



# Policy Committee

March 7, 2024  
At 9:00 a.m.

## New Location

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 February 1, 2024 Policy Committee Meeting Minutes (Pages 2-3)
3. Project Presentation (Staff – Company Q&A)
  - a) SL Evans (Pages 4-41)
  - b) 1016 East Delavan, LLC/BPS Commissary - Amendatory Inducement (Pages 42-72)
4. Adaptive Resue Discussion
  - a) Housing Background Discussion
5. Adjournment - Next Meeting April 4, 2024 at 9:00 a.m.

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

**DATE AND PLACE:** February 1, 2024 at 701 Ellicott Street, Center of Excellence in Bioinformatics and Life Sciences (CBLIS) - The Event Space/Conference Room B1-306, located on the 1st Floor, Buffalo, New York 14203

**PRESENT:** Denise Abbott, A.J. Baynes, Rev. Mark Blue, Zachary Evans, Brenda W. McDuffie, Hon. Glenn Nellis, Laura Smith, David J. State, Lavon Stephens and Paul Vukelic

**EXCUSED:** Hon. April Baskin, Hon. Byron W. Brown, Richard Lipsitz, Dr. Susan McCartney and Hon. John Tobia

**OTHERS PRESENT:** John Cappellino, President & CEO; Beth O’Keefe, Vice President of Operations; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant/Assistant Secretary; Robbie Ann McPherson, Director of Marketing & Communications; Laurie Hendrix, Administrative Coordinator and Rachel C. Baranello Esq., General Counsel/Harris Beach PLLC

**GUESTS:** Nicholas Fiume on behalf of D’Youville College, Alex Carducci on behalf of the City of Buffalo and Josh Veronica on behalf of Buffalo Niagara Partnership

There being a quorum present at 9:05 a.m., the Meeting of the Policy Committee was called to order by Ms. McDuffie.

**MINUTES**

The minutes of the December 14, 2023, Policy Committee meeting were presented. Mr. Cappellino asked to modify the minutes to reflect the correct spelling of Mr. Baynes. Upon motion made by Ms. Abbott to approve of the minutes noting the correction, and seconded by Mr. Evans, the Policy Committee meeting minutes were unanimously approved.

Mr. Cappellino introduced Rachel Baranello from Harris Beach.

At this point in time, Mr. Nellis joined the meeting

**PROJECT MATRIX**

Mr. Cappellino reviewed the Agency’s Project Matrix. Ms. McDuffie directed that the report be received and filed.

**5-YEAR TAX INCENTIVE PROJECT/5-YEAR ADAPTIVE RE-USE PROJECT REPORT**

Mr. Cappellino reviewed the Agency’s Project Incentive Reports. Ms. McDuffie directed that the report be received and filed.

At this point in time, Rev. Blue joined the meeting

**PROJECT PRESENTATION**

D'Youville University, 320 Port Avenue, Buffalo, New York 14201. Mr. Cappellino stated this is a little bit unique; we typically don't see exactly this type of transaction generally. IDA's can do a number of things. We issue bonds, and we can do that through the ILDC. This one is going through the ILDC and we also do PILOT and sales tax which are the typical tools that we provide. On the bond side of things, we can issue Tax Exempt Bonds and sometimes there is a taxable tail on it that there might be certain costs of a project that are not allowed to be financed with Tax Exempt Bonds so they may be a taxable piece of it that may cover some of the soft costs. This one is a little bit different, and Ms. O'Keefe will talk about it. This is a fully taxable bond and for the uses it's a little bit of a unique application.

Ms. O'Keefe provided a brief history of D'Youville University (the "University") followed by a description of the project before the committee that supports an expansion of advanced health education programs, including a doctoral program in osteopathic medicine on the existing University campus. The initial enrollment in summer 2025 is expected to be 90 students and will grow to 720 students. The cost of this initial phase of the project is expected to be \$54 M of which \$10 M will be equity financing and the remaining \$44 M in the form of a taxable bond. This \$44 M taxable bond will cover startup costs to establish the osteopathic medicine program which excludes facility funding.

ILDC participation in allowing the issuance of taxable bonds provides access to the capital markets and third party investors. If the bond placement agent determines that a mortgage is necessary, the ILDC mortgage recording tax exemption will result in significant cost savings to this project. The mortgage recording tax benefit could be up to \$440,000. The project will result in the creation of 50 FT jobs at the University.

Mr. Fiume further described this project and future phases planned for the full implementation of the osteopathic program at the University.

General discussion ensued regarding the project.

Mr. Baynes moved and Mr. Vukelic seconded to recommend the project, as proposed, be forwarded to the members of the ILDC for approval. Ms. McDuffie called for the vote and the project was then recommended to the Board for approval.

#### **ADAPTIVE REUSE DISCUSSION**

Mr. Cappellino presented a PowerPoint and discussed the types of housing eligible for ECIDA benefits, Adaptive Reuse Policy Housing Goals.

General discussion ensued.

There being no further business to discuss, Ms. McDuffie adjourned the meeting at 10:28 a.m.

Dated: February 1, 2024

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Carrie A. Hocienec, Assistant Secretary

**SL Evans, LLC / Solar Liberty Energy Systems, Inc**  
**\$ 20,769,000**  
**PRIVATE INVESTMENT INDUCEMENT RESOLUTION**

**ELIGIBILITY**

- NAICS Section – 221114

**COMPANY INCENTIVES**

- Property tax savings = \$3.62 M (based upon NYS Appraisal for solar & wind: 2023 cash flow model)
- Up to \$ 525,000 in sales tax savings

**JOBS & ANNUAL PAYROLL**

- Current Jobs: 0
- Projected new jobs: 0
- Projected new job salary: \$0
- Construction Jobs: 90

**PROJECTED COMMUNITY BENEFITS\***

- Term: 20 YEARS
  - NET Community Benefits: \$14,632,021
  - Spillover Jobs: 79
- Total Payroll: \$12,845,937

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

Incentives: \$3,451,547  
 Community Benefit: \$14,435,867  
 Cost: Benefit Ratio  
 • 1:4

Project Title: SL Evans  
 Project Address: 7612 & 7690 Southwestern Blvd. Evans, NY 14057  
 (Eden Central School District)

**Agency Request**

A sales tax and real property tax abatement in connection with a large-scale community solar project that aims to generate 8.25 MW of solar energy. The project will utilize approx. 22,300 solar modules and 66 string inverters which convert the sun's energy into useable AC power.

Manufacturing Equipment	\$ 11,444,004
Infrastructure	\$ 1,880,000
Non- Manufacturing Equipment	\$ 6,572,746
Soft Costs	\$ 124,750
Other Costs	\$ 747,500
<b>Total Project Cost</b>	<b>\$ 20,769,000</b>

85% \$ 17,653,650

**Company Description**

Solar Liberty Energy Systems, Inc is 100% owner of SL Evans, LLC. There is an intent to sell SL Evans, LLC to Catalyze Holdings or one of its affiliates.

**Project Description**

In support of New York State's 2030 Renewable Energy goals, the Town of Evans contacted the ECIDA to initiate a PILOT in accordance with the terms negotiated between the applicant SL Evans, LLC and the affected taxing jurisdictions: County, Town and School District.

The project consists of the ground mounted installation of 2 solar arrays producing a combined 8.25 MW of AC power that will be located on approximately 33 acres of undeveloped land. This land is located within the Town's Solar Overlay District on Southwestern Blvd. A Host Community Agreement has been reached valued at \$451,032 (\$2,250 /MWac per year with a 2% escalator for a 20 year term). A decommissioning bond was executed on Jan 5, 2024 by SL Evans, LLC and the Town of Evans.

