



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

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

**December 17, 2025
at 12:00 p.m.**

1.0 Call to Order

- 1.1 Call to Order Meeting of the Membership
- 1.2 Welcome New Board Member – Grace Bogdanove - President of the Buffalo Central Labor Council

2.0 Approval of Minutes:

- 2.1 Approval of Minutes of October 22, 2025 Meeting of the Membership (Action Item) (Pages 2-5)
- 2.2 Policy Committee Update (Informational) (Pages 6-9)

3.0 Amendatory Inducement Resolution(s):

- 3.1 (None)

4.0 Inducement Resolution(s):

		ECIDA Incentives	Private Investment	Municipality
4.1	110 Pearl/Swan & Pearl, LLC (Pages 10-60)	\$505,187	\$14,190,120	Buffalo
4.2	Wavepoint 3PL (Pages 61-102)	\$317,500	\$25,000,000	Buffalo

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

- 5.1 Financial Report (Informational) (Pages 103-106)
- 5.2 2025 Tax Incentives Induced/Closing Schedule (Informational) (Pages 107-108)
- 5.3 Renaissance Commerce Park – Odell St. and Ridge Road Extension Project - Authorization to utilize UDAG Funds for project (Action Item) (Pages 109-114)
- 5.4 Third Amendment to Sub-Sublease Agreement with BUDC (Action Item) (Pages 115-117)

6.0 Management Team Report(s):

- 6.1 2026 Board Meeting Schedule (Informational) (Page 118)

7.0 Adjournment- Next Meeting – January 28, 2026

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

DATE AND PLACE: October 22, 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, Rev. Mark Blue, Jonathan Dandes, Hon. Joseph Emminger, Dottie Gallagher, Gregory Inglut, Tyra Johnson, Brenda McDuffie¹, Glenn Nellis, Hon. Brian Nowak, Hon. Mark Poloncarz, and Hon. Taisha St. Jean Tard

EXCUSED: Lorry Goldhawk, Hon. Brian Kulpa, Hon. Christopher P. Scanlon, Kenneth Schoetz

OTHERS PRESENT: John Cappellino, President & CEO; Beth O’Keefe, Vice President of Operations; Jerry Manhard, Chief Lending Officer; Grant Lesswing, Director of Business Development; Carrie Hocieniec, Operations Assistant/ Assistant Secretary; Brian Krygier, Director of Information Technology; Atiqah Abidi, Accounting Manager; Michelle Moore, Compliance Associate and Robert Murray, Esq., General Counsel/Harris Beach Murtha

GUESTS: Zaque Evans and Michael Szukala on behalf of Erie County; Daniel Castle on behalf of Erie County; Jonathan Epstein on behalf of Buffalo News

There being a quorum present at 12:01 p.m., the meeting of the members of the Erie County Industrial Development Agency (the “ECIDA” or “Agency”), was called to order by Vice Chair Abbott, who presided over the meeting in the absence of Chair McDuffie.

MINUTES

The minutes of the September 24, 2025, meeting of the members were presented. Ms. Gallagher moved, and Rev. Blue seconded to approve of the minutes. Ms. Abbott called for the vote, and the minutes were unanimously approved.

¹ Ms. McDuffie participated via video conference pursuant to Section 103-A of the New York State Public Officer’s Law and the Agency’s Videoconferencing Participation Policy.

BONDS

Refunding of Series 2015A Bonds/JSCB. Ms. O’Keefe reviewed the City School District of the City of Buffalo project which will refund the Series 2015A bonds to provide debt service savings to the District which is presently expected to be \$80,000,000 (with a not to exceed amount of \$85,000,000).

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT
AGENCY AUTHORIZING THE ISSUANCE OF REFUNDING BONDS TO
REFUND ALL OR A PORTION OF THE SERIES 2015A BONDS WITH
RESPECT TO ITS PROJECT FOR THE CITY SCHOOL DISTRICT OF THE
CITY OF BUFFALO AND AUTHORIZING OTHER MATTERS IN
CONNECTION THEREWITH

REPORTS / ACTION ITEMS / INFORMATION ITEMS

Financial Report. Ms. Abidi presented the September financial reports. The balance sheet shows that the IDA finished the month with total assets of \$35.7M, including unrestricted cash of \$6.9M available for Agency operations. Net assets increased to \$20.4M. Overall assets increased \$348,000 from August. Cash increased \$261,000 because of net income for month, and restricted cash decreased \$217,000 due to amounts lent to ILDC, resulting in an increase in Due from Affiliates. Liabilities were consistent at \$14.9M. The September income statement shows a net income of \$371,000. Operating revenue of \$576,000 exceeded our monthly budget by \$351,000, due to nearly \$500,000 of administrative fees received during the month. Operating expenses of \$246,000 were \$16,000 below budget, with negative variances in nearly every expense category. Net non-operating revenue of \$41,000, brings us to the net income of \$371,221 for the month. The year-to-date income statement shows operating revenues of \$2.6M, including administrative fee revenue of \$1.9M. At this point we’ve exceeded our annual budget of \$1.8M. Operating expenses of \$2.36M are \$101,000 below budget. Net special project grant income is \$35,000, and strategic initiatives year to date total \$275,000. Net non-operating revenue of \$376,000 gives us net income of \$402,403 for the year. Ms. Abbott directed that the report be received and filed.

Finance and Audit Committee Update. Mr. Szukala updated members on the most recent Finance & Audit Committee meeting whereat the following actions were taken: (1) recommended approval of the Joint Schools Construction Board bond refunding; and (2) recommended approval of 2026 budgets for ECIDA, RDC, and ILDC. Ms. Abbott directed that the report be received and filed.

2026 Budget Timetable. Ms. Abidi advised members that we were coming to the end of our 2026 budget process. The Board will be asked to vote on the 2026 budget today in order to meet the November 1st Authorities Budget Office (“ABO”) deadline

Approval of 2026 Proposed Budget. Ms. Abidi reviewed the proposed 2026 budget. The operational portion of the budget when compared to the 2025 budget, we are looking at a 10% (\$315,000) increase for operating revenues in 2026. Operating revenues are budgeted at \$3.4M, which includes \$1.9M of administrative fees. We are projecting \$2.9M of administrative fee revenue for 2025. The main reasons for the increase in the 2026 budget are increases in affiliate management fees from ILDC and an increase in BUDC's management fee. Total operating expenses are budgeted at \$3.4M, a 10% increase over the 2025 budget. The increased expenses are being driven by budgeted increases in salaries and benefits (increased benefit costs), insurance (expected premium increases), and professional services costs (increased consulting costs for CEDS update) Before depreciation and special projects, we are budgeting net income of \$109,000. The proposed and potential uses of funds already on hand for special projects including all those possibilities, the bottom-line budgeted net income is \$268,845. Ms. Abidi further reviewed the 3-year forecast as required by the ABO. She also outlined the proposed 5-year capital budget, including IT and facilities at 143 Genesee and 95 Perry.

Mr. Poloncarz commended the team's work on preparing the budget.

Mr. Poloncarz moved and Mr. Nellis seconded to approve of the 2026 proposed budget. Ms. Abbott then called for the vote and the motion was unanimously approved.

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

Buffalo Southern Railroad – NYSDOT EBO Permission. Mr. Cappellino reviewed this item requesting Board authorization for a resolution that will allow the establishment of an Equitable Business Opportunities (EBO) Account within the New York State Department of Transportation (NYSDOT) system. This EBO account is required by NYSDOT in order for the project sponsor to obtain a username and reporting access necessary for compliance monitoring, DEB/MWBE participation tracking, and progress reporting on the Buffalo Southern Railroad PFRAP Contract. Without this authorization and account setup, the project cannot move forward to award and construction.

Ms. Gallagher moved and Mr. Inglut seconded to approve of the establishment of an Equitable Business Opportunities Account within the New York State Department of Transportation system. Ms. Abbott then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (I) AUTHORIZING THE ESTABLISHMENT OF AN EQUITABLE BUSINESS OPPORTUNITIES ("EBO") ACCOUNT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION ("NYSDOT") IN RELATION TO THAT CERTAIN PASSENGER AND FREIGHT RAIL ASSISTANCE PROGRAM ("PFRAP") GRANT RECEIVED BY AGENCY; AND (II) DESIGNATING A

REPRESENTATIVE FROM THE AGENCY TO MANAGE REPORTING AND COMPLIANCE SUBMISSIONS FOR THE PFRAP GRANT THROUGH THE EBO ACCOUNT, AND FACILITATING THE COMMENCEMENT AND COMPLETION OF THE REHABILITATION WORK (AS HEREINAFTER DEFINED)

MANAGEMENT TEAM REPORT

Mr. Cappellino took a moment to recognize Ms. Johnson who helped organize and participated in the 2025 Buffalo-Niagara MWBE Training Day conference yesterday. Topics at the conference included Bid Blueprint Bootcamp, Beyond Construction, Building Credit, as well as panel presentation and networking. Mr. Manhard participated in the Economic Development panel, and Ms. McPherson helped at our booth to address inquiries from participants. The Conference was well attended and a great success.

There being no further business to discuss, Ms. Abbott adjourned the meeting of the Agency at 12:23 p.m.

Dated: October 22, 2025

Elizabeth A. O'Keefe, Secretary

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

DATE AND PLACE: December 4, 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, Zaque Evans, Gregory R. Inglut, Dr. Susan McCartney, Hon. Brian Nowak, Peter Petrella, David State and Lavon Stephens

EXCUSED: Glenn R. Nellis, Hon. Christopher Scanlon and Laura Smith

VIA ZOOM: Brenda W. McDuffie¹

OTHERS PRESENT: John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Beth O'Keefe, Vice President of Operations; Brian Krygier, Director of Information Technology; Soma Hawramee, Compliance Portfolio Manager, Michelle Moore, Compliance Associate, Carrie Hocieniec, Operations Assistant/ Assistant Secretary; Noah Cliff, Business Development Office; Andrew Federick, Director of Property Development and Robert Murray, Esq., as General Counsel/Harris Beach Murtha

GUESTS: Yessica Vasquez on behalf of the City of Buffalo; Chris Schoepflin and Matthew Reichert on behalf of Wavepoint; Eric Ekman and Lindsay Munschauer on behalf of McGuire Development.

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 August 7, 2025 Policy Committee meeting were presented. Upon motion made by Rev. Blue to approve of the minutes, and seconded by Mr. State, the Policy Committee meeting minutes were unanimously approved.

¹ Ms. McDuffie participated via video conference pursuant to Section 103-A of the New York State Public Officer's Law and the Agency's Videoconferencing Participation Policy.

PROJECT MATRIX

Mr. Cappellino introduced new Agency business development associate, Noah Cliff, to the Committee.

Mr. Cappellino reviewed the Project Matrix with the Committee.

PROJECT PRESENTATIONS

110 Pearl Street (The Dun Building). Ms. O'Keefe presented this proposed sales and use tax savings and mortgage recording tax benefits project involving the adaptive reuse of the historic Dun Building and will convert floors 2-10 of the building into 36 apartments with commercial space planned for the first floor and an existing restaurant tenant will remain in the basement level.

At this point in time, Mr. Evans joined the meeting.

Ms. O'Keefe confirmed that 110 Pearl Street is seeking approximately \$505,187 in assistance including sales tax exemption and mortgage recording tax exemption. Total payroll is projected at \$10,195,430 for the direct and indirect jobs created including 48 construction jobs. The resulting cost benefit is 1:21 so for every \$1 of incentives the community benefit is \$21 in payroll & tax revenue. Erie County, for every \$1 of incentives the community benefit is \$39 in benefits to the community.

Ms. O'Keefe stated that in exchange for providing the sales and use tax and mortgage recording tax 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 = \$14,190,120 85% = \$12,061,602
Employment	Coincides with recapture period	Maintain Base = 3 FTE 10 PT (tenant) Create 85% of Projected Projected = 3 PT 85% = 1 FTE Recapture Employment = 9 FTE
Affordable Housing Units	Coincides with recapture period	Total housing units = 36 # of 80% AMI units = 4 (meets # units per policy)
Local Labor	Construction period	Adherence to policy including quarterly reporting

Pay Equity	Coincides with recapture period	Adherence to policy
Unpaid Tax	Coincides with recapture period	Adherence to policy
Recapture Period	Coincides with recapture period	Recapture of state and local sales taxes and mortgage recording tax

General discussion ensued regarding the number of, and size of, the affordable units and availability of parking. Mr. Evans stressed that the Agency's "for rent residential housing" policy contained within the Adaptive Reuse Policy seeks a mix of affordable units allocated between the various studio, 1BR, 2BR, and 3BR offerings, and requested the company to consider making at least one of the affordable units be a 1BR, 2BR or 3BR unit instead of the only affordable units being the studio units.

Ms. McDuffie moved and Mr. State seconded, to recommend the project as proposed be forwarded to the members of the Agency Board for approval. Ms. Abbott called for the vote and the motion was approved with Mr. Stevens and Mr. Evans abstaining

Wavepoint 3 PL / 231 Ship Canal Parkway. Ms. O'Keefe presented this proposed sales and use tax savings and mortgage recording tax benefits project involving the acquiring and redeveloping an existing 300,000+/- square-foot industrial facility to expand Wavepoint's third party logistics (3PL) and value-added service operations by modernizing infrastructure, upgrade loading and dock facilities, and install advanced logistics and warehouse management systems.

