

NOTICE OF PUBLIC HEARING
ON PROPOSED PROJECT
AND FINANCIAL ASSISTANCE
RELATING THERETO

Notice is hereby given that a public hearing (the “Public Hearing”) pursuant to Section 859-a(2) of the General Municipal Law of the State of New York, as amended (the “Act”) and Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), will be held by Erie County Industrial Development Agency (the “Issuer”) on the 11th day of October, 2022 at 1:00 o’clock p.m., local time, at the offices of the Issuer located at 95 Perry Street – Suite 403 in the City of Buffalo, Erie County, New York in connection with the following matters:

Ellicott Park Townhomes Community Partners, LP, a New York limited partnership, on behalf of itself and/or an entity or entities formed or to be formed on behalf of the foregoing (collectively, the “Company”), submitted an application (the “Application”) to the Issuer, a copy of which Application is on file at the office of the Issuer, which Application requested that the Issuer consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of approximately 8.9 acres of land located at 221 William Street in the City of Buffalo, Erie County, New York and 291 William Street in the City of Buffalo, Erie County, New York, respectively (collectively, the “Land”), (2) the acquisition, reconstruction and renovation of twenty-one (21) two-story existing townhouse style buildings consisting of 220 apartment units and containing approximately 271,902 square feet in the aggregate known as the Ellicott Park Townhomes located on the Land (the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other personal property (the “Equipment”) (the Land, the Facility and the Equipment being collectively referred to hereinafter as the “Project Facility”), all of the foregoing to constitute a low-income housing facility to be operated by the Company and leased to residential tenants, and any other directly and indirectly related activities; (B) the financing of all or a portion of the costs of the foregoing by the issuance of taxable and/or tax-exempt revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay the cost of undertaking the Project, together with necessary incidental costs in connection therewith, in an aggregate principal amount not to exceed \$33,000,000 (the “Obligations”); (C) the payment of a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; (D) the granting of certain other “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including exemption from certain sales taxes, deed transfer taxes and mortgage recording taxes (collectively with the Obligations, the “Financial Assistance”); and (E) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Issuer.

The Issuer is considering whether (A) to undertake the Project, (B) to finance the Project by issuing, from time to time, the Obligations, (C) to use the proceeds of the Obligations to pay the cost of undertaking the Project, together with necessary incidental costs in connection therewith, and (D) to provide certain exemptions from taxation with respect to the Project, including (1) exemption from mortgage recording taxes with respect to any documents, if any, recorded by the Issuer with respect to the Project in the office of the County Clerk of Erie County, New York or elsewhere, (2) exemption from deed transfer taxes on any real estate transfers, if any, with respect to the Project and (3) exemption from sales taxes relating to the acquisition, reconstruction, renovation and installation of the Project Facility. If any portion of the Financial Assistance to be granted by the Issuer with respect to the Project is not consistent with the Issuer’s uniform tax exemption policy, the Issuer will follow the procedures for deviation from such policy set forth in Section 874(4) of the Act prior to granting such portion of the Financial Assistance.

If the issuance of the Obligations is approved, with respect to any portion of the Obligations intended to be issued as federally tax-exempt obligations, the interest on such portion of the Obligations will not be excludable from gross income for federal income tax purposes unless (A) pursuant to Section 147(f) of the Code and the regulations of the United States Treasury Department thereunder, the issuance of the Obligations is approved by the County Executive of Erie County, New York (the “County Executive”) after the Issuer has held a public hearing on the nature and location of the Project Facility and the issuance of the Obligations; and (B) pursuant to Section 142(a)(7) of the Code, at least ninety-five percent (95%) of the net proceeds of the Obligations are used to provide a “qualified residential rental project” within the meaning of such quoted term in Section 142(d) of the Code.

