

NOTICE OF PUBLIC HEARING

Pursuant to Article 18-A of NYS General Municipal Law, a public hearing will be conducted electronically, as hereinafter described, by the City of Dunkirk Industrial Development Agency (the "Agency") on Tuesday, April 27, 2021 at 4:30 p.m. regarding the project, as described below, said public hearing, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, to now be conducted both in person with attendance restrictions and electronically as hereinafter described. **PLEASE NOTE the special hearing logistics and instructions included at the end of this notice.**

Dunkirk Resort Properties, LLC, and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf (the "Company"), has submitted an application to the Agency (a copy of which is on file at the office of the Agency) requesting the Agency to undertake a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 30 Lake Shore Drive, City of Dunkirk, Chautauqua County, New York (the "Land") and the existing improvements located thereon (the "Existing Improvements"); (ii) the renovation and reconstruction of an approximate 3,000 square foot portion of the Existing Improvements for the establishment of a commercial and retail brewery and distillery facility (the "Improvements"); and the acquisition and installation in and around the Existing Improvements and Improvements of certain items of equipment, machinery and other tangible personal property (the "Equipment"; and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility"). The Facility will be initially operated and/or managed by the Company.

The Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance to the Company for qualifying portions of the Facility in the form of sales and use tax exemption benefits, mortgage recording tax exemption benefits, and real property tax abatement benefits consistent with the policies of the Agency.

The Company's request for financial assistance deviates from the Agency's Uniform Tax Exemption Policy ("UTE") as the Company has requested that the Agency enter into a non-standard payment-in-lieu-of-tax ("PILOT") agreement for a fifteen year benefit period whereby the Company will make PILOT payments as follows: (i) Year 1-5 payment equal to 30% of the assessed value of the non-depreciable portion of the Land assessed as buildings or other improvements, (iii) Years 6-10 payment equal to 50% of the assessed value of the non-depreciable portion of the Land assessed as buildings or other improvements, and (iv) Years 11-15 payment equal to 70% of the assessed value of the non-depreciable portion of the Land assessed as buildings or other improvements.

PLEASE NOTE SPECIAL PUBLIC HEARING CONDUCT INSTRUCTIONS AND INFORMATION:

In accordance with Section 859-a of the NYS General Municipal Law, a representative of the Agency will present a copy of the Company's project Application which is also available for

viewing via Zoom, the invitation of which is below. However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the NYS General Municipal Law requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, and pursuant to Governor Cuomo's Executive Order 202.15 issued on April 9, 2020 authorizing the conduct of public hearings through use of telephone conference, video conference and/or other similar service, the Agency will livestream the Public Hearing for those wanting to listen only via Zoom. In addition, the Agency will provide public access to provide oral comments during the Public Hearing at the Mayor's Conference Room in City Hall, 342 Central Avenue, Dunkirk, New York 14048. If you would like to make oral comments at the Public Hearing, please register to do so no later than 12:00 p.m. on Monday, April 26, 2021. After registering, you will receive a confirmation email containing information about joining the call to provide oral comments. Finally, the Agency also encourages all interested parties to submit written comments to the Agency, which will all be included within the public hearing record. Any written comments may be sent on the Agency's website, or mailed to the Agency at 342 Central Avenue, Dunkirk, NY 1408, until the comment period closes at 4:00 p.m. on Monday, April 26, 2021.

City of Dunkirk Industrial Development Agency

City of Dunkirk Industrial Development Agency is inviting you to a scheduled Zoom meeting.

Topic: Clarion Public Hearing and DIDA Board Meeting

Time: Apr 27, 2021 04:15 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89239815333?pwd=MURqbXlMbFhjakRaVUV0aFFjWi95QT09>

Meeting ID: 892 3981 5333

Passcode: 935362

One tap mobile

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+1 669 900 6833 US (San Jose)

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Passcode: 935362

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