

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 January 17, 2023 at 10:00 a.m. at the Agency's offices, at 95 Perry Street, Suite 403, Buffalo, NY 14203 regarding:

356 Hertel Ave, 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) the acquisition by the Agency of a leasehold interest in certain property located on 356 Hertel Avenue and 42 Foundry, City of Buffalo, Erie County, New York (the "Land"), (ii) the rehabilitation of the John Kam Malt and Kiln House located in an historic Black Rock neighborhood into a mixed-use redevelopment consisting of 82 apartments, a self-storage facility, and 14,000 square feet of retail service-oriented space as well as an on-site dog park, dog wash, pedestrian plaza, and bike storage (the "Improvements"), and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"). The 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 benefit 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 January 24, 2023. 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



356 Hertel Avenue, Buffalo NY

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	John Kam Malt House Adaptive Re-Use
Project Summary	The project proposes to rehabilitate the John Kam Malt and Kiln House located in Buffalo's historic Black Rock neighborhood. The mixed-use redevelopment of an existing historic complex will consist of 82 apartments, a self-storage facility, and 14,000 square feet of retail service-oriented space. The design is sensitive to the historic fabric of the existing architecture. The redeveloped project will have such amenities an on-site dog park, dog wash, pedestrian gathering plaza, and permanent and visitor bike storage. The site design was prepared in consideration of the Buffalo Green Code (Unified Development Ordinance) and limitations of the City of Buffalo combined sewer systems and shall incorporate measures to mitigate storm water runoff, including permeable pavement throughout the site.
Applicant Name	356 Hertel Ave, LLC
Applicant Address	295 Main Street
Applicant Address 2	#700
Applicant City	Buffalo
Applicant State	New York
Applicant Zip	14203
Phone	(716) 870-4878
Fax	(716) 805-7191
E-mail	lofasofred@yahoo.com
Website	www.siennarealty.net
NAICS Code	2362

Business Organization

Type of Business	Limited Liability Company
Year Established	2022
State	New York
Indicate if your business is 51% or more (Check all boxes that apply)	[No] Minority Owned [No] Woman Owned
Indicate Minority and/or Woman Owned Business Certification if applicable (Check all boxes that apply)	[No] NYS Certified [No] Erie Country Certified

Individual Completing Application

Name Ryan P. McCarthy, Esq.
Title Attorney
Address 726 Main Street
Address 2 Suite B
City EAST AURORA
State New York
Zip 14052
Phone (716) 427-6501
Fax (716) 427-6501
E-Mail rmccarthy@hsmlegal.com

Company Contact- Authorized Signer for Applicant

Contact is same as individual completing application No
Name Fred Lofaso
Title Member
Address 66 LeBrun Circle
Address 2
City Amherst
State New York
Zip 14226
Phone (716) 870-4878
Fax
E-Mail lofasofred@yahoo.com

Company Counsel

Name of Attorney Ryan P. McCarthy, Esq.
Firm Name Hopkins Sorgi & McCarthy PLLC
Address 726 Main Street
Address 2 Suite B
City East Aurora
State New York
Zip 14052
Phone (716) 445-9508
Fax (716) 427-6501
E-Mail rmccarthy@hsmlegal.com

Benefits Requested (select all that apply).

Exemption from Sales Tax Yes
Exemption from Mortgage Tax No

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%.

The Applicant is a New York limited liability company owned by members Fred Lofaso (60%) and Angelo Tomasello (40%). Fred Lofaso is President of Sienna Realty, a real estate development and brokerage firm headquartered in Buffalo, New York. Mr. Lofaso is an experienced commercial real estate developer with over 32 years of industry experience. Mr. Lofaso's experience includes site selection, assemblage, land use and development, historical adaptive reuse, historical tax credits, Brownfield site development, Brownfield tax credits, and retail real estate development. Mr. Lofaso has been an active participant in Buffalo's real estate renaissance for his whole career, having rehabilitated several other similar properties in the area. Angelo Tomasello joined Sovran/Life Storage in 1996 and served as an acquisition officer, overseeing over \$200 million in acquisitions prior to co-founding The Lock Group in July of 1998. For over twenty years, under Angelo's leadership, Locke has been active in sourcing acquisition opportunities for Life Storage and has represented buyers and sellers in over \$3.5 billion in transaction volume. It also served as a strategic advisor and valuation consultant on an additional \$1.5 billion in self storage acquisitions. Locke Group LLC will be the storage facility operator partner.

