

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 August 26, 2022 at 9:00 a.m. at the Agency’s offices, at 95 Perry Street, Suite 403, Buffalo, NY 14203 regarding:

950 Broadway LLC, and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf (the “Company”), has submitted an application to the Agency (a copy of which is on file at the office of the Agency) requesting the Agency to undertake a certain project (the “Project”) consisting of: (i) a leasehold interest in a portion of a 40,570 +/- SF parcel of land located at 950 Broadway Avenue, City of Buffalo, Erie County, New York (the “Land”); (ii) the renovation and equipping of a mixed-use facility consisting of 28 affordable apartment units (18,118+/- SF) and ground floor commercial and retail space (22,452+/- SF) on the Land (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 and the Improvements, the “Facility”). The Facility will be initially operated and/or managed by the Company.

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 at 4:00 p.m. on September 27, 2022. 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



950 Broadway

[Instructions and Insurance Requirements Document](#)

Section I: Applicant Background Information

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

Applicant Information - Company Receiving Benefit

Project Name	950 Broadway
Project Summary	950 Broadway is a mixed use project that will consist of 28 affordable units at the 65% ami, and ground floor that is primarily commercial space with some retail space. This development will be an anchor to the East side of Buffalo which as a long forgotten area has seen significant public and private investment over the last 3-5 years. 950 Broadway itself is a building that has been vacant for over a decade and would now be brought back to life. This would be the latest project to combine public and private funds to bring vitality, economic development, and socioeconomic equity to the East side of Buffalo.
Applicant Name	950 Broadway LLC
Applicant Address	60 Lakefront Blvd Suite 120
Applicant Address 2	
Applicant City	Buffalo
Applicant State	New York
Applicant Zip	14216
Phone	(716) 275-2766
Fax	
E-mail	joshua@cedarlanddev.com
Website	
NAICS Code	531390

Business Organization

Type of Business	Limited Liability Company
Year Established	2015
State in which Organization is established	New York

Individual Completing Application

Name	Joshua Israel
Title	Real Estate Associate
Address	60 Lakefront Blvd Suite 120
Address 2	

City Buffalo
State New York
Zip 14216
Phone (716) 275-2766
Fax
E-Mail joshua@cedarlanddev.com

Company Contact - Authorized Signer for Applicant

Contact is same as individual completing application No
Name Kevin Dagher
Title Vice President
Address 60 Lakefront Blvd Suite 120
Address 2
City Buffalo
State New York
Zip 14216
Phone
Fax
E-Mail kevindag@cedarlanddev.com

Company Counsel

Name of Attorney Steve Ricca
Firm Name
Address 60 Lakefront Blvd Suite 120
Address 2
City Buffalo
State New York
Zip 14216
Phone
Fax
E-Mail sricca@cedarlanddev.com

Benefits Requested (select all that apply).

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)

Applicant Business Description

Describe in detail company background, history, products and customers. Description is critical in determining eligibility. Also list all

stockholders, members, or partners with % ownership greater than 20%.

Cedarland Development Group is a rapidly growing example of the new generation of real estate development companies in Buffalo, New York. Founded by Dr. Fadi Dagher, a Lebanese immigrant and former transplant surgeon, and his son Kevin Dagher, Cedarland has focused on blighted properties on Buffalo's East and Lower West sides for the past decade. Dr. Dagher's and Kevin's shared belief in the City of Buffalo and expertise in real estate finance has spurred Cedarland's successful urban renewal and sustainable development efforts and passion for delivering social and economic change where the City of Buffalo needs it most. Cedarland's sound working relationships with state and local government officials and commitment to collaboration with community stakeholders help to maximize its positive impact in the historically disadvantaged East Side of Buffalo, the Broadway-Fillmore District in particular. we specialize in developing and restabilizing property in the Buffalo area. A couple of projects we have completed in in recent years are Creekview Apartments and The Grid. Creekview was one of the first projects we completed and it was a 19-unit suburban apartment building that was completed in 2019. The Grid was a 217-Unit project that was the largest residential project to date in Buffalo. We were able to convert the site of the old Buffalo Motor Lodge into a dynamic residential building serving young professionals and students. Dr. Dagher is the sole member of 950 Broadway LLC which provides him with 100% ownership of the entity.

