



# Policy Committee

September 1, 2022

At 9:00 a.m.

Via Conference Call & Livestreaming

1. Call Meeting to Order
2. Approval of the August 4 2022 Policy Committee Meeting Minutes (Pages 2-5)
3. Project Matrix (Page 6)
4. Project Presentation (Staff – Company Q&A)
  - a) 950 Broadway/Cedarland Development (Pages 7-43)
5. MWBE Update
6. Adjournment - Next Meeting **October 6, 2022 at 9:00 a.m.**

**MINUTES OF A MEETING OF THE  
POLICY COMMITTEE OF THE  
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

- DATE:** August 4, 2022
- LIVE STREAMED:** This meeting is being live-audio streamed and made accessible on the Agency's website at [www.ecidany.com](http://www.ecidany.com).
- PRESENT:** Denise Abbott; Hon. April Baskin; Rev. Mark E. Blue; Richard Lipsitz, Jr.; Hon. Glenn R. Nellis; Laura Smith; David J. State; Lavon Stephens; Hon. John Tobia; Paul Vukelic and Hon. Maria Whyte
- EXCUSED:** Hon. Bryon W. Brown, Johanna Coleman, Colleen DiPirro and Brenda W. McDuffie
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Atiqah Abidi, Assistant Treasurer; Andrew Federick, Business Development Officer; Soma Hawramee, Compliance Portfolio Manager; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant; Robbie Ann McPherson, Director of Marketing & Communications; Pat Smith, Senior Bookkeeper; and Robert Murray General Counsel/Harris Beach PLLC
- GUESTS:** Zachary Evans on behalf of the County; Ryan Herrell on behalf of Laborers Way

There being a quorum present at 9:07 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

**MINUTES**

The minutes of the July 7, 2022 Policy Committee meeting were presented. Upon motion made by Ms. Abbott to approve of the minutes, and seconded by Ms. Baskin, the aforementioned Policy Committee meeting minutes were unanimously approved.

**PROJECT MATRIX**

Mr. Cappellino reviewed the Agency's 2022 Tax Incentives Project Matrix. Mr. Cappellino advised that as of this meeting 10 projects have been approved, three of which are adaptive reuse project. Mr. Lipsitz directed that the report be received and filed.

## PROJECT PRESENTATIONS

Laborers Way 1, LLC, 310 Ship Canal Parkway, Buffalo, New York 14218. Mr. Cappellino presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the property acquisition, remediation and construction of 2 one-story steel framed structures totally 75,000 sq. ft. on the site consisting of an office building and a production building. The facility will be used for cannabis production--manufacturing, cultivating, packaging and distribution.

Ms. Baskin was intrigued with the project's robust focus in disadvantaged communities to mitigate the effects of cannabis-related discrimination. Ms. Baskin inquired as to the plan the applicant will put in place to achieve a workforce representative of those members of the community who have been marginalized because of cannabis-related matters.

Mr. Herrell responded that for operational goals, the Company has conducted a number of outreach events. They are working with community leaders and they all are reaching out to the target audience, talking to local education centers to set up training. Mr. Herrell also noted the state will be issuing micro-licenses.

Ms. Baskin stated it would be helpful to identify agencies who have specialized in this type of identification of members of the marginalized workforce.

Mr. Blue stated he would like to know how other organizations and outlets have accomplished such goals and asked whether the Company has asked for assistance in reaching its workforce goals.

Mr. Herrell stated that on the construction side, they are working with general contractors who have extensive databases available to them from working with public works projects. Also, they have been advertising in trade publications. Erie County Community College is also going to set up training programs.

Mr. Blue suggested WUFO, and local papers such as the Challenger as possible outlets.

Ms. Whyte congratulated the applicant on working with BUDC, who has worked to attract investment in the Lakeside Commerce Park. Ms. Whyte noted that the licensing procedure for this facility requires that the applicant submit a Social Equity Plan to New York State. Ms. Whyte inquired whether the Company would be willing to file with the Agency their Social Equity Plan. Mr. Herrell replied in the affirmative and stated he appreciated the feedback.

