

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 April 11, 2023 at 9:00 a.m. at the Town of Tonawanda, Town Board Conference Room #20, located at 2919 Delaware Avenue, Kenmore, NY 14217 regarding:

Wood and Brooks Properties 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 2101 Kenmore Avenue, Town of Tonawanda (with accessory parking in City of Buffalo), Erie County, New York and all other lands in the Town of Tonawanda where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the “Land”), (ii) the redevelopment on the Land of an approximately 98,370+/- square-foot adaptive re-use of historic Wood & Brooks piano factory complex into mixed-use development consisting of redevelopment of the existing six-story building as well as an adjacent single-story building into first floor commercial space anchored by a Construction Trade Incubator and upper 5 floors as apartments (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 benefits and mortgage recording tax exemption benefits consistent with the policies of the Agency.

A representative of the Agency will be present at the above-stated time and place to present a copy of the Application and hear and accept written and oral comments from all persons with views in favor of or opposed to the proposed financial assistance. This public hearing is being live-streamed and made accessible on the Agency’s website at www.ecidany.com. Written comments may be submitted at this public hearing, submitted on the Agency’s website, or delivered to the Agency at 95 Perry Street-Suite 403, Buffalo, NY 14203 until the comment period closes at 4:00 p.m. on April 25, 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



Wood and Brooks

[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	Wood and Brooks Adaptive Reuse
Project Summary	<p>The project is located at 2101 Kenmore Avenue in the Town of Tonawanda (with accessory parking on adjacent parcel in the City of Buffalo) in a Disadvantage Community as defined by New York State (United States Census Tract 36029004800). The Project seeks to convert through adaptive re-use the historic Wood & Brooks piano factory complex into mixed use development consisting of redevelopment of the existing six (6) story building as well as an adjacent single-story building into approximately 98,370 SF (62,300 SF Residential and 36,070 SF Commercial). The first-floor commercial space will be anchored by a Construction Trade Incubator with the upper five (5) floors as apartments. The site has been determined to be eligible for the Brownfield Cleanup Program and has applied for New York State Historic Tax Credits. If this Project is successful, the Applicant will additionally seek to convert an adjacent four (4) story building into additional mixed-use space. The adaptive re-use of the complex, which has been largely either underutilized or vacant for decades, will hopefully begin a revitalization of the area. The Town of Tonawanda has issued all necessary land use and zoning approvals and is very supportive of the Project and shares the Applicant's hope that this Project will be a catalyst for redevelopment of the area. Through partnering with the Construction Exchange of WNY, the commercial Incubator space will support the growth and prosperity of small construction businesses by providing education and shared infrastructure. Fostering the growth of these small businesses will support future job creation within the local construction industry. These small construction businesses will benefit from shared services such as:- Low-risk investment in shared space to operate from.- Shared infrastructure including meeting spaces, training room, storage lockers (with loading dock access), workshop area, access to dumpster, trailer parking, etc.- Mentorship, coaching and training.- Relationship building with suppliers and industry experts- A supportive community of like-minded business owners Erie 1 BOCES has provided a LOI to lease space as an anchor tenant of the Incubator Space for their Building Trades programming for adult learners. By Partnering with the Incubator and the Construction Exchange of WNY, a program will be implemented to connect adult learners with employers.</p>
Applicant Name	Wood and Brooks Properties LLC
Applicant Address	2101 Kenmore Avenue
Applicant Address 2	
Applicant City	Buffalo
Applicant State	New York
Applicant Zip	14207
Phone	(716) 903-1092
Fax	(716) 427-6501

E-mail

michael@frontierinsulation.com

Website**NAICS Code**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 CertifiedIndividual Completing Application

Name Peter J. Sorgi
Title Project Attorney
Address 726 Main Street, Suite B
Address 2
City East Aurora
State New York
Zip 14052
Phone (716) 908-3289
Fax (716) 427-6501
E-Mail psorgi@hsmlegal.com

Company Contact- Authorized Signer for Applicant

Contact is same as individual completing application No
Name Michael Wopperer
Title President
Address 2101 Kenmore Avenue
Address 2
City Buffalo
State New York
Zip 14207
Phone (716) 903-1092
Fax (716) 427-6501
E-Mail michael@frontierinsulation.com

Company Counsel

Name of Attorney Peter J. Sorgi

Firm Name Hopkins Sorgi & McCarthy PLLC

Address 726 Main Street, Suite B

Address 2

City East Aurora

State New York

Zip 14052

Phone (716) 908-3289

Fax (716) 427-6501

E-Mail psorgi@hsmlegal.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%.