Estimated % of sales within Erie County	95 %
Estimated % of sales outside Erie County but within New York State	5 %
Estimated % of sales outside New York State but within the U.S.	0 %
Estimated % of sales outside the U.S.	0 %

(*Percentage to equal 100%)

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

90

Describe vendors within Erie County for major purchases

It is anticipated that the construction materials and the soft costs to be incurred would be from firms based in Erie County. Our GC is Buffalo Construction, the Architect is Elev8, the contractors for the building are locally based.

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

950 Broadway Avenue

Town/City/Village of Project Site

Buffalo

School District of Project Site

Buffalo School District

Current Address (if different)

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

SBL Number(s) for proposed Project

111.36-3-22

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

2,514.13

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

Land

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

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

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

Yes

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

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

Yes

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

Vacant Existing Office Building

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

950 Broadway is located at one of the most prominent intersections on the east Side of Buffalo. This is a vacant office building that has seen several lives as an office building and a department store. This project is a mixed use project that will consist of 28 affordable units at a mixed AMI, an indoor urban garden, and a ground floor affordable day care for the community. The residential section of the building will be 18,118 SF and the commercial portion will be 22,452 SF. The residential units are at 60%, 70%, and 80% AMI levels which correspond to rent ranges of \$840- \$1,457 . The lower rent spectrum is for the studio units while the higher rent units are the 2-Bedroom units. In addition to providing an affordable place to live and the ability to bring free daycare services to the community the project seeks to incorporate fresh food production on site through an indoor urban garden that will be located in the basement of the building. The two commercial tenants for Cedarland will be bringing these two major needs to an underserved population in the city. Between the two tenants we will also be able to bring 38 new jobs to the community 29 from the daycare and 9 from the urban garden. The daycare provider is CAO (Community Action Organization) which is a non-profit that serves over 50,000 individuals and families annually. They strive to mitigate poverty throughout low-income communities by empowering clients with the resources they need to become self-responsible. This development will be an anchor to the East side of Buffalo which as a long forgotten area has seen significant public and private investment over the last 3-5 years. 950 Broadway itself is a building that has been vacant for over a decade and would now be brought back to life. This would be the latest project to combine public and private funds to bring vitality, economic development, and socioeconomic equity to the East side of Buffalo.

Municipality or Municipalities of current operations

Buffalo

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

Yes

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

No

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

No

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

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

No

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

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

No

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

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

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

Currently the project is less feasible as time goes on due to market conditions. The increasing interest rate environment, the construction cost increases for the project are severely affecting the project. Currently the project is subsidized since there is not enough value in the project to stand on its own. Without this assistance there will be an increased risk that the project will need to be abandoned due to the cost of the project.

Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency

Yes

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

950 Broadway is located at one of the most prominent intersections on the east Side of Buffalo and without the project this will continue to be a vacant office building. This project failing will remove 28 affordable units, an indoor urban garden to address food desserts, and a ground floor affordable day care for the community. The East side will also lose the opportunity to receive 38 more jobs in the area.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

Is your project located near public transportation?

Yes

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

This site is adjacent to several stops on the #4 Broadway line.

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

Yes

If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.

If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.

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

Yes

Describe the present zoning/land use

Current N-3E and N-3C zoning allows multifamily dwellings and, among other things, retail, professional office, day care center, food pantry, garden center, community garden, market garden, medical clinic, *human service facility and *open air market (*by special use permit from Common Council). None of the parcels is subject to the UDO 3.2.1.E residential density restrictions, which only govern the N-2R & N-3R zones. The parcels in this project are either vacant land or a vacant building.

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?

No

If yes, please explain

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

Yes

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

No

If yes, describe the efficiencies achieved

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

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

No

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

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

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

Please check any and all end uses as identified below.

For proposed facility, please include the square footage for each of the uses outlined below.
If applicant is paying for FFE for tenants, include in cost breakdown.

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

No

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

What is the estimated project timetable (provide dates).

Project occupancy : estimated starting date of occupancy
9/23/2023

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 627,000	52,635 square feet	acres
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2.) New Building Construction

\$ 0	square feet
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3.) New Building addition(s)

\$ 0	square feet
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4.) Reconstruction/Renovation

\$ 6,611,742	52,635 square feet
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5.) Manufacturing Equipment

\$ 0

6.) Infrastructure Work

\$ 0

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

\$ 2,205,545

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

\$ 2,209,575

9.) Other Cost

\$ 0

**Explain Other
Costs**

Total Cost	\$ 11,653,862
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Construction Cost Breakdown:

Total Cost of Construction	\$ 6,611,742 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 3,636,458
% sourced in Erie County	100%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit	\$ 5,842,003
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 511,175

** Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

Project refinancing estimated amount, if applicable (for refinancing of existing debt only)	\$ 0
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Have any of the above costs been paid or incurred as of the date	No
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of this Application?