Ms. Abbott asked what would happen if the Company were unable to reach its workforce goals?

Mr. Herrell stated on the construction side, the projections are goals, although the Company is putting forth a good faith effort to meet its hiring objectives.

Mr. Lipsitz noted that the project is the first cannabis-related proposal before the Committee.

Mr. Cappellino confirmed that Laborers Way 1, LLC is seeking approximately \$2,840,048 in assistance including sales tax exemption, mortgage tax exemption and real property tax abatement benefits. Total payroll is projected at \$85,984,983 for the direct and indirect jobs created including 119 construction jobs. The resulting cost benefit is 1:28 so for every \$1 of incentives the community benefit is \$28 in payroll & tax revenue. For Erie County, every \$1 of incentives provides \$34 in community benefits.

Ms. O’Keefe stated that in exchange for providing the sales and use tax, mortgage recording tax exemption and real property tax abatement benefits, the approval of this project will be conditioned upon adherence to certain material terms and conditions with respect to the potential modification, recapture and/or termination of financial assistance as follows:

**Draft Recapture Material Terms**

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total Project Amount = \$27,800,000 85% = \$23,630,000
Employment	Coincides with 10-year PILOT	Maintain Base = 0 Create 85% of Projected Projected = 37 FTE 85% = 31 FTE Recapture Employment = 31 FTE
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 15-year PILOT	Adherence to policy
Unpaid Tax	Coincides with 15-year PILOT	Adherence to policy
Recapture Period	Coincides with 15-year PILOT	Recapture of state and local sales taxes, mortgage recording tax and real property tax abatement

Ms. Abbott moved and Ms. Whyte seconded to recommend the project as proposed be forwarded to the members of the ECIDA for approval. Mr. Lipsitz called for a roll call vote and the proposed project was approved with a vote of 10 with 1 abstained vote with Ms. Abbott, Ms. Baskin, Mr. Blue, Mr. Lipsitz, Mr. Nellis, Ms. Smith, Mr. State, Mr. Stevens, Mr. Vukulic and Ms. Whyte voting in the affirmative and Mr. Tobia abstained from voting.

Ms. Baskin requested that the Company provide the referenced Social Equity Report or some deeper understanding of the plan to identify and implement its workforce goals. Mr. Blue and Ms. Whyte agreed with Ms. Baskin.

#### **MWBE UPDATE**

Mr. Cappellino provided an update to Committee members. Materials have been forwarded to Mr. Murray to review. We will meet again to create a policy. Next meeting includes August to early September then working meeting to review draft policy, notify change to UTEP policy, informational session then Board approval.

Ms. Whyte stated they are looking for approval at the October Policy Committee and then November Board meeting. She also notified members that the only other county who has addressed MWBE is Onondaga County. Erie is more comprehensive and we are pioneers in this area.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 9:38 a.m.

Dated: August 4, 2022

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Elizabeth A. O'Keefe, Secretary