\* 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	\$3,713,447
	Sales	\$ 525,000
	Mortgage Recording	0
	Total	\$4,238,447
	Discounted at 2%	\$3,451,547

### Benefit: Projected Community Benefit\*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	\$12,845,937
			Payroll Permanent	\$ 0
		Public	Property Taxes	\$ 1,011,313
			Sales Taxes	\$ 106,782
			Other Muni Revenue (NFTA)	\$ 0
	New York State	Public	Income Taxes	\$ 578,067
			Sales Taxes	\$ 89,922
			Total Benefits to EC + NYS***	\$14,632,021
			Discounted at 2%	\$14,435,867

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

Discounted Cost           \$ 3,451,547  
 Discounted Benefit       \$14,435,867  
 Ratio                         1:4

**Conclusion:** The Cost Benefit for this project is: 4:1. For every \$1 in costs (incentives), this project provides \$4 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$4 in benefits to the community.**

### New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value <sup>1</sup>	Additional County Revenue over abatement period	Additional Town Revenue Over abatement period	Additional School Revenue over abatement period.	New Yearly Taxes Upon Expiration of Abatement Period <sup>2</sup>
\$4,559	\$ 5,902,079	\$174,712	\$292,255	\$635,537	\$4,559
Combined Tax Rate: \$ 40.026					

<sup>1</sup> Assessed Value of property is based upon NYS Appraisal methodology for solar & wind project – 2023 cash flow approach. The figure above shows the combined increase in property value for the 2 solar arrays (Evans 1 and Evans 2).

<sup>2</sup> Reflects property taxes on land only assuming decommissioning of solar project post 20 year term.

### 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 = \$ 20,769,000 85% = \$ 17,653,650
Employment	Coincides with 20-year PILOT	No employment to be created as part of this project.
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 20-year PILOT	Adherence to Policy
Unpaid Tax	Coincides with 20-year PILOT	Adherence to Policy
<u>Recapture Period</u>	Coincides with 20-year PILOT	Recapture of Real Property Tax, state and local sales taxes

Recapture applies to:

State and Local Sales Taxes  
Real Property 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 0 FTE jobs and created 1 PTE job, 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

- 2/5/24: Public hearing held.
- 3/27/24: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 3/27/24: Lease/Leaseback Inducement Resolution presented to the Board of Directors

## EVALUATIVE CRITERIA: ENERGY PRODUCTION

### SL Evans

Evaluative Criteria	Notes
Wage Rates (above median wage for area)	There are no permanent FT or PT workers for the Solar project. Seasonal activities for mowing / other maintenance will be onsite as/when required.
In Region Purchases (% of overall purchases, local construction jobs/supplies)	5% of purchases will be made locally.
Advances Renewable Energy Production/Transmission Goals	<p>SL Evans is a large-scale community solar project that will generate approximately 8.25MW of clean, reliable solar energy when completed.</p> <p>The project will utilize approximately 22,308 solar modules and 66 string inverters which convert the sun's energy into usable AC power. The modules will be mounted on steel racking, which will be anchored to the ground using driven piles.</p>
Provides Capacity or Transmission to Meet Local Demand or Shortage	The project will interconnect to National Grid's existing electrical distribution system. The power generated by the facility will be sold to consumers to directly offset their energy usage with local solar power while saving money on their electric bills.
MBE/WBE Utilization	<p>Client response: In line with our commitment to diversity and inclusion, we also want to emphasize our dedication to utilizing Minority and Women-Owned Business Enterprises (MWBE) where possible. We understand the importance of supporting these firms, recognizing the value they bring in fostering a diverse and inclusive local economy.</p> <p>While the specialized nature of solar requires us to use specialized labor firms, we are fully committed to using MWBE firms on the project when possible. By doing so, we aim to ensure that the benefits of our development extend across a broad spectrum of the community, aligning with our overarching goals of inclusivity and equal opportunity in the renewable energy sector.</p>

DATE OF INDUCEMENT: March 27, 2024

**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-SL Evans, LLC**

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA* cash flow basis	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
N/A	\$5,902,079	6.342939	10.609948	23.073214

\*Apply equalization rate to value

PILOT Year	County PILOT Amount	Town PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	\$7,191	\$12,028	\$26,157	\$45,375	\$236,237	\$190,862
2	\$7,334	\$12,268	\$26,680	\$46,283	\$236,237	\$189,955
3	\$7,481	\$12,514	\$27,213	\$47,208	\$236,237	\$189,029
4	\$7,631	\$12,764	\$27,758	\$48,152	\$236,237	\$188,085
5	\$7,783	\$13,019	\$28,313	\$49,115	\$236,237	\$187,122
6	\$7,939	\$13,280	\$28,879	\$50,098	\$236,237	\$186,140
7	\$8,098	\$13,545	\$29,457	\$51,100	\$236,237	\$185,138
8	\$8,260	\$13,816	\$30,046	\$52,122	\$236,237	\$184,116
9	\$8,425	\$14,092	\$30,647	\$53,164	\$236,237	\$183,073
10	\$8,593	\$14,374	\$31,260	\$54,227	\$236,237	\$182,010
11	\$8,765	\$14,662	\$31,885	\$55,312	\$236,237	\$180,925
12	\$8,941	\$14,955	\$32,522	\$56,418	\$236,237	\$179,819
13	\$9,119	\$15,254	\$33,173	\$57,546	\$236,237	\$178,691
14	\$9,302	\$15,559	\$33,836	\$58,697	\$236,237	\$177,540
15	\$9,488	\$15,870	\$34,513	\$59,871	\$236,237	\$176,366
16	\$9,678	\$16,188	\$35,203	\$61,069	\$236,237	\$175,168
17	\$9,871	\$16,512	\$35,907	\$62,290	\$236,237	\$173,947
18	\$10,069	\$16,842	\$36,626	\$63,536	\$236,237	\$172,701
19	\$10,270	\$17,179	\$37,358	\$64,807	\$236,237	\$171,431
20	\$10,475	\$17,522	\$38,105	\$66,103	\$236,237	\$170,134
<b>TOTAL</b>	<b>\$174,712</b>	<b>\$292,244</b>	<b>\$635,537</b>	<b>\$1,102,493</b>	<b>\$4,724,744</b>	<b>\$3,622,251</b>

**\*\*\* Estimates provided are based upon Amounts negotiated by the Affected Taxing Jurisdictions. Assessment = \$5,500/MW x 8.25 MW + 2% annual escalator. Above figures do not include the Host Community Agreement valued at \$ 451,032 for the 20 year PILOT period.**

**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
\$20,769,000	\$3,622,251	\$525,000	N/A	

**Note: special district taxes are not subject to PILOT abatement Calculate % = Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 20%**



# Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$3,713,447	\$2,926,547
Sales Tax Exemption	\$525,000	\$525,000
Local Sales Tax Exemption	\$285,000	\$285,000
State Sales Tax Exemption	\$240,000	\$240,000
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
<b>Total Costs</b>	<b>\$4,238,447</b>	<b>\$3,451,547</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$13,964,032</b>	<b>\$13,767,878</b>
<b>To Private Individuals</b>	<b>\$12,845,937</b>	<b>\$12,845,937</b>
Temporary Payroll	\$12,845,937	\$12,845,937
Ongoing Payroll	\$0	\$0
Other Payments to Private Individuals	\$0	\$0
<b>To the Public</b>	<b>\$1,118,095</b>	<b>\$921,941</b>
Increase in Property Tax Revenue	\$1,011,313	\$815,160
Temporary Jobs - Sales Tax Revenue	\$106,782	\$106,782
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
Other Local Municipal Revenue	\$0	\$0
<b>State Benefits</b>	<b>\$667,989</b>	<b>\$667,989</b>
<b>To the Public</b>	<b>\$667,989</b>	<b>\$667,989</b>
Temporary Income Tax Revenue	\$578,067	\$578,067
Ongoing Income Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$89,922	\$89,922
Ongoing Jobs - Sales Tax Revenue	\$0	\$0
<b>Total Benefits to State &amp; Region</b>	<b>\$14,632,021</b>	<b>\$14,435,867</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$13,767,878	\$3,211,547	4:1
State	\$667,989	\$240,000	3:1
<b>Grand Total</b>	<b>\$14,435,867</b>	<b>\$3,451,547</b>	<b>4:1</b>