If Yes, describe particulars:

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 1,657,281
Bank Financing:	\$ 3,166,541
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):	\$ 6,830,053
Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)	PLP- \$2,100,000 ESD- \$2,000,000 HTC- \$3,378,981
Total Sources of Funds for Project Costs:	\$11,653,875
Have you secured financing for the project?	Yes

Mortgage Recording Tax Exemption Benefit:

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

Mortgage Amount (include sum total of construction/permanent/bridge financing).	10,782,081
Lender Name, if Known	
Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):	\$80,865

Real Property Tax Benefit:

Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other):	Pursuing the 444-a Pilot Program. This is a PILOT designed for adaptive reuse of historical properties.
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IDA PILOT Benefit: Agency staff will indicate the estimated amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in the PILOT worksheet in the additional document section.

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

ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization

950 Broadway LLC and its affiliate, Cedarland Development LLC, d/b/a Cedarland Development Group ("Cedarland") is an equal opportunity employer. We are committed to a policy of nondiscrimination on the basis of race, color, religion, creed, age, sex, sexual orientation, marital status, national origin, veteran status and disability - in full compliance with the law. We value our racial, ethnic, cultural, social, gender, sexual orientation, religious and other personal differences, and we are committed to enhancing our diversity in all respects. Our goal is not merely to recruit exceptionally talented individuals from all backgrounds but also to help them develop their potential to the greatest extent possible and advance to leadership positions within the company. Cedarland will endeavor to work with NYS-certified MBE/WBE entities should the opportunity arise. As the state and local requirements outline we are poised to engage 20% MBE, 10% WBE, and 5% Veteran owned businesses in proportion the construction contract amount. Cedarland also is committed to promoting and increasing inclusion, diversity and social equity within the communities we serve. Cedarland firmly believes that our individual differences and insights are an integral part of our ability to provide the highest quality projects within the community and has endeavored to focus on urban revitalization in historically disadvantaged, culturally diverse neighborhoods where they are needed most. This commitment is reflected in Cedarland's history of urban revitalization projects, such as its proposal for adaptive reuse of the Eckhart Building in the Broadway-Fillmore neighborhood for affordable housing (along with no-cost access to childcare, access to affordable fresh produce and other essential services) that will be made possible by this application. In addition, Cedarland has long recognized the value, both to its employees and the communities in which we work, of supporting not-for-profit and charitable community-based organizations.

Is project necessary to expand project employment?

No

Is project necessary to retain existing employment?

No

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location).

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

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

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time	0	0	34	34
Part time	0	0	4	4
Total	0	0	38	

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	3	\$ 55,000	\$ 15,000	\$ 0	\$ 0
Professional	21	\$ 33,500	\$ 13,000	\$ 0	\$ 0
Administrative	1	\$ 32,240	\$ 12,600	\$ 0	\$ 0
Production	12	\$ 35,000	\$ 5,000	\$ 24,000	\$ 5,000
Independent	0	\$ 0	\$ 0	\$ 0	\$ 0

Contractor

Other	1	\$ 32,240	\$ 12,600	\$ 0	\$ 0
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** Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

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

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

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

Payroll Information

Annual Payroll at Proposed Project Site upon completion

1,550,180

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)

65,000

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

35,000

Estimated salary range of jobs to be created

From (Full Time)	55,000	To (Full Time)	75,000
From (Part Time)	30,000	To (Part Time)	45,000

Section III: Environmental Questionnaire

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

General Background Information

Address of Premises

950 Broadway Avenue

Name and Address of Owner of Premises

950 Broadway LLC

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

The Site consists of 5 parcels totaling approximately 0.83-acres in a highly developed commercial and residential area of the City of Buffalo. NO wetlands or waterbodies exist at the site.

Describe the Premises (including the age and date of construction of any improvements) and each of the operations or processes carried out on or intended to be carried on at the Premises

The site includes an existing vacant 3-story commercial building.