## Tax Incentives Approved - 2022

Approval Date	Project Name	Project City/Town	Private Investment/ Project Amount	Minimum Investment Commitment	FT Jobs Retained	PT Jobs Retained	FT Jobs to be Created	PT Jobs to be Created	Job Creation	Const Jobs	Spillover Jobs	Length of Term	Incentive Amount	Cost Benefit Ratio
Jan-22	791 Washington Street, LLC <sup>1</sup> Arbor Multifamily Lending, LLC	Buffalo	\$107,950,000	85% threshold \$91,800,000	0	0	5	0	85%-New 4 jobs	571	433	Period of PILOT 10 Years	\$3,719,000	1.20
Jan-22	Broadway Development & Management <sup>1</sup>	Tonawanda	\$2,100,000	85% threshold \$1,785,000	168	0	25	0	85%-New 21 jobs	0	158	project completion date + 2 yrs	\$183,750	1.304
Jan-22		Buffalo	\$12,500,000	85% threshold \$10,625,000	2	0	8	0	85%-New 7 jobs	56	55	project completion date + 2 yrs	\$693,500	1.14
Jan-22	Lactalis American Group, Inc.	Buffalo	\$1,436,697	85% threshold \$1,221,192	334	0	27	0	85%-New 22 jobs	5	1390	project completion date + 2 yrs	\$126,793	1.9994
Mar-22	471 Elmwood, LLC <sup>1</sup>	Buffalo	\$3,590,000	85% threshold \$3,051,500	0	0	1	0	85%-New 1 job	20	10	project completion date + 2 yrs	\$122,500	1.15
Apr-22	Workspport, Ltd.	West Seneca	\$15,006,887	85% threshold \$12,755,854	0	0	6	10	85%-New 9 jobs	30	33	project completion date + 2 yrs	\$103,562	1.67
Jul-22	380 Vuclan	Tonawanda	\$7,145,000	85% threshold \$6,073,250	4	2	3	2	85%-New 3 jobs	25	26	Period of PILOT 7 Years	\$1,610,699	1.6
Jul-22	Perry's Ice Cream	Akron	\$18,000,000	85% threshold \$15,300,000	365	14	15	0	85%-New 12 jobs	79	690	Period of PILOT 7 Years	\$684,891	1.490
Jul-22	Spaulding Business Park	Tonawanda	\$2,055,000	85% threshold \$1,746,750	0	0	20	0	85%-New 17 jobs	8	24	Period of PILOT 7 Years	\$403,241	1.27
Jul-22	A & A Union Road, LLC	West Seneca	\$3,110,729	85% threshold \$2,644,119	12	1	2	0	85%-New 1 job	13	33	Period of PILOT 7 Years	\$521,790	1.31
Aug-22	Laborers Way 1	Buffalo	\$27,800,000	85% threshold \$23,630,000	0	0	20	34	85%-New 37 jobs	119	141	Period of PILOT 15 Years	\$3,087,290	1.28

Totals:	Totals:	Private Investment/ Project Amount	FT Jobs Retained	PT Jobs Retained	FT Jobs Created	PT Jobs Created	Const Jobs	Spillover Jobs	Incentive Amount
Adaptive Reuse Subtotal	3	\$124,040,000	2	0	14	0	647	498	\$4,535,000
2022 Total	11	\$200,694,313	885	17	132	46	926	2993	\$11,257,016

<sup>1</sup> Adaptive Reuse

**950 Broadway LLC, Cedarland Development**  
**\$ 11,653,862**

**PRIVATE INVESTMENT INDUCEMENT RESOLUTION**

**ELIGIBILITY**

- NAICS Section – 531390

**COMPANY INCENTIVES**

- Approximately \$ 511,175 in sales tax savings
- Up to 3/4 of 1% of the final mortgage amount estimated at \$ 80,865

**JOBS & ANNUAL PAYROLL**

- Current / Retained Jobs: 0 FTE
- Projected new jobs: 34 FT, 4 PT
- Est. salary/yr. of jobs created: 65,000 FT/35,000 PT
- Total jobs after project completion: 36 FTE
- Construction Jobs: 55

**PROJECTED COMMUNITY BENEFITS\***

- Term: 2 yrs from project completion
- NET Community Benefits: \$ 14,939,584
- Spillover Jobs: 51
- Total Payroll: \$ 14,064,371

**INCENTIVE COST / COMMUNITY BENEFIT RATIO (discounted at 2%)\***

Incentives: \$ 592,040  
 Community Benefit: 14,585,592  
 Cost: Benefit Ratio  
 • 1: 25

Project Title: 950 Broadway  
 Project Address: 950 Broadway Ave. Buffalo NY 14212  
 Buffalo Central School District

**Agency Request**

A sales tax and mortgage recording tax abatement in connection with the adaptive reuse of a 40,570 sq ft commercial building located in the City of Buffalo’s East Side.

Building Acquisition	\$ 627,000
Building Renovation	\$ 6,611,742
Non- Manufacturing Equipment	\$ 2,205,545
Soft Costs/Other	\$ 2,209,575
 Total Project Cost	 \$ 11,653,862
 85%	 \$ 9,905,783

**Company Description**

Cedarland Development Group, a real estate development company was 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 owning commercial, industrial and residential properties throughout Buffalo. Their recent projects include The Grid, a 217 unit residential project, located at 1155 Main St. The Grid provides residents with proximity to Buffalo’s Medical Campus and to downtown. Cedarland credits its sound working relationships with state and local government officials and commitment to collaboration with community stakeholders in maximizing its positive impact in the historically disadvantaged East side, the Broadway-Fillmore District in particular. Dr. Dagher is the sole member of 950 Broadway LLC, a real estate holding company.

