



201 Ellicott Street - Fresh Food Market

Section I: Applicant Background Information

Applicant Information - Company Receiving Benefit

Project Name	201 Ellicott Street - Fresh Food Market
Applicant Name	201 Ellicott, LLC / Ellicott Green Acres, LLC dba Braymiller Market
Applicant Address	50 Fountain Plaza / 6936 Gowanda State Road
Applicant Address 2	Suite 500 / --
Applicant City	Buffalo / Hamburg
Applicant State	New York
Applicant Zip	14202 / 14075
Phone	(716) 631-8000 / (716) 649-2356
Fax	(716) 631-8034 / (716) 649-4136
E-mail	pciminelli@ciminelli.com / stuart@braymillermarket.com
Website	https://www.ciminelli.com/ / http://braymillermarket.com/
Federal ID#	/ To be determined
NAICS Code	For Braymiller Market: 531120, 445230, 424480
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	201 Ellicott, LLC / 201 Green Acres, LLC
Federal ID#	/ To be determined
State and Year of Incorporation/Organization	NY 2018 / NY 2019
List of stockholders, members, or partners of Real Estate Holding Company	Ciminelli Real Estate Ventures (sole member: Paul F. Ciminelli) / Stuart Green

Individual Completing Application

Name	Denise M. Juron-Borgese
Title	Vice President of Development and Planning
Address	50 Fountain Plaza
Address 2	Suite 500 - Ciminelli Real Estate Corporation
City	Buffalo

State	New York
Zip	14202
Phone	716-631-8000
Fax	716-631-8034
E-Mail	djuron-borgese@ciminelli.com

Company Contact (if different from individual completing application)

Name
Title
Address
Address 2

City

State

Zip

Phone
Fax
E-Mail

Company Counsel

Name of Attorney Blaine S. Schwartz / Roger F. Cominsky
Firm Name Lippes Mathias Wexler Friedman LLP / Barclay Damon
Address 665 Main Street / 200 Delaware Avenue
Address 2 Suite 300 / The Avant Building

City Buffalo

State New York

Zip 14203 / 14202

Phone (716) 853-5100 / (716) 566-1413
Fax (716) 853-5199 / (716) 566-4000
E-Mail bschwartz@lippes.com /
rcominsky@barclaydamon.com

Identify the assistance being requested of the Agency.

Exemption from Sales Tax Yes

Exemption from Mortgage Tax Yes

Exemption from Real Property Tax Yes

Tax Exempt Financing* No

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

Business Organization

Type of Business Limited Liability Company
Type of Ownership
Year Established 2019
State of Organization New York

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

Please include name and % of ownership.

Paul F. Ciminelli, 100% ownership / Stuart Green, 100% ownership

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

201 Ellicott, LLC is an entity that was created to purchase the parcel of 201 Ellicott Street. The sole member of 201 Ellicott, LLC is Ciminelli Real Estate Ventures. Both are managed by Ciminelli Real Estate Corporation. Paul F. Ciminelli, President & CEO of Ciminelli Real Estate Corporation, has 100% ownership of Ciminelli Real Estate Ventures. 201 Ellicott, LLC will also develop a mixed-use project at 201 Ellicott Street, which includes 201 units of affordable rental housing and a stand-alone Fresh Food Market. In the course of construction, the parcel will be subdivided between the residential building and the market building. Upon completion of the stand-alone Fresh Food Market, 201 Ellicott, LLC will sell it to 201 Green Acres, LLC. This wholesale and retail Fresh Food Market will be focused on the sale and distribution of affordable fresh foods to restaurants, residents, commuters, visitors, and businesses in the city of Buffalo. The retail component will be 9,280 sf, while the wholesale side will be 9,580 sf. Both will be supported by 2,780 sf of back office spaces. Inventory priority is given to foods that are grown, produced, and distributed locally. When local produce is out of season, we will continue to provide produce grown elsewhere for continuous availability. The owner, Stuart Green, is also the majority owner and managing member of G&B's Homegrown, LLC dba Braymiller Market in Hamburg, NY. Braymiller Market, which has evolved since its inception in 1941, is the model for this market. The key to the success of Braymiller is the efficiencies in doing business and the lack of waste (shrink). This is accomplished by coordination of multiple sales outlets. As fresh product comes in it is designated to its first position, typically wholesale for bulk products. However, since most of the restaurant clients are not national chains or institutions, and therefore purchase smaller quantities of items daily, some products will go straight to the retail section of the market. As restaurants order, these products are pulled from the retail shelves and delivered, and new products are refilled on the retail shelves. Any items that get damaged in the process are delivered to the deli area where the damaged parts are removed, and the balance of the products is used to make soups, salads, and other retail deli items. The damaged items supplement the use of extra fancy product as well. Organizations that only have one outlet are forced to discard these items as waste lowering their profitability or raising their prices. Braymiller Market accepts SNAP and will be looking into WIC. Most of Braymiller Market's products are related to meals and are therefore perishable. The market has some products to supplement the meal experience, but stock limited quantities of convenience items. Areas of focus are fresh produce, deli meats and cheeses, dairy, breads, pasta, frozen French fries, meats, fish, ice cream, fry oil, #10 cans of vegetables, dressings, fruits, and sauces, spices, and dry goods (flour, sugar, rice, grains, seeds). There are a few groups of employees; administrative for human resources, accounting, and procurement. Managers supervise the wholesale operation, retail operation, and deli. The balance of the staff includes warehouse, retail floor, and deli employees, as well as drivers. At seasonal times, employees will be added or redirected to outdoor plants and to the retail ice cream shop. It is anticipated that 60-65 full and part time employees will be needed to service customers at the 201 Ellicott Street location. The area of service is within Erie County. From time to time, Braymiller Market may get requests outside of Erie County, but have seen very few so far.