\*Discounted at 2%

### Additional Comments from IDA

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

Erie County Industrial Development Agency  
**MRB Cost Benefit Calculator**



Date: February 26, 2024  
 Project Title: SL Evans, LLC  
 Project Location: 7612 & 7690 Southwestern Blvd., Evans, NY 14057

## Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

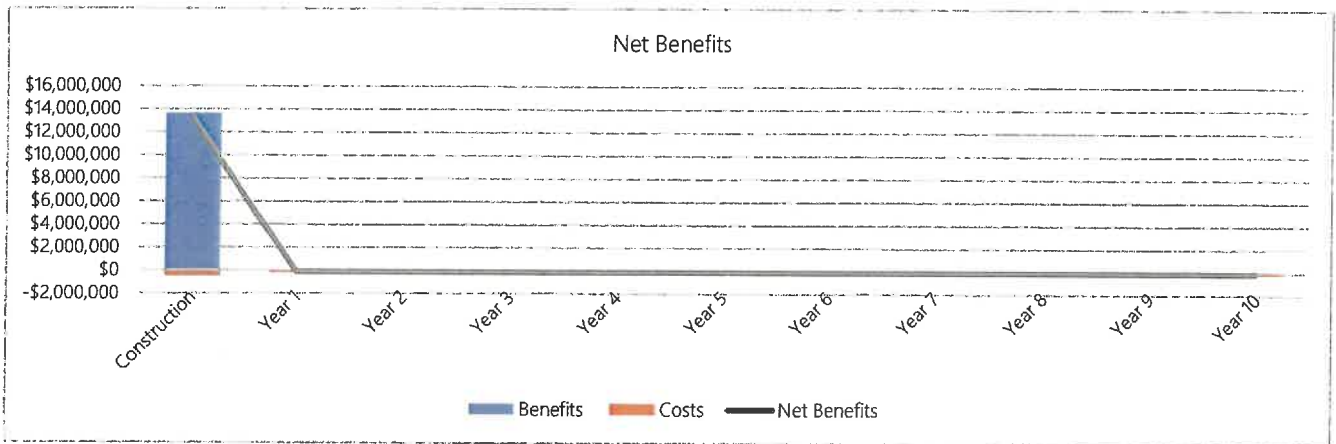
Project Total Investment  
 \$20,769,000

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	90	79	169
Earnings	\$8,322,138	\$4,523,799	\$12,845,937
Local Spend	\$19,938,240	\$14,024,944	\$33,963,184

	Ongoing (Operations) Aggregate over life of the PILOT		
	Direct	Indirect	Total
Jobs	0	0	0
Earnings	\$0	\$0	\$0

Figure 1



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

Figure 2

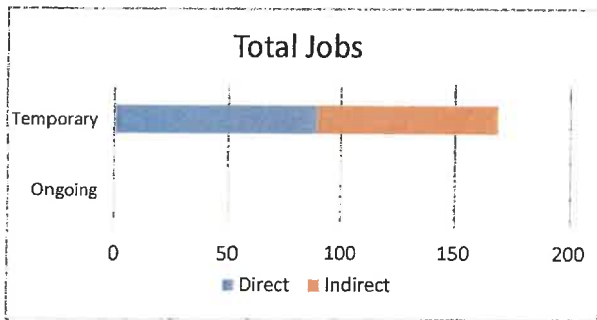
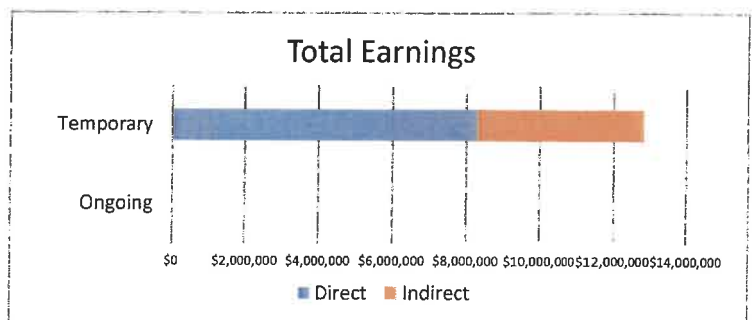


Figure 3



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

January 19, 2023

Mr. Grant Lesswing  
Director of Business Development  
Erie County Industrial Development Agency  
95 Perry Street, Suite 403  
Buffalo, NY 14203

RE: Request for Waiver – SL Evans

Dear Mr. Lesswing:

Solar Liberty, in partnership with SL Evans and Catalyze, LLC, is respectfully requesting a labor waiver from the Erie County Industrial Development Agency (ECIDA) for the post pounding aspect of our solar racking installation.

This specific task requires the use of a specialized GRT post pounding machine, a highly specialized machine in the solar industry. The manufacturer of this equipment, TerraSmart, mandates that operators of the GRT machine be certified by them to ensure the highest standards of safety and quality with the post pounding. Currently, there are no local subcontractors that we are aware of within Erie County or the adjoining counties that hold these necessary manufacturer's certifications.

While we deeply value local workforce participation and are committed to supporting the local economy, this unique requirement compels us to seek specialized labor from outside the region for this particular phase of the project.

SL Evans, Catalyze, and Solar Liberty are dedicated to providing our good faith efforts to fulfilling the 90% labor force requirement on the remaining aspects of the project, reaffirming our commitment to local employment and community engagement.

Very truly yours,

  
Adam K. Rizzo, President



Attention: Solar Liberty

Regarding the Evans, NY project. I am confirming that Terrasmart works closely with its partners to ensure proper training and certification of all GRT operators.

Thank you,

A handwritten signature in black ink, appearing to read 'Chris Lantz', is written over a light gray background.

**Chris Lantz**  
Director, Precontract  
Terrasmart, a Gibraltar Company

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E: [clantz@terrasmart.com](mailto:clantz@terrasmart.com)  
M: 513-560-8107  
W: [Terrasmart.com](http://Terrasmart.com)

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**LOCAL LABOR  
VERIFIED EXEMPTION REQUEST**

\*Applicant Name: SL Evans, LLC

Contact: Matt Effler, VP Project Development for Catalyze Holdings, LLC

Phone (B): 914-275-2831

Phone (cell): 914.275.2831

Fax: \_\_\_\_\_

e-mail: Matt.Effler@catalyze.com

**Local Labor Defined**

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

**Local Labor Requirement**

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

It is understood that at certain times, Workers residing within the Local Labor Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Labor Requirement (the "Local Labor Waiver Request") based on the following circumstances: (i) warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers; (ii) specialized construction for which qualified Local Labor Area Workers are not available; or (iii) documented lack of Workers meeting the Local Labor Area requirement. The Agency shall evaluate the Local Labor Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.