**Project Description**

This project aims to revitalize a vacant building located at 950 Broadway - a prominent intersection on the East Side of Buffalo into a mixed-use facility with 28 affordable apartment units, an indoor urban farm/garden and a ground floor affordable day care facility for the community. The apartment units will be offered at 60%, 70% and 80% of AMI corresponding to the rent ranges below.

# of Units	Sq Ft	Rent Range
10 studio apartments	450	\$840
14 one-bedroom	660	\$883-\$1,212
4 two-bedroom	880	\$1,457

The company is pursuing property tax savings through the NYS 44-A historic property exemption program.

\* Cost Benefit Analysis Tool powered by MRB Group

## Economic Impact: Inform Analytics Cost-Benefit Analysis

The Erie County Industrial Development Agency uses the Cost Benefit Analysis Tool powered by MRB Group to assess the economic impact of a project applying for incentives. A Cost-Benefit Analysis is required by Section 859-a (5)(b) of General Municipal Law. For the complete Cost Benefit Analysis – please see the attached MRB Cost Benefit Calculator.

### Cost: Incentives

COSTS	Tax Exemption	Amount
	Sales	\$511,175
	Mortgage Recording	\$ 80,865
	Total	\$592,040
	Discounted at 2%	\$592,040

### Benefit: Projected Community Benefit\*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount**
	Erie County	Individuals	Payroll Construction	7,156,048
			Payroll Permanent	6,908,323
		Public	Property Taxes	
			Sales Taxes	116,910
			Other - NFTA	26,955
	New York State	Public	Income Taxes	632,897
			Sales Taxes	98,450
			Total Benefits to EC + NYS***	14,939,584
			Discounted at 2%	14,585,592

\* Cost Benefit Analysis Tool powered by MRB Group \*includes direct & indirect \$ over project period \*\*\*may not sum to total due to rounding

Discounted Cost           \$ 592,040  
 Discounted Benefit       \$ 14,585,592  
 Ratio                         1: 25

**Conclusion:** The Cost Benefit for this project is: 1:25. For every \$1 in costs (incentives), this project provides \$25 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$ 46 in benefits to the community.**

### New Tax Revenue Estimated – NYS 444-A Historic Property Exemption

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over abatement period	Additional Local Revenue Over abatement period	New Yearly Taxes Upon Expiration of Abatement Period
\$ 2,514	\$ 1,955,000	\$ 29,490	\$ 106,563	\$45,351
Combined Tax Rate: \$ 23.198				



### Retail Determination

Project Use	Sq Ft	Cost	% Project Cost
Commercial (CAO -Daycare facility)	14,452	\$ 6,204,889	53%
Retail (Urban Farm)	8,000	\$ 244,520	2%
Other: apartments	18,118	\$ 5,204,453	45%

The retail component of the project is less than 30% of the project costs and therefore no sign off is required.

### Draft Recapture Material Terms

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$ 11,653,862 with 85% = \$9,905,783
Employment	Coincides with recapture period	Maintain Base = 0 Projected = 36 FTE Create 85% of Projected = 30 FTE Recapture Employment = 30 FTE
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with recapture period	Adherence to Policy
Unpaid Tax	Coincides with recapture period	Adherence to Policy
<u>Recapture Period</u>	2 years after project completion	Recapture of Mortgage recording tax, state and local sales taxes

Recapture applies to:

State and Local Sales Taxes & Mortgage Recording Tax

### Recapture

Pursuant to New York State General Municipal Law, the agency shall modify, recover, recapture or terminate any financial assistance taken by the company that is in violation of the GML.

