



## Westchester Park Tax-Exempt Bonds

[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>	Westchester Park
<b>Project Summary</b>	Westchester Park Apartments (the "Property" or "Westchester") is an existing 201-unit affordable property for seniors located north of Buffalo in Kenmore. We are seeking to finance an acquisition and renovation of the Property with local tax-exempt bonds from ECIDA, along with as-of-right 4% tax credits from NYSHCR. The Property is situated at 55 Ralston Ave, Kenmore, NY 14217. It consists of two buildings connected by a passageway on the ground floor. The first building is a five-story elevator-serviced building built in 1980 with concrete foundation and brick exterior. The second is a two-story split-level low-rise building without elevator access that was originally built in the 1960's as an elementary school and was retrofitted into apartments in 1980 at the same time that building one was newly constructed. The Property's 201 units are comprised of 9 studios, 184 one-bedroom units, and 8 two-bedroom units. 200 of the 201 units are subsidized by a project-based Section 8 HAP contract. As part of our proposed transaction, we will extend the existing HAP contract for an additional 20 years, the maximum term allowed by HUD. Property amenities include a lobby area, laundry room, lounge area, library, and community room, as well as an onsite leasing office. It is managed by MJ Peterson and will continue to be post-rehab. Our proposal contemplates renovation costs of approximately \$10m (50K/unit).
<b>Applicant Name</b>	Westchester Park Preservation, L.P.
<b>Applicant Address</b>	30 Hudson Yards
<b>Applicant Address 2</b>	72nd Floor
<b>Applicant City</b>	New York
<b>Applicant State</b>	New York
<b>Applicant Zip</b>	10001
<b>Phone</b>	(646) 582-2276
<b>Fax</b>	
<b>E-mail</b>	brian.samson@related.com
<b>Website</b>	<a href="https://www.related.com/affordable-housing">https://www.related.com/affordable-housing</a>
<b>NAICS Code</b>	531110

#### Business Organization

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

Partnership

##### **Year Established**

2023

**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** Brian Samson  
**Title**  
**Address** 30 Hudson Yards  
**Address 2** 72nd Floor  
**City** New York  
**State** New York  
**Zip** 10001  
**Phone** (646) 582-2276  
**Fax**  
**E-Mail** brian.samson@related.com

Company Contact- Authorized Signer for Applicant

**Contact is same as individual completing application** No  
**Name** Victor L. Peterson III  
**Title** President  
**Address** 200 John James Audubon Parkway  
**Address 2** Suite 300  
**City** Amherst  
**State** New York  
**Zip** 14228  
**Phone** (716) 929-4106  
**Fax**  
**E-Mail** ppeterson@mjpetererson.com

Company Counsel

**Name of Attorney** David Boccio  
**Firm Name** Levitt & Boccio  
**Address** 423 West 55th Street  
**Address 2** 8th Floor  
**City** New York  
**State** New York

**Zip** 10019  
**Phone** (212) 801-3769  
**Fax**  
**E-Mail** dboccio@levittboccio.com

Benefits Requested (select all that apply).

**Exemption from Sales Tax** Yes  
**Exemption from Mortgage Tax** Yes  
**Exemption from Real Property Tax** No  
**Tax Exempt Financing\*** Yes

\* (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%.**

Westchester Park Apartments (the "Property" or "Westchester") is an existing 201-unit affordable property for seniors located north of Buffalo in Kenmore. We are seeking to finance an acquisition and renovation of the Property with local tax-exempt bonds from ECIDA, along with as-of-right 4% tax credits from NYSHCR. The Property is situated at 55 Ralston Ave, Kenmore, NY 14217. It consists of two buildings connected by a passageway on the ground floor. The first building is a five-story elevator-serviced building built in 1980 with concrete foundation and brick exterior. The second is a two-story split-level low-rise building without elevator access that was originally built in the 1960's as an elementary school and was retrofitted into apartments in 1980 at the same time that building one was newly constructed. The Property is currently owned by a joint venture between The Related Companies and MJ Peterson. The purchasers will be an entity affiliated with the current owners, but note that all related party rules will be followed upon acquisition. The Property's 201 units are comprised of 9 studios, 184 one-bedroom units, and 8 two-bedroom units. 200 of the 201 units are subsidized by a project-based Section 8 HAP contract. As part of our proposed transaction, we will extend the existing HAP contract for an additional 20 years, the maximum term allowed by HUD. Property amenities include a lobby area, laundry room, lounge area, library, and community room, as well as an onsite leasing office. It is managed by MJ Peterson and will continue to be post-rehab. Our proposal contemplates renovation costs of approximately \$10m (50K/unit). Please see org chart attached for ownership.

