



# Policy Committee

July, 13, 2023

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 June 1, 2023 Policy Committee Meeting Minutes (Pages 2-8)
3. Project Matrix (Page 9)
4. Project Presentation (Staff – Company Q&A)
  - a) BPS Commissary Kitchen (Pages 10-44)
  - b) Trautman Associates (Pages 45-80)
5. Adjournment - Next Meeting August 3, 2023 at 9:00 a.m.

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

**DATE AND PLACE:** June 1, 2023 at the Erie County Industrial Development Agency, 95 Perry Street, 4<sup>th</sup> Floor Conference Room, Buffalo, New York 14203

**PRESENT:** Denise Abbott; Hon. April Baskin; A.J. Baynes; Rev. Mark E. Blue Zachary Evans; Richard Lipsitz, Jr.; Dr. Susan McCartney; Brenda W. McDuffie; Hon. Glenn R. Nellis; Laura Smith, David J. State; Lavon Stephens and Hon. John Tobia

**EXCUSED:** Hon. Bryon W. Brown and Paul Vukelic

**OTHERS PRESENT:** John Cappellino, President and Chief Executive Officer; Grant Lesswing, Director of Business Development; Andrew Federick, Property and Business Development Officer; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant; and Robert G. Murray, General Counsel/Harris Beach PLLC

**GUESTS:** Josh Veronica on behalf of Buffalo Niagara Partnership; Alex Carducci on behalf of the City of Buffalo; Rebecca Brady on behalf of Top Seedz; David Chiazza on behalf of Iskalo Development; Chris Ahlers, Lisa Polizzi, Keith Sernick, Jill Szpylman on behalf of Stark Technologies; and Greg Setter, Michael Driscoll, Randy Bernick on behalf of Rosina Foods

There being a quorum present at 9:01 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

**MINUTES**

The minutes of the May 4, 2023 Policy Committee meeting were presented. Upon motion made by Mr. Nellis to approve of the minutes, and seconded by Mr. Baynes, the aforementioned Policy Committee meeting minutes were unanimously approved.

**PROJECT MATRIX**

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

**PROJECT PRESENTATION**

Rosina Food Products Inc., 75 Empire and 130 Empire Drive, West Seneca, New York 14224. Mr. Cappellino presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the expansion of the pasta manufacturing plant at 75 Empire Drive by 12,000 sq. ft. to accommodate a new ravioli production line, to renovate/reconfigure existing office space to create more welfare areas for manufacturing associates and renovate a vacant building at 130 Empire Drive into an office building to accommodate pasta facility office associates displace as a result of the expansion and improvements of the past manufacturing facility, consolidation of office space and to allow for future growth of administrative staff.

Mr. Cappellino confirmed that Rosina Food Products, Inc. is seeking approximately \$919,525 in assistance including sales tax exemption, mortgage tax exemption and real property tax exemption. Total payroll is projected at \$75,000,000 for the direct and indirect jobs created including 70 construction jobs. The resulting cost benefit is 369:1 so for every \$1 of incentives the community benefit is \$369 in payroll & tax revenue. Erie County: for every \$1 of incentives the community benefit is \$490 in benefits to the community.

Mr. Cappellino stated that in exchange for providing the sales and use tax, mortgage recording tax exemption and real property tax abatement 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 = \$16,000,000 85% = \$13,600,000
Employment	Coincides with 10-year PILOT	Maintain Base = 275 FTE Create 85% of Projected Projected = 15 FTE 85% = 12 FTE Recapture Employment = 287 FTE
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
Recapture Period	Coincides with 10-year PILOT	Recapture of state and local sales taxes, mortgage recording tax and real property tax

General discussion ensued. Mr. Setter then spoke on behalf of Rosina to describe the project. Mr. Stephens confirmed Rosina works with Buffalo and Erie County Workforce Investment programs. Mr. Baynes queried as to where workers come from. Mr. Setter advised their work force typically resides within Cheektowaga, Lackawanna and Buffalo. Ms. McDuffie spoke in favor of the project.

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

Mr. Evans queried as to time periods for employees to move through the pay scale. Mr. Setter advised increases on merit are standard operating procedures, and additional background on Rosina's employee advancement programs and opportunities was provided.

Mr. Tobia expressed support for Rosina's project and its employee training program.

Ms. Baskin queried as to specialty contractor considerations that may preclude the use of MWBE firms. Mr. Setter responded that there are certain chemical usage and machinery usage specialties that require specific contractors in contrast to opening up that specialty to any and all potential contractors.

Ms. Smith spoke in favor of the project and queried as to how ECIDA incentives will help the project.

Mr. Setter stated there are ever increasing costs of materials and labor to undertake the new project combined with the need to retain and attract new employees such that any financial assistance helps and is mutually beneficial to the Rosina and the community.

Ms. McDuffie moved and Mr. Stephens 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.

Stark Tech, 91 Sawyer Avenue, Tonawanda, New York 14150. Mr. Cappello presented this proposed sales tax and mortgage recording tax benefits project involving the major renovation of an existing 125,000 sq. ft. facility that contains high bay ceilings and high-capacity cranes.

Mr. Cappellino confirmed that Stark Teck is seeking approximately \$454,375 in assistance including sales tax exemption and mortgage recording tax exemption. Total payroll is projected at \$410,600,000 for the direct and indirect jobs created including 43 construction jobs. The resulting cost benefit is 1:854 so for every \$1 of incentives the community benefit is \$854 in payroll & tax revenue. Erie County: for every \$1 of incentives the community benefit is \$1,609 in benefits to the community.

Mr. Cappellino stated that in exchange for providing the sales and use tax and mortgage recording tax exemption 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 = \$16,250,000 85% = \$13,812,500
Employment	Coincides with recapture period	Maintain Base = 50 FTE Create 85% of Projected Projected = 120 FT, 10 PT (125 FTE) 85% = 106 FTE Recapture Employment = 156 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. Ahlers spoke on behalf of the company describing the company’s history and discussing the proposed project.

Mr. Evans, an Erie County employee, noted that Erie County has contracts with Stark and that he will abstain from discussion and voting on this project.

Ms. McDuffie spoke in favor of the project and queried as to where Stark sources its employees. Mr. Ahlers responded it sources employees from the local union halls, and recruits from SUNY at Buffalo and other engineering schools. Ms. McDuffie encouraged the Company to work with the Northland Workforce Training Center.

Mr. Lipsitz asked what the Company would do in the absence of Agency financial assistance.

Mr. Ahlers stated that all financial assistance helps given that the building requires significant new investment and that the Company is also making a significant investment, and similar to rationale provided by Rosina Foods, in the prior discussion, the financial assistance is mutually beneficial.

Ms. Abbott moved and Mr. Baynes seconded to recommend the project as proposed be forwarded to the members of the ECIDA for approval.

Ms. Baskin asked that the Company establish a MWBE policy.

Mr. Lipsitz called for the vote, Mr. Evans abstained from the vote, and the project was then approved by a vote of 12 in favor, no objections, and 1 abstention.

Iskalo 101 Oak LLC, 101 Oak Street, Buffalo, New York 14206. Mr. Cappellino presented this proposed sales tax benefits project involving the renovations needed to ready the leased 34,379 sq. ft. of the 67,385 sq. ft. building for a new manufacturing-based tenant, Top Seedz, including constructing a vault to house new transformers, new switchgear inside the building, new electric service panels and metering for each tenant space. Other unanticipated costs including but not limited to: installation of water, gas and sanitary line to serve tenant production areas and demolition of low bay section of the building and addition of windows on building exterior to provide natural light to office areas.

Mr. Cappellino confirmed that Iskalo 101 Oak LLC is seeking approximately \$153,125 in assistance including sales tax exemption. Total payroll is projected at \$20,011,642 for the direct and indirect jobs created including 15 construction jobs. The resulting cost benefit is 134:1 so for every \$1 of incentives the community benefit is \$134 in payroll & tax revenue. Erie County: for every \$1 of incentives the community benefit is \$234 in benefits to the community.

Mr. Cappellino stated that in exchange for providing the sales and use tax exemption 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 = \$3,500,000 85% = \$2,975,000
Employment	Coincides with recapture period	Maintain Base = 29 FTE Create 85% of Projected Projected = 13 FTE 85% = 11 FTE Recapture Employment = 40 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

Mr. Cappellino confirmed that the company has 42 FTE but upon moving into the new facility, will decrease the number of employees to 29 FTE due to efficiencies of the new facility, but then will increase employment by 13 FTEs within the next two years, bringing the total employment to 42 FTEs.

Mr. Chiazza spoke on behalf of the company and confirmed landlord will be making improvements to the facility for the benefit of tenants and tenants will ultimately be charged for landlord improvements which may or may not also include sales tax.

Mr. Evans queried if 100% of sales tax will go to tenant. Mr. Chiazza explained that a majority of the benefit would be allocated to the tenant based on occupancy percentage.

Mr. Baynes confirmed this will be a 10-year lease.

Ms. Brady spoke on behalf of Top Seedz, tenant of the building, providing company history and growth track record and described her Company's use of Journey's End immigration placement program to help Top Seedz find employees.

Mr. Chiazza then clarified that at the time of application submission the jobs/payroll was Top Seedz data, which was listed at 29 FTE and Top Seedz did not include the additional 13 employees because those were considered "interim" only allowing Top Seedz to meet current sales orders, and noted Top Seedz could have just as easily used an employee search or outsourcing firm to find contract employees to fill these interim jobs, but that in any event, Top Seedz goal is to keep such workers on a going forward basis.

Mr. State stated Top Seedz is a tenant of NFTA, being Mr. State's employer, and he will abstain from the discussion and voting.

Ms. Baskin queried as to if the project has goals to retain MWBE vendors, or will it just hire qualified vendors.