**Pursuant to the Local Labor Policy below are provisions outlining the categories of exemption.**

**REASON FOR REQUEST: (Attach additional sheets if necessary)**

**See Below and Attached.**

**Specialized Construction and local contractor exemption being requested.**

**SL Evans, LLC is hiring Solar Liberty Energy Systems, Inc. as the project developer and prime contractor to build the SL Evans' solar project. Solar Liberty is headquartered in Buffalo, New York, County of Erie. Solar Liberty and its subcontractors will be building the solar racking system by first pounding posts into the ground using a specialized GRT post pounding machine.**

**The manufacturer of the solar racking solution, TerraSmart, requires that the operators and installers of the post pounding machine be certified with TerraSmart for construction purposes as explained in the attached confirmation letters. To the best of our knowledge, there are currently no Local Labor subcontractors within Erie County or the adjoining counties that hold these necessary manufacturer's certifications to complete the post pounding portion for the work. A good faith effort will be used to complete the remaining portions of the racking and full solar system installation.**

\*Applicant Signature: \_\_\_\_\_

Date: February 2, 2024\_

Number of Workers Needing Verified Exemption (s): Estimated 10 workers

Total number of workers on job site: Estimated 60 workers

Send Completed Form to:

ECIDA - Attn: Soma Hawramee, Compliance Portfolio Manager  
95 Perry Street, Suite 403  
Buffalo, New York 14203

\*only applicants may submit verified exemption requests



# Diversity, Equity and Inclusion Questionnaire

## 1. MWBE Contractors - Construction

The ECIDA encourages applicants to utilize MWBE contractors and suppliers for their projects and when feasible, to set a goal for MWBE participation during the construction period of the project. Below are links to the NYS and Erie County certified MWBE lists, including contractors, that can assist you with your utilization goals:

- New York State MWBE Certified List: <https://ny.newnycontracts.com/>
- Erie County MWBE Certified List: <https://www3.erie.gov/eo/mbe-wbe-resource-list>

Please provide detailed information regarding your company's plan to utilize MWBE contractors and suppliers for your project. Please include your project's MWBE utilization goals, what process and resources you plan to use or have utilized in the past to find and hire MWBEs, a list of the specific MWBE firms used on previous projects and/or firms you plan to use on the current project, and any history the company has of setting and meeting MWBE goals on past projects. The company may also include details with respect to the foregoing related to any MWBE policy and utilization goals that its general contractor has committed to implementing for the project.

In line with our commitment to diversity and inclusion, we also want to emphasize our dedication to utilizing Minority and Women-Owned Business Enterprises (MWBE) where possible. We understand the importance of supporting these firms, recognizing the value they bring in fostering a diverse and inclusive local economy. While the specialized nature of solar requires us to use specialized labor firms, we are fully committed to using MWBE firms on the project when possible. By doing so, we aim to ensure that the benefits of our development extend across a broad spectrum of the community, aligning with our overarching goals of inclusivity and equal opportunity in the renewable energy sector.

## 2. Minority & Women Employment - Current Workforce & Hiring Practices

The ECIDA encourages the hiring of a diverse workforce, especially for jobs created and retained as part of an ECIDA induced project. Below are some links to sites and organizations that will be helpful in achieving a diverse workforce:

- Northland Workforce Training Center: <https://northlandwtc.org/employers/>

- Workforce Buffalo: <https://www.workforcebuffalo.org/business-services/employer-services>
- New York State Job Bank: <https://myjobsny.usnlx.com/>
- Local Minority Newspapers: <https://www3.erie.gov/eo/minority-newspaper>

Please provide detailed information regarding your company's current workforce and hiring practices as it relates to minority and women employees, including, if applicable, the company's Diversity, Equity and Inclusion plan and goals, any strategic partnerships the company has with educational and/or workforce development entities, and company strategies regarding outreach to minorities and women with the dissemination of job openings to the public:

SL Evans, LLC will not have any employees or hiring practices, but our affiliated company Catalyze Holdings, LLC is committed to equal employment opportunity and value the unique contributions that you can bring in terms of your education, opinions, culture, ethnicity, race, sex, gender identity and expression, nation of origin, age, languages spoken, veteran's status, color, religion, disability, sexual orientation, and beliefs. Catalyze Holdings, LLC employees will work on the development, construction, operations, and maintenance of this solar project.

### **3. Economic Inclusion Program**

The ECIDA's Economic Inclusion Program (EIP) is a voluntary "opt in" program providing an enhanced real property tax abatement to applicants who commit to implementing and meeting MWBE utilization and minority and women employment goals. The mission of the EIP is to enhance the beneficial public impact of projects receiving ECIDA assistance and to further the ECIDA's goal of advancing opportunities for MWBE businesses and minorities and women, in general, in the Erie County workforce. Please note, for a company to be considered an MWBE under the EIP it must be certified as an MWBE by New York State or Erie County.

Under the EIP, the standard ECIDA PILOT Agreement real property tax abatement schedules are enhanced by extending both the term and abatement percentages of the PILOT Agreement.

Please note the EIP is a *voluntary opt-in program* providing enhanced incentives in exchange for meeting MWBE utilization and minority and women employment goals. The applicant shall not engage in any unlawful discrimination against any employee or applicant by reason of race, creed, religion, color, age, disability, national origin, sex, gender, or any other characteristic protected by law, including, but not limited to, Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in



Employment Act, the Genetic Information Nondiscrimination Act, the New York State Human Rights Law, and any other similar laws, rules, or regulations. Applicants may bypass the EIP while still pursuing the ECIDA's standard PILOT Agreement.

Please check the box indicating that you have read the Economic Inclusion Program summary above and the attached FAQ document that can be found at the end of the questionnaire.

Please check the box if you are interested in tentatively opting into the Economic Inclusion Program (nonbinding) and would like further, detailed information on the program and process from your ECIDA business development officer.

# Economic Inclusion Program



**Q: What is the ECIDA Economic Inclusion Program?**

**A:** The Economic Inclusion Program, or EIP, is an opt-in, enhanced PILOT (payment in lieu of taxes) benefit for applicants who agree to meet MWBE utilization goals. The program is designed to encourage more opportunities for minority and women-owned businesses to participate in projects incentivized by the ECIDA.

**Q: Who is eligible to apply for the EIP?**

**A:** Applicants whose projects qualify for the standard ECIDA PILOT benefits are eligible to opt-in to the EIP enhanced PILOT benefit.

**Q: How does the EIP benefit work?**

**A:** At the time of filing a completed standard PILOT application, ECIDA incentive applicants may choose to opt-in to the EIP enhanced PILOT benefit. They must agree to MWBE utilization goals during construction and post-construction periods. If the applicant meets those goals, which are monitored by the ECIDA, the applicant will receive the enhanced PILOT benefits: up to 25% more savings over the standard PILOT, and up to 2 years added to the standard PILOT term.

**Q: What are the EIP MWBE utilization goals?**

**A:** Applicants must submit an MWBE Utilization Plan to the ECIDA prior to construction, and agree to a minimum 30% MWBE utilization rate (25% MBE, 5% WBE) for construction contracts and purchases. Post-construction, applicants must maintain a 30% MWBE (minimum 20% minority of the total 30% MWBE) job creation and/or job retention rate during the term of the EIP PILOT.

**Q: What if the applicant does not currently have an MWBE utilization policy?**

**A:** The ECIDA Business Development Team can provide resources for applicants to help them develop MWBE utilization policies. Applicants will receive technical support in ECIDA compliance reporting under the EIP enhanced PILOT program.

**Q: What if the applicant does not meet their MWBE goals?**

**A:** The applicant will have an opportunity to present their compliance efforts to the ECIDA Board of Directors. If the Board finds that compliance efforts were not sufficient, the applicant's EIP PILOT benefit will revert to the standard PILOT schedule (see Table on p. 2).

## *QuickFacts*

- EIP is an opt-in, enhanced PILOT benefit for applicants who agree to meet 30% MWBE utilization goals (minimum 25% MBE/5% WBE for construction contracts, and at least 20% MBE/10% WBE post-construction job creation and/or job retention).
- Qualified applicants approved for enhanced EIP PILOT may receive:
  - ◆ up to 25% additional abatement over standard PILOT
  - ◆ two years added to standard five, seven and 10-year PILOT terms
- Applicant must opt-in to the Economic Inclusion Program enhanced benefit at time of initial application filing.
- Projects are subject to compliance monitoring and ECIDA policies.
- Compliance applies to construction and full post-construction PILOT Term period.

