



**Erie County Industrial Development Agency
Meeting of the Membership**

**ECIDA Offices
95 Perry Street, 4th Floor Conference Room
Buffalo, New York 14203**

**August 27, 2025
at 12:00 p.m.**

1.0 Call to Order

1.1 Call to Order Meeting of the Membership

2.0 Approval of Minutes:

2.1 Approval of Minutes of July 23, 2025 Meeting of the Membership (Action Item) (Pages 2-7)
2.2 Policy Committee Update (Informational) (Pages 8-11)

3.0 Amendatory Inducement Resolution(s):

3.1 (None)

4.0 Inducement Resolution(s):

	ECIDA Incentives	Private Investment	Municipality
4.1 93 NYRPT, LLC/Erie 1 BOCES (Pages 12-80)	\$5,208,778	\$75,500,000	Depew
4.2 1016 East Delavan, LLC/BPS Commissary Kitchen (Pages 81-126)	\$6,596,712	\$34,135,084	Buffalo

5.0 Reports / Action Items / Information Item(s):

5.1 Financial Report (Informational) (Pages 127-130)
5.2 2025 Tax Incentives Induced/Closing Schedule (Informational) (Pages 131-132)
5.3 Renaissance Commerce Park – WYE Yard Rail Relocation Project – Authorization to utilize UDAG Funds for project (Action Item) (Pages 133-139)

6.0 Management Team Report(s):

6.1

7.0 Adjournment- Next Meeting – September 24, 2025

**MINUTES OF THE MEETING
OF THE
MEMBERSHIP OF THE
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
(ECIDA or AGENCY)**

DATE AND PLACE: July 23, 2025, at the Erie County Industrial Development Agency, 95 Perry Street, 4th Floor Conference Room, Buffalo, New York 14203

PRESENT: Denise Abbott, Dr. LaVonne Ansari, Jonathan Dandes, Lorry Goldhawk, Gregory Inglut, Tyra Johnson, Brenda W. McDuffie, Glenn Nellis, Hon. Brian Nowak, Hon. Mark C. Poloncarz, Kenneth A. Schoetz and Hon. Taisha St. Jean Tard

EXCUSED: Rev. Mark E. Blue, Hon. Joseph H. Emminger, Dottie Gallagher, Hon. Brian J. Kulpa and Hon. Christopher P. Scanlon

OTHERS PRESENT: John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Jerry Manhard, Chief Lending Officer; Grant Lesswing, Director of Business Development; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant/Assistant Secretary; Andrew Federick, Director of Property Development; Soma Hawramee, Compliance Portfolio Manager; Lori Szewczyk, Director of Grants; Michelle Moore, Compliance Associate; Robbie Ann McPherson, Director, Marketing & Communications and Robert G. Murray, Esq., General Counsel/Harris Beach Murtha Cullina PLLC

GUESTS: Zaque Evans on behalf of Erie County; Daniel Castle on behalf of Erie County; Jeff McGiveron on behalf of Lactalis American Group; Timothy Nichols on behalf of Great Lakes Pressed Steel; Greg Wales and Pete VanPutte on behalf of Premier Aerospace; Matthew Hubacher on behalf of Invest Buffalo Niagara and Jonathan Epstein on behalf of Buffalo News

There being a quorum present at 12:05 p.m., the meeting of the members of the Erie County Industrial Development Agency (the "ECIDA" or "Agency"), was called to order by the Chair, Ms. McDuffie.

Ms. McDuffie welcomed new ECIDA Board members Lorry Goldhawk as the Erie County School Board Association member and Jonathan Dandes as new member representing Invest Buffalo Niagara.

MINUTES

The minutes of the June 25, 2025, meeting of the members were presented. Ms. St. Jean Tard moved, and Mr. Schoetz seconded to approve of the minutes. Ms. McDuffie called for the vote and the minutes were unanimously approved.

Policy Committee Update. Ms. Abbott updated members on the most recent Policy Committee meeting in which the Committee recommended to the Board the approval of the two projects before the Board for its consideration at today's meeting.

AMENDATORY INDUCEMENT RESOLUTION

Lactalis American Group, Inc., 2375 South Park Avenue, Buffalo, New York. Mr. Cappellino described this previously approved project, as amended, including proposed increases in projected expenditures subject to sales tax resulting in an increase in the sales tax benefit request.

General discussion ensued.

The Project's cost benefit ratio was presented to and reviewed by the members present and the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project's contemplated community benefits which were discussed and considered.

Mr. Poloncarz spoke in favor of the project and motioned to approve the project and Mr. Nellis seconded to approve the amendment.

Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) ADDITIONAL FINANCIAL ASSISTANCE TO LACTALIS AMERICAN GROUP, INC. (THE "COMPANY") IN AMOUNTS EXCEEDING THE AMOUNTS PREVIOUSLY APPROVED BY THE AGENCY; AND (ii) THE EXECUTION OF RELATED DOCUMENTS

INDUCEMENT RESOLUTIONS

Great Lakes Pressed Steel Corporation, 1382 Niagara Street, Buffalo, New York. Mr. Cappellino reviewed this proposed sales and use tax, mortgage recording tax and real property tax abatement benefits project involving the construction of a 13,000 square foot building next to the

company's current facility for the installation of a new laser along with shears press breaks and punch presses.

General discussion ensued.

As a condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment made with respect to the Project at the time of Project completion equals or exceeds \$2,172,175 (which represents the product of 85% multiplied by \$2,555,500, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 15 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
 - the number of current FTE employees in the then current year at the Facility; and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 16 FTE employees [representing the sum of (x) 15 Baseline FTE and (y) 1 FTE employees, being the product of 85% multiplied by 2 (being the 2 new FTE employee positions proposed to be created by the Company as stated in its Application)]. To confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Ms. St. Jean Tard moved and Ms. Goldhawk seconded to approve the Project as proposed. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF GREAT LAKES PRESSED STEEL CORPORATION, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

REPORTS / ACTION ITEMS / INFORMATION ITEMS

Financial Report. Ms. Profic presented the June financial reports. The balance sheet shows that the IDA finished the month with total assets of \$34.5M (includes unrestricted cash of \$6.2M available for Agency operations). Net assets were \$19.7M. Overall assets decreased \$2.2M from May due to a decrease in restricted cash. During June, ECIDA received and processed a \$2.3M. reimbursement request from a PIF account as administrator of the fund. Liabilities decreased \$2.3M due to the corresponding decrease in funds held on behalf of others. The monthly income statement shows net income of \$180,671. Operating revenue of \$392,000 was above the monthly budget by \$167,000, due to \$319,000 of project administrative fees received in June. Operating expenses of \$254,000 were \$7,000 under budget, with minor variances spread across several expense lines. Net non-operating revenue of \$42,000, brings us to net income of \$180,671 for the month. The year-to-date income statement shows operating revenues of \$1.1M, including administrative fee revenue of \$702,000. We are 39% of our annual budget through June. Operating expenses of \$1.6M are \$88,000 below budget. Net special project grant income is \$35,000, and strategic initiatives year-to-date total \$100,000. Net non-operating revenue of \$247,000 brings us to a net loss of \$281,285 for the year. Ms. McDuffie directed that the report be received and filed.

Funding Request re Sumitomo Site Redevelopment Study. Mr. Cappellino presented this funding request to be reimbursed by an ESD grant.

General discussion ensued.

Mr. Poloncarz moved, and Ms. Abbott seconded, to approve the funding request regarding the Sumitomo Site Redevelopment Study. Ms. McDuffie called for a vote and the following resolution was unanimously approved.

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("AGENCY") TO (i) AUTHORIZE THE ALLOCATION OF \$75,000 FROM THE AGENCY'S GENERAL FUND TO INVEST BUFFALO NIAGARA FOR UTILIZATION IN CONDUCTING A COMPREHENSIVE STUDY TO REVIEW AND ANALYZE FUTURE USES OF THE FORMER SUMITOMO RUBBER USA, LLC SITE IN THE TOWN OF TONAWANDA, NEW YORK AND (ii) TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND RELATED DOCUMENTS IN FURTHERANCE OF SAME.

Amendment to Community Development Block Grant Sub-Recipient Agreement. Mr. Manhard provided historical background to the existing Erie County-ECIDA CDBG block grant loan program and the County's request to continue to have the ECIDA act as loan administrator.

Mr. Nellis moved, and Ms. Johnson seconded, to approve the amendment to the Community Development Block Grant Sub-Recipient Agreement. Ms. McDuffie called for a vote and the following resolution was unanimously approved.

RESOLUTION AUTHORIZING (i) THE ADOPTION, NEGOTIATION AND EXECUTION OF A SECOND AMENDATORY AGREEMENT TO THE JANUARY 2, 2019 SUB-RECIPIENT AGREEMENT BETWEEN THE COUNTY OF ERIE AND THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY RELATIVE TO THE CONTINUED RECEIPT AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS ("CDBG FUNDS"); (ii) AUTHORIZING THE ALLOCATION OF \$350,000 OF SUCH CDBG FUNDS TOWARDS THE AGENCY'S MICROENTERPRISE LOAN FUND; and (iii) AUTHORIZING THE SUB-SUBGRANT OF THE CDBG FUNDS TO THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC") FOR ADMINISTRATION OF SAME IN A MANNER CONSISTENT WITH THE MICROENTERPRISE LOAN FUND.

Buffalo Southern Railroad PFRAP Bridge Project. Mr. Cappellino reviewed the proposed railroad maintenance construction project and contractor agreement to maintain and repair the Buffalo Southern Railroad ("BSR") rail line.

General discussed ensued.

Ms. St. Jean Tard moved, and Mr. Nowak seconded, to authorize the Agency to enter into a contract for maintenance and repair of the BSR rail line. Ms. McDuffie called for a vote and the following resolution was unanimously approved.

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT BY AND BETWEEN THE AGENCY AND KENNEDY RAILROAD SERVICES, LLC ("KENNEDY") TO PERFORM CERTAIN RAILROAD BRIDGE AND TRACK REHABILITATION WORK ALONG THE BUFFALO SOUTHERN RAILROAD MAIN LINE IN AN AMOUNT NOT TO EXCEED \$1,784,969.00

2025 Tax Incentives Induced/Closing Schedule. Mr. Cappellino provided this report to Board members. Ms. McDuffie directed that the report be received and filed.

There being no further business to discuss, Ms. McDuffie adjourned the meeting of the Agency at 12:42 p.m.

Dated: July 23, 2025

Elizabeth A. O'Keefe, Secretary

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

DATE AND PLACE: August 7, 2025, at the Erie County Industrial Development Agency, 95 Perry Street, 4th Floor Conference Room, Buffalo, New York 14203

PRESENT: Denise Abbott, A.J. Baynes, Rev. Mark E. Blue, Gregory R. Inglut, Dr. Susan McCartney, Glenn R. Nellis, Hon. Brian Nowak, Peter Petrella, Laura Smith and David State and Lavon Stephens

EXCUSED: Zaque Evans and Hon. Christopher Scanlon

VIA ZOOM: Brenda W. McDuffie

OTHERS PRESENT: John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Beth O'Keefe, Vice President of Operations; Grant Lesswing, Director of Business Development; Brian Krygier, Director of Information Technology; Soma Hawramee, Compliance Portfolio Manager, Michelle Moore, Compliance Associate, Robbie Ann McPherson, Director of Marketing and Communications, Andrew Pawenski, Esq., as General Counsel/Harris Beach Murtha, and Carrie Hocieniec, Operations Assistant/ Assistant Secretary;

GUESTS: Yessica Vasquez on behalf of the City of Buffalo; Eric Recoon, Tony Battista on behalf of Benderson Development ; Evan Finegan, Travis Gordon on behalf of Urban Vantage, LLC; Christa McHale, Jeff Fregelette on behalf of Erie 1 Boces; Jeff Sellers on behalf of Buffalo Construction Consultants. Enrico D'Abate, Eric Ekman on behalf of McGuire Development; Ruth Conner, Lauren Pacheco on behalf of Buffalo Public Schools

There being a quorum present at 9:02 a.m., the Meeting of the Policy Committee was called to order by Chair Abbott.

MINUTES

The minutes of the July 10, 2025 Policy Committee meeting were presented. Upon motion made by Dr. McCartney to approve of the minutes, and seconded by Mr. Baynes, the Policy Committee meeting minutes were unanimously approved.

PROJECT MATRIX

Mr. Cappellino presented the project matrix to the Committee.

PROJECT PRESENTATION

Mr. Petrella joined the meeting at 9:10 a.m.

93 NYRPT, LLC/Erie 1 BOCES. Ms. O'Keefe presented this proposed sales and use tax savings and real property tax abatement benefits project involving the renovation of an existing approximately 178,144 square foot building and construction of an approximately 39,975 square foot addition, consisting of 3 gymnasiums, 6 courtyards and 2 playfields to create a state-of-the-art campus for BOCES special education students.

Ms. O'Keefe confirmed that 93 NYRPT, LLC/Erie 1 BOCES is seeking up to \$4,375,000 in sales and use tax exemption savings and up to \$833,778 in real property tax abatement benefits. Total payroll is projected at \$270,477,566, which includes the direct and indirect jobs for both the temporary and ongoing positions over the life of the PILOT. Created jobs include 329 construction jobs and 401 spillover jobs. The resulting cost benefit is 1:51 so for every \$1 of incentive the community benefit is \$51 in payroll & tax revenue. Within Erie County, for every \$1 of incentive the community benefit is \$80 in benefits to the community.

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

Draft Recapture Material Terms

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$75,500,000 85% = \$ 64,175,000
Employment	Coincides with x-year PILOT	Maintain Base = 361 FTE Create 85% of Projected Projected = FTE 85% = FTE Recapture Employment = FTE
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 10-year PILOT	Adherence to policy
Unpaid Tax	Coincides with 10-year PILOT	Adherence to policy
Recapture Period	Coincides with 10-year PILOT	Recapture of state and local sales taxes and real property taxes

General discussion ensued, preceded by a presentation by Eric Racoon, Vice President of Development and Leasing with Benderson Development, and Krista McHale from Erie 1 BOCES. The applicant clarified that the estimated average salary for FTE disclosed in the application of the Applicant (\$45,396) would actually be closer to \$65,000.00. Ms. Abbott

called for a motion to recommend the project to the ECIDA Board, subject to the Agency's receipt of an amended application disclosing the increased estimated average salary for FTE.

Mr. Baynes moved and Ms. McDuffie seconded to recommend the project as proposed be forwarded to the members of the ECIDA Board for approval, and the motion was then unanimously approved.

1016 East Delavan, LLC/BPS Commissary Kitchen. Ms. O'Keefe presented this proposed sales and use tax exemption savings, real property tax exemption benefits, and mortgage recording tax exemption benefits project involving the construction of an approximately 61,000+/- square-foot light industrial single-story building to serve as the new commissary kitchen for the sole use of the Buffalo Public Schools to prepare and distribute school meals to all schools in the district.

Ms. O'Keefe confirmed that 1016 East Delavan, LLC/BPS Commissary Kitchen is seeking up to \$1,263,247 in sales and use tax exemption savings, up to \$5,116,715 in real property tax abatement benefits and up to \$216,750 in mortgage recording tax exemption benefits. Total payroll is projected at \$60,017,247, which includes the direct and indirect jobs for both the temporary and ongoing positions over the life of the PILOT. Created jobs include 144 construction jobs and 143 spillover jobs. The resulting cost benefit is 1:10 so for every \$1 of incentive the community benefit is \$10 in payroll & tax revenue. Within Erie County, for every \$1 of incentive the community benefit is \$11 in benefits to the community.

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

Draft Recapture Material Terms

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total Project Amount = \$34,135,084 85% = \$29,014,821
Employment	Coincides with 10-year PILOT	Maintain Base = 16 FT, 35 PT (33 FTE) Create 85% of Projected Projected = 15PT 85% = 12 FTE (6 FTE) Recapture Employment = 39 FTE
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 10-year PILOT	Adherence to policy
Unpaid Tax	Coincides with 10-year PILOT	Adherence to policy

Recapture Period	Coincides with 10-year PILOT	Recapture of state and local sales taxes, mortgage recording tax and real property taxes
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General discussion ensued, and questions from committee members were answered by Eric Eckman, VP at McGuire Development..

Ms. Abbott called for a motion to recommend the project to the ECIDA Board. Mr. Inglut moved and Mr. Petrella seconded to recommend the project as proposed be forwarded to the members of the ECIDA Board for approval, and the motion was then unanimously approved.

MANAGEMENT TEAM REPORT

Mr. Cappellino declined to present the Management Report.

There being no further business to discuss, Ms. Abbott adjourned the meeting at 9:46 a.m.

Dated: August 7, 2025

Elizabeth A. O'Keefe, Secretary

93 NYRPT LLC (Benderson Development) / Erie 1 BOCES
\$ 75,500,000

PRIVATE INVESTMENT INDUCEMENT RESOLUTION

ELIGIBILITY

- NAICS Section – 236220

COMPANY INCENTIVES

- Approximately \$ 833,778 in real property tax savings
- Up to \$ 4,375,000 in sales tax savings

JOBS & ANNUAL PAYROLL

- Current Jobs: 280 FT
- Annual Payroll: \$ 14,832,114
- Projected retained jobs:280
- Est. salary/yr. of jobs retained: \$65,520
- Projected new jobs: 81
- Est. salary/yr. of jobs created: \$40,700
- Total jobs after project completion: 361
- Construction Jobs: 329

PROJECTED COMMUNITY BENEFITS*

- Term: 10 YEARS
 - NET Community Benefits: \$372,326,220
 - Spillover Jobs: 401
- Total Payroll: \$350,951,041

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

Incentives: \$5,128,487

Community Benefit: \$338,240,780

Cost: Benefit Ratio

- 1:66

Project Title: Benderson Development – Erie 1 BOCES

Project Address 2911 Walden Ave, Depew, NY 14043
 (Cheektowaga School District)

Agency Request

A sales tax and real property tax abatement in connection with the renovation of an existing building and the construction of an addition to enhance the educational environment & to optimize resources to better support students with diverse needs.

Building Addition	\$ 6,000,000
Reconstruction / Renovation	\$ 54,000,000
Infrastructure	\$ 2,500,000
Non- Manufacturing Equipment	\$ 10,000,000
Soft Costs/Other	<u>\$ 3,000,000</u>
Total Project Cost	\$ 75,500,000
85%	\$ 64,175,000

Company Description

Benderson Development Company, LLC is a commercial real estate developer with over 60 years of experience operating in over 40 states throughout the Country. Benderson's real estate portfolio includes office, retail, warehouse, residential and hospitality holdings. The applicant 93 NYRPC, LLC is a related entity that has entered into a long-term lease agreement with the Board of Cooperative Educational Services (BOCES) to utilize existing (vacant) space at 2911 Walden Ave, Depew. A 40K SF addition is also contemplated.

Project Description

Erie 1 BOCES offers various career programs for adults and more than 25 programs to high school students. School districts also partner with Erie 1 BOCES to provide alternative and special education programs. As a liaison office for NYS' Dept of Education, educators often visit Erie 1 BOCES' campuses for training on technology integration, NYS standards and reporting. Erie 1 BOCES currently leases space from 3 existing schools in: West Seneca, Tonawanda and Cheektowaga. A total of 153,000 SF of space currently being leased at these locations, will be reclaimed by the school districts.

This project serving BOCES' special education K – 12 students involves the renovation of an existing 179,144 SF building and the construction of 39,975 SF of space. The new facility will enhance the educational environment and optimize resources to better support students with diverse needs. The new construction will create 3 gymnasiums, 6 courtyards, and 2 playfields at the site. This project will allow BOCES to accommodate more students and to provide specialized space designed to foster education and promote social & emotional development. Special uses within the project include specialized classrooms for work-based learning, sensory-friendly zones, therapy rooms and multifunctional spaces for academic and extracurricular activities.