If the Issuer determines to proceed with the Project and the issuance of the Obligations, (A) the Project Facility will be acquired, reconstructed, renovated and installed by the Issuer and will be leased (with an obligation to purchase) or sold by the Issuer to the Company or its designee pursuant to an agreement (the “Agreement”) requiring that the Company or its designee make payments equal to debt service on the Obligations and make certain other payments and (B) the Obligations will be a special obligation of the Issuer payable solely out of certain of the proceeds of the Agreement and certain other assets of the Issuer pledged to the repayment of the Obligations. THE OBLIGATIONS SHALL NOT BE A DEBT OF THE STATE OF NEW YORK OR ERIE COUNTY, NEW YORK, AND NEITHER THE STATE OF NEW YORK NOR ERIE COUNTY, NEW YORK SHALL BE LIABLE THEREON.

The Issuer has not yet made a determination pursuant to Article 8 of the Environmental Conservation Law regarding the potential environmental impact of the Project.

The Issuer will at said time and place hear all persons with views on the location and nature of the proposed Project Facility, the financial assistance being contemplated by the Issuer in connection with the proposed Project or the proposed plan of financing the proposed Project by the issuance from time to time of the Obligations. A copy of the Application filed by the Company with the Issuer with respect to the Project, including an analysis of the costs and benefits of the Project, is available for public inspection during business hours at the offices of the Issuer. A transcript or summary report of the hearing will be made available to the members of the Issuer and to the County Executive. If the Issuer determines to issue any portion of the Obligations as federally tax-exempt obligations, approval of the issuance of such portion of the Obligations by Erie County, New York, acting through its elected County Executive, is necessary in order for the interest on such portion of the Obligations to qualify for exemption from federal income taxation.

The Issuer encourages all interested parties to submit written comments to the Issuer, which will be included within the public hearing record. Any written comments may be submitted to the Issuer’s website at www.ecidany.com, or mailed to the Issuer at 95 Perry Street – Suite 403, Buffalo, New York 14203, until the comment period closes at 4:00 p.m. on October 25, 2022.

Dated: September 29, 2022

ERIE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

/s/ Elizabeth O’Keefe



Tax Exempt Bond Issuance

[Instructions and Insurance Requirements Document](#)

Section I: Applicant Background Information

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law.

Applicant Information - Company Receiving Benefit

Project Name	Ellicott Townhomes
Project Summary	Ellicott Park Townhomes is a 220 unit family Section-8 (68% or 150 units) affordable housing community located in twenty-one (21) two-story wood frame with brick façade townhouse style buildings on two non-contiguous parcels totaling 8.9 acres in downtown Buffalo. 10 Durham Court (also known as 221 & 291 William St), Buffalo, NY 14204 (Erie County). Located in Downtown Buffalo, Ellicott Park Townhomes was originally constructed in 1967 under the HUD 221d3 BMIR mortgage program. The property consists of twenty-one two-story buildings on 2 non-contiguous parcels (located on the same block). The property is in the Downtown neighborhood and located just a few blocks from the main business district. The property is also centrally located within CPP East's growing portfolio in the region. Methodist Towers in Erie, PA, Winton Gardens and Keeler Park in Rochester, NY are located about 1.5 hours from Buffalo. The planned execution is for CPP East to acquire the property on an acquisition bridge loan by Oct 31, 2022 followed by a tax credit and tax-exempt bond closing in the first quarter of 2023. For the tax credit and bond closing, CPP East will submit an Option 1 Mark-Up-to-Market rent adjustment and 20 year renewal of the HAP contract from HUD, apply for a tax-exempt bond issuance through the Erie County Industrial Development Agency (ECIDA) and apply for as-of-right 4% LIHTC through the New York State Housing Finance Agency (NYSHFA). Preliminary Rehab Scope of Work CPP's typical specifications planned which total \$75,000 per unit. Unit Renovations - ADA unit conversions, air sealing; door replacement (entry, interior, sliders onto balcony); flooring throughout; paint throughout; kitchen upgrades (new cabinets, quartz counters, energy star appliances, plumbing fixtures; bathroom upgrades (new vanities, quartz countertops, plumbing fixtures, accessories); lighting replacement. Building systems - waste line repairs/replacement; Exterior - window replacement, brick masonry repairs, roof replacement, Site work - mill, repave and restripe asphalt parking lot; new playground; new gazebo, new dog park, BBQ grills, bike racks, tree trimming, path of travel improvements.
Applicant Name	Ellicott Park Townhomes Community Partners, LP
Applicant Address	17782 SKY PARK CIR
Applicant Address 2	
Applicant City	IRVINE
Applicant State	California
Applicant Zip	92614
Phone	(771) 210-6178
Fax	
E-mail	dbrown@cpp-housing.com
Website	https://www.cpp-housing.com/

