

## PUBLIC HEARING SCRIPT

**TM Montante Development LLC and/or  
Individual(s) or Affiliate(s),  
Subsidiary(ies), or Entity(ies) formed or  
to be formed on its behalf Project**

Public Hearing to be held on May 2, 2023 at 10:00 a.m. at  
the Agency's offices, at 95 Perry Street, Suite 403, Buffalo, NY 14203

### **ATTENDANCE:**

Byron DeLuke – TM Montante Development, LLC  
Brian Krygier – ECIDA

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

*Hearing Officer:* Welcome. This public hearing is now open; it is 10:01 a.m. My name is Andrew Federick. I am the Property and Business Development Officer for the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at [www.ecidany.com](http://www.ecidany.com).

#### **2. PURPOSE:** Purpose of the Hearing.

*Hearing Officer:* We are here to hold the public hearing on the TM Montante Development LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Tuesday, April 18, 2023.

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

*Hearing Officer:* The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 50 Gates Circle, City of Buffalo, Erie County, New York and all other lands in the City of Buffalo where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"), (ii) the adaptive reuse of a 11,200+/- sq. ft. building into a mixed-use development that includes 12 new one-bedroom residential units on the upper floors and commercial space below (the "Improvements"), and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other

tangible personal property (the “Equipment”; and, together with the Land and the Improvements, the “Facility”).

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

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

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

If you have a written statement or comment to submit for the record, you may leave it at this public hearing, submit it on the Agency’s website or deliver it to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on May 30, 2023. There are no limitations on written statements or comments.

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

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

Byron DeLuke – Executive Director for Development and Construction/Pre-Construction Services for TM Montante Development. The company is located at 2760 Kenmore Avenue, Tonawanda, New York. I am here to provide a brief overview on our proposed project at 50 Gates Circle. The Project is a proposed adaptive reuse of the existing 11 ,200 square foot building. The building has been 90% plus vacant since the Hospital closed in 2012. The only tenant, a therapist and utilizes about 1 ,000 square feet of the building. The remaining space is vacant, a former medical office. We are proposing to reuse the building into a mix of commercial and residential uses. The ground floor about 2,000 square feet will be dedicated to the therapist office. This will allow them to retain the 4 existing jobs that are currently located on site and potentially to grow in the future. Floors 1-3 will then be renovated into 12 one-bedroom apartments. Eleven of these twelve apartments are going to be market rate with rents ranging from \$1,350 to \$1,760 per month. One of the apartments the remaining apartment will be maintained as affordable for those at 80% AMI, or approximately \$1,227 per month. The Project costs a total of about \$3.5 million, and it is a Historic Tax Credit project. We have submitted both the part I and part II for the historic tax credit process. We received an approval from the National Park Service for part I which is an eligibility determination just last week. The project has also been submitted to the City of Buffalo for discretionary reviews including subdivision, site plan and SEQRA the environmental review mandated by the state. The subdivision process is complete. The site plan process is well underway, and we anticipate being completed in the next couple of weeks. The SEQRA process, the Project is a Type II Action, it’s been declared because its consisting of a reuse of an existing structure where all proposed uses are permitted under Code. As a result, it’s ministerial in nature and so the city will be determining that no further review under SEQR is required. We will be providing that determination by the city once we receive it.

In terms of the project schedule, we started development in February 2023. We hope to get through all the design, development, financing work and pre-construction by the end of May 2023, which would allow us to start construction in June and get to substantial completion of the project by December 2023. The company needs to secure financial assistance before we can proceed and secure construction loans because there is considerable risk. It's a vacant structure including lead, asbestos requiring environment remediation. We need to complete an exterior rehabilitation, and a complete interior reconstruction. The tax abatements are critical in ensuring that private sector lending institutions underwrite the project, and we are grateful for the consideration of the ECIDA Board.

**6. ADJOURNMENT:**

As there were no further statements and/or comments, I will officially close the public hearing at 10:07 a.m.

**SIGN IN SHEET  
PUBLIC HEARING**

May 2, 2023 at 10:00 a.m. at  
the Agency's offices, at 95 Perry Street, Suite 403, Buffalo, NY 14203,  
regarding:

**TM Montante Development LLC and/or Individual(s) or Affiliate(s),  
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 50 Gates Circle, City of Buffalo, Erie County, New York

<b>Name</b>	<b>Company and/or Address</b>	<b>X box to speak/ comment</b>
Byron DeLuke	TM Montante Development, LLC 2760 Kenmore Avenue Tonawanda, New York 14150	X
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	