Mr. Chiazza responded it has challenges retaining any vendors locally due to the numbers of vendors and contractors already engaged to construct the new Buffalo Bills stadium, but stated, in selecting a contractor, all things being equal, that an MWBE vendor would be selected.

Ms. McCartney expressed concerns that Top Seedz will be reducing the employment numbers.

Mr. Stephens confirmed the new jobs will be high skilled jobs with more pay.

Mr. Evans confirmed the number of employees is 42. Ms. Smith confirmed that this is really a 42 FTE jobs retention project. Mr. Chiazza then stated that the reason 29 FTE jobs is currently provided within the ECIDA application is because it matches and is consistent with the number of jobs – 29 - submitted on the NYS Excelsior Jobs Program application.

Mr. Murray then that the application can be amended to reflect the current number of FTE positions, being 42.

Mr. Lipsitz stated he will recommend that the application be sent to the board without recommendation of the Policy Committee so no formal vote will be taken at today's meeting because the application must be updated/amended.

Ms. McCartney moved and Mr. Nellis seconded that the Policy Committee move the application, without recommendation, to the Board for consideration at its next meeting, pending the applicant, in the interim, submits an updated application to reflect the correct job numbers.

Mr. Lipsitz called for the vote, Mr. State abstained from the vote, and the motion was then approved by a vote of 12 in favor, no objections, and 1 abstention.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 10:55 a.m.

Dated: June 1, 2023

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Elizabeth A. O'Keefe, Secretary



## Tax Incentives Approved - 2023

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
Feb-23	356 Hertel Ave, LLC <sup>1</sup>	Buffalo	\$32,067,800	85% threshold \$27,257,630	0	0	42	0	85% - New 35 Jobs	212	150	project completion date + 2 yrs	\$612,500	1.47
Feb-23	Commitment 2000	Buffalo	\$8,623,800	85% threshold \$7,330,230	74	2	10	2	85% - New 35 Jobs	38	38	Period of PILOT 7 Years	\$420,215	1.89
Mar-23	Moog, Inc. Wood and Brooks Properties, LLC <sup>1</sup>	Elma Town of Tonawanda	\$76,750,800	85% threshold \$65,237,500	180	0	0	0	0	335	320	Period of PILOT 10 Years	\$2,900,920	1.97
Apr-23	TM Montante/50 Gates Circle <sup>1</sup>	Buffalo	\$23,127,638	85% threshold \$19,658,492	0	0	1	2	85% - New 1 Job	161	92	project completion date + 2 yrs	\$1,164,447	1.14
May-23		Buffalo	\$3,465,838	85% threshold \$2,945,962	4	0	0	0	0	14	14	project completion date + 2 yrs	\$108,500	1.29
Jun-23	Rosina Food Products, Inc.	West Seneca	\$16,000,000	85% threshold \$13,600,000	274	2	15	0	85% - New 15 Jobs	70	536	Period of PILOT 10 Years	\$919,525	1.446
Jun-23	Stark Real Estate Holdings	Tonawanda	\$16,250,000	85% threshold 2,945,962	50	0	120	10	85% - New 106 Jobs	43	257	project completion date + 2 yrs	\$454,375	1.854

Totals:	Totals:	Private Investment/ Project Amount	FT Jobs Retained	PT Jobs Retained	FT Jobs Created	PT Jobs Created	Const Jobs	Spillover Jobs	Incentive Amount
Adaptive Reuse Subtotal	3	\$58,661,276	4	0	43	2	387	256	\$1,885,447
2023 Total	7	\$176,285,876	582	4	188	14	873	1407	\$6,580,482

<sup>1</sup> Adaptive Reuse

**1016 East Delevan, LLC**

**\$ 33,067,799**

**PRIVATE INVESTMENT INDUCEMENT RESOLUTION**

<b>ELIGIBILITY</b>	Project Title: BPS Commissary Kitchen												
<ul style="list-style-type: none"> <li>• NAICS Section – 236220</li> </ul>													
<b>COMPANY INCENTIVES</b>	Project Address 1016-1044 East Delavan Ave, Buffalo, NY 14215 (Buffalo Central School District)												
<ul style="list-style-type: none"> <li>• Approximately \$2,859,900 in real property tax savings</li> <li>• Up to \$1,177,537 in sales tax savings</li> <li>• 3/4 of 1% of the final mortgage amount up to \$ 175,249</li> </ul>	<b>Agency Request</b>												
<b>JOBS &amp; ANNUAL PAYROLL</b>	A sales tax, mortgage recording tax and real property tax abatement in connection with the construction of a nearly 67,000 sq ft light industrial building that will serve as the new commissary kitchen for the Buffalo Public Schools.												
<ul style="list-style-type: none"> <li>• Current Jobs: 16 FT, 35 PT</li> <li>• Annual Payroll: \$ 2,393,000</li> <li>• Projected new jobs: 15 PT</li> <li>• Est. salary/yr. of jobs created: \$ 30,000</li> <li>• Projected retained jobs: 16 FT, 35 PT</li> <li>• Est. salary/yr. of jobs retained: \$ 59,600.</li> <li>• Total jobs after project completion: 16 FT, 50 PT</li> <li>• Construction Jobs: 151</li> </ul>	<table border="0"> <tr> <td>Land / Building Acquisition</td> <td align="right">\$ 1,250,000</td> </tr> <tr> <td>New Building Construction</td> <td align="right">\$22,267,479</td> </tr> <tr> <td>Non- Manufacturing Equipment</td> <td align="right">\$ 3,921,995</td> </tr> <tr> <td>Soft Costs/Other</td> <td align="right">\$ 5,628,325</td> </tr> <tr> <td><b>Total Project Cost</b></td> <td align="right"><b>\$33,067,799</b></td> </tr> <tr> <td> 85%</td> <td align="right"> \$ 28,107,629</td> </tr> </table>	Land / Building Acquisition	\$ 1,250,000	New Building Construction	\$22,267,479	Non- Manufacturing Equipment	\$ 3,921,995	Soft Costs/Other	\$ 5,628,325	<b>Total Project Cost</b>	<b>\$33,067,799</b>	 85%	 \$ 28,107,629
Land / Building Acquisition	\$ 1,250,000												
New Building Construction	\$22,267,479												
Non- Manufacturing Equipment	\$ 3,921,995												
Soft Costs/Other	\$ 5,628,325												
<b>Total Project Cost</b>	<b>\$33,067,799</b>												
 85%	 \$ 28,107,629												
<b>PROJECTED COMMUNITY BENEFITS*</b>	<b>Company Description</b>												
<ul style="list-style-type: none"> <li>• Term: 10 YEARS</li> <li>• NET Community Benefits: \$61,768,005</li> <li>• Spillover Jobs: 137</li> </ul> <p>Total Payroll: \$57,525,129</p>	The property and new commissary will be solely and wholly owned by 1016 East Delevan, LLC, a limited liability company. 1016 East Delavan, LLC was created for the purpose of providing a new commissary kitchen for Buffalo Public Schools and is an arm of McGuire Development Company. McGuire Development Company was founded in 1960 and has a diverse portfolio and proven track record of producing high quality development projects for municipalities. The most recent was the redevelopment of 75 West Huron into the Buffalo School of Culinary Arts and Hospitality Management.												
<b>INCENTIVE COST / COMMUNITY BENEFIT RATIO (discounted at 2%)*</b>	<b>Project Description</b>												
<p>Incentives: \$3,937,286</p> <p>Community Benefit: \$57,562,203</p> <p>Cost: Benefit Ratio</p> <ul style="list-style-type: none"> <li>• 1:15</li> </ul>	The project will include the construction of a 67,000 sq ft single story commissary kitchen for the sole use of the Buffalo Public Schools (BPS) to prepare and distribute school meals to all schools in the district. The existing facility could not meet the needs of the new programming requirements of the student meal plan created by the BPS. As part of this initiative the facility will cook onsite, using locally grown products, creating fresh and high-quality meal options for students. The new building will include office space for admin, and a test kitchen that will serve as a conference room / community space available for local community meetings and training for food service employees. The BPS needed a facility that can function at a higher level and promote healthier meals for students and promote a safe environment for its staff. The facility will distribute over 27,000 meals per day during the school year and 10,000 meals during the school's summer program.												

\* 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	\$2,859,900
	Sales	\$1,177,537
	Mortgage Recording	\$175,249
	Total	\$4,212,686
	Discounted at 2%	\$3,937,286

### Benefit: Projected Community Benefit\*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	\$20,546,960
			Payroll Permanent	\$36,978,169
		Public	Property Taxes	\$714,975
			Sales Taxes	\$478,178
			Other Muni Revenue (NFTA)	\$58,417
	New York State	Public	Income Taxes	\$2,588,631
			Sales Taxes	\$402,676
			Total Benefits to EC + NYS***	\$61,768,005
			Discounted at 2%	\$57,562,203

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

Discounted Cost	\$3,937,286
Discounted Benefit	\$57,562,203
Ratio	1:15

**Conclusion:** The Cost Benefit for this project is: 15:1. For every \$1 in costs (incentives), this project provides \$15 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$17 in benefits to the community.**

### New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over abatement period	Additional Local Revenue Over abatement period	New Yearly Taxes Upon Expiration of Abatement Period
\$ 3,186	\$ 14.7 M	\$152,788	\$ 562,187	\$ 360,673
Combined Tax Rate: \$ 24.31888				

**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 = \$33,067,799 85% = \$ 28,107,629
Employment	Coincides with 10-year PILOT	Maintain Base = 16 FT, 35 PT Create 85% of Projected Projected = 15 PT 85% = 12 PT Recapture Employment = 16 FT, 47 PT
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 Tax, 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 16 FT, 35 PT jobs and created 12 PT jobs (85% of projected), 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**

- 6/27/23: Public hearing held.
- 7/26/23: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 7/26/23: Lease/Leaseback Inducement Resolution presented to the Board of Directors

EVALUATIVE CRITERIA  
 BACK OFFICE/DATA/CALL CENTERS  
 BPS Commissary Kitchen

Evaluative Criteria	Notes
Wage Rate (above median wage for area)	Average wage for FT = \$59,600. Average wage for PT = \$30,000
Regional Wealth Creation (% sales/customers outside area)	81% of sales are within Erie County.
In Region Purchases (% of overall purchases)	100% of total supplies, raw materials and vendor services will be purchased form firms in Erie County.
Supports Local Business or Cluster	N/A
Retention/Flight Risk	N/A
LEED/Renewable Resources	N/A
MBE/WBE Utilization	See attached.
Workforce Access – Proximity to Public Transportation	Site is located on the NFTA 26 Delavan bus line. Approx 50% of employees of this project rely on public transportation.

