



APPLICATION FOR FINANCIAL ASSISTANCE

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

The following amounts are payable to the County of Chautauqua Industrial Development Agency (the "Agency") at the time this Application is submitted to the Agency: (i) a \$1,000 non-refundable application fee (the "Application Fee"); and (ii) a \$1,000 expense deposit for the Agency's Transaction/Bond Counsel fees and expenses (the "Counsel Fee Deposit").

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

PART I: APPLICANT

Name: Electroveya Inc
Address: 6688 Kitimat Rd
Mississauga, ON L5N 1P8, Canada
Phone: 1 905 855 4627
NY State Dept. of Labor Reg #
Federal Employer ID #
NAICS Code #: 335911
NAICS Sector: Manufacturing
NAICS Industry: Battery Manufacturing
Website: www.electroveya.com

Nature of business (goods to be sold, manufactured, assembled or processed, services rendered):
Manufacturing of lithium-ion battery cells and packs

Contact Name: John Gibson
Title: Chief Financial Officer
Phone Number: 905 855 4627
E-Mail: jgibson@electroveya.com

Business Type:

- ☐ Sole Proprietorship
☐ General Partnership
☐ Limited Partnership
☐ Limited Liability Company
☐ Privately Held Corporation
☑ Publicly Held Corporation
☐ Not-for-Profit Corporation

State/Year of Incorporation/Organization ON, 1996
Qualified to do Business in New York Yes
(Yes or No):

Owners of 20% or more of Applicant:

Name %
Sankar Das Gupta 29%

PART II: PROJECT

Address of proposed project facility: 1 Precision Way, Jamestown NY, 14701
Tax Map Parcel Number(s) 371 00-2-6 371 00-2-3 2 1
City/Town/Village(s) Jamestown
School District(s): Falconer
Current Legal Owner: Sustainable Energy Jamestown, LLC
Contract to purchase (Yes or No) Y
Date of purchase: March 31, 2023
Purchase price: \$ 5,000,000

Present use of the Project site: Vacant since 2018

What are current real estate taxes on the Project site?

County/Town \$ 166,686.95
City/Village: \$
School: \$ 85,340.37

Are tax cert. proceedings currently pending with respect to the Project real property?
YES NO

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

Company Name: Electroveya Inc
Address: 6688 Kitimat Road
City/State/Zip: Ontario, Canada, L5N1P8
Tax ID No.: 865217665

Contact Name: John Gibson
Title: Chief Financial Officer
Phone Number: 905 855 4627
E-Mail: jgibson@electroveya.com

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

Relationship to the Applicant:
Same

OFFICERS OF APPLICANT

Name:	Title:
<u>Raj DasGupta</u>	<u>CEO</u>
<u>John Gibson</u>	<u>CFO</u>
<u>Sankar DasGupta</u>	<u>ExecutiveChairman</u>
_____	_____

Owners of 20% or more of User/Tenant:

Name	%	Corporate Title
<u>Electrovaya USA</u>	<u>100</u>	_____
_____	_____	_____
_____	_____	_____

APPLICANT'S LEGAL COUNSEL:

Firm name: Uber Law Office
 Address: 314 Cherry St. Jamestown, NY 14701
 Contact: Shane Uber
 Phone: 716-665-1116
 Fax: 716-665-1118
 E-Mail: shane@uberlawoffice.com

Type of Proposed Project (check all that apply):

- New Construction of a Facility
Square footage: _____
- Addition to Existing Facility
Square footage of existing facility: _____
Square footage of addition: _____
- Renovation of Existing Facility
Square footage of area renovated: TBD
Square footage of existing facility: 134,858
- Acquisition of Land/Building
Acreage/square footage of land: 52 acres
Square footage of building: 134,858
- Acquisition of Furniture/Machinery/Equipment
List principal items or categories:
Battery Assembly Equipment, R&D and Testing Equipment, Logistical Equipment
- Other (specify): _____

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

Electrovaya is planning a US expansion of operations to ramp up production of their batteries for warehouse distribution and transportation applications. The expansion project will involve the use of
a facility up to 200,000 sqft which will be used to house battery cell and pack manufacturing equipment. Given the significant capital investment, financial support for the project is necessary for the
venture to be economically feasible and will assist in accelerating plans for expansion.

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

Electrovaya Corp; Electrovaya USA Inc; Electrovaya Company (USA)

PART III. CAPITAL COSTS OF THE PROJECT

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

	Item	Cost
1.	Land and/or Building Acquisition:	5,000,000
2.	Building Demolition:	_____
3.	Construction/Reconstruction/Renovation:	1,000,000
4.	Site Work:	_____
5.	Infrastructure Work:	_____
6.	Furniture, Equipment, Machinery:	34,500,000
7.	Architectural/Engineering Fees:	1,800,000
8.	Applicant's Legal Fees:	200,000
9.	Financial Fees:	_____
10.	Other Professional Fees:	_____
11.	Other Soft Costs (describe):	_____
12.	Other (describe):	_____
	Total Project Costs:	<u>\$ 42,500,000</u>

