



# Policy Committee

October 6, 2022

At 9:00 a.m.

ECIDA Offices

95 Perry Street, 4<sup>th</sup> Floor Conference Room  
Buffalo, New York 14203

1. Call Meeting to Order
2. Approval of the September 1, 2022 Policy Committee Meeting Minutes (Pages 2-4)
3. Project Matrix (Page 5)
4. Project Presentation (Staff – Company Q&A)
  - a) 5100 North America Drive/Sonwil (Pages 6-39)
5. Ellicott Town Homes Bond (Pages 40-66)
6. OAHS Tonawanda TC, LLC. Bond (Pages 67-95)
7. MWBE Update - Economic Inclusion PILOT Policy (Pages 96-104)
8. Adjournment - Next Meeting November 10, 2022 at 9:00 a.m.

**MINUTES OF A MEETING OF THE  
POLICY COMMITTEE OF THE  
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

- DATE:** September 1, 2022
- LIVE STREAMED:** This meeting is being live-audio streamed and made accessible on the Agency's website at [www.ecidany.com](http://www.ecidany.com).
- PRESENT:** Denise Abbott; Hon. April Baskin; Rev. Mark E. Blue; Colleen DiPirro; Richard Lipsitz, Jr.; Hon. Glenn R. Nellis; Laura Smith, David J. State; Lavon Stephens; Hon. John Tobia and Hon. Maria Whyte
- EXCUSED:** Hon. Bryon W. Brown; Johanna Coleman; Brenda W. McDuffie; and Paul Vukelic
- OTHERS PRESENT:** John Cappellino, President & CEO; Beth O'Keefe, Vice President of Operations; Atiqa Abidi, Assistant Treasurer; Grant Lesswing, Director of Business Development; Andrew Federick, Business Development Officer; Soma Hawramee, Compliance Portfolio Manager; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant; Robbie Ann McPherson, Director of Marketing & Communications; Pat Smith, Senior Bookkeeper; and Robert Murray, General Counsel/Harris Beach PLLC
- GUESTS:** Zachary Evans on behalf of the County; Lisa Hicks and Alex Carducci on behalf of the City of Buffalo; Dana Tunmore on behalf of the Erie County Legislature and Joshua Israel on behalf of 950 Broadway/Cedarland Development

There being a quorum present at 9:03 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

**MINUTES**

The minutes of the August 4, 2022 Policy Committee meeting were presented. Upon motion made by Ms. Abbott to approve of the minutes, and seconded by Ms. Whyte, the aforementioned Policy Committee meeting minutes were unanimously approved.

**PROJECT MATRIX**

Mr. Cappellino reviewed the Agency's 2022 Tax Incentives Project Matrix. Mr. Lipsitz directed that the report be received and filed.

**PROJECT PRESENTATIONS**

950 Broadway LLC, 950 Broadway Avenue, Buffalo, New York 14212. Ms. O’Keefe presented this proposed sales tax and mortgage recording tax benefits project involving the revitalization of a vacant building approximately 40,570+/- sq. ft. into a mixed-use facility with 28 affordable apartment units, an indoor urban farm/garden and a ground floor affordable day care facility for the community.

Ms. Whyte spoke in favor of the project. At this point in time, Ms. Baskin joined the meeting.

Ms. Baskin queried regarding Urban Farming initiative. Mr. Israel responded that the Urban Farming program is still being developed and confirmed that a desire is to produce food for both the day care center and for a point of sale for the community.

At this point in time, Ms. Smith joined the meeting.

Mr. Blue spoke in favor of the project.

Ms. O’Keefe confirmed that 950 Broadway LLC is seeking approximately \$592,040 in assistance including sales tax exemption and mortgage tax exemption. Total payroll is projected at \$14,064,371 for the direct and indirect jobs created including 55 construction jobs. The resulting cost benefit is 1:25 so for every \$1 of incentives the community benefit is \$25 in payroll & tax revenue. For Erie County, every \$1 of incentives provides \$46 in community benefits.

Ms. O’Keefe stated that in exchange for providing the sales and use tax and mortgage recording tax benefits, the approval of this project will be conditioned upon adherence to certain material terms and conditions with respect to the potential modification, recapture and/or termination of financial assistance as follows:

**Draft Recapture Material Terms**

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total Project Amount = \$11,653,862 85% = \$9,905,783
Employment	Coincides with recapture period	Maintain Base = 0 Create 85% of Projected Projected = 36 FTE 85% = 30 FTE Recapture Employment = 30 FTE

Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with recapture period	Adherence to policy
Unpaid Tax	Coincides with recapture period	Adherence to policy
Recapture Period	2 years after project completion	Recapture of state and local sales taxes and mortgage recording tax

Mr. Blue moved and Ms. Baskin seconded to recommend the project as proposed be forwarded to the members of the ECIDA for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

**MWBE UPDATE**

Mr. Cappellino provided an update to Committee members.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 9:30 a.m.

Dated: September 1, 2022

\_\_\_\_\_  
Elizabeth A. O’Keefe, Secretary

## Tax Incentives Approved - 2022

Approval Date	Project Name	Project City/Town	Private Investment/ Project Amount	Minimum Investment Commitment	FT Jobs Retained	PT Jobs Retained	FT Jobs to be Created	PT Jobs to be Created	Job Creation	Const Jobs	Spillover Jobs	Length of Term	Incentive Amount	Cost Benefit Ratio
Jan-22	791 Washington Street, LLC <sup>1</sup>	Buffalo	\$107,950,000	85% threshold \$91,800,000	0	0	5	0	85%-New 4 jobs	571	433	Period of PILOT 10 Years	\$3,719,000	1:20
Jan-22	Arbor Multifamily Lending, LLC	Tonawanda	\$2,100,000	85% threshold \$1,785,000	168	0	25	0	85%-New 21 jobs	0	158	project completion date + 2 yrs	\$183,750	1:304
Jan-22	Broadway Development & Management <sup>1</sup>	Buffalo	\$12,500,000	85% threshold \$10,625,000	2	0	8	0	85%-New 7 jobs	56	55	project completion date + 2 yrs	\$693,500	1:14
Jan-22	Lactalis American Group, Inc.	Buffalo	\$1,436,697	85% threshold \$1,221,192	334	0	27	0	85%-New 22 jobs	5	1390	project completion date + 2 yrs	\$126,793	1:9994
Mar-22	471 Elmwood, LLC <sup>1</sup>	Buffalo	\$3,590,000	85% threshold \$3,051,500	0	0	1	0	85%-New 1 job	20	10	project completion date + 2 yrs	\$122,500	1:15
Apr-22	Workspport, Ltd.	West Seneca	\$15,006,887	85% threshold \$12,755,854	0	0	6	10	85%-New 9 jobs	30	33	project completion date + 2 yrs	\$103,562	1:67
Jul-22	380 Vuclan	Tonawanda	\$7,145,000	85% threshold \$6,073,250	4	2	3	2	85%-New 3 jobs	25	26	Period of PILOT 7 Years	\$1,610,699	1:6
Jul-22	Perry's Ice Cream	Akron	\$18,000,000	85% threshold \$15,300,000	365	14	15	0	85%-New 12 jobs	79	690	Period of PILOT 7 Years	\$684,891	1:490
Jul-22	Spaulding Business Park	Tonawanda	\$2,055,000	85% threshold \$1,746,750	0	0	20	0	85%-New 17 jobs	8	24	Period of PILOT 7 Years	\$403,241	1:27
Jul-22	A & A Union Road, LLC	West Seneca	\$3,110,729	85% threshold \$2,644,119	12	1	2	0	85%-New 1 job	13	33	Period of PILOT 7 Years	\$521,790	1:31
Aug-22	Laborers Way 1	Buffalo	\$27,800,000	85% threshold \$23,630,000	0	0	20	34	85%-New 37 jobs	119	141	Period of PILOT 15 Years	\$3,087,290	1:28
Sep-22	950 Broadway, LLC <sup>1</sup>	Buffalo	\$11,653,862	85% threshold \$9,905,783	0	0	34	4	85%-New 30 jobs	55	51	project completion date + 2 yrs	\$592,040	1:25
<b>Totals:</b>			<b>Private Investment/ Project Amount</b>		<b>FT Jobs Retained</b>	<b>PT Jobs Retained</b>	<b>FT Jobs Created</b>	<b>PT Jobs Created</b>		<b>Const Jobs</b>	<b>Spillover Jobs</b>		<b>Incentive Amount</b>	
<b>Adaptive Reuse Subtotal</b>			<b>4</b>	<b>\$135,693,862</b>	<b>2</b>	<b>0</b>	<b>48</b>	<b>4</b>		<b>702</b>	<b>549</b>		<b>\$5,127,040</b>	
<b>2022 Total</b>			<b>12</b>	<b>\$212,348,175</b>	<b>885</b>	<b>17</b>	<b>166</b>	<b>50</b>		<b>981</b>	<b>3044</b>		<b>\$11,849,056</b>	

<sup>1</sup> Adaptive Reuse

**5100 North America Drive, LLC**

**\$61,764,000**

**PRIVATE INVESTMENT INDUCEMENT RESOLUTION**

**ELIGIBILITY**

- NAICS Section – 531120

**COMPANY INCENTIVES**

- Approximately \$ 3,383,625 in sales tax savings
- Approximately \$ 8,086,908 in real property tax savings
- Up to 3/4 of 1% of the final mortgage amount estimated at \$359,640

**JOBS & ANNUAL PAYROLL**

- Current (to be relocated) Jobs: 22 FT
- Projected new jobs: 19 FT
- Annual Payroll: \$ 1,800,000
- Est. salary/yr. of jobs retained, and jobs created: \$ 44,000
- Total jobs after project completion:41
- Construction Jobs: 259

**PROJECTED COMMUNITY BENEFITS\***

- Term: 10 YEARS
- NET Community Benefits: \$74,754,177
- Spillover Jobs: 254
- Total Payroll: \$68.5 Mil

**INCENTIVE COST / COMMUNITY BENEFIT RATIO (discounted at 2%)\***

Incentives: \$ 11,051,426  
Community Benefit: \$71,014,439  
Cost: Benefit Ratio  
• 1:6

Project Title: 5100 North America Drive

Project Address: 5100 North America Drive, West Seneca, NY 14224  
(West Seneca Central School District)

**Agency Request**

A sales tax, mortgage recording tax and real property tax abatement in connection with the construction of a 323,000 sq ft distribution warehouse

Land / Building Acquisition	\$ 1,824,000
Building Construction	\$ 34,340,000
Infrastructure	\$ 7,000,000
Non- Manufacturing Equipment	\$ 18,000,000
Soft Costs/Other	\$ 600,000
<b>Total Project Cost</b>	<b>\$ 61,764,000</b>

85% \$ 52,499,400

**Company Description**

The applicant is an affiliate of Sonwil Distribution, a family-owned business which has been based and operating in WNY for 80 years. Sonwil provides various logistical services from storage, handling and distribution to a wide variety of value-added services for its regional, national and international clients. Sonwil has been successful in attracting and retaining national accounts of the Buffalo area such as General Mills, Georgia Pacific, J.M. Smucker and Body Armor (Coca-Cola). Many local Western New York manufacturers rely exclusively on Sonwil for food grade, BRC Certified, cost competitive, local 3<sup>rd</sup> party distribution services.

**Project Description**

The project will consist of the construction of an approximately 323,000 sf distribution warehouse to be owned by applicant and leased to Sonwil and serve as a multi temperature (cold/ambient) distribution warehouse. It will be rail served (Norfolk Southern) and contain state of the art material handling systems. Sonwil expects to drive additional business to the region with their expanded capacity and to provide growth opportunities for the existing manufacturing client base.

\* Cost Benefit Analysis Tool powered by MRB Group

## Economic Impact: Inform Analytics Cost-Benefit Analysis

The Erie County Industrial Development Agency uses the Cost Benefit Analysis Tool powered by MRB Group to assess the economic impact of a project applying for incentives. A Cost-Benefit Analysis is required by Section 859-a (5)(b) of General Municipal Law. For the complete Cost Benefit Analysis – please see the attached MRB Cost Benefit Calculator.

### Cost: Incentives

COSTS	Tax Exemption	Amount
	Property	8,086,908
	Sales	3,383,625
	Mortgage Recording	359,640
	Total	11,830,173
	Discounted at 2%	11,051,426

### Benefit: Projected Community Benefit\*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	38,049,062
			Payroll Permanent	30,433,173
		Public	Property Taxes	2,021,727
			Sales Taxes	569,259
			Other (Municipal)	119,880
	New York State	Public	Income Taxes	3,081,701
			Sales Taxes	479,466
			Total Benefits to EC + NYS***	74,754,177
			Discounted at 2%	71,014,439

\* Cost Benefit Analysis Tool powered by MRB Group \*\* includes direct & indirect \$ over project period \*\*\* may not sum to total due to rounding

Discounted Cost           \$ 11,051,426  
 Discounted Benefit       \$ 71,014,439  
 Ratio                        1:6

**Conclusion:** The Cost Benefit for this project is: 1:6. For every \$1 in costs (incentives), this project provides \$6 in benefits (payroll & tax revenue).

### New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over abatement period	Additional Local Revenue Over abatement period	Additional School Revenue Over abatement period	New Yearly Taxes Upon Expiration of Abatement period
\$ 533,200	\$13,027,400	\$ 404,373	\$ 663,665	\$ 1,385,084	\$ 1,054,003
Combined Tax Rate: \$ 80.91					

## Draft Recapture Material Terms

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$ 61,764,000 85% = \$ 52,499,400
Employment	Coincides with 10-year PILOT	Maintain Base = 22 Create 85% of Projected Projected = 19 85% = 16 Recapture Employment = 38
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 10-year PILOT	Adherence to Policy
Unpaid Tax	Coincides with 10-year PILOT	Adherence to Policy
<u>Recapture Period</u>	Coincides with 10-year PILOT	Recapture of real property, mortgage recording tax, state and local sales taxes

Recapture applies to:

State and Local Sales Taxes  
Real Property Tax  
Mortgage Recording Tax

### Recapture

Pursuant to New York State General Municipal Law, the agency shall modify, recover, recapture or terminate any financial assistance taken by the company that is in violation of the GML.