Estimated % of sales within Erie County	98%
Estimated % of sales outside Erie County but within New York State	2%
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%)

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

Percentage of annual purchases of supplies and vendor services from firms in Erie County - currently 73%. Therefore, projected over \$7,299,015 as cost of goods and expenses for this project, that would be \$5,328,281 to be spent for supplies or services in Erie County.

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Municipality or Municipalities of current operations

Hamburg, New York

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

No

In which Municipality will the proposed project be located

Buffalo, New York

Address

201 Ellicott Street (following closing on the property purchase from the city, the parcel will be subdivided and the likely address of the market will be 203 Ellicott Street.)

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 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 Retail Section of this application)

SBL Number for Property upon which proposed Project will be located

111.13-13-1 (refers to the entire 201 Ellicott Street parcel)

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

The parcel is owned by the City of Buffalo.

Assessed value of land

\$2,300,000 (pertains to the entire 201 Ellicott Street parcel)

Assessed value of building(s)

Not applicable.

Are Real Property Taxes current?

Yes

If no please explain

Not applicable.

Town/City/Village of Project Site

Buffalo, New York

School District of Project Site

Buffalo Public Schools

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

No

If No, indicate name of present owner of the Project Site

City of Buffalo

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 present use of the proposed project site is a commercial surface parking lot.

Please provide narrative of the proposed project and the purpose of the proposed 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)

