

NOTICE OF PUBLIC HEARING

Pursuant to Article 18-A of NYS General Municipal Law, the Erie County Industrial Development Agency (the "Agency") will hold a public hearing on November 3, 2014 at 9:00 a.m. at the Agency's offices, at 95 Perry Street-Suite 403, Buffalo, NY 14203 regarding:

NIAGARA STREET BUFFALO, 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 project (the "Project") consisting of: (i) the leasehold interest in parcels of land located at 285-295 Niagara Street, City of Buffalo, Erie County, New York (the "Land") together with six (6) existing connecting historic buildings consisting of 55,710+/- SF thereon (the "Existing Improvements"), (ii) the construction and/or renovation, expansion, upgrading and equipping of the Existing Improvements thereon into a mixed-use project consisting of a 46,285+/- SF market-rate multi-tenant residential facility to include 40 one and two bedroom units, 47 on-site parking spaces, 9,325+/- SF of manufacturing/processing space, and 100+/- SF of retail space, with landscaping and green space along the street frontage (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").

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 New York State and local sales and use tax exemption benefits and mortgage recording tax exemption benefits consistent with the policies of the Agency.

A representative of the Agency will be present at the above-stated time and place to present a copy of the Application and hear and accept written and oral comments from all persons with views in favor of or opposed to the proposed financial assistance. Written comments may be submitted at this public hearing or delivered to the Agency at 95 Perry Street-Suite 403, Buffalo, NY 14203 until the comment period closes on November 18, 2014. The project application is available for public inspection at the Agency's offices Monday through Friday (excluding public holidays) from 9:00 a.m. until 4:00 p.m.

This public hearing is being conducted in accordance with Subdivision 2 of Section 859-a of the New York General Municipal Law.

Erie County Industrial Development Agency



Niagara Street

Section I: Applicant Background Information

Applicant Information- Company Receiving Benefit

Applicant Name	Niagara Street Buffalo, LLC
Applicant Address	443 Delaware Avenue
Phone	(716) 923-7000
Fax	(716) 882-4293
E-mail	jake@schneiderdesign.com
Website	SchneiderDevelopmentServices.com
Federal ID#	46-4496902
NAICS Code	53
Will a Real Estate Holding Company be utilized to own the Project property/facility	Yes
What is the name of the Real Estate Holding Company	Niagara Street Buffalo, LLC
Federal ID#	46-4496902
State and Year of Incorporation/Organization	New York State, 2013
List of stockholders, members, or partners of Real Estate Holding Company	Charles J. Schneider C/O Schneider Development, LLC 443 Delaware Avenue Buffalo, NY 14202 jake@schneiderdesign.com (716) 923-7000; Mary Kathryn Schneider C/O Katie Schneider Photography 443 Delaware Avenue Buffalo, NY 14202 katieschn@gmail.com (716) 923-7000; REG, LLC 3556 Lakeshore Boulevard Suite 620 Buffalo, NY 14219 MGBaumgart@rpoakhill.com (716) 822-4966; Michael P. Modrzynski C/O Allied Mechanical 1111 Niagara Street Buffalo, NY 14213 mikem@alliedmechanical.us (716) 882-1234; EBD, LLC C/O Empire Building and Diagnostics, Inc. 2 Main Street Depew, NY 14043 michaely@ebdinc.com (716) 685-4488; Charles G. Jones Jr C/O Wittburn Enterprises, Inc. PO Box 1122 Buffalo, NY 14205 cjones@wittburn.com (716) 856-6610; Anthony and Mary Kay Muscarella 5308 Lakeshore Road Hamburg, NY 14075 mmuscarella01@me.com (716) 627-4736; Thomas R. Kujawa C/O K-Arc Design Architect 443 Delaware Avenue Buffalo, NY 14202 tomkdesign@gmail.com (716) 923-7000