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

(*Percentage to equal 100%)

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?

85

Describe vendors within Erie County for major purchases

LeChase Construction, Empire Demolition Services, Studio t3 Architecture, Pella Windows of WNY

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

356 Hertel Avenue, 42 Foundry

Town/City/Village of Project Site

Buffalo

School District of Project Site

Buffalo

Current Address (if different)

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

SBL Number(s) for proposed Project

77.74-4-22; 77.74-4-21

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

\$2,951.59

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

Land

\$ 22,000

Building(s)

\$ 565,000

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.)

The project site consists of 2.99 acres which includes 356 Hertel Avenue and 42 Foundry Street. The existing building was constructed for the John Kam Malting Co., which occupied the site from 1901 until 1916. It housed various industrial and commercial uses through the 1980s. It has housed several small businesses in recent decades. The complex is currently underutilized and is mostly vacant or used for storage.

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)

The John Kam Malt and Kiln House located in the Historic Black Rock section of Buffalo is proposed to be a mix use redevelopment of an existing historic complex. The new development will consist of 82 apartments totalling 72,00 square feet of residential space, a 30,000 square foot self-storage facility, and 14,000 square feet of retail service-oriented space. The 82 apartments consist of 42 one-bedroom units with rents ranging from \$882-\$1,505 per month, and 40 two-bedroom units with rents ranging from \$1,336-\$2,100 per month. More than 10% of the units will have rents at or below 80% AMI to provide affordable/workforce housing that is desperately needed in the area. A 3,000 sq ft exterior addition is planned primarily for access and an elevator. The project is also anticipated to house 42 jobs providing needed employment opportunities for the surrounding community. The overall design of the project will be sensitive to the historic fabric of the existing architecture. A new access elevator shall be attached to the exterior of the existing structure, along with new construction for the self storage portion of the project. The property is adjacent to the north spur of the Beltline and CSX railroad line. The redeveloped project will have such amenities as an on-site dog park, dog wash, pedestrian gathering plaza, and permanent and visitor bike storage. The site design was prepared in consideration of the Buffalo Green Code (Unified Development Ordinance) and limitations of the City of Buffalo combined sewer systems and will incorporate measures to mitigate storm water runoff, including permeable pavement throughout the site, as well as environmentally conscious design features including energystar equipment and geothermal heating systems.

Municipality or Municipalities of current operations

Buffalo, NY

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)

Financial assistance is necessary to make this historic reuse project economically feasible. Construction costs have risen approximately 25% on this project over the past year creating economic difficulty.

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?

If financial assistance is unavailable and the project becomes economically unfeasible the project will not be completed, and the property will remain underutilized and will not contribute to the economic revitalization of the neighborhood and 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)

The project is located on Hertel, along the NFTA's #23 Fillmore-Hertel bus line. The property is also adjacent to the north spur of the Beltline and CSX railroad line.

Has your local municipality and/or its planning board made a determination regarding the State Environmental Quality Review (SEQR) for your project?

Yes

If YES indicate in the box below the date the SEQR determination was made. Also, please provide us with a copy of the approval resolution and the related Environmental Assessment Form (EAF) if applicable.

If NO indicate in the box below the date you anticipate receiving a SEQR determination for your project. Also, please insure that the ECIDA has been listed as an "involved agency" on the related EAF submitted to the appropriate municipality and/or planning department.

11/30/-0001

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

Yes

Describe the present zoning/land use

The current zoning of the parcels under Buffalo's Unified Development Ordinance is D-IL Light Industrial. The current primary use is warehouse space.

Describe required zoning/land use, if different

The proposed project is allowed without need for rezoning through an Adaptive Reuse Permit from the City of Buffalo.