In 2015, the City of Buffalo issued a Request for Qualifications for the redevelopment of a city-owned ±2.5 acre surface commercial parking lot at 201 Ellicott Street into a mixed-use project in the Central Business District. Ciminelli Real Estate Corporation was designated as the developer in 2016. The proposed 201 Ellicott project is planned as an innovative, vibrant mixed-use development that will invigorate downtown Buffalo with a Fresh Food Market and affordable residential rental units. Informed by feedback from engagement with community stakeholders, the guiding concepts for the development of 201 Ellicott are affordability, health & wellness, mobility, and vibrancy. The economically diverse neighborhoods surrounding 201 Ellicott Street are currently critically underserved, and therefore distressed, with respect to accessibility to fresh, healthy foods. The adjacent census tracts include at least a third of residents that live farther than 1/2 to 1 mile to the nearest supermarket. This significant community need is a priority which the city has targeted to be met as a key component of the site redevelopment. A ±21,000 sf Fresh Food Market will anchor the corner of Ellicott and Clinton Streets, offering a wide range of much-needed products, such as locally-sourced produce, fresh prepared foods in a café setting, catering and seasonal items like pumpkins and annuals, as well as a wholesale business serving local restaurants. The market will be served by 29 on-site parking spaces, which can also be used as a flexible hardscape to host a variety of occasional programming, such as farmers markets. Additionally, the market is conveniently accessible by walking, biking and transit. Upon stability, it is estimated that 60% of sales will be from wholesale, while 40% of sales will be from retail. It is also expected that the Fresh Food Market will have 35 staff on site at a given time, hiring a total of 65 to 70 employees overall, with a best-efforts preference to qualified persons residing within the city limits. 201 Ellicott will also welcome a diverse group of residents to the urban core by responding to the need for affordable rental housing in the City of Buffalo with 201 affordable one- and two-bedroom apartments in a ±200,000 sf building, with frontages on Ellicott and Oak Streets. Amenities will include a multi-purpose community room, fitness area, common laundry, mail room, bicycle storage and outdoor spaces. The developer will provide property management services to the residential building, anticipating hiring qualified city residents for 3 on-site maintenance positions. There will be 131 one-bedroom units at 623 SF each and 70 two-bedroom units at 850 SF each, plus a superintendent's unit. 73% of the units (147) are affordable to households earning 50% of the Area Median Income ("AMI") and 60% AMI. The remaining 27% of units (54) are affordable to households earning 80% of AMI. A recent market study cites a capture rate of 3.94% (a capture rate below 10% indicates strong support) and estimates timely lease-up of the 201 units. 201 Ellicott will promote environmental health through sustainability best practices. The project has been accepted into the Brownfield Cleanup Program to remove urban fill on the site and has been accepted to participate in NYSEDA's Multifamily New Construction Program and Energy Star for Multi Family High Rise. As Buffalo's first Mobility Hub in a private development, 201 Ellicott will maximize connectivity by encouraging walkability, bicycling, use of nearby public transit, and shared vehicles. The site is a 4 minute walk to both the Lafayette Square Station and Church Street Station for the Light Rail Rapid Transit Line which travels along Main Street. A Metro Bus stop that is currently on the site on Ellicott Street will be retained in the new project and the bus shelter will be incorporated into the design. The development is within a few blocks of 8 bus stops and adjacent to the Niagara Frontier Transportation Authority (NFTA) Bus Terminal, a hub supporting local, regional, and national bus transportation by carriers such as Coach USA, Greyhound and Megabus. The project will include options for both car-sharing and ride-sharing. Zipcar, a leading on-demand car-sharing network, will be located at the site as a community amenity based on market demands. For added convenience, a pick-up and drop-off for ride sharing services is also planned to be accommodated in the site design. Additionally, the site is within a 5 to 10 minute walk of several commercial parking lots and garages, with a total capacity of more than 11,600 parking spaces. During construction, 201 Ellicott Housing Development Fund Corporation ("HDFC") will be formed to be the nominal title holder of both the residential and commercial components of the project. The HDFC will convey the beneficial ownership to both the residential and commercial portions of the project to 201 Ellicott, LLC ("Residential Owner") pursuant to a declaration of interest and nominee agreement. Upon review and approval, the ECIDA will enter into a lease-leaseback arrangement with respect to the commercial portion of the project to provide sales tax, PILOT and mortgage recording tax for permanent financing. The HDFC will provide the mortgage recording tax exemption, sales tax exemption and PILOT needed for the residential component of the project. The Residential Owner will be the party that enters into the Brownfield Cleanup Agreement, enters into construction contracts for the construction of both components of the project and borrows all the financing needed to complete both components. At such time as the Residential Owner has received a certificate of occupancy with respect to the commercial component, it will convey the commercial component at cost to Fresh Food Market Owner entity ("Grocery Owner"). Following sale of the commercial component, it will be operated as a separate project from the residential component. NYS CIF funds will be borrowed by the Grocery Owner to pay a portion of the purchase price with the balance to be paid by equity from Grocery Owner members. PROJECT TEAM Ciminelli Real Estate Corporation Cannon Design Arc Building Partners C&S Companies Go Buffalo Niagara, a program of GObike M/E Engineering Watts Architecture & Engineering Wendel Companies Jackson Parker Communications The Martin Group Cannon Heyman & Weiss, LLP Lippes Mathias Wexler Friedman, LLP Smith & Henzy Advisory Group, Inc. The Slater Law Firm

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:

Not applicable.