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has created 30 jobs (FTE), iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

### Project ECIDA History

- 8/25/22: Public hearing held.
- Type II Action – No SEQRA compliance required.
- 9/28/22: Lease/Leaseback Inducement Resolution presented to the Board of Directors

**ADAPTIVE REUSE REPORT &  
EVALUATIVE CRITERIA  
950 Broadway / Cedarland Development**

<p>Age of Structure (must be at least 20 years old and present functional challenges to redevelopment).</p>	<p>The structure is a 3-story building that is over 62 years old. Challenges to redevelopment include costs of asbestos removal and costs of maintaining the historical component of the project. In addition, the building's long-term vacancy has resulted in negative impacts on the building's basement and shell.</p>
<p>Structure has been vacant or underutilized for a minimum of 3 years (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). Project promotes the elimination of slum and blight.</p>	<p>The structure has been vacant for 12 years. Once home to Eckardt's Department Store, the building is on the northwest corner of Broadway and Filmore. The building is one of the largest buildings in the neighborhood and 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 and to bring vitality to the neighborhood.</p>
<p>Structure is not generating significant rental income (defined as 50% or less than the market rate income average for that property class</p>	<p>There is no rental income being generated at this property.</p>
<p>Project is in compliance with the investment and growth criteria of the Framework for Regional Growth. The redevelopment supports or aligns with Regional or Local Development Plans</p>	<p>The project is compliant with the Framework for Regional Growth and aligns with various redevelopment initiatives. This includes initiatives such as the \$10M NYS REDC Downtown Revitalization Initiative (DRI) award focusing on improvements to help transform the Broadway-Filmore neighborhood.</p>
<p>Demonstrated evidence of financial obstacle to development without ECIDA or other public assistance (cash flow projections documenting costs, expenses and revenues indicating below average return on investment rate as compared to regional industry averages).</p>	<p>The rate of return for this project = 3.9% without ECIDA assistance, 4.6% with ECIDA assistance.</p> <p>See attached for comparisons to similar projects in the U.S. Northeast and in the City of Buffalo.</p>

**ADAPTIVE REUSE REPORT &  
EVALUATIVE CRITERIA  
950 Broadway / Cedarland Development**

Demonstrated support of local government entities	Letters of Support: pending
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LEED/Renewable Resources	n/a
Building or site has historic designation	Commissioner accepted NY State & National Registry eligibility on 12/31/2018.
Site or structure has delinquent property or other local taxes	Taxes are current.
MBE/WBE Utilization	See MBE / WBE Utilization worksheet.
Transit Oriented Development	The project location is adjacent to several stops on the Metro #4 Broadway line.

<b>OTHER FACTORS TO CONSIDER:</b>	
Environmental/Safety Issues: Structure or site presents significant public safety hazard and or environmental remediation costs .	
Site or structure is located in a distressed census tract	950 Broadway is located in the highly distressed census tract #166.
Structure presents significant costs associated w/ building code compliance.	

DATE OF INDUCEMENT: September 28, 2022

# **ADAPTIVE REUSE REPORT & EVALUATIVE CRITERIA**

## **950 Broadway / Cedarland Development**

### **Return on Investment – 950 Broadway, LLC**

Regional Return on Investment (ROI) numbers vary depending on the interest rate environment, investor availability and risk associated with a project.

The National Development Council, which has experience financing projects in higher risk urban areas across the Northeast, uses 10% - 12% as a benchmark rate of return for urban high-risk projects.

Empire State Development financing officials when reviewing similar projects in the City of Buffalo have used 12% as an acceptable ROI for development projects.

### **Adaptive Reuse Projects**

Many Adaptive Reuse Projects are hampered by upfront development costs that are not typical in new build green field development projects. These upfront costs can hinder the ability of the projects to attract financing and provide cash flow. The upfront costs associated with site contamination, asbestos removal, code compliance, structural deficiencies can make Adaptive Reuse projects difficult to undertake and attract private investment and financing, particularly in real estate markets where rental values are relatively low. Historically real estate projects in the region are difficult to undertake, local real estate developers have indicated that the typical ROI investors and developers seek to achieve in mixed use development projects are in the 10% - 12% range, although they can run higher for projects with significant risk.