NAICS CodeBusiness Organization

Type of Business Partnership
Year Established 2022
State in which Organization is established New York

Individual Completing Application

Name David Harris Brown
Title Senior Development
 Manager
Address 11921 Freedom Drive
Address 2 Suite 860
City Reston
State Virginia
Zip 20190
Phone (771) 210-6178
Fax
E-Mail dbrown@cpp-housing.com

Company Contact - Authorized Signer for Applicant

Contact is same as individual completing application No
Name Seth Gellis
Title Senior Vice President, Development
Address 11921 Freedom Drive
Address 2 Suite 860
City Reston
State Virginia
Zip 20190
Phone (714) 662-5565
Fax
E-Mail sgellis@cpp-housing.com

Company Counsel

Name of Attorney Matthew V. Carrigg
Firm Name Nixon Peabody LLP
Address 1300 Clinton Square
Address 2
City Rochester
State New York
Zip 14604-1792
Phone (607) 349-4429

Fax

E-Mail mcarrigg@nixonpeabody.comBenefits Requested (select all that apply).

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

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

Applicant Business Description

Describe in detail company background, history, products and customers. Description is critical in determining eligibility. Also list all stockholders, members, or partners with % ownership greater than 20%.

CPP is an affordable housing rehabilitation company that believes housing is a basic human need, no matter an individual's age, race, or socio-economic background. Housing is where stability starts, where communities are built and strengthened, where friendships start, where our elders receive care later in life, and where opportunity can replace crime for our youth. Preserving existing housing is more efficient and less costly than the creation of new housing; therefore, it's vitally important to keep and protect the communities that exist. To achieve this mission, CPP partners with local developers, nonprofits, service providers and housing authorities to transform the lives of the residents who live in the communities we serve. As a result, since 2005, CPP has preserved more than 10,000 units of needed affordable housing in fourteen states. Attached to this application is the org chart for this development project.

Estimated % of sales within Erie County	75 %
Estimated % of sales outside Erie County but within New York State	25 %
Estimated % of sales outside New York State but within the U.S.	0 %
Estimated % of sales outside the U.S.	0 %

(*Percentage to equal 100%)

For your operations, company and proposed project what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County?

98

Describe vendors within Erie County for major purchases

Community Preservation Partners is currently working with our general contractor to identify qualified subcontractors within Erie County to perform the work on Ellicott Townhomes. Hard costs are estimated to be approximately nearly \$20 mm, half of which will be in labor costs. We are planning on sources as many local contractors as possible.

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

10 Durham Court (221 & 291 William St)

Town/City/Village of Project Site

Buffalo

School District of Project Site

Buffalo City School District

Current Address (if different)

Current Town/City/Village of Project Site (if different)

SBL Number(s) for proposed Project

111.14-2-1, 111.4-2-3

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

146,186

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

Land

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

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

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

Yes

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

Does Applicant or related entity have an option/contract to purchase the Project site?