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)

The primary need for assistance with this project is to reduce the expenses to keep the costs of products down and competitive. Equipment is a significant expense for processing, refrigerating, and delivering fresh food, but the building is the largest expense. The efficiencies of a new building regarding energy savings, layout/design, repairs and maintenance will be significant. This translates to reduced overhead expenses ultimately making the business more competitive and attracting more customers. The attraction to this project, and location, is due to the need in the area to provide fresh food. While the majority of the business is wholesale to restaurants, the products that are purchased in bulk for them can also be repackaged and retailed to people in the neighborhood. There is no other competition in the area and there has been a direct need identified. There are further expectations that this project will encourage more residential development and employment downtown. The jobs created (60 to 65 full and part time) by this project will be from entry level to managerial with pay ranges from \$11.10 to \$32.00 per hour. This employee profile fits perfectly with the adjoining proposed apartment building and others seeking employment in the area.

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 financial assistance is not obtained for the project, the market will not be realized at the site.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Not applicable.

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

Yes

Describe the present zoning/land use

The site is zoned N1-C (Mixed-Use Core) per the City of Buffalo Green Code: Unified Development Ordinance.

Describe required zoning/land use, if different

Not applicable.

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

A change in zoning/land use is not required. Zoning variances will be needed to accommodate the market's specific needs.

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

Yes

If yes, please explain

The site has urban fill. It has been accepted into the Brownfield Cleanup Program. Remediation is included in the project scope.

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?

Yes

If yes, please provide copies of the study.

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

The design of the project and the specified equipment shall be energy efficient.

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.

Not applicable.

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

Not applicable.

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

No Mixed Use

No Acquisition of Existing Facility

Yes Commercial

No Facility for the Aging

No Housing

Yes Back Office

No Civic Facility (not for profit)

No Equipment Purchase

Yes Retail

No Other

Project Information**Estimated costs in connection with project****Land and/or Building Acquisition**

\$ 175,000	Not applicable square feet	1 acres
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New Building Construction

\$ 4,160,301	21,640 square feet	
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New Building addition(s)

\$ 0	Not applicable square feet	
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Infrastructure Work

\$ 0		
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Renovation

\$ 0	square feet	
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Manufacturing Equipment

\$ 0		
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Non-Manufacturing Equipment: (furniture, fixtures, etc.)

\$ 1,800,000		
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Soft Costs: (professional services, etc.)

\$ 766,599		
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Other Cost

\$ 0		
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Explain Other Costs**Total Cost**

\$ 6,901,900		
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Project Refinancing; estimated amount (for refinancing of existing debt only)

\$ 0		
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Have any of the above costs been paid or incurred as of the date of this Application?

No		
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If Yes, describe particulars:Sources of Funds for Project Costs:**Equity (excluding equity that is attributed to grants/tax credits):**

\$ 300,000		
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Bank Financing:

\$ 4,600,000		
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Tax Exempt Bond Issuance (if applicable):

\$ 0		
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Taxable Bond Issuance (if applicable):

\$ 0		
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Public Sources (Include sum total of all state and federal grants and tax credits):

\$ 0		
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Identify each state and federal grant/credit:

Community Investment Fund (up to \$2,000,000 possible) USDA Grant (\$250,000 applied for)

Total Sources of Funds for Project Costs:

\$4,900,000

Has a financing preapproval letter or loan commitment letter been obtained?

No

Mortgage Recording Tax Exemption Benefit:

Estimated Mortgage Amount (Sum total of all financing – construction and bridge).

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

\$ 4,600,000

Lender Name, if Known

Evans Bank

Estimated Mortgage Recording Tax Exemption Benefit (% of estimated mortgage amount stated above):

\$34,500

Construction Cost Breakdown:

Total Cost of Construction

\$ \$4,160,301 (sum of 2,3,4,5, and/or 7 in Question K, above)

Cost for materials

\$ 5,960,301

% sourced in Erie County

To be determined; 40% estimated%

% sourced in State

To be determined; 60% estimated% (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

\$ 1185685 Wholesale / 894465 Retail/1800000 M&E

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

\$ 103747 Wholesale / 78266 Retail/\$157,500 M&E

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:

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

		Cost	% of Total Cost
Manufacturing/Processing	Not applicable square feet	\$ 0	0
Warehouse	Not applicable square feet	\$ 0	0
Research & Development	Not applicable square feet	\$ 0	0
Commercial	9,580 square feet	\$ 1,841,760	44
Retail	9,280 square feet	\$ 1,784,085	43
Office	2,780 square feet	\$ 534,456	13
Specify Other	Not applicable 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

Will project result in significant utility infrastructure cost or uses

Yes

What is your project timetable (Provide dates)

Start date : acquisition of equipment or construction of facilities

7/1/2019

End date : Estimated completion date of project

7/31/2021

Project occupancy : estimated starting date of operations

4/1/2021

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?