Wood & Brooks Properties, LLC is a newly formed entity comprised of members of a 4th generation group of family owned businesses who have owned the complex where the proposed project is taking place since 1972. The various buildings on the properties have served as offices, warehouses and manufacturing facilities for the various affiliated companies that work within the construction industry. Recognizing that portions of the complex are either vacant or underutilized, Wood and Brooks Properties LLC was formed to try and repurpose the complex with the hopes of reinvigorating an area that has been downtrodden for many years and assist in an urban rebirth that is long overdue. None of the members have an ownership percentage greater than 20%.

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?

83

Describe vendors within Erie County for major purchases

Windows- Jens Glass / B&L Wholesale Millwork/Countertops- Buffalo Millwork Supply Plumbing- Huron Plumbing HVAC- DWC Mechanical Site Work- Occhino Corp

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

2101 Kenmore Avenue

Town/City/Village of Project Site

Tonawanda with accessory parking in City of Buffalo

School District of Project Site

Tonawanda

Current Address (if different)**Current Town/City/Village of Project Site (if different)****SBL Number(s) for proposed Project**

77.08-1-1 (portion of) and 77.26-7-2

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

\$ 90,176.63 (entire site-- only a portion is subject to this application)

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

Land

\$ 186,000

Building(s)

\$ 602,000

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

The Leroy Properties, Inc.

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.)

Substantially vacant with portions of the first and second floors of six story building utilized as warehouse space for related entities on same master parcel-- note that this warehouse space is not needed for related entities on same master parcel but just being used for convenience / proximity currently.

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 project is located at 2101 Kenmore Avenue in the Town of Tonawanda (with accessory parking on adjacent parcel in the City of Buffalo) in a Disadvantage Community as defined by New York State (United States Census Tract 36029004800). The Project seeks to convert through adaptive re-use the historic Wood & Brooks piano factory complex into mixed use development consisting of redevelopment of the existing six (6) story building as well as an adjacent single-story building into approximately 98,370 SF (62,300 SF Residential and 36,070 SF Commercial). The first-floor commercial space will be anchored by a Construction Trade Incubator with the upper five (5) floors as apartments. The site has been determined to be eligible for the Brownfield Cleanup Program and has applied for New York State Historic Tax Credits. If this Project is successful, the Applicant will additionally seek to convert an adjacent four (4) story building into additional mixed-use space. The adaptive re-use of the complex, which has been largely either vacant or underutilized for decades, will hopefully begin a revitalization of the area. The Town of Tonawanda has issued all necessary land use and zoning approvals and is very supportive of the Project and shares the Applicant's hope that this Project will be a catalyst for redevelopment of the area. Through partnering with the Construction Exchange of WNY, the Incubator space will support the growth and prosperity of small construction businesses by providing education and shared infrastructure. Fostering the growth of these small businesses will support future job creation within the local construction industry. These small construction businesses will benefit from shared services such as:- Low-risk investment in shared space to operate from.- Shared infrastructure including meeting spaces, training room, storage lockers (with loading dock access), workshop area, access to dumpster, trailer parking, etc.- Mentorship, coaching and training.- Relationship building with suppliers and industry experts- A supportive community of like-minded business owners Erie 1 BOCES has provided a LOI to lease space as an anchor tenant of the Incubator Space for their Building Trades programming for adult learners. By Partnering with the Incubator and the Construction Exchange of WNY, a program will be implemented to connect adult learners with employers.

Municipality or Municipalities of current operations

Town of Tonawanda and City of Buffalo (city of Buffalo is for parking only)

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)

Wood and Brooks Properties, LLC currently has no income and has taken on significant debt in trying to take the project into construction. The rise in costs over the last two years along with increases in interest rates has placed a significant amount of financial strain on the project. Assistance from the agency is necessary in order to begin re-development of the complex.

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?