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has maintained 22 jobs and created 16 jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

### Project ECIDA History

- 9/30/22: Public hearing held.
- 10/26/22: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 10/26/22: Lease/Leaseback Inducement Resolution presented to the Board of Directors

### Company ECIDA History

Various bond financing and tax incentive projects dating back to 1991 including the following 2 active projects:

- 12/07 – 315 Ship Canal Parkway, LLC: approval of \$13.2 M private investment – warehouse & distribution center
- 05/21 – 283 Ship Canal Parkway: approval of \$52 M private investment – warehouse & distribution center



**EVALUATIVE CRITERIA**  
**MANUFACTURING/WAREHOUSE/DISTRIBUTION**  
**5100 North America Drive - Sonwil**

Wage Rate (above median wage for area)	Average annual wages = \$44,000
Regional Wealth Creation (% sales/customers outside area)	It is estimated that 85% of sales will be within Erie County – the remainder (15%) will be outside NYS.
In Region Purchases (% of overall purchases)	90% of purchases – annual supplies, raw materials and vendor services will be purchased from firms in Erie County.
Research & Development Activities	N/A
Investment in Energy Efficiency	Building energy efficiencies include motion activated LED lighting, high efficiency HVAC, electric vehicles.
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	Project being built in West Seneca’s North America Business Park. Letter of support from Supervisor Gary Dickson indicating support of development.
LEED/Renewable Resources	N/A
Retention/Flight Risk	As their client’s evaluate logistics networks and at their request, Sonwil has considered sites in Northern NJ and Allentown PA due to their proximity to the large east coast population centers.
MBE/WBE Utilization	General Contractor is a certified WBE. Diversified workforce. See MWBE worksheet for further details.
Workforce Access – Proximity to Public Transportation	N/A

DATE OF INDUCEMENT: 10/26/22

**PILOT Worksheet: Estimate of Real Property Tax Abatement Benefits\*\*\* and Percentage of Project Costs financed from Public Sector sources**

**\*\* The PILOT Worksheet 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-5100 North America Drive-Sonwil**

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
\$ 61,764,000	\$13,027,400	13.336654	21.888394	45.681571

\*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Town PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	0.05	\$15,443	\$25,345	\$52,895	\$93,683	\$1,054,003	\$960,320
2	0.1	\$23,774	\$39,019	\$81,433	\$144,226	\$1,054,003	\$909,777
3	0.15	\$32,106	\$52,693	\$109,971	\$194,769	\$1,054,003	\$859,234
4	0.15	\$32,106	\$52,693	\$109,971	\$194,769	\$1,054,003	\$859,234
5	0.2	\$40,437	\$66,366	\$138,508	\$245,312	\$1,054,003	\$808,691
6	0.2	\$40,437	\$66,366	\$138,508	\$245,312	\$1,054,003	\$808,691
7	0.25	\$48,769	\$80,040	\$167,046	\$295,855	\$1,054,003	\$758,148
8	0.25	\$48,769	\$80,040	\$167,046	\$295,855	\$1,054,003	\$758,148
9	0.3	\$57,100	\$93,714	\$195,584	\$346,398	\$1,054,003	\$707,604
10	0.35	\$65,432	\$107,388	\$224,122	\$396,942	\$1,054,003	\$657,061
<b>TOTAL</b>		\$404,373	\$663,665	\$1,385,084	\$2,453,121	\$10,540,029	\$8,086,908

**\*\*\* Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff**

**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.) -
\$ 61,764,000	\$8,086,908	\$3,136,875	\$359,640	\$ unknown value – ESD, NYPA potential

**Note: special district taxes are not subject to PILOT abatement**

**Calculate % = Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 19%**

# MBE/WBE Utilization



ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization:

For this project Sonwil intends to partner with a Western New York based certified WBE as our General Contractor who actively solicits bid proposals from the State certified MBE and WBE lists and MWBE Associations. Our Contractor's MBE/WBE policy is attached to this application. Sonwil continues to promote MBE/WBE hiring and provide a positive, fair, and equitable workplace. The current workforce in Erie County includes 25% women and 30% minorities.

Sonwil is committed to fostering, cultivating and preserving a culture of diversity, equity and inclusion.

Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our reputation and company's achievement as well.

We embrace and encourage our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique.

Sonwil's diversity initiatives are applicable—but not limited—to our practices and policies on recruitment and selection; compensation and benefits; professional development and training; promotions; transfers; social and recreational programs; layoffs; terminations; and the ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

- Respectful communication and cooperation between all employees.
- Teamwork and employee participation, permitting the representation of all groups and employee perspectives.
- Work/life balance through flexible work schedules to accommodate employees' varying needs.
- Employer and employee contributions to the communities we serve to promote a greater understanding and respect for the diversity.

All employees of Sonwil have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other company-sponsored and participative events. All employees are also required to attend and complete annual diversity awareness training to enhance their knowledge to fulfill this responsibility.

Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

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## **Minority and Women-Owned Business Enterprises Equal Employment Opportunity Policy Statement**

I, Marie DeVincentis, the President of Burgio and Campofelice, Inc. agree that Burgio and Campofelice, Inc. has adopted the following policies:

### **MWBE:**

Burgio and Campofelice, Inc. will make good faith efforts to achieve the MWBE contract participation by taking the following steps:

- (1) Actively and affirmatively soliciting bids for subcontracts from qualified State certified MBEs or WBEs, including solicitations to MWBE contractor associations.**
- (2) Request a list of State-certified MWBEs from NYS Empire State Development and solicit bids from them directly.**
- (3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.**
- (4) Where feasible, divide the work into smaller portions to enhanced participations by MWBEs and encourage the formation of joint venture and other partnerships among MWBE contractors to enhance their participation.**
- (5) Document and maintain records of bid solicitation, including those to MWBEs and the results thereof.**
- (6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided and provide appropriate support, including waiving bonding and other credit requirements where permissible, to encourage MWBE participation.**

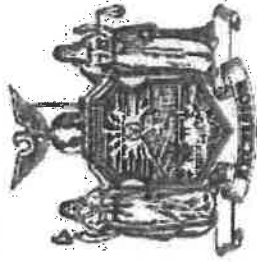
**EEO:**

**(a) Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force.**

**(b) Contractor shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, disability, age or marital status.**

**(c) At the request of the contracting agency, Contractor shall request each employment agency, labor union, or authorized representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of Contractor's obligations herein.**

**(d) Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.**



**NEW YORK STATE**  
**MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISE ("MWBE")**  
**CERTIFICATION**

Empire State Development's Division of Minority and Women's Business Development grants a

**Women Business Enterprise (WBE)**

pursuant to New York State Executive Law, Article 15-A to:

**Burgio and Campofelice Inc.**

Certification Awarded on: March 5, 2015  
Expiration Date: March 5, 2020  
File ID#:



**Division of Minority  
and Women's  
Business Development**

A Division of Empire State Development

# Erie County Industrial Development Agency

## MRB Cost Benefit Calculator



Date: September 20, 2022  
 Project Title: 5100 North America Drive, LLC  
 Project Location: 5100 North America Drive, West Seneca, NY 14224

### Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

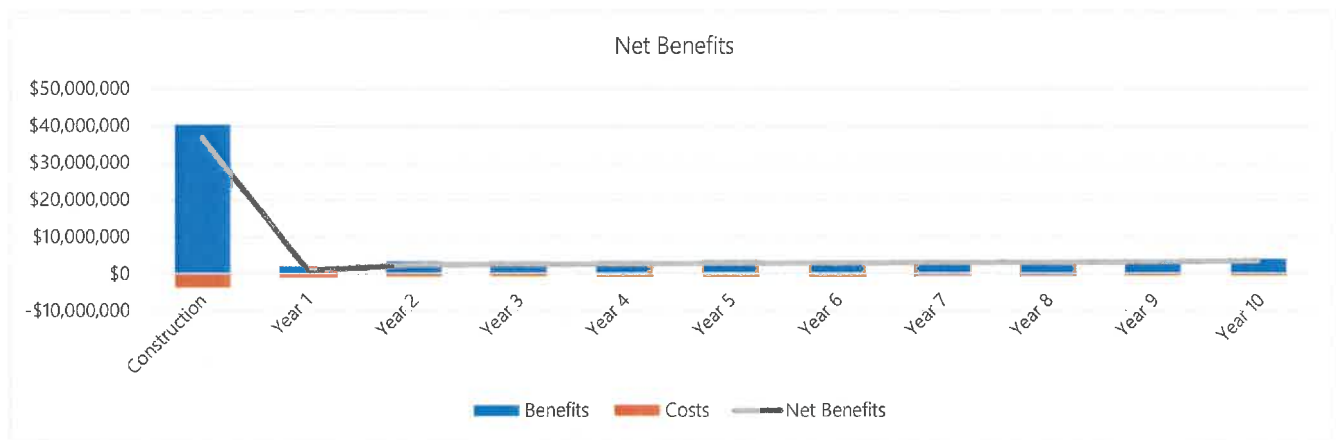
Project Total Investment  
 \$61,764,000

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	259	236	495
Earnings	\$24,520,018	\$13,529,044	\$38,049,062
Local Spend	\$59,293,440	\$41,979,536	\$101,272,976

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	41	18	59
Earnings	\$18,255,676	\$12,177,497	\$30,433,173

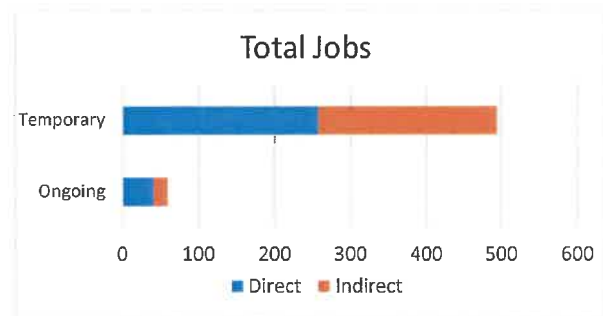
Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Figure 3



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Ongoing earnings are all earnings over the life of the PILOT.

# Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$8,086,908	\$7,308,161
Sales Tax Exemption	\$3,383,625	\$3,383,625
Local Sales Tax Exemption	\$1,836,825	\$1,836,825
State Sales Tax Exemption	\$1,546,800	\$1,546,800
Mortgage Recording Tax Exemption	\$359,640	\$359,640
Local Mortgage Recording Tax Exemption	\$119,880	\$119,880
State Mortgage Recording Tax Exemption	\$239,760	\$239,760
<b>Total Costs</b>	<b>\$11,830,173</b>	<b>\$11,051,426</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$71,193,101</b>	<b>\$67,624,406</b>
To Private Individuals	\$68,482,235	\$65,192,953
Temporary Payroll	\$38,049,062	\$38,049,062
Ongoing Payroll	\$30,433,173	\$27,143,891
Other Payments to Private Individuals	\$0	\$0
To the Public	\$2,710,866	\$2,431,452
Increase in Property Tax Revenue	\$2,021,727	\$1,772,006
Temporary Jobs - Sales Tax Revenue	\$376,283	\$376,283
Ongoing Jobs - Sales Tax Revenue	\$252,976	\$225,634
Other Local Municipal Revenue	\$119,880	\$117,529
<b>State Benefits</b>	<b>\$3,561,076</b>	<b>\$3,390,034</b>
To the Public	\$3,561,076	\$3,390,034
Temporary Income Tax Revenue	\$1,712,208	\$1,712,208
Ongoing Income Tax Revenue	\$1,369,493	\$1,221,475
Temporary Jobs - Sales Tax Revenue	\$266,343	\$266,343
Ongoing Jobs - Sales Tax Revenue	\$213,032	\$190,007
<b>Total Benefits to State &amp; Region</b>	<b>\$74,754,177</b>	<b>\$71,014,439</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$67,624,406	\$9,264,866	7:1
State	\$3,390,034	\$1,786,560	2:1
<b>Grand Total</b>	<b>\$71,014,439</b>	<b>\$11,051,426</b>	<b>6:1</b>

\*Discounted at 2%

## Additional Comments from IDA

Does the IDA believe that the project can be accomplished in a timely fashion? Yes



# TOWN OF WEST SENECA



Gary A. Dickson  
Supervisor's Office

TOWN SUPERVISOR  
Gary A. Dickson  
TOWN COUNCIL  
Joseph J. Cantafio  
Jeffrey A. Piekarec  
Susan K. Kims  
Robert J. Breidenstein

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September 20, 2022

Mr. John Cappellino  
Chief Executive Officer  
Erie County Industrial Development Agency  
95 Perry Street, Suite 403  
Buffalo NY 14203

Re: Sonwil West Seneca Project

Dear Mr. Cappellino,

I strongly support for the application by Sonwil for their warehouse project located in West Seneca at the North America Center Industrial Park (NACIP).

As you may know, this undeveloped property has been available for over 30 years. It is one of the largest remaining large parcels in the NACIP, which was created to attract exactly this kind of development.

West Seneca will benefit greatly from this project. The added employment and increased property taxes will benefit the town for a long time. We feel that any subsidies will pay for themselves many times over and are a good investment.

If you have any questions, please do not hesitate to contact me at 716-558-3203 or [gdickson@twsny.org](mailto:gdickson@twsny.org).

Gary A. Dickson  
Town Supervisor  
Town of West Seneca

## PUBLIC HEARING SCRIPT

**5100 North America Drive, LLC and/or  
Individual(s) or Affiliate(s), Subsidiary(ies),  
or Entity(ies) formed or to be formed on its  
behalf Project**

Public Hearing to be held on September 30, 2022 at 10:00 a.m.,  
at the Town of West Seneca Community Center & Library, located at 1300 Union Road, West Seneca,  
New York 14224

### **ATTENDANCE:**

Susan Kims – West Seneca Resident  
Olivia Hill – Invest Buffalo Niagara  
Lindsey Haubenreich – Phillips Lytle, LLP  
Don Dimitroff – Sonwil Distribution

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

*Hearing Officer:* Welcome. This public hearing is now open; it is 10:01 a.m. My name is Andrew Federick., I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at [www.ecidany.com](http://www.ecidany.com).

### **☒ 2. PURPOSE: Purpose of the Hearing.**

*Hearing Officer:* We are here to hold the public hearing on the {Company} and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Monday, September 19, 2022.

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

*Hearing Officer:* The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 5100 North America Drive, Town of West Seneca, Erie County, New York (the "Land"), (ii) the construction on the Land of an approximately 333,852+/- SF multi-temperature (cold/ambient) distribution warehouse to include 321,152+/- SF warehouse, 10,200+/- SF of office space and 2,500+/- SF of driver check-in lounges (the "Improvements") and leased to Sonwil Distribution Center, and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility").

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits, mortgage recording

tax exemption benefits, and real property tax abatement benefits (in compliance with Agency's uniform tax exemption policy).

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

*Hearing Officer:* All those in attendance are required to register by signing the sign-in sheet at the front of the room; you will not be permitted to speak unless you have registered. Everyone who has registered will be given an opportunity to make statements and/or comments on the Project.

If you have a written statement or comment to submit for the record, you may leave it at this public hearing, submit it on the Agency's website or deliver it to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on October 25, 2022. There are no limitations on written statements or comments.

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

*Hearing Officer:* If anyone is interested in making a statement or comment, please raise your hand, state your name and address; if you are representing a company, please identify the company. I request that speakers keep statements and/or comments to 5 minutes, and if possible, 3 minutes.

Sonwil Distribution is a family-owned business that has been based and operating in Western New York for over 80 years. Sonwil provides national third-party logistical services, including storage, handling and distribution, and a wide variety of value-added services for major companies across the country, including General Mills, Georgia Pacific, J.M. Smucker, and Body Armor. Additionally, many local Western NY manufacturers rely solely on Sonwil for its 3<sup>rd</sup> party distributions services. Sonwil is proposing a new, state of the art, approximately 335,000 square foot distribution warehouse to allow the company to support the growth of its existing manufacturing client base and to drive additional business to the region. Sonwil will partner with a Western New York Based certified WBE (Women's Business Enterprise) as its General Contractor, who actively seeks bid proposals from subcontractors who are on the State certified W/MBE lists. Sonwil has applied to the ECIDA for a standard payment-in-lieu-of-taxes ("PILOT") to be determined by the Agency. Sonwil is also requesting sales tax exemption for the purchase of certain goods and services. The estimated value of the sales tax exemption is approximately \$3,380,000. Sonwil is also requesting a mortgage tax exemption-that is a tax that is paid when a mortgage is recorded in the County Clerk's office. The mortgage will secure additional funding necessary to fund the cost of construction. The estimated value of the mortgage tax exemption is approximately \$359,000.

**6. ADJOURNMENT:**

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 10:06 a.m.

