

PUBLIC HEARING SCRIPT

**356 Hertel Ave, 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 January 17, 2023 at 10:00 a.m.,
at the Erie County Industrial Development Agency's offices located at
95 Perry Street, Suite 403, Buffalo, NY 14203

ATTENDANCE:

Ryan McCarthy - Hopkins Sorgi & McCarthy, Esq.
Fed LaFaso – Sienna Realty
Madeline LaFaso – Sienna Realty

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

Hearing Officer: Welcome. This public hearing is now open; it is 10:00 a.m. My name is Andrew Federick. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at www.ecidany.com.

☒ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the 356 Hertel Project and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. 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, December 30, 2022.

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

Hearing Officer: The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 356 Hertel Avenue and 42 Foundry, City of Buffalo, Erie County, New York (the "Land"), (ii) the rehabilitation of the John Kam Malt and Kiln House located in an historic Black Rock neighborhood into a mixed-use redevelopment consisting of 82 apartments, a self-storage facility, and 14,000 square feet of retail service-oriented space as well as an on-site dog park, dog wash, pedestrian plaza, and bike storage (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 operated and/or managed by the Company.

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use 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 January 24, 2023. There are no limitations on written statements or comments.

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

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

Ryan McCarthy, Hopkins Sorgi & McCarthy. I am here representing the company 356 Hertel Avenue, LLC. Thank you to the ECIDA for considering our application, the Policy Committee for their recommendation and Mayor Brown and Councilmember Golombek for their support. Due to recent substantial increases in a range of costs including labor, materials and financing, total project costs are expected to be \$32,067,800, and the requested sales tax incentive is a vital component of the financing of this project. We strongly believe the project will provide substantial community benefits far exceeding the cost of incentives, with a community benefit to cost ratio calculated at 47 to 1. The project includes rehabilitation and adaptive reuse of an aging and underutilized historic complex, listed on both the State and National Registers of Historic Places. It will create jobs in the community, with 42 permanent jobs anticipated, and considerably more during construction. It will bring 82 new apartments to City of Buffalo which currently has the oldest average housing stock in the nation, including affordable housing at or below 80% AMI rents, including both 1- and 2-bedroom apartments, as well as a mix of retail, professional and commercial services which are underserved in the community. It will provide amenities that integrate it into the surrounding neighborhood, including a pedestrian plaza, dog park with dog wash, and on-site bike storage. Additionally, it will provide substantial environmental benefits to the site and community, including remediation of a previous contamination through a brownfield remediation with the New York DEC, and environmentally friendly features such as geothermal heating systems, stormwater mitigation and permeable

paving, and Energy Star appliances. Our client Mr. Lofaso has put extensive planning and effort into making this a cohesive project to benefit the community and looks forward to the opportunity to be a part of the revitalization of the historic Black Rock neighborhood. Thank you for your time.

Fred LaFaso – Developer of the project. I just wanted to thank the ECIDA and the local governments for their support in the project and looking forward to putting it into service. Thank you.

6. ADJOURNMENT:

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

**SIGN IN SHEET
PUBLIC HEARING**

January 17, 2023 at 10:00 a.m., at the Erie County Industrial Development Agency's offices located
at 95 Perry Street, Suite 403, Buffalo, NY 14203,
regarding:

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

Project Location: 356 Hertel Avenue & 42 Foundry, Buffalo, New York 14207

Name	Company and/or Address	X box to speak/ comment
Ryan McCarthy	Hopkins Sorgi & McCarthy, Esq. 726 Main Street, Suite 8 East Aurora, New York 14052	X
Fred LoFaso	Sienna Reality 295 Main Street, Suite 700 Buffalo, New York 14203	X
Madeline LoFaso	Sienna Reality 295 Main Street, Suite 700 Buffalo, New York 14203	