Individual Completing Application

Name	Matthew Hartrich
Title	Vice President, Business Development- Schneider Development
Address	443 Delaware Avenue
Phone	(716) 923-7000
Fax	(716) 882-4293
E-Mail	matt@schneiderdevelopmentservices.com

Company Contact (if different from individual completing application)

Name	Jake Schneider
Title	Manager- Niagara Street Buffalo, LLC
Address	443 Delaware Avenue
Phone	(716) 923-7000
Fax	(716) 882-4293
E-Mail	jake@schneiderdesign.com

Company Counsel

Name of Attorney Jason Yots
Firm Name Yots Law Firm, PC.
Address 221 Bedford Avenue, Buffalo, NY 14216
Phone (716) 440-0521
Fax
E-Mail jasonyots@yotslaw.com

Identify the assistance being requested of the Agency

Exemption from Sales Tax Yes

Tax Exempt Financing* No

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

**Exemption from Mortgage
Tax** Yes

**Exemption from Real
Property Tax** No

Tax Exempt Financing* No

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

Business Organization

Type of Business Limited Liability Company
Year Established 2013
State of Organization New York

List all stockholders, members, or partners with % of ownership greater than 20%

Please include name and % of ownership.

REG, LLC 3556 Lakeshore Boulevard Suite 620 Buffalo, NY 14219 MGBaumgart@rpoakhill.com (716) 822-4966 37.31%

Applicant Business Description

Describe in detail company background, products, customers, goods and services. Description is critical in determining eligibility

The project, located at 285-295 Niagara Street plans to redevelop 55,000 sq ft of vacant historic inventory into a mix of approximately 40, 1 and 2 bedroom market rate apartments with approximately 9,400 square feet of food production space on the ground floor. The building will also feature a rooftop deck for use by tenants, with sweeping views of Lake Erie, the Downtown Skyline, and the Lower West Side and historic West Village. 47 on-site parking spots will be created and green space and landscaping will be installed to compliment the City of Buffalo's Niagara Street Gateway project. 1.5 new property management/maintenance positions will be created in addition to 3 food processing positions.

Estimated % of sales within Erie County N/A

Estimated % of sales outside Erie County but within New York State N/A

Estimated % of sales outside New York State but within the U.S. N/A

Estimated % of sales outside the U.S. N/A

(*Percentage to equal 100%)

What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County? Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation of the estimated percentage of local purchases

Approximately 75%

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Municipality or Municipalities of current operations

City of Buffalo

Will the Proposed Project be located within the Municipality, or within a Municipality, identified above?

Yes

In which Municipality will the proposed project be located

City of Buffalo

Address

285-295 Niagara Street

If the Proposed Project is located in a different Municipality 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 Section V of this Application

SBL Number for Property upon which proposed Project will be located

110.44-1-15.1 & 110.44-1-17.1

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

Assessed value of land

\$33,800

Assessed value of building(s)

\$215,000

Are Real Property Taxes current?

Yes

If no please explain

Town/City/Village of Project Site

City of Buffalo

School District of Project Site

Buffalo Public Schools

Does the Applicant or any related entity currently hold fee title to 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

The 55,000 square foot building(s) and adjoining unimproved lot that comprise the proposed project site are vacant.

Please provide narrative of project (new build, renovations, 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 project, located at 285-295 Niagara Street plans to redevelop and adaptively reuse 55,000 sq ft of vacant historic inventory into a mix of approximately 40, 1 and 2 bedroom market rate apartments, renting for approximately \$1,000- \$1,100/month with approximately 9,400 square feet of food production space on the ground floor. The project will feature a rooftop deck for tenant use, which will provide sweeping views of Lake Erie, the Downtown skyline, and the West Side and historic West Village. There will be 47 on-site parking spaces and landscaping and greenspace will be installed along the street frontage to compliment the Niagara Streetscape and NFTA projects. The set of interconnected historic buildings date back to 1853, with 5 additions added on over the years creating a unique and challenging patchwork of buildings that will be combined into one redevelopment plan. Historic components will be restored and the project will provide an impressive welcoming to the 15,000 cars that exit the 1-90 across the street everyday on their way into Downtown Buffalo.