	Estimated Sources of Funds for Project Costs:	Source
1.	Tax-Exempt IDA Bonds:	_____
2.	Taxable IDA Bonds:	_____
3.	Conventional Mortgage Loans:	4,500,000
4.	SBA or other Governmental Financing	_____
	Identify: <u>Empire State Development</u>	2,500,000
5.	Other Public Sources (e.g., grants; tax credits):	_____
	Identify: _____	_____
6.	Other Public Agency Loans:	_____
7.	Other Private Loans:	32,000,000
8.	Equity Investment:	_____
	(Excluding equity attributable to grants/tax credits)	3,500,000
	Total Funding:	<u>\$ 42,500,000</u>

What percentage of the total project costs are funded/financed from public sector sources: 6 %

C. Requested Financial Assistance

Tax-Exempt Bonds:	\$ _____
Taxable Bonds:	\$ _____
Estimated Value of Sales Tax Benefit:	\$ 2,400,000
(i.e., gross amount of cost of goods and services that are subject to state and local sales and use taxes multiplied by [8.0%])	
Estimated Value of Mortgage Tax Benefit:	\$62,250 _____
(i.e., principal amount of mortgage loans multiplied by [1.25%])	

Estimated CCIDA PILOT Property Tax Benefit:

Type: Deviation

Term: 15 years

Schedule Requested: 15 years

Deviation? Yes No

Will the proposed Project utilize a property tax exemption benefit other than from the Agency: _____
(if so, please describe requested type, term and schedule)

Existing Total Annual Property Taxes on Land and Building: \$ 158,043.68

Estimated Additional Property Taxes on completed Project over the requested PILOT term (without Agency financial assistance): \$ 0

Other (specify): _____

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

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

D. Status of Expenses

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

YES NO

E. Existing Operations

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

No

PART IV: COST-BENEFIT ANALYSIS

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

	<u>Present</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Full Time:	\$ 0	\$ 1,730,000	\$ 3,890,000	\$ 9,190,000
Part Time:	\$ 0	\$ 0	\$ 0	\$ 0

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

Current and Planned Occupations	Present Jobs Per Occupation	Est. FTEs Post-Completion:			Est. # of County Residents. by yr. 3
		1 year	2 years	3 years	
Management	N.A.	1	1	3	3
Professional	N.A.	4	9	22	22
Administrative	N.A.	2	8	16	16
Production	N.A.	12	36	96	96
Supervisor	N.A.	1	1	3	3
Laborer	N.A.	10	10	10	10
Independent Contractor	N.A.	_____	_____	_____	_____
Other (describe)	_____	_____	_____	_____	_____

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

Category of Jobs to be Retained/Created:	Average Salary or Range of Salary:	Average Fringe Benefits or Range of Fringe Benefits:
Management	\$50,000 - \$100,000	\$11,000 - \$22,000
Professional	\$70,000 - \$100,000	\$15,400 - \$22,000
Administrative	\$45,000 - \$70,000	\$9,900 - \$15,400
Production	\$35,000 - \$45,000	\$7,700 - \$9,900
Supervisor	\$45,000 - \$70,000	\$9,900 - \$15,400
Laborer	\$35,000 - \$45,000	\$7,700 - \$9,900
Independent Contractor ¹		
Other		

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction, and/or renovation of the Project: ³⁰ _____

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

¹NOTE: The Agency converts part-time jobs into FTE's for evaluation and reporting purposes by dividing the number of part-time jobs by two (2).
²As used in this chart, this category includes employees of independent contractors.

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

99 %

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

Power, water, and sewer usage.

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

	Amount	% Sourced in Chautauqua County	% Sourced in State
Year 1	\$ 12 M	1%	5%
Year 2	\$ 20M	1%	5%
Year 3	\$ 40M	1%	5%

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

In addition to high quality job creation, this expansion project is well-aligned with initiatives across Chautauqua County to foster renewable energy and manufacturing for clean technology.

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

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

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

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

Q2 2023 - Site preparation, electrical infrastructure improvements. Initial assembly installation, Final assembly production start.

Q3 2023 - Initial commissioning of short lead time equipment

Q4 2023 - Commissioning of remaining equipment.

Q1/Q2 2024 - Cell manufacturing operations begin.

PART V: QUESTIONS

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

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

YES NO

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

YES NO

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

YES NO

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

YES NO

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

YES NO

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

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

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

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

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

0 %

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

YES NO

9. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services?

YES NO

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

YES NO

CERTIFICATIONS AND ACKNOWLEDGMENTS
OF THE APPLICANT

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

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

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

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

FIRST:

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

SECOND:

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

THIRD:

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

FOURTH:

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

FIFTH:

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

SIXTH:

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

SEVENTH:

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

EIGHTH:

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

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

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

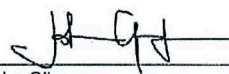
The Agency's bond counsel's fees, general counsel fee and the administrative fees may be considered as a cost of the Project and included as part of any resultant financing, subject to compliance with applicable law.