Yes

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

Built in 1967, Ellicott Park Townhomes is a 220 unit family Section-8 (68% or 150 units) affordable housing community located in twenty-one (21) two-story wood frame with brick façade townhouse style buildings on two non-contiguous parcels totaling 8.9 acres in downtown Buffalo. 10 Durham Court, (221 & 229 William St) Buffalo, NY 14024 (Erie County). The unit mix is 35 one-beds (750SF), 101 two-beds (962SF), 84 three-beds (1,200SF) - (2 one-beds being used as leasing office). The Units have full-basements with laundry hook-ups

Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)

The property is badly in need of repair and received a 65 (out of a 100) on its last HUD property inspection. Community Preservation Partners development plan will completely upgrade the property and ensure that it will continue to serve Erie County's low income community well into the future. Our plan includes site work, exterior upgrades, unit renovations, and system replacement. Each of the 220 units will undergo a deep rehab resulting in cost per unit of approx \$75,000. Preliminary Rehab Scope of Work: CPP's typical specifications planned which total \$75,000 per unit. Unit Renovations - ADA unit conversions, air sealing; door replacement (entry, interior, sliders onto balcony); flooring throughout; paint throughout; kitchen upgrades (new cabinets, quartz counters, energy star appliances, plumbing fixtures); bathroom upgrades (new vanities, quartz countertops, plumbing fixtures, accessories); lighting replacement. Building systems - waste line repairs/replacement; Exterior - window replacement, brick masonry repairs, roof replacement, Site work - mill, repave and restripe asphalt parking lot; new playground; new gazebo, new dog park, BBQ grills, bike racks, tree trimming, path of travel improvements

Municipality or Municipalities of current operations

Buffalo

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

Yes

Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?

No

If the Proposed Project is located in a different Municipality within New York State than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?

No

(If yes, you will need to complete the Intermunicipal Move Determination section of this application)

Is the project reasonably necessary to prevent the project occupant from moving out of New York State?

Yes

If yes, please explain and identify out-of-state locations investigated, type of assistance offered and provide supporting documentation available

The property is badly in need of a rehabilitation. If its needs are not addressed, it could become condemned. Condemning an affordable housing property probably will not cause residents to leave the county, but rather become homeless within it. An increasing homeless population is obviously monetarily draining on local jurisdictions but can also drive away other business and residents.

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

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:

This project can't be undertaken without the financing and tax relief requested here.

Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

Without an issuance of tax-exempt bond from ECIDA, the property would not be able to get as-of-right 4% Low Income Housing Tax Credits from NYSHFA and would therefore be financially infeasible. Furthermore, without a sales tax exemption on construction materials as well as the mortgage recording tax exemption, there would be substantially more development expenses which would likewise make the project infeasible. The real property tax abatement is also critical as the amount of supportable debt proceeds would be greatly diminished if the project were not able to secure an abatement which would also make it financially infeasible.

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, CPP will not be able to go forward with the project but no others players will be able to as the project will not longer make economic sense.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics**Is your project located near public transportation?**

Yes

If yes describe if site is accessible by either metro or bus line (provide route number for bus lines)

Ellicott Townhomes is located between Williams St. and Clinton st., both of which are primary traffic arteries in and out of Buffalo and contain bus routes.

Has a project related site plan approval application been submitted to the appropriate planning department?

No

If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.**If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval. Also, please indicate in the box below when you anticipate receiving site plan approval for your project.**

11/30/-0001

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

Yes

Describe the present zoning/land use

The Subject sites are zoned D-R, Residential Campus. This addresses residential campuses, sometimes comprised of garden apartments or towers in a park, and organized as a large-scale, integrated development. Per the D-R zone there are no density requirements. The proposed project will be compliance with zoning ordinances.

Describe required zoning/land use, if different

NA

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

No zoning change will be required for this project.

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

Please see the attached Phase 1.

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

Yes

If yes, please provide a copy.

Have any other studies, or assessments been undertaken with respect to the proposed Project Site that indicate the known or suspected presence of contamination that would complicate the site's development?