Without financial assistance from ECIDA via sales tax and mortgage tax exemption, the project will become unviable and, therefore, the property would not be purchased by Wood and Brooks Properties LLC. Wood and Brooks Properties, LLC would then be dissolved. The negative impact to Erie County would include the loss of construction jobs on a \$21 million conversion project along with future tax dollars on a newly assessed and higher value.

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

Yes, but only during construction.

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)

Metro Lines Sheridan 35 and 5 Niagara-Kenmore

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.

6.1.2022

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

Yes

Describe the present zoning/land use

P-S Performance Standards Use District Current Land use are vacant buildings with parking

Describe required zoning/land use, if different

Proposed use is allowed in P-S Performance Standards Use District and all Town Approvals have been obtained. Proposed use is mixed use of residential apartments and Construction Trades space, including construction training programs.

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

This project has been accepted into the Brownfield Cleanup Program largely based off elevated arsenic exceeding its Industrial Use SCO, likely related to historic wood piano key manufacturing.

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?

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).

For purposes of the following, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

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

Retail Sales	No	Services	Yes
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Please check any and all end uses as identified below.

No Acquisition of Existing Facility	No Assisted Living	No Back Office
No Civic Facility (not for profit)	Yes Commercial	No Equipment Purchase
No Facility for the Aging	No Industrial	No Life Care Facility (CCRC)
Yes Market Rate Housing	Yes Mixed Use	No Multi-Tenant
No Retail	No Senior Housing	No Manufacturing
No Renewable Energy	Yes Other	

Leasing to small construction companies / trades

For proposed facility please include the square footage for each of the uses outlined below

If applicant is paying for FFE for tenants, include in cost breakdown.

			Cost	% of Total Cost
Manufacturing/Processing	square feet	\$	0	0%
Warehouse	square feet	\$	0	0%
Research & Development	square feet	\$	0	0%
Commercial	32,790 square feet	\$	7,145,250	33%
Retail	square feet	\$	0	0%
Office	square feet	\$	0	0%
Specify Other	65,580 square feet	\$	14,290,500	67%

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

No

If you answered yes to question above, what level of LEED certification do you anticipate receiving? (Check applicable box)

<BLANK>

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

Will project result in significant utility infrastructure cost or uses Yes

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

3/10/2023

End date : Estimated completion date of project

5/20/2024

Project occupancy : estimated starting date of occupancy

6/4/2024

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 670,000

98,380 square feet

acres

2.) New Building Construction

\$ 0

square feet

3.) New Building addition(s)

\$ 0

square feet

4.) Reconstruction/Renovation

\$ 19,112,322

98,380 square feet

5.) Manufacturing Equipment

\$ 0

6.) Infrastructure Work

\$ 0

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

\$ 380,775

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

\$ 2,964,541

9.) Other Cost

\$ 0

Explain Other
Costs

Total Cost \$ 23,127,638

Construction Cost Breakdown:

Total Cost of Construction	\$ 19,112,322 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 11,467,393
% sourced in Erie County	83%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit \$ 15,863,227

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above): \$ 1,388,032

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

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

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

If Yes, describe particulars: Approximately \$500,000 of soft costs have been incurred and paid. This amount is mostly comprised of professional fees including architect, attorney, accounting and pre-construction management.

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits): \$ 4,734,155

Bank Financing: \$ 9,750,000

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): \$ 8,643,483

Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources) Federal Historic Tax Credit State Historic Tax Credit Brownfield Cleanup Site Prep Credit Brownfield Tangible Building Credit

Total Sources of Funds for Project Costs: \$23,127,638

Have you secured financing for the project? No

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). 17,031,175

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$127,733

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 through Town of Tonawanda and Tonawanda School District-- pending.

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?

Yes

If yes, please describe equipment and lease terms.

Yes, but only during construction.