DATE OF INDUCEMENT: July 26, 2023

**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-1016 East Delavan / BPS Commissary**

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (City & School)/1000
\$22.3 M	\$14.7 M	5.19688	19.122

\*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Town PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	0.05	\$3,820	\$14,055	\$17,874	\$357,488	\$339,613
2	0.1	\$7,639	\$28,109	\$35,749	\$357,488	\$321,739
3	0.15	\$11,459	\$42,164	\$53,623	\$357,488	\$303,864
4	0.15	\$11,459	\$42,164	\$53,623	\$357,488	\$303,864
5	0.2	\$15,279	\$56,219	\$71,498	\$357,488	\$285,990
6	0.2	\$15,279	\$56,219	\$71,498	\$357,488	\$285,990
7	0.25	\$19,099	\$70,273	\$89,372	\$357,488	\$268,116
8	0.25	\$19,099	\$70,273	\$89,372	\$357,488	\$268,116
9	0.3	\$22,918	\$84,328	\$107,246	\$357,488	\$250,241
10	0.35	\$26,738	\$98,383	\$125,121	\$357,488	\$232,367
<b>TOTAL</b>		\$152,788	\$562,187	\$714,975	\$3,574,875	\$2,859,900

**\*\*\* 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.)
\$ 33,067,799	\$2,859,900	\$1,177,537	\$175,249	\$0

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

**Calculate % = Est. PILOT + Est. Sales Tax+ Est. Mtg Tax+ Other)/Total Project Costs: 12.7%**

# Erie County Industrial Development Agency

## MRB Cost Benefit Calculator



Date: July 5, 2023  
 Project Title: 1016 East Delevan, LLC  
 Project Location: 1016-1044 East Delevan Ave, Buffalo, NY 14215

### Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

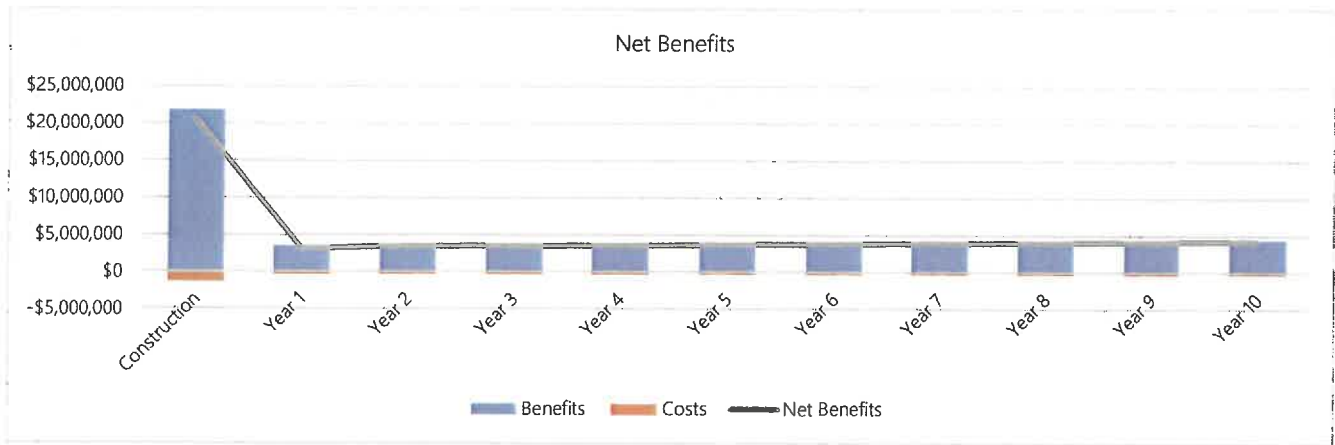
Project Total Investment  
 \$33,067,799

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	151	127	278
Earnings	\$13,289,083	\$7,257,877	\$20,546,960
Local Spend	\$31,745,087	\$22,476,674	\$54,221,761

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	40	10	50
Earnings	\$22,827,007	\$14,151,162	\$36,978,169

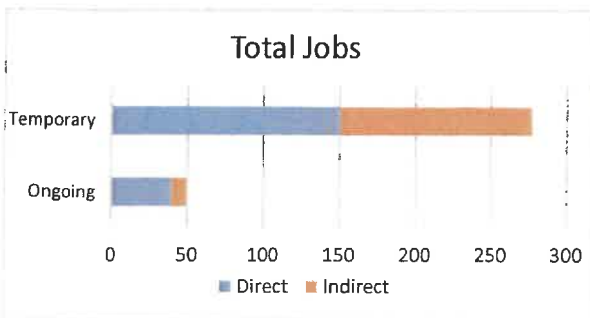
Figure 1



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



## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$2,859,900	\$2,584,500
Sales Tax Exemption	\$1,177,537	\$1,177,537
Local Sales Tax Exemption	\$639,234	\$639,234
State Sales Tax Exemption	\$538,303	\$538,303
Mortgage Recording Tax Exemption	\$175,249	\$175,249
Local Mortgage Recording Tax Exemption	\$58,416	\$58,416
State Mortgage Recording Tax Exemption	\$116,833	\$116,833
<b>Total Costs</b>	<b>\$4,212,686</b>	<b>\$3,937,286</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$58,776,698</b>	<b>\$54,772,771</b>
To Private Individuals	\$57,525,129	\$53,642,930
Temporary Payroll	\$20,546,960	\$20,546,960
Ongoing Payroll	\$36,978,169	\$33,095,970
Other Payments to Private Individuals	\$0	\$0
To the Public	\$1,251,569	\$1,129,841
Increase in Property Tax Revenue	\$714,975	\$626,662
Temporary Jobs - Sales Tax Revenue	\$170,797	\$170,797
Ongoing Jobs - Sales Tax Revenue	\$307,381	\$275,110
Other Local Municipal Revenue	\$58,417	\$57,271
<b>State Benefits</b>	<b>\$2,991,307</b>	<b>\$2,789,432</b>
To the Public	\$2,991,307	\$2,789,432
Temporary Income Tax Revenue	\$924,613	\$924,613
Ongoing Income Tax Revenue	\$1,664,018	\$1,489,319
Temporary Jobs - Sales Tax Revenue	\$143,829	\$143,829
Ongoing Jobs - Sales Tax Revenue	\$258,847	\$231,672
<b>Total Benefits to State &amp; Region</b>	<b>\$61,768,005</b>	<b>\$57,562,203</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$54,772,771	\$3,282,150	17:1
State	\$2,789,432	\$655,135	4:1
<b>Grand Total</b>	<b>\$57,562,203</b>	<b>\$3,937,286</b>	<b>15:1</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:

With consideration to the neighborhood and community for which this new project will be constructed, we fully support and strive to create healthy community involvement in all aspects of development and construction of this new commissary building. We are committed to successfully implementing a plan to ensure that certified minority and women-owned businesses (MWBEs) are encouraged to participate in this exciting project. Through comprehensive monitoring and training, coupled with active community outreach, our team and those we work with continue to service the MWBE business community on all of our projects.

We are proud to utilize a strategy that has a proven track record in achieving diversity in our business relationships, for which our utilization goals of 25% MBE and 10% WBE contractor involvement are consistently attainable. Not just our team, but those we work with, such as BCC, have always met or exceeded MWBE requirements for their projects across Western New York. Additionally, Buffalo Public Schools and the City of Buffalo Board of Education have a diverse pool of employees, with active racial and gender recruitment. At the current Commissary, the employee pool is 78% women and 83% minority.

## PUBLIC HEARING SCRIPT

**1016 East Delavan, 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 Tuesday, June 27, 2023, at 9:00 a.m.  
at the Erie County Industrial Development Agency's offices located at  
95 Perry Street, Suite 403, Buffalo, NY 14203

### **ATTENDANCE:**

Marc Romanowski – Rupp Pfalzgraf LLC  
Eric Ekman – McGuire Development  
David Von Deran – McGuire Development  
Enrico D'Abate – McGuire Development  
Carrie Hocieniec – ECIDA  
Brian Krygier- ECIDA

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

*Hearing Officer:* Welcome. This public hearing is now open; it is 9:00 a.m. My name is Grant Lesswing. I am the Director of Business Development 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 1016 East Delavan, LLC 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 Tuesday, June 13, 2023.

### **☒ 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 1016-1044 East Delavan Avenue, City of Buffalo, Erie County, New York, and all other lands in the City of Buffalo where, by license or easement or other agreement, the Company or its designees are making improvements that

benefit the Project (the “Land”); (ii) the construction on the Land of an approximately 67,000+/- square-foot, single-story commissary kitchen for the sole use of the Buffalo Public Schools to prepare and distribute school meals to all schools in the district. The facility will cook onsite, using locally grown products, creating fresh and high-quality meal options for students. The new facility will include two industrial kitchens with large meal preparation tables and large, commercial ovens as well as office spaces for administration and a "test kitchen" that will serve as a conference room/community space that will be available for local community meetings and training for food service employees (the “Improvements”); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land and the Improvements, the “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 July 25, 2023. 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.