For more details, call  
(716) 856-6525 ext. 128  
to speak with an experienced  
Business Development Officer

[www.ecidany.com](http://www.ecidany.com)



95 Perry Street, Suite 403  
Buffalo, NY 14203

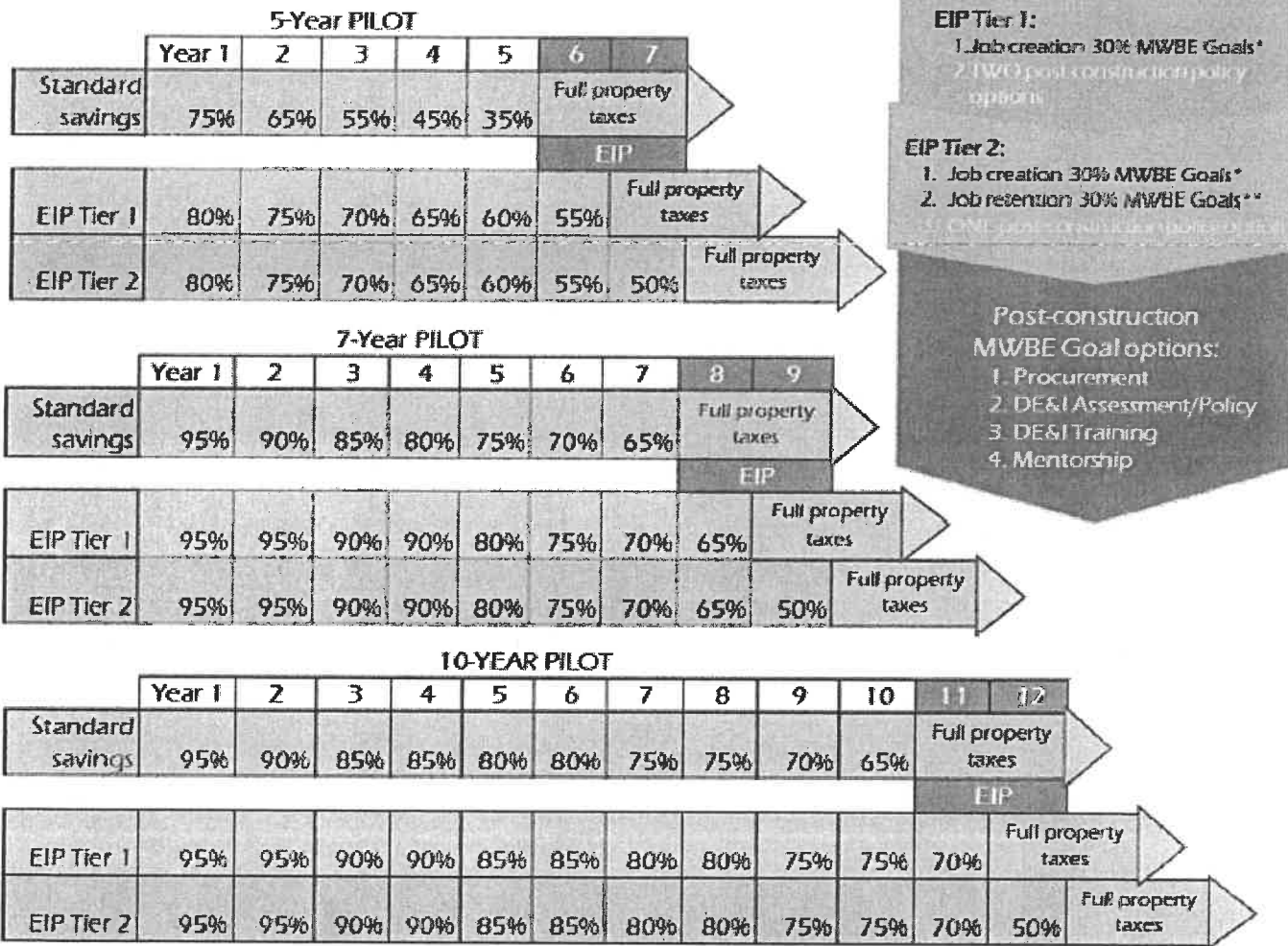
Phone: 716-856-6525  
Fax: 716-856-6754

How can we help you meet your business expansion goals?

# Economic Inclusion Program

**Q. How does the EIP PILOT differ from the standard ECIDA PILOT?**

**A. If agreed-upon EIP 30% MWBE\* goals are met, the applicant will receive enhanced PILOT benefits, up to 25% more savings and an additional two years over the standard PILOT (see charts below).**



\*MWBE goals: minimum 30% MWBE utilization rate (25% MBE, 5% WBE) during construction

\*\*Minimum 30% MWBE (20% MBE, 10% WBE) post-construction job creation/job retention goals during the term of the EIP PILOT

**Q. What is the EIP Compliance Reporting process before, during and after construction?**

**A. Applicants must submit an MWBE Utilization Plan prior to construction; regular compliance reporting to the ECIDA during construction; and regular post-construction compliance reporting on Tier 1 or Tier 2 EIP policy requirements during full PILOT term.**

For details, call (716) 856-6525 ext. 128 to speak with an experienced Business Development Officer

[www.ecidany.com](http://www.ecidany.com)

How can we help you meet your business expansion goals?

## PUBLIC HEARING SCRIPT

**SL Evans, 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 February 5, 2025 at 9:00 a.m.,  
at the Town of Evans Town Hall, Conference Room, located at 8787 Erie Road,  
Angola, NY 14006

### ATTENDANCE:

Adam Rizzo – Solar Liberty

#### **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 SL Evans, 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 Friday, January 26, 2024.

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

*Hearing Officer:* The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 7612 and 7690 Southwestern Blvd., Town of Evans, Erie County, New York and all other lands in the Town of Evans where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"), (ii) the installation of two ground mounted solar arrays totaling 8250kW (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 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 at 4:00 p.m. on February 27, 2024. 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.

Adam Rizzo – I am here on behalf of SL Evans, LLC, Solar Liberty and Catalyze Holdings. We are very excited to bring this solar energy development to the Town of Evans, the County of Erie and the School District. It's going to have tremendous benefits to solar/green energy in New York State as well as supporting local jobs. We are excited to bring this project to completion and thanks to the ECIDA, the School District and the Town of Evans for this exciting opportunity.

**6. ADJOURNMENT:**

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 9:04 a.m.

**SIGN IN SHEET  
PUBLIC HEARING**

February 5, 2024, at 9:00 a.m.  
at the Town of Evans Town Hall, Conference Room, located at 8787 Erie Road, Angola, NY 14006  
regarding:

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

Project Location: 7612 and 7690 Southwestern Blvd., Town of Evans, Erie County, New York

<b>Name</b>	<b>Company and/or Address</b>	<b>X box to speak/ comment</b>
Adam Rizzo	Solar Liberty 6500 Sheridan Drive, Suite 120 Williamsville, New York 14221	X



**SL Evans PILOT**

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** SL Evans

**Project Summary** Installation of 2 solar arrays totaling 8,250kW AC system size

**Applicant Name** SL Evans, LLC

**Applicant Address** 800 Gessner Rd. Suite 700

**Applicant Address 2**

**Applicant City** Houston

**Applicant State** Texas

**Applicant Zip** 77024

**Phone** (914) 275-2831

**Fax**

**E-mail** matt.effler@catalyze.com

**Website** www.catalyze.com

**NAICS Code** 221114

Business Organization

**Type of Business**  
Limited Liability Company

**Year Established**  
2022

**State**  
Delaware

**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** Carrie Cosentino  
**Title** Project Development Manager  
**Address** 6500 Sheridan Dr. Suite 120  
**Address 2**  
**City** Buffalo  
**State** New York  
**Zip** 14221  
**Phone** (716) 634-3780  
**Fax**  
**E-Mail** carrie.cosentino@solarliberty.com

Company Contact- Authorized Signer for Applicant

**Contact is same as individual completing application** No  
**Name** Lamphung Ngo-Burns  
**Title** Chief Financial Officer  
**Address** 800 Gessner Rd. Suite 700  
**Address 2**  
**City** Houston  
**State** Texas  
**Zip** 77024  
**Phone** (914) 275-2831  
**Fax**  
**E-Mail** matt.effler@catalyze.com

Company Counsel

**Name of Attorney** Brandon Cottrell  
**Firm Name** Hodgson Russ LLP  
**Address** 140 Pearl St. Suite 100  
**Address 2**  
**City** Buffalo  
**State** New York  
**Zip** 14202  
**Phone** (585) 613-3938  
**Fax**  
**E-Mail** bcottrel@hodgsonruss.com

Benefits Requested (select all that apply).