Describe the reasons why the Agency's Financial Assistance is necessary and how the Financial Assistance enables the company to undertake the Project to facilitate investment, job creation and/or job retention. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

This set of abandoned historic buildings has the potential to and add tremendous value to complimentary public investments taking place along the Niagara Street corridor, but they are undoubtedly in the worst physical shape of any buildings Schneider Development has taken on to date. The earliest of the structures date back to 1853 (161 years old), with the most recent addition being built over a century ago (1910). Taking 6 different structures built at varying times and with differing and outdated construction methodologies and combining them into one feasible development plan that complies with current building code and meets market demand presents many unique challenges and associated costs for the design and construction team. This is compounded by the reality that construction materials and labor costs in Buffalo run slightly above the national average, while our rental market still lags behind what developers in other major American cities can charge for rent. As our project costs clearly demonstrate (see attached pro forma), these projects entail narrow margins that need to leverage every available resource and gap financing available to achieve a modest ROI. Additionally, the immediate neighborhood in which the proposed project is located presents additional risk for an already tight bottom line. The neighborhood experiences significantly higher crime rates than the Central Business District and is relatively untested for market rate facilities. While we are confident that the corridor and surrounding neighborhoods will continue to evolve and improve into the foreseeable future, the extent and immediacy of market demand for this particular neighborhood is still yet to be seen. Nonetheless, the provision of unique and exciting housing opportunities in close-in, walkable, transit friendly urban neighborhoods is essential to attracting and retaining the creative and skilled workforce that is required to fuel and support the growth of the regional economy.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

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

Yes

Describe the present zoning/land use

CM- General Commercial District

Describe required zoning/land use, if different

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

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

No

If yes, please explain

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

No

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

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, please explain.

What percentage of annual operating expenses are attributed to the above referenced research and development activities?

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

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, complete the Retail Determination contained in Section IV of the Application.

Please check any and all end uses as identified below.

Retail Sales Yes **Services** No

For purposes of this question, 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.

No Manufacturing

No Multi-Tenant

Yes Mixed Use

No Acquisition of Existing Facility

No Commercial

No Facility for the Aging

No Housing

No Back Office

No Civic Facility (not for profit)

No Equipment Purchase

No Retail

No Other

Project Information

Estimated costs in connection with project

Land and/or Building Acquisition

\$ 1,356,000 55,710 square feet 0 acres

New Building Construction

\$ 0 square feet

New Building addition(s)

\$ 0 square feet

Infrastructure Work

\$ 0

Renovation

\$ 8,315,065 55,710 square feet

Manufacturing Equipment

\$ 250,000

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

\$ 50,000

Soft Costs: (professional services, etc.)

\$ 1,692,397

Other Cost

\$ 0

Explain Other Costs

Total Cost

\$ 11,663,462

Project Refinancing: estimated amount (for refinancing of existing debt only)

\$ 0

Sources of Funds for Project Costs:

Estimated Mortgage Amount

\$ 5,044,473

Lender Name, if Known

unknown

Equity

2,100,000 (\$6,256,488 including HTC & BCP)

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

Yes

If Yes, describe particulars:

Acquisition & Associated Costs (\$1,356,000) Soft Costs (\$170,000)- Tax Credit Services- Architecture/Engineering- NYSDEC Brownfield Fee- Legal Fees- Property Insurance

Construction Cost Breakdown:

Total Cost of Construction

\$ 8,365,065 (sum of 2,3,4,5, and/or 7 in Question K, above)

Cost for materials

\$ 4,182,532

% sourced in Erie County

97%

% sourced in State

100% (including Erie County)

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

\$ 4,432,532

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

\$ 387,846

For proposed facility please include # of sq ft for each of the uses outlined below