Ms. O'Keefe confirmed that Wavepoint is seeking approximately \$405,000 in assistance including sales tax exemption and mortgage recording tax exemption. Total payroll is projected at \$6,854,919 for the direct and indirect jobs created including 48 construction jobs. The resulting cost benefit is 18:1 so for every \$1 of incentives the community benefit is \$18 in payroll & tax revenue. Erie County, for every \$1 of incentives the community benefit is \$35 in benefits to the community.

Ms. O'Keefe stated that in exchange for providing the sales and use tax and mortgage recording tax 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 = \$25,000,000 85% = \$21,250,000

Employment	2 years after project completion	Create 85% of Projected Projected = 31 FTE 85% = 26 FTE Recapture Employment = 26 FTE
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	2 years after project completion	Adherence to policy
Unpaid Tax	2 years after project completion	Adherence to policy
Recapture Period	2 years after project completion	Recapture of state and local sales taxes and mortgage recording tax

General discussion ensued.

Ms. Abbott called for a motion to recommend the project for approval. Mr. Evans moved and Rev. Blue 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.

There being no further business to discuss, Ms. Abbott adjourned the meeting at 9:42 a.m.

Dated: December 4, 2025

Elizabeth A. O'Keefe, Secretary

110 Pearl Street – Swan & Pearl, LLC**\$ 14,190,120****PRIVATE INVESTMENT INDUCEMENT RESOLUTION****ELIGIBILITY**

- NAICS Section – 531390

COMPANY INCENTIVES

- Approximately \$ 436,187 in sales tax savings
- Up to 3/4 of 1% of the final mortgage amount estimated at \$ 69,000

JOBS & ANNUAL PAYROLL

- Current / Retained Jobs :3 FT, 10 PT (tenant)
- Projected new jobs: 3 PT
- Annual Payroll: \$40,000 (new jobs)
- Total jobs after project completion: 9 FTE
- Construction Jobs: 48

PROJECTED COMMUNITY BENEFITS*

- Term: 2 yrs from project completion
- NET Community Benefits: \$10,734,645
- Spillover Jobs: 53
- Total Payroll: 10,107,794

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

Incentives: \$505,187

Community Benefit:\$10,626,977

Cost: Benefit Ratio

- 1: 21

Project Title: 110 Pearl Street – The Dun Building

Project Address: 110 Pearl Street, Buffalo, NY 14202
(Buffalo Central School District)

Agency Request

A sales tax and mortgage recording tax abatement in connection with the adaptive reuse of a 36,500 SF commercial building located in the City of Buffalo's East Side.

Building Acquisition \$ 1,850,000

Building Renovation \$ 9,977,428

Soft Costs/Other \$ 2,362,692

Total Project Cost \$ 14,190,120

85% \$ 12,061,602

Company Description

The applicant Swan & Pearl, LLC is a wholly owned subsidiary of McGuire Development. McGuire Development is a full-service real estate investment and development company based in Buffalo, NY and Fort Lauderdale, FL. McGuire Development Company brings over 17 years of expertise and a commitment to excellence to this project.

Project Description

The adaptive reuse of the historic Dun Building – designed by renowned architectural firm Green & Wicks, will convert floors 2 – 10 of the building formerly used for commercial office space into 36 apartments with commercial space planned for the 1st floor and an existing restaurant tenant will remain at the basement level. The apartment unit breakdown follows:

Market Rate	# of Units	SF AVG	Rent Avg	Tenant Utilities	Rent + Utilities
Studio	6	407	\$1,400	\$50	\$1,450
1 bedroom	17	578	\$1,700	\$70	\$1,770
2 bedroom	9	930	\$2,500	\$105	\$2605

Affordable (80% AMI)	# of Units	SF AVG	Rent Avg	Tenant Utilities	Rent + Utilities
Studio	3	396	\$1,330	\$50	\$1,380
1 bedroom	1	565	\$1,345	\$70	\$1,415

Total = 36 units

The company is pursuing property tax savings through the City's 485 A program.

* Cost Benefit Analysis Tool powered by MRB Group

Economic Impact: Inform Analytics Cost-Benefit Analysis

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

Cost: Incentives

COSTS	Tax Exemption	Amount
	Sales	\$ 436,187
	Mortgage Recording	\$ 69,000
	Total	\$ 505,187
	Discounted at 2%	\$ 505,187

Benefit: Projected Community Benefit*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount**
	Erie County	Individuals	Payroll Construction	\$ 7,538,157
			Payroll Permanent	\$ 2,569,637
		Public	Sales Taxes	\$ 93,278
			Other - NFTA	\$ 173
	New York State	Public	Income Taxes	\$ 454,851
			Sales Taxes	\$ 78,550
			Total Benefits to EC + NYS***	\$10,734,645
			Discounted at 2%	\$10,626,977

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

Discounted Cost \$ 505,187
Discounted Benefit \$ 10,626,977
Ratio 1:21

Conclusion: The Cost Benefit for this project is: 1:21. For every \$1 in costs (incentives), this project provides \$21 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$39 in benefits to the community.**

Retail Determination

Project Use	Sq Ft	Cost	% Project Cost
Retail / Commercial	5,500	\$ 285,125	2%
Other: residential housing + building amenities	31,000	\$13,904,995	98%
Total	36,500	\$14,190,120	100%

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

Draft Recapture Material Terms

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$ 14,190,120 85% = \$12,061,602
Employment	Coincides with recapture period	Maintain Base = 3 FT 10 PT (tenant) Projected = 3 PT Create 85% of Projected = 1 FTE Recapture Employment = 9 FTE
Affordable Housing Units	Coincides with recapture period	Total housing units = 36 # of 80% AMI units = 4 (meets # units per policy)
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with recapture period	Adherence to Policy
Unpaid Tax	Coincides with recapture period	Adherence to Policy
<u>Recapture Period</u>	2 years after project completion	Recapture of Mortgage recording tax, state and local sales taxes

Recapture applies to:

State and Local Sales Taxes & Mortgage Recording Tax

Recapture

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

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has maintained 8 jobs (FTE) and created 1 job (FTE), iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

Project ECIDA History

- 12/02/25 Public hearing held.
- Minor Site Plan Review City of Buffalo Planning Board Approval – No SEQRA compliance required.
- 12/17/25 Lease/Leaseback Inducement Resolution presented to the Board of Directors

Applicant ECIDA History

- 08/27/2025: 10 year PILOT - \$34.1 M investment, Project at 1016 E. Delvan Ave, City of Buffalo – construction of a Commissary Kitchen for use by the Buffalo Public School System. (ACTIVE)
- 05/26/2021: 7 year PILOT - \$8.6 M investment, Adaptive Reuse of former 31,555 SF tool facility at 293 Grote Street creating 33 apartment units. (ACTIVE)
- Various inactive projects dating back to 1980s

:

EVALUATIVE CRITERIA - ADAPTIVE REUSE

Project: 110 Pearl St – The Dun Building

CRITERIA	COMMENTS
Age of Structure (must be at least 20 years old and present functional challenges to redevelopment)	Age of building = 130 years old.
Structure has been vacant or underutilized for a minimum of 3 years (defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed/ intended). Project promotes the elimination of slum and blight.	The facility has been under utilized for 10 years. Floors 1 -10 are deemed to have been vacant for approx. 5 years. Basement level is utilized as noted below.
Structure is not generating significant income (defined as 50% or less than the market rate income average for that property class)	Minimal rental income (\$3,875.77 / month) is being collected from the current restaurant tenant located in the basement floor (3,400 SF of space).
Project is in compliance with the investment and growth criteria of the Framework for Regional Growth. The redevelopment supports or aligns with Regional or Local Development Plans	The project is compliant with the Framework for Regional Growth. The Framework defines Regional Centers = sub areas most favored for future development and public investment– including the City of Buffalo.
Demonstrated evidence of financial obstacle(s) to development without ECIDA or other public assistance (cash flow projections documenting costs, expenses and revenues indicating below average return on investment rate as compared to regional industry averages)	The building presents many unique challenges that impact the cost of redevelopment and the need for support including; 1) cost for the replacement of the building's cornice, 2) the zero lot line requires additional investment during construction to locate dumpsters and provide staging areas for crew, 3) replacement and upgrades to the buildings systems including existing HVAC and upgraded utilities, 4) flatiron shape and small floorplates constrain efficiencies and limit the size and # of units.
Demonstrated support of local government entities	Letter from Mitchell Nowakowski, Fillmore District Council Member (see attached)
LEED/Renewable Resources	Project is not seeking LEED certification.
Building or site has historic designation	The Dun Building has local landmark status and is located in the Joseph Ellicott Historic Preservation District. The building was

EVALUATIVE CRITERIA - ADAPTIVE REUSE

	designed by renowned local architecture firm Green & Wicks and is known as Buffalo's first steel framed skyscraper.
Site or structure has delinquent property or other local taxes	N/A
DEI Questionnaire	See attached.
Transit Oriented Development	Project is located less than 50 feet from the Seneca Metro Rail Station and bus stations for routes 8 and 81.
Onsite child daycare facilities on the project site	No onsite child daycare will be available onsite.
OTHER FACTORS TO CONSIDER:	
Environmental/Safety Issues: Structure or site presents significant public safety hazard and or environmental remediation costs	The building has a single stair egress which will require significant investment to meet required safety standards.
Site or structure is located in a distressed census tract	Site is located in a Empire Zone and is adjacent to a highly distressed census tract.
Structure presents significant costs associated w/ building code compliance.	The single egress stair necessitates pressurization and smoke-evacuation systems, and the building's classification due to floor count triggers a generator. Site constraints and building height also compel the use of a water-source heat pump system, which is typically cost-prohibitive for a project of this scale.

*U.S. Census Bureau

DATE OF INDUCEMENT: 12/17/2025

EVALUATIVE CRITERIA - ADAPTIVE REUSE

Return on Investment – 110 Pearl Street

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

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

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

Adaptive Reuse Projects

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

Public Incentives Requested

- Sales Tax Savings in the amount of \$ 436,187
- Mortgage Tax Savings in the estimated amount of \$ 69,000

ROI

Applicant has submitted a proforma documenting the expenses and revenues and ROI for the project.

Stated ROI for the project with ECIDA assistance is 4.0%

Stated ROI for the project without ECIDA assistance is 3.6%

Erie County Industrial Development Agency

MRB Cost Benefit Calculator

Date December 11, 2025
 Project Title 110 Pearl Street - The Dunn Building
 Project Location 110 Pearl Street, Buffalo, New York 14203



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

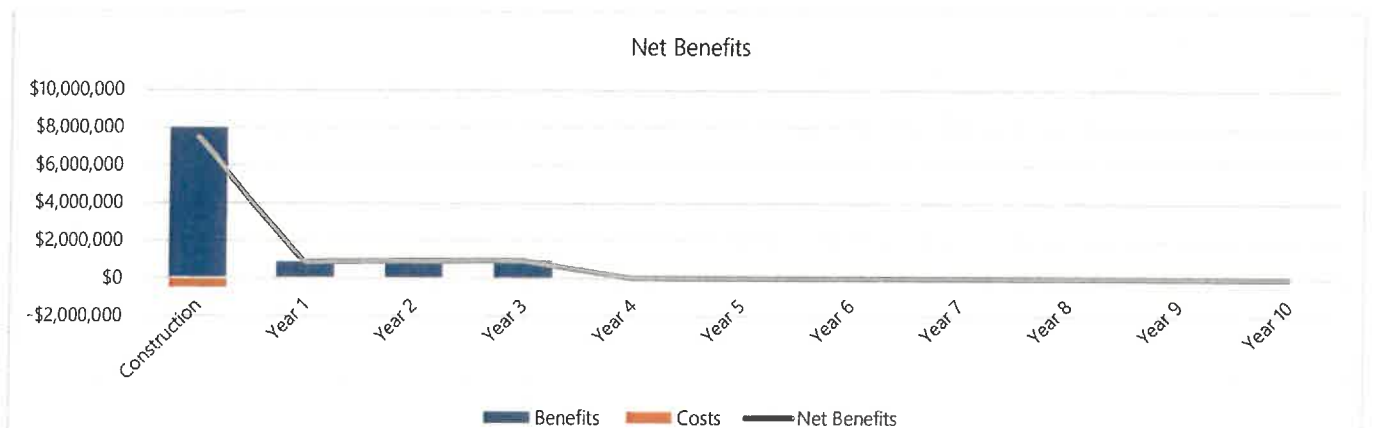
Construction Project Costs

\$14,190,120

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	48	46	94
Earnings	\$4,722,564	\$2,815,593	\$7,538,157
Local Spend	\$12,340,120	\$8,771,357	\$21,111,477

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	10	7	17
Earnings	\$1,407,315	\$1,162,322	\$2,569,637

