

**Emerson II****Section I: Applicant Background Information**Applicant Information - Company Receiving Benefit

Project Name	Emerson Hospitality School
Applicant Name	Emerson Huron, LLC c/o McGuire Development Company
Applicant Address	560 Delaware Avenue
Applicant Address 2	Suite 300
Applicant City	Buffalo
Applicant State	New York
Applicant Zip	14202
Phone	7168291938
Fax	7168851319
E-mail	lhicks@mcguiredevelopment.com
Website	www.mcguiredevelopment.com/
Federal ID#	.
NAICS Code	236220
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	Emerson Huron, LLC
Federal ID#	
State and Year of Incorporation/Organization	
List of stockholders, members, or partners of Real Estate Holding Company	

Individual Completing Application

Name	Lisa Hicks
Title	Associate Director, Development & Finance
Address	560 Delaware Avenue
Address 2	Suite 300
City	Buffalo
State	New York
Zip	14202

Phone	7168291938
Fax	7168851319
E-Mail	lhicks@mcguiredevelopment.com

Company Contact (if different from individual completing application)

Name Dave Carswell
Title Assistant Vice President, Development
Address 560 Delaware Avenue
Address 2 Suite 300
City Buffalo
State New York
Zip 14202
Phone 7168291563
Fax 7168851319
E-Mail dcarswell@mcguiredevelopment.com

Company Counsel

Name of Attorney Philip S. Bousquet
Firm Name Bousquet Holstein PLLC
Address 110 West Fayette Street
Address 2 One Lincoln Center, Suite 1000
City Syracuse
State New York
Zip 13202
Phone 3157016309
Fax 3154232866
E-Mail Phil@bhlawpllc.com

Identify the assistance being requested of the Agency

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

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

Business Organization

Type of Business Limited Liability Company
Type of Ownership
Year Established 2017
State of Organization New York

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

Please include name and % of ownership.

F. James McGuire 33.33%, Mark Croce 33.33%, James Jerge 33.33%

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

For more than 50 years, since the founding of Frank McGuire's first company in 1960, the McGuire name has been synonymous with honesty, integrity, and hard work. While Western New York is most familiar with The McGuire Group Health Care Facilities, business interests have spanned the United States and a number of industries, including construction, hospitality, healthcare, real estate, and venture capital, from Alaska to Florida. No matter the industry, or the location, every McGuire business has a common theme of commitment to the customer and superior service. In 2005, Jim McGuire and Jim Dentinger re-energized McGuire Development Company. With a continued focus on providing quality service and representation to all clients, McGuire Development was built upon the qualities of integrity, value, service and trust. For ten years, we have continually grown and broadened our capabilities and the depth and knowledge of our team. From our offices in Downtown Buffalo, we provide full-service commercial real estate and development company, including real estate consulting, owner's representation, brokerage, property management, leasing and development services. Our unique combination of skills as a broker, developer, property manager, owner, and consultant give our customers broad resources to draw upon. Combine those skills with our company's experience as an owner, developer, and manager of more than 4 million square feet of space, and you can see why McGuire Development is one of the most sought-after development partners in Western New York. The culmination of these varied perspectives and expertise allows us to assist and guide our clients as they realize their real property goals.

Estimated % of sales within Erie County	90
Estimated % of sales outside Erie County but within New York State	5
Estimated % of sales outside New York State but within the U.S.	5
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

CCS WNY - 15% AJ & J of Amherst - 15% Doritex - 10% Suburban Property - 10% Gorenflo's - 10% Held's Janitorial - 10% Suburban Lock & Key - 10% Plant People - 5% Graybar - 5% DWC Mechanical - 10%

Section II: Eligibility Questionnaire - Project Description & DetailsProject Location**Municipality or Municipalities of current operations**

City of Buffalo

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

Yes

In which Municipality will the proposed project be located

City of Buffalo

Address

75 Huron West

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

111.37-4-10 and 111.37-4-11 and 11.37.4.17.2

What are the current real estate taxes on the proposed Project Site**Assessed value of land**

(SBL 111.37-4-10 \$60,200) (SBL 111.37-4-11 \$123,600) (SBL 111.37-4-17.2 \$25,300) total \$209,100

Assessed value of building(s)

(SBL 111.37-4-10 \$89,800) (SBL 111.37-4-11 \$0) (SBL 111.37-4-17.2 \$0) total \$89,800

Are Real Property Taxes current?