		Cost	% of Total Cost
Manufacturing/Processing	9,325 square feet	\$ 1,655,740	18
Warehouse	square feet	\$ 0	0
Research & Development	square feet	\$ 0	0
Commercial	square feet	\$ 0	0
Retail	100 square feet	\$ 1,000	1
Office	square feet	\$ 0	0
Specify Other	Residential & Common Areas 46,285 square feet	\$ 6,908,325	81

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

Will project result in significant utility infrastructure cost or uses

No

What is your project timetable (Provide dates)

Start date : acquisition of equipment or construction of facilities

3/1/2015

End date : Estimated completion date of project

4/1/2016

Project occupancy : estimated starting date of operations

4/1/2016

Have construction contracts been signed?

No

Have site plans been submitted to the appropriate planning department for approval?

Yes

Has the Project received site plan approval from the appropriate planning department?

Yes

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

No

Employment Plan (Specific to the proposed project location):

Current # of jobs at proposed project location or to be	If project is to retain jobs, number of jobs to	Total # of jobs 2 years after project completion
--	--	---

	relocated at project location	be retained	
Full time	0	0	4
Part time	0	0	0
Total	0	0	4

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

Will any of the facilities described above be closed or subject to reduced activity?

No

Payroll Information

Annual Payroll at Proposed Project Site

\$ 136,000

Estimated average annual salary of jobs to be retained

\$ 0

Estimated average annual salary of jobs to be created

\$ 34,000

Estimated salary range of jobs to be created

From \$ 30,000 **To** \$ 50,000

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

What competitive factors led you to inquire about sites outside of New York State?

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

Do you anticipate applying for any other assistance for this project?

Yes

If yes, what type of assistance (Historic Tax Credits, 485(a), Grants, Utility Loans, Energy Assistance, Workforce Training)

Historic Tax Credits, Brownfield Cleanup Credits, City of Buffalo 485(a), Utility Grants

Section III: Adaptive Reuse Projects

Are you applying for tax incentives under the Adaptive Reuse Program?	Yes
What is the age of the structure (in years)?	161
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 yes, number of years vacant?	14
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)	Yes
If yes, please provide dollar amount of income being generated, if any	\$ \$0
Does the site have historical significance?	Yes
Are you applying for either State/Federal Historical Tax Credit Programs?	Yes
If yes, provide estimated value of tax credits	\$ 2,670,242

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)

This set of abandoned historic buildings has the potential to add tremendous value to complimentary public investments taking place along the Niagara Street corridor, but they are undoubtedly in the worst physical shape of any buildings Schneider Development has taken on to date. The earliest of the structures date back to 1853 (161 years old), with the most recent addition being built over a century ago (1910). Taking 6 different structures built at varying times and with differing and outdated construction methodologies and combining them into one feasible development plan that complies with current building code and meets market demand presents many unique challenges and associated costs for the design and construction team. This is compounded by the reality that construction materials and labor costs in Buffalo run slightly above the national average, while our rental market lags behind what developers in other major American cities can charge for rent. As our project costs clearly demonstrate (see attached pro forma), these projects entail narrow margins that need to leverage every available resource and gap financing available to achieve a modest ROI. Additionally, the immediate neighborhood in which the proposed project is located presents additional risk for an already tight bottom line. The neighborhood experiences significantly higher crime rates than the Central Business District and is relatively untested for market rate facilities. However, we are confident that the corridor and surrounding neighborhoods will continue to evolve and improve into the foreseeable future. Nonetheless, the provision of unique and exciting housing opportunities in close-in, walkable, transit friendly urban neighborhoods is essential to attracting and retaining the creative and skilled workforce that is required to fuel and support the regional economy.

