

NOTICE OF PUBLIC HEARING

Pursuant to Article 18-A of NYS General Municipal Law, the Erie County Industrial Development Agency (the “Agency”) will hold a public hearing on July 30, 2025 at 9:00 a.m. at the Village of Depew, Council Chambers, located at 85 Manitou Street, Depew, NY 14043 regarding:

93 NYRPT, LLC, and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf (the “Company”), has submitted an application to the Agency (a copy of which is on file at the office of the Agency) requesting the Agency to undertake a certain project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 2911 Walden Avenue, Village of Depew, Town of Cheektowaga, Erie County, New York and all other lands in the Village of Depew where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the “Land”), (ii) the renovation of an approximately 178,144 square foot building located on the Land (the “Existing Improvements”), (iii) the construction of an approximately 39,975 square foot addition thereto consisting of 3 gymnasiums, 6 courtyards and 2 playfields to create a state-of-the-art campus that integrates innovation educational practices with tailored services for special education students (the “Improvements”), and (iv) the acquisition by the Company in and around the Existing Improvements and the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land, and the Existing Improvements and the Improvements, the “Facility”). The Facility will be initially owned and operated by the Company.

The Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance to the Company for qualifying portions of the Project in the form of sales and use tax exemption benefits and real property tax abatement benefits consistent with the policies of the Agency.

A representative of the Agency will be present at the above-stated time and place to present a copy of the Application and hear and accept written and oral comments from all persons with views in favor of or opposed to the proposed financial assistance. This public hearing is being live-streamed and made accessible on the Agency’s website at www.ecidany.com. Written comments may be submitted at this public hearing, submitted on the Agency’s website, or delivered to the Agency at 95 Perry Street-Suite 403, Buffalo, NY 14203 until the comment period closes at 4:00 p.m. on August 26, 2025. The project application is available for public inspection at the Agency’s offices Monday through Friday (excluding public holidays) from 9:00 a.m. until 4:00 p.m.

This public hearing is being conducted in accordance with Subdivision 2 of Section 859-a of the New York General Municipal Law.



Benderson - Erie 1 BOCES

[Instructions and Insurance Requirements Document](#)

Section I: Applicant Background Information

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law.

Applicant Information - Company Receiving Benefit

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

Business Organization

Type of Business

Limited Liability Company

Year Established

2014

State

New York

Indicate if your business is 51% or more (Check all boxes that apply)

☐ [No] Minority Owned

☐ [No] Woman Owned

Indicate Minority and/or Woman Owned Business Certification if applicable (Check all boxes that apply)

☐ [No] NYS Certified

☐ [No] Erie Country Certified

Individual Completing Application

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

Company Contact- Authorized Signer for Applicant

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

Company Counsel

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

Benefits Requested (select all that apply).

Exemption from Sales Tax Yes
Exemption from Mortgage Tax No

Exemption from Real Property Tax

Yes

Tax Exempt Financing*

No

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

Applicant Business Description

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

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

Estimated % of sales within Erie County	80 %
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Estimated % of sales outside Erie County but within New York State	15 %
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Estimated % of sales outside New York State but within the U.S.	5 %
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Estimated % of sales outside the U.S.	0 %
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(*Percentage to equal 100%)

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

80

Describe vendors within Erie County for major purchases

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

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

2911 Walden Avenue, Depew, NY 14043

Town/City/Village of Project Site

Village of Depew

School District of Project Site

Cheektowaga

Current Address (if different)

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

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

West Seneca, Tonawanda, Cheektowaga

SBL Number(s) for proposed Project

103.14-4-1

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

\$128,282.51

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

Land

\$ 12,150,000

Building(s)

\$ 12,150,000

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

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

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

Yes

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

No

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

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

Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)

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

Municipality or Municipalities of current operations

Cheektowaga, West Seneca, and Tonawanda

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

No

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

Yes

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

Yes

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

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

No

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

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

Yes

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

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

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

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

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

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

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

Yes

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

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

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

Is your project located near public transportation?