Yes

If no please explain**Town/City/Village of Project Site**

City of Buffalo

School District of Project Site

Buffalo School 140200

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

Yes

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

No

Describe the present use of the Proposed Project site

Presently vacant building and surface parking.

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)

McGuire Development intends to work with its tenant Buffalo Public Schools to develop one of the last large parcels remaining for redevelopment in the Hospitality Corridor, 75 Huron West, in to a hospitality high school operated by the Buffalo Public School District. The building is surrounded by complementary hospitality businesses. In addition, the adaptive reuse of a nationally recognized historic building, into a multi-purpose commercial facility will bring vibrancy and economic investment to the neighborhood. The historic C.W. Miller Livery at 75 Huron West has been designed to satisfy the programmatic needs of a new Hospitality High School for a population of 500 students. A description of our proposed solution by floor is as follows:

- **Basement Level** - Mechanical/electrical support space, plus available space for food and program storage as required.
- **First Floor** - A tall lobby/concierge space fronting West Huron Street which acts as an upscale hotel-like entry point serving both a public restaurant space and as the school's main entry. The restaurant will feature a private dining room for intimate functions. The north/rear side of the building will accommodate deliveries and distribution space for food supplies entering the building, with direct access to a freight/service elevator serving all floors. The balance of the floor is dedicated to a teaching kitchen/culinary lab, prep and support space.
- **Second Floor** - The main administrative office for the school will front along West Huron Street. A large and divisible banquet/special event space is provided along with back-of-house teaching spaces for food prep/serving and a bakery. This floor also provides access to a full-size Gymnasium, built as an addition to the building, including locker and toilet rooms. The Gym is built on piers to accommodate staff parking below.
- **Third Floor** - This floor accommodates more traditional interchangeable school classrooms, including a dedicated art room, as well as offices for guidance and the school nurse.
- **Fourth Floor** - Traditional interchangeable and special education classrooms.
- **Fifth Floor** - Traditional interchangeable classrooms including dedicated science rooms, plus office space for the assistant principal.
- **Sixth Floor** - This space is the most striking in this historic building, due to the exposed structural trusses and bracing. This floor will accommodate large open-plan spaces including the cafeteria and library. Computer and resource rooms will serve to divide these two, large sky-lit spaces from each other. We envision the use of suspended panels and glass partitions to highlight the unique character of this space.
- **Residential** - 1 self-contained residential dwelling unit, with separate access. The unit will be approximately 600 square feet and will rent for an estimated \$900.00 per month. The apartment will be separately metered and the tenant will be responsible for all utilities except that water will be the responsibility of the landlord. In reference to the job creation requirement portion of the ECIDA application, this narrative serves to explain employment that currently exists at BPS' temporary location and the number of jobs which will be retained when the permanent Emerson Hospitality School is completed and fully occupied in 2019. The Emerson program, including the expansion to a second facility, has been extremely successful with high demand from students and a continual waiting list. Currently, the Buffalo Public School operates a temporary hospitality school which was initiated in 2015. The purpose of "Emerson Annex@28" located at 1515 South Park Avenue was to increase the number of students in attendance within the program to ensure there would be an adequate number of freshmen to senior level students who would be able to fill the new Emerson hospitality school once completed. Once the new Emerson hospitality school is ready for occupancy, the new student body would be comprised of current upper level students, together with new students recruited to the program. The Emerson Annex@28 is currently led by approximately 60 full-time staff, comprised of teaching staff, administrators/support staff as well as maintenance technicians. Of the 60 full time staff, 10 are teaching staff at the high school that teach specialized courses relating the to hospitality and/or culinary aspects of this unique high school curriculum. All 60 full-time staff, including the 10 specialized positions which are considered unique to this program and location, will be transferred to the new Emerson Hospitality School once completed in 2019. In terms of job retainage, all positions would be retained and transferred to the new location, including the 10 specialized positions which are considered unique to this program and location.