**Estimated % of sales within Erie County** 100 %  
**Estimated % of sales outside Erie County but within New York State** 0 %  
**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?**

20

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

For the proposed rehabilitation, it is expected that approximately 20% of materials will be sourced from firms in Erie County and approximately 50% of the cost for goods and services will be subject to State and local sales and use tax. The vendors and suppliers that will likely be local are plumbing, electrical, HVAC, roofing, masonry, and concrete. For the management of the property, it is expected that approximately 90% of supplies and vendor services will be purchased from firms in Erie County.

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

### Project Location

**Address of Proposed Project Facility**

55 Ralston Ave

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

Tonawanda

**School District of Project Site**

Ken-Ton

**Current Address (if different)****Current Town/City/Village of Project Site (if different)****SBL Number(s) for proposed Project**

66.45-6-1

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

281,022

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

Land

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

**Are Real Property Taxes current at project location?**

Yes

**If no please explain**

\*The ECIDA has an unpaid tax policy and you will be required to certify all taxes and PILOTS are current.

**Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site?**

Yes

**If No, indicate name of present owner of the Project Site****Does Applicant or related entity have an option/contract to purchase the Project site?**

Yes

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

The Proposed Project site is currently being used as low-income affordable multi-family rental housing.

**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 Proposed Project is the acquisition and renovation of Westchester Park Apartments, a 201-unit affordable, Section 8 site for persons 62 or older, handicapped or disabled that was built in 1980. The purpose of the acquisition and renovation is to preserve and improve an important affordable housing resource in the Town of Tonawanda. The property is situated on 4.5 acres with two inter-connected buildings containing 9 studios, 184 one-bedroom units, and 8 two-bedroom. The studios contain 505 square feet, the one-bedroom units contain 650 square feet, and two-bedroom units contain 800 square feet. The total rentable square feet is 130,300. The property contains a management office, community room, laundry room, library, and multiple lounge areas. In the years since the property was built, it has never undergone a substantial rehabilitation. Westchester Park has been well-maintained, but now has physical needs that require significant capital investment. The Applicant is working with New York State Housing Finance Agency ("HFA") to obtain an allocation of 4% LIHTCs and ECIDA on an allocation of tax-exempt bonds to finance the acquisition and rehabilitation of the property. The acquisition closing and start of renovation is expected to occur in the 4th quarter of 2023 with renovation to be completed over a twelve-month period. The Applicant proposes to invest approximately \$44,000 per unit in direct hard costs (approximately \$50,000 per unit in total construction costs) to complete a comprehensive rehabilitation that will improve the property functionally and aesthetically. The owner is planning a rehabilitation of the property that is expected to include: modernization of 100% of units including new bathrooms, kitchens, flooring, lighting, painting; landscaping improvements; modernization of community spaces; and addition of new site-wide free wifi. In addition, the scope will include bringing 5% of the units (11) up to full ADA compliance. The property will remain livable throughout construction so it is not expected that any tenants will be displaced during the construction period. In addition to the physical upgrades, the owner is planning to enter into regulatory agreements in connection with the LIHTCs and tax exempt bonds to ensure that 100% of the units remain affordable for residents with incomes at or below 60% AMI for at least another 30 years. The ultimate objective is to preserve and improve existing affordable housing in the Town of Tonawanda for current and future residents.

**Municipality or Municipalities of current operations**

Village of Kenmore

**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**

ECIDA. We are seeking approximately \$25,000,000 in tax-exempt bonds

**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 project proposal contemplates financing from tax-exempt bonds from ECIDA and 4% LIHTCs from NYSHCR. In addition, it is anticipated that the Project will receive a PILOT from the Town of Tonawanda and a sales tax exemption from ECIDA. Given the extent of the proposed rehabilitation, without the tax-exempt bonds and sales tax exemption assistance from the Agency, the Project could not be undertaken. For a 4% LIHTC Rehabilitation project, it is a requirement to utilize tax-exempt bonds. The Developer was advised by NYSHCR to work with ECIDA on the issuance of tax-exempt bonds. Without the ECIDA's bond issuance, the project would not be feasible. In addition to the tax-exempt bonds, the project will also need tax incentives in the form of a sales tax exemption from ECIDA in order to keep project costs at a level that make the substantial rehabilitation that is planned viable. That is to say that without the sales tax exemption, our total costs of goods and services (COGS) would exceed the financing sources available to us for this Project. Therefore, the sales tax exemption is critical for the Applicant to undertake the Project. For this Project, we are anticipating COGS of \$6,000,000. The resulting Sales Tax Exemption would mean a \$525,000 benefit to the property which would be directly re-invested in the proposed renovation of the property. The renovation of the property will enable an investment of approximately \$9 million in direct hard costs (an average of \$44,000 per unit) and over \$10 million in total construction costs to address physical needs at the property. Built over 40 years ago and never substantially renovated, the property has been maintained but now has significant capital needs. The proposed renovation includes: modernization of 100% of units including new baths, kitchens, flooring, lighting, painting; landscaping improvements; modernization of community spaces; and addition of new site-wide free wifi. In addition, the scope will include bringing 5% of the units (11) up to full ADA compliance. The proposed renovation will allow the Applicant to preserve and improve an important affordable housing resource in Tonawanda which continues to have a need for affordable housing. Through this renovation, the Applicant will protect the affordability of 100% of the 201 units with new extended regulatory agreements. The project is also expected to generate approximately 25 construction jobs through the rehabilitation, with an expected average salary of \$80,000/year for full-time roles and \$40K/year for part-time roles, in addition to enabling the retention of four positions on the property management team.