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

Please indicate other factors that you would like ECIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site has historical significance, site or structure is presently delinquent in property tax payments

High Visibility/Distressed Area: For the past 50 years, the Lower West Side and Niagara Street have experienced intense levels of disinvestment, leaving behind an unstable neighborhood that is just now beginning to see new reinvestment activity trickling back into it. Nonetheless, the neighborhood is still heavily distressed with most recent census data indicating that over 48% of residents within the census tract where the proposed project is located live under the poverty line. The proposed project site, which sits at a highly visible location in the neighborhood- a half-mile from Niagara Square and at the foot of the 1-90 entrance/exit- continues to serve as an eyesore and provide a negative perception of the City and region for the over 20,000 cars that pass by the vacant and dilapidated site daily on their way into and out of downtown. In addition to being highly visible blight, the extent of negligence incurred over the years has turned the vacant property into a public safety hazard. Over the past decade, the next-door neighbor has suffered damage to her home and car resulting from large pieces crumbling off the proposed project property. Neighborhood gangs have graffitied various parts of the property, especially in alley behind the property, and debris is on occasion dumped at the site. Compliance with Planning/Public Investment: Despite the neighborhood's challenges, the City of Buffalo is investing heavily in the Niagara Street corridor. The proposed project property is located along the Niagara Street Gateway Project, a section of the Niagara Street corridor between Porter and Niagara Square, which has been prioritized as an important international gateway, welcoming visitors and commerce crossing the Peace Bridge and heading into Downtown Buffalo. The City and the NFTA are collectively investing \$8 million for reconstruction of this stretch of Niagara Street this summer 2014, with improvements to include dedicated bicycle lanes, the construction of "curbed bump-outs" with "green infrastructure," exposed aggregate and colored sidewalks, street lighting, landscaping, and streetscape amenities. The proposed project, currently vacant, sits along this stretch of roadway improvements. The rehabilitation of the property would leverage this substantial public investment and provide immediate and tangible examples of private sector reinvestment along the corridor. The project also aligns with State and regional plans, including the Western New York Regional Economic Development Council (REDC) Strategy for Prosperity and the Buffalo Billion Investment Development Plan. The revitalization of the vacant, historic, former brownfield in downtown Buffalo into unique converted apartment space and start-up food manufacturing space specifically addresses 3 of the 6 REDC's priorities. These include: - Promote smart growth- By redeveloping a former brownfield within the regional core and along a public transportation corridor prioritized by the NFTA for \$4 million in new "next generation" bus technology, and physical improvements by City in new pedestrian and bicycle friendly amenities.- Develop amenities that are oriented towards young adults- By providing new and exciting housing opportunities in Downtown Buffalo and remerging city neighborhood's to help retain and retract young creative talent that is so vital to the continued economic growth of the region.- Improve the region's image- By revitalizing historically significant vacant property that sits at the foot of an international gateway and major entrance into the region's downtown core. The project property is also located within a geographic target area prioritized by the Buffalo Billion Better Buffalo Fund for revitalization efforts that focus on investment in housing and enhancing infrastructure. It also sits on the edge of the City of Buffalo's Buffalo Harbor Brownfield Opportunity Area and aligns with the planning and redevelopment principles outlined in the BOA plan.

Challenges with Building Code Compliance/6 Buildings: Given the age, condition, and varied and outdated construction methodologies employed across the 6- building complex, there are substantial design challenges and construction costs associated with redeveloping the property to meet market demands, comply with building code, and still be economically feasible. Examples include: cutting out interior sections of a 161-year old building for a second means on ingress/egress and elevator, upgrading and installing all new utility service into the property, designing and installing all new building systems- most of which never existed, ensuring proper fire separation between uses and across 6 buildings, contending with and aligning varied floor heights, cutting new exterior penetrations for windows, selectively removing floor sections to make small mezzanine levels useable, among numerous other design and construction challenges. Historic Significance: The Turner Brother's Gothic Revival frame and load bearing brick masonry building was constructed in ca. 1853 when Buffalo was a growing port city as a result of the Erie Canal and railroad system. The Turner Brothers, who also had operations in New York City and San Francisco, distributed the products made in Buffalo to ports throughout North and South America and the rest of the world. Their uniquely shaped packaging bottles are highly sought after collectors items that sell for thousands of dollars. The building is an important and rare resource from the era when Buffalo played a significant role in the nation's commercial and transshipment history. The building also retains a high level of integrity and is an extremely rare example of early Gothic Revival architecture dating from the mid-nineteenth century in Buffalo. The ca. 1910 commercial warehouse additions constructed by the American Household Storage Company are good examples of early concrete frame fireproof construction in Buffalo. The ca. 1910 additions are also highly significant as examples of the industrial/commercial work of G. Morton Wolfe, a prolific architect in Buffalo and the surrounding region whose work is no longer well represented.