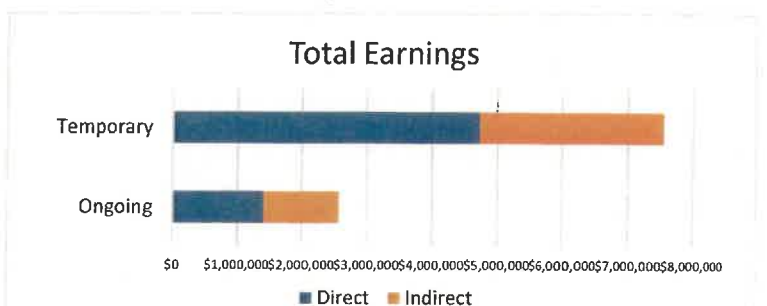
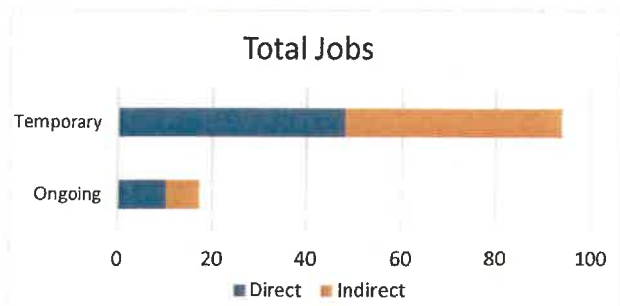
Figure 1



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

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$436,187	\$436,187
Local Sales Tax Exemption	\$236,787	\$236,787
State Sales Tax Exemption	\$199,400	\$199,400
Mortgage Recording Tax Exemption	\$69,000	\$69,000
Local Mortgage Recording Tax Exemption	\$23,000	\$23,000
State Mortgage Recording Tax Exemption	\$46,000	\$46,000
Total Costs	\$505,187	\$505,187

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$10,201,244	\$10,099,128
To Private Individuals	\$10,107,794	\$10,006,880
Temporary Payroll	\$7,538,157	\$7,538,157
Ongoing Payroll	\$2,569,637	\$2,468,724
Other Payments to Private Individuals	\$0	\$0
To the Public	\$93,450	\$92,247
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$62,661	\$62,661
Ongoing Jobs - Sales Tax Revenue	\$30,617	\$29,417
Other Local Municipal Revenue	\$173	\$169
State Benefits	\$533,400	\$527,849
To the Public	\$533,400	\$527,849
Temporary Income Tax Revenue	\$339,217	\$339,217
Ongoing Income Tax Revenue	\$115,634	\$111,093
Temporary Jobs - Sales Tax Revenue	\$52,767	\$52,767
Ongoing Jobs - Sales Tax Revenue	\$25,783	\$24,773
Total Benefits to State & Region	\$10,734,645	\$10,626,977

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$10,099,128	\$259,787	39:1
State	\$527,849	\$245,400	2:1
Grand Total	\$10,626,977	\$505,187	21:1

*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/eo/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.

Swan and Pearl, LLC through McGuire Development Company (McGuire) is committed to supporting MWBE utilization goals. McGuire has a strong track record of engaging and working with partners who also share an understanding of the importance of a strong commitment to MWBE utilization goals. Our project team has a history of and plans to continue emphasizing MWBE utilization targets in the bidding process. In addition, our project team has previously engaged in training and community outreach during construction to encourage MWBE participation in projects.

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>

Diversity, Equity and Inclusion Questionnaire

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:

McGuire is an equal opportunity employer and our project team is proud to utilize a strategy that has a proven track record in achieving diversity in our business relationships. Through competitive bidding on all applicable platforms, as well as direct outreach using state-provided databases, the project construction team strives to meet and encourage the utilization goals and provide opportunity for MWBE involvement in our projects.

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.

Diversity, Equity and Inclusion Questionnaire

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: October 27, 2025
Company: Swan and Pearl, LLC
Name (printed): G. David Von Derau, Jr.
Signature: 
Title: Authorized Signatory





A COMMUNICATION FROM THE OFFICE OF

The City of Buffalo Common Council

ACHIEVEMENT • CONCORDIA • KNOWLEDGE

Fillmore District Council Member Mitchell P. Nowakowski

To: Members of the Erie County Industrial Development Agency Board
From: Mitchell P. Nowakowski, Fillmore District Council Member
Date: October 24, 2025
Subject: **Letter of Support for the Redevelopment of 110 Pearl (Dun Building)**

To Whom It May Concern:

As the Council Member for the Fillmore District, I am pleased to offer my strong support for Swan and Pearl, LLC and McGuire Development Company's redevelopment of the historic Dun Building at 110 Pearl Street in Downtown Buffalo.

The Dun Building is one of many architectural treasures in Buffalo. For years, it has sat underutilized, with only a single tenant occupying the basement level of this ten-story landmark in the heart of Downtown. The proposed investment of over \$14 million represents an opportunity not only to restore and modernize the structure, but to bring it back into productive use in a way that contributes to and activates our downtown core.

The redevelopment plan will introduce 36 new apartments, ranging from studios to two-bedroom units with 10% of them reserved for households earning 80% of the AMI. By pairing thoughtfully redesigned residences with active ground-floor commercial space—including a continued partnership with K:Dara—the project strikes the right balance between preservation and vibrancy that the neighborhood is in profound need of.

The requested ECIDA incentives for sales and mortgage tax abatements are critical to making this project financially feasible and ensuring the preservation and revitalization of this historic structure.

Thank you for your attention and consideration to this project. For questions, I can be reached at (716) 851-4138 or by email at mnowakowski@buffalony.gov.

Sincerely,

Mitchell P. Nowakowski
Fillmore District Council Member

PUBLIC HEARING SCRIPT

**Swan and Pearl, 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 December 2, 2025 at 9:00 a.m.,
at the Agency's offices, at 95 Perry Street, Suite 403, Buffalo, NY 14203

ATTENDANCE:

Lindsay Munschauer – McGuire Development
Noah Cliff – ECIDA
Carrie Hocieniec – ECIDA
Brian Krygier – ECIDA

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

Hearing Officer: Welcome. This public hearing is now open; it is 9:00 a.m. My name is Grant Lesswing. I am the Business Development Officer 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 Swan and Pearl, 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, November 6, 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 110 Pearl Street, City of Buffalo, Erie County, New York and all other lands in the County of Erie (collectively, the "Land") where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project and the existing 36,000+/- square-foot building located thereon (the "Existing Improvements"); (ii) the renovation, reconstruction and refurbishment of the Existing Improvements by converting floors 2-10 into apartments with four apartments planned for each floor consisting of a mix of studio, 1-bed and 2-bed units. The first floor will remain as commercial space and the basement will continue as retail/restaurant space (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 and the Existing Improvements, the “Facility”).

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

☒ 4. **FORMAT OF HEARING:** Review 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 December 16, 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.

Lindsay Munschauer - Project Manager, McGuire Development Company the developer for the planned improvements to 110 Pearl Street -the Dun Building.

Thank you for letting me speak on behalf of this project. We are excited about this project both because it will further regional goals of adding vibrancy and residential density to downtown Buffalo, and because it will restore a significant local landmark.

The Dun Building is one of the city's most charming properties. It was built in the 1890s and was designed by E.B. Green and his firm Green & Wicks as offices for what would become Dun & Bradstreet. It's regarded as Buffalo's first steel frame high rise — and (I just learned this recently) the first curved high rise in the world. Throughout its history, the building has been used for offices with a restaurant space in the basement.

Our plan is to convert floors 2 through 10 of the building into apartments. There will be 4 apartments per floor, totaling 36 apartments. Each floor will have one studio, two one-bedrooms and one two-bed, two-bath apartment. While this is a market rate project, we are planning at least 4 apartments that will be at 80% AMI. All apartments will have the same finishes and appliances, including in-unit washers and dryers. We are maintaining commercial space on the

first floor and in the basement. The first floor will be for an office or retail tenant and the existing restaurant tenant, K:Dara, will continue to operate in the basement space.

With the exception of the existing restaurant space, the project will be a fully gutted renovation of the building. This work will include: utility upgrades, roof replacement, new mechanical systems and finishes. We will take care to restore and maintain any historic details remaining in the building. On the exterior, masonry repairs will be taken to maintain the building's distinctive facade and current plans call for replacement of the building's cornice, which was removed in the 1980s.

We feel strongly that a conversion to a mixed-use is the best and highest use of this building. Currently all the office floors are vacant - and have been for several years. It would take significant investment into the building and its systems to even return the building to an office use. We are encouraged by the reception of other downtown apartment projects and feel that indicates a demand for downtown living.

As a market rate project, the budget for this project is very tight. The increased cost of construction over recent years as well as the increased cost of construction associated with historic rehabs place a financial stress on this project. We are very appreciative of the opportunity to apply for incentives offered by the Agency. The mortgage recording tax and sales tax exemptions along with State and Federal Historic Tax Credits and the 485(a) program are critical elements to allow this project to proceed. Without these programs working together, the project could not support private investment and would be unfeasible.

I thank you for your time and consideration of this project.

☒ 6. **ADJOURNMENT:**

As there are no further statements and/or comments, I will close the public hearing at 9:06 a.m.

**SIGN IN SHEET
PUBLIC HEARING**

December 2, 2025, at 9:00 a.m.
at the Agency's offices, at 95 Perry Street, Suite 403, Buffalo, NY 14203
regarding:

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

Project Location: 110 Pearl Street, Buffalo, New York 14202

Name	Company and/or Address	X box to speak/ comment
Lindsay Munschauer	McGuire Development 495 Cayuga Road, Suite 100 Buffalo, New York 14225	X
Noah Cliff	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Carrie Hocieniec	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**SWAN AND PEARL, 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, December 17, 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 SWAN AND PEARL, 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 MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK 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, SWAN AND PEARL, 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 110 Pearl Street, City of Buffalo, Erie County, New York and all other lands in the County of Erie (collectively,

the “Land”) where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project and the existing 36,000+/- square-foot building located thereon (the “Existing Improvements”); (ii) the renovation, reconstruction and refurbishment of the Existing Improvements by converting floors 2-10 into apartments with four apartments planned for each floor consisting of a mix of studio, 1-bed and 2-bed units. The first floor will remain as commercial space and the basement will continue as retail/restaurant space (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 and the Existing Improvements, the “Facility”); and

WHEREAS, pursuant to General Municipal Law Section 859-a, on December 2, 2025, at 9:00 a.m., at the Agency’s offices, at 95 Perry Street, Suite 403, Buffalo, NY 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, and (b) a mortgage recording tax exemption benefit for the financing related to the Project, (collectively, the sales and use tax exemption benefit and the mortgage recording tax exemption benefit, are hereinafter collectively referred to as the “Financial Assistance”); and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as “SEQRA”), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake 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 December 4, 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.

(I) Based upon the information regarding the Project supplied by the Company within its Application and related materials, the Agency determines that the actions relating to the acquiring, renovating and equipping of the Facility consist of actions designed for the preservation of the Facility and thus the Project is a Type II action pursuant to SEQRA consisting of the maintenance or repair involving no substantial changes in an existing structure or facility (6 NYCRR §617.5(c)(1)) and the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site (6 NYCRR §617.5(c)(1)(2)) and, therefore, no findings or determination of significance are required under SEQRA.

(J) The Project is compliant with the Countywide IDA Eligibility Policy, constitutes a commercial facility as defined in the General Municipal Law and will promote employment opportunities and prevent economic deterioration in the City of Buffalo. The Agency has reviewed the opinion of the State Comptroller (OSC Op. 85-51) and hereby specifically finds that the Project will create temporary construction jobs and approximately 3 new part-time jobs, and, by adaptively reusing a vacant, declining and aged structure and rehabilitating it for residential use, will be a physical and economic improvement to this sensitive area of the City of Buffalo.

(K) The Project qualifies for Agency Financial Assistance as it meets the criteria within *Addendum #1 to the Agency's Adaptive Reuse Policy* (said Addendum #1 effective as of August 1, 2024 and hereinafter, the "Adaptive Reuse Policy") because (i) at least 11% of the units will be Workforce/Affordable Unit(s) having rental rates affordable to individuals and families at the Workforce/Affordable Housing Rental Rate, (ii) the Project contains a mix of configurations of Workforce/Affordable Unit(s) to meet housing needs for households of varying size based on a building's internal infrastructure and related financing considerations, and (iii) the Company has agreed to restrict, via income verification, the occupancy of the Workforce/Affordable Unit(s) to lessees whose annual income is at or below the 80% AMI figure as identified in the AHC table for the initial year of occupancy by a lessee of a Workforce/Affordable Unit.

(L) 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) *(Age of Structure (must be at least 20 years old and present functional challenges to redevelopment):* Age of building = 130 years old and functional issues related to its age present challenges to its reuse;

(ii) *Structure has been vacant or underutilized for a minimum of 3 years (defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended). Project*

promotes the elimination of slum and blight: The facility has been underutilized for 10 years. Floors 1-10 are deemed to have been vacant for approximately 5 years.

(iii) *Structure is not generating significant rental income (defined as 50% or less than the market rate income average for that property class):* Minimal rental income (\$3,875.77/month) is being collected from the current restaurant tenant located in the basement floor (3,400 SF of space).

(iv) *Project is in compliance with the investment and growth criteria of the Framework for Regional Growth. The redevelopment supports or aligns with Regional or Local Development Plans:* The project is compliant with the Framework for Regional Growth. The Framework defines Regional Centers = sub areas most favored for future development and public investment – including the City of Buffalo.

(ii) *Demonstrated evidence of financial obstacle to development without ECIDA or other public assistance (cash flow projections, documenting costs, expenses and revenues indicating below average return on investment rate as compared to regional industry averages):* The building presents many unique challenges that impact the cost of redevelopment and the need for support including: (1) cost for the replacement of the building's cornice, (2) the zero lot line requires additional investment during construction to locate dumpsters and provide staging areas for crew, (3) replacement and upgrades to the building's systems including existing HVAC and upgraded utilities, (4) flatiron shape and small floorplates constrain efficiencies and limit the size and number of units.