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	1	1
Part time	0	0	2	2
Total	0	0	3	

Salary and Fringe Benefits for Jobs to be Retained and Created

Job Categories	# of Full Time Employees retained and created	Average Salary for Full Time	Average Fringe Benefits for Full Time	# of Part Time Employees retained and created	Average Salary for Part Time	Average Fringe Benefits for Part Time
Management	1	\$ 50,000	\$ 0	0	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Administrative	2	\$ 0	\$ 0	0	\$ 25,000	\$ 0
Production	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Total	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	0	0	0
Part time	0	0	0

Total	0	0	0
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Payroll Information

Annual Payroll at Proposed Project Site upon completion

75,000

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

50,000

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

25,000

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

50,000

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

25,000

Estimated salary range of jobs to be created

From (Full Time)	50,000	To (Full Time)	60,000
From (Part Time)	12,500	To (Part Time)	12,500

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

2101 Kenmore Ave Buffalo NY 14207

Name and Address of Owner of Premises

2101 Kenmore Ave Buffalo NY 14207

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

The site is located in the town of Tonawanda, Erie County, New York in a mixed-use residential, commercial, and industrial area along the City of Buffalo and Town of Tonawanda boundary. The topography is generally sloped to the south-southeast. The subject property is situated at an approximate elevation of 603 feet above sea level. The Subject property is located within the Central Lowlands region Eastern Lakes section physiographic province.

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 current site is primarily vacant with a portion of the site used for warehousing. The buildings on the site are over 100 years old.

Describe all known former uses of the Premises

The site was historically used for piano key manufacturing from approximately 1900 to 1970s

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

A closed spill occurred in January 2006. Remedial activities were completed and the spill was closed in April 2006-- see Exhibit A to Full Environmental Assessment Form, attached hereto.

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

No

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

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

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

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

No

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

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

No

If yes, please provide copies of the permits.

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

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

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

No

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

Discharge Into Waterbodies

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

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

Waste and storm 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

One (1) 6000 gallon underground storage tank for gasoline.

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

A closed spill occurred in January 2006. Remedial activities were completed and the spill was closed in April 2006-- see Exhibit A to Full Environmental Assessment Form, attached hereto.

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

Based on the date of construction at the subject property, between 1901 and 1911, it is possible that PCB-containing materials were used. See NYSDEC Brownfields Clean Up Program Application, attached hereto.

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

Need specified in Town of Tonawanda 2015 Comprehensive Plan Update, which can be found at <https://tonawanda.ny.us/development/comprehensive-plan.html> which is detailed in letter of support from Town Supervisor Joseph H. Emminger dated 1.12.2023, attached hereto

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, # of sq ft and % of total to be occupied at new projet site 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 V: Tenant Information

PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)

Tenant Name

The Plan Room LLC

Property Address:

2101 Kenmore Ave

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)

24,814

What percentage of the building does this represent?

35

Are terms of lease:

NET

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

3/1/2024

PART 2 TO BE COMPLETED BY PROPOSED TENANT

Company Name:

The Plan Room LLC

Local Contact Person:

Michael Wopperer

Title:

Founder

Current Address:

2101 Kenmore Ave

Phone:

(716) 903-1092

Fax:**E-Mail:**

mike.wopperer@yahoo.com

Website:**Company President/General Manager:****Number of employees moving to new project location:****Full-Time:**

1

Part-Time:

1

Total:

2

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

The Plan Room LLC is a co-working space catered to small businesses within the Construction Industry. Through partnering with the Construction Exchange of WNY, the Incubator space will support the growth and prosperity of small construction businesses by providing education and shared infrastructure. Fostering the growth of these small businesses will support future job creation within the local construction industry. As businesses perhaps just getting their legs under them, we know small construction businesses would benefit from shared resources such as:- Low-risk investment in shared space to operate from.- Shared infrastructure including meeting spaces, training room, storage lockers (with loading dock access), workshop area, access to dumpster, trailer parking, etc.- Mentorship, coaching and training.- Relationship building with suppliers and industry experts- A supportive community of like-minded business owners Erie 1 BOCES has provided a LOI to lease space as an anchor tenant of the Incubator Space for their Building Trades programming for adult learners. By Partnering with the Incubator and the Construction Exchange of WNY, a program will be implemented to connect adult learners with employers.

Attach additional information as necessary.

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

The Plan Room LLC was founded in 2022

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

24,814

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?

12/31/1969

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?

No

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

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.

50

If underutilized, number of years underutilized.

50

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

Portions of the building has served as warehouse space for several of the family owned companies which occupy and own the complex while other areas of the building have remained vacant.