No

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 relocated at project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PT jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PT jobs to be CREATED upon TWO years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PT jobs to be created upon TWO Years after Project Completion **
Full time	0	0	25	25
Part time	0	0	40	40
Total	0	0	65	

** The Labor Market Area includes the Counties of Erie, Niagara, Genesee, Cattaraugus, Wyoming and Chautauqua. For the purposes of this question, please estimate the number of FTE and PT jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column.

***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).

Salary and Fringe Benefits for Jobs to be Retained and Created:

Category of Jobs to be Retained and Created	# of Employees Retained and Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	12	\$ 37,990	\$ 2,279	\$ 18,000	\$ 0
Professional	0	\$ 0	\$ 0	\$ 0	\$ 0
Administrative	2	\$ 45,760	\$ 2,746	\$ 22,000	\$ 0
Production	45	\$ 27,040	\$ 1,622	\$ 13,000	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	6	\$ 27,040	\$ 1,622	\$ 13,000	\$ 0

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

Address	6936 Gowanda State Road		
Full time	17	0	0
Part time	30	0	0
Total	47	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

\$ 1,622,000

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

\$ 0

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

\$ 0

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

\$ 29,637

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

\$ 15,000

Estimated salary range of jobs to be created

From (Full Time)	\$ 27,040	To (Full Time)	\$ 45,760
From (Part Time)	\$ 15,000	To (Part Time)	\$ 15,000

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

Not applicable.

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

Not applicable.

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

Not applicable.

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)

Community Investment Fund, USDA Grant

Section III: Facility Type - Single or Multi Tenant

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

Single Use Facility

For Single Use Facility

Occupant Name Ellicott Green Acres, LLC dba Braymiller Market
Address 6936 Gowanda State Road
Contact Person Stuart Green
Phone 716-649-2356
Fax 716-649-4136
E-Mail stuart@braymillermarket.com
Federal ID # To be determined
SIC/NAICS Code 531120, 445230, 424480

Multi-Tenant Facility

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

Have any tenant leases been entered into for this project?

<BLANK>

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.
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Section IV: Tenant Information

Section V: Environmental QuestionnaireGeneral Background Information

Address of Premises 201 Ellicott Street, Buffalo, New York, 14203 (following closing on the property purchase from the city, the parcel will be subdivided and the likely address of the market will be 203 Ellicott Street)

Name and Address of Owner of Premises City of Buffalo, 65 Niagara Square, Buffalo, NY 14202

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

The site is currently a surface parking 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 site is currently a surface parking lot. The intended uses of the site as part of the redevelopment are a fresh food market with adjacent customer parking. The balance of the site will be developed with a residential building with 201 rentable affordable one and two-bedroom apartments.

Describe all known former uses of the Premises

For a description of all known former uses of the premises, please refer to the Historical Use Assessment (Section 6.0) in the attached Phase 1 Report.

Does any person, firm or corporation other than the owner occupy the Premises or any part of it?

Yes

If yes, please identify them and describe their use of the property

Currently, people who park at the site use the premises.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

The Buffalo Sewer Authority (BSA) owns and operates a combined sewer system that collects stormwater drainage for the project area. The site development of the project will include measures that will result in a significant improvement in drainage as well as reduction of flows to the BSA's combined sewer system. Pervious asphalt pavement is planned to be installed in the parking area to promote stormwater infiltration into the sub soils. Underground stormwater detention piping is planned to be installed beneath the entrance drive/parking area of the market to further regulate discharge flow rates from the site. The detention system will collect portions of roof and site drainage. Pollinator gardens are planned adjacent to the market and will serve as an additional drainage improvement by allowing stormwater to infiltrate into the sub soils. A Storm Water Pollution Prevention plan will be prepared to summarize and describe hydraulic and hydrological calculations for the project site. BSA policy for stormwater connections to the combined sewer system requires the post-developed 25 year storm event peak flow discharge rate be reduced to below the pre-developed 2 year storm event peak flow discharge rate. The planned underground pipe connection to the BSA system is planned at the existing 12 inch diameter sewer located on the westerly side of Oak Street. In addition to the planned site discharges of stormwater described above, the market project will have waste water discharges drained via gravity through underground sewer piping to the existing combined sewer on Clinton Street per Buffalo Sewer Authority (BSA) Standards, Specifications and Policies. No other water discharges are planned for the market. The project team has met with BSA to review sewer capacity and requirements for approval of connection. BSA agreed that the existing system has sufficient capacity for the development and will serve the project well. There are no known capacity issues in this area. A downstream sewer capacity analysis will be performed, including flow monitoring, prior to final approval for connection to BSA system. Erie County Department of Health approval will also be attained for the planned sewer connection. Permits have not yet been applied for.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