Describe all known former uses of the Premises

According to a March 22016 Phase I ESA prepared by Turnkey Environmental Restoration, LLC (Turnkey), the site history is as follows: The original portion of the existing building in what Turnkey described as "Parcel 1" was constructed prior to 1899 and was used for storage and a storefront in at least 1899, a department store from at least 1930 through at least 1955 as well as occupied by New York State Department of Labor from at least 1960 through at least 2001. An addition, "Parcel 2" contained what is referred to as a "service station" in municipal records and Sanborn maps, added to the northern-most portion of the building in 1949. The duration of automotive service within the addition is unknown. Thid portion of the site also was formerly developed with an auto sales operation in at least 1926 and was occupied by Ideal Motor Corps Auto in at least 1930. Remaining portions of the Site were formerly developed with commercial and residential buildings, including a.Horace H. Ferguson Used Car Lot in what Turnkey described as "Parcel 3" in at least 1935, Noah's Ark Auto Accessories at Parcel 4 from at least 1955 through at least 1970, and Frank Tills Trucking at Parcel 4 in at least 1985.

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

NA

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

NA

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

No

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

Discharge Into Waterbodies

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

NA

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

Residential use will generate sanitary sewer discharges; proposed indoor produce farm in basement will utilize a efficient, partially closed loop irrigation system designed to maximize recycling of water.

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

NA

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

The environmental report is being done soon we do not have an accurate assessment at this time

Section IV: Facility Type - Single or Multi Tenant

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

Multi-Tenant Facility

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

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

The community has a strong market for affordable housing since the area has been historically an economically challenged one. Also the community has a need for affordable child care and the main commercial tenant is a state funded child care facility that will provide free child care to the area. The building is in the middle of a food dessert and because of this we believe that the indoor urban garden is poised for success in order to provide fresh food to the immediate area.

Have any tenant leases been entered into for this project?

Yes

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

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

Section V: Tenant Information

PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)

Tenant Name

Urban Farm

Property Address:

950 Broadway Avenue

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)

8,000

What percentage of the building does this represent?

20

Are terms of lease:

NET

If GROSS lease, please explain how Agency benefits are passed to the tenant

Estimated date of occupancy

11/23/2023

PART 2 TO BE COMPLETED BY PROPOSED TENANT

Company Name:

Buffalo Urban Farm

Local Contact Person:

David Hestand

Title:

Director of Development

Current Address:

60 Lakefront Blvd Suite 120

Phone:

(716) 217-9175

Fax:

E-Mail:

david@cedarlanddev.com

Website:

Company President/General Manager:

Number of employees moving to new project location:

Full-Time:

9

Part-Time:

0

Total:

9

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:

Answering the call of providing food for urban food desserts beginning in the East Side. We will accomplish this by providing much needed crops, fruits, and vegetables to the Broadway Fillmore Area. The farm will sell food on site but also is planning to supply food for CAO and their lunches for the kids. The operation will be used mostly to grow food and a small portion of the space will be to package and sell the product. There will be 9 jobs that will be created from this operation and they will be 1 Director, 3 Managers and 5 Full Time Employees.

Attach additional information as necessary.

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

This is a start up company that will be formed and ran when the building is finishing construction.

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

8,000

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

0

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

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

No

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

If leased, when does lease expire?

11/23/2027

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?

PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)

Tenant Name

Community Action Organization

Property Address:

950 Broadway Avenue

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)

12,305

What percentage of the building does this represent?

25

Are terms of lease:

GROSS

If GROSS lease, please explain how Agency benefits are passed to the tenant

Estimated date of occupancy

8/26/2023

PART 2 TO BE COMPLETED BY PROPOSED TENANT

Company Name:

Community Action Organization of
WNY, Inc

Local Contact Person:

Chelsea F. White

Title:

Executive Vice President and Chief of
Education

Current Address:

45 Jewette Ave, Buffalo, New York
14214

Phone:

(716) 881-5150

Fax:

(716) 881-9787

E-Mail:

cwhite@caoheadstart.org

Website:

caowny.org

Company President/General Manager:

Thomas U. Kim, President/CEO

Number of employees moving to new project location:**Full-Time:**

25

Part-Time:

4

Total:

29

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:

Community Action Organization of Western New York (CAOWNY), a non-profit agency, has had the honor to serve as the grantee, providing comprehensive Head Start (HS) and Early Head Start (EHS) services for over 55 years in Western New York. CAOWNY plans to provide free child care to the community at the new 950 Broadway facility. They will employ 29 jobs to neighborhood locals. The location will provide these services to children under 5 years old from households that are low income. The entire space will be dedicated to the services listed above. CAOWNY prides itself in providing high quality comprehensive, holistic, and supportive services for Erie and Niagara County's most vulnerable population. CAOWNY offers high-quality, comprehensive early childhood programming to low-income children and families. CAOWNY's goal is for children to start school ready to succeed and family engagement opportunities to support parents as their child's first teacher and advocate as they move toward self-sufficiency. Currently, CAOWNY has 20 direct runs and ten partner schools in Erie and Niagara County, serving 1,675 infants, toddlers, preschoolers, and pregnant women.

Attach additional information as necessary.

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

The 1964 Economic Opportunity Act, or EOA, was enacted by President Lyndon B. Johnson and US Congress. This Act started the War on Poverty. From there, the Office of Economic Opportunity was established. The OEO reported directly to the president as part of the executive branch. One thousand six hundred community action organizations opened their doors to begin the long battle against an unfair socio-economic system within the following two years. Of those, about 900 are left fighting. Sadly, although we've made huge strides, poverty is still pervasive in our country. The State of New York used these new laws and established its own organizations to serve and assist its low-income population with their unmet needs. In May of 1965, the Community Action Organization of Erie County, or CAO, came into being to serve that purpose within Erie County. Over the years, CAO has been recognized as a vital operation by the Community Action Movement. We've been leaders on a national level throughout the years, and we can thank the agency's three primary leaders. First, the late Ambrose Lane helped establish the CAO. Julian B. Dargan took charge in 1970 and steered us in the right direction all the way up to 2001, at which point L. Nathan Hare became the President and CEO. In 2017, he officially changed the agency's name to Community Action Organization of Western New York, Inc. Thomas Kim, the current President and CEO, was appointed soon after Mr. Hare's retirement in early 2021. With his vision and expertise, we hope to extend our reach and expand our services and initiatives by engaging with our community and collaborating with local businesses, organizations, and individuals.

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

12,305

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

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

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

No

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

If leased, when does lease expire?

12/31/2032

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?

Section VI: Retail Determination

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

Please answer the following:

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

Yes

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

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?

2 %

If the answer to this is **less than 33%** do not complete the remainder of the page, proceed to the next section.

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

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

No

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

No

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

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

Yes

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

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

Yes

If yes, explain

As discussed in other sections the combination of the 2 commercial tenants will bring 38 new jobs into the Broadway Fillmore area. Without these jobs the area would not have the investment or the space to create these jobs organically.

Is the project located in a Highly Distressed Area?

Yes

Section VII: Adaptive Reuse Projects

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

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

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.

18

If underutilized, number of years underutilized.

0

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

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	14	660 -	\$883 - \$1,212
2 Bedroom	4	880 -	\$1,457 - \$
3 Bedroom		-	\$ - \$
Other	10	450 -	\$840 - \$

Does the site have historical significance?

Yes

If yes, please indicate historical designation

Commissioner accepted SR/NR eligibility on 12/31/2018

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

Yes

If yes, provide estimated value of tax credits

3,538,056

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)

Currently the project is less feasible as time goes on due to market conditions. The increasing interest rate environment, the construction cost increases for the project are severely affecting the project. Currently the project is subsidized since there is not enough value in the project to stand on its own. Without this assistance there will be an increased risk that the project will need to be abandoned due to the cost 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

This project has had verbal support from Lisa Hicks, Councilman Mitch Nowakowski, Congressman Higgins, and more local government individuals.

Indicate other factors that you would like the Agency to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, structure presents significant costs associated with building code compliance

Indicate census tract of project location

Broadway Fillmore census tract 166

Indicate how project will eliminate slum and blight

This building has been vacant for over 12 years and is one of the largest buildings in the neighborhood. Without this project the neighborhood will continue to deteriorate and the corner remain largely inactive. This development has the potential to not only effect this building but to also initiate growth in the adjacent buildings with the vitality it will bring to the community.

If project will be constructed to LEED standards indicate renewable resources utilized

Section VIII: Inter-Municipal Move Determination

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

Current Address

City/Town

State

Zip Code

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

No

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

No

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

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

Within New York State

<BLANK>

Within Erie County

<BLANK>

If Yes to either question, please, explain

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

<BLANK>

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 IX: Senior Housing

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

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

No