Is the structure currently generating insignificant income? (Insignificant income is defined as income that is 50% or less than the market rate income average for that property class)

Yes

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

\$0

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	40	779- 883	\$1,300- \$1,600
2 Bedroom	15	951- 982	\$1,500- \$1,800
3 Bedroom	0	-	\$- \$
Other	0	-	\$- \$

Does the site have historical significance?

Yes

If yes, please indicate historical designation

The Wood and Brooks Company Factory Complex, located at the southwest corner of the Town of Tonawanda in Erie County, New York, is significant as an intact representation of a manufacturing facility designed and built in the first half of the nineteenth century. The complex is locally significant under Criterion A in the area of Industry as one of the most important manufacturers of ivory piano keys and actions in the United States. The Wood and Brooks Company was founded in 1901 by Charles Raymond Wood and M.S. Brooks, a Connecticut entrepreneur. In 1902, the firm contracted architect Sidney Hawks Woodruff to design their manufacturing facility at 2101 Kenmore Avenue, which was expanded several times through 1915 as the company grew. Wood and Brooks keys and actions were used by more than twenty-nine producers of piano and organ manufacturers, nationally and internationally. The CSX Rail Lines, formerly New York Central Railroad Niagara Falls Branch, provided the crucial transportation of raw materials to the factory complex and means of delivery of Wood and Brooks products. During World War II, the company became a licensed subcontractor for military production of Landing Craft Vehicle Personnel (LCVP) and the Kenmore complex provided the necessary labor, manufacturing space, accessibility to raw materials, and transportation essential to construct and deliver the watercrafts for the war efforts. After war production ended, manufacture of piano keys and actions resumed until the facility closed in 1970. The complex is also significant under Criterion C in the area of Architecture as a good representative example of evolving industrial architecture and engineering trends in the early twentieth century. The facility contains both intact heavy timber mill construction and reinforced concrete daylight factory buildings. The 1902 four-story Headquarters Office and Manufacturing Building was designed by S.H. Woodruff in an early post-and-beam mill style, along with the majority of the attached one-story spaces and the detached lumber sheds. The 1911-1914 six-story reinforced concrete slip form loft building was designed by Dwight Seabury, an engineer from Pawtucket, Rhode Island, and constructed by H.C. Turner of Turner Construction, a pioneer of multistory reinforced concrete buildings and structures. A post-1915 building campaign connecting the six-story factory to a series of single-story buildings utilized a concrete column mushroom system, a revolutionary technique developed by C.A.P. Turner in 1905 that became a quintessential feature of industrial buildings throughout the first half of the twentieth century and beyond. Both mill construction and concrete curtain wall building types offered increased daylighting and natural ventilation through operable windows and demonstrate the rapid technological advancement in industrial building techniques and materials in the first decades of the twentieth century. The period of significance begins in 1902 with the construction of the first Wood and Brooks Company building on the site for the manufacturing of ivory piano keys and actions and ends in 1970 when the company ceased operations at 2101 Kenmore Avenue. This period includes all extant building campaigns by Wood and Brooks.

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

Yes

If yes, provide estimated value of tax credits

\$6,322,681

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 rise in costs over the last couple of years combined with the recent increases in interest rates has placed a significant amount of financial strain on the project. If the project is not able to secure sales tax and mortgage tax exemption, DSCR will decrease to a level that the bank will not underwrite to, therefore increasing the amount of equity contribution required by the owner. Increasing the amount of current equity contribution by the owner will result in below average return on investment rates compared to industry averages and will make the project unviable.

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

We have received an overwhelming amount of support from the Town of Tonawanda along with local not for profit The Construction Exchange of WNY and Western New York Association of Plumbing and Contractors, Inc. for the incubator space.

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

See NYSDC Brownfields Clean Up Application, attached hereto.

Indicate census tract of project location

36,029,004,800

Indicate how project will eliminate slum and blight

Project will provide needed housing and employment opportunity in an area that is blighted and is targeted for redevelopment by the Town of Tonawanda Comprehensive Plan-- see attached letter of support from Tonawanda Town Supervisor Joseph Emminger, attached hereto.

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

2101 Kenmore Ave

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?

No

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

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

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

Section 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?

No