Section IV: Retail Determination

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? Yes

If yes, complete the Retail Questionnaire Supplement below.

What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? 0 %

If the answer to this is **less than 33%** do not complete the remainder of the page and proceed to the next section (Section V: Inter-Municipal Move Determination).

If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

Will the project be operated by a not-for-profit corporation? <BLANK>

Is the project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located? <BLANK>

If yes, please provide a third party market analysis or other documentation supporting your response.

Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality? Are services provided at the proposed project site needed because of a lack of reasonably accessible retail trade facilities offering such goods or services? <BLANK>

If yes, please provide a market analysis supporting your response.

Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in the State of New York? <BLANK>

If yes, explain

Is the project located in a Highly Distressed Area? Yes

Section V: 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.

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 or abandonment of an existing facility?

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 VI: Facility Type - Single or Multi Tenant

Is this a Single Use Facility or a Multi-Tenant Facility?

Multi-Tenant Facility

For Single Use Facility

Occupant Name

Address

Contact Person

Phone

Fax

E-Mail

Federal ID #

SIC/NAICS Code

Multi-Tenant Facility

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

According to a 2011 study commissioned by the City of Buffalo, Empire State Development, and the Buffalo Niagara Partnership, and completed by Zimmerman Volk Associates, Downtown Buffalo has the market potential to absorb upwards of 300 new residential units in downtown at least through 2016. The study did not take into account the 7,000 new jobs being created on the Buffalo Niagara Medical Campus by 2017. In light of this market demand, supply of new downtown residential units has not matched the pace of the demand, with apartment complexes in downtown Buffalo running at 97+% occupancy- some of the highest numbers in the nation. Sitting on the boarder of Downtown Buffalo and the neighborhood revitalization taking place on the West Side of Buffalo, the proposed project property is in an ideal location to tap into both markets. The food producer we are in serious discussions with drives the market for the property's commercial space.

Have any tenant leases been entered into for this project?

No

If yes, please fill out a tenant form in section VII, for each tenant.

Tenant Name	Current Address (city, state, zip)	# of sq ft and % of total to be occupied at new projet site	SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.
--------------------	---	--	---

Section VII: Environmental Questionnaire

General Background Information

Address of Premises 285-295 Niagara Street Buffalo, NY 14201

Name and Address of Owner of Premises Niagara Street Buffalo, LLC 443 Delaware Avenue Buffalo, NY 14202

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

285 Niagara consists of a vacant, unimproved lot. 295 Niagara consists of two primary structures and a vacant unimproved lot.

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 premises consists of historic properties dating back to 1853. After being redeveloped, the premise will have 40 apartments, first floor food processing space, and 47 car asphalt parking spaces.

Describe all known former uses of the Premises

The northern part of the site (295 Niagara parcel) was historically used as operations for an elixir manufacturer, a carriage and bicycle manufacturer, and cold storage. The southern portion of the site (285 Niagara parcel) was formerly an automobile filling station and car wash operation.

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?

Yes

If yes, describe and attach any incident reports and the results of any investigations

Both sites were fully remediated to unrestricted residential status through the New York State Brownfield Cleanup Program and received a Track 1 (unrestricted use) Certificate of Completion in November 2013.