**SIGN IN SHEET  
PUBLIC HEARING**

September 30, 2022 at 10:00 a.m., at the Town of West Seneca Community Center & Library,  
located at 1300 Union Road, West Seneca, New York 14224  
regarding:

**5100 North America Drive, LLC and/or Individual(s) or Affiliate(s),  
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 5100 North America Drive, West Seneca, New York 14224

<b>Name</b>	<b>Company and/or Address</b>	<b>X box to speak/ comment</b>
Susan Kims	West Seneca Resident	
Olivia Hill	Invest Buffalo Niagara 257 West Genesee Street Buffalo, New York 14203	
Don Dimitroff	Sonwil Distribution 2732 Transit Road West Seneca, New York 14224	
Lindsey Haubenreich	Phillips Lytle, LLP 125 Main Street Buffalo, New York 14203	X



## Sonwil 5100 North America Dr.

Instructions and Insurance Requirements Document

### Section I: Applicant Background Information

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

#### Applicant Information - Company Receiving Benefit

<b>Project Name</b>	5100 North America Drive
<b>Project Summary</b>	Development & construction of a new warehousing and distribution center to be located at 5100 North America Dr. West Seneca NY.
<b>Applicant Name</b>	5100 North America Drive LLC
<b>Applicant Address</b>	2732 Transit Rd.
<b>Applicant Address 2</b>	
<b>Applicant City</b>	West Seneca
<b>Applicant State</b>	New York
<b>Applicant Zip</b>	14224
<b>Phone</b>	(716) 206-1800
<b>Fax</b>	(716) 684-6996
<b>E-mail</b>	dcdimitroff@sonwil.com
<b>Website</b>	www.sonwil.com
<b>NAICS Code</b>	531120

#### Business Organization

<b>Type of Business</b>	Limited Liability Company
<b>Year Established</b>	2021
<b>State in which Organization is established</b>	New York

#### Individual Completing Application

<b>Name</b>	Don Dimitroff
<b>Title</b>	VP Development
<b>Address</b>	2732 Transit Rd.
<b>Address 2</b>	
<b>City</b>	West Seneca
<b>State</b>	New York
<b>Zip</b>	14224
<b>Phone</b>	(716) 206-1814

**Fax** (716) 684-6996  
**E-Mail** dcdimitroff@sonwil.com

Company Contact - Authorized Signer for Applicant

**Contact is same as individual completing application** No

**Name** Peter G. Wilson  
**Title** Operating Manager  
**Address** 2732 Transit Rd.  
**Address 2**  
**City** West Seneca  
**State** New York  
**Zip** 14224  
**Phone** (716) 206-1800  
**Fax** (716) 684-6996  
**E-Mail** pwilson@sonwil.com

Company Counsel

**Name of Attorney** Doug Dimitroff  
**Firm Name** Phillips Lytle, LLP  
**Address** 125 Main Street  
**Address 2**  
**City** Buffalo  
**State** New York  
**Zip** 14203  
**Phone** (716) 847-5408  
**Fax**  
**E-Mail** ddimitroff@phillipslytle.com

Benefits Requested (select all that apply).

**Exemption from Sales Tax** Yes  
**Exemption from Mortgage Tax** Yes  
**Exemption from Real Property Tax** Yes  
**Tax Exempt Financing\*** No

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

Applicant Business Description

**Describe in detail company background, history, products and customers. Description is critical in determining eligibility. Also list all stockholders, members, or partners with % ownership greater than 20%.**

Sonwil Distribution is a family owned business which has been based and operating in Western New York for 80 years. Sonwil provides various logistical services, from storage, handling and distribution to a wide variety of value added services for its regional, national and international clients. Sonwil has been successful in attracting and retaining national accounts to the Buffalo area, such as General Mills, Georgia Pacific, J.M. Smucker and Body Armor (Coca-Cola). Many local Western New York manufacturers rely exclusively on Sonwil for Food Grade, BRC Certified, cost competitive local 3rd party distribution services. The new facility will allow the company to support growth of existing manufacturers and provide additional capacity to attract new ones to Western New York. Ownership structure is : Peter G. Wilson - 29.589% Peter G. Wilson Family Trust - 20.141% Stuart J. Wilson Family Trust - 20.141%

<b>Estimated % of sales within Erie County</b>	85 %
<b>Estimated % of sales outside Erie County but within New York State</b>	0 %
<b>Estimated % of sales outside New York State but within the U.S.</b>	15 %
<b>Estimated % of sales outside the U.S.</b>	0 %

(\*Percentage to equal 100%)

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

90

**Describe vendors within Erie County for major purchases**

Alp Steel, NCS Electric, Kimil Construction, Clarence Wall & Ceiling, Neth & Sons

## Section II: Eligibility Questionnaire - Project Description & Details

### Project Location

**Address of Proposed Project Facility**

5100 North America Dr.

**Town/City/Village of Project Site**

West Senca

**School District of Project Site**

West Seneca

**Current Address (if different)**

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

**SBL Number(s) for proposed Project**

135.15-7-2

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

unknown, TBD - Town of West Seneca has not updated the property records.

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

Land

\$ 533,200

Building(s)

\$ 0

If available include a copy of current tax receipt.

**Are Real Property Taxes current at project location?**

Yes

**If no please explain**

\*The ECIDA has an unpaid tax policy and you will be required to certify all taxes and PILOTS are current.

**Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site?**

No

**If No, indicate name of present owner of the Project Site**

**Does Applicant or related entity have an option/contract to purchase the Project site?**

Yes

**Describe the present use of the proposed Project site (vacant land, existing building, etc.)**

vacant land

**Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)**

The project will consist of the construction of a Distribution warehouse at 5100 North America Dr. West Seneca NY to be owned by applicant and leased to Sonwil and serve as a multi temperature (cold/ambient) distribution warehouse. The design includes 321,152 sf of warehouse, 10,200 sf office and 2500 sf driver check in lounges. It will be rail served (Norfolk Southern) and contain state of the art material handling systems. We expect to drive additional business to the region with our expanded capacity and provide growth opportunities for our existing manufacturing client base.

**Municipality or Municipalities of current operations**

West Seneca, Cheektowaga, Buffalo

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



Yes

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

No

**If the Proposed Project is located in a different Municipality within New York State than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?**

No

(If yes, you will need to complete the Intermunicipal Move Determination section of this application)

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

Yes

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

Our clients continuously evaluate their warehouse and logistics networks to optimize supply chain efficiencies and lower costs. Sonwil has been asked to consider other locations, including Northern NJ and Allentown PA as alternative sites for this project which are closer to the large east coast population centers.

**Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?**

Yes

**If yes, please indicate the Agency and nature of inquiry below**

Sonwil will apply to Empire State Development and NYPA for financial assistance.

**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:**

**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)**

Sonwil's supply chain services provide much needed capacity and flexibility for its clients which have become increasingly important during the volatility of the COVID pandemic and current global supply chain challenges. Many of our clients have a national presence and have the ability to grow their business and allocate resources in other regions. They continuously evaluate their networks to optimize cost & efficiency. Sonwil is presently subject to escalating construction and operating costs, and extended lead times have added challenges to this project. The financial assistance provided by the agency is essential for the company and Sonwil to offer a competitive option compared with other regions and proceed with the project in Western New York.

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

Yes

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

The applicant will lose significant opportunities to grow warehousing and logistics operations in Erie County resulting in lost job opportunities for Erie County residents, and local manufacturers may pursue growth opportunities in other regions where warehousing and logistics facilities are readily available.

**Will project include leasing any equipment?**

Yes

If yes, please describe equipment and lease terms.

We estimate the leasing of 15 fork trucks at an annual cost of approximately \$180,000.

### Site Characteristics

**Is your project located near public transportation?**

No

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

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

No

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

If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.

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

Yes

Describe the present zoning/land use

M2 vacant industrial

Describe required zoning/land use, if different

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

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

No

If yes, please explain

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

Yes

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

Yes

If yes, describe the efficiencies achieved

Motion activated LED lighting, high efficiency Cambridge HVAC units, electric vehicles.

You may also attach additional information about the machinery and equipment at the end of the application.

Does or will the company or project occupant perform research and development activities on new products/services at the project location?

No

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

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

For purposes of the following, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

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

Retail Sales No

Services No

Please check any and all end uses as identified below.

- No Acquisition of Existing Facility    No Assisted Living    No Back Office
- No Civic Facility (not for profit)    No Commercial    No Equipment Purchase
- No Facility for the Aging    Yes Industrial    No Life Care Facility (CCRC)

- No Market Rate Housing**
- No Retail**
- No Renewable Energy**
- No Mixed Use**
- No Senior Housing**
- No Other**
- No Multi-Tenant**
- No Manufacturing**

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

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

			<b>Cost</b>	<b>% of Total Cost</b>
<b>Manufacturing/Processing</b>	square feet	\$	0	0%
<b>Warehouse</b>	321,152 square feet	\$	56,610,000	95%
<b>Research &amp; Development</b>	square feet	\$	0	0%
<b>Commercial</b>	square feet	\$	0	0%
<b>Retail</b>	square feet	\$	0	0%
<b>Office</b>	10,200 square feet	\$	2,760,000	4%
<b>Specify Other</b>	2,500 square feet	\$	570,000	1%

**If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?**

No

**If you answered yes to question above, what level of LEED certification do you anticipate receiving? (Check applicable box)**

<BLANK>

**Provide estimate of additional construction cost as a result of LEED certification you are seeking** < BLANK >

**Will project result in significant utility infrastructure cost or uses** Yes

What is the estimated project timetable (provide dates).

**Start date : acquisition of equipment or construction of facilities**

12/1/2022

**End date : Estimated completion date of project**

11/30/2023

**Project occupancy : estimated starting date of occupancy**

12/1/2023

Capital Project Plan / Budget

**Estimated costs in connection with Project**

**1.) Land and/or Building Acquisition**

\$ 1,824,000 square feet 61 acres

**2.) New Building Construction**

\$ 34,340,000 335,700 square feet

**3.) New Building addition(s)**

\$ 0 square feet

**4.) Reconstruction/Renovation**

\$ 0

square feet

**5.) Manufacturing Equipment**

\$ 0

**6.) Infrastructure Work**

\$ 7,000,000

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

\$ 18,000,000

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

\$ 600,000

**9.) Other Cost**

\$ 0

**Explain Other  
Costs****Total Cost** \$ 61,764,000Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 41,340,000 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 20,670,000
<b>% sourced in Erie County</b>	%

Sales and Use Tax:

<b>Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit</b>	\$ 38,670,000
<b>Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):</b>	\$ 3,383,625

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

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

**Have any of the above costs been paid or incurred as of the date of this Application?** Yes

**If Yes, describe particulars:** Land acquisition

Sources of Funds for Project Costs:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$ 11,988,000
<b>Bank Financing:</b>	\$ 47,952,000
<b>Tax Exempt Bond Issuance (if applicable):</b>	\$ 0
<b>Taxable Bond Issuance (if applicable):</b>	\$ 0
<b>Public Sources (Include sum total of all state and federal grants and tax credits):</b>	\$ 0
<b>Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)</b>	0

**Total Sources of Funds for Project Costs:** \$59,940,000

**Have you secured financing for the project?** No

Mortgage Recording Tax Exemption Benefit:

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

**Mortgage Amount (include sum total of construction/permanent/bridge financing).** 47,952,000

**Lender Name, if Known**

**Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):** \$359,640

Real Property Tax Benefit:

**Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other):** none

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

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

**ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization**

For this project Sonwil intends to partner with a Western New York based certified WBE as our General Contractor who actively solicits bid proposals from the State certified MBE and WBE lists and MWBE Associations. Our Contractor's MBE/WBE policy is attached to this application. Sonwil continues to promote MBE/WBE hiring and provide a positive, fair, and equitable workplace. The current workforce in Erie County includes 25% women and 30% minorities. Sonwil is committed to fostering, cultivating and preserving a culture of diversity, equity and inclusion. Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our reputation and company's achievement as well. We embrace and encourage our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique. Sonwil's diversity initiatives are applicable—but not limited—to our practices and policies on recruitment and selection; compensation and benefits; professional development and training; promotions; transfers; social and recreational programs; layoffs; terminations; and the ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

- Respectful communication and cooperation between all employees.
- Teamwork and employee participation, permitting the representation of all groups and employee perspectives.
- Work/life balance through flexible work schedules to accommodate employees' varying needs.
- Employer and employee contributions to the communities we serve to promote a greater understanding and respect for the diversity.

All employees of Sonwil have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other company-sponsored and participative events. All employees are also required to attend and complete annual diversity awareness training to enhance their knowledge to fulfill this responsibility. Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action. Employees who believe they have been subjected to any kind of discrimination that conflicts with the company's diversity policy and initiatives should seek assistance from a supervisor or an HR representative.

**Is project necessary to expand project employment?**

Yes

**Is project necessary to retain existing employment?**

Yes

**Will project include leasing any equipment?**

Yes

If yes, please describe equipment and lease terms.

We estimate the leasing of 15 fork trucks at an annual cost of approximately \$180,000.

Employment Plan (Specific to the proposed project location)

The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

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 PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

	<b>Current # of jobs at proposed project location or to be relocated at project location</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be retained</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion</b>	<b>Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **</b>
<b>Full time</b>	0	22	19	41
<b>Part time</b>	0	0	0	0
<b>Total</b>	0	22	19	

Salary and Fringe Benefits for Jobs to be Retained and Created

<b>Category of Jobs to be Retained and/or Created</b>	<b># of Employees Retained and/or Created</b>	<b>Average Salary for Full Time</b>	<b>Average Fringe Benefits for Full Time</b>	<b>Average Salary for Part Time (if applicable)</b>	<b>Average Fringe Benefits for Part Time (if applicable)</b>
<b>Management</b>	1	\$ 104,000	\$ 15,600	\$ 0	\$ 0
<b>Professional</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Administrative</b>	3	\$ 44,000	\$ 12,500	\$ 0	\$ 0
<b>Production</b>	37	\$ 40,000	\$ 12,500	\$ 0	\$ 0
<b>Independent Contractor</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Other</b>	0	\$ 0	\$ 0	\$ 0	\$ 0

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

Yes **By checking this box, I certify that the above information concerning the current number of jobs at the proposed project location or to be relocated to the proposed project location is true and correct.**

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

<b>Address</b>			
<b>Full time</b>	0	0	0
<b>Part time</b>	0	0	0
<b>Total</b>	0	0	0

Payroll Information

**Annual Payroll at Proposed Project Site upon completion**

1,800,000

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

44,000

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

0

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

44,000

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

0

**Estimated salary range of jobs to be created**

**From (Full Time)** 40,000                      **To (Full Time)** 104,000

**From (Part Time)** 0                              **To (Part Time)** 0

### **Section III: Environmental Questionnaire**

INSTRUCTIONS: Please complete the following questionnaire as completely as possible. If you need additional space to fully answer any question, please attach additional page(s).

#### General Background Information

##### **Address of Premises**

5100 North America Dr. West Seneca NY 14224

##### **Name and Address of Owner of Premises**

5100 North America Drive LLC 2732 Transit Rd. West Seneca NY 14224

##### **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**

Warehousing & Distribution

##### **Describe all known former uses of the Premises**

The site is and has been vacant land.