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

Is the proposed Project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?

Yes

If yes, please explain

The property is undergoing environmental remediation to remove existing contamination through the Brownfield Cleanup Program.

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

Yes

If yes, please provide a copy.

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

Yes

If yes, please provide copies of the study.

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

Yes

If yes, describe the efficiencies achieved

The project is planned to include numerous energy efficiencies including on site stormwater retention, a closed loop geothermal heating system, and EnergyStar appliances and equipment throughout the project.

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.

Project refinancing estimated amount, if applicable (for refinancing of existing debt only) \$ 0

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

If Yes, describe particulars: Purchase of roofing materials and stone fill.

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits): \$

Bank Financing: \$ 19,418,000

Tax Exempt Bond Issuance (if applicable): \$ 0

Taxable Bond Issuance (if applicable): \$ 0

Public Sources (Include sum total of all state and federal grants and tax credits): \$ 13,615,838

Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources) 8,062,707 Historic Tax Credits 5,553,131 Brownfield Tax Credits

Total Sources of Funds for Project Costs: \$33,033,838

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). 0

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$0

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): 485-A

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.

Is project necessary to expand project employment?

Yes

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	42	42
Part time	0	0	0	0
Total	0	0	42	

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	7	\$ 60,000	\$ 15,000	\$ 0	\$ 0
Professional	4	\$ 70,000	\$ 17,500	\$ 0	\$ 0
Administrative	7	\$ 45,000	\$ 11,250	\$ 0	\$ 0
Production	4	\$ 45,000	\$ 11,250	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	20	\$ 45,000	\$ 11,250	\$ 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):

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

Payroll Information

Annual Payroll at Proposed Project Site upon completion

2,308,500

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)

55,000

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

0

Estimated salary range of jobs to be created

From (Full Time)	45,000	To (Full Time)	75,000
From (Part Time)	0	To (Part Time)	0

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

356 Hertel Avenue and 42 Foundry Street, Buffalo NY 14207

Name and Address of Owner of Premises

Kam Cleanup LLC, 726 Main Street Suite B, East Aurora NY 14052

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

The property consists primarily of an existing warehouse and vacant land, located in a highly developed and aging residential, commercial and industrial area in the City of Buffalo. The premises contains no wetlands or bodies of water.

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 building consists of a 120,000 square foot brick building constructed circa 1901 for the John Kam Malting Co. The property is currently underutilized and primarily used for storage space. The intended operations include 82 apartments, a self storage facility, 14,000 square feet of retail service-oriented space, a dog park with dog wash and pedestrian gathering plaza with bike storage.

Describe all known former uses of the Premises

When constructed for the John Kam Malting Co., the structure included a malt house, a kiln house, water tempering, grain elevators and tanks, and a warehouse. The structure was later used by the Black Rock Milling Corp. and Park & Pollard Co. for animal feed production into the 1950s. It was then used by Buffalo Insulation Distributors and Multiglass Products Co. for their operations from 1965 until the late 1980s. It has been underutilized over the past several decades, at various times housing Xtreme Wheels Indoor Skate Park, small office spaces and warehouse/storage space.

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?

Yes

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

Following Phase II Environmental Investigation, environmental remediation was completed as described in the attached BCP Application.

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

Yes

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

There are three prior NYSDEC spill incidents recorded at the property. Petroleum impacted soil was discovered in a limited investigation and remediated, NYSDEC Spill No. 0208304 was closed on January 29, 2003. Spill No. 0107011 involved approximately 50 five-gallon containers duded proximate to the railroad tracks and loading dock area. The spill was closed by NYSDEC on December 19, 2001. Spill No. 0175394, related to Spill 0107011, involved dumped materials by the loading dock area of the property. This spill was closed by the NYSDEC on April 25, 2002.

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

Petroleum-impacted soil was removed by Nature's Way under DEC Spill No. 0208304 in 2003.

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

None.

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

None.

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

All wastewater will be returned to the City of Buffalo sewer system and the project has been designed to take into account the City system's limitations. Systems will be put in place to retain all stormwater runoff on site. There will be no septic tanks on site.