Eric Ekman - Vice President of Development & Acquisitions, McGuire Development. Thank you very much for having us here today. So, about a year ago we responded to an RFP put out by the Buffalo Public Schools for developing a new central commissary. Their existing commissary is undersized, they have essentially grown out of it and there are some safety concerns, and they are also looking to expand their operations & efficiency to accommodate their production, particularly scratch cooking. Cooking from scratch that is, as well as incorporating fresh produce into their production. We responded with a site directly across the street from

their existing commissary at 1016-1044 East Delevan. We were awarded the project in October of last year and we immediately launched a process to better define their program requirements, commenced design work, and commenced pricing activities. In our RFP response we proposed a rent for the school district to lease the commissary space and we have been working very hard to stay within those budget parameters. There's been pressure on the project with respect to defining their program more clearly and that has created some additional scope as well as construction pricing challenges on the project. We would very much appreciate utilizing incentives that the ECIDA can offer. The sales tax exemption, the mortgage tax exemption as well as a PILOT which will be necessary incentives to control the cost of this project and keep the districts rent close to where it was originally proposed. This is a very exciting project for us that will transform an underutilized vacant lot in the east side of Buffalo and provide a brand-new facility that successfully addresses the streetscape along East Delavan and incorporates a community space as well. It has the opportunity to provide additional jobs for the community. 15 additional jobs as the commissary grows into the new facility. Thank you very much.

**6. ADJOURNMENT:**

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 9:06 a.m.

**SIGN IN SHEET  
PUBLIC HEARING**

Tuesday, June 27, 2023, at 9:00 a.m.  
at the the Erie County Industrial Development Agency's offices located at  
95 Perry Street, Suite 403, Buffalo, NY 14203, regarding:

**1016 East Delavan, LLC and/or Individual(s) or Affiliate(s),  
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 1016-1044 East Delavan Avenue, City of Buffalo, Erie County, New York

<b>Name</b>	<b>Company and/or Address</b>	<b>X box to speak/ comment</b>
Marc Romanowski	Rupp Pfalzgraf LLC 1600 Liberty Building Buffalo, New York 14203	
Eric Ekman	McGuire Development 455 Cayuga Road, Suite 100 Buffalo, New York 14225	X
David Von Deran	McGuire Development 455 Cayuga Road, Suite 100 Buffalo, New York 14225	
Enrico D'Abate	McGuire Development 455 Cayuga Road, Suite 100 Buffalo, New York 14225	
Carrie Hocieniec	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	



## BPS Commissary Kitchen

[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>	BPS Commissary Kitchen
<b>Project Summary</b>	A newly constructed 66,686-square-foot light industrial building located at 1016 East Delavan Avenue, which will serve as the new commissary kitchen for Buffalo Public Schools. This will include two industrial kitchens, 2 frozen storage coolers, two dry storage cools, one 18-wheeler truck dock, a pull through loading garage, and a box truck loading area. Additionally, there will be a test kitchen/conference room space that will be available to the community for public use/meetings.
<b>Applicant Name</b>	1016 East Delavan, LLC
<b>Applicant Address</b>	455 Cayuga Road
<b>Applicant Address 2</b>	Suite 100
<b>Applicant City</b>	Buffalo
<b>Applicant State</b>	New York
<b>Applicant Zip</b>	14225
<b>Phone</b>	(716) 880-9198
<b>Fax</b>	
<b>E-mail</b>	enrico@mcg-dev.com
<b>Website</b>	www.mcg-dev.com
<b>NAICS Code</b>	236220

#### Business Organization

##### **Type of Business**

Limited Liability Company

##### **Year Established**

2006

##### **State**

New York

##### **Indicate if your business is 51% or more (Check all boxes that apply)**

[No] Minority Owned

[No] Woman Owned

##### **Indicate Minority and/or Woman Owned Business Certification if applicable (Check all boxes that apply)**

[No] NYS Certified  
 [No] Erie Country Certified

### Individual Completing Application

**Name** Enrico R. D'Abate  
**Title** Project Manager  
**Address** 455 Cayuga Road  
**Address 2** Suite 100  
**City** Buffalo  
**State** New York  
**Zip** 14225  
**Phone** (716) 880-9198  
**Fax**  
**E-Mail** enrico@mcg-dev.com

### Company Contact- Authorized Signer for Applicant

**Contact is same as individual completing application** No  
**Name** Eric Ekman  
**Title** Vice President, Development & Acquisitions  
**Address** 455 Cayuga Road  
**Address 2** Suite 100  
**City** Buffalo  
**State** New York  
**Zip** 14225  
**Phone** (716) 829-1563  
**Fax**  
**E-Mail** eric@mcg-dev.com

### Company Counsel

**Name of Attorney** Michael M. Blinkoff  
**Firm Name** Blinkoff & Blinkoff, P.C.  
**Address** 501 John James Audubon Pkwy  
**Address 2** Suite 400  
**City** Amherst  
**State** New York  
**Zip** 14228  
**Phone** (716) 332-6104  
**Fax** (716) 332-6183  
**E-Mail** mblinkoff@blinkoff.com

### Benefits Requested (select all that apply)

**Exemption from Sales Tax** Yes

<b>Exemption from Mortgage Tax</b>	Yes
<b>Exemption from Real Property Tax</b>	Yes
<b>Tax Exempt Financing*</b>	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%.**

The property and new commissary will be solely and wholly owned by 1016 East Delavan, LLC. 1016 East Delavan, LLC is a Limited Liability Company created for the purpose of providing a new commissary kitchen for Buffalo Public Schools, and is an arm of McGuire Development Company. For more than 50 years, since the founding of Frank McGuire's first company in 1960, the McGuire name has been synonymous with honesty, integrity, and hard work. The McGuire Development Company portfolio is diverse, and has a proven track record to produce the highest quality development projects for municipal entities. The most recent was the redevelopment of 75 West Huron into the Buffalo School of Culinary Arts and Hospitality Management. This project displayed McGuire's ability to utilize Brownfield and Historic Tax Credits to make the project feasible and produce the most favorable rent for Buffalo Public Schools. Similar to the Buffalo School of Culinary Arts and Hospitality Management project, this new commissary building will be a food service-focused municipal building with strict programming requirements. It is McGuire Development and 1016 East Delavan, LLC's mission to deliver a high-functioning, long-lasting asset for Buffalo Public Schools. With a history of strong relationships with lenders who have supported the work that McGuire has done throughout Erie County, as well as the means to meet the equity needs and have true stake in the success of its projects, McGuire Development Company is a committed partner in the growth and prosperity of the Buffalo-Niagara region.

<b>Estimated % of sales within Erie County</b>	81 %
<b>Estimated % of sales outside Erie County but within New York State</b>	1 %
<b>Estimated % of sales outside New York State but within the U.S.</b>	18 %
<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?**

100

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

Great Lakes Building Systems, Inc. Gypsum Systems, LLC PCS Plumbing & Heating, Inc. Dival Safety and Supplies Allied Mechanical



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

### Project Location

**Address of Proposed Project Facility**

1016-1044 East Delavan Avenue

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

Buffalo

**School District of Project Site**

Buffalo Public Schools

**Current Address (if different)**

1055 East Delavan Avenue

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

Buffalo

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

SBL No. 90.72-1-44 & 90.72-1-43

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

1,960

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

Land

\$ 87,000

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.)**

Parking lot and 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)**

This project will include new construction of a 67,000 square foot, single-story commissary kitchen for the sole use of Buffalo Public Schools to prepare and distribute school meals to all schools in the district. The biggest factor that has spurred the interest in a new commissary building is based on increasing safety concerns at the current facility. Additionally, the existing facility cannot meet the needs of the new programming requirements of the student meal plan created by Buffalo Public Schools. Part of this initiative is to have a facility that can cook onsite, using locally grown products, creating fresh and high-quality meal options for the students. As a result, the new building will include two industrial kitchens with large meal preparation tables and large, commercial ovens. The new building will also include office spaces for administration, and a "test kitchen" that will serve as a conference room/community space that will be available for local community meetings and training for food service employees. With over 27,000 meals distributed per day during the school year, and 10,000 meals per day during the school's summer program, Buffalo Public Schools needs a facility that can function at a higher level, and produce healthier meals for the students of the school district and promote a safer environment for its staff.

**Municipality or Municipalities of current operations**

City of 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?**

Yes

**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**

**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)**

The goal of this project is to provide a new, safer and better performing kitchen for Buffalo Public Schools, who have currently outgrown the facility that they operate in. To meet the programming requirements set forth by Buffalo Public Schools, following our initial bid package and award of this project, the initially projected rent has increased. Additionally, the cost of construction and materials has shown steady increases that have impacted the rent, for which has made the project financially complicated for Buffalo Public Schools. The overall shell construction had changed from a metal-paneled building to a traditional, concrete structure. Without the sales tax and mortgage tax exemptions provided by the ECIDA, the costs of the project will increase the rent that may not be feasible for Buffalo Public Schools. These exemptions will allow the rent to be maintained at the Tenant's targeted level. The ECIDA PILOT Program will also be necessary for the project to move forward, as the operating costs for Buffalo Public Schools will cause a financial constraint on the school district, and may cause the project to fail.

**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 investment currently made into this project by McGuire Development and 1016 East Delavan, LLC has been substantial, and that investment will be lost. The jobs that will be created, as well as the needs for a safer, higher quality commissary kitchen for Buffalo Public Schools will not be built by the end of their lease term. This could impact the food distribution of the school district for many years to follow, and they will likely have to start the process all over again.

**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)**

Yes, the site would be located on the NFTA "26 Delavan" bus line. About half of the employees of this project rely heavily on public transportation.