**Exemption from Sales Tax** Yes  
**Exemption from Mortgage Tax** No



**Exemption from Real Property Tax** Yes

**Tax Exempt Financing\*** No

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

Applicant Business Description

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

SL Evans, LLC will own, operate, and maintain these community solar projects. Catalyze GBH Developer, LLC owns 100% SL Evans, LLC.

**Estimated % of sales within Erie County** 42 %

**Estimated % of sales outside Erie County but within New York State** 13 %

**Estimated % of sales outside New York State but within the U.S.** 20 %

**Estimated % of sales outside the U.S.** 25 %

(\*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?**

5

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

Graybar, Wesco, Zand, Solar Liberty Energy Systems, Inc., Allegro Power

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

### Project Location

**Address of Proposed Project Facility**

7612 and 7690 Southwestern Blvd.

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

Evans

**School District of Project Site**

Eden Central School District

**Current Address (if different)**

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

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

207.00-4.11.111 and 207.00-4-11.112

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

\$3909.86

**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?**

No

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

David Eckert and Maria Indrijani

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

No

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

Vacant land

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

SL Evans is a large scale community solar project located on 33.3 acres of a combined 108 acres consisting of two parcels (207.00-4-11.111 and 207.00-4-11.112) of land in Erie County. SL Evans, LLC has entered into an option to lease agreement with the landowners (David Eckert and Maria Indrijani) to facilitate the development of this project. The project will generate approximately 8.25MW of clean, reliable solar energy when complete. The project will interconnect to NGRID's existing electrical distribution system. The power generated by the facility will be sold to consumers to directly offset their energy usage with local solar power while saving money on their electric bills. The project will utilize approximately 22,308 solar modules and 66 string inverters which convert the sun's energy into useable AC power. The modules will be mounted on steel racking, which will be anchored to the ground using driven piles.

**Municipality or Municipalities of current operations**

Town of Evans

**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?**

<BLANK>

**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?**

<BLANK>

**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)**

Without a long term, locked in PILOT agreement, this project will not be feasible.

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

Yes

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

Without a PILOT, the project will not be financeable. Erie County will not gain the PILOT revenue, which represents a large increase over current taxes paid on the land. Erie County residents would miss out on the opportunity to subscribe to a community solar program providing clean, renewable energy.

**Will project include leasing any equipment?**

Yes

If yes, please describe equipment and lease terms.

Construction will take place over 7 months. Various equipment will be rented during that time.

### Site Characteristics

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

No

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

**Has 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.

9/20/2023

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

Yes

**Describe the present zoning/land use**

This project is in the Solar Overlay district

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

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

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

No

**If yes, please explain**

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

Yes

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

Yes

**If yes, describe the efficiencies achieved**

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.

- |  |                           |                                     |
|--|---------------------------|-------------------------------------|
| <b>No Acquisition of Existing Facility</b> | <b>No Assisted Living</b> | <b>No Back Office</b>               |
| <b>No Civic Facility (not for profit)</b>  | <b>No Commercial</b>      | <b>No Equipment Purchase</b>        |
| <b>No Facility for the Aging</b>           | <b>No Industrial</b>      | <b>No Life Care Facility (CCRC)</b> |
| <b>No Market Rate Housing</b>              | <b>No Mixed Use</b>       | <b>No Multi-Tenant</b>              |

**No Retail**  
**Yes Renewable Energy**

**No Senior Housing** **No Manufacturing**  
**No Other**

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

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

		<b>Cost</b>		<b>% of Total Cost</b>
<b>Manufacturing/Processing</b>	square feet	\$	0	0%
<b>Warehouse</b>	square feet	\$	0	0%
<b>Research &amp; Development</b>	square feet	\$	0	0%
<b>Commercial</b>	square feet	\$	0	0%
<b>Retail</b>	square feet	\$	0	0%
<b>Office</b>	square feet	\$	0	0%
<b>Specify Other</b>	square feet	\$	0	0%

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

<BLANK>

**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**

1/2/2024

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

12/30/2024

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

11/30/-0001

### Capital Project Plan / Budget

**Estimated costs in connection with Project**

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

\$ 0 square feet acres

**2.) New Building Construction**

\$ 0 square feet

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

\$ 0 square feet

**4.) Reconstruction/Renovation**

\$ 0 square feet

**5.) Manufacturing Equipment**

\$ 11,444,004

**6.) Infrastructure Work**

\$ 1,880,000

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

\$ 6,572,746

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

\$ 124,750

**9.) Other Cost**

\$ 747,500

**Explain Other  
Costs**

**Total Cost** \$ 20,769,000

Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 1,880,000 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 18,016,750
<b>% sourced in Erie County</b>	4%

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>	\$ 6,000,000
<b>Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):</b>	\$ 525,000

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

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

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

**If Yes, describe particulars:**

Sources of Funds for Project Costs:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$ 2,076,900
<b>Bank Financing:</b>	\$ 18,692,100
<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>	\$20,769,000

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

Mortgage Recording Tax Exemption Benefit:

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

**Mortgage Amount (include sum total of construction/permanent/bridge financing).** 0

**Lender Name, if Known**

**Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):** \$0

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?**

Yes

**Will project include leasing any equipment?**

Yes

If yes, please describe equipment and lease terms.

Construction will take place over 7 months. Various equipment will be rented during that time.

Employment Plan (Specific to the proposed project location)

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

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

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

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	1	\$ 65,000	\$ 0
Other	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Total</b>	0			1		

\*\* 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.

No **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
	0	0	0
	0	0	0
	0	0	0

Payroll Information

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

0

**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)**

0

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

**From (Full Time) 0 To (Full Time) 0**

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



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

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

#### General Background Information

**Address of Premises**

7612 & 7690 Southwestern Blvd., Evans, NY 14047

**Name and Address of Owner of Premises**

David Eckert and Maria Indrijani, 5111 Berg Rd., Buffalo, NY 14218

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

Vacant, heavily wooded and grassy/vegetated land. Portion of Pike's Creek on the Northern portion and a natural gas pipeline is on the central-southern portion

**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**

Construction to begin in April 2024 on ground mounted solar array

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

The Subject Property has been vacant land, consisting of agricultural, vegetated, wooded, and/or marsh/swamp land with a portion of Pike Creek on the northern portion and a gas well/pipeline on the central-southern portion since 1947; no structures have been depicted or formerly identified on-site.

