
   - To remain competitive within your industry? __________

   (If either or both are checked, please provide a specific, detailed explanation as attachment on company letterhead)

   b.) In regard to current location, does your company: Own: _________ Lease:__________

   c.) If leased, when does the lease expire? ______________________________

   d.) If owned, what will become of the facility? ______________________________

   ____

e.) Have local economic development officials in the municipality where the company is currently located been contacted about alternative sites within that municipality?

YES ________________ NO ________________

f.) If yes, what was the outcome? ____

____

g.) If no, why not? ____

____

____

10. WILL THIS CLARENCE LOCATION BE YOUR COMPANY'S HEADQUARTERS?

YES ______________ NO ______________

If no, where is the Company's Headquarters located (City, State or Province, Country)?

CITY ________________________ STATE / PROVINCE ________________________

11. CURRENT NUMBER OF EMPLOYEES:

FULL TIME: __________________ PART TIME: ______________

12. ESTIMATED NUMBER OF FUTURE EMPLOYEES (WITHIN TWO (2) YEARS):

FULL TIME: __________________ PART TIME: ______________

13. NUMBER OF EMPLOYEES THAT LIVE IN:

CLARENCE__________________ BUFFALO ________________

OTHER ERIE COUNTY __________ OUTSIDE ERIE COUNTY __________

____

14. APPROXIMATE PERCENTAGE OF PRODUCTS / SERVICES EXPORTED:

OUTSIDE ERIE COUNTY BUT WITHIN NEW YORK STATE ____________________

____

WITHIN THE REST OF THE U.S. ______________________________________

CANADA ____________________ INTERNATIONAL ________________

Section IX: Representations, Certification and Indemnification

** This Section of the Application can only be completed upon the Applicant receiving, and must be completed after the Applicant receives, IDA Staff confirmation that Section I through Section V of the Application are complete.

______________________________ (name of CEO or other authorized representative of Company) confirms and says that he/she is the ______________________________ ____________________(title) of (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:

______________________________ (name of CEO or other authorized representative of Sublessee) confirms and says that he/she is the ______________________________ ____________________(title) of (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 El 527-05, 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 and the Agency's general counsel and/or the Agency's bond/transaction counsel, the same to be paid at the times indicated:

(i) a non-refundable $_______ application and publication fee (the "Application Fee");

(ii) expense deposit for the Agency's Counsel Fee Deposit;

(iii) Unless otherwise agreed to by the Agency, an amount equal to _______percent (_______%) of the total project costs.

(iv) 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 acknowledges that it has been provided with a copy of the Agency's Policy for Termination of Agency Benefits and Recapture of Agency Benefits Previously Granted (the "Termination and Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Termination and Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Termination and Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.

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

> § 862. 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 necessa1Y 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.

(Company)

STATE OF NEW YORK
COUNTY OF ERIE) ss.:

Collin C. Hayes, being first duly sworn, deposes and says:

1. That I am the sole member of the (Corporate Officer) of 8003 Transitzz LLC (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 29th day of April 2025

(Notary Public)

ANTHONY M. KROESE
NOTARY PUBLIC-STATE OF NEW YORK
No. 02KR6370435
Qualified in Erie County
My Commission Expires ~~02-05~~-2026 3-8

(Sublessee)

STATE OF NEW YORK
COUNTY OF ERIE) ss.:

Collin C. Hayes, being first duly sworn, deposes and says:

1. That I am the sole member of the (Corporate Officer) of Custom Controllerzz LLC (Sublessee) and that I am duly authorized on behalf of the Sublessee to bind the Sublessee.

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 21th day of April 20 25

(Notary Public)

ANTHONY M. KROESE
NOTARY PUBLIC-STATE OF NEW YORK
No. 02KR6370435
Qualified in Erie County
My Commission Expires ~~02-05~~ 7-8-2026

ADDENDUM TO IDA APPLICATION
8003 TRANSIT ROAD, CLARENCE, NEW YORK 14051

Section II: Project Description & Details

B.1: The purpose of this project is the new construction of a commercial building to serve as the expanded headquarters for Custom Controllerzz LLC. The project is being undertaken to accommodate continued business growth, increase production capacity, consolidate operations, and allow for future workforce expansion. Notably, over the past several years, growth has reached its maximum capacity without a new facility for the business.