(iii) *Demonstrated support of local government entities:* Letter from Mitchell Nowakowski, Fillmore District Council Member (letter was provided to the Agency).

(iv) *LEED/Renewable Resources:* Project is not seeking LEED certification.

(v) *Building or site has historic designation:* The Dun Building has local landmark status and is located in the Joseph Ellicott Historic Preservation District. The building was designed by renowned local architecture firm Green & Wicks and is known as Buffalo's first steel framed skyscraper.

(vi) *Site or structure has delinquent property or other local taxes:* N/A.

(vii) *DEI Questionnaire:* The Company will utilize competitive bidding on all applicable platforms, as well as direct outreach using state-provided databases, in an effort to meet and encourage the utilization goals and provide opportunity for MWBE participation.

(viii) *Transit Oriented Development:* Project is located less than 50 feet from the Seneca Metro Rail Station and bus stations for routes 8 and 81.

(ix) *Onsite child daycare facilities on the project site:* No onsite child daycare will be available onsite.

(x) *Environmental/Safety Issues: Structure or site presents significant public safety hazard and or environmental remediation costs:* The building has a single stair egress which will require significant investment to meet required safety standards.

(xi) *Site or structure is located in a distressed census tract:* Site is located in an Empire Zone and is adjacent to a highly distressed census tract.

(xii) *Structure presents significant costs associated w/ building code compliance:* The single egress stair necessitates pressurization and smoke-evacuation systems, and the building's classification due to floor count triggers a generator. Site constraints and building height also compel the use of a water-source heat pump system, which is typically cost-prohibitive for a project of this scale.

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 \$4,985,000, 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 \$436,187, 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 \$69,000.

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, 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, 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, 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 conclusion of the later of two (2) years following either (i) the construction completion date, or (ii) the termination of the Agent 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 \$12,061,602 (which

represents the product of 85% multiplied by \$14,190,120, being the total project cost as stated in the Company's application for Financial Assistance).

- (ii) Employment Commitment – that there are 3 existing full time equivalent (“FTE”) and 10 existing part time equivalent (“PTE”) 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 and PTE 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 9 FTE employees [representing the sum of (x) 3 Baseline FTE and 10 Baseline PTE (being the equivalent of 5 FTE employees) and (y) 1 FTE employee, being the product of 85% multiplied by 1.5 FTE (being the 3 new PTE 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) related documents; provided, however, that 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.

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: December 17, 2025



110 Pearl Street

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	110 Pearl Street
Project Summary	Project is the adaptive reuse of the historic Dun Building in downtown Buffalo. Project will convert floors 2-10 of the building into 36 apartments. Commercial space is planned for the building's first floor and the existing restaurant in the basement will be maintained.
Applicant Name	Swan and Pearl, LLC
Applicant Address	455 Cayuga Road
Applicant Address 2	Suite 100
Applicant City	Buffalo
Applicant State	New York
Applicant Zip	14225
Phone	(716) 361-3141
Fax	
E-mail	lindsay@mcbg-dev.com
Website	
NAICS Code	531390

Business Organization

Type of Business
 Limited Liability Company

Year Established
 2025

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 Lindsay Munschauer
Title Project Manager
Address 455 Cayuga Road
Address 2 Suite 100
City Buffalo
State New York
Zip 14225
Phone (716) 361-3141
Fax
E-Mail lindsay@mcg-dev.com

Company Contact- Authorized Signer for Applicant

Contact is same as individual completing application No
Name G. David Von Derau, Jr
Title Authorized Signatory
Address 455 Cayuga Road
Address 2 Suite 100
City Buffalo
State New York
Zip 14225
Phone (716) 829-1987
Fax
E-Mail david@mcg-dev.com

Company Counsel

Name of Attorney Michael 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

No

Tax Exempt Financing*

No

* (typically for not-for-profits & small qualified manufacturers)

Applicant Business Description

Describe in detail company background, history, products and customers. Description is critical in determining eligibility. Also list all stockholders, members, or partners with % ownership greater than 20%.

The Applicant is Swan and Pearl, LLC. It's a special purpose entity formed for the purchase and redevelopment of 110 Pearl Street. McGuire Acquisitions, LLC is the 100% owner of Swan and Pearl, LLC. F. James McGuire is the General Manager of Swan and Pearl, LLC. While the applicant is the owner of the property, McGuire Development Company will be overseeing work on this project. Operating since 2006, McGuire Development Company has a proven record of delivering high quality projects that aim to make a positive impact on the community. Its most recent development, The Rails, is a transit-oriented mixed used project that added 312 apartments and two new retail businesses to Main Street in Buffalo's University District. McGuire Development Company also successfully oversaw the development of Vintage Flats, an adaptive reuse project that converted a closed machine tool shop into 33 apartments.

Estimated % of sales within Erie County 100 %

Estimated % of sales outside Erie County but within New York State 0 %

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

Estimated % of sales outside the U.S. 0 %

(* Percentage to equal 100%)

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

90

Describe vendors within Erie County for major purchases

Kamco Supply, VP Supply, SRS Distribution, Floor & Décor, Quaker Millwork, Best Tile, Advantage Flooring, Great Lakes Building Systems, Gypsum Systems, PCS Plumbing, Dival Safety and Supplies, and Allied Mechanical

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

110 Pearl Street

Town/City/Village of Project Site

Buffalo

School District of Project Site

Buffalo Public Schools

Current Address (if different)

n/a

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

n/a

SBL Number(s) for proposed Project

111.690-2-1

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

\$8,928.10 (County); \$3,679.15 (Mall);

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

Land

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

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

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

Yes

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

No

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

This is an existing building, however the majority of the building-- all floors excluding the basement-- are currently vacant.

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 planned project is an adaptive re-use of the historic Dun Building, located at 110 Pearl Street in downtown Buffalo. The Dun Building is a significant city landmark and, at 10-stories is recognized as the first high-rise in Buffalo. It was designed in the 1890s by Green & Wicks as offices for what would become Dun & Bradstreet. The building is approximately 36,000 square feet and the building site is 0.812 acres the building footprint makes up the entirety of the site. Applicant's project will convert floors 2-10 of the building into apartments with four apartments planned for each floor. The apartments will be a mix of studios, 1-beds, and 2-beds. The first floor of the building will remain as commercial space for an office or retail tenant. The basement, which is the only currently occupied portion of the building, is home to a restaurant tenant, K:Dara, who will remain during and after construction. With the exception of the existing restaurant space, the project will be a fully gutted renovation of the building. This work will include: utility upgrades, roof replacement, new MEP/FP systems, elevator repair and replacement, apartment fit-out, and finishes. Care will be taken to maintain and restore any historic details remaining in the building. On the exterior, targeted masonry work will be performed to maintain and preserve the building's distinctive neoclassical façade and current plans call for replacement of the building's cornice, which was removed from the building in the 1980s.

Municipality or Municipalities of current operations

Buffalo

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

Yes

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

No

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

No

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

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

No

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

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

No

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

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

n/a

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 essential to move ahead with Applicant's plan to restore and adaptively reuse the historic Dun Building. Without the mortgage tax and sales tax abatements offered by the Agency, as well as the utilization of historic tax credits, a project of this nature would not be feasible due to overall project costs exceeding a completed market value, thus creating a shortfall in financing and justification with equity investment. In addition, historic rehabilitation and adaptive reuse projects cost more than conventional projects and, overall, construction costs have dramatically increased over recent years. The Dun Building is particularly more expensive from a construction standpoint due to zero lot line conditions; the building's height; small, constrained floorplates; and single egress stair that requires additional life safety measures. The incentives offered by the agency also allow the Applicant to offset the increasing redevelopment costs and maintain rental rates consistent with existing market rate projects and to ensure that 10% of units are available at 80% AMI. Regarding the affordable housing requirement: Applicant respectfully requests approval to satisfy the 80% AMI income-restricted unit requirement through four (4) studio apartments located on separate floors of the building. The project's unit mix consists of 25% studios, 50% one-bedroom apartments, and 25% two-bedroom apartments. As outlined in prior sections, the project is financial dependent on the Agency's mortgage recording tax and sales tax exemptions, together with the State and Federal Historic Tax Credits and the 485(a) program. These incentives collectively represent a critical "but for" factor. Without them, the project would not achieve a value in excess its development cost and therefore would not support private investment. Expanding the income-restricted requirement beyond the studio unit type would prevent the project from achieving its targeted appraised value and would further reduce conventional loan proceeds. Given the nature of this project—a complex historic rehabilitation and adaptive reuse effort—the development budget requires maximum loan proceeds to support contingencies to handle the issues that will inevitably arise during construction. Applicant has already faced significant challenges, including permanent power requirements that threaten schedule and cost, and the need for a sewer line replacement. In addition, the single egress stair necessitates pressurization and smoke-evacuation systems, and the building's classification due to floor count triggers a generator. Site constraints and building height also compel the use of a water-source heat pump system, which is typically cost-prohibitive for a project of this scale. In short, every dollar materially affects both the project budget and future operating cash flows. Applicant will provide four high-quality studio apartments, each located on a different floor, for eligible residents. All apartments in the project will have the same finishes, and the studios will be equipped with a Murphy-bed/sofa systems that convert into a queen-sized bed. Dec 10 2025 Update- Revised Application to allow for 4 unit at 80% AMI = 3 studio units and 1 1-bedroom unit.

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

Yes

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

If Financial Assistance for this project is not granted by the Agency, then the Applicant will not be able to move forward with its plans to redevelop this property. The building would remain significantly underused and would become completely vacant. The building's systems will be unable to be maintained long-term in their current condition and without full replacement. The existing office floors and building systems are not suitable for immediate occupancy and significant and costly repairs and replacements are needed to return the building to a usable condition. In addition, the post-COVID market for office space in downtown Buffalo would not support these significant improvements needed to return the building to office use. The only feasible future for the property is as a market-rate residential/mixed use conversion. Without agency assistance, the Applicant would be unable to continue with this project.

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: less than 500ft from the Seneca Metro Rail Station and bus stations for routes 8 and 81.

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

No

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.

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

Yes

Describe the present zoning/land use

N-1D (Downtown Hub)

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?**

Yes

If yes, please provide a copy.

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

Yes

If yes, please provide copies of the study.

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

No

If yes, describe the efficiencies achieved

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

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

No

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

Please explain the extent to which the project provides onsite child care services or otherwise facilitates new child care services.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 Yes**Services** Yes

Please check any and all end uses as identified below.

No Acquisition of Existing Facility	No Assisted Living	No Back Office
No Civic Facility (not for profit)	Yes Commercial	No Equipment Purchase
No Facility for the Aging	No Industrial	No Life Care Facility (CCRC)
Yes Market Rate Housing	Yes Mixed Use	Yes Multi-Tenant
Yes 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	square feet	\$	0	0%
Warehouse	square feet	\$	0	0%
Research & Development	square feet	\$	0	0%
Commercial	2,100 square feet	\$	200,000	0%
Retail	3,400 square feet	\$	85,125	0%
Office	square feet	\$	0	0%
Specify Other	31,000 square feet	\$	13,904,995	98%

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

1/15/2026

End date : Estimated completion date of project

3/15/2027

Project occupancy : estimated starting date of occupancy

3/15/2027

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 1,850,000

square feet

acres

2.) New Building Construction

\$ 0

square feet

3.) New Building addition(s)

\$ 0

square feet

4.) Reconstruction/Renovation

\$ 9,977,428

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.)

\$ 2,362,692

9.) Other Cost

\$ 0

**Explain Other
Costs****Total Cost** \$ 14,190,120Construction Cost Breakdown:

Total Cost of Construction	\$ 9,977,428 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 4,985,000
% 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	\$ 4,985,000
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 436,187

** 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):	\$ 4,990,121
Bank Financing:	\$ 7,500,000
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):	\$ 1,700,000
Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)	Historic Tax Credits
Total Sources of Funds for Project Costs:	\$14,190,121

Have you secured financing for the project? Yes

Mortgage Recording Tax Exemption Benefit:

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

Mortgage Amount (include sum total of construction/permanent/bridge financing). 9,200,000

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$69,000

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 will seek 485-a tax abatement

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 Genessee.

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

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time	0	0	0	0
Part time	0	0	3	0
Total	0	0	3	

Salary and Fringe Benefits for Jobs to be Retained and Created

Job Categories	# of Full Time Employees retained and created	Average Salary for Full Time	Average Fringe Benefits for Full Time	# of Part Time Employees retained and created	Average Salary for Part Time	Average Fringe Benefits for Part Time
Management	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Administrative	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Production	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	3	\$ 20,000	\$ 5,000
Total	0			3		

** 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**

40,000

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

0

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

0

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

0

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

20,000

Estimated salary range of jobs to be created

From (Full Time)	0	To (Full Time)	0
From (Part Time)	18,000	To (Part Time)	20,000

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

110 Pearl Street, Buffalo, NY 14202

Name and Address of Owner of Premises

Swan and Pearl, LLC 455 Cayuga Road, Suite 100 Buffalo, NY 14225

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

The Premises consist of a 10-story steel frame and masonry mid-rise building. The building covers the entirety of the lot; there is no greenspace, wetlands or streams at the Premises.

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 constructed between 1893 and 1895. It's Applicant's understanding that only interior renovations have taken place over the history of the building, with the latest major renovation happening approx. 30-40 years ago.

Describe all known former uses of the Premises

The building was constructed to be, and has been used throughout its history, as an office building. The basement of the building houses a restaurant; it's applicant's understanding that the basement has been a restaurant space for many decades.

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

Yes

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

All Under Heaven LLC is the owner of K:Dara, a restaurant currently operating in the basement of the building.

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

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

None aware of

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

A roofing material was identified as asbestos containing during building HazMat testing; this will be abated during the Project.

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

Applicant's market research and due diligence indicate that demand for downtown market-rate residential properties is growing with recent developments, including The Police Apartments, Seneca One Apartments, TRICO Building Apartments, and 130 Pearl all maintaining strong occupancy rates. In addition, this project directly aligns with municipal efforts to revitalize Buffalo's downtown core and build a strong residential base that will add increased vibrancy and support continued retail development in the downtown districts.

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 zip)	SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.
-------------	--	--

*fill out table for each tenant and known future tenants

Section V: Tenant Information**PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)****Tenant Name**

All Under Heaven, LLC dba K:Dara

Property Address:

110 Pearl Street

City/Town/Village

Buffalo

The following information is an outline relative to the potential client and their proposed contract to sublease space in the above reference facility

Amount of space to be leased (square feet)

3,405

What percentage of the building does this represent?

9

Are terms of lease:**If GROSS lease, please explain how Agency benefits are passed to the tenant**

Tenant is a restaurant operator who has operated out of 110 Pearl since 2022.

Estimated date of occupancy

8/1/2022

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

All Under Heaven, LLC dba K:Dara

Local Contact Person:

Jen Laban

Title:

Owner

Current Address:

110 Pearl Street, Buffalo, NY 14202

Phone:

(716) 510-9040

Fax:**E-Mail:**

alluheavenllc@gmail.com

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

3

Part-Time:

10

Total:

13

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

The business is a currently operating restaurant.

Attach additional information as necessary.

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

Business has been operating at 110 Pearl Street since 2022. Prior to that it operated out of the Sidway building on Main Street.

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

3,405

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

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

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

No

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

If leased, when does lease expire?

12/31/2027

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?

Section VI: Retail Determination

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

Please answer the following:

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

Yes

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

What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project?

2 %

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

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

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

<BLANK>

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

<BLANK>

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

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

<BLANK>

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

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

<BLANK>

If yes, explain

Is the project located in a Highly Distressed Area?

<BLANK>

Section VII: Adaptive Reuse

What is the age of the structure (in years)? 130

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

Yes

What is the age of the structure (in years)? 130

Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended)

Yes

If vacant, number of years vacant.

0

If underutilized, number of years underutilized.

10

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

The only portion of the building with an operating tenant is an approximately 3,400 SF restaurant located in the basement of the building. Floors 1-10 of the building are currently vacant office space, with each floor designed for a single office tenant. Over the past 12 years, office tenants have vacated the building as their leases expired. Applicant understands that floors 1-10 of the building have been vacant for approximately 5 years.

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

Yes

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

\$3,875.77/mo. from the current restaurant tenant.

Does the site have historical significance?

Yes

If yes, please indicate historical designation

The Dun Building has local landmark status and is located in the Joseph Ellicott Historic Preservation District. It was designed by renowned local architecture firm Green & Wicks and is known as Buffalo's first steel-framed skyscraper.

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

Yes

If yes, provide estimated value of tax credits

\$3,800,000

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)

This project cannot be completed as planned without assistance from the Agency's incentives as well as state and federal historic tax credits. The costs created with the renovation and adaptive reuse of this historic structure are otherwise too high to support a conventional financing and equity structure.

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

We have met with Councilmember Nowakowski about his support for the project and a letter of support is attached.

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

This building presents many unique challenges that impact the cost of redevelopment and the need for support through Agency incentives. Critically, care is being taken in this project to protect and preserve the historic integrity of a local landmark and important building in Buffalo's skyline. Plans call for the replacement of the building's cornice, which was removed in the 1980s, leaving only metal supports visible. Additionally, this is a zero-lot-line building, which necessitates additional investment during construction to locate dumpsters and provide staging areas for crews. Significant replacement and upgrades are required for the building's systems. The building's existing HVAC system has reached the end of its useful life and utility services will have to be upgraded to support continued use of the building in any context. The distinctive flatiron shape of the building and small floorplate puts constraints on efficiency of floorplan and limits size and number of units, impacting rental rates. The building is also a single-stair egress, which will require significant investment to meet required safety standards.

Indicate census tract of project location

Census Tract 165 City of Buffalo lists as: 0165001

Indicate how project will eliminate slum and blight

This project will reactivate a significantly underused building located in the heart of downtown Buffalo, increasing residential density and reactivating a ground floor space for office or retail use. In addition, as custodians of the property, ownership will improve maintenance of exterior of the building, including: picking up litter and better maintaining trash and recycling receptacles.

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

n/a

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

110 Pearl Street

City/Town

Buffalo

State

New York

Zip Code

14202

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

No

Within Erie County

No

If Yes to either question, please, explain

n/a

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.)

n/a

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

<BLANK>

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

n/a

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

n/a

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.

n/a

Section IX: Housing

1 Bedroom

	Number of Units	Average Sq. Ft.	Average Rent	Est. Average Tenant Paid Utility Costs
Market Rate	17	578	\$1,700	\$70
80% AMI	1	565	\$1,345	\$70
70% AMI	0	0	\$0	\$0
60% or less AMI	0	0	\$0	\$0
Total 1 Bedroom	18			

2 Bedroom

	Number of Units	Average Sq. Ft.	Average Rent	Est. Average Tenant Paid Utility Costs
Market Rate	9	930	\$2,500	\$105
80% AMI	0	0	\$0	\$0
70% AMI	0	0	\$0	\$0
60% or less AMI	0	0	\$0	\$0
Total 2 Bedroom	9			

3 Bedroom

	Number of Units	Average Sq. Ft.	Average Rent	Est. Average Tenant Paid Utility Costs
Market Rate	0	0	\$0	\$0
80% AMI	0	0	\$0	\$0
70% AMI	0	0	\$0	\$0
60% or less AMI	0	0	\$0	\$0
Total 3 Bedroom	0			

Studio

	Number of Units	Average Sq. Ft.	Average Rent	Est. Average Tenant Paid Utility Costs
Market Rate	6	407	\$1,400	\$50
80% AMI	3	396	\$1,303	\$50
70% AMI	0	0	\$0	\$0
60% or less AMI	0	0	\$0	\$0
Total Studio	9			

Other

	Number of Units	Average Sq. Ft.	Average Rent	Est. Average Tenant Paid Utility Costs
Market Rate	0	0	\$0	\$0
80% AMI	0	0	\$0	\$0
70% AMI	0	0	\$0	\$0
60% or less AMI	0	0	\$0	\$0
Total Other	0			

Totals

	Number of Units	% of Units
At Market Rate	32	89%
Below Market Rate	4	11%
Total Units	36	100%

Section X: 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 XI: 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

Wavepoint 3PL / 231 Ship Canal Parkway
\$ 25,000,000
PRIVATE INVESTMENT INDUCEMENT RESOLUTION

ELIGIBILITY

- NAICS Section – 493110

COMPANY INCENTIVES

- Up to \$175,000 in sales tax savings
- 3/4 of 1% of the final mortgage amount up to \$ 142,500

JOBS & ANNUAL PAYROLL

- Current Jobs: 0
- Annual Payroll: \$ 1,570,000
- Projected new jobs: 31 FTE
- Est. average salary/yr. of jobs created: \$ 50,645
- Construction Jobs: 16

PROJECTED COMMUNITY BENEFITS*

- Term: 2 YEARS after project completion.
 - NET Community Benefits: \$7,545,494
 - Spillover Jobs: 24
- Total Payroll: \$7,071,494

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

Incentives: \$317,500

Community Benefit: \$7,307,770

Cost: Benefit Ratio

- 1:23

Project Title: Redevelopment of 231 Ship Canal Pkwy Facility

Project Address 231 Ship Canal Parkway, Buffalo NY 14218
(Buffalo City School District)

Agency Request

A sales tax, mortgage recording tax abatement in connection with the redevelopment of an existing approx. 300,000 SF facility for third party logistics use.

Building Acquisition	\$ 21,000,000
Reconstruction / Renovation	\$ 3,000,000
Manufacturing Equipment	<u>\$ 1,000,000</u>
 Total Project Cost	 \$ 25,000,000
 85%	 \$ 21,250,000

Company Description

Wavepoint is a third-party logistics (3PL) provider offering comprehensive logistics and value-added services including warehousing, inventory management, order fulfillment and transportation solutions. Founded in 2018, the company has grown into a key regional logistics partner for manufacturing, retail and e-commerce clients across the Northeast and Midwest. Headquartered in western Pennsylvania, Wavepoint manages nearly 2 million SF of heated, secure food-grade warehousing across 21 facilities including 6 within NYS.

Project Description

This project involves acquiring and redeveloping an existing +/- 300,000 square-foot industrial facility to expand Wavepoint's third-party logistics (3PL) and value-added service operations. The facility will provide warehousing, inventory management, order fulfillment, packaging, and transportation coordination for regional manufacturers and distributors. The \$25 million investment will modernize infrastructure, upgrade loading and dock facilities, and install advanced logistics and warehouse management systems. These improvements will significantly increase operational capacity, reduce handling and transportation costs, and enhance service reliability. The project will strengthen Wavepoint's competitiveness, expand its customer base, and position the company to capture additional market share in WNY's growing logistics and distribution sector.

* Cost Benefit Analysis Tool powered by MRB Group

Economic Impact: Inform Analytics Cost-Benefit Analysis

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

Cost: Incentives

COSTS	Tax Exemption	Amount
	Sales	\$175,000
	Mortgage Recording	\$142,500
	Total	\$317,000
	Discounted at 2%	\$317,500

Benefit: Projected Community Benefit*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	\$2,443,463
			Payroll Permanent	\$4,628,031
		Public	Property Taxes	\$ 0
			Sales Taxes	\$ 58,782
			Other Muni Revenue (NFTA)	\$ 47,500
	New York State	Public	Income Taxes	\$ 318,217
			Sales Taxes	\$ 49,500
			Total Benefits to EC + NYS***	\$7,545,494
			Discounted at 2%	\$7,307,770

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

Discounted Cost \$ 317,500
Discounted Benefit \$7,307,770
Ratio 1:23

Conclusion: The Cost Benefit for this project is: 23:1. For every \$1 in costs (incentives), this project provides \$23 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$49 in benefits to the community.**

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 = \$25,000,000 85% = \$ 21,250,000
Employment	2 years after project completion	Create 85% of Projected Projected = 31 FTE 85% = 26 FTE Recapture Employment = 26 FTE
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	2 years after project completion	Adherence to Policy
Unpaid Tax	2 years after project completion	Adherence to Policy
<u>Recapture Period</u>	2 years after project completion	Recapture Mortgage recording tax, state and local sales taxes

Recapture applies to:

State and Local Sales Taxes
Mortgage Recording Tax

Recapture

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

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company to create 31 FTE jobs, 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

- 12/02/25: Public hearing held.
- 12/17/25: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA or Minor Site Plan Review City of Buffalo Planning Board Approval – No SEQRA compliance required.
- 12/17/25: Lease/Leaseback Inducement Resolution presented to the Board of Directors

EVALUATIVE CRITERIA MANUFACTURING/WAREHOUSE/DISTRIBUTION

Project: Wavepoint 3PL

CRITERIA	COMMENTS
Wage Rate (above median wage for area) Per capita income = \$41,560	Average annual wages are above the median. To be Created FTE jobs = \$ 50,645
Regional Wealth Creation (% sales / customers outside area)	% of sales outside the region = 89%: <ul style="list-style-type: none"> • Within Erie County = 11% • In NYS (outside EC) = 23% • Within USA (outside NYS) = 66%
In Region Purchases (% of overall purchases)	25% of purchases are to be purchased within the region. These include cleaning, service / maintenance, and equipment.
Research & Development Activities	N/A
Investment in Energy Efficiency	It is the intent of the applicant to purchase energy efficient machinery & equipment. As purchases have not yet been made – the efficiencies expected cannot yet be provided.
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	BLCP is an important component of a larger planning initiative, known as the South Buffalo Brownfield Opportunity Area (SBBOA). The SBBOA, which includes nearly 2,000 acres of land situated near the shores of Lake Erie and the Buffalo River is a project that seeks to strategically guide investments for the purpose of reclaiming former industrial land.
LEED/Renewable Resources	N/A.
Retention/Flight Risk	N/A
DEI Questionnaire	See attached
Workforce Access – Proximity to Public Transportation	Project is within proximity to NFTA Bus routes 23 and 42.
Onsite child daycare facilities on the project site	No

*U.S. Census Bureau

DATE OF INDUCEMENT: December 17, 2025

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.

WavePoint is committed to MWBE participation and has a history of engaging diverse subcontractors and vendors on past projects. For the Ship Canal Project, the company will set MWBE goals and work with local MWBE firms for construction, professional services, and operational support wherever feasible.

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

Diversity, Equity and Inclusion Questionnaire

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:

WavePoint maintains a diverse workforce and is committed to equitable hiring practices. The company actively recruits minority and women candidates and integrates Diversity, Equity, and Inclusion (DEI) principles into its hiring policies. For the Ship Canal Project, WavePoint will partner with local workforce development organizations, community colleges, and training programs to connect underrepresented groups with job opportunities and ensure outreach for all open positions.

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.

Diversity, Equity and Inclusion Questionnaire

☒ 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: 10-24-25
Company: Leadpoint 3PL Inc
Name (printed): Kirk C. Hill
Signature: [Signature]
Title: President/CEO

Erie County Industrial Development Agency

MRB Cost Benefit Calculator

Date December 10, 2025
Project Title Wavepoint 3PL
Project Location 231 Ship Canal Parkway, Buffalo NY 14218



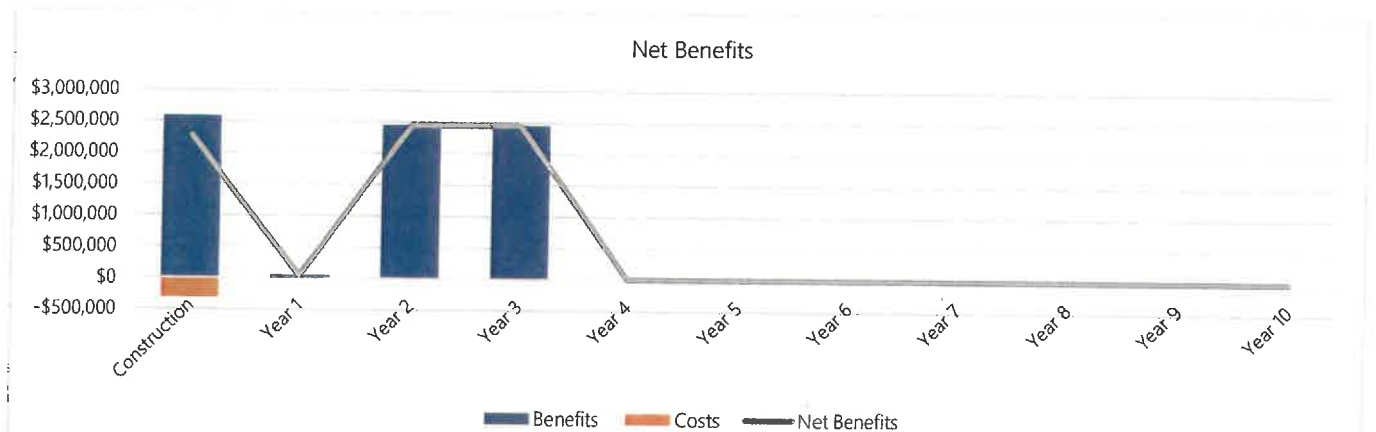
Economic Impacts

Summary of Economic Impacts over the Life of the PILOT
Construction Project Costs
\$25,000,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	16	15	30
Earnings	\$1,530,800	\$912,663	\$2,443,463
Local Spend	\$4,000,000	\$2,843,200	\$6,843,200

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	31	9	40
Earnings	\$3,139,990	\$1,488,041	\$4,628,031

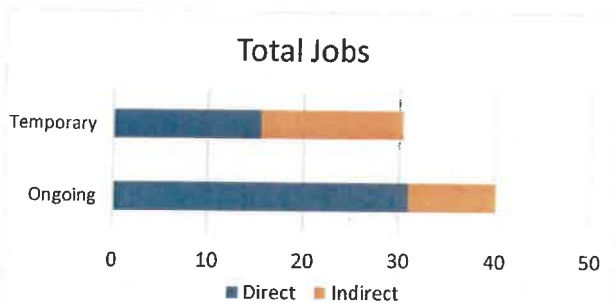
Figure 1



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

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$175,000	\$175,000
Local Sales Tax Exemption	\$95,000	\$95,000
State Sales Tax Exemption	\$80,000	\$80,000
Mortgage Recording Tax Exemption	\$142,500	\$142,500
Local Mortgage Recording Tax Exemption	\$47,500	\$47,500
State Mortgage Recording Tax Exemption	\$95,000	\$95,000
Total Costs	\$317,500	\$317,500

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$7,177,776	\$6,951,665
To Private Individuals	\$7,071,494	\$6,848,171
Temporary Payroll	\$2,443,463	\$2,443,463
Ongoing Payroll	\$4,628,031	\$4,404,708
Other Payments to Private Individuals	\$0	\$0
To the Public	\$106,282	\$103,494
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$20,311	\$20,311
Ongoing Jobs - Sales Tax Revenue	\$38,471	\$36,614
Other Local Municipal Revenue	\$47,500	\$46,569
State Benefits	\$367,718	\$356,105
To the Public	\$367,718	\$356,105
Temporary Income Tax Revenue	\$109,956	\$109,956
Ongoing Income Tax Revenue	\$208,261	\$198,212
Temporary Jobs - Sales Tax Revenue	\$17,104	\$17,104
Ongoing Jobs - Sales Tax Revenue	\$32,396	\$30,833
Total Benefits to State & Region	\$7,545,494	\$7,307,770

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$6,951,665	\$142,500	49:1
State	\$356,105	\$175,000	2:1
Grand Total	\$7,307,770	\$317,500	23:1

*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

PUBLIC HEARING SCRIPT

**Wavepoint 3PL, Inc. 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 December 2, 2025 at 9:30 a.m.,
at the Agency's offices, at 95 Perry Street, Suite 403, Buffalo, NY 14203

ATTENDANCE:

Andrew S. Kennedy – Representing Wavepoint 3PL
Noah Cliff – ECIDA
Brian Krygier – ECIDA
Michelle Moore – ECIDA

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

Hearing Officer: Welcome. This public hearing is now open; it is 9:30 a.m. My name is Andrew Federick I am the Director of Property 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 Wavepoint 3PL, Inc. 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, November 6, 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 231 Ship Canal Parkway, City of Buffalo, Erie County, New York and all other lands in the County of Erie (the "Land"), where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project and the existing 300,000+/- square-foot building located thereon (the "Existing Improvements"); (ii) the renovation, reconstruction and refurbishment of the Existing Improvements for use by the Company for warehousing, inventory management, order fulfillment, packaging, and transportation coordination for regional manufacturers and distributors (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 and the Existing 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 December 16, 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.

Andrew Kennedy. I'm here representing Wavepoint 3PL to present the Ship Canal Project and the request for IDA assistance. Matt Riker the Wavepoint General Counsel cannot be here in person today, so I'll be here presenting for you as well.

Wavepoint is a third-party logistic provider offering warehouse inventory management, order fulfillment, transportation, and value-added services to regional national clients. The company is seeking to expand our operations here in Erie County. Wavepoint is pursuing the acquisition and redevelopment of property at 231 Ship Canal. It's a 300,000 sq. ft. industrial facility that was recently vacated by CertainTeed and is currently unoccupied. Wavepoint plans to make a \$25M investment at the site, which includes \$21M for the acquisition of the facility, \$2M or so for site improvements, including new parking, enhanced lighting and additional docking space and then \$2M worth of interior, warehouse equipment such as material handling, racking systems, retrieval systems, and storage. These upgrades will support advanced logistic operations and significantly increase the company's efficiency and capacity to serve clients in Western New York. The project will create 55 full-time jobs over the next five years. 31 of those positions will be created within the first two years.

Wave Point operates an existing facility on Wales Avenue in Tonawanda that has 15 employees. That operation and those employees will be unaffected by this expansion. You know, and again, we're excited about Western New York because again, it creates an opportunity to strengthen our infrastructure and better connect to markets within Canada as well. Financial assistance from the IDA is essential to the viability of the project, but without the support, Wavepoint will have to reconsider the planned investments and the creation of the 55 jobs. Assistance will help offset the significant cost of acquiring and modernizing this facility. Ensuring that this site is successfully transitioned back into productive industrial use. Thank you for your time and consideration and look forward to any further comments that we have at the meeting. Thank you.

☒ 6. **ADJOURNMENT:**

As there are no further statements and/or comments, I will close the public hearing at 9:35 a.m.

**SIGN IN SHEET
PUBLIC HEARING**

December 2, 2025, at 9:30 a.m.
at the Agency's offices, at 95 Perry Street, Suite 403, Buffalo, NY 14203
regarding:

**Wavepoint 3PL, Inc. project and/or Individual(s), Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 231 Ship Canal Parkway, Buffalo, New York 14218

Name	Company and/or Address	X box to speak/ comment
Andrew S. Kennedy	Ostroff Associates 150 State Street, Suite 301 Albany, New York 12207	X
Noah Cliff	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Michelle Moore	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**WAVEPOINT 3PL, INC., 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, December 17, 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 WAVEPOINT 3PL, INC., 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 MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK 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, WAVEPOINT 3PL, INC. 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 231 Ship Canal Parkway, City of Buffalo, Erie County, New York and all other lands in the County of Erie (the

“Land”), where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project and the existing 300,000+/- square-foot building located thereon (the “Existing Improvements”); (ii) the renovation, reconstruction and refurbishment of the Existing Improvements for use by the Company for warehousing, inventory management, order fulfillment, packaging, and transportation coordination for regional manufacturers and distributors (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 and the Existing Improvements, the “Facility”); and

WHEREAS, pursuant to General Municipal Law Section 859-a, on December 2, 2025, at 9:30 a.m., at the Agency’s offices, at 95 Perry Street, Suite 403, Buffalo, NY 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, and (b) a mortgage recording tax exemption benefit for the financing related to the Project, (collectively, the sales and use tax exemption benefit and the mortgage recording tax exemption benefit are hereinafter collectively referred to as the “Financial Assistance”); and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as “SEQRA”), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake 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 December 4, 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.

(I) Based upon the information regarding the Project supplied by the Company within its Application and related materials, the Agency determines that the actions relating to the acquiring, renovating and equipping of the Facility consist of actions designed for the preservation of the Facility and thus the Project is a Type II action pursuant to SEQRA consisting of the rehabilitation or reconstruction of a structure or facility (6 NYCRR §617.5(c)(2)) and, therefore, no findings or determination of significance are required under SEQRA.

(J) 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) Per capita income*=\$41,560: Average annual wages are above the median. To be created FTE jobs = \$50,645.

(ii) *Regional Wealth Creation (% sales/customers outside area)*: % of sales outside the region = 89%. Within Erie County = 11%; In NYS (outside EC) = 23%; and Within USA (outside NYS) = 66%.

(iii) *In Region Purchases (% of overall purchases)*: 25% of purchases are to be purchased within the region. These include cleaning, service/maintenance and equipment.

(iv) *Research & Development Activities*: N/A.

(v) *Investment in Energy Efficiency*: It is the intent of the applicant to purchase energy efficient machinery and equipment. As purchases have not yet been made – the efficiencies expected cannot yet be provided.

(vi) *Locational Land Use Factors, Brownfields or Locally Designated Development Areas*: The BLCP is an important component of a larger planning initiative, known as the South Buffalo Brownfield Opportunity Area (SBBOA). The SBBOA, which includes nearly 2,000 acres of land situated near the shores of Lake Erie and the Buffalo River, is a project that seeks to strategically guide investments for the purpose of reclaiming former industrial land.

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

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

(ix) *DEI Questionnaire*: Information provided to the Agency.

(x) *Workforce Access-Proximity to Public Transportation*: Project is within proximity to NFTA bus routes 23 and 42.

(xi) *Onsite child daycare facilities on the project site*: No.

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 \$2,000,000, 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 \$175,000, 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 value of the mortgage recording tax exemption benefit ("mortgage recording tax exemption benefits") shall not exceed \$142,500.

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, 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, 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, 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 conclusion of the later of two (2) years following either (i) the construction completion date, or (ii) the termination of the Agent 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 \$21,250,000 (which represents the product of 85% multiplied by \$25,000,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 31 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 26 FTE employees (being the product of 85% multiplied by 31 (being the 31 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) related documents; provided, however, that 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.

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: December 17, 2025



Wavepoint 3PL

[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	Wavepoint 3PL- Ship Canal
Project Summary	Wavepoint is a third-party logistics (3PL) provider offering comprehensive warehousing, inventory management, order fulfillment, and transportation solutions. The company is pursuing the acquisition and redevelopment of the 231 Ship Canal property in Buffalo to expand its logistics and value-added service operations. Leveraging the site's strategic location and scale, the project will create 55 new jobs (31 after two years) in warehouse operations, transportation, and administration, while strengthening regional supply chain capacity. The redevelopment will modernize infrastructure and equipment, enhance operational efficiency, and improve sustainability. This investment will position Wavepoint for long-term growth through expanded services, new technology adoption, and continued job creation that supports Western New York's logistics and manufacturing sectors.
Applicant Name	Wavepoint 3PL
Applicant Address	5501 Route 89
Applicant Address 2	
Applicant City	North East
Applicant State	Pennsylvania
Applicant Zip	16428
Phone	(814) 347-1300
Fax	
E-mail	mreichert@ wavepoint.com
Website	https://www.wavepoint.com/
NAICS Code	493110

Business Organization

Type of Business

Corporation

Year Established

2019

State

Pennsylvania

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 Andrew Kennedy
Title Executive Vice President
Address 150 State Street
Address 2 Suite 301
City Albany
State New York
Zip 12207
Phone (518) 436-6202
Fax
E-Mail akennedy@ostroffassociates.com

Company Contact- Authorized Signer for Applicant

Contact is same as individual completing application No
Name Kirk Hill
Title President
Address 5501 Route 89
Address 2
City North East
State Pennsylvania
Zip 16428
Phone (814) 347-1300
Fax
E-Mail KHILL@ WAVEPOINT3PL.COM

Company Counsel

Name of Attorney Rafael F. Pignataro
Firm Name Hodgson Russ LLP
Address 140 Pearl Street
Address 2
City Buffalo
State New York
Zip 14202
Phone (716) 848-1222
Fax
E-Mail rpignataro@hodgsonruss.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%.

WavePoint is a third-party logistics (3PL) provider offering comprehensive logistics and value-added services, including warehousing, inventory management, order fulfillment, and transportation solutions. Founded in 2018, the company has grown into a key regional logistics partner serving manufacturing, retail, and e-commerce clients across the Northeast and Midwest. WavePoint operates strategically located facilities that support efficient supply chain distribution and last-mile delivery. Its competitive advantage lies in an integrated service model combining advanced warehouse management systems, real-time tracking, and tailored value-added services that improve customer efficiency and reduce costs. The company's planned expansion into Buffalo through the redevelopment of the former CertainTeed facility will enhance regional logistics capacity, create 55 new jobs (31 after two years), and position WavePoint for continued growth and innovation in Western New York.

Estimated % of sales within Erie County	11 %
Estimated % of sales outside Erie County but within New York State	23 %
Estimated % of sales outside New York State but within the U.S.	66 %
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?

25

Describe vendors within Erie County for major purchases

Cleaning, Service/Maintenance, and equipment

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

231 Ship Canal Parkway

Town/City/Village of Project Site

Buffalo

School District of Project Site

Buffalo

Current Address (if different)

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

SBL Number(s) for proposed Project

140200.132.200-1-11.000

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

272,495

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

Land

\$ 525,500

Building(s)

\$ 14,474,800

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.)

Existing but vacant building (former CertainTeed location).

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 Ship Canal Project involves acquiring and redeveloping a +/- 300,000 square-foot industrial facility to expand Wavepoint's third-party logistics (3PL) and value-added service operations. The facility will provide warehousing, inventory management, order fulfillment, packaging, and transportation coordination for regional manufacturers and distributors. The \$25 million investment will modernize infrastructure, upgrade loading and dock facilities, and install advanced logistics and warehouse management systems. These improvements will significantly increase operational capacity, reduce handling and transportation costs, and enhance service reliability. The project will strengthen Wavepoint's competitiveness, expand its customer base, and position the company to capture additional market share in Western New York's growing logistics and distribution sector, while creating 55 new full-time jobs over 5 years, including 31 after two years.

Municipality or Municipalities of current operations

Dunkirk, Fredonia 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?

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?

Yes

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

WavePoint is headquartered in North East, PA and has investigated future growth closer to its HQ in Pennsylvania.

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

Empire State Development (ESD) New York Power Authority (NYPA)

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:

N/A

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)

Wavepoint would be unable to purchase the Ship Canal property or create the 55 new jobs associated with the project, as the costs would be prohibitive compared to other regional opportunities. To mitigate risk, the project could be phased, with initial focus on acquisition and essential infrastructure, while equipment and full operations would proceed as funding becomes available. Secured private funds will cover remaining costs, but IDA support is essential to enable the project, modernize the site, and position Wavepoint for future growth, expanded services, and long-term job creation

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

Yes

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

Without financial assistance for the Project, the Applicant will reconsider and/or abandon the planned \$25 million investment and 55 jobs created in Erie County over 5 years, and jeopardize the redevelopment of the recently-vacated former CertainTeed property at 231 Ship Canal Parkway

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)

NFTA Bus routes 23 and 42.

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

No

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.

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

Yes

Describe the present zoning/land use

Industrial

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

TBD

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.

Please explain the extent to which the project provides onsite child care services or otherwise facilitates new child care services.

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

Please check any and all end uses as identified below.

Yes Acquisition of Existing Facility	No Assisted Living	No Back Office
No Civic Facility (not for profit)	No Commercial	Yes 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	square feet	\$	0	0%
Warehouse	280,000 square feet	\$	4,000,000	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)

Standard

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 No

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

1/15/2026

End date : Estimated completion date of project

6/1/2026

Project occupancy : estimated starting date of occupancy

6/1/2026

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 21,000,000

280,000 square feet

acres

2.) New Building Construction

\$ 0

square feet

3.) New Building addition(s)

\$ 0

square feet

4.) Reconstruction/Renovation

\$ 3,000,000

square feet

5.) Manufacturing Equipment

\$ 1,000,000

6.) Infrastructure Work

\$ 0

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

\$ 0

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

\$ 0

9.) Other Cost

\$ 0

**Explain Other
Costs****Total Cost** \$ 25,000,000Construction Cost Breakdown:

Total Cost of Construction	\$ 3,000,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 2,000,000
% sourced in Erie County	25%

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 \$ 2,000,000

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above): \$ 175,000

** 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): \$ 3,000,000
Bank Financing: \$ 19,000,000
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): \$ 3,000,000

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

Total Sources of Funds for Project Costs: \$25,000,000

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). 19,000,000

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$142,500

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?

Yes

Is project necessary to retain existing employment?

No

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location):

The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and 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	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and
--	---	---	--

			24 months (2 years) after Project completion	PT jobs to be created upon 24 months (2 years) after project completion **
Full time	0	0	31	31
Part time	0	0	0	0
Total	0	0	31	

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	2	\$ 90,000	\$ 27,000	0	\$ 0	\$ 0
Professional	2	\$ 55,000	\$ 16,500	0	\$ 0	\$ 0
Administrative	2	\$ 40,000	\$ 12,000	0	\$ 0	\$ 0
Production	25	\$ 48,000	\$ 15,000	0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Total	31			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	99 Wales Avenue, Tonawanda, New York		
Full time	15	0	0
Part time	0	0	0
Total	15	0	0

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

1,570,000

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

0

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

0

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

50,645

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

0

Estimated salary range of jobs to be created

From (Full Time)	40,000	To (Full Time)	90,000
From (Part Time)	0	To (Part Time)	0

Section III: Environmental Questionnaire

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

General Background Information

Address of Premises

231 Ship Canal Parkway Buffalo, NY 14203

Name and Address of Owner of Premises

BK Ship Certain LLC, GD Ship Certain LLC 1080 Pittsford Victor Road Pittsford, NY 14534

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

The Buffalo Lakeside Commerce Park (BLCP) is a 275-acre modern business park in South Buffalo on remediated former industrial land along the Union Ship Canal and Lake Erie. The site features flat terrain, constructed roadways and infrastructure, landscaped open space, and the adjacent Ship Canal Commons waterfront park. It is bordered by the South Park rail corridor to the east, the Union Ship Canal to the south, and Fuhrmann Boulevard and Lake Erie to the west, with no regulated wetlands or natural streams within the developed area

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

Premises are 21 years old, built in 2004. Gross Square Feet: 279,026 Warehousing, (re) Packaging, Mixing, shipping.

Describe all known former uses of the Premises

CertainTeed facility at Buffalo Lakeside Commerce Park operated as a manufacturing plant producing vinyl fence, deck, and railing products. The operation includes extrusion and fabrication processes where raw PVC materials are formed into finished components for residential and commercial use. The facility also includes warehousing and distribution areas, with materials delivered and shipped by truck and rail through on-site access points.

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

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

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

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 Wavepoint 3pl, Inc
Address 5501 Route 89
Contact Person Matthew Reichert
Phone (814) 347-1300
Fax
E-Mail mreichert@wavepoint.com
Federal ID # 844186037
SIC/NAICS Code 493110

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

What is the age of the structure (in years)? 21

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

City/Town

State

Zip Code

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

No

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

No

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

No, the project will not result in the abandonment of any existing plants or facilities within New York State. Instead, it represents a significant new investment in Erie County. Without ECIDA assistance, Wavepoint would be unable to complete the purchase and redevelopment of 231 Ship Canal Parkway, a \$25 million investment that will transform a vacant industrial property, expand logistics and distribution capacity, and create 55 new permanent jobs in Buffalo.

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

Within New York State

No

Within Erie County

No

If Yes to either question, please, explain

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

No

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

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

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

No

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

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

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

Section IX: Housing

Project **DOES NOT** include residential rental housing units.

Section X: 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 XI: 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 November 30, 2025

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Balance Sheet November 30, 2025

	November 2025	October 2025	December 2024
ASSETS:			
Cash and Equivalents *	\$ 6,921,844	\$ 6,578,385	\$ 6,751,035
Restricted Cash & Investments *	17,838,721	18,547,207	18,075,648
Due from Affiliates	3,920,205	3,126,240	4,571,775
Due from Buffalo Urban Development Corp.	98,183	87,829	131,503
Other Receivables	167,641	177,289	173,195
Total Current Assets	<u>28,946,594</u>	<u>28,516,949</u>	<u>29,703,154</u>
Grants Receivable	4,839,110	4,853,797	5,214,764
Lease Receivable	402,016	421,253	609,283
Venture Capital Investments, net of reserves	406,247	406,247	406,247
Capital Assets	1,313,964	1,295,900	1,450,212
Total Long-Term Assets	<u>6,961,337</u>	<u>6,977,197</u>	<u>7,680,506</u>
TOTAL ASSETS	<u><u>\$ 35,907,931</u></u>	<u><u>\$ 35,494,146</u></u>	<u><u>\$ 37,383,661</u></u>
LIABILITIES & NET ASSETS			
Accounts Payable & Accrued Exp.	\$ 164,167	\$ 149,072	\$ 577,336
Lease Payable	254,242	266,408	385,321
Deferred Revenues	4,056,065	4,186,346	4,498,758
Funds Held on Behalf of Others	10,211,679	10,186,379	11,287,296
Total Liabilities	<u>14,686,153</u>	<u>14,788,205</u>	<u>16,748,711</u>
Deferred Inflows of Resources Related to Leases	402,016	421,253	609,283
Net Assets	<u>20,819,762</u>	<u>20,284,689</u>	<u>20,025,667</u>
TOTAL LIABILITIES & NET ASSETS	<u><u>\$ 35,907,931</u></u>	<u><u>\$ 35,494,146</u></u>	<u><u>\$ 37,383,661</u></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 November 2025

Actual vs. Budget			
	Actual	Budget	Variance
REVENUES:			
Administrative Fees	\$ 696,589	\$ 150,000	\$ 546,589
Management Fees - Affiliates and Others	47,600	48,667	(1,067)
Rental Income	19,307	19,532	(225)
Other Income	2,434	250	2,184
Total Revenues	765,930	218,448	547,482
EXPENSES:			
Salaries & Benefits	\$ 179,924	\$ 193,287	\$ (13,364)
General Office Expenses	23,503	22,583	920
Building Operating Costs	2,244	6,707	(4,464)
Professional Services	16,784	5,000	11,784
Public Hearings & Marketing	25,680	10,000	15,680
Travel, Mileage & Meeting Expenses	499	2,958	(2,459)
Depreciation and amortization	19,607	19,607	-
Other Expenses	974	1,250	(276)
Total Expenses	269,216	261,394	7,822
SPECIAL PROJECT GRANTS:			
Revenues	\$ 132,081	\$ 433,190	\$ (301,109)
Expenses	(130,281)	(407,024)	276,742
	1,800	26,167	(24,367)
NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS :	498,514	(16,779)	515,293
OTHER STRATEGIC INVESTMENTS AND INITIATIVES:			
Renaissance Commerce Park Grant	\$ -	\$ (8,333)	\$ 8,333
Angola Ag Park Grant	-	(2,083)	2,083
	-	(10,417)	10,417
NET OPERATING INCOME/(LOSS) :	498,514	(27,195)	525,710
NON-OPERATING REVENUE:			
Interest Income	\$ 37,669	\$ 33,360	\$ 4,309
Interest Expense	(1,110)	(14,677)	13,567
	36,559	18,682	17,876
NET INCOME/(LOSS):	\$ 535,073	\$ (8,513)	\$ 543,586

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Income Statement

Year to Date: November 30, 2025

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
REVENUES:						
Administrative Fees	\$ 2,608,845	\$ 1,650,000	\$ 958,845	\$ 2,608,845	\$ 1,494,905	\$ 1,113,940
Affiliate Management Fees	526,475	537,208	(10,733)	526,475	431,242	95,233
Rental Income	296,503	288,198	8,305	296,503	311,104	(14,601)
Other Income	35,732	27,500	8,232	35,732	30,428	5,305
Total Revenues	3,467,556	2,502,906	964,649	3,467,556	2,267,678	1,199,878
EXPENSES:						
Salaries & Benefits	2,137,321	2,192,692	(55,371)	2,137,321	2,044,434	92,887
General Office Expenses	254,041	248,417	5,624	254,041	249,546	4,494
Building Operating Costs	64,329	87,989	(23,660)	64,329	41,320	23,009
Professional Services	86,659	86,800	(141)	86,659	59,504	27,155
Public Hearings & Marketing	91,398	110,000	(18,602)	91,398	107,930	(16,532)
Travel, Mileage & Meeting Expenses	26,424	32,542	(6,117)	26,424	29,725	(3,301)
Depreciation and amortization	215,682	215,682	-	215,682	243,182	(27,500)
Other Expenses	12,635	15,500	(2,865)	12,635	17,325	(4,691)
Total Expenses	2,888,488	2,989,622	(101,133)	2,888,488	2,792,967	95,521
SPECIAL PROJECT GRANTS:						
Revenues	534,451	4,765,095	(4,230,644)	534,451	731,935	(197,484)
Expenses	(497,524)	(4,477,262)	3,979,738	(497,524)	(751,805)	254,281
	36,927	287,833	(250,907)	36,927	(19,870)	56,797
NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS:	\$ 615,994	\$ (198,882)	\$ 814,876	\$ 615,994	\$ (545,159)	\$ 1,161,153
OTHER STRATEGIC INVESTMENTS AND INITIATIVES:						
Renaissance Commerce Park Grant	\$ (94,684)	\$ (100,000)	\$ 5,316	\$ (94,684)	\$ (116,544)	\$ 21,860
Angola Ag Park Grant	(5,483)	(25,000)	19,517	(5,483)	(19,675)	14,192
Buffalo Urban Development Corporation	(100,000)	(100,000)	-	(100,000)	(100,000)	-
Other Strategic Initiatives	(75,000)	(75,000)	-	(75,000)	(140,525)	65,525
	(275,167)	(300,000)	24,833	(275,167)	(376,744)	101,577
NET OPERATING INCOME/(LOSS):	340,827	(498,882)	839,709	340,827	(921,904)	1,262,730
NON-OPERATING REVENUE:						
Interest Income	468,221	366,959	101,262	468,221	\$ 456,607	11,614
Interest Expense	(14,952)	(14,677)	(275)	(14,952)	(21,332)	6,380
	453,269	352,281	100,987	453,269	435,275	17,994
NET INCOME/(LOSS):	\$ 794,095	\$ (146,601)	\$ 940,696	\$ 794,095	\$ (486,629)	\$ 1,280,724

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. Decorators, Inc./JFP	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	Lackawanna 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 1016 East Delavan/ Commissary Kitchen	Buffalo	\$2,555,500	\$2,172,175	15	0	2	0	1	9	21	Period of PILOT 10 Years	\$224,938	1:79
Aug-25	99 NYRPT Erie 1 BOCES	Depew	\$34,135,084	\$29,014,821	280	0	81	0	68	329	401	Period of PILOT 10 Years	\$5,208,778	1:66
Sep-25	Upsate Niagara Cooperative ²	West Seneca	\$255,000,000	\$216,750,000	240	0	130	0	110	994	1,690	Period of PILOT 10 Years	\$12,012,610	1:73

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	4	\$366,545,328	\$311,563,529	880	8	210	0	176	1,403	4,071		\$18,196,922
2025 Total	13	\$702,930,847	\$597,491,219	2,111	43	531	16	458	2,822	7,036		\$41,859,471

¹ Adaptive Reuse
² Amendatory Inducement

ECIDA Tax Incentives Closed - 2025										
Closing Date	Project Name	Project City/Town	Project Amount at Closing	FT Jobs Retained	PT Jobs Retained	FT Jobs to be Created	PT Jobs to be Created	Inducement Date	Est. Project Completion Date	
2/25/2025	Coca Cola Beverages Northeast, Inc.	Town of Tonawanda	\$ 21,271,633	124	0	0	0	9/22/2021	1/31/2024	
11/20/2025	619 Exchange	Buffalo	\$ 30,209,411	0	0	0	1	5/28/2025	12/31/2026	
12/5/2025	BPS Commissary Kitchen (McGuire)	Buffalo	\$ 34,135,084	16	35	0	15	8/27/2025	7/31/2027	

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

	3		\$85,616,128	140	35	0	16			
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MEMORANDUM

Date: December 17th, 2025

To: ECIDA Board of Directors

From: ECIDA Staff

Re: Authorization to Utilize UDAG Funds for the Odell St. and Ridge Rd. Extension 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 11/30/25

Current Available Cash Balance	\$7,349,909
Total Current Potential Allocations	
• Erie County Ag Park Carrying Costs	(\$110,120)
Due from ILDC (borrowed)	\$3,453,770
*Reimbursed through ESD	
Projected UDAG Balance	\$10,693,559

Project Summary:

Currently, the ILDC is undertaking the Odell St. and Ridge Rd. Extension Project at RCP. This project proposes constructing approximately 700 feet of new roadway for Odell Street Extension extending from Times Square to east of the intersection with Steelworkers Way. The project further proposes constructing approximately 650 feet of new roadway for Ridge Road Extension from Fuhrmann Boulevard to west of the intersection shown as “Odell Street Extension and Ridge Road Extension” on the Advanced Manufacturing Park – Infrastructure Master Plan. Improvements include new public stormwater drainage, installation of a bioretention pond, boring for new discharge drainage pipe under the existing railway, ADA compliant sidewalk, street lighting and signage. Project construction is scheduled to begin in spring 2026.

This is one phase in an ongoing Infrastructure Master Plan to interconnect multiple roadways and provide access to all parcels within the new Renaissance Commerce Park to provide vehicle and truck access for future tenants.



Project Budget:

In October the ILDC received one bid for the project from Pinto Construction in the amount of \$3,992,496. The project budget for this work, the amount the ILDC has secured in grants, is \$3,640,000, \$2,400,000 from the County of Erie (County) and \$1,240,000 from Empire State Development (ESD) Buffalo Billion II fund. This leaves a budget hole of \$352,496 for the project.

To fill the project shortfall, the ILDC is seeking a not to exceed allocation of \$600,000 from the UDAG fund to cover the budget for the project. 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.

Requested Action:

Seeking approval from the ECIDA Board of Directors to authorize the ILDC to utilize a not to exceed allocation of \$600,000 from the UDAG fund for the Odell St. and Ridge Rd. Extension Project.

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
RESOLUTION**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, December 17, 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 AN AMOUNT NOT TO EXCEED \$600,000 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 ODELL STREET AND RIDGE ROAD EXTENSION AT RENAISSANCE COMMERCE PARK (“RCP”), 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 Odell Street and Ridge Road Extension Project within the RCP to construct approximately 700 feet of new roadway for the Odell Street Extension (the “Odell Street Extension”), to construct approximately 650 feet of new roadway for the Ridge Road Extension (the “Ridge Road Extension”), and to construct and install new public stormwater drainage, installation of a bioretention pond, boring for new discharge drainage pipe under the existing trailway, ADA compliant sidewalk, and street lighting and signage (collectively, with the Odell Street Extension and Ridge Road Extension, the “Project”); and

WHEREAS, the Project is one phase of an ongoing Advanced Manufacturing Park – Infrastructure Plan (the “Master Plan”) to interconnect multiple roadways and provide access to all parcels within the RCP to provide vehicle and truck access for future tenants; and

WHEREAS, in compliance with Article 8 of the New York Environmental Conservation Law and the regulations adopted thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQRA”), the ILDC acted as SEQRA Lead Agency and on May 27, 2020, the ILDC accepted a Draft Generic Environmental Impact Statement (the “DGEIS”) for the Master Plan, on September 23, 2020, the ILDC accepted and issued a Final Generic Environmental Impact Statement (“FGEIS”) for the Master Plan, and on October 28, 2020, the ILDC issued and adopted its Findings Statement for the Master Plan, which, amongst other items, evaluated and authorized a conceptual master plan for the construction of warehousing and distribution facilities (the “Findings Statement” and collectively, with the DGEIS, and the FGEIS, the “ILDC SEQRA Findings”); and

WHEREAS, in October of 2025, the ILDC received one bid for construction of the Project from Pinto Construction in the amount of \$3,992,496 (the “Estimated Project Cost”); and

WHEREAS, to date, the ILDC has secured \$3,640,000 in funding (the “Grants”) towards the Estimated Project Cost, including \$2,400,000 from the County of Erie (the “County Grant”),

\$1,240,000 from the Empire State Development Buffalo Billion Fund (the “ESD Grant”), leaving a budget gap of approximately \$352,496 (the “Project Budget Gap”); and

WHEREAS, the ILDC has requested an amount not to exceed \$600,000 from the Agency to close the Project Budget Gap (the “Agency Funding Request”); and

WHEREAS, the proceeds from the Agency Funding Request will only be utilized to cover the Project Budget Gap and cover certain upfront costs for the Project while the ILDC awaits reimbursement from the Grants; and

WHEREAS, the ILDC intends to reimburse the ECIDA for proceeds from the Agency Funding Requests that are later reimbursed by the Grants; 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); and

WHEREAS, the Agency desires to assist the ILDC in its efforts to undertake the Project by granting UDAG Funds in the amount not to exceed \$600,000; and

WHEREAS, it is considered to be in the best interest of the Agency, the ILDC, the County of Erie, the City of Lackawanna, and the community in particular that UDAG Funds in the total amount up to \$600,000, as described above, be granted to and utilized by the ILDC to undertake the Project; and

WHEREAS, the Agency desires to negotiate and execute a Funding Agreement (the “Funding Agreement”) with the ILDC in an amount up to \$600,000 to permit the ILDC to develop and create the Odell Street Extension and the Ridge Road Extension.

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 an amount not to exceed \$600,000 for the purpose of facilitating the Agency Funding Request, for construction of the Odell Street Extension and the Ridge Road Extension.

Section 2. The Agency hereby determines that no further SEQRA compliance is required pursuant to 6 N.Y.C.R.R. Section 617.10(d)(1) because providing the Funds described herein to the ILDC in furtherance of the Project will be carried out in conformance with the conditions and thresholds established in the ILDC SEQRA Findings.

Section 3. 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 Project and fulfilling the Agency Funding Request.

Section 4. 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 5. 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 6. This resolution shall take effect immediately.

Dated: December 17, 2025

MEMORANDUM

TO: ECIDA Board of Directors

FROM: Mollie Profic, CFO

SUBJECT: Third Amendment to Agreement of Sub-Sublease with BUDC

DATE: December 17, 2025

ECIDA has subleased space at 95 Perry Street to Buffalo Urban Development Corporation (“BUDC”) since relocating in September 2013. Co-locating with BUDC has been mutually beneficial for both organizations. The agreement has been amended twice, in 2018 and in 2023, to reflect changes in the lease rate and leased square footage.

Since hiring a new Business Development Officer, ECIDA has found it necessary to reclaim an unused office to accommodate the additional employee. BUDC management is amenable to the change, as the space has been unused. The third amendment to the sub-sublease agreement seeks to reduce the square footage subleased to BUDC from 1,238 square feet to 1,092 square feet. The total square footage consists of dedicated space, plus a proportionate share of common areas. All other terms will remain unchanged.

Requested Action:

I am requesting that the ECIDA Board approve the resolution to negotiate and execute a third amendment to the sub-sublease agreement with Buffalo Urban Development Corporation.

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

RESOLUTION

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, December 17, 2025, at 12:00 p.m.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE AGENCY TO NEGOTIATE AND EXECUTE A CERTAIN THIRD AMENDMENT TO AGREEMENT OF SUB-SUBLEASE BY AND BETWEEN THE BUFFALO URBAN DEVELOPMENT CORPORATION ("BUDC") AND THE AGENCY

WHEREAS, the Agency was created in 1970 as a public benefit corporation by act of the New York State Legislature to promote and assist private sector/business development thereby advancing job opportunities for and the economic welfare of the people of Erie County; and

WHEREAS, Michigan Street Development, LLC, as the owner of certain real property located at 95 Perry Street, Buffalo, New York (the "Building") leased a 31,610 square foot portion of the Building (the "Demised Premises") to the New York State Urban Development Corporation d/b/a Empire State Development ("ESD") pursuant to that certain Agreement of Lease, as amended dated March 7, 2008 (the "Lease Agreement"); and

WHEREAS, for the purpose of conducting its operations, the Agency entered into a certain Agreement of Sublease, as amended dated as of July 10, 2013 (the "Sub-Lease Agreement") by and between the Agency, as sub-tenant, and ESD, as sub-landlord, for the sublease of a portion of the Demised Premises (the "Agency Premises"); and

WHEREAS, on or about September 23, 2013, the Agency and BUDC entered into a certain Agreement of Sub-Sublease (the "Sub-Sublease Agreement") for the sub-lease of a portion of the Agency Premises to BUDC (the "BUDC Premises"); and

WHEREAS, based on recent staff expansions, the Agency desires to reclaim an approximately 113 square foot portion of currently unused office space from the BUDC Premises (the "Premises"); and

WHEREAS, to effectuate the foregoing, the Agency now desires to enter into a certain Third Amendment to Agreement of Sub-Sublease (the "Third Sub-Sub-Lease Amendment") with BUDC to reclaim the Premises and modify related lease terms accordingly.

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

Section 1. The Agency hereby authorizes the negotiation and execution of the Third Sub-Sub-Lease Amendment to permit the Agency to reclaim the Premises from the BUDC Premises.

Section 2. Subject to the terms of this 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 and execute contracts and agreements related thereto along with any appropriate change orders or scope additions as approved by the President/Chief Executive Officer, in consultation with the Agency Chair.

Section 3. 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 execute and deliver all such checks, 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 so acting, desirable and proper to effect the purposes of the foregoing resolution 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 4. Any and all prior actions taken by the Agency with respect to the contents of this resolution are hereby ratified and confirmed.

Section 5. This resolution shall take effect immediately.

Dated: December 17, 2025



**ECIDA & RDC Board of Directors
Monthly Meeting Schedule - 2026
4th Wednesday of the Month except for November & December**

January 28

February 25

March 25

April 22 (Annual Meeting)

May 27

June 24

July 22

August 29

September 23

October 28

November 18

December 16