Do the Premises have any asbestos containing materials?

No

If yes, please identify the materials

The only structure on site is a small concrete block guardhouse and based on the findings of the Phase I report, it appears that due to the age of the building, asbestos is a slight possibility. Any ACM's encountered during the brownfield remediation will be disposed of with the urban fill.

Section VI: 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:

Not applicable.

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 Not applicable.

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.)

Not applicable.

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.)

Location well-positioned to access wholesale customers and to serve retail customers in need fresh foods.

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?

No

What factors have lead the project occupant to consider remaining or locating in Erie County?

Not applicable.

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

Not applicable.

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.

Not applicable.

Section VII: Adaptive Reuse Projects

Are you applying for tax incentives under the Adaptive Reuse Program? No

What is the age of the structure (in years)? 0

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) No

If vacant, number of years vacant. 0

If underutilized, number of years underutilized. 0

Describe the use of the building during the time it has been underutilized: Not applicable; not an Adaptive Reuse project.

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) <BLANK>

If yes, please provide dollar amount of income being generated, if any \$ Not applicable; not an Adaptive Reuse project.

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

	Number of Units	Sq. Ft. Range Low to High	Rent Range Low to High
1 Bedroom	0		\$
2 Bedroom	0		\$
3 Bedroom	0		\$
Other	0		\$

Does the site have historical significance? No

Are you applying for either State/Federal Historical Tax Credit Programs? No

If yes, provide estimated value of tax credits \$ Not applicable; not an Adaptive Reuse project.

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)

Not applicable; not an Adaptive Reuse project.

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

Not applicable; not an Adaptive Reuse project.

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

Not applicable; not an Adaptive Reuse project.

Section VIII: Senior Citizen Rental Housing Projects

Are you applying for tax incentives under the Senior Rental Housing policy?

No

Has the project received written support from the city, town or village government in which it is located?

<BLANK>

Describe the location of the project as it relates to the project’s proximity to the town / village / city center or to a recognized hamlet.

Is the project consistent with the applicable municipal master plan?

<BLANK>

If yes, please provide a narrative identifying the master plan (by name) and describing how the project aligns with the plan details

Does the project advance efforts to create a walkable neighborhood and community in proximity to important local amenities and services?

<BLANK>

If yes, please provide a narrative describing the walkable nature of the project including access seniors would have to specific neighborhood amenities.

Has a market study shown that there is a significant unmet need in the local community or specific neighborhood where seniors are unable to find appropriate housing opportunities?

<BLANK>

Is the project located in an area (defined as a 1 – 5 mile radius of the project site) where there are significant local resident populations that are at or below the median income level?

<BLANK>

If yes, please describe how you made this determination based upon census tract and other relevant third party data.

Does the project provide amenities that are attractive to seniors and differentiates the project from standard market rate housing?

<BLANK>

If yes, please describe these amenities (examples may include: community rooms, social / recreational activity areas, senior-oriented fixtures and safety amenities, security systems, call systems, on site medical services)

Are there impediments that hinder the ability to conventionally finance this project and /or negatively impact the project’s return on investment?

<BLANK>

If yes, please briefly summarize the financial obstacles to development that this project faces without IDA or other public assistance. Please provide the IDA 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)

Will the project target (and maintain during the incentive period) a minimum 50% occupancy rate of senior citizens whose income is at or below 60-80% of the median income for Erie County?

<BLANK>

If yes, please describe provide a narrative citing key facts that substantiate this finding.

Section IX: 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? 43 %

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? No

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? No

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? Yes

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? Yes

If yes, explain

The project will increase the overall number of permanent private sector jobs in the State of New York by hiring 25 full time and 40 part time employees.

Is the project located in a Highly Distressed Area? Yes