**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?**

If the Applicant is unable to obtain Financial Assistance for the Project, the Applicant will need to seek other resources to enable the acquisition and rehabilitation, however it is unclear at this time whether other resources will be available for the Project. If other resources are not available, then the Applicant will not be able to acquire the property and complete a much needed rehabilitation. The current owner will continue to work with management to operate the property given available resources, however the property will undoubtedly experience increasing physical needs and declining conditions.

**Will project include leasing any equipment?**

Yes

If yes, please describe equipment and lease terms.

The site leases laundry machines, Printer/copier machine, and postage machine

### 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)**

The closest bus stop is on the corner of Westchester Blvd. and Elmwood Ave., which is less than a block from the property. The Bus is number 20 and the Stop ID is 16030.

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

No

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

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

9/1/23

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

Yes

**Describe the present zoning/land use**

The zoning district is M-F, Multifamily Dwelling

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

N/A

**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?**

Yes

**If yes, describe the efficiencies achieved**

Yes, new equipment purchased as part of the Project will provide energy efficiency benefits. The proposed renovation will include the replacement of equipment in residential units, including energy-efficient lighting and appliances. The renovation will also include mechanical equipment upgrades which are expected to meet certain efficiency standards.

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.

**Yes Acquisition of Existing Facility**

**No Assisted Living**

**No Back Office**

**No Civic Facility (not for profit)**

**No Commercial**

**Yes Equipment Purchase**

**No Facility for the Aging**

**No Industrial**

**No Life Care Facility (CCRC)**

**No Market Rate Housing**

**No Mixed Use**

**Yes Multi-Tenant**

**No Retail**

**Yes Senior Housing**

**No Manufacturing**

**No Renewable Energy**

**Yes Other**

**Leasing Office, resident amenities (e.g. laundry rooms, community room)**

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?**

No

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

<BLANK>

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

**Will project result in significant utility infrastructure cost or uses** Yes

What is the estimated project timetable (provide dates).

**Start date : acquisition of equipment or construction of facilities**

11/1/2023

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

10/31/2024

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

11/1/2023

Capital Project Plan / Budget

**Estimated costs in connection with Project**

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

\$ 16,600,000

217,800 square feet

5 acres

**2.) New Building Construction**

\$ 0

square feet

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

\$ 0

square feet

**4.) Reconstruction/Renovation**



\$ 10,000,000

130,430 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.)**

\$ 5,000,000

**9.) Other Cost**

\$ 4,000,000

**Explain Other Costs**      The other costs is the developer fee

**Total Cost**      \$ 35,600,000

Construction Cost Breakdown:

<b>Total Cost of Construction</b>	\$ 10,000,000 (sum of 2, 3, 4 and 6 in Project Information, above)
<b>Cost of materials</b>	\$ 0
<b>% sourced in Erie County</b>	20%

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**      \$ 6,000,000

**Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):**      \$ 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?**      No

**If Yes, describe particulars:**

Sources of Funds for Project Costs:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$
<b>Bank Financing:</b>	\$ 0
<b>Tax Exempt Bond Issuance (if applicable):</b>	\$ 22,600,000
<b>Taxable Bond Issuance (if applicable):</b>	\$ 0
<b>Public Sources (Include sum total of all state and federal grants and tax credits):</b>	\$ 13,000,000
<b>Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)</b>	4% tax credits

**Total Sources of Funds for Project Costs:** \$35,600,000

**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).** 22,600,000

**Lender Name, if Known**

**Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):** \$169,500

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):** Yes, the project is working with the Town of Tonawanda on an Article XI PILOT

IDA PILOT Benefit: Agency staff will indicate the estimated amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in the PILOT worksheet in the additional document section.

Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon the Sources of Funds for Project Costs as depicted above. The percentage of Project Costs financed from public sector sources will be depicted in the PILOT worksheet in the additional document section.