**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**

**Identify all sources of discharges of water, including discharges of waste water, process water, contact or noncontact cooling water, and stormwater. Attach all permits relating to the same. Also identify any septic tanks on site**

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

No

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

### Air Pollution

**Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises?**

No

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

**Are any of the air emission sources permitted?**

No

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

### Storage Tanks

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

**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** SL Evans, LLC  
**Address** 6500 Sheridan Dr. Suite 120  
**Contact Person** Solar Liberty Energy Systems, Inc.  
**Phone** (716) 634-3780  
**Fax**  
**E-Mail** nathan.rizzo@solarliberty.com  
**Federal ID #** 88-2983378  
**SIC/NAICS Code** 221114

SS

## **Section VI: Retail Determination**

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

Please answer the following:

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

No

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

---

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

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

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

No

## **Section VIII: Inter-Municipal Move Determination**

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

**Current Address**

**City/Town**

**State**

**Zip Code**

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

No

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

No

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

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

**Within New York State**

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?**

<BLANK>

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

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

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

---

## **Section IX: Senior Housing**

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

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

No



## **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

**1016 East Delavan, LLC  
\$ 35,327,500**

**AMENDATORY INDUCEMENT RESOLUTION**

**ELIGIBILITY**

- NAICS Section – 236220

**COMPANY INCENTIVES**

- Original: Approx \$2,859,900 in real property tax savings.  
**Amended: \$0 prop tax savings**
- Original: Up to \$1,177,537 in sales tax savings  
**Amended: Up to \$1,263,247 in sales tax savings**
- Original: 3/4 of 1% of the final mortgage amount up to \$175,249  
**Amended: Up to \$216,750 in mortgage recording tax savings**

**JOBS & ANNUAL PAYROLL**

- Annual Payroll: \$ 2,393,000
- Current Jobs: 16 FT, 35 PT
- Avg salary/yr. - retained jobs  
FT = \$ 59,600, PT = \$30,000
- Projected new jobs: 15 PT
- Est. salary/yr. of PT jobs created:  
\$ 30,000
- Total jobs after project completion:  
16 FT, 50 PT
- Construction Jobs: 156

**PROJECTED COMMUNITY BENEFITS\***

- Term: 2 YEARS after project completion
- NET Community Benefits:  
\$ 33,417,739
- Spillover Jobs: 141
- Total Payroll: \$ 31,448,737

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

Incentives: \$ 1,479,997  
  
Community Benefit: \$ 32,989,241  
  
Cost: Benefit Ratio  
• 1: 22

Project Title: BPS Commissary Kitchen  
  
Project Address 1016-1044 East Delavan Ave, Buffalo, NY 14215  
(Buffalo Central School District)

**Amended Agency Request**

Adjustments to project and resulting incentives to reflect 1) the Buffalo School District's intent to purchase the building post construction (no PILOT needed) and 2) increased project costs.

**Agency Request**

A sales and mortgage recording 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.

	Prior	Current
Land / Building Acquisition	\$ 1,250,000	\$ 1,110,000
New Building Construction	\$22,267,479	\$ 26,249,298
Non- Manufacturing Equipment	\$ 3,921,995	\$ -
Soft Costs/Other	<u>\$ 5,628,325</u>	<u>\$ 6,775,786</u>
<b>Total Project Cost</b>	<b>\$33,067,799</b>	<b>\$34,135,084</b>
85%	\$28,107,629	\$29,014,821

**Company Description**

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. Recent projects include the redevelopment of 75 West Huron into the Buffalo School of Culinary Arts and Hospitality Management.

**Project Description**

The project consists of 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 administration and a test kitchen that will serve as a conference room / community space available for local community meetings & training for food service employees. The BPS needed a facility that can function at a higher level -promoting healthier meals for students and promoting 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. BPS has chosen to purchase the building from McGuire instead of being a building tenant. BPS will directly purchase equipment.

\* Cost Benefit Analysis Tool powered by MRB Group

## Economic Impact: Inform Analytics Cost-Benefit Analysis

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

### Cost: Incentives

COSTS	Tax Exemption	Amount
	Property	\$ 0
	Sales	\$1,263,247
	Mortgage Recording	\$ 216,750
	Total	\$1,479,997
	Discounted at 2%	\$1,479,997

### Benefit: Projected Community Benefit\*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **	
	Erie County	Individuals	Payroll Construction	\$21,210,127	
			Payroll Permanent	\$10,238,610	
		Public	Property Taxes	\$ 0	
			Sales Taxes	\$ 261,417	
			Other Muni Revenue (NFTA)	\$ 72,250	
	New York State	Public	Income Taxes	\$ 1,415,193	
			Sales Taxes	\$ 220,141	
				<b>Total Benefits to EC + NYS***</b>	<b>\$33,417,739</b>
				Discounted at 2%	<b>\$32,989,241</b>

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

Discounted Cost           \$ 1,479,997  
 Discounted Benefit       \$32,989,241  
 Ratio                        1:22

**Conclusion:** The Cost Benefit for this project is: 22:1. For every \$1 in costs (incentives), this project provides \$22 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$22 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	n/a	n/a	n/a
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 = \$34,135,084 85% = \$ 29,014,821
Employment	Coincides with recapture period	Maintain Base = 16 FT, 35 PT (33 FTE) Create 85% of Projected Projected = 15 PT 85% = 12 PT (6 FTE) Recapture Employment = 39 FTE
Local Labor	Coincides with recapture 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 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**

- 2/26/24: Public hearing held.
- 3/27/24: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 3/27/24: Amended Lease/Leaseback Inducement Resolution presented to the Board of Directors

EVALUATIVE CRITERIA  
 BACK OFFICE/DATA/CALL CENTERS  
 BPS Commissary Kitchen - 2024 Modification

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 from 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: 3/27/24

# Erie County Industrial Development Agency

## MRB Cost Benefit Calculator



Date: February 23, 2024  
 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

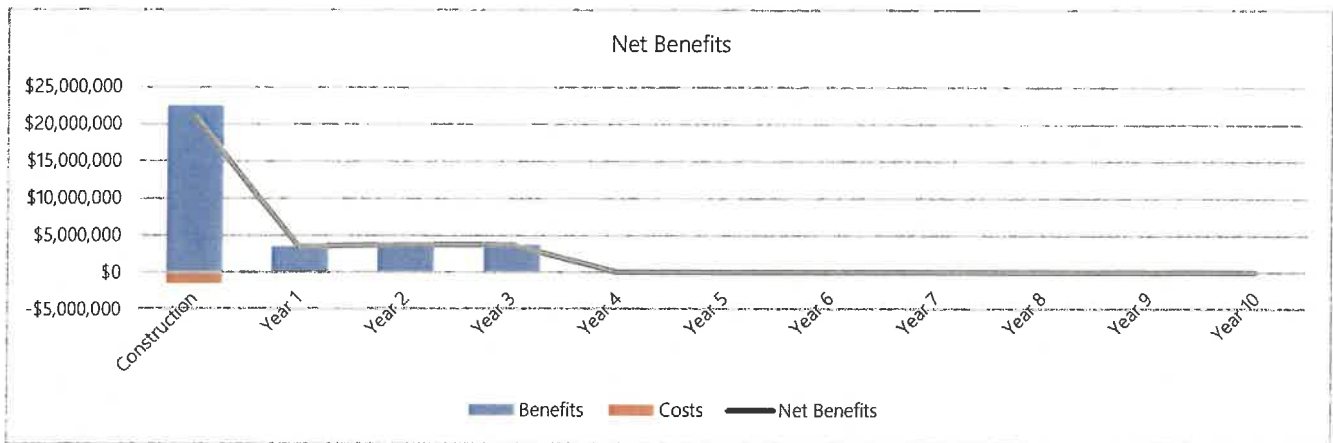
Project Total Investment  
 \$34,135,084

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	156	131	287
Earnings	\$13,717,997	\$7,492,130	\$21,210,127
Local Spend	\$32,769,681	\$23,202,123	\$55,971,804

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	40	10	50
Earnings	\$6,320,400	\$3,918,210	\$10,238,610