Yes

If yes describe if site is accessible by either metro or bus line (provide route number for bus lines)

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

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

Yes

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

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

June 9, 2025

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

Yes

Describe the present zoning/land use

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

Describe required zoning/land use, if different

N/a

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

N/a

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

No

If yes, please explain

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

No

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

Yes

If yes, describe the efficiencies achieved

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

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

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

No

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

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

No

If yes, please describe.

Select Project Type for all end users at project site (you may check more than one).

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

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

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

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

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

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

			Cost	% of Total Cost
Manufacturing/Processing	square feet	\$	0	0%
Warehouse	square feet	\$	0	0%
Research & Development	square feet	\$	0	0%
Commercial	219,239 square feet	\$	64,863,067	85%
Retail	square feet	\$	0	0%
Office	square feet	\$	0	0%
Specify Other	219,239 square feet	\$	11,850,000	15%

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

No

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

Silver

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

Will project result in significant utility infrastructure cost or uses Yes

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

7/1/2025

End date : Estimated completion date of project

3/1/2027

Project occupancy : estimated starting date of occupancy

3/1/2027

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 0 219,239 square feet 13 acres

2.) New Building Construction

\$ 0 0 square feet

3.) New Building addition(s)

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

4.) Reconstruction/Renovation

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

5.) Manufacturing Equipment

\$ 0

6.) Infrastructure Work

\$ 2,500,000

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

\$ 10,000,000

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

\$ 3,000,000

9.) Other Cost

\$ 0

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

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

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit \$ 50,000,000

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

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

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

Have any of the above costs been paid or incurred as of the date of this Application? No

If Yes, describe particulars:

Sources of Funds for Project Costs:

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

Bank Financing: \$ 0

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

Taxable Bond Issuance (if applicable): \$ 0

Public Sources (Include sum total of all state and federal grants and tax credits): \$ 0

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

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

Have you secured financing for the project? No

Mortgage Recording Tax Exemption Benefit:

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

Mortgage Amount (include sum total of construction/permanent/bridge financing). 0

Lender Name, if Known

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

Real Property Tax Benefit:

Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other):

The project anticipates to utilize the ECIDA PILOT.

IDA PILOT Benefit: Agency staff will indicate the estimated amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in the PILOT worksheet in the additional document section.

Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon the Sources of Funds for Project Costs as depicted above. The percentage of Project Costs financed from public sector sources will be depicted in the PILOT worksheet in the additional document section.

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and 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	280	280	81	361
Part time	0	0	0	0
Total	280	280	81	

Salary and Fringe Benefits for Jobs to be Retained and Created

Job Categories	# of Full Time Employees retained	Average Salary for	Average Fringe Benefits for	# of Part Time Employees retained	Average Salary for	Average Fringe Benefits for
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	and created	Full Time	Full Time	and created	Part Time	Part Time
Management	8	\$ 94,425	\$ 28,769	0	\$ 0	\$ 0
Professional	328	\$ 52,453	\$ 28,769	0	\$ 0	\$ 0
Administrative	7	\$ 39,521	\$ 28,769	0	\$ 0	\$ 0
Production	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Independent Contractor	3	\$ 63,000	\$ 28,769	0	\$ 0	\$ 0
Other	15	\$ 34,647	\$ 28,769	0	\$ 0	\$ 0
Total	361			0		

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

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

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

Address	450 Harlem Rd West Seneca, 14224	333 Dexter Term, Tonawanda 14150	1635 E. Delavan Ave, Cheektowaga, 14215
Full time	111	107	62
Part time	0	0	0
Total	111	107	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

14,832,114

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

45,396

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

0

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

40,700

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

0

Estimated salary range of jobs to be created

From (Full Time)	26,375	To (Full Time)	86,916
From (Part Time)	0	To (Part Time)	0

Section III: Environmental Questionnaire

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

General Background Information

Address of Premises

2911 Walden Ave, Depew, New York 14043

Name and Address of Owner of Premises

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

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

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

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

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

Describe all known former uses of the Premises

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

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

No

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

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

No

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

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

No

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

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

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

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

No

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

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

No

If yes, please provide copies of the permits.