No

If yes, please provide copies of the study.

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

Yes

If yes, describe the efficiencies achieved

We will compliant with all energy efficient requirements from either ECIDA or NYSHFA.

You may also attach additional information about the machinery and equipment at the end of the application.

Does or will the company or project occupant perform research and development activities on new products/services at the project location?

No

If yes, include percentage of operating expenses attributed to R&D activities and provide details.

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

For purposes of the following, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, you will need to complete the Retail section of this application.

Retail Sales	No	Services	No
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Please check any and all end uses as identified below.

Yes Acquisition of Existing Facility	No Assisted Living	No Back Office
No Civic Facility (not for profit)	No Commercial	No Equipment Purchase
No Facility for the Aging	No Industrial	No Life Care Facility (CCRC)
No Market Rate Housing	No Mixed Use	No Multi-Tenant
No Retail	No Senior Housing	No Manufacturing
No Renewable Energy	Yes Other	
	Family housing	

For proposed facility please include the square footage for each of the uses outlined below

If applicant is paying for FFE for tenants, include in cost breakdown.

			Cost	% of Total Cost
Manufacturing/Processing	square feet	\$	0	0%
Warehouse	square feet	\$	0	0%
Research & Development	square feet	\$	0	0%
Commercial	square feet	\$	0	0%
Retail	square feet	\$	0	0%
Office	square feet	\$	0	0%
Specify Other	271,902 square feet	\$	54,664,295	100%

If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?

Yes

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

Standard

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

Will project result in significant utility infrastructure cost or uses No

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

1/1/2023

End date : Estimated completion date of project

10/31/2023

Project occupancy : estimated starting date of occupancy

11/30/-0001

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 15,157,500 271,902 square feet 11 acres

2.) New Building Construction

\$ 0 square feet

3.) New Building addition(s)

\$ 0 square feet

4.) Reconstruction/Renovation

\$ 24,490,336 271,902 square feet

5.) Manufacturing Equipment

\$ 0

6.) Infrastructure Work

\$ 0

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

\$ 0

8.) Soft Costs: (Legal, architect, engineering, etc.)

\$ 1,600,314

9.) Other Cost

\$ 13,416,145

Explain Other Costs "Other costs: include the following: financing costs, total reserves, and developer fee.

Total Cost \$ 54,664,295

Construction Cost Breakdown:

Total Cost of Construction	\$ 24,490,336 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 10,000,000
% sourced in Erie County	90%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit \$ 12,000,000

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above): \$ 1,050,000

** Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency

may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

Project refinancing estimated amount, if applicable (for refinancing of existing debt only) \$ 0

Have any of the above costs been paid or incurred as of the date of this Application? No

If Yes, describe particulars:

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits): \$ 21,134,577

Bank Financing: \$ 0

Tax Exempt Bond Issuance (if applicable): \$ 28,102,000

Taxable Bond Issuance (if applicable): \$ 0

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

Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources) 0

Total Sources of Funds for Project Costs: \$49,236,577

Have you secured financing for the project? Yes

Mortgage Recording Tax Exemption Benefit:

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

Mortgage Amount (include sum total of construction/permanent/bridge financing). 30,780,827

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$230,856

Real Property Tax Benefit:

Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other): CPP has applied for a PILOT from the City of Buffalo.

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

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

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the TWO Year time period following Project completion. Agency staff converts PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time	2	2	2	4
Part time	1	1	2	3
Total	3	3	4	

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or 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	2	\$ 49,000	\$ 0	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	\$ 22,880	\$ 0
Administrative	0	\$ 0	\$ 0	\$ 0	\$ 0
Production	0	\$ 0	\$ 0	\$ 2,800	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	2	\$ 22,000	\$ 0	\$ 0	\$ 0

** Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

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

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

Address			
Full time	0	0	0
Part time	0	0	0
Total	0	0	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

322,000

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

51,000

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

21,000

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

49,000

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

21,000

Estimated salary range of jobs to be created

From (Full Time)	45,000	To (Full Time)	52,000
From (Part Time)	20,000	To (Part Time)	22,000

Section III: Environmental Questionnaire

INSTRUCTIONS: Please complete the following questionnaire as completely as possible. If you need additional space to fully answer any question, please attach additional page(s).