**Has your local municipality and/or its planning board made a determination regarding the State Environmental Quality Review (SEQR) for your project?**

No

**If YES indicate in the box below the date the SEQR determination was made. Also, please provide us with a copy of the approval resolution and the related Environmental Assessment Form (EAF) if applicable.**

**If NO indicate in the box below the date you anticipate receiving a SEQR determination for your project. Also, please insure that the ECIDA has been listed as an "involved agency" on the related EAF submitted to the appropriate municipality and/or planning department.**

06/01/2023

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

Yes

**Describe the present zoning/land use**

D-IL: Light Industrial: This use allows the light industrial activity and distribution that is consistent with the zoning requirements for the project.

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

The only additional zoning measure is to seek variances of curb cut widths along William L. Gaiter Parkway for larger vehicle delivery and shipments.

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

An application has been filed with the Zoning Board of Appeals for these variances.

**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) Yes Commercial No Equipment Purchase
No Facility for the Aging Yes Industrial No Life Care Facility (CCRC)
No Market Rate Housing No Mixed Use No Multi-Tenant
No Retail No 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.

Table with 4 columns: Use, Square Feet, Cost, and % of Total Cost. Rows include Manufacturing/Processing, Warehouse, Research & Development, Commercial, Retail, Office, and Specify Other.

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

9/30/2023

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

3/31/2025

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

4/1/2025

Capital Project Plan / Budget

**Estimated costs in connection with Project**

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

\$ 1,250,000

229,221 square feet

5 acres

**2.) New Building Construction**

\$ 22,267,479

66,686 square feet

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

\$ 0

square feet

**4.) Reconstruction/Renovation**

\$ 0

square feet

**5.) Manufacturing Equipment**

\$ 0

**6.) Infrastructure Work**

\$ 0

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

\$ 3,921,995

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

\$ 5,628,325

**9.) Other Cost**

\$ 0

**Explain Other  
Costs**

**Total Cost**     \$ 33,067,799

Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 22,267,479 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 12,247,113
<b>% sourced in Erie County</b>	100%

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>	\$ 13,457,572
<b>Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):</b>	\$ 1,177,537

\*\* 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>	\$ 7,595,580
<b>Bank Financing:</b>	\$ 23,366,628
<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>	
<b>Total Sources of Funds for Project Costs:</b>	\$30,962,208
<b>Have you secured financing for the project?</b>	No

Mortgage Recording Tax Exemption Benefit:

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

<b>Mortgage Amount (include sum total of construction/permanent/bridge financing).</b>	23,366,628
<b>Lender Name, if Known</b>	
<b>Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):</b>	\$175,249

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):**

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.

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

No

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

No

**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>	16	16	0	0
<b>Part time</b>	35	35	15	15
<b>Total</b>	51	51	15	

Salary and Fringe Benefits for Jobs to be Retained and Created

<b>Job Categories</b>	<b># of Full Time Employees retained and created</b>	<b>Average Salary for Full Time</b>	<b>Average Fringe Benefits for Full Time</b>	<b># of Part Time Employees retained and created</b>	<b>Average Salary for Part Time</b>	<b>Average Fringe Benefits for Part Time</b>
<b>Management</b>	4	\$ 45,000	\$ 13,500	0	\$ 0	\$ 0
<b>Professional</b>	1	\$ 100,000	\$ 30,000	0	\$ 0	\$ 0
<b>Administrative</b>	6	\$ 68,000	\$ 20,000	0	\$ 0	\$ 0
<b>Production</b>	4	\$ 40,000	\$ 12,000	50	\$ 30,000	\$ 0
<b>Independent Contractor</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Other</b>	1	\$ 45,000	\$ 13,000	0	\$ 0	\$ 0
<b>Total</b>	16			50		

\*\* 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**

2,393,000

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

59,600

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

30,000

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

0

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

30,000

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

<b>From (Full Time)</b>	0	<b>To (Full Time)</b>	0
<b>From (Part Time)</b>	30,000	<b>To (Part Time)</b>	30,000



### 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**

1016-1044 East Delavan Avenue Buffalo, NY 14215

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

East Delavan Property, LLC 1016 & 1044 East Delavan Avenue Buffalo, NY 14215

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

1016 East Delavan: This parcel is a full functioning parking lot with chain-link fencing and a 2-foot demising wall along the east property line. The western property line is adjacent to Norfolk Avenue and its southern property line is adjacent to Delavan Avenue. 1044 East Delavan: This parcel is a vacant stretch of land with gradual elevation increasing from the southern property line moving north. The western property line runs adjacent to William L. Gaiter Parkway and the southern property line is adjacent to Delavan Avenue.

##### **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 current use of 1016 East Delavan Avenue is a parking lot for employees of OSC that is located at 1001 East Delavan Avenue, following the purchase of the land in 2008 from American Axel.

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

##### **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**

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**

N/A

**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**

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?**

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** Buffalo Public Schools  
**Address** 65 Niagara Square, Room 717 City Hall  
**Contact Person** Ruth Conner  
**Phone** (716) 816-3314  
**Fax** (716) 897-8041  
**E-Mail** RLConner@buffaloschools.org  
**Federal ID #**  
**SIC/NAICS Code** 611110

SS

**Section V: Tenant Information**

**PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)**

**Tenant Name**

Buffalo Public Schools

**Property Address:**

1016 & 1044 East Delavan Avenue

**City/Town/Village**

Buffalo

The following information is an outline relative to the potential client and their proposed contract to sublease space in the above reference facility

**Amount of space to be leased (square feet)**

66,686

**What percentage of the building does this represent?**

100

**Are terms of lease:**

NET

**If GROSS lease, please explain how Agency benefits are passed to the tenant**

**Estimated date of occupancy**

3/1/2025

**PART 2 TO BE COMPLETED BY PROPOSED TENANT**

**Company Name:**

Buffalo Public Schools

**Local Contact Person:**

Ruth Conner

**Title:**

Supervisor

**Current Address:**

1055 East Delavan Avenue

**Phone:**

(716) 816-3314

**Fax:**

(716) 897-8041

**E-Mail:**

RLConner@buffaloschools.org

**Website:**

www.buffaloschools.org

**Company President/General Manager:**

Bridget O'Brien Wood

**Number of employees moving to new project location:**

**Full-Time:**

16

**Part-Time:**

35

**Total:**

51

**Please describe briefly the nature of the business in which the proposed tenant is/will be engaged. This should include NAICS Code; type of business and products or services; percent of total sales in Erie County and the United States:**

This facility will service all Buffalo Public Schools with meals for their breakfast and lunch programs. This will include the cooking, packaging, processing and distribution of meals for all Buffalo Public School meal programs.

Attach additional information as necessary.

**History of Company (i.e. start-up, recent acquisition, publicly traded)**

Buffalo Public Schools is an agent of the City of Buffalo.

**Please list the square footage which the proposed tenant will lease at the Project location**

66,686

**Please list the square footage which the proposed tenant leases at its present location(s)**

40,000

**Describe the economic reason for either the increase or decrease in leased space.**

Buffalo Public Schools has outgrown their current facility, and has changed its programming to provide more locally grown and prepared meals for their students. The new facility be equipped to cook the food that is being distributed to the school district, as opposed to the current operation, which essentially receives, stores and distributes the prepackaged meals.

**Will the project result in a relocation and/or abandonment of other tenant/user(s) facilities in Erie County, or New York State?**

Yes

**If owned, what will happen to the existing facility once vacated?**

**If leased, when does lease expire?**

2/28/2025

**Are any of the proposed tenant's current operations located in facilities which have received an Industrial Development Agency benefit?**

No

**If yes, please provide details as to location, and amount of leased space, how long leased?**

## **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**

1055 East Delevan Avenue

**City/Town**

Buffalo

**State**

New York

**Zip Code**

14215

**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?**

Yes

**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:**

The newly constructed Commissary will be directly across Delavan Avenue from the existing one. This will require some of the existing equipment to be transferred from the old Commissary to the new one.

**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.)**

The

**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.)**

A larger, at least 60,000 square-foot, facility, on a 3-acre plot of land that was industrial-zoned, with at least two incoming 18-wheeler truck port, at least one incoming box truck docks, and 20-foot minimum ceiling clearance. Additionally, the building will additionally need to have three outgoing delivery bays.

**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?**

Yes

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

The project location is directly across the street from the current location.

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

The current facility is privately owned and will likely be put on the market to be leased out.

**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.**

320 Scajaquada Street: The site at 1016 & 1044 East Delavan Avenue was a better location with more presence in the community.

## **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

## **Section X: Tax Exempt Bonds**

In order to receive the benefits of a tax-exempt interest rate bond, private borrowers and their projects must be eligible under one of the federally recognized private active bond categories (Fed Internal Rev Code IRC sections 142-144, and 1394).

**Are you applying for tax exempt bonds / refinancing of bonds related to a residential rental facility project?**

No

**Trautman Associates / 130 Pearl LLC**  
**\$ 5,477,047**

**PRIVATE INVESTMENT INDUCEMENT RESOLUTION**

**ELIGIBILITY**

- NAICS Section – 541300

**COMPANY INCENTIVES**

- Approximately \$ in sales tax savings: \$ 131,250
- Up to 3/4 of 1% of the final mortgage amount estimated at \$ 22,500

**JOBS & ANNUAL PAYROLL**

- Current / Retained Jobs: 0 FTE
- Projected new jobs: 2 PT
- Est. salary/yr. of jobs created: \$12,500
- Total jobs after project completion: 1 FTE
- Construction Jobs: 36

**PROJECTED COMMUNITY BENEFITS\***

- Term: 2 yrs from project completion
- NET Community Benefits: \$ 3,207,792
- Spillover Jobs: 19
- Total Payroll: \$ 3,018,254

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

Incentives: \$ 153,750  
 Community Benefit: \$3,202,139  
 Cost: Benefit Ratio  
 • 1: 21

Project Title: 130 Pearl  
 Project Address: 130 – 132 Pearl St, Buffalo, NY 14202  
 Buffalo School District

**Agency Request**

A sales tax and mortgage recording tax abatement in connection with the adaptive reuse of a 21,000 sq ft commercial building located in the City of Buffalo’s Central Business District.