##### **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?**

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; 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?**

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?**

No

##### **If yes, describe in full 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?**

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?**

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?**

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

**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?**

No

**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?**

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?**

No

**If yes, attach a copy of each permit.**

### Storage Tanks

**List and describe all above and under ground 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**

none

**Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks?**

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 "PCBs") 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?**

No

**If yes, relate all the circumstances**

**Do the Premises have any asbestos containing materials?**

No

**If yes, please identify the materials**

## Section IV: Facility Type - Single or Multi Tenant

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

Single Use Facility

#### For Single Use Facility

**Occupant Name** Sonwil Distribution Center  
**Address** 2732 Transit Rd.  
**Contact Person** Peter G. Wilson  
**Phone** (716) 206-1800  
**Fax** (716) 684-6996  
**E-Mail** pwilson@sonwil.com  
**Federal ID #** 16-0911273  
**SIC/NAICS Code** 493110

SS

## Section VI: Retail Determination

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

Please answer the following:

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

No

If yes, complete the Retail Questionnaire Supplement below. **If no, proceed to the next section.**

## **Section VII: Adaptive Reuse Projects**

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

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

No

## Section VIII: Inter-Municipal Move Determination

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

### Current Address

### City/Town

### State

### Zip Code

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

No

**Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?**

No

**If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:**

**Does this project involve relocation or consolidation of a project occupant from another municipality?**

**Within New York State**

<BLANK>

**Within Erie County**

<BLANK>

**If Yes to either question, please, explain**

**Will the project result in a relocation of an existing business operation from the City of Buffalo?**

<BLANK>

**If yes, please explain the factors which require the project occupant to relocate out of the City of Buffalo (For example, present site is not large enough, or owner will not renew leases etc.)**

**What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc.)**

**If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?**

<BLANK>

**What factors have lead the project occupant to consider remaining or locating in Erie County?**

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

**Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.**

## **Section IX: Senior Housing**

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

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

No

**Ellicott Park Townhomes Community Partners, LP**  
**\$ 54,664,295**  
**INDUCEMENT RESOLUTION / TAX EXEMPT BOND**  
**ANTICIPATED BOND AMOUNT UP TO 30,000,000**

<b>ELIGIBILITY</b>	Project Title: Ellicott Townhomes												
<ul style="list-style-type: none"> <li>• NAICS Section – 53</li> </ul>	Project Address: 10 Durham Ct (a/k/a 221 & 291 William St), Buffalo, NY 14204 (City of Buffalo School District)												
<b>COMPANY INCENTIVES</b>	<b>Agency Request</b>												
<ul style="list-style-type: none"> <li>• Anticipated Bond Amount – up to \$ 30,000,000</li> <li>• Approximately \$ 1,050,000 in sales tax savings</li> <li>• Up to 3/4 of 1% of the final mortgage amount estimated at \$230,856</li> </ul>	Issuance of a federally tax-exempt bond, a sales tax and a mortgage recording tax exemption in connection with the acquisition, renovation and upgrading of the Ellicott Park Townhomes												
<b>JOBS &amp; ANNUAL PAYROLL</b>	<b>Agency Request</b>												
<ul style="list-style-type: none"> <li>• Current Jobs: 2 FT, 1 PT</li> <li>• Annual Payroll: \$ 322,000</li> <li>• Projected new jobs: 2 FT, 2 PT</li> <li>• Est. salary/yr. of FT jobs created: \$ 49,000</li> <li>• Est. salary/yr. of jobs retained: \$ 51,000</li> <li>• Total jobs after project completion: 5 FTE</li> </ul>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Building Addition</td> <td style="width: 50%; text-align: right;">\$ 15,157,500</td> </tr> <tr> <td>Reconstruction / Renovations</td> <td style="text-align: right;">\$ 24,490,336</td> </tr> <tr> <td>Soft Costs/Other</td> <td style="text-align: right;">\$ 15,016,459</td> </tr> <tr> <td><b>Total Project Cost</b></td> <td style="text-align: right;"><b>\$ 54,664,295</b></td> </tr> <tr> <td> </td> <td></td> </tr> <tr> <td>85%</td> <td style="text-align: right;">\$ 46,464,650</td> </tr> </table>	Building Addition	\$ 15,157,500	Reconstruction / Renovations	\$ 24,490,336	Soft Costs/Other	\$ 15,016,459	<b>Total Project Cost</b>	<b>\$ 54,664,295</b>	 		85%	\$ 46,464,650
Building Addition	\$ 15,157,500												
Reconstruction / Renovations	\$ 24,490,336												
Soft Costs/Other	\$ 15,016,459												
<b>Total Project Cost</b>	<b>\$ 54,664,295</b>												
85%	\$ 46,464,650												
<b>PROJECTED COMMUNITY BENEFITS*</b>	<b>Company Description</b>												
<ul style="list-style-type: none"> <li>• NET Community Benefits: \$28,814,204</li> <li>• Construction Jobs: 210</li> <li>• Spillover Jobs: 161</li> <li>• Total Payroll: \$ 27,102,625</li> </ul>	Community Preservation Partners (CPP) is an affordable housing rehabilitation company that believes housing is a basic human need, no matter an individual's age, race or socio-economic background. CPP partners with local developers, nonprofits, service providers and housing authorities to transform the lives of the residents who live in the communities we serve. As a result, since 2005 CPP has preserved more than 10,000 units of affordable housing in 14 states.												
<b>INCENTIVE COST / COMMUNITY BENEFIT RATIO (discounted at 2%)*</b>	<b>Project Description</b>												
<ul style="list-style-type: none"> <li>Incentives: \$ 1,280,856</li> <li>Community Benefit: \$ 28,746,716</li> <li>Cost Benefit Ratio <ul style="list-style-type: none"> <li>• 1:22</li> </ul> </li> </ul>	<p>Ellicott Park Townhomes is a 220-unit family Section 8 (68% or 150 units) affordable housing community located in twenty-one two-story wood frame with brick façade townhouse style buildings on 2 noncontiguous parcels totaling 8.9 acres in downtown Buffalo. These Townhomes were built in 1967 and are located just a few blocks from the main business district.</p> <p>Renovations will cost approximately \$ 75,000 per unit and will include ADA unit conversions, air sealing, door replacement, flooring throughout, paint throughout, kitchen upgrades (new cabinets, quartz counters, energy star appliances, plumbing fixtures), bathroom upgrades (new vanities, quartz countertops, plumbing fixtures accessories) lighting replacement. Building systems – waste line repairs/replacement, exterior window replacement brick masonry repairs, roof replacement. Site work – mill repave and restripe asphalt parking lot, new playground, new gazebo, new dog park, BBQ grills, bike racks, tree trimming, path and travel improvements. Due to the extensive scope of renovations, tenants may experience minor displacement during construction - details are currently being worked out. Tenant furniture will not need to be moved.</p> <p>CPP East to acquire the property on an acquisition bridge loan in 2022 followed by a tax credit and tax-exempt bond closing in the first quarter of 2023. CPP East will submit an Option 1 Mark-Up-to-Market rent adjustment and 20-year renewal of the HAP contract from HUD and apply for as-of-right 4% LIHTC through the New York State Housing Finance Agency. CPP is pursuing a 15 Year Affordable Housing PILOT in accordance with the City and County PILOT policy.</p>												

\* Cost Benefit Analysis Tool powered by MRB Group



**Project Description (cont'd)**

Unit Type	Square Footage	Rental Amount	
		HAP	LIHTC
One Bedroom (35 units)	750 sf	\$ 1,190	-
Two Bedroom (101 units)	962 sf	\$ 1,450	\$ 870
Three Bedroom (84 units)	1,200 sf	\$ 1,835	\$ 899

2 one-bedroom units being used as leasing office

HAP = Housing Assistance Payment (contract) HUD rental subsidies

LIHTC = 4% Low Income Housing Tax Credits

**Economic Impact: Inform Analytics Cost-Benefit Analysis**

The Erie County Industrial Development Agency uses the Cost Benefit Analysis Tool powered by MRB Group to assess the economic impact of a project applying for incentives. A Cost-Benefit Analysis is required by Section 859-a (5)(b) of General Municipal Law. For the complete Cost Benefit Analysis – please see the attached MRB Cost Benefit Calculator.

**Cost: Incentives**

COSTS	Tax Exemption	Amount
	Property Tax	\$0
	Sales Tax	\$ 1,050,000
	Mortgage Recording	230,856
	<b>Total</b>	<b>\$ 1,280,856</b>
	<b>Discounted at 2%</b>	<b>\$ 1,280,856</b>

**Benefit: Projected Community Benefit\***

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **	
	Erie County	Individuals	Payroll Construction		\$ 25,494,952
			Payroll Permanent		\$1,607,673
		Public	Property Taxes		\$0
			Sales Taxes		\$225,291
			Other Revenue (Muni)		\$76,952
	New York State	Public	Income Taxes		\$1,219,618
			Sales Taxes		\$189,719
			<b>Total Benefits to EC + NYS***</b>		<b>\$28,814,204</b>
			<b>Discounted at 2%</b>		<b>\$28,746,716</b>

\* Cost Benefit Analysis Tool powered by MRB Group \*\*includes direct & indirect \$ over project period \*\*\* may not sum to total due to rounding

Discounted Cost           \$ 1,280,856  
 Discounted Benefit       \$ 28,746,716  
 Ratio                        1:22

**Conclusion:** The Cost Benefit for this project is :1. For every \$1 in costs (incentives), this project provides \$22 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$42 in benefits to the community.**

### Draft Recapture Material Terms

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$54,664,295 85% = \$ 46,464,650
Employment	Coincides with Recapture Period	Maintain Base = 2 FT, 1 PT (2 FTE) Create 85% of Projected Projected = 2 FT, 2 PT (3 FTE) 85% = 2 FTE Recapture Employment = 4 FTE
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with Recapture Period	Adherence to Policy
Unpaid Tax	Coincides with Recapture Period	Adherence to Policy
<u>Recapture Period</u>	2 years after project completion	Recapture of Mortgage recording tax, state and local sales taxes

Recapture applies to:

State and Local Sales Taxes  
Mortgage Recording Tax

#### Recapture

Pursuant to New York State General Municipal Law, the agency shall modify, recover, recapture or terminate any financial assistance taken by the company that is in violation of the GML.

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has maintained 2 FTE jobs and created 2 FTE jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

#### Project ECIDA History

- 10/11/22: Public hearing held.
- 10/26/22 Type II Action not subject to SEQRA review
- 10/26/22: Inducement and Bond Sale Resolution presented to Board of Directors

# EVALUATIVE CRITERIA

## Ellicott Townhomes

Distressed Census Tract	Project is located within distressed census tract #14.03
Age of Structure (must be at least 20 years old and present functional challenges to redevelopment)	Project represents renovation of an existing facility that is over 50 years old.
Structure has been vacant or underutilized for a minimum of 3 years. Project promotes the elimination of slum and blight.	Exterior renovation plans include: window replacement, brick masonry repairs, roof replacement, Site work includes repave and restriping of asphalt parking lot, new playground, gazebo & dog park. BBQ grills bile racks tree trimming & path of travel improvements.
Structure is not generating significant rental income (defined as 50% or less than the market rate income average for that property class)	N/A
Project is in compliance with the investment and growth criteria of the Framework for Regional Growth. The redevelopment supports or aligns with Regional or Local Development Plans	This project complies with the investment and growth criteria of the Framework for Regional Growth.
Environmental/Safety Issues: Structure or site presents significant public safety hazard and or environmental remediation costs	N/A
LEED/Renewable Resources	N/A
Building or site has historic designation	N/A
Site or structure has delinquent property or other local taxes	Property taxes are current on this property.
MBE/WBE Utilization	Client Response: GC (Lecesse) is committed to providing women, minorities, MWBE businesses, disadvantaged businesses & Section 3 businesses with equal opportunities in the performance of contracts. Our in-house Diversity & Community Engagement Manager, Kathy Rooney, oversees supplier diversity management, and community development. Kathy, along with the rest of the LECESSE team, support our communities through mentoring and outreach events to ensure we are continuously creating inclusion opportunities in support of our workforce and trade partners. It is our policy to utilize and help grow M/WBE and low-income subcontractors on all private and public projects when possible in order to ensure that State and Federal participation goals are met. The team is targeting 20% of MBW and 7% of WBE involvement or greater if possible.
Transit Oriented Development	Project is accessible via various NFTA Metro routes including, but not limited to : #1 William, #2 Clinton, #4 Broadway

DATE OF INDUCEMENT: 10/26/22

**PILOT Worksheet: Estimate of Real Property Tax Abatement Benefits\*\*\* and Percentage of Project Costs financed from Public Sector sources**

**\*\* The PILOT Worksheet 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-Ellicott Townhomes**

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
\$ 24,490,336	n/a	n/a	n/a	n/a

\*Apply equalization rate to value

**\*\*\* Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff**

**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 (4% Low Income Housing Tax Credits from NYSHFA, 15 Year Affordable Housing PILOT from City of Buffalo)
\$ 54,664,295	n/a	\$1,050,000	\$ 230,856	\$ not available

**Note: special district taxes are not subject to PILOT abatement**

**Calculate % = (Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Tot Project Costs: 2.3%**

# Erie County Industrial Development Agency

## MRB Cost Benefit Calculator

Date: September 26, 2022  
 Project Title: Ellicott Park Townhomes Community Partners, LP  
 Project Location: 10 Durham Court, Buffalo, NY 14204



### Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

Project Total Investment  
 \$54,664,295

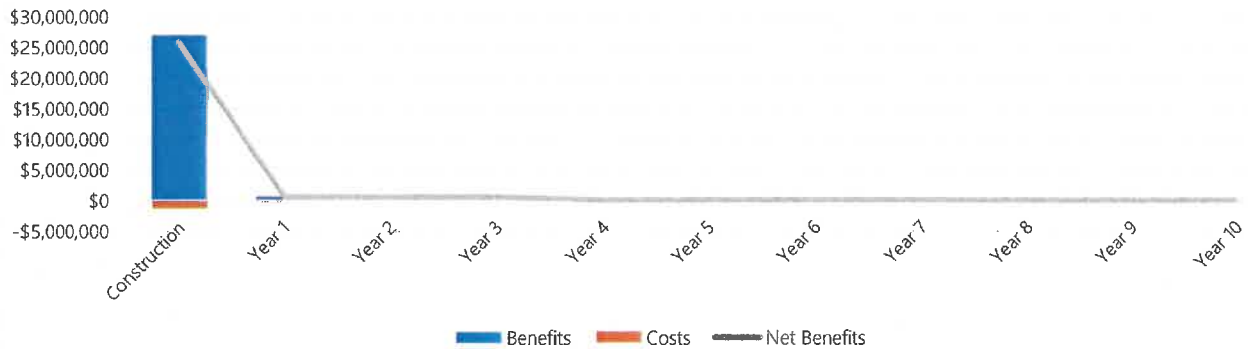
		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		210	157	367
Earnings		\$16,495,832	\$8,999,120	\$25,494,952
Local Spend		\$39,358,292	\$27,866,034	\$67,224,327

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		5	4	9
Earnings		\$747,000	\$860,673	\$1,607,673

Figure 1

Net Benefits

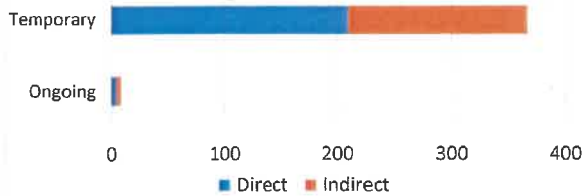


Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

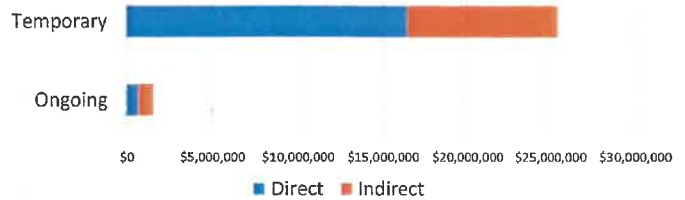
Figure 2

Figure 3

Total Jobs



Total Earnings



# Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$1,050,000	\$1,050,000
Local Sales Tax Exemption	\$570,000	\$570,000
State Sales Tax Exemption	\$480,000	\$480,000
Mortgage Recording Tax Exemption	\$230,856	\$230,856
Local Mortgage Recording Tax Exemption	\$76,952	\$76,952
State Mortgage Recording Tax Exemption	\$153,904	\$153,904
<b>Total Costs</b>	<b>\$1,280,856</b>	<b>\$1,280,856</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$27,404,867</b>	<b>\$27,340,615</b>
To Private Individuals	\$27,102,625	\$27,040,399
Temporary Payroll	\$25,494,952	\$25,494,952
Ongoing Payroll	\$1,607,673	\$1,545,447
Other Payments to Private Individuals	\$0	\$0
To the Public	\$302,243	\$300,216
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$211,927	\$211,927
Ongoing Jobs - Sales Tax Revenue	\$13,364	\$12,847
Other Local Municipal Revenue	\$76,952	\$75,443
<b>State Benefits</b>	<b>\$1,409,336</b>	<b>\$1,406,101</b>
To the Public	\$1,409,336	\$1,406,101
Temporary Income Tax Revenue	\$1,147,273	\$1,147,273
Ongoing Income Tax Revenue	\$72,345	\$69,545
Temporary Jobs - Sales Tax Revenue	\$178,465	\$178,465
Ongoing Jobs - Sales Tax Revenue	\$11,254	\$10,818
<b>Total Benefits to State &amp; Region</b>	<b>\$28,814,204</b>	<b>\$28,746,716</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$27,340,615	\$646,952	42:1
State	\$1,406,101	\$633,904	2:1
<b>Grand Total</b>	<b>\$28,746,716</b>	<b>\$1,280,856</b>	<b>22:1</b>