### **Public Incentives Requested**

- ECIDA Real Property Tax Abatement in an approximate value of \$0
- Sales Tax Savings in the amount of \$ 511,175
- Mortgage Tax Savings in the estimated amount of \$ 80,865

### **ROI**

950 Broadway, LLC has submitted a proforma documenting the expenses and revenues and ROI for the project.

Stated ROI for the project with ECIDA assistance is 4.6 %

Stated ROI for the project without ECIDA assistance is 3.9 %

**PILOT Worksheet: Estimate of Real Property Tax Abatement Benefits\*\*\* and Percentage of Project Costs financed from Public Sector sources**

**\*\* The PILOT Worksheet will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.**

**PILOT Estimate Table Worksheet - 950 Broadway LLC**

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property (per NYS 444-a info provided)	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
5,544,742	\$1,955,000	5.028272	18.169375	n/a

\*Apply equalization rate to value

**\*\*\* Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff**

**Percentage of Project Costs financed from Public Sector Table Worksheet:**

Total Project Cost	Estimated Value of Historic Property Exemption (444- a)	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
\$11,653,862	\$317,500	\$ 459,825	\$ 80,865	\$6,830,053

**Calculate %**

**(Est. Tax Ex (NYS 444-a) + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 66%**

# Erie County Industrial Development Agency

## MRB Cost Benefit Calculator



Date: August 19, 2022  
 Project Title: 950 Broadway LLC, Cedarland Development  
 Project Location: 950 Broadway Ave, Buffalo, NY 14212

### Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

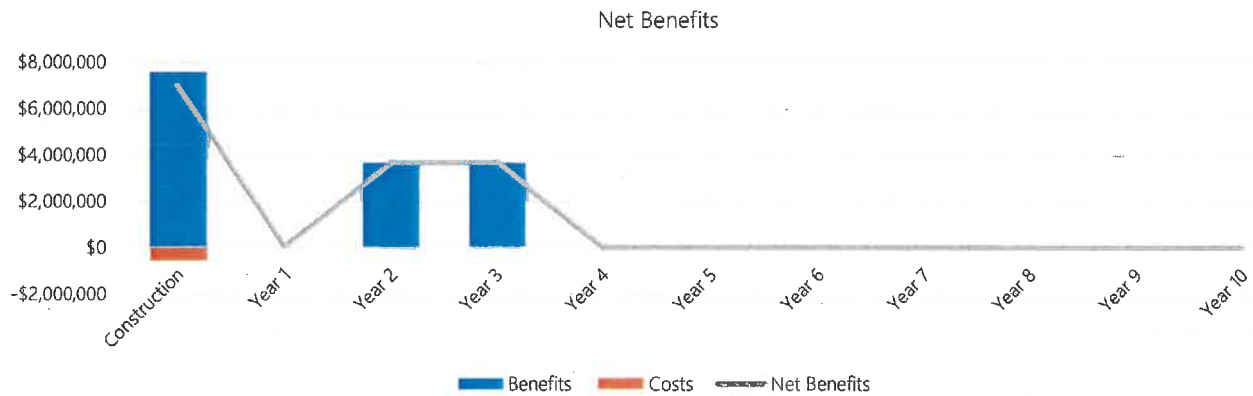
Project Total Investment  
 \$11,653,862

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	55	44	99
Earnings	\$4,625,785	\$2,530,263	\$7,156,048
Local Spend	\$11,071,169	\$7,838,569	\$18,909,738

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	36	7	43
Earnings	\$4,680,000	\$2,228,323	\$6,908,323

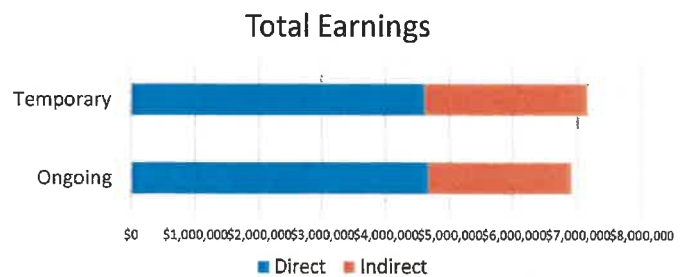
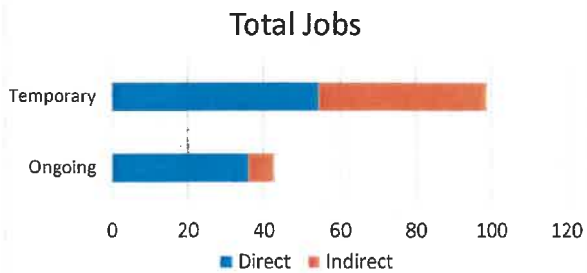
Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Figure 3



# Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

## Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$511,175	\$511,175
Local Sales Tax Exemption	\$277,495	\$277,495
State Sales Tax Exemption	\$233,680	\$233,680
Mortgage Recording Tax Exemption	\$80,865	\$80,865
Local Mortgage Recording Tax Exemption	\$26,955	\$26,955
State Mortgage Recording Tax Exemption	\$53,910	\$53,910
<b>Total Costs</b>	<b>\$592,040</b>	<b>\$592,040</b>

## State and Local Benefits

	Nominal Value	Discounted Value*
<b>Local Benefits</b>	<b>\$14,208,236</b>	<b>\$13,871,580</b>
To Private Individuals	<b>\$14,064,371</b>	<b>\$13,731,014</b>
Temporary Payroll	\$7,156,048	\$7,156,048
Ongoing Payroll	\$6,908,323	\$6,574,965
Other Payments to Private Individuals	\$0	\$0
To the Public	<b>\$143,865</b>	<b>\$140,566</b>
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$59,485	\$59,485
Ongoing Jobs - Sales Tax Revenue	\$57,425	\$54,654
Other Local Municipal Revenue	\$26,955	\$26,427
<b>State Benefits</b>	<b>\$731,347</b>	<b>\$714,013</b>
To the Public	<b>\$731,347</b>	<b>\$714,013</b>
Temporary Income Tax Revenue	\$322,022	\$322,022
Ongoing Income Tax Revenue	\$310,875	\$295,873
Temporary Jobs - Sales Tax Revenue	\$50,092	\$50,092
Ongoing Jobs - Sales Tax Revenue	\$48,358	\$46,025
<b>Total Benefits to State &amp; Region</b>	<b>\$14,939,584</b>	<b>\$14,585,592</b>

## Benefit to Cost Ratio

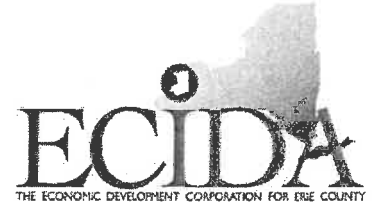
	Benefit*	Cost*	Ratio
Local	\$13,871,580	\$304,450	46:1
State	\$714,013	\$287,590	2:1
<b>Grand Total</b>	<b>\$14,585,592</b>	<b>\$592,040</b>	<b>25:1</b>

\*Discounted at 2%

## Additional Comments from IDA

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

# MBE/WBE Utilization



**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.



## PUBLIC HEARING SCRIPT

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

Public Hearing to be held on August 26, 2022 at 9:00 a.m. at the Agency's offices,  
at 95 Perry Street, Suite 403, Buffalo, NY 14203

### **ATTENDANCE:**

Beth O'Keefe – ECIDA  
Joshua Israel – Cederland Development  
Kevin Dagher – Cederland Development

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

*Hearing Officer:* Welcome. This public hearing is now open; it is 9:00 a.m. My name is Andrew Federick I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at [www.ecidany.com](http://www.ecidany.com).

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

*Hearing Officer:* We are here to hold the public hearing on 950 Broadway, LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Tuesday, August 16, 2022.

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

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

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

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

If you have a written statement or comment to submit for the record, you may leave it at this public hearing, submit it on the Agency's website or deliver it to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on September 27, 2022. There are no limitations on written statements or comments.

