

NOTICE OF PUBLIC HEARING

Pursuant to Article 18-A of NYS General Municipal Law, a public hearing will be conducted electronically, as hereinafter described, by the Erie County Industrial Development Agency (the “Agency”) on December 30, 2020 at 11:30 a.m. regarding the project, as described below, said public hearing, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, to now be conducted electronically as hereinafter described. **PLEASE NOTE the special hearing logistics and instructions included at the end of this notice.**

72 E. Niagara Street, LLC, and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf (the “Company”), has submitted an application to the Agency (a copy of which is on file at the office of the Agency) requesting the Agency to undertake a certain adaptive reuse project (the “Project”) consisting of: (i) 1.03+/- acre parcel of land located at 72 East Niagara Street, City of Tonawanda, Erie County New York (the “Land”) together with an existing 26,000+/- SF of a former vacant school building (the “Existing Improvements”); (ii) the renovation, upgrading and equipping of the Existing Improvements thereon to consist of 26,000+/- SF of 14 affordable residential units: Nine (9) one-bedroom and Five (5) two-bedroom apartments to be rented below 80% of the average median income (“AMI”) and will include approximately 4,000 sq. ft. of commercial space (the “Improvements”); and (iii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible personal property (the “Equipment”), and collectively with the Land, the Existing Improvements and the Improvements, the “Facility”), all to be used by the Company. The Facility will be initially operated and/or managed by the Company.

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

PLEASE NOTE SPECIAL PUBLIC HEARING CONDUCT INSTRUCTIONS AND INFORMATION:

In accordance with Section 859-a of the NYS General Municipal Law, a representative of the Agency will present a copy of the Company's project Application which is also available for viewing on the Agency's website at www.ecidany.com under tab Events/Public Hearings & Meetings. However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the NYS General Municipal Law requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, and pursuant to Governor Cuomo's Executive Order 202.15 issued on April 9, 2020 authorizing the conduct of public hearings through use of telephone conference, video conference and/or other similar service, the Agency will livestream the Public Hearing for those wanting to listen only at <https://www.ecidany.com/streaming>. The Agency will provide

public access to provide oral comments during the Public Hearing at <https://www.ecidany.com/public-comment-and-registration>. If you would like to make oral comments at the Public Hearing, please register to do so no later than 12:00 p.m. on December 29, 2020. After registering, you will receive a confirmation email containing information about joining the call to provide oral comments. Finally, the Agency also encourages all interested parties to submit written comments to the Agency, which will all be included within the public hearing record. Any written comments may be sent on the Agency's website, or mailed to the Agency at 95 Perry Street-Suite 403, Buffalo, NY 14203 until the comment period closes at 4:00 p.m. on January 26, 2021.

Erie County Industrial Development Agency



east niagara

[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	72 E. Niagara
Project Summary	renovation of a former vacant school into 14 affordable residential units- to be rented at 80% AMI along with (one) office space
Applicant Name	72 E. Niagara Street, LLC
Applicant Address	550 Seneca Street Suite 100
Applicant Address 2	
Applicant City	Buffalo
Applicant State	New York
Applicant Zip	14204
Phone	(716) 785-9235
Fax	(716) 882-1227
E-mail	davidp@cssconstruction.biz
Website	www.cssconstruction.biz
NAICS Code	532412

Business Organization

Type of Business	Limited Liability Company
Year Established	2019
State in which Organization is established	New York

Individual Completing Application

Name	David Pawlik
Title	Managing Partner
Address	550 Seneca Street
Address 2	Suite 100
City	Buffalo
State	New York
Zip	14204
Phone	(716) 882-1226

Fax (716) 882-1227

E-Mail davidp@cssconstruction.biz

Company Contact (if different from individual completing application)

Name

Title

Address

Address 2

City

State

Zip

Phone

Fax

E-Mail

Company Counsel

Name of Attorney Brian Attea

Firm Name Attea & Attea

Address 11 W. Main Street

Address 2

City Hamburg

State New York

Zip 14075

Phone (716) 649-4623

Fax (716) 649-2951

E-Mail battea@attealaw.com

Benefits Requested (select all that apply).