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

Yes

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

Yes

**Will project include leasing any equipment?**

Yes

If yes, please describe equipment and lease terms. The site leases laundry machines, Printer/copier machine, and postage machine

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>	4	4	1	1
<b>Part time</b>	0	0	0	0
<b>Total</b>	4	4	1	

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>	2	\$ 48,650	\$ 4,000	0	\$ 0	\$ 0
<b>Professional</b>	3	\$ 39,000	\$ 4,000	0	\$ 0	\$ 0
<b>Administrative</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Production</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Independent Contractor</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Other</b>	0	\$ 0	\$ 0	0	\$ 0	\$ 0
<b>Total</b>	5			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.

Yes **By checking this box, I certify that the above information concerning the current number of jobs at the proposed project location or to be relocated to the proposed project location is true and correct.**

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

<b>Address</b>			
<b>Full time</b>	0	0	0
<b>Part time</b>	0	0	0
<b>Total</b>	0	0	0

Payroll Information

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

250,000

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

45,000

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

0

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

33,000

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

0

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

<b>From (Full Time)</b>	33,000	<b>To (Full Time)</b>	33,000
<b>From (Part Time)</b>	0	<b>To (Part Time)</b>	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**

55 Ralston Ave., Kenmore, NY 14217

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

Westchester Park Preservation, L.P. 30 Hudson Yards, 72nd Floor, New York, NY 10001

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

The immediately surrounding properties consist of single-family residences to the north across Westchester Avenue; apartment buildings, single-family residences, and Thurston Park to the south across Ralston Avenue; an apartment building and a retail strip plaza to the east; and single-family residences to the west across Wilber Avenue. There are no rivers or wetlands nearby and the site is in flood zone X.

#### **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 property was improved with the Horace Mann Public School in 1956/1957 and was utilized as a public school until approximately 1974. In 1980/1981, the Horace Mann Public School was converted into Westchester Park Apartments and the five-story connected addition was also constructed. The site will continue to be utilized as affordable housing post-renovation.

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

The site was an elementary school prior to apartments.

#### **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**

Solid waste generated at the subject property is disposed in commercial dumpsters located on the northern portion of the subject property. An independent solid waste disposal contractor, Modern Disposal, removes solid waste from the subject property. Only household trash is collected in the on-site solid waste dumpsters.

**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**

None

**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**

Sanitary discharges on the subject property are directed into the municipal sanitary sewer system. The Eerie County Sewer District services the subject property vicinity. No wastewater treatment facilities or septic systems were observed or reported on the subject property.

**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?**

<BLANK>

**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**

None

**Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks?**

<BLANK>

**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?**

Yes

**If yes, please identify the materials**

Please see section 8.16.3 of the attached Phase 1

## 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**

This is an existing property

**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, # of sq ft and % of total to be zip)	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 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

55 Ralston Ave.

### City/Town

Kenmore

### State

New York

### Zip Code

14217

**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?

Yes

### What is the anticipated closing date of the bond transaction:

10/15/23

### Please describe the total # of residential units broken down by # bedrooms, including rental rates and sq ft.

9 Studios with 550 SF; 132 one-bedroom units with 650 SF; 52 one-bedroom units with 640 SF; and 8 two-bedroom units with 800 SF

### What affordability programs are you seeking and/or are you currently utilizing for this project? Please describe in detail including how many units per program.

100% of the units are under a Section 8 Contract. We are also applying for 4% tax credits for 100% of the units, which will limit incomes to 60% of AMI for 30 years.

### Are there any outstanding code enforcement actions or housing court cases for this project?

No

### If yes, please provide details of these items and describe the current disposition.

### Will the project include unit renovations?

Yes

### If yes, please provide details of the tenant impact due to this renovation, including but not limited to: # of units affected, will tenants be displaced during renovations? If so, for how long? What accommodations will be made for displaced tenants?

All 201 units will receive a renovation. It's expected that the majority of residents will be out of their unit for 2 weeks while it is renovated. 5% of the units, or 11 total, will receive full ADA upgrades. Residents in those units will be displaced for approximately 8 weeks due to the substantial nature of the upgrades. The expected plan for accommodations is to hold a handful of units at the site vacant to be used as on-site "hotel" units. These units would be rehabbed first and then outfitted with furniture and the like for residents to live in while their unit is renovated. The resident would then return to their original unit once it's complete. To the extent that we are renovating more units at a time than we have available "hotel" units, we would utilize a nearby extended-stay hotel for relocation.

### Please describe in detail, your outreach efforts to local community leaders and to tenants regarding your project. Include a tenant communication plan if applicable.

We have met with Town of Tonawanda Supervisor Emminger, as well as the ECIDA, to discuss the project. In connection with tenant outreach, as we get closer to closing, we will hold at least two on-site tenant meetings to discuss the renovation and relocation. In addition, there will be multiple memos sent around to ensure the residents receive all the necessary information.