

PUBLIC HEARING SCRIPT

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

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

ATTENDANCE:

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

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

Hearing Officer: Welcome. This public hearing is now open; it is 9:00 a.m. My name is Grant Lesswing. I am the Director of Business Development of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at www.ecidany.com.

☒ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the 1016 East Delavan, LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Tuesday, June 13, 2023.

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

Hearing Officer: The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 1016-1044 East Delavan Avenue, City of Buffalo, Erie County, New York, and all other lands in the City of Buffalo where, by license or easement or other agreement, the Company or its designees are making improvements that

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

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits, mortgage recording tax exemption benefits, and real property tax abatement benefits (in compliance with Agency's uniform tax exemption policy).

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

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

If you have a written statement or comment to submit for the record, you may leave it at this public hearing, submit it on the Agency’s website or deliver it to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on July 25, 2023. There are no limitations on written statements or comments.

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

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

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

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

6. ADJOURNMENT:

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

**SIGN IN SHEET
PUBLIC HEARING**

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

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

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

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