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

N/a

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

N/a

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

No

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

Discharge Into Waterbodies

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

There are no existing or planned industrial uses on site.

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

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

Is any waste discharged into or near surface water or groundwaters?

No

If yes, please describe in detail the discharge including not only the receiving water's classification, but a description of the type and quantity of the waste

Air Pollution

Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises?

No

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

Are any of the air emission sources permitted?

No

If yes, attach a copy of each permit.

Storage Tanks

List and describe all above and under ground storage tanks at the Premises used to store petroleum or gasoline products, or other chemicals or wastes, including the contents and capacity of each tank. Please also provide copies of any registrations/permits for the tanks

N/a

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

No

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

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

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

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

No

If yes, relate all the circumstances

Do the Premises have any asbestos containing materials?

Yes

If yes, please identify the materials

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

Section IV: Facility Type - Single or Multi Tenant

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

Multi-Tenant Facility

Multi-Tenant Facility (to be filled out by developer).

Please explain what market conditions support the construction of this multi-tenant facility

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

Have any tenant leases been entered into for this project?

Yes

If yes, please list below and provide square footage (and percent of total square footage) to be leased to tenant and NAICS Code for tenant and nature of business

Tenant Name	Current Address (city, state, # of sq ft and % of total to be occupied at new projet site zip)	SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.
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*fill out table for each tenant and known future tenants

Section V: Tenant Information

PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)

Tenant Name

ERIE 1 BOCES

Property Address:

355 Harlem Road

City/Town/Village

West Seneca

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

Amount of space to be leased (square feet)

219,239

What percentage of the building does this represent?

100

Are terms of lease:

GROSS

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

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

Estimated date of occupancy

3/1/2027

PART 2 TO BE COMPLETED BY PROPOSED TENANT

Company Name:

Erie 1 BOCES

Local Contact Person:

Christa McHale

Title:

Director, Educational Partnerships and Workforce Development

Current Address:

355 Harlem Road, West Seneca, NY 14224

Phone:

(716) 821-7384

Fax:**E-Mail:**

cmchale@e1b.org

Website:

www.e1b.org

Company President/General Manager:

Michael Capuana

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

358

Part-Time:

0

Total:

358

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

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

Attach additional information as necessary.

History of Company (i.e. start-up, recent acquisition, publicly traded)**Please list the square footage which the proposed tenant will lease at the Project location**

219,239

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

153,000

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

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

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

Yes

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

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

If leased, when does lease expire?

4/30/2027

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

No

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

N/a

Section VI: Retail Determination

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

Please answer the following:

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

No

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

Section VII: Adaptive Reuse Projects

Adaptive Reuse is the process of adapting old structures or sites for new purposes.

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

Yes

What is the age of the structure (in years)? 68

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

No

If vacant, number of years vacant.

2

If underutilized, number of years underutilized.

2

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

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

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

No

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

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

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

Does the site have historical significance?

No

If yes, please indicate historical designation

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

No

If yes, provide estimated value of tax credits

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

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

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

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

Indicate other factors that you would like the Agency to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, structure presents significant costs associated with building code compliance

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

Indicate census tract of project location

36,029,009,800

Indicate how project will eliminate slum and blight

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

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

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

Section VIII: Inter-Municipal Move Determination

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, Agency financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

Current Address

650 Harlem Road

City/Town

West Seneca

State

New York

Zip Code

14150

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

No

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

No

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

N/a

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

Within New York State

Yes

Within Erie County

Yes

If Yes to either question, please, explain

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

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

No

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

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

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

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

Yes

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

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

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

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

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

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

Section IX: Senior Housing

IDA tax incentives may be granted to projects under the Agency's Senior Citizen Rental Housing policy when the project consists of a multi-family housing structure where at least 90% of the units are (or are intended to be) rented to and occupied by a person who is 60 years of age or older.

Are you applying for tax incentives under the Senior Rental Housing policy?

No

Section X: Tax Exempt Bonds

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

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

No