Exemption from Sales Tax No

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.

Creative Structure Services Inc. (CSS) is the principal company for 72 East Niagara Street, LLC. the ownership group for the LLC is comprised of David Pawlik 33.33%, Russell D. Kyte 33.33% and Anthony DeMigilo 33.33% CSS was founded in 2008 and is a full service general contractor, developer and property manager with over \$100 million of experience. CSS has significant past experience of both renovation and new construction of residential and commercial projects. It is these past successful projects that will allow 72 East Niagara to be a significant contribution to the city of Tonawanda. In addition, CSS has successfully completed the following similar types of developments located at 700 Parkside Ave (former church and school) transformed into 12 apartments and 5,000 square feet of office space; 786 Kenmore Ave (former church and school) which created 13 residential units and one commercial space; and 1659 Amherst Street (former church/library) which was developed into 5 apartments and one office space.

Estimated % of sales within Erie County	60 %
Estimated % of sales outside Erie County but within New York State	40 %
Estimated % of sales outside New York State but within the U.S.	0 %
Estimated % of sales outside the U.S.	0 %

(*Percentage to equal 100%)

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

80

Describe vendors within Erie County for major purchases

Allied Mechanical Deltex Electric B&L Wholesale J&R Specialties Burke Homes 84 Lumber PSI Plumbing BGI

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

72 E. Niagara Street

Town/City/Village of Project Site

City of Tonawanda, New York 15150

School District of Project Site

Tonawanda School District

Current Address (if different)

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

SBL Number(s) for proposed Project

39.38-211.1

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

\$-0-

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

Land

\$ 35,000.00

Building(s)

\$ 350,000.00

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?

No

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

The former school has been vacant for several years and when our partnership decided to purchase the building there 2nd floor that had significant roof damage and water and "bird" were found both in the second and a portion of the first floor. The was asbestos on the floor and portions of the ceiling. When we purchased the building it was apparent that for years the building was left vacant with debris inside the building. The structure is approximately 26,000 sq. ft.

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

The renovation will include the construction of 14 affordable residential units - 9 one-bedroom and 5 two-bedroom all to be rented out at or below 80% of the average median income ("AMI"). The entire facility is 26,000 sq. ft. and will include approximately 4,000 sq. ft. of commercial space. The commercial space will be leased by AMD Environmental which is owned by one of the members of the LLC. They will be relocating out of 3,000 sq. ft. of leased space in the City of Buffalo. The existing building has been vacant for years and left abandoned with significant roof damage that had water entering the building, We have strong support for the project as evidenced by the support letter provided by Mayor Rick Davis.

Municipality or Municipalities of current operations

City of Tonawanda, NY

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?

Yes

(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:

N/A

Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

In its efforts to assist with adaptive reuse projects which is key to revitalizing and stabilizing communities, the City of Tonawanda opted into the 485-a real estate exemption program. It was thought too that the school district would also opt in but to date that has not occurred. ECIDA incentives are critical since the tax burden in the City of Tonawanda would not allow for such a project to be feasible without them.

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 the assistance of the ECIDA - PILOT request will provide extreme hardship to the applicant and the overall development project.

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 NFTA bus route 25 B Delaware

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

Yes

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

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

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

Yes

Describe the present zoning/land use

Property is Zoned C-2 (Central Retail District).

Describe required zoning/land use, if different

current zoning is applicable for the renovation into office & residential apartments

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

N/A

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

No

If yes, please explain

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

Yes

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

No

If yes, describe the efficiencies achieved

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

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

No

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

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

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

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

Retail Sales Yes

Services Yes

Please check any and all end uses as identified below.

- No Acquisition of Existing Facility** **No Assisted Living** **No Back Office**
- No Civic Facility (not for profit)** **No Commercial** **No Equipment Purchase**
- No Facility for the Aging** **No Industrial** **No Life Care Facility (CCRC)**
- No Market Rate Housing** **Yes Mixed Use** **No Multi-Tenant**
- No Retail** **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.