\*Discounted at 2%

## Additional Comments from IDA

Does the IDA believe that the project can be accomplished in a timely fashion? Yes



## Tax Exempt Bond Issuance

Instructions and Insurance Requirements Document

### Section I: Applicant Background Information

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

#### Applicant Information - Company Receiving Benefit

<b>Project Name</b>	Ellicott Townhomes
<b>Project Summary</b>	Ellicott Park Townhomes is a 220 unit family Section-8 (68% or 150 units) affordable housing community located in twenty-one (21) two-story wood frame with brick façade townhouse style buildings on two non-contiguous parcels totaling 8.9 acres in downtown Buffalo. 10 Durham Court (also known as 221 & 291 William St), Buffalo, NY 14204 (Erie County). Located in Downtown Buffalo, Ellicott Park Townhomes was originally constructed in 1967 under the HUD 221d3 BMIR mortgage program. The property consists of twenty-one two-story buildings on 2 non-contiguous parcels (located on the same block). The property is in the Downtown neighborhood and located just a few blocks from the main business district. The property is also centrally located within CPP East's growing portfolio in the region. Methodist Towers in Erie, PA, Winton Gardens and Keeler Park in Rochester, NY are located about 1.5 hours from Buffalo. The planned execution is for CPP East to acquire the property on an acquisition bridge loan by Oct 31, 2022 followed by a tax credit and tax-exempt bond closing in the first quarter of 2023. For the tax credit and bond closing, CPP East will submit an Option 1 Mark-Up-to-Market rent adjustment and 20 year renewal of the HAP contract from HUD, apply for a tax-exempt bond issuance through the Erie County Industrial Development Agency (ECIDA) and apply for as-of-right 4% LIHTC through the New York State Housing Finance Agency (NYSHFA). Preliminary Rehab Scope of Work CPP's typical specifications planned which total \$75,000 per unit. Unit Renovations - ADA unit conversions, air sealing; door replacement (entry, interior, sliders onto balcony); flooring throughout; paint throughout; kitchen upgrades (new cabinets, quartz counters, energy star appliances, plumbing fixtures); bathroom upgrades (new vanities, quartz countertops, plumbing fixtures, accessories); lighting replacement. Building systems - waste line repairs/replacement; Exterior - window replacement, brick masonry repairs, roof replacement, Site work - mill, repave and restripe asphalt parking lot; new playground; new gazebo, new dog park, BBQ grills, bike racks, tree trimming, path of travel improvements.
<b>Applicant Name</b>	Ellicott Park Townhomes Community Partners, LP
<b>Applicant Address</b>	17782 SKY PARK CIR
<b>Applicant Address 2</b>	
<b>Applicant City</b>	IRVINE
<b>Applicant State</b>	California
<b>Applicant Zip</b>	92614
<b>Phone</b>	(771) 210-6178
<b>Fax</b>	
<b>E-mail</b>	dbrown@cpp-housing.com
<b>Website</b>	<a href="https://www.cpp-housing.com/">https://www.cpp-housing.com/</a>

**NAICS Code**Business Organization

**Type of Business** Partnership  
**Year Established** 2022  
**State in which Organization is established** New York

Individual Completing Application

**Name** David Harris Brown  
**Title** Senior Development  
 Manager  
**Address** 11921 Freedom Drive  
**Address 2** Suite 860  
**City** Reston  
**State** Virginia  
**Zip** 20190  
**Phone** (771) 210-6178  
**Fax**  
**E-Mail** dbrown@cpp-housing.com

Company Contact - Authorized Signer for Applicant

**Contact is same as individual completing application** No  
**Name** Seth Gellis  
**Title** Senior Vice President, Development  
**Address** 11921 Freedom Drive  
**Address 2** Suite 860  
**City** Reston  
**State** Virginia  
**Zip** 20190  
**Phone** (714) 662-5565  
**Fax**  
**E-Mail** sgellis@cpp-housing.com

Company Counsel

**Name of Attorney** Matthew V. Carrigg  
**Firm Name** Nixon Peabody LLP  
**Address** 1300 Clinton Square  
**Address 2**  
**City** Rochester  
**State** New York  
**Zip** 14604-1792  
**Phone** (607) 349-4429





## Section II: Eligibility Questionnaire - Project Description & Details

### Project Location

**Address of Proposed Project Facility**

10 Durham Court (221 & 291 William St)

**Town/City/Village of Project Site**

Buffalo

**School District of Project Site**

Buffalo City School District

**Current Address (if different)**

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

**SBL Number(s) for proposed Project**

111.14-2-1, 111.4-2-3

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

146,186

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

Land

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

**Are Real Property Taxes current at project location?**

Yes

**If no please explain**

\*The ECIDA has an unpaid tax policy and you will be required to certify all taxes and PILOTS are current.

**Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site?**

Yes

**If No, indicate name of present owner of the Project Site**

**Does Applicant or related entity have an option/contract to purchase the Project site?**

Yes

**Describe the present use of the proposed Project site (vacant land, existing building, etc.)**

Built in 1967, Ellicott Park Townhomes is a 220 unit family Section-8 (68% or 150 units) affordable housing community located in twenty-one (21) two-story wood frame with brick façade townhouse style buildings on two non-contiguous parcels totaling 8.9 acres in downtown Buffalo. 10 Durham Court, (221 & 229 William St) Buffalo, NY 14024 (Erie County). The unit mix is 35 one-beds (750SF), 101 two-beds (962SF), 84 three-beds (1,200SF) - (2 one-beds being used as leasing office). The Units have full-basements with laundry hook-ups

**Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)**

The property is badly in need of repair and received a 65 (out of a 100) on its last HUD property inspection. Community Preservation Partners development plan will completely upgrade the property and ensure that it will continue to serve Erie County's low income community well into the future. Our plan includes site work, exterior upgrades, unit renovations, and system replacement. Each of the 220 units will undergo a deep rehab resulting in cost per unit of approx \$75,000. Preliminary Rehab Scope of Work: CPP's typical specifications planned which total \$75,000 per unit. Unit Renovations - ADA unit conversions, air sealing; door replacement (entry, interior, sliders onto balcony); flooring throughout; paint throughout; kitchen upgrades (new cabinets, quartz counters, energy star appliances, plumbing fixtures; bathroom upgrades (new vanities, quartz countertops, plumbing fixtures, accessories); lighting replacement. Building systems - waste line repairs/replacement; Exterior - window replacement, brick masonry repairs, roof replacement, Site work - mill, repave and restripe asphalt parking lot; new playground; new gazebo, new dog park, BBQ grills, bike racks, tree trimming, path of travel improvements

**Municipality or Municipalities of current operations**

Buffalo

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

Yes

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

No

**If the Proposed Project is located in a different Municipality within New York State than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?**

No

(If yes, you will need to complete the Intermunicipal Move Determination section of this application)

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

Yes

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

The property is badly in need of a rehabilitation. If its needs are not addressed, it could become condemned. Condemning an affordable housing property probably will not cause residents to leave the county, but rather become homeless within it. An increasing homeless population is obviously monetarily draining on local jurisdictions but can also drive away other business and residents.

**Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?**

No

**If yes, please indicate the Agency and nature of inquiry below**

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

This project can't be undertaken without the financing and tax relief requested here.

**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)**

Without an issuance of tax-exempt bond from ECIDA, the property would not be able to get as-of-right 4% Low Income Housing Tax Credits from NYSHFA and would therefore be financially infeasible. Furthermore, without a sales tax exemption on construction materials as well as the mortgage recording tax exemption, there would be substantially more development expenses which would likewise make the project infeasible. The real property tax abatement is also critical as the amount of supportable debt proceeds would be greatly diminished if the project were not able to secure an abatement which would also make it financially infeasible.

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

Yes

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

If financial assistance is not obtained, CPP will not be able to go forward with the project but no others players will be able to as the project will not longer make economic sense.

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Site Characteristics

**Is your project located near public transportation?**

Yes

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

Ellicott Townhomes is located between Williams St. and Clinton st., both of which are primary traffic arteries in and out of Buffalo and contain bus routes.

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

No

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

**If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.**

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

Yes

**Describe the present zoning/land use**

The Subject sites are zoned D-R, Residential Campus. This addresses residential campuses, sometimes comprised of garden apartments or towers in a park, and organized as a large-scale, integrated development. Per the D-R zone there are no density requirements. The proposed project will be compliance with zoning ordinances.

**Describe required zoning/land use, if different**

NA

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

No zoning change will be required for this project.

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

No

**If yes, please explain**

Please see the attached Phase 1.

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

Yes

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

Yes

**If yes, describe the efficiencies achieved**

We will compliant with all energy efficient requirements from either ECIDA or NYSHFA.

You may also attach additional information about the machinery and equipment at the end of the application.

**Does or will the company or project occupant perform research and development activities on new products/services at the project location?**

No

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





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

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

**If Yes, describe particulars:**

Sources of Funds for Project Costs:

**Equity (excluding equity that is attributed to grants/tax credits):** \$ 21,134,577  
**Bank Financing:** \$ 0  
**Tax Exempt Bond Issuance (if applicable):** \$ 28,102,000  
**Taxable Bond Issuance (if applicable):** \$ 0  
**Public Sources (Include sum total of all state and federal grants and tax credits):** \$ 0  
**Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)** 0  
**Total Sources of Funds for Project Costs:** \$49,236,577  
**Have you secured financing for the project?** Yes

Mortgage Recording Tax Exemption Benefit:

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

**Mortgage Amount (include sum total of construction/permanent/bridge financing).** 30,780,827  
**Lender Name, if Known**  
**Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):** \$230,856

Real Property Tax Benefit:

**Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other):** CPP has applied for a PILOT from the City of Buffalo.

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

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

**ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization**

Lecesse, the general contractor on this project, is committed to providing women, minorities, women and minority-owned businesses, disadvantaged businesses and Section 3 businesses with equal opportunities in the performance of contracts. Our in-house Diversity & Community Engagement Manager, Kathy Rooney, oversees supplier diversity management, and community development. Kathy, along with the rest of the LECESSE team, support our communities through mentoring and outreach events to ensure we are continuously creating inclusion opportunities in support of our workforce and trade partners. It is our policy to utilize and help grow M/WBE and low-income subcontractors on all private and public projects when possible in order to ensure that State and Federal participation goals are met. The team is targeting 20% of MBW and 7% of WBE involvement or greater if possible.

**Is project necessary to expand project employment?**

Yes

**Is project necessary to retain existing employment?**

Yes

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

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 PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

	<b>Current # of jobs at proposed project location or to be relocated at project location</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be retained</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion</b>	<b>Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **</b>
<b>Full time</b>	2	2	2	4
<b>Part time</b>	1	1	2	3
<b>Total</b>	3	3	4	

Salary and Fringe Benefits for Jobs to be Retained and Created

<b>Category of Jobs to be Retained and/or Created</b>	<b># of Employees Retained and/or Created</b>	<b>Average Salary for Full Time</b>	<b>Average Fringe Benefits for Full Time</b>	<b>Average Salary for Part Time (if applicable)</b>	<b>Average Fringe Benefits for Part Time (if applicable)</b>
<b>Management</b>	2	\$ 49,000	\$ 0	\$ 0	\$ 0
<b>Professional</b>	0	\$ 0	\$ 0	\$ 22,880	\$ 0
<b>Administrative</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Production</b>	0	\$ 0	\$ 0	\$ 2,800	\$ 0
<b>Independent Contractor</b>	0	\$ 0	\$ 0	\$ 0	\$ 0
<b>Other</b>	2	\$ 22,000	\$ 0	\$ 0	\$ 0

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

Yes **By checking this box, I certify that the above information concerning the current number of jobs at the proposed project location or to be relocated to the proposed project location is true and correct.**

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

<b>Address</b>			
<b>Full time</b>	0	0	0
<b>Part time</b>	0	0	0
<b>Total</b>	0	0	0

Payroll Information



**Annual Payroll at Proposed Project Site upon completion**

322,000

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

51,000

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

21,000

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

49,000

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

21,000

**Estimated salary range of jobs to be created**

<b>From (Full Time)</b>	45,000	<b>To (Full Time)</b>	52,000
<b>From (Part Time)</b>	20,000	<b>To (Part Time)</b>	22,000

### **Section III: Environmental Questionnaire**

INSTRUCTIONS: Please complete the following questionnaire as completely as possible. If you need additional space to fully answer any question, please attach additional page(s).

#### General Background Information

##### **Address of Premises**

221 William Street (Site 1) 291 William Street (Site 2) Buffalo, New York 14204

##### **Name and Address of Owner of Premises**

Morgan Ellicott Apartments LLC 2 Symphony Circle Buffalo NY 14201 Attn: Timothy Lebouef

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

The site contains 10.99 acres or 478,919 square feet. The premises is fully developed with asphalt, cement, and landscaped areas contains 20 2 story buildings and has streams or wetlands.

##### **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**

The Subject consists of a total of 20, one to two-story residential buildings containing 220 one, two, and three bedroom units on two sites. One-bedroom units are of flat design and two and three-bedroom units are of townhome design. All units have a basement that is mainly a storage area with washer/dryer hook-ups. The buildings are wood frame with brick siding and flat roofs; the property was built in 1967 and has received ongoing maintenance.

##### **Describe all known former uses of the Premises**

From approximately the late 1800's until 1967 the property had a number of commercial uses. In 1967, the property was redeveloped into its current design of residential units.

##### **Does any person, firm or corporation other than the owner occupy the Premises or any part of it?**

Yes

##### **If yes, please identify them and describe their use of the property**

The property consists of 220 1, 2, and 3 bedroom apartments. Occupancy is above 90%.

##### **Have there been any spills, releases or unpermitted discharges of petroleum, hazardous substances, chemicals or hazardous wastes at or near the Premises?**

Yes

##### **If yes, describe and attach any incident reports and the results of any investigations**

The Property, 221 William Street / Apartment Complex, is listed on the NY SPILLS database for Spill Number: 1107201 reported to NYSDEC on September 8, 2011. This issue did obtain regulatory closure. There is no active release

##### **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; 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?**

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?**

No

##### **If yes, describe in full 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?**

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?**

No

**If yes, please provide copies of the permits.**

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

NA

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

NA

**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?**

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**

NA

**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**

CPP has no knowledge of stormwater or wastewater discharges. Waste water removal is through city / county infrastructure and is only related to domestic waste water. There is no generation of hazardous water or materials.

**Is any waste discharged into or near surface water or groundwaters?**

No

**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?**

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?**

No

**If yes, attach a copy of each permit.**

Storage Tanks

**List and describe all above and under ground 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**

There is no visual evidence of storage tanks.

**Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks?**

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 "PCBs") 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?**

No

**If yes, relate all the circumstances**

**Do the Premises have any asbestos containing materials?**

Yes

**If yes, please identify the materials**

Minimal asbestos has been found on the property during a full screen. An O and M plan is in place to manage these areas.