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?

Yes

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

Standard HVAC and appliances servicing the property, which will be high efficiency/EnergyStar, will be the only sources of air contamination.

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

A 4,000 gallon underground storage tank which had been installed in 1969 and filled in 1986 was identified in the Phase I Environmental and was later removed and 460 tons of affected soil excavated as identified in the attached documents.

Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks?

Yes

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

Nature's Way removed the 4,000 gallon UST on December 2002 and excavated approximately 460 tons of impacted soil which was disposed of at Modern Landfill in Model City, New York. The spill was closed by NYSDEC on January 29, 2003.

Polychlorinated Biphenyls ("PCB" or "PCBs") And Asbestos

Provide any records in your possession or known to you to exist concerning any on-site PCBs or PCB equipment, whether used or stored, and whether produced as a byproduct of the manufacturing process or otherwise.

Have there been any PCB spills, discharges or other accidents at the Premises?

Yes

If yes, relate all the circumstances

The Phase II Environmental identified subsurface soil samples from within the building footprint which contained PAHs and PCBs above method detection limits, but the concentrations did not exceed USCOS.

Do the Premises have any asbestos containing materials?

Yes

If yes, please identify the materials

Existing roofing, flashing and flooring materials.

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 demand for updated housing at a prices is high, particularly with current changes in the real estate market and interest rates facilitating a need for additional rental options for tenants. Making this project mixed use allows the project to provide needed services and job opportunities to the underserved surrounding community.

Have any tenant leases been entered into for this project?

No

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, # of sq ft and % of total to be zip)	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 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?

18 %

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?

<BLANK>

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

<BLANK>

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

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

<BLANK>

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

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

<BLANK>

If yes, explain

Is the project located in a Highly Distressed Area?

<BLANK>

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)? 121

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.

0

If underutilized, number of years underutilized.

40

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

Various small industrial and commercial uses, primarily vacant or used for storage.

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)

Yes

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

\$2,000 per month

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	42	464- 1,019	\$882- \$1,505
2 Bedroom	40	731- 1,252	\$1,336- \$2,100
3 Bedroom	-	-	\$- \$
Other	-	-	\$- \$

Does the site have historical significance?

Yes

If yes, please indicate historical designation

The John Kam Company Malt House & Kiln House at 356 Hertel Avenue is listed on the National Register of Historic Places as of June 28, 2021.

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

Yes

If yes, provide estimated value of tax credits

\$8,062,707

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

The structure presents significant costs associated with historic reuse, including bringing a large, underutilized and undermaintained century old building into code compliance and remediating existing issues at the property while complying with historic preservation requirements.

Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide ECIDA with documentation of this support in the form of signed letters from these entities

The property has been identified as a valuable historic asset worth preserving as demonstrated by its addition to the National Register of Historic Places as well as inclusion on the New York State Register of Historic Places. The City of Buffalo Planning Board has also demonstrated enthusiasm for the project which would provide needed investment in an economically disadvantaged area and has approved the site for Adaptive Reuse.

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

The structure presents significant costs associated with historic reuse, including bringing a large, underutilized and undermaintained century old building into code compliance and remediating existing issues at the property while complying with historic preservation requirements.

Indicate census tract of project location

5,600

Indicate how project will eliminate slum and blight

The project will rehabilitate a large, underutilized and undermaintained historic property and become a new mixed-use residential hub in a neighborhood where investment and redevelopment are desperately needed to stimulate growth and opportunity for residents and the surrounding 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

356 Hertel Avenue

City/Town

Buffalo

State

New York

Zip Code

14207

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

No

Within Erie County

No

If Yes to either question, please, explain

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

No

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

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

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

<BLANK>

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

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

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

■ **Section 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

Section X: Tax Exempt Bonds

In order to receive the benefits of a tax-exempt interest rate bond, private borrowers and their projects must be eligible under one of the federally recognized private active bond categories (Fed Internal Rev Code IRC sections 142-144, and 1394).

Are you applying for tax exempt bonds / refinancing of bonds related to a residential rental facility project?