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:

The ECIDA's mandate includes, among other things, "providing resources that encourage investment and improves the quality of life for the residents of the region". Should this project be undertaken by the Agency, it would not only aid in fulfilling the Agency's mandate but also facilitate the rehabilitation of this long vacant historic building, which is essential to changing the character of Huron Street, thereby improving the aesthetic appearance and quality of life for those who live, work and visit downtown Buffalo. The property is also in an area with a large concentration of hospitality businesses, namely hotels. Tourists visiting the city will also be positively impacted by the presence of a fully rehabbed historic building, which adds to the city's progressive image. Most importantly however, is the impact that the rehabilitation will have on 450+ of our city's youth who choose to attend this school. This building will become a state-of-the-art educational institution used by high school students with an interest in the field of hospitality. Today's youth will be the leaders of tomorrow, and the building in itself serves as a tool to helping them achieve readiness to enter into the workforce or higher education, should they so choose, with the knowledge and skills needed to excel in their chosen path. ECIDA's assistance will free up funds to be reinvested into the school, its curriculum, supplies and other resources required to effectively run a Buffalo Public School which exceeds all expectations.

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

This project involves the reuse of a historic building and will incur significant costs to completely re-purpose the structure, initially used as a livery stable into an educational institution. Safeguards must be put in place to ensure the building is structurally sound, and also to ensure that the students be afforded the best possible work space and technology to complete their education and training, giving students the best chances for success after graduation. This comes at a substantial cost. Financial assistance from the Agency may be used to cover costs frequently incurred by public schools, freeing up money that can be spent on improvements to programs and curriculum. Furthermore, a high school with a hospitality focus will incur costs that are not normally incurred in a traditional high school setting, such as the cost of equipment and supplies, necessary for the proper functioning of this specialized program. Assistance from the Agency will greatly assist in the District's ability to run a first-rate hospitality program. Financial assistance not only will help to achieve our vision for the project, but it will also help to facilitate investment and provide a much needed revitalization to this part of Huron Street, improving the overall physical infrastructure of this urban community. The addition of a high school will create an outgrowth of positive urban transformational activity, increasing population density and further stimulating investment to serve newly added populations downtown.

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

No

If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and Erie County?

Should the project be denied assistance, our tenant, the Buffalo Public School District, will be forced to take on additional costs, money that is needed in other areas (as outlined in previous responses). Furthermore, Erie County will not be able to add this project to the list of projects that successfully contributed to regional development initiatives.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

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

Yes

Describe the present zoning/land use

Based upon the City of Buffalo, Unified Development Ordinance, the property is currently zoned as N-1D (downtown hub). The building located at the site is vacant and the adjacent lot operates a surface parking lot. The new use will be a high school operated by Buffalo Public Schools. This use is permitted and no changes to zoning/land use will be required. However, under the City of Buffalo's Unified Development Ordinance, there are certain restrictions on the development of the site which may require a variance.

Describe required zoning/land use, if different

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

The project may need to apply to the zoning board of appeals to request a variance(s) with respect to an addition to the current historic building. Possible variances include building height, ground floor transparency and upper floor transparency. Requirement for these variances have not yet been determined by the City and we are working with our architects to amend our preliminary designs to address these issues, thereby eliminating any need for variances.

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 project is enrolled in the Brownfield Clean Up Program for site contaminants. The Certificate of Completion is in process with NYSDEC. Additional work is required in the building (see attached Stohl Report)

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

No

If yes, please provide a copy.

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

Yes

If yes, please provide copies of the study.

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

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

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

No

If yes, please explain.

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

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

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

Please check any and all end uses as identified below.

Retail Sales	Yes	Services	No
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For purposes of this question, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4) (i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

No Manufacturing	No Multi-Tenant	Yes Mixed Use
Yes Acquisition of Existing Facility	No Commercial	No Facility for the Aging
No Housing	No Back Office	No Civic Facility (not for profit)
Yes Equipment Purchase	Yes Retail	Yes Other
		Public High School

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

\$ 298,900	square feet	acres
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New Building Construction

\$ 0	square feet
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New Building addition(s)

\$ 2,000,000	5,000 square feet
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Infrastructure Work

\$ 0

Renovation

\$ 24,000,000	95,000 square feet
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Manufacturing Equipment

\$ 0

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

\$ 4,500,000

Soft Costs: (professional services, etc.)

\$ 6,000,000

Other Cost

\$ 0

Explain Other Costs**Total Cost**

\$ 36,798,900

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

\$ 0

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

Yes

If Yes, describe particulars:

Stohl Environmental Hazmat Report \$ 6,120	AJ Petrelli Structural Letter \$600	C&S Survey/Civil/Site Plan Work \$13,250	Traffic Demand Management Study \$2,500
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Sources of Funds for Project Costs:**Equity (excluding equity that is attributed to grants/tax credits):**

\$ 5,798,900

Bank Financing:

\$ 24,000,000

Tax Exempt Bond Issuance (if applicable):

\$ 0

Taxable Bond Issuance (if applicable):

\$ 0

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

\$ 7,000,000

Identify each state and federal grant/credit:

State & Federal Historic Tax Credit Brownfield Tax Credit

Total Sources of Funds for Project Costs:

\$36,798,900

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

Yes

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.**

\$ 24,000,000

Lender Name, if Known

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

\$240,000

Construction Cost Breakdown:

Total Cost of Construction

\$ 30,500,000 (sum of 2,3,4,5, and/or 7 in Question K, above)

Cost for materials

\$ 15,250,000

% sourced in Erie County

90%

% sourced in State

95% (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

\$ 20,000,000

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

\$ 1,750,000

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) - the mixed-use urban project will include 1 residential unit as well as a commercial component and will qualify for a 12-year partial tax exemption through the NYS department of taxation and finance (Office of Real Property Tax Services).

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

		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	5,000 square feet	\$ 1,000,000	1

Office	square feet	\$ 0	0
Specify Other	95,000 square feet	\$ 35,798,900	99

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

1/1/2018

End date : Estimated completion date of project

6/1/2019

Project occupancy : estimated starting date of operations

7/1/2019

Have construction contracts been signed?

No

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

Yes

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

Yes

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

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	60	0	0
Part time	0	0	0	0
Total	0	60	0	

** 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	0	\$ 0	\$ 0	\$ 0	\$ 0
Professional	55	\$ 70,000	\$ 20,000	\$ 0	\$ 0
Administrative	0	\$ 0	\$ 0	\$ 0	\$ 0
Production	0	\$ 0	\$ 0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	5	\$ 25,000	\$ 10,000	\$ 0	\$ 0

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

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

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

Yes

Payroll Information**Annual Payroll at Proposed Project Site**

\$ 3,975,000

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

\$ 66,250

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

\$ 0

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

\$ 0

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

\$ 0

Estimated salary range of jobs to be created

From (Full Time)	\$ 0	To (Full Time)	\$ 0
From (Part Time)	\$ 0	To (Part Time)	\$ 0

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

No

If yes, please explain and identify out-of-state locations investigated**What competitive factors led you to inquire about sites outside of New York State?****Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?**

No

If yes, please indicate the Agency and nature of inquiry below**Do you anticipate applying for any other assistance for this project?**

Yes

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

State and Federal Historic Tax Credits, Brownfield Tax Credits, 485(a)

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 Buffalo Public School District
Address 406 City Hall Buffalo, New York 14202
Contact Person Joseph Giusiana
Phone (716) 816-3560
Fax (716) 878-9718
E-Mail jgiusiana@buffaloschools.org
Federal ID #
SIC/NAICS Code 611110

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?

Yes

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 project 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

PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)**Tenant Name**

Buffalo Public School District

Property Address:

75 Huron West

City/Town/Village

Buffalo

The following information is an outline relative to the potential client and their proposed contract to sublease space in the above reference facility

Amount of space to be leased (square feet)

+/- 100,000 square feet

What percentage of the building does this represent?

100%

Are terms of lease:

NET

If GROSS lease, please explain how Agency benefits are passed to the tenant**Estimated date of occupancy**

6/1/2019

PART 2 TO BE COMPLETED BY PROPOSED TENANT**Company Name:**

Buffalo Public School District

Local Contact Person:

Joseph Giusiana

Title:

Executive Director, Plant Services

Current Address:

City Hall, Rm. 403 Buffalo, New York 14202

Phone:

716-816-3560

Fax:

716- 878-9718

E-Mail:

JGiusiana@buffaloschools.org

Website:<http://www.buffaloschools.org/plantservices.cfm>**Company President/General Manager:****Number of employees moving to new project location:****Full-Time:**

60

Part-Time:

0

Total:

60

Do you anticipate increasing employment within the next two years?

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

Full-Time:

0

Part-Time:

0

Total:

Please describe briefly the nature of the business in which the proposed tenant is/will be engaged. This should include NAICS Code; type of business and products or services; percent of total sales in Erie County and the United States:

The code 61111 is for public schools. There will be limited retail transactions occurring on the school property. Primarily, one of the teaching facilities used by this specialized high school will be a restaurant, where food will be prepared and sold to members of the general public, students and staff. Secondary to this will be a small booth located in the lobby of the school (exact location to be determined) where apparel and other items adorned with school insignia will be available for purchase. 100% of the sales will be made from the location as the school does not anticipate providing a method of shipping merchandise elsewhere.

Attach additional information as necessary.

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

The tenant is a city of Buffalo Public School which will be leasing space to expand its current secondary school offerings to a larger pool of students. Currently, there is a restaurant located on West Chippewa which functions in the same way that the new restaurant will function - as a teaching facility, offering prepared food items to members of the general public, students and staff.

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

+/- 100,000

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

N/A

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

N/A

Will the project result in a relocation and/or abandonment of other tenant/user(s) facilities in Erie County, or New York State?

No

Where is company relocating from?

Address:

N/A

City/Town/Village:

State:

Zip:

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

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

If leased, when does lease expire?

1/1/2012

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

No

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

Is location necessary to:

Discourage your company from moving out of New York State

No

Maintain your company's competitiveness within the industry:

No

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

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

Yes

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

Yes

Were local economic development officials contacted about the availability of alternative sites within the community you are leaving?

No

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

If no, why not?

This is a new public school. A temporary facility is being used to populate this new program until the new facility is complete but no facilities are being closed as a result of this new school being created. The site was chosen based upon an extensive RFP process. The site location was ultimately voted on and approved by the Buffalo Public School Board of Education.

Will present location be your company's headquarters?

No

If No, Where is the location of HQ:

City:

City Hall, Buffalo

State:

New York

Form Completed By:

Joseph Giusiana

Relationship to Company:

Executive Director, Plant Services

Section V: Environmental Questionnaire

General Background Information

Address of Premises 75 Huron West, Buffalo NY 14202

Name and Address of Owner of Premises Emerson Huron, LLC 257 Franklin Street Buffalo, NY 14202

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

The Premises are located on an urban street, in the heart of downtown Buffalo New York,

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

There are three parcels that will be developed into the Emerson Hospitality High School. One of the parcels, houses a building that has been vacant for approximately 15 years. The other two parcels are currently used for surface parking but will be developed to include a gymnasium that will be connected to the historic building and form a part of the high school.

Describe all known former uses of the Premises

The building has historically been used as a livery stable and most recently as multi-level parking garage.

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 parking lot immediately adjacent to the vacant historic building is currently being occupied by the owner of the building for use as paid surface parking, Pay2Park.

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

See the attached spills incident, which was not a discharge directly on the site, but which spread to contaminate the site. The spill and any hazardous conditions have since undergone remediation, as evidenced in the report located on the NYSDEC Environmental Site Remediation Database - Spill No. 1106834.

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?

Yes

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

The project is subject to a NYSDEC environmental easement (#C915282). The site has undergone full remediation and been approved for restricted residential, commercial or industrial use. Awaiting Certificate of Completion from NYSDEC.

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

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

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

No

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

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

No

If yes, please provide copies of the permits.