**Section IV: Facility Type - Single or Multi Tenant**

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

Multi-Tenant Facility

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

**Please explain what market conditions support the construction of this multi-tenant facility**

**Have any tenant leases been entered into for this project?**

Yes

If yes, please list below and provide square footage (and percent of total square footage) to be leased to tenant and NAICS Code for tenant and nature of business

Tenant Name	Current Address (city, state, zip)	# of sq ft and % of total to be occupied at new project site	SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.
-------------	------------------------------------	--	--

\*fill out table for each tenant and known future tenants

## **Section VI: Retail Determination**

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

Please answer the following:

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

No

If yes, complete the Retail Questionnaire Supplement below. **If no, proceed to the next section.**

## **Section VII: Adaptive Reuse Projects**

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

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

No

### Section VIII: Inter-Municipal Move Determination

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

**Current Address**

221 William Street (Site 1) and 291 William Street (Site 2) Buffalo, New York 14204

**City/Town**

Buffalo

**State**

New York

**Zip Code**

14204

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

No

**Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?**

No

**If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:**

**Does this project involve relocation or consolidation of a project occupant from another municipality?**

**Within New York State**

No

**Within Erie County**

No

**If Yes to either question, please, explain**

**Will the project result in a relocation of an existing business operation from the City of Buffalo?**

No

**If yes, please explain the factors which require the project occupant to relocate out of the City of Buffalo (For example, present site is not large enough, or owner will not renew leases etc.)**

**What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc.)**

NA

**If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?**

No

**What factors have lead the project occupant to consider remaining or locating in Erie County?**

NA

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

NA



**Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.**

NA

## **Section IX: Senior Housing**

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

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

No

**OAHS Tonawanda TC LLC / Tonawanda Towers**  
**\$ 25,040,720**  
**INDUCEMENT RESOLUTION/TAX EXEMPT BOND**  
**ANTICIPATED BOND AMOUNT UP TO \$ 13,000,000**

**ELIGIBILITY**

- NAICS Section – 53

**COMPANY INCENTIVES**

- Anticipated Bond Amount – up to \$13,000,000
- Up to 3/4 of 1% of the final mortgage amount estimated at \$89,003

**JOBS & ANNUAL PAYROLL**

- Current Jobs: 3 FT, 1 PT
- Annual Payroll: \$ 180,000
- Projected new jobs: 1 PT
- Est. salary/yr. of jobs created: \$20,000 (PT)
- Est. salary/yr. of jobs retained: \$46,000 (FT)
- Total jobs after project completion: 3 FTE
- Construction Jobs: 59

**PROJECTED COMMUNITY BENEFITS\***

- Term: 2 years after project completion
  - NET Community Benefits: \$ 8,751,828
  - Spillover Jobs: 47
- Total Payroll: \$ 8,226,028

**INCENTIVE COST / COMMUNITY BENEFIT RATIO (discounted at 2%)\***

Incentives: \$ 89,003

Community Benefit: \$ 8,704,549

Cost: Benefit Ratio

- 1:98

Project Title: Tonawanda Towers

Project Address: 5 Main St. Tonawanda, NY 14150  
City of Tonawanda School District

**Agency Request**

Issuance of a federally tax-exempt bond and a mortgage recording tax exemption in connection with the acquisition, renovation and upgrading of the Tonawanda Towers.

Building Acquisition	\$ 14,000,000
Renovation	\$ 6,332,700
Soft Costs	\$ 2,282,351
Other	\$ 2,425,669
<b>Total Project Cost</b>	<b>\$ 25,040,720</b>
 85%	 \$ 21,284,612

**Company Description**

Orbach Affordable Housing Solutions ("OAHS") was established in June 2016 to build and preserve affordable housing throughout the United States through the use of tax-exempt debt, low income housing tax credits and other financial vehicles. OAHS is a wholly owned subsidiary of the Orbach Group which is owned and managed by Meyer Orbach. The OAHS team is comprised of industry professionals who are experienced in leasing, building management, operations, tenant services, compliance and supervision. OAHS provides approximately 3,100 families with affordable housing through its ownership of HUD buildings across four states. No individual owns more than 20% of the applicant entity, OAHS Tonawanda TC, LLC.

**Project Description**

Tonawanda Towers is a 100% affordable housing facility consisting of 100 units (plus one super's unit) targeting senior households earning 60% AMI or less. The project consists of the acquisition and renovation of the building. The extensive rehabilitation includes: renovating the interiors of all units and the common areas, upgrading all electrical equipment to energy efficient equipment, updating the building envelope and improving various site features. The upgrades to the units will be done as "rehab in place" with efforts made to minimize tenant impact during renovations. All units are one bedroom with rent ranges = \$ 1,205 - \$1,230.

The building also has an existing Housing Assistance Payments (HAP) contract for 100% of the units, which will be extended for another 20 years. The applicant is currently working with the City of Tonawanda on a PILOT for the property.

\* Cost Benefit Analysis Tool powered by MRB Group

## Economic Impact: Inform Analytics Cost-Benefit Analysis

The Erie County Industrial Development Agency uses the Cost Benefit Analysis Tool powered by MRB Group to assess the economic impact of a project applying for incentives. A Cost-Benefit Analysis is required by Section 859-a (5)(b) of General Municipal Law. For the complete Cost Benefit Analysis – please see the attached MRB Cost Benefit Calculator.

### Cost: Incentives

COSTS	Tax Exemption	Amount
	Property	\$0
	Sales	\$0
	Mortgage Recording	\$ 89,003
	Total	\$ 89,003
	Discounted at 2%	\$ 89,003

### Benefit: Projected Community Benefit\*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	\$7,137,029
			Payroll Permanent	\$1,089,000
		Public	Property Taxes	\$0
			Sales Taxes	\$ 68,379
			Other Revenue (muni)	\$ 29,668
	New York State	Public	Income Taxes	\$ 370,171
			Sales Taxes	\$ 57,582
			Total Benefits to EC + NYS***	\$ 8,751,828
			Discounted at 2%	\$8,704,549

\* Cost Benefit Analysis Tool powered by MRB Group \*\*includes direct & indirect \$ over project period \*\*\* may not sum to total due to rounding

Discounted Cost	\$ 89,003
Discounted Benefit	\$ 8,704,549
Ratio	1:98

**Conclusion:** The Cost Benefit for this project is: 1:98. For every \$1 in costs (incentives), this project provides \$ 98 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$ 279 in benefits to the community.**

### Draft Recapture Material Terms

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$ 25,040,720 85% = \$ 21,284,612
Employment	Same as recapture period	Maintain Base = 3 FT, 1 PT Create 85% of Projected Projected = 1 PT 85% = 0 Recapture Employment = 3 FTE
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Same as recapture period	Adherence to Policy
Unpaid Tax	Same as recapture period	Adherence to Policy
<u>Recapture Period</u>	2 years after project completion	Recapture of Mortgage recording tax

**Recapture applies to:**

Mortgage Recording Tax

#### Recapture

Pursuant to New York State General Municipal Law, the agency shall modify, recover, recapture or terminate any financial assistance taken by the company that is in violation of the GML.

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has maintained 3 FTE jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

#### Project ECIDA History

- 10/13/22 Public hearing held.
- 10/26/22 – Type 2 Action not subject to SEQRA review
- 10/26/22: Inducement and Bond Sale Resolution presented to the Board of Directors

# EVALUATIVE CRITERIA

## Tonawanda Towers

Distressed Census Tract	Project is located in census tract 72 which is <u>not</u> a distressed census tract.
Age of Structure (must be at least 20 years old and present functional challenges to redevelopment)	Tonawanda Tower Apartments have been in existence for about 40 years.
Structure has been vacant or underutilized for a minimum of 3 years. Project promotes the elimination of slum and blight.	N/A
Structure is not generating significant rental income (defined as 50% or less than the market rate income average for that property class)	N/A
Project is in compliance with the investment and growth criteria of the Framework for Regional Growth. The redevelopment supports or aligns with Regional or Local Development Plans	N/A
Environmental/Safety Issues: Structure or site presents significant public safety hazard and or environmental remediation costs	This project represents a significant upgrade to the facility with renovations planned for both the interior and exterior.
LEED/Renewable Resources	N/A
Building or site has historic designation	N/A
Site or structure has delinquent property or other local taxes	Property taxes are current on this property.
MBE/WBE Utilization	See attached MWBE Utilization form.
Transit Oriented Development	Site is accessible by bus numbers 25 B and 25 D.

DATE OF INDUCEMENT: 10/26/22

**PILOT Worksheet: Estimate of Real Property Tax Abatement Benefits\*\*\* and Percentage of Project Costs financed from Public Sector sources**

**\*\* The PILOT Worksheet 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- Tonawanda Towers**

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
\$ 6,332,700	n/a	n/a	n/a	n/a

\*Apply equalization rate to value

**\*\*\* Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff**

**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
\$ 25,040,720	n/a	n/a	\$ 89,003	\$ 8,154,911

**Note: special district taxes are not subject to PILOT abatement**

**Calculate % = (Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Tot Project Costs: 33%**

# Erie County Industrial Development Agency

## MRB Cost Benefit Calculator



Date: September 26, 2022  
 Project Title: OAHS Tonawanda TC LLC / Tonawanda Towers  
 Project Location: 5 Main St., Tonawanda, NY 14150

### Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

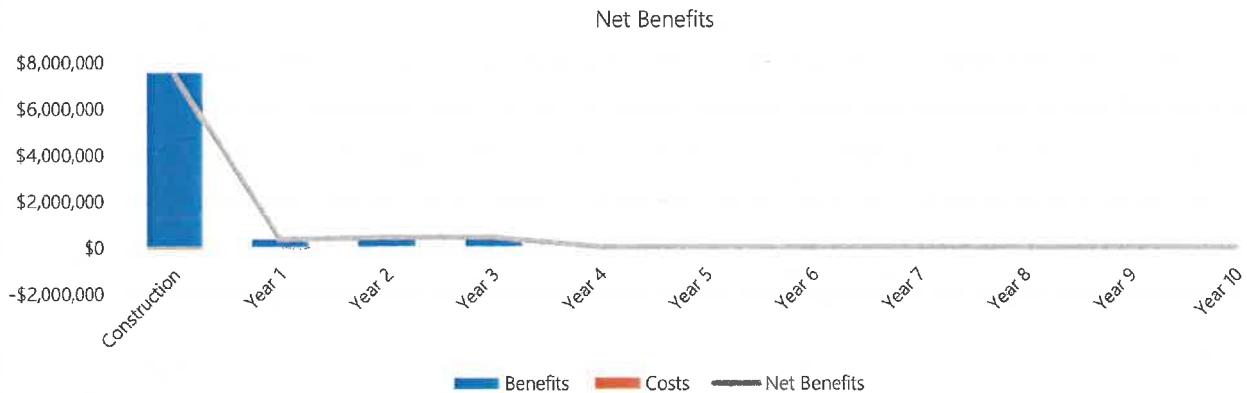
Project Total Investment  
 \$25,040,720

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	59	44	103
Earnings	\$4,617,825	\$2,519,204	\$7,137,029
Local Spend	\$11,017,917	\$7,800,787	\$18,818,704

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	4	3	7
Earnings	\$506,000	\$583,000	\$1,089,000

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

### Total Jobs

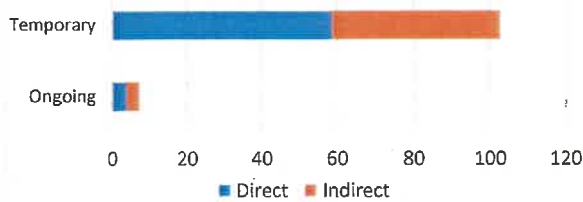
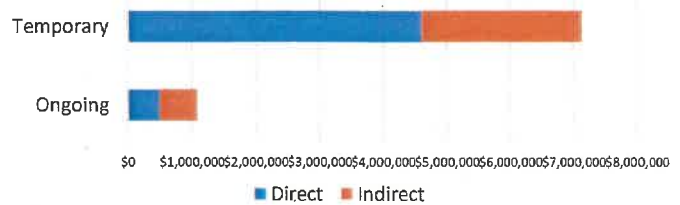


Figure 3

### Total Earnings





# Fiscal Impacts

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$0	\$0
Local Sales Tax Exemption	\$0	\$0
State Sales Tax Exemption	\$0	\$0
Mortgage Recording Tax Exemption	\$89,003	\$89,003
Local Mortgage Recording Tax Exemption	\$29,668	\$29,668
State Mortgage Recording Tax Exemption	\$59,335	\$59,335
<b>Total Costs</b>	<b>\$89,003</b>	<b>\$89,003</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$8,324,075</b>	<b>\$8,279,086</b>
To Private Individuals	<u>\$8,226,028</u>	<u>\$8,181,987</u>
Temporary Payroll	\$7,137,029	\$7,137,029
Ongoing Payroll	\$1,089,000	\$1,044,959
Other Payments to Private Individuals	\$0	\$0
To the Public	<u>\$98,047</u>	<u>\$97,099</u>
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$59,327	\$59,327
Ongoing Jobs - Sales Tax Revenue	\$9,052	\$8,686
Other Local Municipal Revenue	\$29,668	\$29,086
<b>State Benefits</b>	<b>\$427,753</b>	<b>\$425,463</b>
To the Public	<u>\$427,753</u>	<u>\$425,463</u>
Temporary Income Tax Revenue	\$321,166	\$321,166
Ongoing Income Tax Revenue	\$49,005	\$47,023
Temporary Jobs - Sales Tax Revenue	\$49,959	\$49,959
Ongoing Jobs - Sales Tax Revenue	\$7,623	\$7,315
<b>Total Benefits to State &amp; Region</b>	<b>\$8,751,828</b>	<b>\$8,704,549</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$8,279,086	\$29,668	279:1
State	\$425,463	\$59,335	7:1
<b>Grand Total</b>	<b>\$8,704,549</b>	<b>\$89,003</b>	<b>98:1</b>

\*Discounted at 2%

### Additional Comments from IDA

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

# MBE/WBE Utilization



ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization:

*OAHS has always been dedicated to supporting MBE/WBE contractors and working with these contractors on various projects. OAHS will continue its practice of hiring and supporting MBE/WBE contractors as part of the Tonawanda Towers project.*

*MWBE General Contractor statement attached.*



September 30, 2022

Beth O'Keefe  
Erie County Industrial Development Agency  
95 Perry Street, Suite 403  
Buffalo, NY 14203

**Proposed MBE/WBE Procedures  
Tonwanda Towers**

**Contracting Considerations:**

***1) MBE/WBE***

- A) Pyramid ETC Companies, LLC (the "Company") shall during the Construction Period make a good faith effort to contract with minority and woman business enterprises ("MBE/WBE"). For avoidance of doubt, this shall include both contractors and material vendors. The Company shall during the Construction Period maintain monthly reporting of its efforts to contact and meet with MBE/WBE contractors and provide to the Erie County Industrial Development Agency (the "Agency") upon request. As it relates to the solicitation of MBE/WBE contractors, the reporting shall at minimum contain the MBE/WBE business name, address and contact information. It shall also contain details as to the dates contacted, whether or not a bid was submitted, and if so, noting whether or not the MBE/WBE received that contract award. If not, the reason for not selecting the MBE/WBE is to be included.
- B) The Company shall, prior to the commencement of Work, in an effort to contract with MBE/WBE enterprises, place an advertisement for the services required in a newspaper or other publication which is regularly published in the City and surrounding areas. A copy of this advertisement shall be furnished to the Agency upon request.
- C) The Company shall utilize and make available to subcontractors the following links to certified MBE and WBE's in NYS and Erie County.

<https://ny.newnycontracts.com/>

<https://www3.erie.gov/eo/mbe-wbe-resource-list>

- D) The order of preference with regard to MBE/WBE contractors and vendors shall be as follows:
- i.) Local MBE/WBE contractors and/or vendors (City of Buffalo and neighboring towns)
  - ii.) New York based MBE/WBE contractors and/or vendors
  - iii.) Northeast, US based MBE/WBE contractors and/or vendors

**Employment Considerations:**

***2) Minority and Women Resident Hiring***

- A) The Company shall during the Construction Period and upon request, make an effort to hire minority and women employment candidates (“Candidates”), with preference first given to those who reside in Buffalo, NY and the neighboring towns, unless qualified labor is clearly not available. Preference will then be given to minority and women candidates located in the state of New York, followed by minority and women candidates located in the Northeast, US. In pursuit of this goal, the Company shall make every reasonable effort to achieve the hiring of Candidates, including the following:
- (i) Actively and affirmatively making solicitations to Candidates, including placing an advertisement both in a local newspaper or publication, while also posting flyers in or near the job site location. A copy of this advertisement and flyer shall be furnished to the Agency.
  - (ii) Announcing opportunities for hiring to Candidates with sufficient time for review and application by Candidates
  - (iii) Promptly responding to employment applications from Candidates
  - (iv) Where economically and technically feasible, hiring in positions that will enhance participation by Candidates
  - (v) Maintaining a listing of all applicants for potential future employment
- B) The Company shall during the Construction Period provide the Agency with a monthly report of its efforts to hire Candidates. As it relates to the solicitation of Candidates, this report shall at a minimum contain the name, address and contact information for each Candidate solicited for employment. It shall also contain details as to the dates contacted, whether or not the Candidate was hired, and if so, noting the hours worked by the Candidate. If not, the reason for not hiring the Candidate is to be included.
- C) The Company shall include these employment considerations with each subcontract agreement issued.
- D) In an effort to induce potential candidates to apply for employment consideration, the Company will offer to host a training class (i.e. OSHA 10 training, or computer skills) for a set number of Candidates, on a first come, first serve basis.