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

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

Kevin Dagher – VP Cedarland Development, the developer of 950 Broadway. 950 Broadway is a landmark building at one of the most prominent intersections in Buffalo in the Broadway and Fillmore neighborhood. This vacant building has largely been neglected, as has the immediate neighborhood. Cedarland's motto has always been real estate with a purpose. This means that our development process is tailored around solving complex problems to spur growth in a community, making sure our projects have a central purpose within the surrounding population, and building communities that support their residents. We believe that this project, considering the \$11M investment and the creation of 38 jobs will be a cornerstone of the future of the Broadway-Fillmore area.

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 18,118SF 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. 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 farm. The daycare provider is CAO (Community Action Organization) which is a non-profit that serves over 50,000 individuals and families annually. These incentives are providing the foundation of feasibility for the project that otherwise would not be financially viable. This is evidenced by the 7-year delay in the project due to previous infeasibility. We have now seen a window to completion and would like the ECIDA to share in our vision of improving the Broadway-Fillmore area by providing the needed assistance for 950 Broadway. We are excited for this opportunity to revitalize a distressed building.

**☒ 6. ADJOURNMENT:**

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 9:06 a.m.

**SIGN IN SHEET  
PUBLIC HEARING**

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**

Project Location: 950 Broadway Avenue, City of Buffalo, Erie County, New York

<b>Name</b>	<b>Company and/or Address</b>	<b>X box to speak/ comment</b>
Beth O'Keefe	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Joshua Israel	Cedarland Development 60 Lakefront Blvd Buffalo, New York 14203	
Kevin Dagher	Cedarland Development 60 Lakefront Blvd Buffalo, New York 14216	X



## 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

<b>Project Name</b>	950 Broadway
<b>Project Summary</b>	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.
<b>Applicant Name</b>	950 Broadway LLC
<b>Applicant Address</b>	60 Lakefront Blvd Suite 120
<b>Applicant Address 2</b>	
<b>Applicant City</b>	Buffalo
<b>Applicant State</b>	New York
<b>Applicant Zip</b>	14216
<b>Phone</b>	(716) 275-2766
<b>Fax</b>	
<b>E-mail</b>	joshua@cedarlanddev.com
<b>Website</b>	
<b>NAICS Code</b>	531390

#### Business Organization

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

#### Individual Completing Application

<b>Name</b>	Joshua Israel
<b>Title</b>	Real Estate Associate
<b>Address</b>	60 Lakefront Blvd Suite 120
<b>Address 2</b>	

**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.

<b>Estimated % of sales within Erie County</b>	95 %
<b>Estimated % of sales outside Erie County but within New York State</b>	5 %
<b>Estimated % of sales outside New York State but within the U.S.</b>	0 %
<b>Estimated % of sales outside the U.S.</b>	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)





**of this Application?**

**If Yes, describe particulars:**

Sources of Funds for Project Costs:

<b>Equity (excluding equity that is attributed to grants/tax credits):</b>	\$ 1,657,281
<b>Bank Financing:</b>	\$ 3,166,541
<b>Tax Exempt Bond Issuance (if applicable):</b>	\$ 0
<b>Taxable Bond Issuance (if applicable):</b>	\$ 0
<b>Public Sources (Include sum total of all state and federal grants and tax credits):</b>	\$ 6,830,053
<b>Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)</b>	0
<b>Total Sources of Funds for Project Costs:</b>	\$11,653,875
<b>Have you secured financing for the project?</b>	Yes

Mortgage Recording Tax Exemption Benefit:

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

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

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).

	<b>Current # of jobs at proposed project location or to be relocated at project location</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be retained</b>	<b>If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion</b>	<b>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 **</b>
<b>Full time</b>	0	0	34	34
<b>Part time</b>	0	0	4	4
<b>Total</b>	0	0	38	

Salary and Fringe Benefits for Jobs to be Retained and Created

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

**Contractor**

**Other**                                      1                                      \$ 32,240                                      \$ 12,600                                      \$ 0                                      \$ 0

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

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

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

<b>Address</b>			
<b>Full time</b>	0	0	0
<b>Part time</b>	0	0	0
<b>Total</b>	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**

<b>From (Full Time)</b>	55,000	<b>To (Full Time)</b>	75,000
<b>From (Part Time)</b>	30,000	<b>To (Part Time)</b>	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. This 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 desert 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