Building Acquisition	\$ 660,000
Building Renovation	\$ 3,100,000
Soft Costs/Other	\$ 1,717,047
Total Project Cost	\$ 5,477,047
85%	\$ 4,655,489

**Company Description**

Trautman Associates provides professional architect and engineering services. The firm was founded in 1956 and has been in Buffalo since its founding. Trautman Associates strive to understand our client’s needs, opportunities and goals. Client types include: commercial, schools, residential, community, cultural, government and municipal. Owners with greater than 20% ownership include: John Daly (31.5%) and Robert Stelianou (29.6%).

**Project Description**

The Underwood Building at 130 Pearl was constructed in 1916 and has served as a commercial building downtown since its inception. The Buffalo society architect, Henry Osgood Holland, was responsible for its design. The building was first listed on the Register of Historic Places in 2002 and sits adjacent to Louis Sullivan’s Guaranty Building and across from St. Paul’s Episcopal Cathedral designed by Richard Upjohn. The redevelopment of this 21,000 sq ft 3 story building will include 18 apartments with a mix of studio, one- and two-bedroom units. Commercial / retail space will occupy the remaining 3,200 sq ft. Two of the mid-sized one-bedroom units (500+ sq ft) will be designated as workforce housing. Units will feature premium finishes, high ceilings and in-unit laundry.

# of Units	Sq Ft	Rent Range
14 one-bedroom	426 – 696	\$1,100 - \$1,675
4 two-bedroom	863 – 1,056	\$2,025 - \$2,475

The company is pursuing property tax savings through the NYS 485-A or 444 programs.

\* 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
	Sales	131,250
	Mortgage Recording	22,500
	Total	153,750
	Discounted at 2%	153,750

### Benefit: Projected Community Benefit\*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount**	
	Erie County	Individuals	Payroll Construction	2,910,645	
			Payroll Permanent	107,609	
		Public	Property Taxes	0	
			Sales Taxes	25,089	
			Other - NFTA	7,500	
	New York State	Public	Income Taxes	135,821	
			Sales Taxes	21,128	
				Total Benefits to EC + NYS***	3,207,792
				Discounted at 2%	3,202,139

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

Discounted Cost            \$ 153,750  
 Discounted Benefit        \$ 3,202,139  
 Ratio                            1:21

**Conclusion:** The Cost Benefit for this project is: 1:21. For every \$1 in costs (incentives), this project provides \$ 21 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$ 39 in benefits to the community.**

### New Tax Revenue Estimated – City of Buffalo 485 A Program

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over 12 yr abatement period*	Additional Local Revenue Over 12 yr abatement period	New Yearly Taxes Upon Expiration of Abatement Period
\$25, 106	\$3,619,000	\$218,877	\$322,288	\$83,995
Combined Tax Rate: \$ 23.21				
*no county property tax benefit over abatement period for 485a program. Program only applies to City portion.				

### Retail Determination

Project Use	Sq Ft	Cost	% Project Cost
Retail / Commercial	3,195	\$155,000	5%
Other: residential housing + building amenities	18,105	\$2,945,000	95%
	21,300	3,100,000	100%

The retail component of the project is less than 30% of the project costs and therefore no sign off is required.

### 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 = \$ 5,477,047 85% = \$ 4,655,489
Employment	Coincides with recapture period	Maintain Base = 0 Projected = 2 PT (1 FTE) Create 85% of Projected = 0 Recapture Employment = n/a
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 jobs (FTE) and created jobs (FTE), 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

- 6/28/23: Public hearing held.
- 7/26/23: Minor Site Plan Review City of Buffalo Planning Board Approval – No SEQRA compliance required.
- 7/26/23: Lease/Leaseback Inducement Resolution presented to the Board of Directors

**ADAPTIVE REUSE REPORT &  
EVALUATIVE CRITERIA  
Trautman Associates – 130 Pearl LLC**

Age of Structure (must be at least 20 years old and present functional challenges to redevelopment)	Structure is 107 years old. Façade restoration and remediation will add significant costs to the project.
Structure has been vacant or underutilized for a minimum of 3 years (defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended). Project promotes the elimination of slum and blight.	The structure has been vacant for 3 years. The properties on either side of the project site have been fully restored (Cathedral Commons and the Guaranty Building) leaving this building to stand out as an eyesore.
Structure is not generating significant rental income (defined as 50% or less than the market rate income average for that property class)	Structure is not generating significant rental income.
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	The project is located in the City's Central Business district and is aligned with the Framework for Regional Growth through encouraging public investment in existing developed areas and through adaptive reuse of existing structures.
Demonstrated evidence of financial obstacle to development without ECIDA or other public assistance (cash flow projections documenting costs, expenses and revenues indicating below average return on investment rate as compared to regional industry averages)	The project faces a dramatic rise in construction financing costs as well as reduced borrowing capacity – consequently, the owner's contribution is close to 30%. Also there are significant increases in costs associated with the restoration of the façade and for remediation costs.
Demonstrated support of local government entities	Office of Strategic Planning intends to send Buffalo Mayor's support letter (pending)
LEED/Renewable Resources	N/A
Building or site has historic designation	The property was first listed on the National Register of Historic Places in 2002, when the National Park Service certified the Joseph Ellicott Historic District.
Site or structure has delinquent property or other local taxes.	N/A



## ADAPTIVE REUSE REPORT & EVALUATIVE CRITERIA

MBE/WBE Utilization	Program utilization goals = at least 25% MBE and 5% WBE participation. See attached MBE/WBE Utilization form.
Transit Oriented Development	Site is accessible by Metro Rail via Seneca Station Bus lines: #5 Niagara, #15 Seneca and #8 Main.
<b>OTHER FACTORS TO CONSIDER:</b>	
Environmental/Safety Issues: Structure or site presents significant public safety hazard and or environmental remediation costs	Project renovations include asbestos abatement.
Site or structure is located in a distressed census tract	2020 Census Tract - Adjacent to Highly Distressed
Structure presents significant costs associated w/ building code compliance.	N/A

DATE OF INDUCEMENT: 07/26/23

# **ADAPTIVE REUSE REPORT & EVALUATIVE CRITERIA**

## **Return on Investment – 130 Pearl LLC**

Regional Return on Investment (ROI) numbers vary depending on the interest rate environment, investor availability and risk associated with a project.

The National Development Council, which has experience financing projects in higher risk urban areas across the Northeast, uses 10% - 12% as a benchmark rate of return for urban high-risk projects.

Empire State Development financing officials when reviewing similar projects in the City of Buffalo have used 12% as an acceptable ROI for development projects.

## **Adaptive Reuse Projects**

Many Adaptive Reuse Projects are hampered by upfront development costs that are not typical in new build green field development projects. These upfront costs can hinder the ability of the projects to attract financing and provide cash flow. The upfront costs associated with site contamination, asbestos removal, code compliance, structural deficiencies can make Adaptive Reuse projects difficult to undertake and attract private investment and financing, particularly in real estate markets where rental values are relatively low. Historically real estate projects in the region are difficult to undertake, local real estate developers have indicated that the typical ROI investors and developers seek to achieve in mixed use development projects are in the 10% - 12% range, although they can run higher for projects with significant risk.

## **Public Incentives Requested**

- ECIDA Real Property Tax Abatement in an approximate value of \$0 (N/A)
- Sales Tax Savings in the amount of \$ 131,250
- Mortgage Tax Savings in the estimated amount of \$22,500

## **ROI**

130 Pearl LLC has submitted a proforma documenting the expenses and revenues and ROI for the project.

Stated ROI for the project with ECIDA assistance is 3.6%

Stated ROI for the project without ECIDA assistance is 3.3%

**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-Trautman Associates / 130 Pearl LLC**

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to 485a*	County Tax Rate/1000	City Tax Rate (incl School)/1000
\$ 3,100,000	\$3,619,000	5.04	18.17

\*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 (Federal & State Historic Tax Credits)
\$5,477,047	n/a	131,250	\$22,500	\$1,387,896

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

**Calculate % = (Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Tot Project Costs: 28%**

# Erie County Industrial Development Agency

## MRB Cost Benefit Calculator



Date: June 13, 2023  
 Project Title: Trautman  
 Project Location: 130 Pearl Street, Buffalo, NY 14202

### Economic Impacts

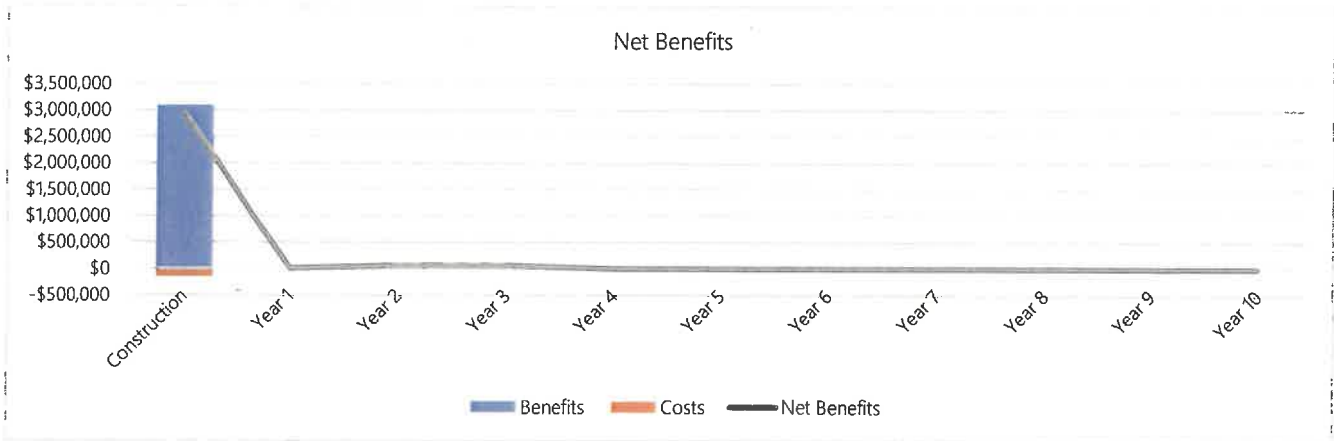
Summary of Economic Impacts over the Life of the PILOT  
 Project Total Investment  
 \$5,477,047