The new facility will be used for the design, assembly, customization, packaging, and shipment of video game controllers and accessories. The building will also house administrative offices, inventory storage, shipping/receiving operations, and customer service support.

Custom Controllerzz LLC will be the sole occupant and end user of the space—there will be no outside tenants. This project will allow the company to centralize operations that are currently spread across multiple storage and work locations due to space limitations. The increased space will also enable the hiring of additional employees and the purchase of equipment to enhance efficiency and output.

The project represents a strategic investment to support long-term growth and operational sustainability.

B.2: The financial assistance provided by the Agency is critical to the success and timely execution of this project. Custom Controllerzz LLC is currently experiencing substantial operational constraints due to space limitations in our existing 1,200 sq. ft. facility. As a result, we are forced to utilize multiple off-site storage locations, which creates inefficiencies, limits production, and increases overhead costs. These challenges have directly impacted our ability to scale operations, meet growing demand, and hire additional staff.

The proposed new building will resolve these issues by consolidating operations under one roof, increasing capacity, and improving workflow. However, without financial assistance from the Agency—particularly in the form of sales tax exemption, mortgage recording tax exemption, and real property tax abatement—the project would create a significant financial burden that could delay or reduce its scope.

The assistance is necessary to help offset rising construction costs, inflationary pressures, and the cost of upgrading and acquiring new equipment required to support expansion. These incentives would allow us to remain competitive in the national and international gaming accessory market, create new jobs, and invest in long-term growth in the Western New York region.

In short, Agency assistance will make this project financially feasible, enabling Custom Controllerzz to remain competitive, grow sustainably, and contribute to the local economy through job creation and increased business activity.

B.3: While it may be technically possible to undertake the project without financial assistance, doing so would place significant strain on the company's resources, likely resulting in delays, reduced scope, and limited job creation.

Agency support is essential to ensure that the project can be completed on time, at full scale, and with the intended operational and economic impact. The financial assistance would allow Custom Controllerzz LLC to invest more heavily in workforce expansion, equipment upgrades, and operational efficiencies, all of which contribute to long-term competitiveness and regional economic growth.
Therefore, support from the Agency remains critical to maximizing the benefits of this project for both the company and the community.

B.4: For Custom Controllerzz LLC, the expansion of operations isn't just a vision—it's a necessity. The company stands at a crossroads, ready to take the next step toward growth, yet restrained by the limits of its current facility. Every day, inefficiencies mount: production capacity remains capped, reliance on multiple off-site storage locations increases operational costs, and the inability to hire additional staff stifles momentum. Without this support, the project faces delays, downsizing, or even the possibility of moving to another location entirely. The challenge is compounded by the fact that Custom Controllerzz LLC does not yet own the site—without the necessary financial benefits, the company may be forced to explore alternatives beyond the county, despite its deep-rooted commitment to the community.

The stakes extend far beyond the company itself. Erie County and the Town of Clarence stand to lose more than just another business. This project represents job creation, economic expansion, and a long-term investment in the local community. A thriving business that could fuel the local economy risks being uprooted, taking with it potential employment opportunities, local partnerships, and taxable revenue that would have strengthened the area.

At its core, this isn't just about funding—it's about securing an opportunity to build something lasting. Financial assistance ensures that Custom Controllerzz LLC can remain in Erie County, innovate, hire, and contribute to the economic landscape for years to come. Without it, the vision of growth shifts into uncertainty, leaving behind a community that could have benefited from its success.

Section IV: Inter-Municipal Move Determination

Custom Controllerzz LLC requires financial assistance to operate in Clarence and stay competitive in the digital marketplace. Without support, relocation becomes a real possibility, as the current facility limits expansion and efficiency.

Financial assistance would allow the company to retain operations, streamline fulfillment, and invest in e-commerce infrastructure, ensuring it can scale effectively rather than relocating its operations to remote facilities. The ability to hire additional staff and consolidate operations would strengthen its position in the gaming accessories industry, where digital sales and fast logistics are critical for success.