General Background Information

Address of Premises

221 William Street (Site 1) 291 William Street (Site 2) Buffalo, New York 14204

Name and Address of Owner of Premises

Morgan Ellicott Apartments LLC 2 Symphony Circle Buffalo NY 14201 Attn: Timothy Lebouef

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

The site contains 10.99 acres or 478,919 square feet. The premises is fully developed with asphalt, cement, and landscaped areas contains 20 2 story buildings and has streams or wetlands.

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 Subject consists of a total of 20, one to two-story residential buildings containing 220 one, two, and three bedroom units on two sites. One-bedroom units are of flat design and two and three-bedroom units are of townhome design. All units have a basement that is mainly a storage area with washer/dryer hook-ups. The buildings are wood frame with brick siding and flat roofs; the property was built in 1967 and has received ongoing maintenance.

Describe all known former uses of the Premises

From approximately the late 1800's until 1967 the property had a number of commercial uses. In 1967, the property was redeveloped into its current design of residential units.

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

The property consists of 220 1, 2, and 3 bedroom apartments. Occupancy is above 90%.

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

The Property, 221 William Street / Apartment Complex, is listed on the NY SPILLS database for Spill Number: 1107201 reported to NYSDEC on September 8, 2011. This issue did obtain regulatory closure. There is no active release

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

NA

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

NA

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

NA

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

CPP has no knowledge of stormwater or wastewater discharges. Waste water removal is through city / county infrastructure and is only related to domestic waste water. There is no generation of hazardous water or materials.

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

There is no visual evidence of storage tanks.

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?

Yes

If yes, please identify the materials

Minimal asbestos has been found on the property during a full screen. An O and M plan is in place to manage these areas.

Section IV: Facility Type - Single or Multi Tenant

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

Multi-Tenant Facility

Multi-Tenant Facility (to be filled out by developer).

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

Have any tenant leases been entered into for this project?

Yes

If yes, please list below and provide square footage (and percent of total square footage) to be leased to tenant and NAICS Code for tenant and nature of business

Tenant Name	Current Address (city, state, zip)	# of sq ft and % of total to be occupied at new project site	SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.
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*fill out table for each tenant and known future tenants

Section VI: Retail Determination

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Please answer the following:

Will any portion of the project (including that portion of the costs to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

No

If yes, complete the Retail Questionnaire Supplement below. **If no, proceed to the next section.**

Section VII: Adaptive Reuse Projects

Adaptive Reuse is the process of adapting old structures or sites for new purposes.

Are you applying for tax incentives under the Adaptive Reuse Program?

No

Section VIII: Inter-Municipal Move Determination

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, Agency financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

Current Address

221 William Street (Site 1) and 291 William Street (Site 2) Buffalo, New York 14204

City/Town

Buffalo

State

New York

Zip Code

14204

Will the project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?

No

Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?

No

If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

Does this project involve relocation or consolidation of a project occupant from another municipality?

Within New York State

No

Within Erie County

No

If Yes to either question, please, explain

Will the project result in a relocation of an existing business operation from the City of Buffalo?

No

If yes, please explain the factors which require the project occupant to relocate out of the City of Buffalo (For example, present site is not large enough, or owner will not renew leases etc.)

What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc.)

NA

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?

NA

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

NA

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.

NA

Section IX: Senior Housing

IDA tax incentives may be granted to projects under the Agency's Senior Citizen Rental Housing policy when the project consists of a multi-family housing structure where at least 90% of the units are (or are intended to be) rented to and occupied by a person who is 60 years of age or older.

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

No