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		36	18	54
Earnings		\$1,884,169	\$1,026,476	\$2,910,645
Local Spend		\$4,491,179	\$3,178,145	\$7,669,323

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		1	1	2
Earnings		\$50,000	\$57,609	\$107,609

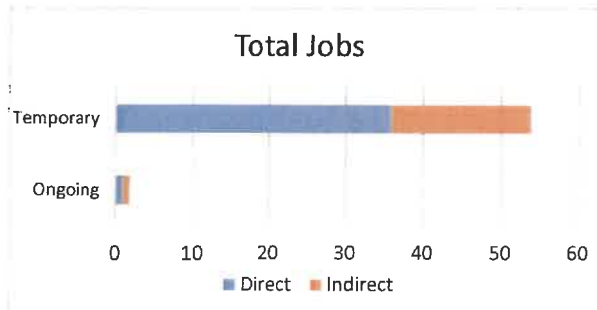
Figure 1



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

Figure 2

Figure 3



# Fiscal Impacts

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$131,250	\$131,250
Local Sales Tax Exemption	\$71,250	\$71,250
State Sales Tax Exemption	\$60,000	\$60,000
Mortgage Recording Tax Exemption	\$22,500	\$22,500
Local Mortgage Recording Tax Exemption	\$7,500	\$7,500
State Mortgage Recording Tax Exemption	\$15,000	\$15,000
<b>Total Costs</b>	<b>\$153,750</b>	<b>\$153,750</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$3,050,843</b>	<b>\$3,045,460</b>
To Private Individuals	\$3,018,254	\$3,013,061
Temporary Payroll	\$2,910,645	\$2,910,645
Ongoing Payroll	\$107,609	\$102,416
Other Payments to Private Individuals	\$0	\$0
To the Public	\$32,589	\$32,399
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$24,195	\$24,195
Ongoing Jobs - Sales Tax Revenue	\$894	\$851
Other Local Municipal Revenue	\$7,500	\$7,353
<b>State Benefits</b>	<b>\$156,949</b>	<b>\$156,679</b>
To the Public	\$156,949	\$156,679
Temporary Income Tax Revenue	\$130,979	\$130,979
Ongoing Income Tax Revenue	\$4,842	\$4,609
Temporary Jobs - Sales Tax Revenue	\$20,375	\$20,375
Ongoing Jobs - Sales Tax Revenue	\$753	\$717
<b>Total Benefits to State &amp; Region</b>	<b>\$3,207,792</b>	<b>\$3,202,139</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$3,045,460	\$78,750	39:1
State	\$156,679	\$75,000	2:1
<b>Grand Total</b>	<b>\$3,202,139</b>	<b>\$153,750</b>	<b>21:1</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. Here are links to the NYS and combined Erie County / City of Buffalo – certified MWBE contractors that can assist you with your utilization goals:

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

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

Describe your company's internal practices that promote MBE/WBE hiring and utilization:

Trautman Associates and 130 Pearl LLC follow the spirit of the New York State Minority and Women-owned Business Enterprises (MWBE) Program utilization goals of at least twenty-five percent MBE and five percent WBE participation. Bid announcements where applicable are sent to all vendors certified as MBE/WBE contractors.

## PUBLIC HEARING SCRIPT

**130 Pearl 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 Tuesday, June 27, 2023, at 9:30 a.m.  
at the Agency's offices, at 95 Perry Street, Suite 403, Buffalo, NY 14203

### ATTENDANCE:

John Daly – Trautman Associates  
Mark Daly – Trautman Associates  
Carrie Hocieniec – ECIDA  
Brian Krygier – ECIDA

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

*Hearing Officer:* Welcome. This public hearing is now open; it is 9:00 a.m. My name is Grant Lesswing. I am the Director of Business Development 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 130 Pearl LLC 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 Tuesday, June 13, 2023.

### 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 132 Pearl Street, City of Buffalo, Erie County, New York, and all other lands in the City of Buffalo where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"); (ii) the adaptive reuse on the Land of an approximately 21,000+/- square-foot 3-story former historic Underwood Building facility into 18 luxury apartments with a mix of studio, one-bedroom and two-bedroom units together with commercial/retail space

occupying the remaining 3,200+/- square feet (the “Improvements”); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land and the Improvements, the “Facility”).

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits and mortgage recording tax exemption 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 July 25, 2023. 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.

John Daly – Member, 130 Pearl, LLC. 130 Pearl, LLC is really the partners of Trautman Associates. Our Architectural Engineering Firm has been in Buffalo for 65 years and is located just around the corner from the building. We are as you stated seeking to renovate 130 Pearl, an adaptive re-use turning it into a mixed-use facility with 18 residential apartments and commercial space on the first and ground floors which the building is on a hill, so the backside comes out to grade. So, it’s really four stories from the backside, three stories from the front. Thank you for considering our application. The ECIDA funds are critical to this project. We started this project prior to COVID, and it is a historic restoration project. Our application was into the Federal Parks Department for historic preservation, and it sat all through COVID. Coming out of COVID we’ve been faced with all kinds of price increases and now inflation numbers are going up so these funds will help make this project viable and they are very important to us. I did mention we were working with SHIPO, the State Historic Preservation Office & Federal Parks Department on the historic preservation of the building. I will say it’s sandwiched between two beautiful buildings. The Guaranty building. One of the most famous buildings in Buffalo. We see tourists coming by all the time on tours looking at that building, and our building up abuts it directly and is sadly in need of historic preservation restoration and



that is what we are seeking to do. We think it's going to be a great benefit and asset to the historic district downtown, the tourism that it brings and things like that. We're really looking forward to really shining up that old building and making it look worthy of standing next to the one that it does. The other nice thing about our project is that it will help the economy down there. It's going to provide construction jobs immediately and beyond that it will provide opportunity for maintenance, housekeeping, repairs, and things like that which I personally have developed other properties and those jobs are important to people. A lot of them first-time business owners starting up. Companies that we contract with or directly hire. The project like I say is going to be vital to the neighborhood, community, the region in general. I think it will provide immediate construction jobs and opportunity for long-term employment with people. I think that's about everything.

**6. ADJOURNMENT:**

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 9:38 a.m.

**SIGN IN SHEET  
PUBLIC HEARING**

Tuesday, June 27, 2023, at 9:30 a.m.  
at the Agency's offices, at 95 Perry Street, Suite 403, Buffalo, NY 14203  
regarding:

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

Project Location: 132 Pearl Street, City of Buffalo, Erie County, New York

Name	Company and/or Address	X box to speak/ comment
John Daly	Trautman Associates 37 Franklin St., Suite 100 Buffalo, New York 14202	X
Mark Daly	Trautman Associates 37 Franklin St., Suite 100 Buffalo, New York 14202	
Carrie Hocieniec	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	



**Trautman Associates**

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

**Project Name** 130 Pearl

**Project Summary** Adaptive re-use of 21,000 sq ft former office building comprised of retail/residential rentals.

**Applicant Name** 130 Pearl LLC- John F. Daly

**Applicant Address** 37 Franklin St

**Applicant Address 2** Suite 100

**Applicant City** Buffalo

**Applicant State** New York

**Applicant Zip** 14202

**Phone** (716) 883-4400

**Fax**

**E-mail** jdaly@trautmanassociates.com

**Website** www.trautmanassoc.com

**NAICS Code** 541300

Business Organization

**Type of Business**  
Limited Liability Company

**Year Established**  
1956

**State**  
New York

**Indicate if your business is 51% or more (Check all boxes that apply)**  
 [No] Minority Owned  
 [No] Woman Owned

**Indicate Minority and/or Woman Owned Business Certification if applicable (Check all boxes that apply)**  
 [No] NYS Certified  
 [No] Erie Country Certified

Individual Completing Application

**Name** JOHN DALY  
**Title** Member  
**Address** 37 Franklin St  
**Address 2** Suite #100  
**City** Buffalo  
**State** New York  
**Zip** 14202  
**Phone** (716) 883-4400  
**Fax**  
**E-Mail** Jdaly@trautmanassociates.com

Company Contact- Authorized Signer for Applicant

**Contact is same as individual completing application** Yes  
**Name** JOHN DALY  
**Title** Member  
**Address** 37 Franklin St  
**Address 2** Suite 100  
**City** Buffalo  
**State** New York  
**Zip** 14202  
**Phone** (716) 883-4400  
**Fax**  
**E-Mail** Jdaly@trautmanassociates.com

Company Counsel

**Name of Attorney** JOSH RAMOS  
**Firm Name** RAMOS & RAMOS  
**Address** 37 FRANKLIN st  
**Address 2** Suite #1000  
**City** Buffalo  
**State** New York  
**Zip** 14202  
**Phone** (716) 810-6140  
**Fax**  
**E-Mail** joshua@ramosandramos.com

Benefits Requested (select all that apply).

**Exemption from Sales Tax** Yes  
**Exemption from Mortgage Tax** Yes

**Exemption from Real Property Tax** No

**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%.**

Trautman Associates provides professional architect and engineering services. The firm was founded in 1956 and has been located in Buffalo, NY since its founding. Client types include commercial, schools, residential, community, cultural, government, and municipal. 130 Pearl LLC, a single-purpose limited liability company owned by Trautman Holdings Inc., is 31.5% owned by John F. Daly and 29.6% owned by Robert Stelianou with the remaining 38.9% owned by six other Trautman associates with no greater than 8% ownership each.