## Tonawanda Towers

[Instructions and Insurance Requirements Document](#)

### Section I: Applicant Background Information

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

#### Applicant Information - Company Receiving Benefit

<b>Project Name</b>	Tonawanda Towers
<b>Project Summary</b>	Rehab of an 81,000 square foot 100% affordable, 100 unit building for seniors earning 60% AMI or less
<b>Applicant Name</b>	OAHS Tonawanda TC LLC
<b>Applicant Address</b>	980 Sylvan Avenue
<b>Applicant Address 2</b>	
<b>Applicant City</b>	Englewood Cliffs
<b>Applicant State</b>	New Jersey
<b>Applicant Zip</b>	07632
<b>Phone</b>	(201) 793-3121
<b>Fax</b>	
<b>E-mail</b>	jay@oahsaffordable.com
<b>Website</b>	
<b>NAICS Code</b>	531110

#### Business Organization

<b>Type of Business</b>	Limited Liability Company
<b>Year Established</b>	2022
<b>State in which Organization is established</b>	New York

#### Individual Completing Application

<b>Name</b>	Strada Ventures LLC / Colleen Patterson
<b>Title</b>	Assistant Project Manager
<b>Address</b>	661 St. Johns Place
<b>Address 2</b>	
<b>City</b>	Brooklyn
<b>State</b>	New York
<b>Zip</b>	11216

**Phone** (646) 339-8744  
**Fax**  
**E-Mail** colleen@stradanyc.com

Company Contact - Authorized Signer for Applicant

**Contact is same as individual completing application** No  
**Name** Orbach Affordable Housing Solutions, LLC / Jay Reinhard  
**Title** President  
**Address** 980 Sylvan Avenue  
**Address 2**  
**City** Englewood Cliffs  
**State** New Jersey  
**Zip** 07632  
**Phone** (201) 793-3121  
**Fax**  
**E-Mail** jay@oahsaffordable.com

Company Counsel

**Name of Attorney** Stephen L. Yonaty (IDA Counsel)  
**Firm Name** Cannon Heyman & Weiss LLP  
**Address** 726 Exchange Street, Suite 500  
**Address 2**  
**City** Buffalo  
**State** New York  
**Zip** 14210  
**Phone** (716) 856-1700  
**Fax**  
**E-Mail** syonaty@chwattys.com

Benefits Requested (select all that apply).

**Exemption from Sales Tax** No  
**Exemption from Mortgage Tax** Yes  
**Exemption from Real Property Tax** No  
**Tax Exempt Financing\*** Yes

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

Applicant Business Description

**Describe in detail company background, history, products and customers. Description is critical in determining eligibility. Also list all stockholders, members, or partners with % ownership greater than 20%.**

The Sponsor is Orbach Affordable Housing Solutions ("OAHS"), a wholly owned subsidiary of The Orbach Group ("Orbach"), which is owned and managed by Meyer Orbach. OAHS was established in June 2016 to build and preserve affordable housing throughout the United States through the use of tax-exempt debt, low income housing tax credits and other financial vehicles. The OAHS team is comprised of industry professionals with over 150 employees specializing in all aspects of affordable and market real property management and redevelopment. They are experienced in leasing, building management, operations, tenant services, compliance and supervision. OAHS provides approximately 3,100 families with affordable housing through its ownership of HUD buildings across four states. The Orbach Group's portfolio currently consists of over 5,000 units, approximately 60% of which are covered by project-based HAP contracts. No individual owns more than 20% of the applicant entity, OAHS Tonawanda TC, LLC.

<b>Estimated % of sales within Erie County</b>	100 %
<b>Estimated % of sales outside Erie County but within New York State</b>	0 %
<b>Estimated % of sales outside New York State but within the U.S.</b>	0 %
<b>Estimated % of sales outside the U.S.</b>	0 %

(\*Percentage to equal 100%)

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

12

**Describe vendors within Erie County for major purchases**

Lawn maintenance, concrete leveling

## Section II: Eligibility Questionnaire - Project Description & Details

### Project Location

**Address of Proposed Project Facility**

5 Main Street

**Town/City/Village of Project Site**

Tonawanda

**School District of Project Site**

City of Tonawanda

**Current Address (if different)**

N/A

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

N/A

**SBL Number(s) for proposed Project**

39.45-2-1.1

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

54,695 for 2021 taxes, per PILOT agreement

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

Land

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

**Are Real Property Taxes current at project location?**

Yes

**If no please explain**

\*The ECIDA has an unpaid tax policy and you will be required to certify all taxes and PILOTS are current.

**Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site?**

Yes

**If No, indicate name of present owner of the Project Site**

**Does Applicant or related entity have an option/contract to purchase the Project site?**

Yes

**Describe the present use of the proposed Project site (vacant land, existing building, etc.)**

The Property is currently designed and used as senior residence apartments operating under the name Tonawanda Towers Apartments, which contains a reported total of 100 apartment units, plus one super's unit. Onsite amenities include a leasing office, a community room, a fitness room, a laundry room, and a salon. The Property is occupied exclusively by residential tenants.

**Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)**

This is a 100% affordable housing project consisting of 100 units (plus one super's unit) targeting senior households earning 60% AMI or less. The project will undergo extensive rehabilitation including renovating the interiors of all units and the common areas, upgrading all electrical equipment to energy efficient equipment, updating the building envelope and improving various site features. The building also has an existing HAP contract for 100% of the units, which will be extended for another 20 years.

**Municipality or Municipalities of current operations**



City of Tonawanda

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

Yes

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

No

**If the Proposed Project is located in a different Municipality within New York State than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?**

No

(If yes, you will need to complete the Intermunicipal Move Determination section of this application)

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

No

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

**Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?**

No

**If yes, please indicate the Agency and nature of inquiry below**

The project is applying for NY state 4% LIHTC equity in an amount of approximately \$7.9M. Additionally, the project is expecting to receive approximately \$265k in NYSERDA energy retrofit funding.

**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:**

N/A

**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)**

The tax-exempt bond is a significant portion (over 50%) of the sources of financing and is essential to acquiring and renovating the project. Without the tax-exempt bond the project would not be feasible.

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

Yes

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

If the project does not receive tax-exempt bonds and an extension of the PILOT, it will not be possible to move forward with the necessary rehab of the building. This will impact the livability of the building for tenants, as well as the energy efficiency of the building, which impacts greenhouse gas emissions in Erie County.

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Site Characteristics

**Is your project located near public transportation?**

Yes

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

Site is accessible by bus numbers 25B and 25D.

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

No

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

applicable.

If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.

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

Yes

Describe the present zoning/land use

C-2

Describe required zoning/land use, if different

N/A

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

N/A

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

No

If yes, please explain

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

Yes

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

No

If yes, describe the efficiencies achieved

You may also attach additional information about the machinery and equipment at the end of the application.

Does or will the company or project occupant perform research and development activities on new products/services at the project location?

No

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

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

For purposes of the following, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

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

Retail Sales No

Services No

Please check any and all end uses as identified below.

- No Acquisition of Existing Facility
- No Assisted Living
- No Back Office
- No Civic Facility (not for profit)
- No Commercial
- No Equipment Purchase
- No Facility for the Aging
- No Industrial
- No Life Care Facility (CCRC)

**No Market Rate Housing**      **No Mixed Use**      **No Multi-Tenant**  
**No Retail**      **Yes Senior Housing**      **No Manufacturing**  
**No Renewable Energy**      **No Other**

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

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

			<b>Cost</b>	<b>% of Total Cost</b>
<b>Manufacturing/Processing</b>	square feet	\$	0	0%
<b>Warehouse</b>	square feet	\$	0	0%
<b>Research &amp; Development</b>	square feet	\$	0	0%
<b>Commercial</b>	square feet	\$	0	0%
<b>Retail</b>	square feet	\$	0	0%
<b>Office</b>	square feet	\$	0	0%
<b>Specify Other</b>	81,224 square feet	\$	25,040,720	100%

**If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?**

No

**if you answered yes to question above, what level of LEED certification do you anticipate receiving? (Check applicable box)**

<BLANK>

**Provide estimate of additional construction cost as a result of LEED certification you are seeking**      < BLANK >

**Will project result in significant utility infrastructure cost or uses**      No

What is the estimated project timetable (provide dates).

**Start date : acquisition of equipment or construction of facilities**

12/1/2022

**End date : Estimated completion date of project**

12/1/2023

**Project occupancy : estimated starting date of occupancy**

12/1/2023

Capital Project Plan / Budget

**Estimated costs in connection with Project**

**1.) Land and/or Building Acquisition**

\$ 14,000,000      square feet      17,145 acres

**2.) New Building Construction**

\$ 0      square feet

**3.) New Building addition(s)**

\$ 0      square feet

**4.) Reconstruction/Renovation**

\$ 6,332,700

square feet

**5.) Manufacturing Equipment**

\$ 0

**6.) Infrastructure Work**

\$ 0

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

\$ 0

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

\$ 2,282,351

**9.) Other Cost**

\$ 2,425,669

<b>Explain Other Costs</b>	Developer Fee
<b>Total Cost</b>	\$ 25,040,720

Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 6,332,700 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 2,000,000
<b>% sourced in Erie County</b>	12%

Sales and Use Tax:

<b>Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit</b>	\$ 0
<b>Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):</b>	\$ 0

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

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

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

**If Yes, describe particulars:**

Sources of Funds for Project Costs:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$ 4,568,658
<b>Bank Financing:</b>	\$ 0
<b>Tax Exempt Bond Issuance (if applicable):</b>	\$ 12,317,151
<b>Taxable Bond Issuance (if applicable):</b>	\$ 0
<b>Public Sources (Include sum total of all state and federal grants and tax credits):</b>	\$ 8,154,911
<b>Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)</b>	0

**Total Sources of Funds for Project Costs:** \$25,040,720

**Have you secured financing for the project?** Yes

Mortgage Recording Tax Exemption Benefit:

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

**Mortgage Amount (include sum total of construction/permanent/bridge financing).** 11,867,151

**Lender Name, if Known**

**Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):** \$89,003

Real Property Tax Benefit:

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

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

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

**ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization**

OAHS has always been dedicated to supporting MBE/WBE contractors and working with these contractors on various projects. OAHS will continue its practice of hiring and supporting MBE/WBE contractors as part of the Tonawanda Towers project.

**Is project necessary to expand project employment?**

Yes

**Is project necessary to retain existing employment?**

Yes

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

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 PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

<b>Current # of jobs at proposed project location or to be relocated at project location</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be retained</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion</b>	<b>Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2</b>
--	---	--	--

					years) after project completion **
Full time	3	3	0	0	0
Part time	1	1	1	1	1
<b>Total</b>	<b>4</b>	<b>4</b>	<b>1</b>		

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	3	\$ 47,000	\$ 0	\$ 20,000	\$ 2,800
Professional	0	\$ 0	\$ 0	\$ 0	\$ 0
Administrative	1	\$ 41,600	\$ 0	\$ 0	\$ 0
Production	0	\$ 0	\$ 0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	1	\$ 0	\$ 0	\$ 20,000	\$ 8,400

\*\* 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.

Yes **By checking this box, I certify that the above information concerning the current number of jobs at the proposed project location or to be relocated to the proposed project location is true and correct.**

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

Address	N/A		
Full time	0	0	0
Part time	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

Payroll Information

**Annual Payroll at Proposed Project Site upon completion**

180,000

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

46,000

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

20,000

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

0

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

20,000

**Estimated salary range of jobs to be created**

**From (Full Time)** 0 **To (Full Time)** 0  
**From (Part Time)** 20,000 **To (Part Time)** 20,000

### Section III: Environmental Questionnaire

INSTRUCTIONS: Please complete the following questionnaire as completely as possible. If you need additional space to fully answer any question, please attach additional page(s).

#### General Background Information

##### **Address of Premises**

5 Main Street, Tonawanda, New York, 14150

##### **Name and Address of Owner of Premises**

Orbach Affordable Housing Solutions, 980 Sylvan Avenue, Englewood Cliffs, New Jersey 07632

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

The Property consists of a single tract irregular-shaped parcel that is approximately 0.3936 acres in size. Limited concrete-paved surface parking is located on the eastern-central portion of the Property. Additionally, asphalt-paved surface parking for the Property is located adjacent east across an alleyway. Grass and landscaping are located along Property building perimeters, as well as isolated islands on the northeastern portion of the Property. There are no water bodies observed within the limits of the Property and/or in close proximity.

##### **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**

The Property is designed and used as senior residence apartments. Currently, the Property is improved with one, 11-story building offering 100 residential units, plus one super's unit that was developed in 1982 with renovations in 2007. Onsite amenities include a leasing office, a community room, a fitness room, a laundry room, and a salon.

##### **Describe all known former uses of the Premises**

1886-1889: Developed with several commercial structures along Young Street with support structures on the southeastern portion of the Property. 1889-1910: Developed with several commercial structures along Young Street which include a grocery store, a furniture supply store, and a jewelry store. Structures on the southern portion of the Property include a horse shed and two other support structures. 1910-1925: Developed with several commercial structures along Young Street including a furniture store, an office, and a drug store. Structures on the southern portion include an icehouse and a storage room. 1925- 1982: Developed with several commercial structures along Young Street and Main Street. Based on review of city directories, tenants included the following: beauty shops/barbers, markets, furniture stores, hardware stores, clothing stores, dentists, optometrists, coffee shops, and watch/jewelry stores with no tenants of potential environmental concern. 1982-Present: Developed with the existing Tonawanda Towers Apartments.

##### **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

##### **If yes, describe and attach any incident reports and the results of any investigations**

Spill No 0750716 was reported on the roadside on August 16, 2007 for an unreported quantity of compressor oil and freon released (source not identified). The New York State Department of Environmental Conservation (NYDEC) determined that no further remedial action was warranted and the incident was closed on August 17, 2007. Information is included in the attached Phase I report.

##### **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; 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?**

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?**

No

**If yes, describe in full 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?**

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?**

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**

Solid household refuse is collected in one municipal waste container situated along the east-central perimeter of the Property building as well as hydraulic trash compactor located in the mechanical room. Solid waste is collected on a regular basis by a third-party contractor (Modern Disposal Services). There is no potentially hazardous substances or petroleum products disposed as part of this waste.

**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?**

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**

N/A

**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**

The sewage disposal system is provided and maintained by the Erie County Water Authority municipal service district. Stormwater is discharged to the City of Tonawanda stormwater system via underground conduits from drains located on the roof of the property building. Additionally, storm water curb inlets on Young Street receive surface runoff via sheet flow from impervious areas at the Property. There is also direct percolation to the ground in landscaped areas at the Property.

**Is any waste discharged into or near surface water or groundwaters?**

No

**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?**

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?**

<BLANK>

**If yes, attach a copy of each permit.**

Storage Tanks

**List and describe all above and under ground 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**

N/A

**Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks?**

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 "PCBs") 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?**

No

**If yes, relate all the circumstances**

**Do the Premises have any asbestos containing materials?**

Yes

**If yes, please identify the materials**

The following building materials were identified to contain asbestos: bathroom wall and floor grout, floor tile and mastic, and cementitious panel. The following materials are presumed to contain asbestos: popcorn finishes and roof materials.