		Cost	% of Total Cost
Manufacturing/Processing	square feet	\$ 0	0%
Warehouse	square feet	\$ 0	0%
Research & Development	square feet	\$ 0	0%
Commercial	square feet	\$ 0	0%
Retail	square feet	\$ 0	0%
Office	4,000 square feet	\$ 313,966	15%
Specify Other	22,000 square feet	\$ 1,779,146	85%

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

No

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

<BLANK>

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

Will project result in significant utility infrastructure cost or uses No

What is the estimated project timetable (provide dates)

Start date : acquisition of equipment or construction of facilities

8/1/2020

End date : Estimated completion date of project

5/15/2021

Project occupancy : estimated starting date of occupancy

6/15/2021

Project Information

Estimated costs in connection with Project

Land and/or Building Acquisition

\$ 375,000 26,000 square feet 1 acres

New Building Construction

\$ 0 square feet

New Building addition(s)

\$ 0 square feet

Reconstruction/Renovation

\$ 2,093,113 22,000 square feet

Manufacturing Equipment

\$ 0

Infrastructure Work

\$ 0

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

\$ 0

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

\$ 180,828

Other Cost

\$ 187,795

**Explain Other
Costs****Total Cost** 2,836,736Construction Cost Breakdown:

Total Cost of Construction	\$ 0 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 1,000,000.00
% sourced in Erie County	60%

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	\$ 0
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 0

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

Project refinancing estimated amount, if applicable (for refinancing of existing debt only)	\$ 0
Have any of the above costs been paid or incurred as of the date of this Application?	Yes
If Yes, describe particulars:	\$500,000

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 608,757
Bank Financing:	\$ 2,375,000
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)	0
Total Sources of Funds for Project Costs:	\$2,983,757
Have you secured financing for the project?	Yes

Mortgage Recording Tax Exemption Benefit:

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

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

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

Applicant has attached the approved HCR M/WBE Utilization Plan that indicates our proposed M/WBE subcontractors & vendors for the project

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return. The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

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

Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
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Full time	17	17	3	0
Part time	0	0	0	0
Total	17	17	3	

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	4	\$ 50,000	\$ 10,000	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	\$ 0	\$ 0
Administrative	0	\$ 0	\$ 0	\$ 0	\$ 0
Production	0	\$ 0	\$ 0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	16	\$ 40,000	\$ 0	\$ 0	\$ 0

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

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

Address			
Full time	0	0	0
Part time	0	0	0
Total	0	0	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

880,000

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

40,000

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

0

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

40,000

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

0

Estimated salary range of jobs to be created

From (Full Time)	40,000	To (Full Time)	40,000
From (Part Time)	0	To (Part Time)	0

Section III: Environmental Questionnaire

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

General Background Information

Address of Premises

72 E. Niagara Street, City of Tonawanda, NY

Name and Address of Owner of Premises

72 E. Niagara Street, LLC David Pawlik- Managing Partner 550 Seneca Street- Suite 100 Buffalo, NY 14204

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

The subject property is located on the Tonawanda East Topographic Map which is located in a urban area along East Niagara Street between East and Long Avenues with an elevation of approximately 570' above sea level. located near the Niagara Canal.

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 main building was erected in 1958 which is a masonry /brick structure built as a school. the renovation will consist of creating (one) office and (14) affordable residential buildings.

Describe all known former uses of the Premises

School

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

N/A

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

N/A

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?

Multi-Tenant Facility

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

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

There will be (one) 4,000 sq. ft. commercial office tenant and (14) affordable residential units

Have any tenant leases been entered into for this project?

Yes

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

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

Section V: Tenant Information

PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)

Tenant Name

AMD Environmental

Property Address:

712 Main Street- Suite L1

City/Town/Village

Buffalo

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

Amount of space to be leased (square feet)

4,000

What percentage of the building does this represent?