This project involves the consolidation of Erie 1 BOCES sites located within public schools in West Seneca, Tonawanda and Cheektowaga into a single site in the Village of Depew. The Agency's Countywide Uniform Tax Exemption Policy (UTEP) procedures related to Intermunicipal Moves were followed for this project.

* Cost Benefit Analysis Tool powered by MRB Group

Economic Impact: Inform Analytics Cost-Benefit Analysis

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

Cost: Incentives

COSTS	Tax Exemption	Amount
	Property	\$ 833,778
	Sales	\$4,375,000
	Total	\$5,208,778
	Discounted at 2%	\$5,128,487

Benefit: Projected Community Benefit*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	\$ 46,310,740
			Payroll Permanent	\$304,640,301
		Public	Property Taxes	\$ 208,444
			Sales Taxes	\$ 2,917,281
			Other Muni Revenue (NFTA)	\$ 0
	New York State	Public	Income Taxes	\$ 15,792,797
			Sales Taxes	\$ 2,456,657
			Total Benefits to EC + NYS***	\$372,326,220
			Discounted at 2%	\$338,240,780

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

Discounted Cost \$ 5,128,487
Discounted Benefit \$338,240,780
Ratio 1:66

Conclusion: The Cost Benefit for this project is: 66:1. For every \$1 in costs (incentives), this project provides \$66 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$103 in benefits to the community.**

New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over abatement period	Additional Local Revenue Over abatement period	Additional School Revenue Over abatement period	New Yearly Taxes Upon Expiration of Abatement Period
\$ 415,862	\$ 15,195,000	\$ 560,152	\$ 2,551,744	\$ 1,807,866	\$ 520,084
Combined Tax Rate: \$ 34.227332					

Draft Recapture Material Terms

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$75,500,000 85% = \$ 64,175,000
Employment	Coincides with 10-year PILOT	Maintain Base = 280 FTE Create 85% of Projected Projected = 81 FTE 85% = 68 FTE Recapture Employment = 348 FTE
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 10 year PILOT	Adherence to Policy
Unpaid Tax	Coincides with 10 year PILOT	Adherence to Policy
<u>Recapture Period</u>	Coincides with 10 year PILOT	Recapture of Real Property Tax, and State & Local Sales Taxes

Recapture applies to:

State and Local Sales Taxes
Real Property Tax

Recapture

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

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has maintained 280 FTE jobs and created 68 FTE jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

ECIDA Project History

- 7/30/2025: Public hearing held.
- 8/27/25: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 8/27/25: Lease/Leaseback Inducement Resolution presented to the Board of Directors

ECIDA Prior Project History

- 2/22/2017: 570 Associates VI LLC (Benderson Development) \$20.745M private investment for the demolition, renovation and reuse of the former Graden Village Plaza in Cheektowaga NY. Real property tax and sales tax abatement approved. Active Project, Expiration: 12/31/2029
- 5/25/2016: Trahwen-G LLC (Benderson Development) \$5.38M private investment for the construction of a spec building in Cheektowaga, NY. Real property tax and sales tax abatement approved. Inactive Project, Expiration: 12/31/2024
- 4/22/2015: 93 NYRPT, LLC (Benderson Development) \$6.48M private investment for the construction of 2 multi-tenant facilities in the Broadway Development Park in Cheektowaga NY. Real property tax and sales tax abatement approved. Inactive Project, Expiration: 12/31/2024

EVALUATIVE CRITERIA BACK OFFICE / DATA & CALL CENTERS

Project: Benderson 93 NYRPT, LLC / Erie 1 BOCES

CRITERIA	COMMENTS
Wage Rate (above median wage for area). Per capita income = \$41,560	Average annual salary for jobs to be retained = \$65, 520 and created = \$40,700* * Jobs to be created reflect a wide variety of positions and salary levels. 28 of the jobs (35%) are teacher aides that pay \$15 - \$18/hr for a 10 mo/yr position – contributing to a lower wage average. All jobs are fully benefitted and include excellent healthcare and a pension.
Regional Wealth Creation (% sales/customers outside area)	N/A Note: 95% of students are from Erie County, 5% from Niagara County
In Region Purchases (% of overall purchases)	80% Erie 1 BOCES anticipates ordering the majority of materials & supplies from Erie County. Purchases related to the building repairs & maintenance are anticipated to utilize 80% local contractors
Supports Local Business or Cluster	Supports the creation of an educated workforce – supporting all local businesses.
Retention/Flight Risk	N/A
LEED/Renewable Resources	All HVAC equipment will be purchased as new and will meet the energy efficiency requirements of BOCES & NYS Ed. Equipment will be monitored and regulated through state-of-the-art building management system. LED lighting throughout building and central gas fired hot water system for max efficiency and performance.
DEI Questionnaire	See attached.
Workforce Access – Proximity to Public Transportation	Project is in close proximity to public transportation: NFTA bus route # 46
Onsite child daycare facilities on the project site	No.

*U.S. Census Bureau

DATE OF INDUCEMENT: August 27, 2025

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

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

PILOT Estimate Table Worksheet- 93 NYRPT LLC Erie 1 BOCES - Benderson

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town + Village)/1000	School Tax Rate/1000
\$60,000,000	\$3,045,000	4.39025	15.667745	14.169337

*Apply equalization rate to value. Based on 40K SF addition at \$76.17 / SF (Developer's estimate)

PILOT Year	% Pymt	County PILOT Amount	Town PILOT Amount	Village PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	0.05	\$54,010	\$71,725	\$174,315	\$121,024	\$421,073	\$520,084	\$99,011
2	0.1	\$54,678	\$72,612	\$176,472	\$122,521	\$426,284	\$520,084	\$93,800
3	0.15	\$55,347	\$73,500	\$178,629	\$124,019	\$431,495	\$520,084	\$88,589
4	0.15	\$55,347	\$73,500	\$178,629	\$124,019	\$431,495	\$520,084	\$88,589
5	0.2	\$56,015	\$74,388	\$180,787	\$125,517	\$436,707	\$520,084	\$83,378
6	0.2	\$56,015	\$74,388	\$180,787	\$125,517	\$436,707	\$520,084	\$83,378
7	0.25	\$56,684	\$75,275	\$182,944	\$127,015	\$441,918	\$520,084	\$78,167
8	0.25	\$56,684	\$75,275	\$182,944	\$127,015	\$441,918	\$520,084	\$78,167
9	0.3	\$57,352	\$76,163	\$185,101	\$128,513	\$447,129	\$520,084	\$72,956
10	0.35	\$58,020	\$77,051	\$187,258	\$130,010	\$452,340	\$520,084	\$67,744
TOTAL		\$560,152	\$743,878	\$1,807,866	\$1,255,170	\$3,111,895	\$5,200,843	\$833,778

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

Percentage of Project Costs financed from Public Sector Table Worksheet:

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
\$75,500,000	\$833,788	\$4,375,000	\$0

Note: special district taxes are not subject to PILOT abatement

Calculate % = Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 4%

Erie County Industrial Development Agency

MRB Cost Benefit Calculator



Cost-Benefit Analysis Tool powered by MRB Group

Date July 24, 2025
 Project Title 93 NYRPT LLC (Benderson Development) / Erie 1 BOCES
 Project Location 2911 Walden Ave, Depew, NY 14043

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

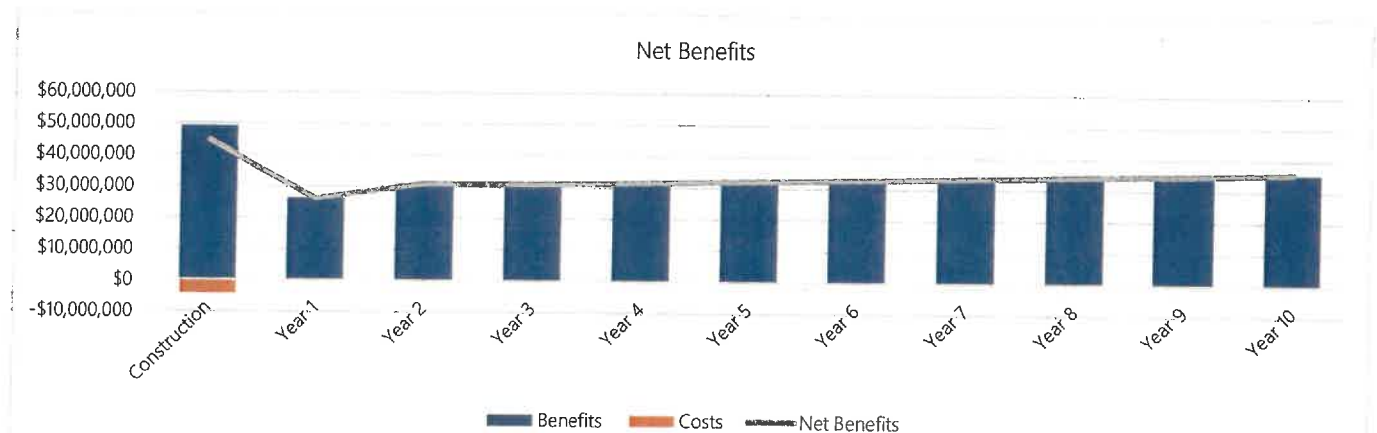
Construction Project Costs

\$75,500,000

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	329	302	631
Earnings	\$29,075,050	\$17,235,690	\$46,310,740
Local Spend	\$75,500,000	\$53,665,400	\$129,165,400

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	361	99	460
Earnings	\$225,743,091	\$78,897,210	\$304,640,301

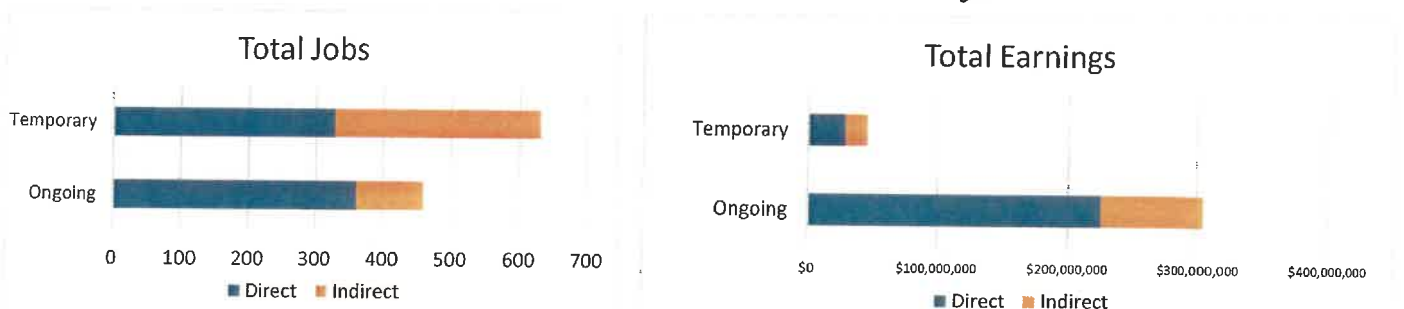
Figure 1



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

Figure 2

Figure 3



Fiscal Impacts

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$833,778	\$753,487
Sales Tax Exemption	\$4,375,000	\$4,375,000
Local Sales Tax Exemption	\$2,375,000	\$2,375,000
State Sales Tax Exemption	\$2,000,000	\$2,000,000
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$5,208,778	\$5,128,487

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$354,076,766	\$321,661,686
To Private Individuals	\$350,951,041	\$318,828,725
Temporary Payroll	\$46,310,740	\$46,310,740
Ongoing Payroll	\$304,640,301	\$272,517,985
Other Payments to Private Individuals	\$0	\$0
To the Public	\$3,125,725	\$2,832,962
Increase in Property Tax Revenue	\$208,444	\$182,698
Temporary Jobs - Sales Tax Revenue	\$384,958	\$384,958
Ongoing Jobs - Sales Tax Revenue	\$2,532,323	\$2,265,306
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$18,249,454	\$16,579,094
To the Public	\$18,249,454	\$16,579,094
Temporary Income Tax Revenue	\$2,083,983	\$2,083,983
Ongoing Income Tax Revenue	\$13,708,814	\$12,263,309
Temporary Jobs - Sales Tax Revenue	\$324,175	\$324,175
Ongoing Jobs - Sales Tax Revenue	\$2,132,482	\$1,907,626
Total Benefits to State & Region	\$372,326,220	\$338,240,780

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$321,661,686	\$3,128,487	103:1
State	\$16,579,094	\$2,000,000	8:1
Grand Total	\$338,240,780	\$5,128,487	66:1

*Discounted at the public sector discount rate of: 2%

Additional Comments from IDA

Does the IDA believe that the project can be accomplished in a timely fashion? Yes
Does this project provide onsite childcare facilities? No

Diversity, Equity and Inclusion Questionnaire

1. MWBE Contractors - Construction

The ECIDA encourages applicants to utilize MWBE contractors and suppliers for their projects and when feasible, to set a goal for MWBE participation during the construction period of the project. Below are links to the NYS and Erie County certified MWBE lists, including contractors, that can assist you with your utilization goals:

- New York State MWBE Certified List: <https://ny.newnycontracts.com/>
- Erie County MWBE Certified List: <https://www3.erie.gov/eo/mbe-wbe-resource-list>

Please provide detailed information regarding your company's plan to utilize MWBE contractors and suppliers for your project. Please include your project's MWBE utilization goals, what process and resources you plan to use or have utilized in the past to find and hire MWBEs, a list of the specific MWBE firms used on previous projects and/or firms you plan to use on the current project, and any history the company has of setting and meeting MWBE goals on past projects. The company may also include details with respect to the foregoing related to any MWBE policy and utilization goals that its general contractor has committed to implementing for the project.

Please see attached attachment for the narrative

2. Minority & Women Employment - Current Workforce & Hiring Practices

The ECIDA encourages the hiring of a diverse workforce, especially for jobs created and retained as part of an ECIDA induced project. Below are some links to sites and organizations that will be helpful in achieving a diverse workforce:

- Northland Workforce Training Center: <https://northlandwtc.org/employers/>
- Workforce Buffalo: <https://www.workforcebuffalo.org/business-services>
- New York State Job Bank: <https://myjobsny.usnlx.com/>
- Local Minority Newspapers: <https://www3.erie.gov/eo/minority-newspaper>

Please provide detailed information regarding your company's current workforce and hiring practices as it relates to minority and women employees, including, if applicable, the company's Diversity, Equity and Inclusion plan and goals, any strategic partnerships the company has with educational and/or workforce development entities, and company strategies regarding outreach to minorities and women with the dissemination of job openings to the public:

Please see the attached Narrative for Question number 2.

3. Economic Inclusion Program

The ECIDA's Economic Inclusion Program (EIP) is a voluntary "opt in" program providing an enhanced real property tax abatement to applicants who commit to implementing and meeting MWBE utilization and minority and women employment goals. The mission of the EIP is to enhance the beneficial public impact of projects receiving ECIDA assistance and to further the ECIDA's goal of advancing opportunities for MWBE businesses and minorities and women, in general, in the Erie County workforce. Please note, for a company to be considered an MWBE under the EIP it must be certified as an MWBE by New York State or Erie County.

Under the EIP, the standard ECIDA PILOT Agreement real property tax abatement schedules are enhanced by extending both the term and abatement percentages of the PILOT Agreement.

Please note the EIP is a *voluntary opt-in program* providing enhanced incentives in exchange for meeting MWBE utilization and minority and women employment goals. The applicant shall not engage in any unlawful discrimination against any employee or applicant by reason of race, creed, religion, color, age, disability, national origin, sex, gender, or any other characteristic protected by law, including, but not limited to, Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in

Employment Act, the Genetic Information Nondiscrimination Act, the New York State Human Rights Law, and any other similar laws, rules, or regulations. Applicants may bypass the EIP while still pursuing the ECIDA's standard PILOT Agreement.

Please note the EIP is a *voluntary opt-in program* providing enhanced incentives in exchange for meeting MWBE utilization and minority and women employment goals. Applicants may bypass the EIP while still pursuing the ECIDA's standard PILOT Agreement.

DEI Questionnaire - Erie 1 BOCES: ECIDA Application: Question 1

Erie 1 BOCES and Benderson Development supports the goals and values of affirmative action and equal employment programs. It is the policy of Erie 1 BOCES and Benderson Development to ensure that the preconstruction and project management staff understand the importance of Disadvantaged Business Participation on projects through proper training on policies and procedures. Additionally, Erie 1 BOCES and Benderson Development shall properly prepare, solicit, and document efforts to promote disadvantaged businesses on all projects that have MWBE requirements

To effectively address this program, Erie 1 BOCES and Benderson Development will focus on utilization of MWBEs in construction. Erie 1 BOCES and Benderson Development has defined an overall organizational concept for compliance in the utilization of MWBEs in our construction operations. This flow integrates the policy across our preconstruction and project management departments and assigns responsibilities to all parties for the successful implementation of the policy. The general program as defined in subsequent policies, is as follows:

- Identification: Erie 1 BOCES and Benderson Development Preconstruction are required to identify the goals of MWBE participation by reviewing project specifications.
- Planning: During the preconstruction/bidding phase of the project, Erie 1 BOCES and Benderson Development are to section off the project into smaller pieces in a manner that would provide more opportunities for DMMWBE participation.
- Advertising & RFP: Benderson Development currently has multiple tools to reach out to an array of subcontractors with a primary focus on disadvantaged businesses.
 - iSft – Erie 1 BOCES and Benderson Development will create a contact list for hundreds of construction related firms throughout New York State, some of which have been certified as DBE, MBE, or WBE. This list is updated throughout the year and is to be used as a method of reaching out to certified firms and building new relationships as well as giving bidders easier access to project plans, specifications, and other related documents and meetings. iSft also will create a log of which subcontractors were invited to bid, and how many are NYS Certified DBE, MBE and WBE businesses.
 - Advertisements – This procedure outlines current NYS documentation to keep, local media outlets and contacts geared toward the general public, as well as minority publications.
 - NYS Contract Reporter – Site identifies state agency contracting opportunities and allows registered members to solicit for bids from other registered members.
 - Construction Exchange – The Construction Exchange gives Erie 1 BOCES and Benderson Development more access to the project documents and interested bidders that may be looking for opportunities.

Meetings & Negotiations: Upon receipt of subcontractor bids, Erie 1 BOCES and Benderson Development encourages MWBE firms to attend a pre-bid meeting to clarify and/or revise scope, and review to enable MWBE participation.

DEI Questionnaire - Erie 1 BOCES: ECIDA Application Question #2

Erie 1 BOCES employs over 1,200 people. The positions we offer encompass a wide variety of careers, from positions in an instructional setting, information technology, marketing, clerical, to nursing positions, the opportunities are endless.

We are committed to providing our employees with an environment that encourages professional growth, allows the flexibility to obtain their goals and supports them along the way to ensure they reach their fullest potential.

One of the top reasons employees say they are proud to work for us, is the dedication to build and sustain a diverse workforce. Inclusion and accountability are the key components to becoming your employer of choice. Along with a generous benefits package, to the rewarding work, together we make our community stronger.

Erie 1 BOCES is committed to creating and maintaining an educational and work environment which is free from discrimination and harassment. Consistent with this commitment and in accordance with law and regulation, Erie 1 BOCES is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of any legally protected class or category including, but not limited to: age; race; creed; religion; color; national origin; sexual orientation; gender identity or expression; military status; sex; disability; predisposing genetic characteristics; familial status; marital status; status as a victim of domestic violence; and criminal arrest or conviction record.

☒ Please check the box indicating that you have read the attached Economic Inclusion Program summary and FAQ document that can be found at the end of the questionnaire.

☐ Please check the box if you are interested in tentatively opting into the Economic Inclusion Program (nonbinding) and would like further, detailed information on the program and process from your ECIDA business development officer.