Has the Premises or any part of it ever been the subject of any enforcement action by any federal, state or local government entity, or does the preparer of this questionnaire have knowledge of: a) any current federal, state or local enforcement actions; b) any areas of non-compliance with any federal, state or local laws, ordinances, rules or regulations associated with operations over the past 12 months?

No

If yes, please state the results of the enforcement action (consent order, penalties, no action, etc.) and describe the circumstances

Has there been any filing of a notice of citizen suit, or a civil complaint or other administrative or criminal procedure involving the Premises?

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

Does any activity conducted or contemplated to be conducted at the premises generate, treat or dispose of any petroleum, petroleum-related products, solid and hazardous wastes or hazardous substances?

No

If yes, provide the Premises' applicable EPA (or State) identification number

Have any federal, state or local permits been issued to the Premises for the use, generation and/or storage of solid and hazardous wastes?

No

If yes, please provide copies of the permits.

Identify the transporter of any hazardous and/or solid wastes to or from the Premises

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

Tonawanda Terminal Biotreatment Facility received contaminated soil from the site in December 2012-January 2013 as part of the site's remediation under the Brownfield Cleanup Program.

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

40 apartments, first floor commercial. New 8 & 12 inch storm water sewer lines for the roof and parking lot run off, and a new 6 inch sanitary waste sewer line (separate) to be installed.

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. Underground storage tanks were removed through the New York State Brownfield Cleanup Program.

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

Asbestos survey is contracted to be undertaken and results are pending.

PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)

Tenant Name Ru's Perogi, LLC
Property Address: 295 Niagara Street, Buffalo, NY 14201
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) 9,425

What percentage of the building does this represent? 17%

Are terms of lease: NET

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

Estimated date of occupancy 4/1/2016

PART 2 TO BE COMPLETED BY PROPOSED TENANT

Company Name: Ru's Perogi LLC
Local Contact Person: Zack Schneider
Title: CEO
Current Address: 737 Main Street, STE 202, Buffalo, NY 14203
Phone: (716) 608-6216
Fax: N/A
E-Mail: zack@ruspierogi.com
Website: <http://www.ruspierogi.com/>
Company President/General Manager: Andy Ruszczyk

Number of employees moving to new project location:

Full-Time: 3

Part-Time: 0

Total: 3

Do you anticipate increasing employment within the next two years?

If yes, how many additional employees moving to new project location?

Full-Time: 0

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- 311820 Cookie, Cracker, & Pasta Mfg Pierogi manufacturing and sales via restaurant, storefront, and grocery retail distribution. The majority of space will be focused on production. Initially 100% of food sales will happen within Erie county. Operation will support online sales though and distribution will eventually grow beyond just Erie county.

Attach additional information as necessary.

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

Start-up bringing gourmet quality pierogi to market, featuring different unique styles beyond traditional pierogi.

Please list the square footage which the proposed tenant will lease at the Project location 9,425

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

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

Will the project result in a relocation and/or abandonment of other tenant/user(s) facilities in Erie County, or New York State? No

Where is company relocating from?

Address: N/A

City/Town/Village:

State:

Zip:

If yes, please provide reason for move; i.e. larger/smaller facility required, competitive position, lease expiration, etc.

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

If leased, when does lease expire? 1/1/2009

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

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

Is location necessary to:

Discourage your company from moving out of New York State No

Maintain your company's competitiveness within the industry: Yes

(if yes is checked on one or both please provide specific explanation as an attachment on company letterhead)

Will tenant/user's use of the project involve the sales of goods OR services to customers who personally visit the facility Yes

If the answer is YES, are sales taxes collectible under Article 28 of the Tax Law of the State of New York on sales of these goods Yes

Were local economic development officials contacted about the availability of alternative sites within the community you are leaving? No

If yes, who was contacted and what was the outcome?

If no, why not?

N/A

Will present location be your company's headquarters? Yes

If No, Where is the location of HQ:

City:

State:

Form Completed By:

Relationship to Company: