

NOTICE OF PUBLIC HEARING

Pursuant to Article 18-A of NYS General Municipal Law, the Erie County Industrial Development Agency (the "Agency") will hold a public hearing on February 25, 2020 at 10:00 a.m. at the Agency's offices, at 95 Perry Street-Suite 403, Buffalo, NY 14203 regarding:

637 Linwood LLC, 1275 Delaware LLC, and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf (the "Company"), have submitted an application to the Agency (a copy of which is on file at the office of the Agency and listed on the Agency's website) requesting the Agency to undertake a certain adaptive reuse project (the "Project") consisting of: (i) a 0.56+/- acre parcel of land located at 1275 Delaware Avenue, City of Buffalo, Erie County New York (the "Land") together with an existing 50,000+/- SF 6-story multi-tenant building (the "Existing Improvements"); (ii) the renovation, upgrading and equipping of the Existing Improvements thereon to consist of 9,000+/- SF of ground floor and garden level space dedicated to commercial space for professional services or back office use, along with 1,000+/- SF dedicated to a food service component off of the lobby in the original diner/café space, and 40,000+/- SF of market rate residential units in the upper floors of the building consisting of twenty-two (22) one bedroom units and eleven (11) two bedroom units (the "Improvements"); and (iii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible personal property (the "Equipment"), and collectively with the Land, the Existing Improvements and the Improvements, the "Facility").

The Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance to the Company for qualifying portions of the Project in the form of sales and use tax exemption benefits and mortgage recording tax exemption benefits consistent with the policies of the Agency.

A representative of the Agency will be present at the above-stated time and place to present a copy of the Application and hear and accept written and oral comments from all persons with views in favor of or opposed to the proposed financial assistance. This public hearing is being live-streamed and made accessible on the Agency's website at www.ecidany.com. Written comments may be submitted at this public hearing, submitted on the Agency's website, or delivered to the Agency at 95 Perry Street-Suite 403, Buffalo, NY 14203 until the comment period closes on March 24, 2020. The project application is available for public inspection at the Agency's offices Monday through Friday (excluding public holidays) from 9:00 a.m. until 4:00 p.m.

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

Erie County Industrial Development Agency



1275 Delaware Ad Reuse

Section I: Applicant Background Information

Applicant Information - Company Receiving Benefit

Project Name	1275 Delaware Adaptive Reuse
Applicant Name	1275 Delaware LLC/637 Linwood LLC as tenants in common
Applicant Address	2760 Kenmore Ave
Applicant Address 2	
Applicant City	Tonawanda
Applicant State	New York
Applicant Zip	14150
Phone	7168768899
Fax	
E-mail	bdeluke@montante.com
Website	
Federal ID#	37-1775664
NAICS Code	531390
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	637 Linwood LLC, 1275 Delaware LLC or affiliate
Federal ID#	37-1775664, 84-4275077
State and Year of Incorporation/Organization	NY 2015, NY 2020
List of stockholders, members, or partners of Real Estate Holding Company	Montante Group LLC - 100%

Individual Completing Application

Name	Byron DeLuke
Title	Director of Development
Address	2760 Kenmore Ave
Address 2	
City	Tonawanda
State	New York
Zip	14150

Phone

7168768899

Fax

E-Mail

bdeluke@montante.com

Company Contact (if different from individual completing application)**Name****Title****Address****Address 2****City****State****Zip****Phone****Fax****E-Mail**Company Counsel**Name of Attorney**

Jason Yots

Firm Name

Borelli & Yots PLLC

Address

170 Florida Street

Address 2**City**

Buffalo

State

New York

Zip

14208

Phone

5854541905

Fax**E-Mail**

jasonyots@borelliyots.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**

2015

State of Organization

New York

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

Please include name and % of ownership.

637 Linwood LLC is 100% owned by Montante Group. Those holding more than 25% of Montante Group: Matt Montante, Dan Montante, Kevin Montante

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

The LLC's (637 Linwood LLC and 1275 Delaware, LLC - the "Company") are real estate holding companies fully owned by Montante Group, which focuses on developing smart, distinctive commercial residential and mixed-use projects. It was formed for the purpose of redeveloping the vacant building located at 1275 Delaware Avenue as a mixed-use project, including a mix of residential and commercial space. Montante Group is also redeveloping the adjacent former Millard Fillmore Gates Hospital site into Lancaster Square; a mixed-use, urban place featuring neighborhood retail, residential units, and commercial office space. The 1275 Delaware Project complements this overall development.

Estimated % of sales within Erie County	100
Estimated % of sales outside Erie County but within New York State	0
Estimated % of sales outside New York State but within the U.S.	0
Estimated % of sales outside the U.S.	0

(*Percentage to equal 100%)

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

100

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

Tonawanda, NY

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

No

In which Municipality will the proposed project be located

Buffalo, NY

Address

1275 Delaware Avenue, Buffalo NY 14202

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

100.23-2-1.11

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

2020 Erie County: \$6157.40; 19/20 Buffalo: \$23591.95; 19/20 Sewer: \$1309.18

Assessed value of land

\$800000 assessed value - no breakout between land and building

Assessed value of building(s)**Are Real Property Taxes current?**

Yes

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

Buffalo

School District of Project Site

Buffalo

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

Vacant building

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)

The Project includes the adaptive reuse of a vacant, 50,000 square foot building located at 1275 Delaware Ave. The building has been vacant for the past three years and underutilized since shortly after the former Millard Fillmore Hospital was closed due to a state-mandated restructuring in 2012. The Company will redevelop the vacant building into a mixed-use development that includes new residential units on the upper floors and commercial space below. The new residential units will be market rate, consisting of twenty-two (22) one-bedroom units and eleven (11) two-bedroom units. Approximately 9,000 square feet of ground floor and garden level space will be dedicated to commercial space for a professional services or back office user. Approximately 1,000 square feet of ground floor space will be dedicated to a food service component off of the lobby in the original diner/café space. Based upon the anticipated uses, the Company is anticipating the creation of 8 full time jobs and 4 part time jobs upon full occupancy. The building has been accepted onto the National Register and the Company is pursuing historic tax credits to help finance the Project.

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 Project cannot proceed without tax abatements.

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

The Applicant needs to secure financial assistance before it can secure private construction loans to fund construction at 1275 Delaware. There is considerable risk associated with the project because the site currently contains a vacant and distressed building, which will require environmental remediation, exterior rehabilitation, and a complete interior reconstruction. Factoring in sales and mortgage tax abatements, the Applicant is projecting a below-market 3 percent initial rate of return. Thus, the tax abatements are critical in ensuring that private sector lending institutions underwrite the Project. Should the Project move forward, it will result in an approximately \$12.5 million investment, dozens of short term construction-related jobs, and approximately 8 full time jobs and 4 part time jobs upon full occupancy. The applicant will work with community leaders and other neighborhood stakeholder groups to ensure that construction-related and permanent jobs generated by the redevelopment effort will benefit the local community.

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?

The Applicant needs to secure financial assistance before it can secure private construction loans to fund construction at 1275 Delaware. Without financial assistance the Project will not move forward. The 1275 Delaware building will remain vacant and deteriorating, additional private sector investment will not be secured at the project site, and the short-term construction-related and permanent jobs will not be realized.

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

Presently the site includes a vacant building. It is zoned N1-C, Gates Circle PUD. Zoning allows for up to ten (10) story mixed use buildings, including commercial and retail uses that are proposed. The Project has received a negative declaration under SEQRA and site plan approval by the Buffalo Planning Board.

Describe required zoning/land use, if different

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

Is the proposed Project located on a site where the known or potential presence of contaminants is complicating the

development/use of the property?

Yes

If yes, please explain

The site contains a vacant building initially constructed in the 1950s. The building will have to be remediated of certain environmental contaminants, including lead and asbestos, prior to interior reconstruction. As a result, considerable risk is associated with the project. Factoring in sales and mortgage tax abatements, the Applicant is projecting a below-market 3 percent initial rate of return. Thus, the tax abatements are critical in ensuring that private sector lending institutions underwrite the Project.

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

Yes

If yes, please provide a copy.

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

Yes

If yes, please provide copies of the study.

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

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

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

\$ 1,950,000	50,000 square feet	1 acres
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New Building Construction

\$ 0	square feet	
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New Building addition(s)

\$ 0	square feet	
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Infrastructure Work

\$ 0		
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Renovation

\$ 7,662,116	square feet	
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Manufacturing Equipment

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

\$ 0		
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Soft Costs: (professional services, etc.)

\$ 2,848,877		
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Other Cost

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

\$ 12,460,993		
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Project Refinancing; estimated amount (for refinancing of existing debt only)

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

Yes		
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If Yes, describe particulars:

Yes. Land acquisition and some soft costs related to entitlements and design development (architecture and engineering work).

Sources of Funds for Project Costs:**Equity (excluding equity that is attributed to grants/tax credits):**

\$ 3,373,852		
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Bank Financing:

\$ 6,092,414		
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Tax Exempt Bond Issuance (if applicable):

\$ 0		
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Taxable Bond Issuance (if applicable):

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

\$ 2,994,727

Identify each state and federal grant/credit:

Historic tax credits: \$2,894,727 Utility grants: \$100,000

Total Sources of Funds for Project Costs:

\$12,460,993

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.**

\$ 6,092,414

Lender Name, if Known

Bank on Buffalo

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

\$45,693

Construction Cost Breakdown:

Total Cost of Construction

\$ 7,662,116

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

Cost for materials

\$ 3,831,058

% sourced in Erie County

100%

% sourced in State

100% (including Erie County)

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

\$ 3,831,058

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

\$ 335,218

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:

485a

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	1,000 square feet	\$ 153,242	2

Office	9,000 square feet	\$ 1,379,181	18
Specify Other	40000 - residential square feet	\$ 6,129,693	80

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

4/1/2020

End date : Estimated completion date of project

4/1/2021

Project occupancy : estimated starting date of operations

5/1/2021

Have construction contracts been signed?

No

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

Yes

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

Yes

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

No

Employment Plan (Specific to the proposed project location):

	Current # of jobs at proposed project location or to be relocated at project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PT jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PT jobs to be CREATED upon TWO years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PT jobs to be created upon TWO Years after Project Completion **
Full time	0	0	8	8
Part time	0	0	4	4
Total	0	0	12	

** 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	0	\$ 0	\$ 0	\$ 0	\$ 0
Administrative	0	\$ 0	\$ 0	\$ 0	\$ 0
Production	0	\$ 0	\$ 0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	12	\$ 32,500	\$ 0	\$ 17,500	\$ 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?

No

Payroll Information

Annual Payroll at Proposed Project Site

\$ 330,000

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

\$ 0

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

\$ 0

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

\$ 32,500

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

\$ 17,500

Estimated salary range of jobs to be created

From (Full Time)	\$ 30,000	To (Full Time)	\$ 35,000
From (Part Time)	\$ 15,000	To (Part Time)	\$ 20,000

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

No

If yes, please explain and identify out-of-state locations investigated

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

Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?

No

If yes, please indicate the Agency and nature of inquiry below

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

Yes

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

485a; historic tax credits; utility grants

Section III: Facility Type - Single or Multi Tenant

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

Multi-Tenant Facility

For Single Use Facility.

Occupant Name

Address

Contact Person

Phone

Fax

E-Mail

Federal ID #

SIC/NAICS Code

Multi-Tenant Facility.

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

The Project is an infill development on a site that contains 50,000 square feet of vacant building space that was formerly utilized for medical offices servicing clients at the adjacent Millard Fillmore Gates Hospital. Once that site closed as part of a state-mandated restructuring plan, the 1275 Delaware building was vacated. It now sits vacant and deteriorated. The Project will enhance the quality of life for area residents by creating linkages to transportation and parking infrastructure, providing employment opportunities, and expanding the availability of goods and services in the neighborhood. The Project further complies with the City's Comprehensive Plan which seeks compact, pedestrian-friendly, and mixed-use development.

Have any tenant leases been entered into for this project?

No

If yes, please fill out the Tenant Information section of this application, for each tenant.

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

Section V: Environmental Questionnaire

General Background Information

Address of Premises 1275 Delaware Avenue, Buffalo NY 14202

Name and Address of Owner of Premises 637 Linwood LLC; 2760 Kenmore Avenue, Tonawanda NY 14150

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

The parcel is located on Delaware Avenue in the City of Buffalo. It includes an approximately 50,000 square foot building and associated infrastructure. The building was initially constructed in the 1950s and is currently vacant.

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 parcel is located on Delaware Avenue in the City of Buffalo. It includes an approximately 50,000 square foot building and associated infrastructure. The building was initially constructed in the 1950s and is currently vacant.

Describe all known former uses of the Premises

1275 Delaware was constructed from 1956-1958 as a medical office building. It was constructed to provide a centralized office building for practicing physicians connected to the adjacent Millard Fillmore Hospital and was mostly occupied by various medical practitioners and associated tenants until it was vacated in 2017. In addition to the medical office uses, a small ground floor café has operated under various owners for much of the building history.

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

No

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

Have there been any spills, releases or unpermitted discharges of petroleum, hazardous substances, chemicals or hazardous wastes at or near the Premises?

No

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

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

No

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

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

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

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

No

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

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

No

If yes, please provide copies of the permits.

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

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

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

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

Existing storm drains on site capture stormwater runoff, which is then conveyed to the existing public sewer system along Delaware Avenue. The proposed action will also connect to existing public water supply and wastewater utility.

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

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

AMD Environmental Consultants, Inc (AMD) was retained to inspect the building located at 1275 Delaware Avenue in Buffalo, NY

for the presence of materials suspected of containing asbestos in areas of planned renovations. The scope of services included the identification of suspect asbestos containing building materials in areas of planned renovations; sampling and analysis of the suspect materials; and identifying the locations, estimated quantities, and condition of the confirmed asbestos containing materials. Sampling and analysis of the suspect materials under Polarized Light Microscopy (PLM) ,and where necessary, under Transmission Electron Microscopy (TEM), revealed the following materials as asbestos containing building materials (ACBM): various floor tiles and brown flooring throughout, tar on mud fittings, boiler insulation, and silk insulation.

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?

No

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)? 62

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. 3

If underutilized, number of years underutilized. 0

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 \$ No income being generated

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	22	659-760	\$ 1100-1500
2 Bedroom	11	927-1235	\$ 1650-2500
3 Bedroom	0		\$
Other	0		\$

Does the site have historical significance? Yes

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

If yes, provide estimated value of tax credits \$ 2,894,727

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)

The site has been vacant for 3 years and underutilized since the former Millard Fillmore Gates Circle Hospital closed as part of a state-mandated restructuring in 2012. There is considerable risk associated with the project because the site currently contains a vacant and distressed building, which will require environmental remediation, exterior rehabilitation, and a complete interior reconstruction. Factoring in sales and mortgage tax abatements, the Applicant is projecting an approximately 3 percent initial rate of return. Thus, the tax abatements are critical in ensuring that private sector lending institutions underwrite the Project. Should the Project move forward, it will result in a significant private sector investment, dozens of short term construction-related jobs, and approximately 10 new full time equivalents at full occupancy. The applicant will work with community leaders and other neighborhood stakeholder groups to ensure that construction-related and permanent jobs generated by the redevelopment effort will benefit the local community.

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

The project has already received site plan approval by the City of Buffalo Planning Board. The building has also been listed on the National Register and the Project will be a historic tax credit project.

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

The 1275 Delaware Project is located in Census Tract 169, which is adjacent to highly distressed Census Tract 168. The site has been vacant for 3 years and underutilized since the former Millard Fillmore Gates Circle Hospital closed as part of a state-mandated restructuring in 2012. There is considerable risk associated with the project because the site currently contains a vacant and distressed building, which will require environmental remediation, exterior rehabilitation, and a complete interior reconstruction. Further, the building has been listed on the National Register and is of historical significance. The Company is

completing a historic rehab and is seeking historic tax credits to complete the project in line with National Park Service and SHPO requirements. Based on proposed uses, the Project is projected to result in dozens of short term construction-related jobs, and approximately 10 new full time equivalents at full occupancy. The applicant will work with community leaders and other neighborhood stakeholder groups to ensure that construction-related and permanent jobs generated by the redevelopment effort will benefit the local community.

Section VIII: Senior Citizen Rental Housing Projects

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

No

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

<BLANK>

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

Is the project consistent with the applicable municipal master plan?

<BLANK>

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

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

<BLANK>

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

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

<BLANK>

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

<BLANK>

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

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

<BLANK>

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

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

<BLANK>

If yes, please briefly summarize the financial obstacles to development that this project faces without IDA or other public assistance. Please provide the IDA with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages)

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

<BLANK>

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

Section IX: Retail Determination

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

If yes, complete the Retail Questionnaire Supplement below.

What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? 20 %

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>