**Estimated % of sales within Erie County** 75 %

**Estimated % of sales outside Erie County but within New York State** 25 %

**Estimated % of sales outside New York State but within the U.S.** 0 %

**Estimated % of sales outside the U.S.** 0 %

(\*Percentage to equal 100%)

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

100

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

Demolition, Abatement, Building Materials, Flooring, Windows, Mechanical, Electrical, Plumbing, Cabinetry, Countertops etc.

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

### Project Location

**Address of Proposed Project Facility**

130-132 Pearl

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

Buffalo

**School District of Project Site**

Buffalo Public Schools

**Current Address (if different)**

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

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

111.61-2-11

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

\$24,000

**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.)**

Existing building is vacant.

**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)**

Project Details Name: 130 Pearl Location: Buffalo, NY Amenities: 21,000 sq ft of residential and commercial/retail 130 Pearl The Underwood Building at 130 Pearl was constructed in 1916 and has served as a commercial building in Downtown Buffalo, NY since its inception. The Buffalo society architect, Henry Osgood Holland, was responsible for its design. Other noteworthy projects of his include Hutchinson Central Technical High School as well as Temple Beth-El. It was first listed on the National Register of Historic Places in 2002, when the National Park Service certified the Joseph Ellicott Historic District. The building sits adjacent to Louis Sullivan's Guaranty Building which was designated a national historic landmark in 1975. St. Paul's Episcopal Cathedral designed by Richard Upjohn, also a national historic landmark, sits across the street. Trautman Associates, an engineering and architecture firm, is planning to redevelop the 3-story historic building for mixed-use. Upon completion of the 21,000 square foot project, 130 Pearl will feature 18 apartments with a mix of one-bedroom, and two-bedroom units. Commercial/retail space will occupy the remaining 3,200 square feet. Two of our mid-sized one-bedroom units (over 500 sq ft) will be designated as workforce housing. The units will feature premium finishes, high ceilings, and in-unit laundry. The building's location in the historic district which continues to serve as the critical center of commercial and civil activity will make for a highly attractive location.

**Municipality or Municipalities of current operations**

City of 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?**

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**

**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:**

Project would be of lesser quality.

**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)**

We are requesting the agency's assistance with this project for a variety of factors. Principally, the cost to repair the significantly deteriorated historic façade. The building is clad in terra cotta and many components need to be repaired and replaced. In those instances, pieces will be custom fabricated by a local firm- Boston Valley Terra Cotta. The cost to do so is substantially higher when contrasted with a masonry façade, but we are committed to restoring this building to its original state. In addition, there is extensive asbestos abatement that needs to be undertaken. Lastly, the dramatic rise in interest rates has increased our borrowing costs and therefore we need to seek savings wherever possible.

**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?**

We will not be able to complete the project and we would have to reevaluate the building moving forward.

**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)**

Metro Rail: Seneca Station Bus Lines: #5- Niagara, #15- Seneca, #8- Main

**Has your local municipality and/or its planning board made a determination regarding the State Environmental Quality Review (SEQR) for your project?**

Yes

**If YES indicate in the box below the date the SEQR determination was made. Also, please provide us with a copy of the approval resolution and the related Environmental Assessment Form (EAF) if applicable.**

**If NO indicate in the box below the date you anticipate receiving a SEQR determination for your project. Also, please insure that the ECIDA has been listed as an "involved agency" on the related EAF submitted to the appropriate municipality and/or planning department.**

Not applicable

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

Yes

**Describe the present zoning/land use**

commercial- office

**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?**

No

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** Yes **Services** Yes

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)**   **Yes Commercial**   **No Equipment Purchase**
- No Facility for the Aging**   **No Industrial**   **No Life Care Facility (CCRC)**
- Yes Market Rate Housing**   **Yes Mixed Use**   **Yes Multi-Tenant**
- Yes Retail**   **No 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>	0 square feet	\$ 0	0%
<b>Warehouse</b>	0 square feet	\$ 0	0%
<b>Research &amp; Development</b>	0 square feet	\$ 0	0%
<b>Commercial</b>	0 square feet	\$ 0	0%
<b>Retail</b>	3,195 square feet	\$ 155,000	5%
<b>Office</b>	0 square feet	\$ 0	0%
<b>Specify Other</b>	18,105 square feet	\$ 2,945,000	95%

**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**  
8/1/2023

**End date : Estimated completion date of project**  
8/1/2024

**Project occupancy : estimated starting date of occupancy**  
9/1/2024

Capital Project Plan / Budget

**Estimated costs in connection with Project**

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

\$ 660,000 21,300 square feet acres

**2.) New Building Construction**

\$ 0 square feet

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

\$ 0 square feet

**4.) Reconstruction/Renovation**

\$ 3,100,000 21,300 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.)**

\$ 1,389,050

**9.) Other Cost**

\$ 327,997

**Explain Other Costs**

**Total Cost** \$ 5,477,047

Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 3,100,000 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 1,500,000
<b>% sourced in Erie County</b>	95%

Sales and Use Tax:

**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** \$ 1,500,000

**Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):** \$ 131,250

\*\* 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:** Building purchased

Sources of Funds for Project Costs:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$ 1,090,000
<b>Bank Financing:</b>	\$ 2,900,000
<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>	\$ 1,387,896
<b>Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)</b>	Federal Historic Tax Credits-\$925,264 State Historic tax Credits-\$925,264 Anticipate 75% final proceeds from tax credit investor
<b>Total Sources of Funds for Project Costs:</b>	\$5,377,896
<b>Have you secured financing for the project?</b>	No

Mortgage Recording Tax Exemption Benefit:

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

<b>Mortgage Amount (include sum total of construction/permanent/bridge financing).</b>	3,000,000
<b>Lender Name, if Known</b>	
<b>Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):</b>	\$22,500

Real Property Tax Benefit:

<b>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):</b>	485a or 444a
---	--------------

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.

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

Yes

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

No

**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).

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

Salary and Fringe Benefits for Jobs to be Retained and Created

Job Categories	# of Full Time Employees retained and created	Average Salary for Full Time	Average Fringe Benefits for Full Time	# of Part Time Employees retained and created	Average Salary for Part Time	Average Fringe Benefits for Part Time
Management	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Administrative	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Production	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	2	\$ 25,000	\$ 0
<b>Total</b>	0			2		

\*\* 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	Full time	Part time	Total
1585 Hertel Ave Buffalo, NY 14214	0	2	2
	0	0	0
	0	0	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

25,000

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

0

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

0

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

0

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

25,000

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

<b>From (Full Time)</b>	0	<b>To (Full Time)</b>	0
<b>From (Part Time)</b>	25,000	<b>To (Part Time)</b>	25,000

**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**

130-132 Pearl St Buffalo, NY 14202

**Name and Address of Owner of Premises**

130 Pearl LLC 37 Franklin St Suite 100 Buffalo, NY 14202

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

N/A

**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**

Building erected in 1920

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

office/commercial

**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**

Not applicable

**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**

Not applicable

**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**

**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?**

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**

robust residential rental market

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

No

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

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

Yes

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

**What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project?**

5 %

If the answer to this is **less than 33%** do not complete the remainder of the page, proceed to the next section.

If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

**Will the project be operated by a not-for-profit corporation?**

<BLANK>

**Is the project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located?**

<BLANK>

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

**Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality? Are services provided at the proposed project site needed because of a lack of reasonably accessible retail trade facilities offering such goods or services?**

<BLANK>

If yes, please provide a market analysis supporting your response.

**Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in the State of New York?**

<BLANK>

**If yes, explain**

**Is the project located in a Highly Distressed Area?**

<BLANK>

### 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?**

Yes

**What is the age of the structure (in years)?** 103

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

Yes

**If vacant, number of years vacant.**

3

**If underutilized, number of years underutilized.**

0

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

**Is the structure currently generating insignificant income? (Insignificant income is defined as income that is 50% or less than the market rate income average for that property class)**

No

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

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

	Number of Units	Sq. Ft. Range Low to High	Rent Range Low to High
<b>1 Bedroom</b>	14	426- 696	\$1,105- \$1,675
<b>2 Bedroom</b>	4	863- 1,056	\$2,025- \$2,475
<b>3 Bedroom</b>	0	-	\$- \$
<b>Other</b>		-	\$- \$

**Does the site have historical significance?**

Yes

**If yes, please indicate historical designation**

The building was listed on the National Register of Historic Places in 2002 when the National Park Service certified the Joseph Ellicott Historic District.

**Are you applying for either State/Federal Historical Tax Credit Programs?**

Yes

**If yes, provide estimated value of tax credits**

1,850,529

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

This project faces a dramatic rise in construction financing costs as well as reduced borrowing capacity. As a consequence, our equity contribution will be close to thirty percent. As noted previously, facade restoration and remediation are adding significant costs.

**Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide ECIDA with documentation of this support in the form of signed letters from these entities**

**Indicate other factors that you would like the Agency to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, structure presents significant costs associated with building code compliance**

As stated in previous note, facade restoration and asbestos abatement contribute to significantly higher rehab costs.

**Indicate census tract of project location**

165

**Indicate how project will eliminate slum and blight**

The properties on either side have both been fully restored (Cathedral Commons and Guaranty Building). Consequently, this building stands out as an eyesore.

**If project will be constructed to LEED standards indicate renewable resources utilized**

### 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**

130 PEARL ST

**City/Town**

BUFALO

**State**

New York

**Zip Code**

14202

**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.)**

**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?**

**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

**Section X: Tax Exempt Bonds**

In order to receive the benefits of a tax-exempt interest rate bond, private borrowers and their projects must be eligible under one of the federally recognized private active bond categories (Fed Internal Rev Code IRC sections 142-144, and 1394).

**Are you applying for tax exempt bonds / refinancing of bonds related to a residential rental facility project?**

No