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

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

Does or is it contemplated that there will occur at the Premises any accumulation or storage of any hazardous wastes on-site for disposal for longer than 90 days?

No

If yes, please identify the substance, the quantity and describe how it is stored

Discharge Into Waterbodies

Briefly describe any current or contemplated industrial process discharges (including the approximate volume, source, type and number of discharge points). Please provide copies of all permits for such discharges

N/A

Identify all sources of discharges of water, including discharges of waste water, process water, contact or noncontact cooling water, and stormwater. Attach all permits relating to the same. Also identify any septic tanks on site

DAVE?

Is any waste discharged into or near surface water or groundwaters?

No

If yes, please describe in detail the discharge including not only the receiving water's classification, but a description of the type and quantity of the waste

Air Pollution

Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises?

No

If yes, describe each such source, including whether it is a stationary combustion installation, process source, exhaust or ventilation system, incinerator or other source

Are any of the air emission sources permitted?

No

If yes, attach a copy of each permit.

Storage Tanks

List and describe all above and under ground storage tanks at the Premises used to store petroleum or gasoline products, or other chemicals or wastes, including the contents and capacity of each tank. Please also provide copies of any registrations/permits for the tanks

N/A

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?

Yes

If yes, relate all the circumstances

There was an incident which involved a gasoline spill that spread to the Premises. See Spills incident report#1106834.

Do the Premises have any asbestos containing materials?

Yes

If yes, please identify the materials

Asbestos was detected on the following materials on the Premises:-aircel/mag pipe insulation-boiler fire box lining-boiler door gasket-transite back panel of fuse box/panel-exterior/interior window caulk-elevator brake shoes-elevator control wire-roof tar, roof field felt, roof flashing felt

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:

Does this project involve relocation or consolidation of a project occupant from another municipality or abandonment of an existing facility?

Within New York State No

Within Erie County No

If Yes to either question, please, explain

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

No

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

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

If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?

<BLANK>

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

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

Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.

Section VII: Adaptive Reuse Projects

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

What is the age of the structure (in years)? 125

Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended) Yes

If vacant, number of years vacant. 15

If underutilized, number of years underutilized. 15

Describe the use of the building during the time it has been underutilized: Vacant

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) No

If yes, please provide dollar amount of income being generated, if any \$

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	1	600	\$ \$900
2 Bedroom	0	0	\$ 0
3 Bedroom	0	0	\$ 0
Other	0	0	\$ 0

Does the site have historical significance? Yes

Are you applying for either State/Federal Historical Tax Credit Programs? Yes

If yes, provide estimated value of tax credits \$ \$3 million

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)

Without ECIDA incentives, the Buffalo Public School District will incur additional costs given that the district would not be able to complete construction with the tenant allowance that was allocated for this project. As well, the Brownfield Clean Up program and the building's recognition on the national register of historic places also increases the costs associated with the rehabilitation of this site. ECIDA assistance will help to minimize the costs incurred by the Buffalo Public School District and increase the overall feasibility of the 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

We expect to receive the full support of all City of Buffalo departments for the rehabilitation of the building (including the Department of Permits, Planning Board, Zoning Board, Buffalo Sewer Authority, Preservation Board).

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

The rehabilitation of this building is important for the revitalization of the City of Buffalo. The building will be a significant benefit to BPS high school students once in operation. The facade work and brick re-pointing necessary as well as remediation of hazardous materials will reduce public safety hazards currently present. The structure presents a significant cost associated with building code compliance, specifically, the requirement that the building achieve a high seismic rating will be a costly endeavor. The building is already listed on the National Register of Historic Places but due to its condition and vacancy, receives a low tax assessment. Once the rehabilitation is complete, the City of Buffalo will not only enjoy a beautifully redesigned, functional and fully tenanted historic building, but also and increased tax base.

Section VIII: Senior Citizen Rental Housing Projects

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

<BLANK>

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?

0 %

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

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

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

<BLANK>

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

<BLANK>

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

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

<BLANK>

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

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

<BLANK>

If yes, explain

Is the project located in a Highly Distressed Area?

<BLANK>