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

NINTH:

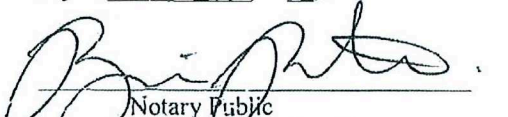
The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or any other appropriate federal, state or local governmental agency or authority as to whether the Project site or any property adjacent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

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



Name: John Gibson
Title: Chief Financial Officer

Subscribed and affirmed to me this 15th
day of MARCH, 2023



Notary Public
BARRISTER + SOLICITOR
PRIYANKAM PATEL
416-402-1159

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

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

DATE

PILOT/Tax Lease Analysis

4/21/23

Project Name: Electrovaya

Project Cost **42,500,000**

PILOT

	Assessment	No Abatement	PILOT	PILOT Savings
Full Market Value Assessment	\$5,083,800			
Year 1		\$152,704	\$114,528	\$38,176
Year 2		\$152,704	\$114,528	\$38,176
Year 3		\$152,704	\$114,528	\$38,176
Year 4		\$152,704	\$114,528	\$38,176
Year 5		\$152,704	\$114,528	\$38,176
Year 6		\$152,704	\$114,528	\$38,176
Year 7		\$152,704	\$114,528	\$38,176
Year 8		\$152,704	\$114,528	\$38,176
Year 9		\$152,704	\$114,528	\$38,176
Year 10		\$152,704	\$114,528	\$38,176
Year 11		\$152,704	\$114,528	\$38,176
Year 12		\$152,704	\$114,528	\$38,176
Year 13		\$152,704	\$114,528	\$38,176
Year 14		\$152,704	\$114,528	\$38,176
Year 15		\$152,704	\$114,528	\$38,176
Total	\$5,083,800	\$2,290,556	\$1,717,917	\$572,639

All estimates. Based on past tax rates.

Equalized Tax Rate **Town of Ellicott** 30.037320
 Mortgage amount 5,000,000
 Sales taxable items 30,000,000

15 Years
 Property tax savings 572,639
 Sales tax savings 2,400,000
 Mortgage recording 62,250
 Application Fee (2,000)
 Agency fee (290,000)
 Attorney fees (20,000)
Total Savings \$2,722,889

Agency fee reduced 30% from \$423,000 to \$300,000 with:
 \$10,000 PAID at closing*

\$10,000 at 1 year
 \$10,000 at 2 year
 \$10,000 at 3 year
 \$86,000 at 4 year
 \$87,000 at 5 year
 \$87,000 at 6 year

* Paid in 2022, at first closing

Exhibit B

State Environmental Quality Review Act Compliance Checklist

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

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

Does the project involve:

- activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
 - a project or action that involves the physical alteration of 10 acres?
 - a project or action that would use ground or surface water in excess of 2,000,000 gallons per day?
 - parking for 500 vehicles?
 - a facility with more than 100,000 square feet of gross floor area?
- the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
 - a project or action that involves the physical alteration of 5 acres?
 - a project or action that would use ground or surface water in excess of 1,000,000 gallons per day?
 - parking for 250 vehicles?
 - a facility with more than 50,000 square feet of gross floor area?

activities which meet at least one of the criteria in **both** Columns A **and** B below:

o Column A:

- occurring wholly or partially within an agricultural district certified by Agriculture and Markets?
- occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the State or National Register of Historic Places, or has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing?
- occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks?

o Column B:

- activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
 - a project or action that involves the physical alteration of 2.5 acres?
 - a project or action that would use ground or surface water in excess of 500,000 gallons per day?
 - parking for 125 vehicles?
 - a facility with more than 25,000 square feet of gross floor area?
- the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
 - a project or action that involves the physical alteration of 1.25 acres?
 - a project or action that would use ground or surface water in excess of 250,000 gallons per day?
 - parking for 63 vehicles?
 - a facility with more than 12,500 square feet of gross floor area?

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Jamestown Expansion			
Project Location (describe, and attach a location map): Jamestown, NY			
Brief Description of Proposed Action: The applicant is expanding it's production capacity by installing equipment in an existing building in Jamestown, NY to create a gigafactory for lithium ion battery manufacturing. The applicant will be creating a significant number of jobs for the local area and has secured low cost hydro from Niagara Falls.			
Name of Applicant or Sponsor: Electrovaya Inc		Telephone: <small>905 855 4827</small>	
		E-Mail: <small>jjgibson@electrovaya.com</small>	
Address: 6688 Kitimat Rd			
City/PO: Mississauga		State: ON	Zip Code: L5N1P8
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO
			YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO
			YES
3.a. Total acreage of the site of the proposed action?		<u>52</u>	acres
b. Total acreage to be physically disturbed?		<u>0</u>	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>52</u>	acres
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A	
			X	
b. Consistent with the adopted comprehensive plan?			X	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES		
			X	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES		
			X	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES		
			X	
	b. Are public transportation service(s) available at or near the site of the proposed action?			X
				X
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			X	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES		
			X	
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing potable water: _____	NO	YES		
			X	
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing wastewater treatment: _____	NO	YES		
			X	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES		
			X	
			X	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES		
			X	
			X	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban				
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES		
			X	
16. Is the project site located in the 100 year flood plain?	NO	YES		
			X	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES		
			X	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
85,340.37	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	X	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)