## Section IV: Facility Type - Single or Multi Tenant

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

Single Use Facility

#### For Single Use Facility

**Occupant Name** OAHS Tonawanda TC LLC  
**Address** 980 Sylvan Avenue  
**Contact Person** Jay Reinhard  
**Phone** (201) 793-3121  
**Fax**  
**E-Mail** jay@oahsaffordable.com  
**Federal ID #** 88-1770198  
**SIC/NAICS Code** 531110

SS

## Section VI: Retail Determination

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

Please answer the following:

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

No

If yes, complete the Retail Questionnaire Supplement below. **If no, proceed to the next section.**

## **Section VII: Adaptive Reuse Projects**

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

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

No

## Section VIII: Inter-Municipal Move Determination

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

### Current Address

5 Main Street

### City/Town

Tonawanda

### State

New York

### Zip Code

14150

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

No

**Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?**

No

**If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:**

N/A

**Does this project involve relocation or consolidation of a project occupant from another municipality?**

Within New York State

No

Within Erie County

No

**If Yes to either question, please, explain**

N/A

**Will the project result in a relocation of an existing business operation from the City of Buffalo?**

No

**If yes, please explain the factors which require the project occupant to relocate out of the City of Buffalo (For example, present site is not large enough, or owner will not renew leases etc.)**

**What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc.)**

N/A

**If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?**

<BLANK>

**What factors have lead the project occupant to consider remaining or locating in Erie County?**

N/A

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

N/A

**Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.**

N/A

## ■ **Section IX: Senior Housing**

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

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

No

## ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

### Economic Inclusion PILOT Policy

#### **I. Introduction**

The Erie County Industrial Development Agency (the “Agency”) recognizes that economic development and inclusion activities associated with Agency financial assistance can create substantial direct and indirect benefits for minorities and women. To enhance the beneficial impact of projects and investments receiving Agency financial assistance, and to further the Agency’s goal of advancing opportunities for a Minority Business Enterprise (MBE)<sup>1</sup> and/or a Women Business Enterprise (WBE)<sup>2</sup> and for purposes herein, the abbreviation “MWBE” shall mean a Minority or Women Owned Business Enterprise), and to also advance employment opportunities for minorities and women in general, the Agency has established the Economic Inclusion PILOT Policy (the “EIP Policy”).

#### **II. Goals and Objectives**

The goal of the EIP Policy is to promote, encourage, and maximize opportunities for minorities and woman to experience economic progress by establishing a minimum 30% MWBE (25% MBE and 5% WBE) utilization rate for construction activities, and a 30% minorities and women (minimum 20% minority and at least 30% minorities or women) job creation and/or retention rate.

To obtain this goal, the EIP Policy is designed to encourage and incentivize recipients of Agency financial assistance, consisting of a real property tax abatement via an Agency payment-in-lie-of-tax agreement (a “PILOT Agreement”), to: (i) commit to utilizing and employing MWBE construction and professional service companies and firms during a project’s construction period, and, (ii) during the post construction period, to commit to certain minority and women hiring goals and/or job retention goals, while also implementing certain procurement, equity and inclusion, training, and mentorship goals. In return for committing to the foregoing, the Agency would then utilize the new EIP PILOT Agreement providing for enhanced real property tax abatement benefits, above and beyond those provided by the standard Agency PILOT Agreements.

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<sup>1</sup> Under Article 15-A of the New York Executive Law, an MBE is a business enterprise in which at least fifty-one percent (51%) is owned, operated and controlled by citizens or permanent resident aliens who are meeting the ethnic definitions listed below:

- Black: Persons having origins from any of the Black African racial groups.
- Hispanic: Persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Native American or Latin American origin, regardless of race.
- Asian-Pacific: Persons having origins from the Far East, Southeast Asia or the Pacific Islands.
- Asian-Indian Subcontinent: Persons having origins from the Indian subcontinent.
- Native American or Alaskan Native: Persons having origins in any of the original peoples of North America.

<sup>2</sup> Under Article 15-A of the New York Executive Law, a WBE is a business enterprise in which at least fifty-one percent (51%) is owned, operated and controlled by citizens or permanent resident aliens who are women.



**III. EIP Policy PILOT Schedules**

Pursuant to the Agency’s Uniform Tax Exemption Policy (the “UTEPI”), real property tax abatement benefits are available with varying abatement percentages for either a standard 5-year, 7-year, or 10-year benefit period term (collectively, the “Agency PILOT Programs”) determined via Agency staff application of the PILOT Determination Scoring Worksheet for each particular project. In effect, upon receipt of an application for financial assistance, Agency staff identifies the standard PILOT Agreement benefit period term based upon each applicant’s individual application and related project information. Under the EIP Policy, the abatement percentages and benefit period term of the standard Agency PILOT Programs can now be enhanced, as depicted below, to encourage utilization of MWBE firms, employment and retention of women and minority employees, as well as procurement, equity and inclusion, training and mentorship goals.

**A) Standard Five Year PILOT Schedule and EIP Enhancement**

	1	2	3	4	5	6	7
Standard % Abatement	75%	65%	55%	45%	35%	0%	0%
EIP Tier 1	80%	75%	70%	65%	60%	55%	0%
EIP Tier 2	80%	75%	70%	65%	60%	55%	50%

**B) Standard Seven Year PILOT Schedule and EIP Enhancement**

	1	2	3	4	5	6	7	8	9
Standard % Abatement	95%	90%	85%	80%	75%	70%	65%	0%	0%
EIP Tier 1	95%	95%	90%	90%	80%	75%	70%	65%	0%
EIP Tier 2	95%	95%	90%	90%	80%	75%	70%	65%	50%

**C) Standard Ten Year PILOT Schedule and EIP Enhancement**

	1	2	3	4	5	6	7	8	9	10	11	12
Standard % Abatement	95%	90%	85%	85%	80%	80%	75%	75%	70%	65%	0%	0%
EIP Tier 1	95%	95%	90%	90%	85%	85%	80%	80%	75%	75%	70%	0%
EIP Tier 2	95%	95%	90%	90%	85%	85%	80%	80%	75%	75%	70%	50%

**IV. EIP Policy Implementation**

Consistent with standard practices, Agency staff will initially evaluate a project, utilizing the PILOT Determination Scoring Worksheet, to determine the standard/initial five, seven or ten year PILOT Agreement term.

An applicant may then opt to work towards qualifying for the EIP Enhancement PILOT by meeting meet *both* Construction Period Obligations and Post-Construction Period Obligations.

**A) Construction Period Obligations.**

Construction Period Obligations require the applicant to meet a 30% MWBE (25% MBE and 5% WBE) utilization rate, based upon total construction contract value, for construction activities.<sup>3</sup> If an applicant is unable to meet the Construction Period Obligations, but has demonstrated good faith efforts to do so, as defined and described within the instructions to the Agency's Application for Financial Assistance, the applicant will be deemed to have met the Construction Period Obligations.

If the Construction Period obligations have been met, the applicant will then need to meet the Post-Construction Period Obligations.

**B) Post-Construction Period Obligations**

**(1) EIP Tier 1 Enhancement Post-Construction Obligations**

To meet the EIP Tier 1 Enhancement (at either the 5, 7, or 10 year standard PILOT Agreement term) the applicant will need to: (i) meet the approved job retention and creation goals, (ii) demonstrate that it has met a 30% minority and women (minimum 20% minority and at least 30% minorities or women) job creation requirement as approved per item (i), within two years after project completion, (iii) maintain those hires/percentages during the term of the applicable PILOT Agreement, and (iv) complete at least two (2) of the EIP Policy Best Practices, as described below.

**(2) EIP Tier 2 Enhancement Post-Construction Obligations**

To meet the EIP Tier 2 Enhancement (at either the 5, 7, or 10 year standard PILOT Agreement term) the applicant will need to: (i) meet the approved job retention goals, (ii) demonstrate that it has total workforce (jobs retained) consisting of 30% minorities and women (minimum 20% minority and at least 30% minorities or women), based upon total workforce commitments as approved per item (i), within two years after project completion, (iii) maintain those percentages during the term of the applicable PILOT Agreement, and (iv) complete at least one (1) of the EIP Policy Best Practices, as described below.

**(3) EIP Policy Best Practices**

(i) Procurement Practice. Applicant establishment of MWBE procurement goals for operations including supplies, equipment and/or professional services of 10% of applicant's operational contract purchases which are within its local control for the term of the PILOT Agreement, and annual reporting to the Agency during the term of the PILOT Agreement with respect to same.

(ii) Diversity & Inclusion Practice. Applicant creation of a Diversity & Inclusion policy, in alignment with requirements to be developed and amended by the Agency

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<sup>3</sup> The Agency will utilize and rely upon Erie County, City of Buffalo, and New York State databases to confirm MBE/WBE certification.

from time to time, for its organization with identified goals and objectives metrics for the term of the PILOT Agreement, and annual reporting to the Agency during the term of the PILOT Agreement with respect to same.

(iii) Annual Training Practice. Applicant's management and/or key staff participation in annual training or specified Diversity & Inclusion activities, in alignment with requirements to be developed and amended by the Agency from time to time for the term of the PILOT Agreement, and annual reporting to the Agency during the term of the PILOT Agreement with respect to same.

(iv) Mentorship Practice. Applicant development of and/or participation in mentorship program(s) designed to support MWBE businesses and/or minority and women candidates for leadership positions within its organization or in its occupational field for the term of the PILOT Agreement, and annual reporting to the Agency during the term of the PILOT Agreement with respect to same.

**(C) Enforcement**

Failure to meet and/or maintain Construction Period Obligations and Post-Construction Period Obligations will result in the applicant being unable to claim or to continue to claim the EIP Enhancement for the remaining term of the PILOT Agreement, and the administrative/procedural amendment of the PILOT Agreement to default to the terms of the otherwise applicable standard Agency PILOT Program.

**V. Effective Date**

This EIP Policy shall be effective as of March 1, 2023, and shall be applicable and made available to Agency applicants for financial assistance for which the Agency adopts an Inducement Resolution after March 1, 2023.

# Economic Inclusion PILOT Chart

Construction

**Construction Phase**  
MWBE Participation  
Mandatory  
PILOT Tier 1 & 2

Post  
Construction  
AND

Employment

**Job Creation Requirement**  
MWBE Goals & Post  
Construction Requirement  
PILOT Tier 1 (Standard +1)

OR

**Job Retention & Creation**  
MWBE Goals & Post  
Construction Requirement  
PILOT Tier 2 (Standard +2)

AND  
Any 2

AND  
Any 1

Post Construction

**Activity Tracts**

- Procurement
- D&I Programming
- Training
- Mentorship

**Economic Inclusion PILOT**  
**Implementation Procedures**  
*DRAFT October 6, 2022*

Good Faith Effort Compliance Procedure

Applicants for ECIDA Economic Inclusion PILOT if unable to meet the required Construction Period utilization goal may still be eligible if they demonstrate and document best efforts made to provide meaningful participation by Certified (Erie County, City of Buffalo, and New York State) MWBE contractors, sub-contractors, suppliers, vendors or professional service providers in the development and construction of their project.

To be considered under the MWBE Good Faith Efforts Procedure an applicant must have met a minimum of 75% of the MBE/WBE goal requirement of 25% MBE and 5% WBE. (Value of specialty work may be removed from calculation)

Applicants to:

Advertise opportunities to participate in the project in appropriate general circulation, trade and minority and women-oriented publications.

Participate in any pre-bid or other meetings with MWBE firms or groups to encourage participation in the project (\*ECIDA and partners to develop a contact list of appropriate groups and or resources, including but not limited to Construction Exchange, BETC, ECC One Stops, DOL One Stop Locations, Northland Workforce Training Center).

Provide a listing of written solicitations made to MWBE firms inviting their participation, utilizing the Erie County and City of Buffalo MBE / WBE Resource List, and/or the New York State certified list within the ECIDA Local Labor Area (Erie County, Niagara County, Chautauqua County, Cattaraugus County, Allegany County, Wyoming County, Genesee County, and Orleans County).

Provide copies of any responses received from MWBE solicitations and documentation of any negotiations.

Identify components of the project that could be contracted or sub-contracted to MWBE firms.

Document the value of any specialty work for which there are no qualified MWBE firms in the Local Labor Area.

Provide copies of responses received from any MWBE firms.

Negotiate in good faith with MWBE firms submitting bids, proposals, or quotations.

Provide written statement outlining the Good Faith Efforts undertaken or any other factors relevant to documenting Good Faith Efforts for the project.

Provide a copy of a MWBE utilization plan outlining participation of certified MWBE firms in the project.

Prior to commencing constructions projects seeking the Enhanced MWBE PILOT, would be required to submit to the ECIDA a MWBE Utilization Plan. The plan would list the Contractor or Subcontractor's name and address, confirm MBE/WBE status, provide dollar value of proposed contract and a brief description of the work being provided.

Upon commencement of construction a quarterly MWBE Utilization Report would be filed with the ECIDA. The report would show expenses incurred or paid to contractors or subcontractors listed in the utilization plan towards achieving the overall participation goals of the project.

ECIDA staff resources would be used to collect and review the utilization plan, quarterly reporting and monitor progress towards achieving MWBE utilization goals.

3<sup>rd</sup> Party or Consultants maybe used to provide spot check field verification.

## **Post Construction Work Force Compliance**

### Tier 1 Tract: (job creation)

Post construction and for the term of the Incentive Period applicants would provide an annual report to the ECIDA which would be certified by a company representative identifying the number of women or minority new hires and the % of each category as a % of the total number of new jobs created.

ECIDA staff would create an annual reporting form and monitor annual reports for compliance with the job creation goals for the project as set forth in the policy.

### Tier 2 Tract: (workforce retention)

Post construction and for the term of the Incentive Period applicants would provide an annual report to the ECIDA which would be certified by a company representative identifying the total number of women or minority employees in the workforce and the % of each category as a % of the total workforce.

ECIDA staff would create an annual reporting form and monitor annual reports for compliance with the workforce goals for the project as set forth in the policy.

## **Post Construction Best Practices Activities**

### **Procurement Tract:**

Applicants would provide to the ECIDA a MWBE procurement plan which would identify MWBE procurement opportunities for supplies, equipment and or professional services with the goal of achieving 10% of their annual purchases (which are subject to their control).

For the term of the Incentive Period applicants would provide an annual report to the ECIDA which would be certified by a company representative identifying the total amount of MWBE procurements as a % of annual operating expenditures.

ECIDA staff would create an annual reporting form and monitor annual reports for compliance with the procurement goals for the project as set forth in the policy.

### **Diversity and Inclusion Tract:**

Applicants would provide to the ECIDA a copy of an organizational diversity and inclusion plan with identified goals and objective metrics. ECIDA staff will partner with BNP and other resources to develop a template outlining minimum components tasks and implementation metrics the plan should include.

For the term of the incentive period applicants would provide an annual report to the ECIDA which would be certified by a company representative identifying progress in meeting or completing tasks and metrics identified in their diversity and inclusion plan.

ECIDA will partner with BNP and others to provide oversight and resources to assist companies in meeting the goals.

### **Training Tract:**

Applicants would provide an annual report to the ECIDA which would be certified by a company representative identifying the annual training activities of management, key staff and or workforce designed to advance diversity and inclusion training plan and/or goals of the company.

ECIDA staff will partner with BNP and other resources to develop an accepted list of training resources and activities that applicants could undertake, as well as providing guidance and resources to help companies develop training programs for their organizations.

Mentorship Tract:

Applicants would provide to the ECIDA a copy of a mentorship plan with identified goals and objective metrics.

For the term of the incentive period applicants would provide an annual report to the ECIDA which would be certified by a company representative identifying their mentorship activities and progress in completing activities and metrics identified in their mentorship plan.

ECIDA staff will partner with BNP and other resources to review mentorship plans and annual reports, as well as providing guidance and resources to help companies develop and implement mentorship programs for their organizations.