Figure 1



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

Figure 2

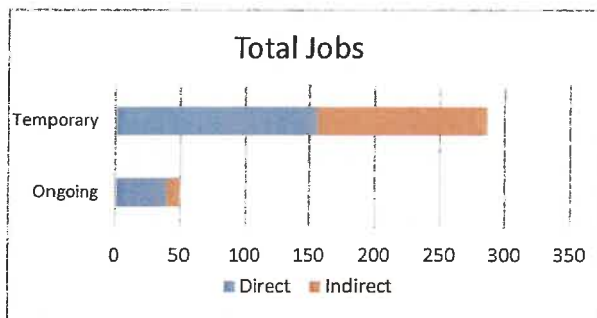
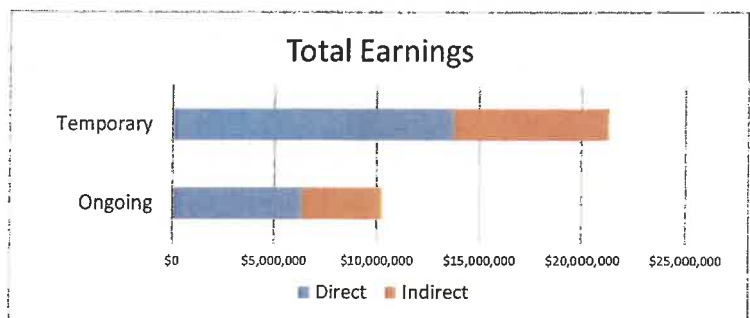


Figure 3



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

# Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption *	\$1,263,247	\$1,263,247
Local Sales Tax Exemption	\$685,763	\$685,763
State Sales Tax Exemption	\$577,484	\$577,484
Mortgage Recording Tax Exemption	\$216,750	\$216,750
Local Mortgage Recording Tax Exemption	\$72,250	\$72,250
State Mortgage Recording Tax Exemption	\$144,500	\$144,500
<b>Total Costs</b>	<b>\$1,479,997</b>	<b>\$1,479,997</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$31,782,404</b>	<b>\$31,374,851</b>
<b>To Private Individuals</b>	<b>\$31,448,737</b>	<b>\$31,045,949</b>
Temporary Payroll	\$21,210,127	\$21,210,127
Ongoing Payroll	\$10,238,610	\$9,835,822
Other Payments to Private Individuals	\$0	\$0
<b>To the Public</b>	<b>\$333,668</b>	<b>\$328,903</b>
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$176,309	\$176,309
Ongoing Jobs - Sales Tax Revenue	\$85,108	\$81,760
Other Local Municipal Revenue	\$72,250	\$70,833
<b>State Benefits</b>	<b>\$1,635,334</b>	<b>\$1,614,389</b>
<b>To the Public</b>	<b>\$1,635,334</b>	<b>\$1,614,389</b>
Temporary Income Tax Revenue	\$954,456	\$954,456
Ongoing Income Tax Revenue	\$460,737	\$442,612
Temporary Jobs - Sales Tax Revenue	\$148,471	\$148,471
Ongoing Jobs - Sales Tax Revenue	\$71,670	\$68,851
<b>Total Benefits to State &amp; Region</b>	<b>\$33,417,739</b>	<b>\$32,989,241</b>

## Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$31,374,851	\$758,013	41:1
State	\$1,614,389	\$721,984	2:1
<b>Grand Total</b>	<b>\$32,989,241</b>	<b>\$1,479,997</b>	<b>22:1</b>

\*Discounted at 2%

### Additional Comments from IDA

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

# 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 February 26, 2024, 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:**

Enrico D’Abate – McGuire Development  
Ben Tsujimoto – The Buffalo News  
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 9:03 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, February 13, 2024.

**☒ 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 61,000+/- square-foot, single-story commissary kitchen for the sole use of the Buffalo Public Schools involving the installation of two industrial kitchens with meal preparation tables and commercial ovens as

well as office spaces for administration and a "test kitchen" that will serve as a conference room/community space 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 Facility will be initially owned by the Company.

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 March 26, 2024. 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.

Enrico D'Abate – Project Manager, McGuire Development, 455 Cayuga Road, Buffalo, NY 14225. I am here today to have our benefits reassessed both for the mortgage recording tax and the sales tax benefits. As a result of costs increasing from where the project was when we first received approval of these benefits to what the costs are now to date. Looking ahead to hopefully start construction soon.

**6. ADJOURNMENT:**

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 9:07 a.m.

**SIGN IN SHEET  
PUBLIC HEARING**

February 26, 2024, 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

Name	Company and/or Address	X box to speak/ comment
Enrico D'Abate	McGuire Development 455 Cayuga Road Buffalo, New York 14225	X
Ben Tsujimoto	The Buffalo News 726 Exchange Street Buffalo, New York 14203	
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 60,984-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>	No
<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, and will then be sold to the School District following construction completion. 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 and the City of Buffalo. 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 61,000 square foot, single-story commissary kitchen for the sole use and operation of Buffalo Public Schools to prepare and distribute school meals to all schools in the district, as well as other public-serving organizations. The biggest factor that has spurred the interest in a new commissary building is existing 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, produce healthier meals for the students in the school district, and promote a safer environment for its staff. The deal between the School District and Developer has changed from a long-term lease to a sale in order to align with the municipal funding that has been approved and allocated by the School District, which is why the Project deal has changed. A build-to-suit new construction Project of this magnitude required a dedicated and experienced team, which McGuire provide to the District. The current approach is the most cost-effective route to meet the School District's expanded program and short timeline, and the ECIDA benefits are critical to maintaining a feasible construction budget.

**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:**

**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 outgrown the current 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 development costs have increased, which directly impacts the purchase price, and has made the project financially complicated for Buffalo Public Schools. The overall shell construction has changed from a pre-fabricated metal building to traditional, steel-frame construction. Without the sales tax and mortgage tax exemptions provided by the ECIDA, the costs of the project will increase the total development costs and increase the sale price beyond what is feasible for Buffalo Public Schools. These exemptions will allow the sale price to be maintained at the Board of Education approved price.

**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. Without the Mortgage and Sales Tax Benefits, the total development costs will lead to increases in the Project sale price, which would create further delays in construction start, as the Board of Education would have to reapprove a new sale price, which may not be feasible from the City School District's Budgetary standing. The Financial Assistance from the ECIDA on this Project has kept the deal for both parties feasible, and without them, the increases in construction costs will ultimately lead to the Project's failure to launch. Additionally, these delays would push out construction completion beyond the School District's current lease term (Sept. 2025). If this Project cannot go forward, the Buffalo City School District will be forced to renew in a space that has been identified as undersized, hazardous and underequipped to meet the needs of the incoming food service program.

**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?**

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.

07/17/2023

**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**

We have received curb cut permits for the truck entrances off of Williams L. Gaiter Parkway.

**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



**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**

4/1/2024

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

8/31/2025

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

9/1/2025

Capital Project Plan / Budget

**Estimated costs in connection with Project**

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

\$ 1,110,000

229,221 square feet

5 acres

**2.) New Building Construction**

\$ 26,249,298

60,984 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.)**

\$ 0

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

\$ 6,775,786

**9.) Other Cost**

\$ 0

**Explain Other Costs**

**Total Cost** \$ 34,135,084

Construction Cost Breakdown:

**Total Cost of Construction** \$ 26,249,298 (sum of 2, 3, 4 and 6 in Project Information, above)

**Cost of materials** \$ 14,437,113

% sourced in Erie County      100%

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**      \$ 14,437,113

**Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):**      \$ 1,263,247

\*\* 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:

**Equity (excluding equity that is attributed to grants/tax credits):**      \$ 6,427,500

**Bank Financing:**      \$ 28,900,000

**Tax Exempt Bond Issuance (if applicable):**      \$ 0

**Taxable Bond Issuance (if applicable):**      \$ 0

**Public Sources (Include sum total of all state and federal grants and tax credits):**      \$ 0

**Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)**

**Total Sources of Funds for Project Costs:**      \$35,327,500

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

Mortgage Recording Tax Exemption Benefit:

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

**Mortgage Amount (include sum total of construction/permanent/bridge financing).**      28,900,000

**Lender Name, if Known**

**Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):**      \$216,750

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>	<b>Part time</b>
	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 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 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 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