15

Are terms of lease:

NET

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

Estimated date of occupancy

3/15/2021

PART 2 TO BE COMPLETED BY PROPOSED TENANT

Company Name:

AMD Environmental

Local Contact Person:

Anthony DeMiglio

Title:

President

Current Address:

712 Main Street- Suite L1

Phone:

(716) 201-2772

Fax:

E-Mail:

anthony@amdenv.com

Website:

Company President/General Manager:

Anthony DeMiglio

Number of employees moving to new project location:

Full-Time:

17

Part-Time:

0

Total:

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

NAICS Code 5416- AMD Environmental is a full service environmental company that services both residential and commercial clients in WNY.

Attach additional information as necessary.

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

company started approx 25 years ago with only one owner Anthony DeMigilio

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

4,000

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

3,000

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

currently the tenant is in 3,000 sq. ft. the new space will be 4,000 sq. ft. with expansion to 5,500 sq. ft.

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

No

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

No the tenant is currently a tenant '

If leased, when does lease expire?

12/1/2020

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

No

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

N/A

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.

Section VII: Adaptive Reuse Projects

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

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

Yes

What is the age of the structure (in years)? 70

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

Yes

If vacant, number of years vacant.

3

If underutilized, number of years underutilized.

5

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

THE VACANT STRUCTURE HAD ASBESTOS AND LEAD IN THE BUILDING. THE HEAT WAS TURNED OFF AND THERE WAS SIGNIFICANT ROOF DAMAGE.

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

No

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

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

	Number of Units	Sq. Ft. Range Low to High	Rent Range Low to High
1 Bedroom	9	630 - 840	\$895 - \$1,000
2 Bedroom	5	1,020 - 1,040	\$1,095 - \$1,200
3 Bedroom	-	-	\$ - \$
Other	-	-	\$ - \$

Does the site have historical significance?

No

If yes, please indicate historical designation

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

No

If yes, provide estimated value of tax credits

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

Since this development is primarily an affordable residential housing project creating (14) units at 80% of the AMI along with (one) commercial office tenant. The City of Tonawanda property tax structure does not allow for the project to be feasible. Without the ECIDA PILOT the project would not be doabale nor affordable,

Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide ECIDA with

documentation of this support in the form of signed letters from these entities

Included within our ECIDA submission is a support letter from the Mayor of the City of Tonawanda

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

since the building has been vacant for the several years the building has significant water damage due to the roof damage and asbestos and lead bring a former school.

Indicate census tract of project location

172

Indicate how project will eliminate slum and blight

the derlict building being left vacant with the heat turned off and rood damaged. Once renovated will properly remove any blight that has occured to the building and surrounding neighborhood.

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

N/A

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

712 Main Street- Suite L1

City/Town

Buffalo

State

New York

Zip Code

14202

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

No

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

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 tenant is currently in office space and not a plant or facility. a decision of the tenant was to be be involved in owning the building in which they were to relocate into, at 72 E. Niagara the tenant will be 33.33% owner of the LLC. Also, they are in 3,000 sq. ft. and they required future growth. The new space will allow them to expand into 5, 550 sq. ft.. A major factor was in their current space within the City of Buffalo the tenant was paying \$500 a month for parking that since has increased to \$1,600 a month. Making their current office space to be excessive to pay for parking and rent.

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

Within New York State

Yes

Within Erie County

Yes

If Yes to either question, please, explain

A major factor was in their current space within the City of Buffalo the tenant was paying \$500 a month for parking that since has increased to \$1,600 a month. Making their current office space to be excessive to pay for parking and rent. no room to expand their current operation.

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

Yes

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.)

A major factor was in their current space within the City of Buffalo the tenant was paying \$500 a month for parking that since has increased to \$1,600 a month. Making their current office space to be excessive to pay for parking and rent. no room to expand their current operation. The lack to expand and increasing parking expenses were major factors to relocate.

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.)

The commercial tenants is in 3,000 sq. ft. and has immediate needs to move to 4,000 sq. ft. but with room to expand to 5,500 sq. ft. this will allow for future employment expansion. New location has ample off street parking and close proximity to highways and expressway.

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?

workforce, employees housing and access to roadways for travel to their clients.

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

The tenant was informed that their current Land Lord that renting their space would not be an issue.

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.

12 Agassiz & 1275 Delaware

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