Akron Central School District

In Pursuit of Excellence

Andrea S. Kersten
Superintendent of Schools

June 16, 2025

Dr. Michael Capuana
District Superintendent
Erie 1 BOCES
355 Harlem Road
West Seneca, NY 14224

Dear Dr. Capuana:

As the superintendent of Akron Central School District, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

The new campus will serve exclusively K-12 special education students, with the impetus to create an environment where students of all abilities can thrive, supported by a dedicated team of educators, specialists, and resources that are seamlessly integrated. The campus will facilitate access to personalized learning, therapy, work-based experiences, and community engagement, fostering an inclusive atmosphere where every student has the opportunity to succeed.

This project not only enhances the physical infrastructure but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

The Akron Central School District is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

Andrea S. Kersten
Superintendent
Akron Central School District

47 Bloomingdale Avenue, Akron, NY 14001
Phone: 716-542-5010 Fax: 716-542-5018



Alden Central School District

13190 Park Street Alden, New York 14004

Mr. Adam Stoltman, Superintendent
astoltman@aldenschools.org
(716) 937-9116 x4171
(716) 902-2034 fax
www.aldenschools.org

June 17, 2025

Erie 1 BOCES
355 Harlem Road
West Seneca, NY 14224

Dear Dr. Michael Capuana:

As the superintendent of Alden Central School District, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

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This project not only enhances the physical infrastructure but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

The Alden Central School District is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

Adam Stoltman
Superintendent of Schools



Amherst Central School District

Anthony J. Panella
Superintendent

Lynn Shanahan, Ph.D.
*Assistant Superintendent for
Curriculum, Instruction and Technology*

Michael Belle-Isle
*Assistant Superintendent for
Student and Staff Services*

June 10, 2025

Dr. Michael Capuana
355 Harlem Road
West Seneca, New York 14224

Dear Dr. Capuana,

As the superintendent of Amherst Central School District, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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The Amherst Central School District is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

Anthony J. Panella
Superintendent
Amherst Central School District



CHEEKTOWAGA CENTRAL SCHOOL DISTRICT

...Where Character, Curriculum, and Community Connect

Office of the Superintendent: 3600 Union Rd., Cheektowaga, NY 14225 • 716-686-3600 • FAX 716-347-9822 • cheektowagak12.org

June 20, 2025

Dear Dr. Capuana,

As the superintendent of Cheektowaga Central School District, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory- friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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CHEEKTOWAGA CENTRAL SCHOOL DISTRICT

...Where Character, Curriculum, and Community Connect

Office of the Superintendent: 3600 Union Rd., Cheektowaga, NY 14225 • 716-686-3600 • FAX 716-347-9822 • cheektowagak12.org

This project not only enhances the physical infrastructure but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

The Cheektowaga Central School District is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

Scott Zipp
Superintendent of Schools
Cheektowaga Central School District

Cheektowaga-Sloan Union Free School District

Mrs. Andrea L. Galenski
Superintendent of Schools
(716) 891-6402



Board of Education
Denise McCowan - President
Zachary Smith - Vice President
Stephanie Dombrowski
Jennifer L. Kregg
Ava-Marie Shonitsky
Gary Sieczkarek
James Stachewicz

June 12, 2025

Dear Michael Capuana,

As the superintendent of Cheektowaga-Sloan Union Free School District, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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The Cheektowaga-Sloan Union Free School District is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

Andrea L. Galenski
Superintendent of Schools
Cheektowaga-Sloan Union Free School District

166 Halstead Avenue • Sloan, New York 14212-2295 • www.cheektowagasloan.org

Our mission is to provide a positive academic and social learning environment that fosters independence, responsibility, life-long learning and student success.

CLARENCE CENTRAL SCHOOL DISTRICT

Administration

Matthew Frahm, Ed.D.

Superintendent of Schools

Patricia Grupka, Ed.D.

Assistant Superintendent for Finance & Operations

Robert Michel

Assistant Superintendent for Human Resources

Kristin Overholt, Ed.D.

Assistant Superintendent for Curriculum & Instruction

Jill Snuszka

Assistant Superintendent for Student Support Services



Board of Education

James Boglioli

President

Michael Fuchs

Vice President

Tricia Andrews

Adrienne Costello-Sulik, Ph.D.

Cindy Magera

Dennis Priore

Dawn Snyder

June 10, 2025

Dear Dr. Capuana,

As the superintendent of the Clarence Central School District, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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This project not only enhances the physical infrastructure but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

The Clarence Central School District is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

Matt Frahm, Ed.D.

Clarence Central School Superintendent



CLEVELAND HILL UNION FREE SCHOOL DISTRICT

June 10, 2025

Dear Dr. Capuana,

As the superintendent of Cleveland Hill UFSD, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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This project not only enhances the physical infrastructure but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

The Cleveland Hill UFSD is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

Superintendent
Cleveland Hill UFSD



DEPEW UNION FREE SCHOOL DISTRICT

DISTRICT OFFICES

5201 S. Transit Road
Depew, New York 14043-4335
www.depewschools.org

Jeffrey R. Rabey, Ph.D.
Interim Superintendent of Schools
716.686.5105
F: 716.686.5101

June 10, 2025

Mr. Michael Capuana, Ed.D.
District Superintendent
Erie 1 BOCES
355 Harlem Road
West Seneca, NY 14224

Dear Dr. Michael Capuana,

As the interim superintendent of the Depew Union Free School District, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

The new campus will serve exclusively K-12 special education students, with the impetus to create an environment where students of all abilities can thrive, supported by a dedicated team of educators, specialists, and resources that are seamlessly integrated. The campus will facilitate access to personalized learning, therapy, work-based experiences, and community engagement, fostering an inclusive atmosphere where every student has the opportunity to succeed.

This project not only enhances the physical infrastructure but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

The Depew School-Community is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

Jeffrey R. Rabey Ph.D.
Interim Superintendent
Depew Union Free School

"Inspiring, Challenging, Achieving"



FRONTIER CENTRAL SCHOOL DISTRICT

FRONTIER EDUCATIONAL CENTER

5120 ORCHARD AVENUE

HAMBURG, NY 14075-5657

Telephone: (716) 926-1711 Fax: (716) 926-1778

Christopher J. Swiatek
Superintendent of Schools

Shannon Cross
District Clerk

June 17, 2025

Dear Dr. Michael Capuana:

As the superintendent of the Frontier Central School District I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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The Frontier Central School District is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

Christopher J. Swiatek
Superintendent of Schools
Frontier Central School District

Grand Island Central School District

1100 Ransom Road • Grand Island, New York 14072

Telephone (716) 773-8800 • Fax (716) 773-6279

www.grandislandschools.org

June 10, 2025

Dear Dr. Michael Capuana,

As the superintendent of Grand Island CSD, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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The Grand Island CSD is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,



Dr. Brian Graham
Superintendent
Grand Island Central School District



Hamburg Central
School District

Office of the Superintendent of Schools

Administration Building

5305 Abbott Rd.

Hamburg, NY 14075-1699

Telephone: (716) 646-3200 x 7220 FAX: (716) 646-3209

June 10, 2025

Dear Dr. Capuana,

As the superintendent of the Hamburg Central School District, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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This project not only enhances the physical infrastructure but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

The Hamburg Central School District is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

Thomas Adams

Superintendent of Schools

Hamburg Central School District



**Kenmore-Town of Tonawanda
Union Free School District**

Office of the Superintendent

Sabatino Cimato
Superintendent of Schools
1500 Colvin Blvd.
Buffalo, New York 14223
(716) 874-8400 ext. 20342
scimato@ktufsd.org

June 10, 2025

Dr. Michael Capuana
District Superintendent
Erie 1 BOCES
355 Harlem Road
Buffalo, New York 14224

Dear Superintendent Capuana,

As the Superintendent of the Kenmore-Town of Tonawanda Union Free School District, I am pleased to offer this letter of support for the Erie 1 BOCES Redevelopment Project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve.

This educational development project aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multi-functional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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This project not only enhances the physical infrastructure, but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

The Kenmore-Town of Tonawanda Union Free School District is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

Sabatino Cimato
Superintendent of Schools

The Ken-Ton school community will provide our students with the supports, tools and diverse opportunities needed to meet the challenges of an ever changing world.



Lackawanna City School District

Nadia A. Nashir
Superintendent of Schools

McKinley School Administrative Offices
245 South Shore Boulevard
Lackawanna, New York 14218
Phone: 716.821.5610 Fax: 716.821.5625

June 10, 2025

Dear BOCES Representative,

As the superintendent of Lackawanna City School District, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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This project not only enhances the physical infrastructure but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

The Lackawanna City School District is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

Nadia A. Nashir
Superintendent
Lackawanna City School District

Lancaster Central School District

177 Central Avenue
Lancaster, NY 14086
(716) 686-3201

Andrew P. Kufel, Ph.D
Superintendent of Schools

June 17, 2025

Mr. Michael Capuana, Ed.D., District Superintendent
Erie 1 BOCES
355 Harlem Road
West Seneca, NY 14224

Dear Dr. Capuana,

As the superintendent of Lancaster Central School District, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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This project not only enhances the physical infrastructure but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

The Lancaster Central School District is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

A handwritten signature in dark ink that reads "Andrew P. Kufel, Ph.D." The signature is written in a cursive, flowing style.

Andrew P. Kufel, Ph.D.
Superintendent of Schools
Lancaster Central School District



OFFICE OF THE SUPERINTENDENT
1050 Maryvale Drive • Cheektowaga, NY 14225
(716) 631-7407 • FAX (716) 635-4699

Joseph R. D'Angelo, Superintendent

June 10, 2025

Dear Dr. Capuana,

As the superintendent of the Maryvale UFSD, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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This project not only enhances the physical infrastructure but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

The Maryvale UFSD is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

Joseph R. D'Angelo
Superintendent
Maryvale UFSD



SWEET HOME CENTRAL SCHOOL DISTRICT

1901 Sweet Home Road
Amherst, NY 14228

Office of the Superintendent
Dr. Michael V. Ginestre
Superintendent of Schools
(716) 250-1402

June 10, 2025

Dear Dr. Capuana,

As the superintendent of Sweet Home Central School District, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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This project not only enhances the physical infrastructure but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

The Sweet Home Central School District is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

Dr. Michael Ginestre
Superintendent of Schools
Sweet Home Central School District



TONAWANDA CITY SCHOOL DISTRICT

100 HINDS STREET
TONAWANDA, NEW YORK 14150
716-694-7784-Phone / 716-695-8738-Fax

TIMOTHY A. OLDENBURG, Ed.D.
SUPERINTENDENT OF SCHOOLS

June 11, 2025

Dear Dr. Michael Capuana,

As the Superintendent of Tonawanda City School District, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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This project not only enhances the physical infrastructure but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

Tonawanda City Schools is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs of some of our most vulnerable student populations throughout Western New York.

Sincerely,

Dr. Timothy A. Oldenburg
Superintendent of Schools
Tonawanda City School District



Dear Superintendent Capuana,

June 10, 2025

As the superintendent of Williamsville Central School District, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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This project not only enhances the physical infrastructure but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

The Williamsville Central School District is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,


Dr. Darren J. Brown-Hall
Superintendent of Schools



Dr. Darren J. Brown-Hall, Superintendent of Schools • dbrown-hall@williamsvillek12.org

105 Casey Road, P.O. Box 5000, East Amherst, NY 14051-5000 • Phone: (716) 626-8000, Fax: (716) 626-8089

www.williamsvillek12.org • @WCSD_K12 • @WCSDK12



West Seneca Central School District

Administrative Offices • 900 Mill Rd. • West Seneca, New York 14224-3082

Telephone: 716/677-3100

Lisa M. Krueger, Ed.D.
Superintendent of Schools

June 12, 2025

Dear Dr. Capuana,

As the superintendent of the West Seneca Central School District, I am pleased to offer this letter of support for the Erie 1 BOCES redevelopment project at 2911 Walden Avenue in Depew, New York. This project represents an incredible opportunity to significantly enhance educational services for our K-12 special education students and the populations we serve across Western New York.

The educational development aims to create a cutting-edge campus that integrates innovative educational practices and tailored services in a modern, inclusive environment for an estimated 500 students throughout Western New York. The expanded facilities, including three gymnasiums, six courtyards, and two playfields, will total approximately 219,000 square feet and provide ample space for specialized classrooms, sensory-friendly zones, therapy rooms, and multifunctional areas that support both academic and extracurricular activities. This infrastructure will enable Erie 1 BOCES to serve a larger number of students with diverse needs and offer comprehensive programs that address their social, emotional, and educational development.

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This project not only enhances the physical infrastructure but also opens doors to a multitude of opportunities for our students, from innovative curriculum and social-emotional support to extracurricular activities and community partnerships. These opportunities are essential for preparing students for future success in school, careers, and life beyond the classroom.

The West Seneca Central School District is pleased to offer this letter of support. We are confident that this project will serve as a cornerstone for equitable and high-quality education for the special needs population throughout Western New York.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lisa M. Krueger', is written over a light blue horizontal line.

Lisa M. Krueger, Ed.D.
Superintendent
West Seneca Central School District

PUBLIC HEARING SCRIPT

**93 NYRPT LLC project and/or
Individual(s), Affiliate(s), Subsidiary(ies),
or Entity(ies) formed or to be formed on
its behalf**

Public Hearing to be held on July 30, 2025 at 9:00 a.m.,
at the Village of Depew, Council Chambers, 85 Manitou Street, Depew, NY 14043

ATTENDANCE:

Eric Recoon – Benderson Development
Evan Finegan – Urban Vantage, LLC
Travis Gordon – Urban Vantage, LLC
Christa McHale – Erie 1 Boces
Jeff Sellers – Buffalo Construction Consultants
Tony Battista Benderson Development

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

Hearing Officer: Welcome. This public hearing is now open; it is 9:01 a.m. My name is Grant Lesswing. I am the Director of Business Development for the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at ecidany.com.

☒ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the 93 NYRPT LLC project and/or Individual(s), Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Wednesday, July 9, 2025.

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

Hearing Officer: The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 2911 Walden Avenue, Village of Depew, Town of Cheektowaga, Erie County, New York and all other lands in the Village of Depew where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"), (ii) the renovation of an approximately 178,144 square foot building located on the Land (the "Existing Improvements"), (iii) the construction of an approximately 39,975 square foot addition thereto consisting of 3 gymnasiums, 6 courtyards and 2 playfields to create

a state-of-the-art campus that integrates innovation educational practices with tailored services for special education students (the "Improvements"), and (iv) the acquisition by the Company in and around the Existing Improvements and the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land, and the Existing Improvements and the Improvements, the "Facility").

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits and real property tax abatement benefits (in compliance with Agency's uniform tax exemption policy).

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

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

If you have a written statement or comment to submit for the record, you may leave it at this public hearing, submit it on the Agency's website or deliver it to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes at 4:00 p.m. on August 26, 2025. There are no limitations on written statements or comments.

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

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

Eric Recoon - Vice President of Development and leasing for Benderson Development. Here today to talk about the project contemplated at 2911 Walden Avenue. That's the southeast corner of Walden and Dick in Depew. The applicant is 93 NYRPT, LLC. That is a Benderson affiliate, and we will be undertaking an adaptive reuse of the former HSBC Mortgage Center site. The site is a roughly 13-acre site which is today housing a vacant 179,000 square foot building. The project contemplates transforming that into a roughly 219,000 square foot campus for Erie 1 BOCES. Erie 1 BOCES is dedicated to serving K through 12 special ed students and the facility will actually service 19 school districts throughout Western New York. With me here today, I have Christa McHale Director of Educational Partnerships and services from Erie 1 BOCE, who I'll turn it over to in a moment to speak more in greater detail about Erie 1 BOCES. The project itself is contemplated to cost roughly \$77M, which will see an end result of a state-of-the-art facility for BOCES and its constituency on a long-term lease. We are actually here today seeking sales tax and real estate PILOT benefits only. We are not pursuing mortgage tax benefits. The entire project is to be privately funded by Benderson and one thing that is important to note is that all benefits received if granted by the ECIDA will result in pass-through savings for BOCES. With that, I think I'll turn it over to Christa McHale.

Christa McHale - Director of Educational Partnerships and Workforce Development for Erie 1 BOCES. BOCES stands for the Board of Cooperative Educational Services and we exist for the purposes of serving our 19 component districts in Western New York. This building has come to this point because for years, educators and administrators across our 19 component districts have faced a growing challenge and that is the need for more space and resources to serve students requiring out of district specialized education services. According to the New York State Department of Education the rate of students classified with special needs has grown by 14% in the last 10 years. Additionally, we have faced the challenge that several of our districts that we are currently leasing space from have need to reclaim that property that Erie 1 BOCES is currently renting from and what we know as a BOCES and as a service provider is that traditional school settings often lack the specialized design infrastructure and resources necessary to serve students with diverse needs. So with that Erie 1 BOCES partnered with Buffalo Construction Consultants in February, 2024 to put out a request for proposals and find a space that was most suitable for our 19 component districts and the families that we serve and after a host of focus groups we have narrowed that property down to 2911 Walden Avenue in Depew and with our longstanding partners of Benderson Development, we feel confident that the property is going to meet the needs of our students and families and the community at large. When the construction is completed at the 219,000 square foot campus, we're going to serve 500 students. We will have about 300 staff members on site. We will have all kinds of partnerships for our students. We will have opportunities for career and technical education and just a very unique and I would say one of its kind facility that is going to be designed intentionally to serve the students that our districts are sending to us.

☒ 6. **ADJOURNMENT:**

As there are no further statements and/or comments, I will close the public hearing at 9:09 a.m.

**SIGN IN SHEET
PUBLIC HEARING**

July 30, 2025, at 9:00 a.m.
at the Village of Depew, Depew Municipal Building, 85 Manitou Street, Depew, NY 14043
regarding:

**93 NYRPT LLC project and/or Individual(s), Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 2911 Walden Avenue, Depew, New York 14043

Name	Company and/or Address	X box to speak/ comment
Evan Finegan	Urban Vantage, LLC 1786 Main Street, Suite C4 Buffalo, New York 14214	
Travis Gordon	Urban Vantage, LLC 1786 Main Street, Suite C4 Buffalo, New York 14214	
Eric Recoon	Benderson Development 570 Delaware Avenue Buffalo, New York 14202	X
Christa McHale	Erie 1 BOCES 355 Harlem Rd West Seneca, New York 14224	X
Jeff Sellers	Buffalo Construction Consultants 496 Kennedy Rd Cheektowaga, New York 14227	
Tony Battista	Benderson Development 570 Delaware Avenue Buffalo, New York 14202	

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**93 NYRPT LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR
ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, August 27, 2025 at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF 93 NYRPT LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, AND (B) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

WHEREAS, 93 NYRPT LLC, for itself or on behalf of an affiliated entity formed or to be formed (the "Company") has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 2911 Walden Avenue, Village of Depew, Town of Cheektowaga, Erie County, New York and all other lands

in the Village of Depew where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the “Land”), (ii) the renovation of an approximately 179,144 square foot building located on the Land (the “Existing Improvements”), (iii) the construction of an approximately 39,975 square foot addition thereto consisting of 3 gymnasiums, 6 courtyards and 2 playfields to create a state-of-the-art campus that integrates innovation educational practices with tailored services for special education students (the “Improvements”), and (iv) the acquisition by the Company in and around the Existing Improvements and the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land, and the Existing Improvements and the Improvements, the “Facility”). The Facility will be initially owned and operated by the Company; and

WHEREAS, pursuant to General Municipal Law Section 859-a, on July 30, 2025, at 9:00 a.m., at the Village of Depew, Depew Municipal Building, located at 85 Manitou Street, Depew, NY 14043, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the “Agent Agreement”), (ii) negotiate and enter into a lease agreement (the “Lease Agreement”) and related leaseback agreement (the “Leaseback Agreement”) with the Company, pursuant to which the Agency will retain a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Facility; and (iii) provide Financial Assistance to the Company in the form of (a) an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility, and (b) a partial abatement from real property taxes benefit through a ten (10) year “payment in lieu of tax agreement” (the “PILOT Agreement”) with the Company for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit, the mortgage recording tax exemption benefit, and the partial abatement from real property taxes benefit, are hereinafter collectively referred to as the “Financial Assistance”); and

WHEREAS, pursuant to and in accordance with Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto in 6 N.Y.C.R.R. Part 617 (collectively referred to as the “State Environmental Quality Review Act” and/or “SEQR”), the Company has submitted to the Agency an Environmental Assessment Form (the “EAF”) with respect to the Project; and

WHEREAS, at its meeting held on June 9, 2025, the Village of Depew Village Board (the “Depew Village Board”), in SEQR, reviewed the minutes of the Village of Depew Planning Board (the “Depew Planning Board”) meeting held on May 1, 2025, in which the Depew Planning Board (i) recommended to the Depew Village Board, as Lead Agency, that the proposed Project action is consistent with an Unlisted SEQR Action, and (ii) that the proposed

Project action will not have a significant adverse impact on the environment and that a negative declaration should be issued; and

WHEREAS, the Depew Village Board concurred with the recommendation of the Depew Planning Board, and thus issued a Negative Declaration ("Negative Declaration") under SEQR on June 9, 2025, with respect to the Project attached hereto as Exhibit A; and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency Policy Committee review of and recommendations related to the Project and its August 7, 2025 resolution to recommend Agency approval of the Project subject to the terms and conditions as described herein, the Policy Committee and Agency board member review of the Project's cost benefit ratio, the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project's contemplated community benefits, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Erie County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to

the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required by the Act and by the Agency's Uniform Tax Exemption Policy; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis satisfactorily identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions of the Act; and

(I) Erie 1 BOCES (the "Tenant") will occupy the Facility. The Agency hereby approves the subleasing of space in the Project to the Sub-Tenant and authorizes the Company to proceed with the Project as herein authorized; and

(J) The Project involves an "Unlisted Action" as said term is defined pursuant to 6 N.Y.C.R.R. Section 617.2(al) of the SEQRR regulations. The Agency has conducted an uncoordinated review of the Project pursuant to 6 N.Y.C.R.R. Section 617.6(b)(4)(i). Based upon a comprehensive and thorough review by the Agency of the EAF and related documents delivered by the Company to the Agency, the Negative Declaration Issued by the Depew Village Board, the criteria set forth in 6 N.Y.C.R.R. Section 617.7 of the SEQRR regulations, and the additional representations made by the Company to the Agency in connection with the Project, the Agency hereby finds that the Project will not have a potential significant adverse environmental impact warranting the preparation of an environmental impact statement. The Agency thus issues a "negative declaration" as that term is defined pursuant 6 N.Y.C.R.R. Section 617.2(z); and

(K) The Project qualifies for Agency Financial Assistance as it meets the Agency's evaluative criteria established by the Agency as required under General Municipal Law Section 859-a(5), as evidenced by the following:

(i) *Wage Rate (above median wage for area):* Average annual salary for jobs to be retained is \$65,520 and \$40,700 for jobs to be created, exceeding the median wages for the area.

(ii) *Regional Wealth Creation (% sales/customers outside area):* N/A, 95% of students are from Erie County, 5% from Niagara County.

(iii) *Supports Local Business or Cluster:* Supports the creation of an educated workforce – supporting all local businesses.

(iv) *Retention/Flight Risk:* N/A

(v) *LEED/Renewable Resources:* All HVAC equipment will meet the energy efficiency requirements of BOCES and equipment will be monitored and regulated through state of the art building management systems.

(vi) *MBE/WBE Utilization:* The Company supports the goals and values of Erie 1 BOCES and in coordination with Erie 1 BOCES will utilize MWBEs during construction via implementation of an Erie 1 BOCES MWBE planning, advertising/bidding and utilization program.

(vii) *Workforce Access-Proximity to Public Transportation:* The project/company is located in close proximity to NFTA bus route #46.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the authority to appoint the Company to act as agent of the Agency, if said appointment is not duly made, as herein expressed, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, and/or the Assistant Treasurer).

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$50,000,000, and, therefore, the value of the sales and use tax exemption benefits ("sales and use tax exemption benefits") authorized and approved by the Agency cannot exceed \$4,375,000, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the real property tax abatement benefits (“PILOT benefits”) to be provided over the term of the PILOT Agreement are estimated to be approximately \$833,778 resulting in estimated total PILOT payments of \$3,111,895 over the term of the PILOT Agreement.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits and/or partial abatements from real property taxes benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; (v) the New York State and local sales and use tax exemption benefits and/or the partial abatement from real property taxes benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, the Employment Commitment, and/or the Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the New York State and local sales and use tax exemption benefits and/or the partial abatement from real property taxes benefits are taken in cases where the Company fails to comply with the Equal Pay Commitment and/or the Unpaid Real Property Tax Policy Commitment, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

C. Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment made with respect to the Project at the time of Project completion equals or exceeds \$64,175,000 (which represents

the product of 85% multiplied by \$75,500,00 being the total project cost as stated in the Company's application for Financial Assistance).

- (ii) Employment Commitment – that there are at least 280 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
 - the number of current FTE employees in the then current year at the Facility; and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 348 FTE employees [representing the sum of (x) 280 Baseline FTE and (y) 68 FTE employees, being the product of 85% multiplied by 81 (being the 81 new FTE employee positions proposed to be created by the Company as stated in its Application)]. To confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver (A) an Agent Agreement, (B) the Lease Agreement whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement whereby the Agency leases the Project back to the Company, and (D) the PILOT Agreement and (E) related documents; provided, however, that (i) the rental payments under the Leaseback Agreement to the Company include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy, or procedures for deviation have been complied with accordingly.

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency,

to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the "Agency Documents"); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency's Administrative Fee Agreement (the "Fee Agreement") and payment by the Company of an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

Section 8. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer.

Dated: August 27, 2025



Benderson - Erie 1 BOCES

[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	Benderson Development- Erie 1 BOCES
Project Summary	Benderson is conducting a \$77,000,000 development which will have a long term lease with Erie 1 BOCES. The tenant will provide special education services to children and young adults k-12th grade.
Applicant Name	93 NYRPT LLC
Applicant Address	570 DELAWARE AVENUE
Applicant Address 2	None
Applicant City	Buffalo
Applicant State	New York
Applicant Zip	14202
Phone	(586) 907-6554
Fax	
E-mail	evan@urbanvantage.com
Website	https://www.e1b.org/en/index.aspx
NAICS Code	236220

Business Organization

Type of Business
Limited Liability Company

Year Established
2014

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 Evan Finegan
Title Director of Real Estate
Development
Address 1786 Main Street Suite C4
Address 2
City Buffalo
State New York
Zip 14208
Phone (586) 907-6554
Fax
E-Mail evan@urbanvantage.com

Company Contact- Authorized Signer for Applicant

Contact is same as individual completing application No
Name Stephen Scalione
Title Operations Executive Director- Finance
Address 7978 Cooper Creek Boulevard
Address 2
City University Park
State Florida
Zip 34201
Phone (941) 359-8303
Fax
E-Mail SCS@benderson.com

Company Counsel

Name of Attorney John Kicinski
Firm Name Benderson- In House Counsel
Address 570 Delaware Avenue
Address 2
City Buffalo
State New York
Zip 14202
Phone (716) 878-9400
Fax (716) 886-2269
E-Mail JohnKicinski@benderson.com

Benefits Requested (select all that apply).

Exemption from Sales Tax Yes
Exemption from Mortgage Tax No

Exemption from Real Property Tax

Yes

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%.

BOCES is the sole tenant of the project being developed by the applicant, Benderson Development Company, LLC. Benderson is a commercial real estate developer with over 60 years of experience. A portion of Applicant's portfolio consists of office, retail, warehouse, residential and hospitality holdings. Applicant has a proven track record of developing successful projects and currently operates in 40 states throughout the Country. Benderson will be constructing and financing \$65m of the total \$77m budget. BOCES, the tenant has the responsibility to fund the additional \$12m for FF&E. Any tax incentives, grants, or tax credits received by the applicant Benderson will be transferred into a reduced lease rate for BOCES, the tenant, which will allow BOCES to increase the capacity of special education students served, increases, staffing, and a reduced cost per student for the municipality's that send the students due to the school districts not have the infrastructure to serve these populations. School districts and taxpayers statewide depend on Board of Cooperative Educational Services (BOCES) to meet their educational and financial goals. The local municipality's are reclaiming the current BOCES locations where they are providing services. Benderson has entered into a long term lease agreement for BOCES to utilize the space at 2911 Walden Ave. There are 19 school districts that are components of Erie 1 BOCES. Those districts are able to enroll in a variety of instructional and non-instructional services offered by Erie1 BOCES. For more than 60 years, Erie 1 BOCES has been helping area school districts further contain costs by assisting them with district office functions such as cooperative purchasing, health insurance benefits, policy development and technology services. In addition to offering a wide range of career programs for adults, Erie 1 BOCES' four state-of-the-art career and technical centers also offer more than 25 programs to high school students. School districts also partner with Erie 1 BOCES to provide alternative and special education programs. As a liaison office for New York State's Department of Education, educators often visit Erie 1 BOCES' campuses for training on technology integration, curriculum, New York State standards and reporting. Erie 1 BOCES is home to one of the state's 12 Regional Information Centers. The Western New York Regional Information Center (WNYRIC) serves more than 100 districts in five BOCES regions: Erie 1, Erie 2-Chautauqua-Cattaraugus, Cattaraugus- Allegany, Orleans/Niagara and Greater Southern Tier BOCES. Erie 1 BOCES is a 501c3.

Estimated % of sales within Erie County 80 %

Estimated % of sales outside Erie County but within New York State 15 %

Estimated % of sales outside New York State but within the U.S. 5 %

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?

80

Describe vendors within Erie County for major purchases

For operations, Erie 1 BOCES anticipates to order the majority of materials and supplies from Erie County. For any repairs and maintenance for the building, the landlord and applicant Benderson anticipates to hire contractors that mirror the percentages hired during construction equating to 80%.

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

2911 Walden Avenue, Depew, NY 14043

Town/City/Village of Project Site

Village of Depew

School District of Project Site

Cheektowaga

Current Address (if different)

650 Harlem Road West Seneca, NY 14224, 333 Dexter Terrace Tonawanda, NY 14150, 1635 East Delavan Avenue Cheektowaga, NY 14215

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

West Seneca, Tonawanda, Cheektowaga

SBL Number(s) for proposed Project

103.14-4-1

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

\$128,282.51

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

Land

\$ 12,150,000

Building(s)

\$ 12,150,000

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?

No

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

The property at 2911 Walden Ave in Depew was previously a HSBC call center and bank. The building has been vacant since March 2023.

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 Erie 1 BOCES project involves a comprehensive renovation of the existing building located at 2911 Walden Avenue in Depew dedicated to serving K-12 special education students. The transformation aims to enhance the educational environment and optimize resources to better support students with diverse needs. The project's primary purpose is to create a state-of-the-art campus that integrates innovative educational practices with tailored services for special education students. This initiative will modernize and expand the current infrastructure to provide a holistic and inclusive learning environment. The project encompasses both a thorough renovation of the existing structure and new construction of three gymnasiums, 6 courtyards, and 2 playfields, resulting in a combined total square footage of approximately 219,000 square feet. This expansion allows BOCES to accommodate more students and provide specialized spaces designed to foster educational, social, and emotional development. Specific uses within the project include specialized classrooms for work-based learning, sensory-friendly zones, therapy rooms, and multifunctional spaces for both academic and extracurricular activities. These areas are designed to address the unique needs of our students, ensuring they receive comprehensive support. The campus will exclusively serve K-12 special education students, with the sole commercial tenant being Erie 1 BOCES. The focus is entirely on creating an environment where these students can thrive, supported by a dedicated team of educators and specialists. By centralizing services and resources, the campus aims to provide seamless access to education, therapy, and support services, making it a cornerstone of our commitment to fostering inclusive and high-quality education for all students.

Municipality or Municipalities of current operations

Cheektowaga, West Seneca, and Tonawanda

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

No

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?

Yes

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?

Yes

(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?

Yes

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

Erie 1 BOCES has had preliminary conversations with Empire State Development. The project is looking to fill the FF&E gap of \$12,000,000 for a fully completed capital stack. Erie 1 BOCES has not been awarded any local, State, or Federal incentives.

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:

In the event the project is unable to secure incentives equating to \$12,000,000, the project as stated in this application will be reduced in scope. The cost per student to the municipalities will increase and the amount of special education services for FF&E will be diminished. In the event BOCES and Benderson receives an ECIDA PILOT and tax exemption, the saving will be transferred to BOCES lease rate which will result in BOCES being able to expand programing. Expanded programing will result in a greater number of populations served which will benefit not only the school districts by allowing more students to attend BOCES but also allow BOCES to hire more employees. To note, the employment numbers utilized throughout this document reflect a conservative estimate and do not additional capacity in students and employees in the event BOCES received the ECIDA sale tax exemption and PILOT. Please find enclosed within this application the lease agreement between BOCES and Benderson which has language pertaining the the reduction in rent with any subsidies as well as the construction.

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)

The Agency's financial assistance is crucial for the successful implementation of this project, as it addresses several key competitiveness and operational challenges. Erie 1 BOCES is committed to enhancing educational services for special education students, but without financial support, the project may face significant shortfalls that impact its execution and outcomes. Currently, BOCES has a \$12 million dollar gap for FF&E. Currently, there are limitations in our existing facilities that hinder our ability to provide the most effective and inclusive educational environment. Three facilities that BOCES is currently leasing throughout various school districts are reclaiming their building at the end of the lease resulting in BOCES to building their own school. Financial assistance will help bridge these gaps, enabling us to upgrade our infrastructure and expand our capabilities to meet the growing demand for specialized education services. The assistance will allow us to incorporate cutting-edge technology and thoughtfully designed spaces that cater to the diverse needs of our students, positioning Erie 1 BOCES as a leader in special education. Importantly, any incentives received by Benderson Development, our development partner, will be directly transferred to the Erie 1 BOCES lease rate. This transfer will result in a net benefit to municipalities, as the cost per student will be reduced, easing the financial burden on local communities. By lowering operational costs, financial assistance ultimately enhances Erie 1 BOCES's competitiveness, allowing us to allocate more resources towards academic programs, student support services, and staff development. This strategic investment ensures that we can continue to offer exceptional educational opportunities to students across Western New York, fostering long-term benefits for the entire community.

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

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 the applicant is unable to obtain financial assistance, ERIE 1 BOCES will be unable to provide the entire scope of services. Any financial assistance that is received to Benderson, the developer, will be passed through as a reduction in the modified gross lease reduction the per student cost that is passed through to the school districts allowing the school districts to be able to allocate more special needs students to attend BOCES. Without the ECIDA exemption, the schools districts will be hindered by the quantity of students that will be able to be accepted at BOCES due to funding capacity.

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)

2911 Walden Ave has a bus stop directly next to the former HSBC campus where the project is located. Bus route #46 Lancaster. Stop ID 55602

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.

June 9, 2025

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

Yes

Describe the present zoning/land use

In May of 2025, the Depew Village Board approved the site plan. The current zoning is C2-shopping center. The project does not require rezone- it is a permitted use

Describe required zoning/land use, if different

N/a

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

N/a

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

No

If yes, please explain

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

No

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

Yes

If yes, describe the efficiencies achieved

All HVAC equipment will purchased as new and will meet the energy efficiency requirements of both Erie 1 BOCES and NY State Education. All HVAC equipment will be monitored and regulated through a state-of-the-art Building Management System that provides 24/7 access and alerts of the equipment. Also, the building design will include energy efficient LED lighting throughout as well as a central gas fired hot water system for maximum efficiency and performance.

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.

Will onsite child daycare facilities be available on the project site?

No

If yes, please describe.

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)	No Commercial	No Equipment Purchase
No Facility for the Aging	No Industrial	No Life Care Facility (CCRC)
No Market Rate Housing	No Mixed Use	No Multi-Tenant
No Retail	No Senior Housing	No Manufacturing
No Renewable Energy	Yes Other	
	School	

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	219,239 square feet	\$	64,863,067	85%
Retail	square feet	\$	0	0%
Office	square feet	\$	0	0%
Specify Other	219,239 square feet	\$	11,850,000	15%

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)

Silver

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

7/1/2025

End date : Estimated completion date of project

3/1/2027

Project occupancy : estimated starting date of occupancy

3/1/2027

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 0 219,239 square feet 13 acres

2.) New Building Construction

\$ 0 0 square feet

3.) New Building addition(s)

\$ 6,000,000 39,975 square feet

4.) Reconstruction/Renovation

\$ 54,000,000 179,144 square feet

5.) Manufacturing Equipment

\$ 0

6.) Infrastructure Work

\$ 2,500,000

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

\$ 10,000,000

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

\$ 3,000,000

9.) Other Cost

\$ 0

**Explain Other
Costs****Total Cost** \$ 75,500,000Construction Cost Breakdown:

Total Cost of Construction	\$ 62,500,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 45,000,000
% sourced in Erie County	75%

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 \$ 50,000,000

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above): \$ 4,375,000

** 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? No

If Yes, describe particulars:

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits): \$ 65,000,000

Bank Financing: \$ 0

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): \$ 0

Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources) None

Total Sources of Funds for Project Costs: \$65,000,000

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). 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):

The project anticipates to utilize the ECIDA PILOT.

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?

Yes

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 Genesee.

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	280	280	81	361
Part time	0	0	0	0
Total	280	280	81	

Salary and Fringe Benefits for Jobs to be Retained and Created

Job Categories	# of Full Time Employees retained	Average Salary for	Average Fringe Benefits for	# of Part Time Employees retained	Average Salary for	Average Fringe Benefits for
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	and created	Full Time	Full Time	and created	Part Time	Part Time
Management	8	\$ 94,425	\$ 28,769	0	\$ 0	\$ 0
Professional	328	\$ 52,453	\$ 28,769	0	\$ 0	\$ 0
Administrative	7	\$ 39,521	\$ 28,769	0	\$ 0	\$ 0
Production	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Independent Contractor	3	\$ 63,000	\$ 28,769	0	\$ 0	\$ 0
Other	15	\$ 34,647	\$ 28,769	0	\$ 0	\$ 0
Total	361			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	450 Harlem Rd West Seneca, 14224	333 Dexter Term, Tonawanda 14150	1635 E. Delavan Ave, Cheektowaga, 14215
Full time	111	107	62
Part time	0	0	0
Total	111	107	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

14,832,114

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

65,520

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

0

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

40,700

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

0

Estimated salary range of jobs to be created

From (Full Time)	26,375	To (Full Time)	86,916
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

2911 Walden Ave, Depew, New York 14043

Name and Address of Owner of Premises

93 NYRPT, LLC 570 DELAWARE AVENUE, BUFFALO, NY, 14202

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

The premises at 2911 Walden Ave is a 12.68 acre site containing no wetlands, flood plains, or other critical environmental assets. The existing 219,000 square foot building is surrounded by 1,094 surface parking spaces surrounds the building with limited landscaping on site.

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

The building was built in 1957 as a Twin Fair Department store and converted to be HSBC Bank branch in 1999. The building was utilized as a HSBC Bank Branch and office until the 2020's. The building and site will be converted into a special education school featuring therapeutic landscaping and outdoor spaces, an indoor "town square" featuring learning labs and unique practical hands-on learning opportunities that will result in better independent living and improved learning outcomes.

Describe all known former uses of the Premises

The site was previously a HSBC call center and bank dating back to 1999. The original use of the property was a Twin Fair department store.

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

No

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

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

No

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

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

No

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

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

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

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

No

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

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

No

If yes, please provide copies of the permits.

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

N/a

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

N/a

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

There are no existing or planned industrial uses on site.

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 water and storm water will be directed into existing stormwater and sanitary sewer infrastructure.

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

N/a

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

No

If yes, please provide all details regarding the event, including the response taken, all analytical results or reports developed through investigation (whether internal or external), and the agencies which were involved

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

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

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

No

If yes, relate all the circumstances

Do the Premises have any asbestos containing materials?

Yes

If yes, please identify the materials

Yes, outside of the Premises in the roof flashing of small section of build-up roofing system- to be abated during renovations

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

Erie 1 BOCES will be servicing the special needs populations of 19 school districts in Erie County. BOCES has three existing leases that the school districts are reclaiming their property causing BOCES to construct their own facility with a long term lease executed.

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)	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**

ERIE 1 BOCES

Property Address:

355 Harlem Road

City/Town/Village

West Seneca

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)

219,239

What percentage of the building does this represent?

100

Are terms of lease:

GROSS

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

Any financial benefit received at the landlord entity will be passed through in a reduction in lease rate to the tenant, Erie 1 BOCES.

Estimated date of occupancy

3/1/2027

PART 2 TO BE COMPLETED BY PROPOSED TENANT**Company Name:**

Erie 1 BOCES

Local Contact Person:

Christa McHale

Title:

Director, Educational Partnerships and Workforce Development

Current Address:

355 Harlem Road, West Seneca, NY 14224

Phone:

(716) 821-7384

Fax:**E-Mail:**

cmchale@e1b.org

Website:

www.e1b.org

Company President/General Manager:

Michael Capuana

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

358

Part-Time:

0

Total:

358

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:

School districts and taxpayers statewide depend on Board of Cooperative Educational Services (BOCES) to meet their educational and financial goals. Erie 1 BOCES has the NAICS code of 236220 and services only Erie County School Districts. There are 19 school districts that are components of Erie 1 BOCES. Those districts are able to enroll in a variety of instructional and non-instructional services offered by Erie1 BOCES. For more than 60 years, Erie 1 BOCES has been helping area school districts further contain costs by assisting them with district office functions such as cooperative purchasing, health insurance benefits, policy development and technology services. In addition to offering a wide range of career programs for adults, Erie 1 BOCES' four state-of-the-art career and technical centers also offer more than 25 programs to high school students. School districts also partner with Erie 1 BOCES to provide alternative and special education programs. As a liaison office for New York State's Department of Education, educators often visit Erie 1 BOCES' campuses for training on technology integration, curriculum, New York State standards and reporting. Erie 1 BOCES is home to one of the state's 12 Regional Information Centers. The Western New York Regional Information Center (WNYRIC) serves more than 100 districts in five BOCES regions: Erie 1, Erie 2-Chautauqua-Cattaraugus, Cattaraugus-Allegany, Orleans/Niagara and Greater Southern Tier BOCES.

Attach additional information as necessary.

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

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

219,239

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

153,000

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

The 19 school districts that Erie 1 BOCES has had an increase in need for a special needs facility. Each school district lacks the amenities' and staff to accommodate the populations that Erie 1 BOCES serves.

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

Yes

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

The three existing schools that will no longer be leased to Erie 1 BOCES are owned by the school districts and will be reclaimed. Erie 1 BOCES does not own the three locations that are being closed.

If leased, when does lease expire?

4/30/2027

Are any of the proposed tenant's current operations located in facilities which have received an Industrial Development Agency benefit?

No

If yes, please provide details as to location, and amount of leased space, how long leased?

N/a

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)? 68

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)

No

If vacant, number of years vacant.

2

If underutilized, number of years underutilized.

2

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

The building located at 2911 Walden Ave has been vacant since HSBC closed the branch in March of 2023.

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

No

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

If apartments are planned in the facility, please indicate the following:

	Number of Units	Sq. Ft. Range Low to High	Rent Range Low to High
1 Bedroom	-		\$- \$
2 Bedroom	-		\$- \$
3 Bedroom	-		\$- \$
Other	-		\$- \$

Does the site have historical significance?

No

If yes, please indicate historical designation

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

No

If yes, provide estimated value of tax credits

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)

Benderson, the landlord will finance \$65,000,000 of the \$77,000,000 budget. The \$12,000,000 in tenant buildout out cost will need to be separately raised by ERIE 1 BOCES. Any sale tax, PILOTS, or additional incentives received by Benderson will be transferred to the tenant buildout allowance or reduce the lease rate

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

The project has not received any financial support from local municipalities, NYS, or the federal government.

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 redevelopment of 2911 Walden Ave, a site previously utilized as an HSBC Bank Branch and constructed as a call center, will undergo a comprehensive gut rehabilitation. This project aims to transform the existing space into a state-of-the-art educational facility tailored for special needs students, while also accommodating over 350 staff members with the possibility of future expansion contingent on subsidies received such as the ECIDA sale tax exemption and pilot. The architectural floor plans attached to this application provide detailed insights into the programming and intended uses throughout the development, showcasing the thoughtful integration of educational and administrative spaces designed to support an inclusive learning environment. One notable environmental concern is the presence of asbestos-containing material in the roof flashing; however, this will be meticulously abated following all necessary safety and regulatory protocols during construction. The project reflects a commitment to creating a safe, accessible, and supportive facility for students and staff alike.

Indicate census tract of project location

36,029,009,800

Indicate how project will eliminate slum and blight

The existing structure has been unoccupied since HSBC closed operations at this branch. The building has been vacant since March 2023.

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

In 2015, the project was renovated to achieve LEED Silver certification, reflecting a strong commitment to environmental sustainability and energy efficiency. As we embark on the renovation efforts for BOCES, we continue to prioritize these values by ensuring that the redevelopment complies with SEB building regulations and meets high efficiency standards. This focus on sustainability will not only enhance the building's performance but also create a healthier environment for students and staff. By integrating cutting-edge green building practices and technologies, the project aims to reduce environmental impact while supporting Erie 1 BOCES's mission to provide a forward-thinking, resource-efficient educational facility. For more information about the building's existing LEED Silver certification, please see the information at the following link: <https://www.usgbc.org/projects/hsbc-depew?view=overview>

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

650 Harlem Road

City/Town

West Seneca

State

New York

Zip Code

14150

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:

N/a

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

Within New York State

Yes

Within Erie County

Yes

If Yes to either question, please, explain

Multiple school will no longer allow BOCES to extend their leases at their current location. BOCES will remain in Erie County at a centralized location.

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.)

2911 Walden Ave, is centrally located to the 19 school districts that Erie 1 BOCES conducts services for. The parcel is large enough to accommodate the anticipated 500 students and over 350 employees which will allow BOCES to expand existing operations all one location.

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?

Yes

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

The current facilities to which BOCES is operating are being recaptured by the school districts resulting in BOCES needing to source an alternative commercial space to conduct operations.

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

The current schools where BOCES are leases will be recaptured by the school districts at the end of the leased term.

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.

4411- 4433 Genesee Street, Cheektowaga, NY: Property was very disjointed, bussing loop was not big enough. 205 Park Club Lane, Amherst, NY: Concern about traffic on Park Club Lane to Main Street in Williamsville. Property was presented as a tear down / new build and was less financially viable. 300 Crosspoint Parkway, Amherst, NY: Ciminelli pulled back bid on this property. 4285-4313 Genesee Street, Cheektowaga, NY: Property did not look fit for a school. Surrounded by hotels, not a lot of green space for kids. Genesee St traffic was a safety concern. 2360 Wherle Drive, Amherst, NY: To expensive, not feasible. 115, 125 & 165 Lawrence Bell Drive, Amherst, NY: Property included 3 separate buildings. Seemed very disjointed. Building seemed not well maintained. Presentation from architects and Uniland failed to demonstrate a cohesive, well thought out school.

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

1016 East Delavan, LLC \$ 34,135,084 PRIVATE INVESTMENT INDUCEMENT RESOLUTION															
ELIGIBILITY <ul style="list-style-type: none"> • NAICS Section – 236220 	Project Title: BPS Commissary Kitchen (2025)														
COMPANY INCENTIVES <ul style="list-style-type: none"> • Approx \$ 5,116,715 in real property tax savings. • Up to \$1,263,247 in sales tax savings • 3/4 of 1% of the final mortgage amount up to \$ 216,750 	Project Address 1016-1044 East Delavan Ave, Buffalo, NY 14215 (Buffalo Central School District)														
JOBS & ANNUAL PAYROLL <ul style="list-style-type: none"> • Annual Payroll: \$ 2,393,000 • Current Jobs: 16 FT, 35 PT • Avg salary/yr. - retained jobs FT = \$ 59,600, PT = \$30,000 • Projected new jobs:15 PT • Est. salary/yr. of PT jobs created: \$ 30,000 • Total jobs after project completion: 16 FT, 50 PT • Construction Jobs: 144 	<p style="text-align: center;">Agency Request</p> <p>A property tax, sales tax and mortgage recording tax abatement in connection with the construction of a nearly 61,000 sq ft light industrial building that will serve as the new commissary kitchen for the Buffalo Public Schools.</p> <table> <tr> <td></td><td style="text-align: right;">Current</td></tr> <tr> <td>Land / Building Acquisition</td><td style="text-align: right;">\$ 1,110,000</td></tr> <tr> <td>New Building Construction</td><td style="text-align: right;">\$ 26,249,298</td></tr> <tr> <td>Non- Manufacturing Equipment</td><td style="text-align: right;">\$ -</td></tr> <tr> <td>Soft Costs/Other</td><td style="text-align: right;"><u>\$ 6,775,786</u></td></tr> <tr> <td>Total Project Cost</td><td style="text-align: right;">\$34,135,084</td></tr> <tr> <td>85%</td><td style="text-align: right;">\$29,014,821</td></tr> </table>		Current	Land / Building Acquisition	\$ 1,110,000	New Building Construction	\$ 26,249,298	Non- Manufacturing Equipment	\$ -	Soft Costs/Other	<u>\$ 6,775,786</u>	Total Project Cost	\$34,135,084	85%	\$29,014,821
	Current														
Land / Building Acquisition	\$ 1,110,000														
New Building Construction	\$ 26,249,298														
Non- Manufacturing Equipment	\$ -														
Soft Costs/Other	<u>\$ 6,775,786</u>														
Total Project Cost	\$34,135,084														
85%	\$29,014,821														
PROJECTED COMMUNITY BENEFITS* <ul style="list-style-type: none"> • Term: 10-year PILOT • NET Community Benefits: \$64,988,467 • Spillover Jobs: 143 • Total Payroll: \$60,017,247 	<p style="text-align: center;">Company Description</p> <p>1016 East Delavan, LLC was created for the purpose of providing a new commissary kitchen for Buffalo Public Schools and is an arm of McGuire Development Company. McGuire Development Company was founded in 1960 and has a diverse portfolio and proven track record of producing high quality development projects for municipalities. Recent projects include the redevelopment of 75 West Huron into the Buffalo School of Culinary Arts and Hospitality Management.</p>														
INCENTIVE COST / COMMUNITY BENEFIT RATIO (discounted at 2%)* Incentives: \$6,103,986 Community Benefit: \$60,403,027 Cost: Benefit Ratio <ul style="list-style-type: none"> • 1:10 	<p style="text-align: center;">Project Description</p> <p>The project consists of the construction of a 61,000 sq ft single story commissary kitchen for the sole use of the Buffalo Public Schools (BPS) to prepare and distribute school meals to all schools in the district. The existing facility could not meet the needs of the new programming requirements of the student meal plan created by the BPS. As part of this initiative the facility will cook onsite, using locally grown products, creating fresh and high-quality meal options for students. The new building will include office space for administration and a test kitchen that will serve as a conference room / community space available for local community meetings & training for food service employees. The BPS needed a facility that can function at a higher level -promoting healthier meals for students and promoting a safe environment for its staff. The facility will distribute over 27,000 meals per day during the school year and 10,000 meals during the school's summer program.</p>														

* Cost Benefit Analysis Tool powered by MRB Group

Economic Impact: Inform Analytics Cost-Benefit Analysis

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

Cost: Incentives

COSTS	Tax Exemption	Amount
	Property	\$5,116,715
	Sales	\$1,263,247
	Mortgage Recording	\$ 216,750
	Total	\$6,596,712
	Discounted at 2%	\$6,103,986

Benefit: Projected Community Benefit*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	\$20,257,166
			Payroll Permanent	\$39,760,081
		Public	Property Taxes	\$ 1,279,180
			Sales Taxes	\$ 498,894
			Other Muni Revenue (NFTA)	\$ 72,250
	New York State	Public	Income Taxes	\$ 2,700,776
			Sales Taxes	\$ 420,121
			Total Benefits to EC + NYS***	\$64,988,467
			Discounted at 2%	\$60,403,027

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

Discounted Cost \$6,103,986
Discounted Benefit \$60,403,027
Ratio 1:10

Conclusion: The Cost Benefit for this project is: 10:1. For every \$1 in costs (incentives), this project provides \$10 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$11 in benefits to the community.**

New Tax Revenue Estimated

PILOT Type	Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over abatement period	Additional City Revenue Over abatement period	New Yearly Taxes Upon Expiration of Abatement Period
10 Year Standard PILOT	\$ 3,491	\$24,131,000	\$ 269,020 <u>\$ 270,488*</u> \$ 539,508	\$ 1,010,159 <u>\$ 1,015,672*</u> \$2,025,831	\$ 643,080
10 Year EIP PILOT (Tier 2): has a 12 yr benefit period			318,183	1,194,765	

*added 2 years at full property taxes – for comparison purposes

Draft Recapture Material Terms

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$34,135,084 85% = \$ 29,014,821
Employment	Coincides with 10-year PILOT	Maintain Base = 16 FT, 35 PT (33 FTE) Create 85% of Projected Projected = 15 PT 85% = 12 PT (6 FTE) Recapture Employment = 39 FTE
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 10-year PILOT	Adherence to Policy
Unpaid Tax	Coincides with 10-year PILOT	Adherence to Policy
<u>Recapture Period</u>	Coincides with 10-year PILOT	Recapture of Property tax, Mortgage recording tax, state and local sales taxes

Recapture applies to:

State and Local Sales Taxes
Real Property Tax
Mortgage Recording Tax

Recapture

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

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has maintained 16 FT, 35 PT jobs and created 12 PT jobs (85% of projected), iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

Project ECIDA History

- 8/4/25: Public hearing held.
- 8/27/25: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 8/27/25: Lease/Leaseback Inducement Resolution presented to the Board of Directors

- 3/27/24: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA. Amended Lease/Leaseback Inducement Resolution presented to the Board of Directors (Pending)
- 7/26/23: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA. Lease/Leaseback Inducement Resolution presented to the Board of Directors (Inactive)

**EVALUATIVE CRITERIA
BACK OFFICE/DATA/CALL CENTERS
1016 East Delavan McGuire BPS Commissary Kitchen**

Evaluative Criteria	Notes
Wage Rate (above median wage for area)	Average wage for FT = \$59,600. Average wage for PT = \$30,000
Regional Wealth Creation (% sales/customers outside area)	81% of sales are within Erie County.
In Region Purchases (% of overall purchases)	100% of total supplies, raw materials and vendor services will be purchased from firms in Erie County.
Supports Local Business or Cluster	N/A
Retention/Flight Risk	N/A
LEED/Renewable Resources	N/A
DEI Questionnaire	See attached. MBE / WBE construction goals at 25% and 10% respectively.
Workforce Access – Proximity to Public Transportation	Site is located on the NFTA 26 Delavan bus line. Approx 50% of employees of this project rely on public transportation.
Onsite child daycare facilities on the project site	No onsite day care.

DATE OF INDUCEMENT: 8/27/2025

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

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

PILOT Estimate Table Worksheet-1016 East Delevan LLC (Buffalo Commissary Kitchen)

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	City / School Tax Rate /1000
\$26,249,298	\$24,000,000	5.604583	21.044972

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	City PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	0.05	\$7,460	\$28,011	\$35,471	\$643,080	\$607,610
2	0.1	\$14,185	\$53,265	\$67,450	\$643,080	\$575,630
3	0.15	\$20,911	\$78,519	\$99,429	\$643,080	\$543,651
4	0.15	\$20,911	\$78,519	\$99,429	\$643,080	\$543,651
5	0.2	\$27,636	\$103,773	\$131,409	\$643,080	\$511,671
6	0.2	\$27,636	\$103,773	\$131,409	\$643,080	\$511,671
7	0.25	\$34,362	\$129,027	\$163,388	\$643,080	\$479,692
8	0.25	\$34,362	\$129,027	\$163,388	\$643,080	\$479,692
9	0.3	\$41,087	\$154,281	\$195,368	\$643,080	\$447,713
10	0.35	\$47,813	\$179,535	\$227,347	\$643,080	\$415,733
TOTAL		\$276,362	\$1,037,728	\$1,314,090	\$6,430,804	\$5,116,715

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

Percentage of Project Costs financed from Public Sector Table Worksheet:

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
\$34,135,084	\$5,116,715	\$1,263,247	\$ 216,750	0

Note: special district taxes are not subject to PILOT abatement

Calculate % = Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 19 %

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

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

PILOT Estimate Table Worksheet-1016 East Delevan LLC (BFLO Commissary Kitchen) EIP Tier 2

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	City / School Tax Rate /1000
\$26,249,298	\$24,000,000	5.604583	21.044972

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Town PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	0.05	\$7,460	\$28,011	\$35,471	\$643,080	\$607,610
2	0.05	\$7,460	\$28,011	\$35,471	\$643,080	\$607,610
3	0.1	\$14,185	\$53,265	\$67,450	\$643,080	\$575,630
4	0.1	\$14,185	\$53,265	\$67,450	\$643,080	\$575,630
5	0.15	\$20,911	\$78,519	\$99,429	\$643,080	\$543,651
6	0.15	\$20,911	\$78,519	\$99,429	\$643,080	\$543,651
7	0.2	\$27,636	\$103,773	\$131,409	\$643,080	\$511,671
8	0.2	\$27,636	\$103,773	\$131,409	\$643,080	\$511,671
9	0.25	\$34,362	\$129,027	\$163,388	\$643,080	\$479,692
10	0.25	\$34,362	\$129,027	\$163,388	\$643,080	\$479,692
11	0.3	\$41,087	\$154,281	\$195,368	\$643,080	\$447,713
12	0.5	\$67,989	\$255,297	\$323,286	\$643,080	\$319,795
TOTAL		\$318,183	\$1,194,765	\$1,512,949	\$7,716,965	\$6,204,016

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

Percentage of Project Costs financed from Public Sector Table Worksheet:

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives: Tax Credits, Grants, ESD Incentives, etc
\$34,135,084	\$6,204,016	\$1,263,247	\$ 216,750	0

Note: special district taxes are not subject to PILOT abatement

Calculate% = Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 22.5%

Erie County Industrial Development Agency

MRB Cost Benefit Calculator

Date July 22, 2025
 Project Title 1016/BPS Commissary Kitchen
 Project Location 1016-1044 East Delavan Avenue, Buffalo, NY 14215



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

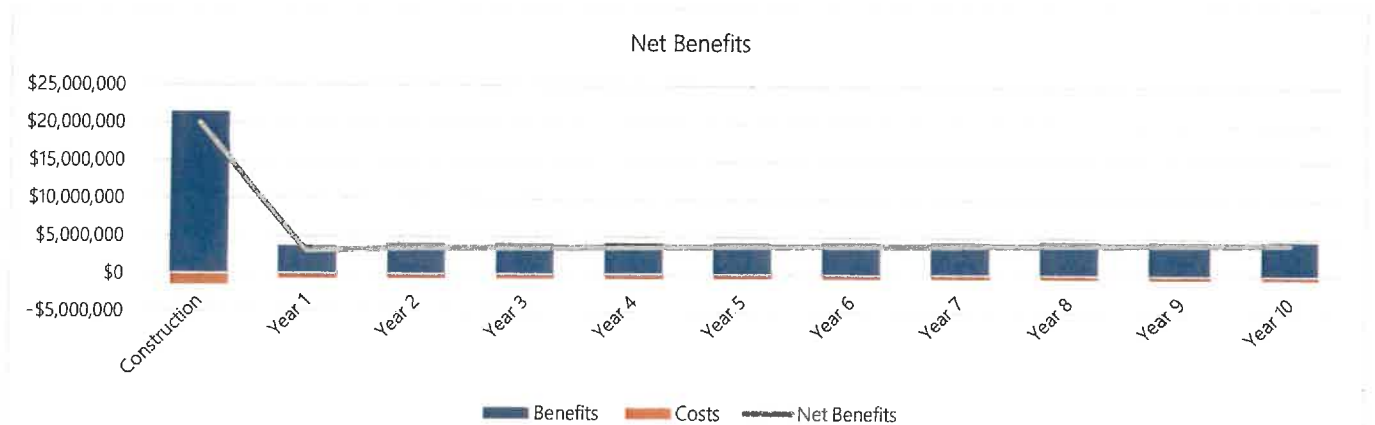
Construction Project Costs

\$34,135,084

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	144	132	276
Earnings	\$12,717,960	\$7,539,207	\$20,257,166
Local Spend	\$33,025,084	\$23,474,230	\$56,499,314

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	40	11	51
Earnings	\$22,827,007	\$16,933,074	\$39,760,081

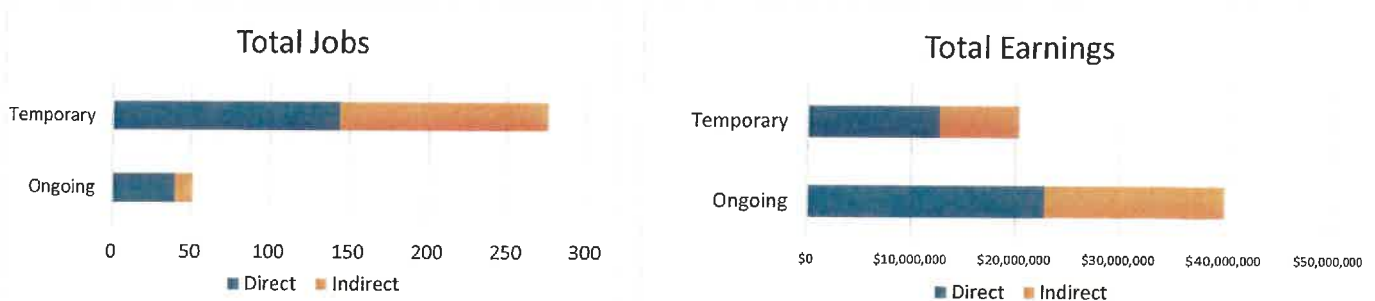
Figure 1



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

Figure 2

Figure 3



Fiscal Impacts

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$5,116,715	\$4,623,989
Sales Tax Exemption	\$1,263,247	\$1,263,247
Local Sales Tax Exemption	\$685,763	\$685,763
State Sales Tax Exemption	\$577,484	\$577,484
Mortgage Recording Tax Exemption	\$216,750	\$216,750
Local Mortgage Recording Tax Exemption	\$72,250	\$72,250
State Mortgage Recording Tax Exemption	\$144,500	\$144,500
Total Costs	\$6,596,712	\$6,103,986

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$61,867,570	\$57,499,192
To Private Individuals	<u>\$60,017,247</u>	<u>\$55,842,986</u>
Temporary Payroll	\$20,257,166	\$20,257,166
Ongoing Payroll	\$39,760,081	\$35,585,820
Other Payments to Private Individuals	\$0	\$0
To the Public	<u>\$1,850,323</u>	<u>\$1,656,206</u>
Increase in Property Tax Revenue	\$1,279,180	\$1,121,177
Temporary Jobs - Sales Tax Revenue	\$168,388	\$168,388
Ongoing Jobs - Sales Tax Revenue	\$330,506	\$295,807
Other Local Municipal Revenue	\$72,250	\$70,833
State Benefits	\$3,120,897	\$2,903,835
To the Public	<u>\$3,120,897</u>	<u>\$2,903,835</u>
Temporary Income Tax Revenue	\$911,572	\$911,572
Ongoing Income Tax Revenue	\$1,789,204	\$1,601,362
Temporary Jobs - Sales Tax Revenue	\$141,800	\$141,800
Ongoing Jobs - Sales Tax Revenue	\$278,321	\$249,101
Total Benefits to State & Region	\$64,988,467	\$60,403,027

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$57,499,192	\$5,382,002	11:1
State	\$2,903,835	\$721,984	4:1
Grand Total	\$60,403,027	\$6,103,986	10:1

*Discounted at the public sector discount rate of: 2%

Additional Comments from IDA

0

Does the IDA believe that the project can be accomplished in a timely fashion? Yes
Does this project provide onsite childcare facilities? No

Diversity, Equity and Inclusion Questionnaire

1. MWBE Contractors - Construction

The ECIDA encourages applicants to utilize MWBE contractors and suppliers for their projects and when feasible, to set a goal for MWBE participation during the construction period of the project. Below are links to the NYS and Erie County certified MWBE lists, including contractors, that can assist you with your utilization goals:

- New York State MWBE Certified List: <https://ny.newnycontracts.com/>
- Erie County MWBE Certified List: <https://www3.erie.gov/eeo/mbe-wbe-resource-list>

☒ By checking this box, I agree to utilize the above listings of certified MWBE contractors 1) as part of the outreach efforts to identify and invite MWBE contractors to participate in the bidding process and 2) to assist in meeting the MWBE utilization goals set by my organization for the project being considered for ECIDA tax incentives.

Please provide additional information regarding your history of setting / meeting MWBE goals on past projects or other relevant information you would like to share - below.

With consideration to the neighborhood and community for which this new project will be constructed, we fully support and strive to create healthy community involvement in all aspects of development and construction of this new commissary building. We are committed to successfully implementing a plan to ensure that certified minority and women-owned businesses (MWBEs) are encouraged to participate in this exciting project, in which we target 25% MBE and 10% WBE involvement in the construction procurement and labor processes. Our team is committed to bringing in project members who engage in comprehensive monitoring and training and active community outreach to encourage MWBE involvement. This includes Project construction manager Buffalo Construction Consultants, who follow the above practices and have consistently worked to meet or exceeded MWBE requirements for their projects across Western New York.

2. Minority & Women Employment - Current Workforce & Hiring Practices

The ECIDA encourages the hiring of a diverse workforce, especially for jobs created and retained as part of an ECIDA induced project. Below are some links to sites and organizations that will be helpful in achieving a diverse workforce:

- Northland Workforce Training Center: <https://northlandwtc.org/employers/>
- Workforce Buffalo: <https://www.workforcebuffalo.org/business-services>
- New York State Job Bank: <https://myjobsny.usnlx.com/>

Diversity, Equity and Inclusion Questionnaire

- Local Minority Newspapers: <https://www3.erie.gov/eeo/minority-newspaper>

Please provide detailed information regarding your company's current workforce and hiring practices as it relates to minority and women employees, including, if applicable, the company's Diversity, Equity and Inclusion plan and goals, any strategic partnerships the company has with educational and/or workforce development entities, and company strategies regarding outreach to minorities and women with the dissemination of job openings to the public:

Through competitive bidding, as well as direct outreach using state-provided databases, our project team strives to meet the target utilization goals and provide opportunity for MWBE involvement in projects. Construction of the new central commissary will be the third project between Buffalo Public Schools and McGuire Development, and our company is proud to have a strong working relationship with the district, as we all work together to bring the best opportunities to students in the City of Buffalo. McGuire, Buffalo Construction Consultants and Kideney Architects were also hired as the project team by Endeavor Health Services to construct a new headquarters and treatment facility on Broadway, which will allow Endeavor to grow its services across the East Side of Buffalo.

3. Economic Inclusion Program

The ECIDA's Economic Inclusion Program (EIP) is a voluntary "opt in" program providing an enhanced real property tax abatement to applicants who commit to implementing and meeting MWBE utilization and minority and women employment goals. The mission of the EIP is to enhance the beneficial public impact of projects receiving ECIDA assistance and to further the ECIDA's goal of advancing opportunities for MWBE businesses and minorities and women, in general, in the Erie County workforce. Please note, for a company to be considered an MWBE under the EIP it must be certified as an MWBE by New York State or Erie County.

Under the EIP, the standard ECIDA PILOT Agreement real property tax abatement schedules are enhanced by extending both the term and abatement percentages of the PILOT Agreement.

Please note the EIP is a *voluntary opt-in program* providing enhanced incentives in exchange for meeting MWBE utilization and minority and women employment goals. The applicant shall not engage in any unlawful discrimination against any employee or applicant by reason of race, creed, religion, color, age, disability, national origin, sex, gender, or any other characteristic protected by law, including, but not limited to, Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in


Diversity, Equity and Inclusion Questionnaire

Employment Act, the Genetic Information Nondiscrimination Act, the New York State Human Rights Law, and any other similar laws, rules, or regulations. Applicants may bypass the EIP while still pursuing the ECIDA's standard PILOT Agreement.

Please note the EIP is a *voluntary opt-in program* providing enhanced incentives in exchange for meeting MWBE utilization and minority and women employment goals. Applicants may bypass the EIP while still pursuing the ECIDA's standard PILOT Agreement.

☒ Please check the box indicating that you have read the attached Economic Inclusion Program summary and FAQ document that can be found at the end of the questionnaire.

☒ Please check the box if you are interested in tentatively opting into the Economic Inclusion Program (nonbinding) and would like further, detailed information on the program and process from your ECIDA business development officer.

Date: July 11, 2025
Company: 1016 East Delavan, LLC
Name (printed): G. David Von Derau, Jr.
Signature: 
Title: Authorized Signatory

PUBLIC HEARING SCRIPT

**1016 East Delavan, LLC and/or
Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or
to be formed on its behalf Project**

Public Hearing to be held on August 4, 2025 at 9:00 a.m.
at the Erie County Industrial Development Agency's offices located at
95 Perry Street, Suite 403, Buffalo, NY 14203

ATTENDANCE:

Beth O'Keefe – ECIDA
Brian Krygier – ECIDA
John Cappellino – ECIDA
Enrico D'Abate – McGuire Development

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

Hearing Officer: Welcome. This public hearing is now open; it is 9:03 a.m. My name is Grant Lesswing. I am the Director of Business Development for the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at ecidany.com.

☒ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the 1016 East Delavan, LLC project and/or Individual(s), Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Thursday, July 17, 2025.

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

Hearing Officer: The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 1016-1044 East Delavan Avenue, City of Buffalo, Erie County, New York, and all other lands in the City of Buffalo where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"); (ii) the construction of an approximately 61,000+/- square-foot light industrial single-story building to serve as the new commissary kitchen for the sole use of the Buffalo Public Schools to prepare and distribute school meals to all schools in the district (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 proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits, mortgage recording tax exemption benefits, and real property tax abatement benefits (in compliance with Agency's uniform tax exemption policy).

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

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

If you have a written statement or comment to submit for the record, you may leave it at this public hearing, submit it on the Agency’s website or deliver it to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes at 4:00 p.m. on August 27, 2025. There are no limitations on written statements or comments.

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

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

Enrico D’Abate – Project Manager McGuire Development. McGuire Development is the developer of the Buffalo Public Schools Commissary Project. The Buffalo Public School's Central Commissary Project started as an RFP that was awarded to McGuire and its project team in the summer of 2022. During the design process that ran through the summer of 2023, the project team worked with BPS staff to develop a full-service industrial kitchen which includes three main sections of the building including a receiving and product storage area, a cooking and packaging area, and a loading and delivery area. It also includes an admin wing which is approximately 1,500 sq. ft. for the commissary office workers, as well as a community room that can be used for training the commissary staff as well as being rentable and usable by the public. This community room could be used for neighborhood events, etc.

The goal of the project is two-fold: 1) To provide school lunches that are healthier and cooked fresh daily for the entire district as well as 2) to create a safer work environment for commissary staff, in which a more efficient process can be created starting with receiving to cooking and then to ultimately to packaging and delivery. The district currently operates and creates 27,000 meals per day during the school year, and 10,000 meals per day during the district's summer school programs. This building will be a huge benefit to the district as a whole for many years to

come. The lease with the district is 15 years totaling \$44M. The project will create 15 new jobs for the Child Nutrition Services. The ECIDA incentives are critical to the feasibility of the project, as the Sales Tax and Mortgage recording tax exemptions aid in the upfront costs during construction and closing on project financing, while the PILOT program will directly affect the district's annual costs due to the deal being a triple net lease between the district and the property owner. This means that costs like taxes will be passed directly on to the Tenant. These incentives are crucial to keeping the project costs within the district's budget.

☒ 6. **ADJOURNMENT:**

As there are no further statements and/or comments, I will close the public hearing at 9:09 a.m.

**SIGN IN SHEET
PUBLIC HEARING**

August 4, 2025 at 9:00 a.m.
at the the Erie County Industrial Development Agency's offices located at
95 Perry Street, Suite 403, Buffalo, NY 14203, regarding:

**1016 East Delavan, LLC and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 1016-1044 East Delavan Avenue, City of Buffalo, Erie County, New York

Name	Company and/or Address	X box to speak/ comment
John Cappellino	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Beth O'Keefe	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Enrico D'Abate	McGuire Development 455 Cayuga Road, Suite 100 Buffalo, New York 14225	X

**ERIE COUNTY INDUSTRIAL DEVELOPMENT
AGENCY**

INDUCEMENT RESOLUTION

**1016 EAST DELAVAN, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S),
SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS
BEHALF**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, August 27, 2025 at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF 1016 EAST DELAVAN, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring,

constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

WHEREAS, 1016 EAST DELAVAN, LLC or on behalf of an affiliated entity formed or to be formed (the “Company”) has submitted an application to the Agency (the “Application”) requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 1016-1044 East Delavan Avenue, City of Buffalo, Erie County, New York, and all other lands in the City of Buffalo where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the “Land”); (ii) the construction of an approximately 61,000+/- square-foot light industrial single-story building to serve as the new commissary kitchen for the sole use of the Buffalo Public Schools to prepare and distribute school meals to all schools in the district (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”); and

WHEREAS, pursuant to General Municipal Law Section 859-a, on August 4, 2025, at 9:00 a.m., at the Agency’s offices, at 95 Perry Street, Suite 403, Buffalo, New York 14203, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the “Agent Agreement”), (ii) negotiate and enter into a lease agreement (the “Lease Agreement”) and related leaseback agreement (the “Leaseback Agreement”) with the Company, pursuant to which the Agency will retain a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Facility; and (iii) provide Financial Assistance to the Company in the form of (a) an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility, (b) a mortgage recording tax exemption benefit for the financing related to the Project, and (c) a partial abatement from real property taxes benefit consistent with the Agency’s Economic Inclusion PILOT Policy, dated as of April 26, 2023 (the “EIP Policy”) through a 12 year Tier 2 “payment in lieu of tax agreement” (the “PILOT Agreement”) with the Company for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit, the mortgage recording tax exemption benefit, and the partial abatement from real property taxes benefit, are hereinafter collectively referred to as the “Financial Assistance”); and

WHEREAS, pursuant to and in accordance with applicable provisions of the State Environmental Quality Review Act (“SEQR”), the Company has submitted to the Agency a Environmental Assessment Form (the “EAF”) with respect to the Project; and

WHEREAS, the City of Buffalo Planning Board (the “Planning Board”) in accordance with Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto in 6 N.Y.C.R.R. Part 617 (collectively referred to as the “State Environmental Quality Review Act” and/or “SEQR”), undertook coordinated review with respect to the Project, established itself as Lead Agency as defined in SEQR, determined that the Project was a Type I Action, and issued a negative declaration (“Negative Declaration”) under SEQR on July 17, 2023 with respect to the Project; and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company’s application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency Policy Committee review of and recommendations related to the Project and its August 7, 2025, resolution to recommend Agency approval of the Project subject to the terms and conditions as described herein, the Policy Committee and Agency board member review of the Project’s cost benefit ratio, the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project’s contemplated community benefits, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Erie County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required in the Countywide Industrial Development Agency Uniform Tax Exemption Policy; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis satisfactorily identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions of the Act; and

(I) Buffalo Public Schools (the "Tenant") will occupy the Facility. The Agency hereby approves the subleasing of space in the Project to the Sub-Tenant and authorizes the Company to proceed with the Project as herein authorized; and

(J) Based upon a thorough and complete review of the Application and its accompanying materials and information, the EAF submitted by the Company, and the proceedings conducted by the Agency and the Planning Board's Negative Declaration, the Agency hereby:

(i) consents to and affirms the status of the Planning Board as "Lead Agency" within the meaning of and for all purposes of complying with SEQR and determines that the proceedings undertaken by the Planning Board under SEQR with respect to the undertaking of the Project by the Company (as agent of the Agency) satisfy the requirements of SEQR; and

(ii) ratifies the proceedings conducted by the Planning Board as Lead Agency pursuant to SEQR, as well as the Planning Board's determination that the

Project does not pose a significant potential adverse environmental impact, thus warranting the issuance of a negative declaration, as that term is defined in SEQR; and

(iii) determines that the Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment, that the Project will not have a “significant effect on the environment” as such quoted terms are defined in SEQR, and that no “environmental impact statement” as such quoted term is defined in SEQR need be prepared for this action; and

(v) determines that all the provisions of SEQR that are required to be complied with as a condition precedent to the approval of the Financial Assistance contemplated by the Agency with respect to the Project, and the participation by the Agency in undertaking the Project, have been satisfied. This determination constitutes a “negative declaration” (as such quoted terms are defined under SEQR) for purposes of SEQR.

(K) The Project qualifies for Agency Financial Assistance as it meets the Agency’s evaluative criteria established by the Agency as required under General Municipal Law Section 859-a(5), as evidenced by the following:

(i) *Wage Rate (above median wage for area):* Average wage for FT = \$59,600. Average wage for PT = \$30,000.

(ii) *Regional Wealth Creation (% sales/customers outside area):* 81% of sales are within Erie County.

(iii) *In Region Purchases (% of overall purchases):* 100% of total supplies, raw materials and vendor services will be purchased from firms in Erie County.

(iv) *Supports Local Business or Cluster:* N/A.

(v) *Retention/Flight Risk:* N/A.

(vi) *LEED/Renewable Resources:* N/A.

(vii) *DEI Questionnaire:* Company has committed to implementing a plan to ensure the MWBE contractors are encouraged to participate in the project.

(viii) *Workforce Access-Proximity to Public Transportation:* Site is located on the NFTA 26 Delavan bus line. Approximately 50% of employees of this project rely on public transportation.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the authority to appoint the Company to act as agent of the Agency, if said appointment is not duly made, as herein expressed, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, and/or the Assistant Treasurer).

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$14,437,113, and, therefore, the value of the sales and use tax exemption benefits ("sales and use tax exemption benefits") authorized and approved by the Agency cannot exceed \$1,263,247, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the value of the mortgage recording tax exemption benefit ("mortgage recording tax exemption benefits") shall not exceed \$216,750; and

(iii) authorizes and approves that the real property tax abatement benefits ("PILOT benefits") to be provided over the term of the PILOT Agreement are estimated to be approximately \$ 5,116.715 resulting in estimated total PILOT payments of \$1,314,090 over the term of the PILOT Agreement.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits, and/or mortgage recording tax

exemption benefits, and/or partial abatements from real property taxes benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; (v) the New York State and local sales and use tax exemption benefits and/or mortgage recording tax exemption benefits, and/or the partial abatement from real property taxes benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, the Employment Commitment, and/or the Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the New York State and local sales and use tax exemption benefits, and/or mortgage recording tax exemption benefits, and/or the partial abatement from real property taxes benefits are taken in cases where the Company fails to comply with the Equal Pay Commitment and/or the Unpaid Real Property Tax Policy Commitment, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

C. Commitments. As an additional condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must (x) subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below in (C)(i)-(v) and/or (y) subject to the potential modification of the EIP Policy Tier 2 ten (10) year PILOT Agreement to provide for the standard ten year PILOT Schedule as described within the EIP Policy for failure to meet the commitments and thresholds as described below in (C)(vi) and (vii), submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$29,014,821 (which represents the product of 85% multiplied by

\$34,135,084 being the total project cost as stated in the Company's application for Financial Assistance).

- (ii) Employment Commitment – that there are at least 16 existing full time equivalent employees (“FTE”) and at least 35 existing part time equivalent employees (“PTE”) located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
 - the number of current FTE employees in the then current year at the Facility; and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 16 FTE and 47 PTE employees [the 47 PTE employees being calculated by taking the sum of the Baseline PTE of 35 plus the product the product of 85% and 15 PTE (being the total number of new PTE employee positions proposed to be created by the Company)]. To confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.
- (vi) Construction Period Commitment – that the Company, in accordance with the EIP Policy, meets a 30% MWBE (25% MBE and 5% WBE) utilization rate, based upon total construction contract value, for construction activities.
- (vii) Post Construction Period Commitment – that the Company demonstrate that it has total workforce (jobs retained) consisting of 30% minorities and women (minimum 20% minority and at least 30% minorities or women), based upon total workforce commitments within two years after Project completion and maintain those percentages during the term of the applicable PILOT Agreement and on an annual basis complete/implement at least one (1) of the EIP Policy Best Practices as described therein during the term of the applicable PILOT Agreement.

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver (A) an Agent Agreement, (B) the Lease Agreement whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement whereby the Agency leases the Project back to the Company, and (D) the PILOT Agreement and (E) related documents; provided, however, that (i) the rental payments under the Leaseback Agreement to the Company include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy, or procedures for deviation have been complied with accordingly.

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the "Agency Documents"); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency's Administrative Fee Agreement (the "Fee Agreement") and payment by the Company of

an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

Section 8. This resolution shall take effect immediately, and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer.

Dated: August 27, 2025



BPS Commissary Kitchen

[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	BPS Commissary Kitchen
Project Summary	A newly constructed 60,984-square-foot light industrial building located at 1016 East Delavan Avenue, which will serve as the new commissary kitchen for Buffalo Public Schools. This will include two industrial kitchens, 2 frozen storage coolers, two dry storage cools, one 18-wheeler truck dock, a pull through loading garage, and a box truck loading area. Additionally, there will be a test kitchen/conference room space that will be available to the community for public use/meetings.
Applicant Name	1016 East Delavan, LLC
Applicant Address	455 Cayuga Road
Applicant Address 2	Suite 100
Applicant City	Buffalo
Applicant State	New York
Applicant Zip	14225
Phone	(716) 880-9198
Fax	
E-mail	enrico@mcg-dev.com
Website	www.mcg-dev.com
NAICS Code	236220

Business Organization

Type of Business
Limited Liability Company

Year Established
2006

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 Enrico R. D'Abate
Title Project Manager
Address 455 Cayuga Road
Address 2 Suite 100
City Buffalo
State New York
Zip 14225
Phone (716) 880-9198
Fax
E-Mail enrico@mcg-dev.com

Company Contact- Authorized Signer for Applicant

Contact is same as individual completing application No
Name Eric Ekman
Title Vice President, Development & Acquisitions
Address 455 Cayuga Road
Address 2 Suite 100
City Buffalo
State New York
Zip 14225
Phone (716) 829-1563
Fax
E-Mail eric@mcg-dev.com

Company Counsel

Name of Attorney Michael M. Blinkoff
Firm Name Blinkoff & Blinkoff, P.C.
Address 501 John James Audubon Pkwy
Address 2 Suite 400
City Amherst
State New York
Zip 14228
Phone (716) 332-6104
Fax (716) 332-6183
E-Mail mblinkoff@blinkoff.com

Benefits Requested (select all that apply).

Exemption from Sales Tax Yes

Exemption from Mortgage Tax	Yes
Exemption from Real Property Tax	Yes
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 property and new commissary will be solely and wholly owned by 1016 East Delavan, LLC, and will then be leased to the School District following construction completion, for an initial term of 15 years. 1016 East Delavan, LLC is a Limited Liability Company created for the purpose of providing a new commissary kitchen for Buffalo Public Schools, and is an arm of McGuire Development Company. For more than 50 years, since the founding of Frank McGuire's first company in 1960, the McGuire name has been synonymous with honesty, integrity, and hard work. The McGuire Development Company portfolio is diverse, and has a proven track record to produce the highest quality development projects for municipal entities. The most recent was the redevelopment of 75 West Huron into the Buffalo School of Culinary Arts and Hospitality Management. This project displayed McGuire's ability to utilize Brownfield and Historic Tax Credits to make the project feasible and produce the most favorable rent for Buffalo Public Schools. Similar to the Buffalo School of Culinary Arts and Hospitality Management project, this new commissary building will be a food service-focused municipal building with strict programming requirements. It is McGuire Development and 1016 East Delavan, LLC's mission to deliver a high-functioning, long-lasting asset for Buffalo Public Schools and the City of Buffalo. With a history of strong relationships with lenders who have supported the work that McGuire has done throughout Erie County, as well as the means to meet the equity needs and have true stake in the success of its projects, McGuire Development Company is a committed partner in the growth and prosperity of the Buffalo-Niagara region.

Estimated % of sales within Erie County	81 %
Estimated % of sales outside Erie County but within New York State	1 %
Estimated % of sales outside New York State but within the U.S.	18 %
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?

100

Describe vendors within Erie County for major purchases

Great Lakes Building Systems, Inc. Gypsum Systems, LLC PCS Plumbing & Heating, Inc. Dival Safety and Supplies Allied Mechanical

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

1016-1044 East Delavan Avenue

Town/City/Village of Project Site

Buffalo

School District of Project Site

Buffalo Public Schools

Current Address (if different)

1055 East Delavan Avenue

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

Buffalo

SBL Number(s) for proposed Project

SBL No. 90.72-1-44 & 90.72-1-43

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

1,960

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

Land

\$ 87,000

Building(s)

\$ 0

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

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

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

Yes

If No, indicate name of present owner of the Project Site**Does Applicant or related entity have an option/contract to purchase the Project site?**

Yes

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

Parking lot and Vacant Land

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)

This project will include new construction of a 61,000 square foot, single-story commissary kitchen for the sole use and operation of Buffalo Public Schools to prepare and distribute school meals to all schools in the district, as well as other public-serving organizations. The biggest factor that has spurred the interest in a new commissary building is existing safety concerns at the current facility. Additionally, the existing facility cannot meet the needs of the new programming requirements of the student meal plan created by Buffalo Public Schools. Part of this initiative is to have a facility that can cook onsite, using locally grown products, creating fresh and high-quality meal options for the students. As a result, the new building will include two industrial kitchens with large meal preparation tables and large, commercial ovens. The new building will also include office spaces for administration, and a "test kitchen" that will serve as a conference room/community space that will be available for local community meetings and training for food service employees. With over 27,000 meals distributed per day during the school year, and 10,000 meals per day during the school's summer program, Buffalo Public Schools needs a facility that can function at a higher level, produce healthier meals for the students in the school district, and promote a safer environment for its staff. The deal between the School District and Developer is a long-term lease, with an initial term of 15 years. A build-to-suit new construction Project of this magnitude required a dedicated and experienced team, which McGuire provides to the District. The ECIDA benefits are critical to maintaining a feasible construction budget, as well as minimizing the burden of operating expenses on the Landlord and Tenant during this initial lease period.

Municipality or Municipalities of current operations

City of Buffalo

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

Yes

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

No

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

No

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

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

No

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

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

No

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

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

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

The goal of this project is to provide a new, safer and better performing kitchen for Buffalo Public Schools, who have outgrown the current facility that they operate in. To meet the programming requirements set forth by Buffalo Public Schools, following our initial bid package and award of this project, the construction costs have seen increases across all trades, which has directly impacted the lease rate, and has put a strain on the Project, as well as on the District as the Tenant. The overall shell construction changed from a pre-fabricated metal building to traditional, steel-frame construction. Without the property tax, sales tax and mortgage tax exemptions provided by the ECIDA, the costs of the project will increase the total development costs and increase costs beyond what is feasible to move the Project forward. The lease rate has been approved by the school district's Board of Education, and maintaining the property, sales and mortgage recording tax incentives will keep this deal afloat.

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?

The investment currently made into this project by McGuire Development and 1016 East Delavan, LLC has been substantial, and that investment will be lost. Without the Property, Mortgage and Sales Tax Benefits, the total development costs will lead to increases in Project costs, which would create further delays in construction start, as the project would likely have to be redesigned and reprogrammed. Ultimately, the Project would need to start from scratch, which would cost time and money invested in this effort by both McGuire and the Buffalo City School District. The Financial Assistance from the ECIDA are integral to starting this project in 2025. If it cannot move forward, the District will need to start their process over again, which forces the Commissary operations to remain in a facility that is too small to meet the district's needs. This also prolongs the availability of healthy, safe meals for students for the foreseeable future.

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)

Yes, the site would be located on the NFTA "26 Delavan" bus line. About half of the employees of this project rely heavily on public transportation.

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.

07/17/2023

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

Yes

Describe the present zoning/land use

D-IL: Light Industrial: This use allows the light industrial activity and distribution that is consistent with the zoning requirements for the project.

Describe required zoning/land use, if different

The only additional zoning measure is to seek variances of curb cut widths along William L. Gaiter Parkway for larger vehicle delivery and shipments.

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

We have received curb cut permits for the truck entrances off of Williams L. Gaiter Parkway.

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

No

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

Yes

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

No

If yes, describe the efficiencies achieved

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

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

No

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

Will onsite child daycare facilities be available on the project site?

No

If yes, please describe.

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	No
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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	Yes Industrial	No Life Care Facility (CCRC)
No Market Rate Housing	No Mixed Use	No Multi-Tenant
No Retail	No Senior Housing	No Manufacturing
No Renewable Energy	No Other	

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	60,984 square feet	\$	26,249,298	72%
Warehouse	square feet	\$	0	0%
Research & Development	square feet	\$	0	0%
Commercial	square feet	\$	0	0%
Retail	square feet	\$	0	0%
Office	square feet	\$	0	0%
Specify Other	square feet	\$	0	0%

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

10/5/2025

End date : Estimated completion date of project

3/31/2027

Project occupancy : estimated starting date of occupancy

8/1/2027

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 1,110,000

229,221 square feet

5 acres

2.) New Building Construction

\$ 26,249,298

60,984 square feet

3.) New Building addition(s)

\$ 0

square feet

4.) Reconstruction/Renovation

\$ 0

square feet

5.) Manufacturing Equipment

\$ 0

6.) Infrastructure Work

\$ 0

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

\$ 0

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

\$ 6,775,786

9.) Other Cost

\$ 0

**Explain Other
Costs**

Total Cost \$ 34,135,084

Construction Cost Breakdown:

Total Cost of Construction \$ 26,249,298 (sum of 2, 3, 4 and 6 in Project Information, above)

Cost of materials	\$ 14,437,113
% sourced in Erie County	100%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit	\$ 14,437,113
---	---------------

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 1,263,247
--	--------------

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

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

If Yes, describe particulars:

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 6,692,900
--	--------------

Bank Financing:	\$ 28,000,000
------------------------	---------------

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):	\$ 0
--	------

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

Total Sources of Funds for Project Costs:	\$34,692,900
--	--------------

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).	28,900,000
--	------------

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):	\$216,750
--	-----------

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):

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?

No

Is project necessary to retain existing employment?

No

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

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

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	16	16	0	0
Part time	35	35	15	15
Total	51	51	15	

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	4	\$ 45,000	\$ 13,500	0	\$ 0	\$ 0
Professional	1	\$ 100,000	\$ 30,000	0	\$ 0	\$ 0
Administrative	6	\$ 68,000	\$ 20,000	0	\$ 0	\$ 0
Production	4	\$ 40,000	\$ 12,000	50	\$ 30,000	\$ 0
Independent Contractor	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Other	1	\$ 45,000	\$ 13,000	0	\$ 0	\$ 0
Total	16			50		

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

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

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

Address

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

Payroll Information**Annual Payroll at Proposed Project Site upon completion**

2,393,000

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

59,600

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

30,000

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

0

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

30,000

Estimated salary range of jobs to be created

From (Full Time)	0	To (Full Time)	0
From (Part Time)	30,000	To (Part Time)	30,000

Section III: Environmental Questionnaire

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

General Background Information

Address of Premises

1016-1044 East Delavan Avenue Buffalo, NY 14215

Name and Address of Owner of Premises

East Delavan Property, LLC 1016 & 1044 East Delavan Avenue Buffalo, NY 14215

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

1016 East Delavan: This parcel is a full functioning parking lot with chain-link fencing and a 2-foot demising wall along the east property line. The western property line is adjacent to Norfolk Avenue and its southern property line is adjacent to Delavan Avenue. 1044 East Delavan: This parcel is a vacant stretch of land with gradual elevation increasing from the southern property line moving north. The western property line runs adjacent to William L. Gaiter Parkway and the southern property line is adjacent to Delavan Avenue.

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 use of 1016 East Delavan Avenue is a parking lot for employees of OSC that is located at 1001 East Delavan Avenue, following the purchase of the land in 2008 from American Axel.

Describe all known former uses of the Premises

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

No

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

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

No

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

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

No

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

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

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

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

No

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

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

No

If yes, please provide copies of the permits.

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

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

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

No

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

Discharge Into Waterbodies

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

N/A

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

N/A

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

N/A

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

No

If yes, please provide all details regarding the event, including the response taken, all analytical results or reports developed through investigation (whether internal or external), and the agencies which were involved

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

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

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

No

If yes, relate all the circumstances

Do the Premises have any asbestos containing materials?

No

If yes, please identify the materials

Section IV: Facility Type - Single or Multi Tenant

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

Single Use Facility

For Single Use Facility

Occupant Name Buffalo Public Schools
Address 65 Niagara Square, Room 717 City Hall
Contact Person Ruth Conner
Phone (716) 816-3314
Fax (716) 897-8041
E-Mail RLConner@buffaloschools.org
Federal ID #
SIC/NAICS Code 611110

SS

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?

No

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

1055 East Delevan Avenue

City/Town

Buffalo

State

New York

Zip Code

14215

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?

Yes

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:

The newly constructed Commissary will be directly across Delavan Avenue from the existing one. This will require some of the existing equipment to be transferred from the old Commissary to the new one.

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.)

The

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 docks etc.)

A larger, at least 60,000 square-foot, facility, on a 3-acre plot of land that was industrial-zoned, with at least two incoming 18-wheeler truck port, at least one incoming box truck docks, and 20-foot minimum ceiling clearance. Additionally, the building will need to have three outgoing delivery bays.

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?

Yes

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

The project location is directly across the street from the current location.

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

The current facility is privately owned and will be put on the market to be leased out.

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.

320 Scajaquada Street: The site at 1016 & 1044 East Delavan Avenue was a better location with more presence in the community.

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

Erie County Industrial Development Agency

Financial Statements

As of July 31, 2025

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Balance Sheet

July 31, 2025

	July 2025	June 2025	December 2024
ASSETS:			
Cash and Equivalents *	\$ 6,764,449	\$ 6,216,053	\$ 6,751,035
Restricted Cash & Investments *	19,080,073	18,678,285	18,075,648
Due from Affiliates	2,138,248	2,100,228	4,571,775
Due from Buffalo Urban Development Corp.	62,066	57,613	131,503
Other Receivables	167,465	203,988	173,195
Total Current Assets	<u>28,212,300</u>	<u>27,256,166</u>	<u>29,703,154</u>
Grants Receivable	4,940,750	4,992,554	5,214,764
Lease Receivable	478,485	497,404	609,283
Venture Capital Investments, net of reserves	406,247	406,247	406,247
Capital Assets	1,341,984	1,358,476	1,450,212
Total Long-Term Assets	<u>7,167,466</u>	<u>7,254,681</u>	<u>7,680,506</u>
TOTAL ASSETS	<u>\$ 35,379,766</u>	<u>\$ 34,510,847</u>	<u>\$ 37,383,661</u>
LIABILITIES & NET ASSETS			
Accounts Payable & Accrued Exp.	\$ 168,750	\$ 196,817	\$ 577,336
Lease Payable	302,602	314,567	385,321
Deferred Revenues	4,313,635	4,352,290	4,498,758
Funds Held on Behalf of Others	9,825,102	9,405,387	11,287,296
Total Liabilities	<u>14,610,090</u>	<u>14,269,062</u>	<u>16,748,711</u>
Deferred Inflows of Resources Related to Leases	478,485	497,404	609,283
Net Assets	<u>20,291,191</u>	<u>19,744,382</u>	<u>20,025,667</u>
TOTAL LIABILITIES & NET ASSETS	<u>\$ 35,379,766</u>	<u>\$ 34,510,847</u>	<u>\$ 37,383,661</u>

- * Cash and restricted cash is invested in interest bearing accounts at M&T Bank and obligations of the United States of America at Wilmington Trust. The maximum FDIC insured amount = \$250,000 with the remainder of the cash balance collateralized with government obligations by the financial institution. Collateral is not required for U.S. government obligations.

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Income Statement

Month of July 2025

Actual vs. Budget			
	Actual	Budget	Variance
REVENUES:			
Administrative Fees	\$ 707,678	\$ 150,000	\$ 557,678
Management Fees - Affiliates and Others	46,600	48,667	(2,067)
Rental Income	102,038	92,880	9,158
Other Income	-	250	(250)
Total Revenues	856,316	291,797	564,519
EXPENSES:			
Salaries & Benefits	\$ 197,443	\$ 193,287	\$ 4,155
General Office Expenses	34,609	22,583	12,025
Building Operating Costs	12,701	6,707	5,993
Professional Services	2,401	5,000	(2,599)
Public Hearings & Marketing	2,852	10,000	(7,148)
Travel, Mileage & Meeting Expenses	6,130	2,958	3,171
Depreciation and amortization	19,607	19,607	-
Other Expenses	1,760	1,250	510
Total Expenses	277,503	261,394	16,110
SPECIAL PROJECT GRANTS:			
Revenues	\$ 14,745	\$ 433,190	\$ (418,446)
Expenses	(15,492)	(407,024)	391,532
	(748)	26,167	(26,914)
NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS :	578,065	56,570	521,495
OTHER STRATEGIC INVESTMENTS AND INITIATIVES:			
Renaissance Commerce Park Grant	\$ -	\$ (8,333)	\$ 8,333
Angola Ag Park Grant	-	(2,083)	2,083
Other Strategic Initiatives	(75,000)	(75,000)	-
	(75,000)	(85,417)	10,417
NET OPERATING INCOME/(LOSS) :	503,065	(28,847)	531,912
NON-OPERATING REVENUE:			
Interest Income	\$ 45,055	\$ 33,360	\$ 11,695
Interest Expense	(1,311)	(9,340)	8,029
	43,744	24,020	19,724
NET INCOME/(LOSS):	\$ 546,809	\$ (4,827)	\$ 551,636

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Income Statement

Year to Date: July 31, 2025

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
REVENUES:						
Administrative Fees	\$ 1,409,321	\$ 1,050,000	\$ 359,321	\$ 1,409,321	\$ 590,231	\$ 819,090
Affiliate Management Fees	333,450	341,917	(8,467)	333,450	274,483	58,967
Rental Income	215,786	210,071	5,715	215,786	237,352	(21,566)
Other Income	21,828	20,250	1,578	21,828	20,475	1,353
Total Revenues	1,980,385	1,622,238	358,147	1,980,385	1,122,542	857,843
EXPENSES:						
Salaries & Benefits	1,389,164	1,419,543	(30,378)	1,389,164	1,309,322	79,842
General Office Expenses	167,420	158,083	9,336	167,420	155,094	12,326
Building Operating Costs	29,780	55,993	(26,213)	29,780	30,473	(693)
Professional Services	54,097	66,800	(12,703)	54,097	42,156	11,941
Public Hearings & Marketing	56,683	70,000	(13,317)	56,683	83,097	(26,415)
Travel, Mileage & Meeting Expenses	22,188	20,708	1,479	22,188	24,736	(2,548)
Depreciation and amortization	137,252	137,252	-	137,252	154,752	(17,500)
Other Expenses	8,685	10,000	(1,315)	8,685	7,572	1,114
Total Expenses	1,865,269	1,938,380	(73,111)	1,865,269	1,807,202	58,067
SPECIAL PROJECT GRANTS:						
Revenues	275,885	3,032,333	(2,756,448)	275,885	363,206	(87,321)
Expenses	(241,559)	(2,849,167)	2,607,608	(241,559)	(379,414)	137,855
	34,327	183,167	(148,840)	34,327	(16,207)	50,534
NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS:	\$ 149,443	\$ (132,975)	\$ 282,418	\$ 149,443	\$ (700,868)	\$ 850,310
OTHER STRATEGIC INVESTMENTS AND INITIATIVES:						
Renaissance Commerce Park Grant	\$ (94,684)	\$ (100,000)	\$ 5,316	\$ (94,684)	\$ (98,064)	\$ 3,380
Angola Ag Park Grant	(5,483)	(25,000)	19,517	(5,483)	(12,545)	7,062
Buffalo Urban Development Corporation	-	-	-	-	(100,000)	100,000
Other Strategic Initiatives	(75,000)	(75,000)	-	(75,000)	(115,525)	40,525
	(175,167)	(200,000)	24,833	(175,167)	(326,134)	150,967
NET OPERATING INCOME/(LOSS):	(25,725)	(332,975)	307,251	(25,725)	(1,027,002)	1,001,277
NON-OPERATING REVENUE:						
Interest Income	301,459	233,519	67,940	301,459	\$ 280,215	21,243
Interest Expense	(10,210)	(9,340)	(870)	(10,210)	(14,236)	4,026
	291,248	224,179	67,070	291,248	265,979	25,269
NET INCOME/(LOSS):	\$ 265,524	\$ (108,796)	\$ 374,320	\$ 265,524	\$ (761,023)	\$ 1,026,547

Tax Incentives Approved - 2025														
Approval Date	Project Name	Project City/Town	Private Investment/ Project Amount	Minimum Investment Commitment (85% Threshold)	FT Jobs Retained	PT Jobs Retained	FT Jobs to be Created	PT Jobs to be Created	Job Creation (85% New)	Construction Jobs	Spillover Jobs	Length of Term	Incentive Amount	Cost Benefit Ratio
Mar-25	Rosina Food Products, Inc.	West Seneca	\$30,000,000	\$25,500,000	184	0	53	0	45	118	441	Period of PILOT 10 Years	\$2,693,039	1:106
Mar-25	Decorators, Inc./UFP Industries, Inc.	Lackawanna	\$77,225,524	\$65,641,695	0	0	50	0	42	248	282	Period of PILOT 10 Years	\$1,822,635	1:65
Apr-25	IMA Life Phase I ²	Tonawanda	\$33,681,290	\$28,629,097	120	0	30	0	25	124	333	Period of PILOT 10 Years	\$3,614,444	1:74
Apr-25	IMA Life Phase II	Tonawanda	\$12,500,000	\$10,625,000	0	0	40	0	34	49	109	Period of PILOT 10 Years	\$1,516,824	1:45
Apr-25	Big Heart Pet Products, Inc.	Buffalo	\$52,660,000	\$44,761,000	283	0	17	0	14	208	837	project completion date + 2 yrs	\$1,085,175	1:184
Apr-25	Eaton Mission Systems	Orchard Park	\$21,600,000	\$18,360,000	453	0	77	0	65	88	617	Period of PILOT 10 Years	\$1,309,348	1:713
May-25	619 Exchange Street/PG Larkinville ¹	Buffalo	\$30,209,411	\$25,677,999	0	0	1	1	1	226	114	Period of PILOT 10 Years	\$3,205,100	1:12
Jun-25	Pfannenberg USA ²	Alden	\$15,850,000	\$13,472,500	120	7	23	0	19	43	43	project completion date + 2 yrs	\$411,250	1:94
Jul-25	Lactalis American Group ²	Buffalo	\$62,014,038	\$52,711,932	400	1	27	0	22	242	2,005	project completion date + 2 yrs	\$2,158,618	1:179
Jul-25	Great Lakes Pressed Steel	Buffalo	\$2,555,500	\$2,172,175	15	0	2	0	1	9	21	Period of PILOT 10 Years	\$224,938	1:79

Totals:

Totals:

Private Investment/
Project Amount

85% Minimum
Investment
Commitment

FT Jobs
Retained

PT Jobs
Retained

FT Jobs
Created

PT Jobs
Created

85% Job
Creation

Construction
Jobs

Spillover
Jobs

Incentive Amount

Adaptive Reuse Subtotal	1	\$30,209,411	\$25,677,999	0	0	1	1	1	1	226	114		\$3,205,100	
Amendatory Inducement Subtotal	3	\$111,545,328	\$94,813,529	640	8	80	0	66	409	2,381			\$6,184,312	
2025 Total	10	\$338,295,763	\$287,551,398	1,575	8	320	1	268	1,355	4,802			\$18,041,371	

¹ Adaptive Reuse

² Amendatory Inducement

ECIDA Tax Incentives Closed - 2025

[illegible]

Totals:	Total # of Projects Closed	Project Amount at closing		PT Jobs		FT Jobs	
		Retained	Created	Retained	Created	Retained	Created

[illegible]



MEMORANDUM

Date: August 27th, 2025

To: ECIDA Board of Directors

From: ECIDA Staff

Re: Authorization to Utilize UDAG Funds for the WYE Yard Rail Relocation Project at Renaissance Commerce Park

Background:

As the property redevelopment activities of the ILDC continue to move ahead at Renaissance Commerce Park (RCP) and the Erie County Agribusiness Park (Ag Park), the development efforts entail the design, engineering and construction of several large capital infrastructure projects needed for the successful redevelopment of the sites. These projects represent significant capital costs and are often funded through a collection of funding partners, including Empire State Development, Erie County, and the Federal EDA among others. The funding process for these projects is complex as each funding partner has their own reporting and reimbursement procedures and timelines. The large cost and complexity to funding these projects has created a need for the ILDC to have the ability to access **Urban Development Action Grant funds (UDAG)** to cash flow payments for construction costs while awaiting reimbursements, utilizing funds to cover budget holes/change orders as costs rise on projects and to help fund property carrying costs for items like sewer and water taxes, brownfield annual reporting, miscellaneous legal costs, etc.

The initial funding for the acquisition of the properties (RCP and Ag Park) and carrying costs was funded using UDAG proceeds. One of the provisions of that agreement was that a portion of ILDC land sales, 50% of proceeds, would be returned to the UDAG fund. To date ILDC land sales at RCP have resulted in \$857,000 being returned to the UDAG fund.

It is anticipated that future land sales will continue to generate revenue for repayments to the UDAG fund and pay for carrying costs. Additionally, as land sales continue, various carrying costs will be reduced over time.



Summary of UDAG Fund:

The UDAG fund was capitalized primarily from reflow associated with the original UDAG grant for the purchase and redevelopment of the former Westinghouse facility out in Elma, which is presently owned by Steuben Foods. The bulk of the UDAG fund comes from monies repaid from the Steuben project—through rent, the eventual purchase of the facility, and the sale of venture investments, primarily from Synacor and Gemcor.

UDAG reflow funds are restricted by federal regulations, but are eligible to use for certain purposes, including design and development costs associated with the development of the Renaissance Commerce Park and Erie County Agribusiness Park sites.

UDAG Fund Availability as of 7/31/25

Current Available Cash Balance	\$8,947,000
Total Current Potential Allocations	
• Erie County Ag Park Carrying Costs	(\$110,120)
• 2025 Budget Items	(\$100,000)
Due from ILDC (borrowed)	\$1,835,500
*Reimbursed through ESD	
Projected UDAG Balance	\$10,572,380

Project Summary:

Currently, the ILDC is undertaking the WYE Yard Rail Relocation Project at RCP. The rail relocation project is a major infrastructure project that will lead to the redevelopment of an additional 40 acres of land at the park by removing encumbrances and additionally allow for the Shoreline Trail Phase 2 to be constructed, which will provide access to the future Smokes Creek Passive Park planned for an area running along the creek towards the back of the property. The design and engineering phase of the project is nearing completion with construction slated to start in spring 2026.

The project consists of the removal of existing rail in the WYE Yard, a 40-acre parcel adjacent to New York State Route 5, and the rebuilding of those rail lines in the POCO Yard, a parcel owned by Tecumseh Redevelopment Inc. (Tecumseh) located immediately west of the WYE Yard. The expansion of rail service and improvements on property will serve existing and potential new customers for Renaissance Commerce Park, Tecumseh, Port of Buffalo, Gateway Trade Center Inc. (GTC) and South Buffalo Railway (SBR) properties.



Project Budget:

The current engineer's estimate for the construction of the project sits at \$11.75 million. However, the budget has been significantly reduced from the \$20 million initial estimate from earlier this year through tweaks applied to the project by our engineering consultant C&S Companies. Through the hard work of C&S, ILDC and County staff we were able to implement some changes to the project that helped reduce the budget while keeping the integrity of the project plan intact. The project team is continuing to explore additional ways to reduce the budget while pursuing supplemental funding.

The higher than anticipated project cost stems from the steadily rising cost of construction since the pandemic, current interest rates and the significant cost of the earth work necessary to clear space in the POCO Yard for the new rail lines.

To date, the ILDC has secured \$10.5 million in funding for the project, \$6.5 million from Empire State Development (ESD) and \$4 million from the County of Erie (County), leaving a budget hole of roughly \$1.2 million. The Erie County Department of Environment and Planning (DEP) is pursuing an additional \$2.5 million in the 2026 County budget to close the budget gap for the project. The budget process is expected to be completed in December at which point it will be known whether the additional funding was secured or not.

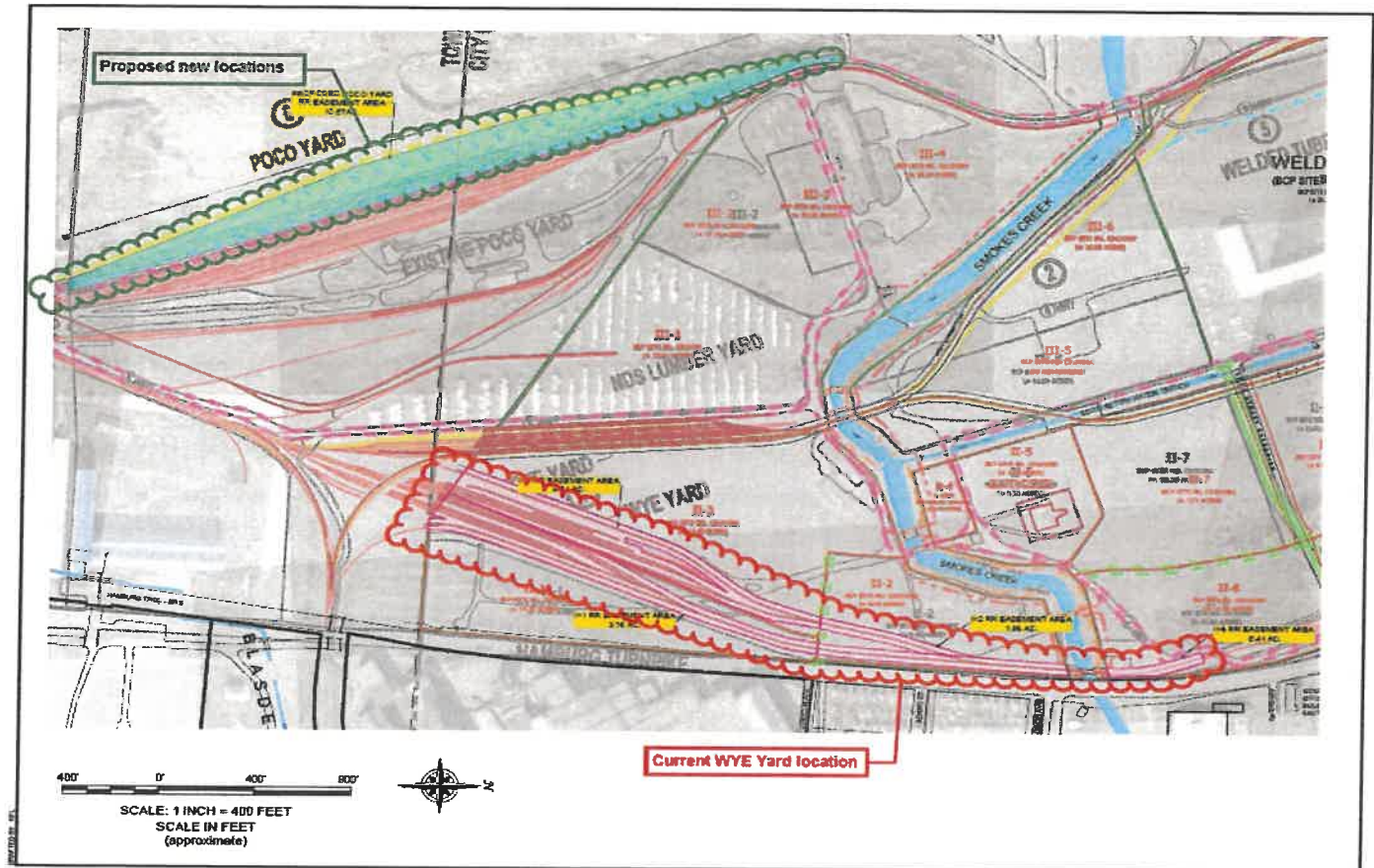
In an effort to receive final approval for the State funding from ESD's board of directors in November, which requires the applicant to attest to a fully funded project, the ILDC is seeking a not to exceed allocation of \$3 million from the UDAG fund to cover the current budget for the project while the County budget process plays out over the next few months. This funding will **only** be utilized if the County funding is not secured. Additionally, the UDAG fund may be used to cover upfront costs for this project while awaiting reimbursements from the State and County, a practice previously approved for ILDC infrastructure projects at RCP and the Ag Park by the ECIDA board in April 2023.

As previously noted, securing the UDAG funding will allow the ILDC's application to be formally presented and voted on at ESD's board meeting in November. Approval of the ESD agreement this fall will allow the ILDC and C&S to put the project out for bid this winter, which we believe will lead to competitive bids as contractors look to secure work for the upcoming 2026 construction season.

Requested Action:

Seeking approval from the ECIDA Board of Directors to authorize the ILDC to utilize a not to exceed allocation of \$3 million from the UDAG fund to the WYE Yard Rail Relocation Project in the event that additional County funding cannot be secured.

Map:



**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
RESOLUTION**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, August 27, 2025, at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (“AGENCY”) TO (i) AUTHORIZE THE ALLOCATION OF \$3,000,000 FROM THE AGENCY’S U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT URBAN DEVELOPMENT ACTION GRANT (“UDAG”) REFLOW FUND TO BE UTILIZED BY THE INDUSTRIAL LAND DEVELOPMENT CORPORATION TO FUND THE WYE RAIL RELOCATION PROJECT AT RENAISSANCE COMMERCE PARK, AND (ii) TO ENTER INTO A FUNDING AGREEMENT IN FURTHERENCE OF SAME

WHEREAS, the Buffalo and Erie County Industrial Land Development Corporation (“ILDC”) seeks to undertake the WYE Rail Relocation Project (the “Project”) at Renaissance Commerce Park (the “RCP”), located in the County of Erie (the “County”) to relocate existing rail lines from a 40-acre parcel of land adjacent to New York Route 5 to the POCO Yard, which is owned by Tecumseh Redevelopment Inc. (“Tecumseh”); and

WHEREAS, the Project will lead to the development of an additional 40 acres of the RCP, and is necessary for the Shoreline Trail Phase 2 to be constructed, which will provide access to the future Smokes Creek Passive Park planned for the area; and

WHEREAS, the Project will also provide for additional rail service at the POCO Yard to serve existing and potential new customers for RCP, Tecumseh, Port of Buffalo, Gateway Trade Center Inc. and South Buffalo Railway properties; and

WHEREAS, the Project’s current estimated cost is \$11,750,000, this is higher than initially estimated due to rising construction costs, high interest rates, and the significant cost of the work necessary to clear space in the POCO Yard for the new rail lines; and

WHEREAS, of the \$11,750,000 estimated Project cost, the ILDC has secured \$10,500,000 in funding including \$6,500,000 from Empire State Development (the “ESD Grant”) and \$4,000,000 from the County (the “Initial County Funding”), leaving a budget gap of approximately \$1,200,000 (the “Project Budget Gap”); and

WHEREAS, the County Department of Environment and Planning is pursuing an additional \$2,500,000 from the 2026 County budget (the “2026 County Budget”) to close the Project Budget Gap (the “County Budget Request”); and

WHEREAS, the 2026 County Budget will not be finalized until December of 2025; and

WHEREAS, in order to receive final approval for the ESD Grant in November of 2025, the ILDC must attest to the Project being fully funded (the “ESD Grant Requirement”); and

WHEREAS, final approval of the ESD Grant in November of 2025 will allow the ILDC to timely commence construction in the Spring of 2026 following a competitive bidding process; and

WHEREAS, in light of the ESD Grant Requirement and the uncertainty associated with the County Budget Request, the ILDC has requested \$3,000,000 from the Agency to close the Budget Gap (the “Agency Funding Request”); and

WHEREAS, the proceeds from the Agency Funding Request will only be utilized if funding from the County Budget Request is not sufficient to cover the Project Budget Gap, or as necessary to cover upfront costs of the Project while awaiting reimbursements from the ESD Grant and the Initial County Funding; and

WHEREAS, on April 23, 2025, pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereto at 6 NYCRR Part 617 (collectively referred to as “SEQRA”), the ILDC considered the Project pursuant to the parameters set forth in 6 N.Y.C.R.R. §§ 617.2(b) and 617.3(g) of the SEQRA regulations, classified the Project as Type 1 as defined in SEQRA, undertook coordinated review and declared itself Lead Agency pursuant to SEQRA, determined that the Project will not result in a potential significant adverse impact on the environment and issued a Negative Declaration pursuant to SEQRA; and

WHEREAS, the Agency maintains an Urban Development Action Grant Reflow Fund (the “UDAG Fund”), and pursuant to the Housing and Community Development Act of 1974 the Agency Funding Request as described herein is an eligible UDAG expenditure under 42 U.S. Code Section 5305(a)(2) and Section 5305(a)(14).

NOW, THEREFORE, BE IT RESOLVED BY THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency authorizes and approves the utilization of the Agency’s UDAG Fund in the amount of \$3,000,000 for the purpose of facilitating the Agency Funding Request, in the event the County Budget Request is insufficient to close the Budget Gap or as needed to cover upfront Project costs.

Section 2. The Agency authorizes the President/Chief Executive Officer to negotiate and execute a funding agreement (the “Funding Agreement”), as appropriate, by and between the Agency and the ILDC, in consultation with the Agency’s general counsel, that shall include such other terms and conditions as the President/Chief Executive Officer determines to be appropriate and in the best interest of the Agency for purposes of the funding the Panel, the Report, and fulfilling the Funding Request.

Section 3. The Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any documents and

agreements as may be related hereto and the officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of this resolution.

Section 4. Any and all actions heretofore taken or authorized by the Agency and/or its officers, employees and agents with respect to this resolution are hereby ratified, approved and confirmed in all aspects.

Section 5. This resolution shall take effect immediately.

Dated: August 27, 2025