

## 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 August 4, 2025 at 9:00 a.m., at the Agency’s offices, at 95 Perry Street, Suite 403, Buffalo, New York 14203 regarding the following matter:

1016 East Delavan, 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 (the “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 1016-1044 East Delavan Avenue, City of Buffalo, Erie County, New York, and all other lands in the City of Buffalo where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the “Land”); (ii) the construction of an approximately 61,000+/- square-foot light industrial single-story building to serve as the new commissary kitchen for the sole use of the Buffalo Public Schools to prepare and distribute school meals to all schools in the district (the “Improvements”); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land and the Improvements, the “Facility”). The Facility will be initially owned 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, mortgage recording 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](http://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.



## BPS Commissary Kitchen

[Instructions and Insurance Requirements Document](#)

### Section I: Applicant Background Information

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

#### Applicant Information - Company Receiving Benefit

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

#### Business Organization

**Type of Business**  
Limited Liability Company

**Year Established**  
2006

**State**  
New York

**Indicate if your business is 51% or more (Check all boxes that apply)**  
☐ [No] Minority Owned  
☐ [No] Woman Owned

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

[No] NYS Certified

[No] Erie Country Certified

Individual Completing Application

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

Company Contact- Authorized Signer for Applicant

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

Company Counsel

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

Benefits Requested (select all that apply).

**Exemption from Sales Tax** Yes

<b>Exemption from Mortgage Tax</b>	Yes
<b>Exemption from Real Property Tax</b>	Yes
<b>Tax Exempt Financing*</b>	No

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

### Applicant Business Description

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

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

<b>Estimated % of sales within Erie County</b>	81 %
<b>Estimated % of sales outside Erie County but within New York State</b>	1 %
<b>Estimated % of sales outside New York State but within the U.S.</b>	18 %
<b>Estimated % of sales outside the U.S.</b>	0 %

(\*Percentage to equal 100%)

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

100

**Describe vendors within Erie County for major purchases**

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

## Section II: Eligibility Questionnaire - Project Description & Details

### Project Location

**Address of Proposed Project Facility**

1016-1044 East Delavan Avenue

**Town/City/Village of Project Site**

Buffalo

**School District of Project Site**

Buffalo Public Schools

**Current Address (if different)**

1055 East Delavan Avenue

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

Buffalo

**SBL Number(s) for proposed Project**

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

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

1,960

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

Land

\$ 87,000

Building(s)

\$ 0

If available include a copy of current tax receipt.

**Are Real Property Taxes current at project location?**

Yes

**If no please explain**

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

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

Yes

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

Yes

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

Parking lot and Vacant Land

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

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

#### **Municipality or Municipalities of current operations**

City of Buffalo

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

Yes

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

No

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

No

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

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

No

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

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

No

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

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

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

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

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

Yes

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

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

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Site Characteristics**Is your project located near public transportation?**

Yes

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

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

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

Yes

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

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

07/17/2023

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

Yes

**Describe the present zoning/land use**

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

**Describe required zoning/land use, if different**

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

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

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

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

No

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

Yes

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

No

**If yes, describe the efficiencies achieved**

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

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

No

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

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

No

If yes, please describe.

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

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

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

<b>Retail Sales</b>	No	<b>Services</b>	No
---------------------	----	-----------------	----

Please check any and all end uses as identified below.

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

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.

			<b>Cost</b>	<b>% of Total Cost</b>
<b>Manufacturing/Processing</b>	60,984 square feet	\$	26,249,298	72%
<b>Warehouse</b>	square feet	\$	0	0%
<b>Research &amp; Development</b>	square feet	\$	0	0%
<b>Commercial</b>	square feet	\$	0	0%
<b>Retail</b>	square feet	\$	0	0%
<b>Office</b>	square feet	\$	0	0%
<b>Specify Other</b>	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)**



&lt;BLANK&gt;

**Provide estimate of additional construction cost as a result of LEED certification you are seeking**

&lt; BLANK &gt;

**Will project result in significant utility infrastructure cost or uses**

Yes

What is the estimated project timetable (provide dates).

**Start date : acquisition of equipment or construction of facilities**

10/5/2025

**End date : Estimated completion date of project**

3/31/2027

**Project occupancy : estimated starting date of occupancy**

8/1/2027

### Capital Project Plan / Budget

#### **Estimated costs in connection with Project**

##### **1.) Land and/or Building Acquisition**

\$ 1,110,000

229,221 square feet

5 acres

##### **2.) New Building Construction**

\$ 26,249,298

60,984 square feet

##### **3.) New Building addition(s)**

\$ 0

square feet

##### **4.) Reconstruction/Renovation**

\$ 0

square feet

##### **5.) Manufacturing Equipment**

\$ 0

##### **6.) Infrastructure Work**

\$ 0

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

\$ 0

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

\$ 6,775,786

##### **9.) Other Cost**

\$ 0

**Explain Other  
Costs**

**Total Cost** \$ 34,135,084

### Construction Cost Breakdown:

**Total Cost of Construction**

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

<b>Cost of materials</b>	\$ 14,437,113
<b>% sourced in Erie County</b>	100%

Sales and Use Tax:

<b>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</b>	\$ 14,437,113
---	---------------

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

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

<b>Project refinancing estimated amount, if applicable (for refinancing of existing debt only)</b>	\$ 0
--	------

<b>Have any of the above costs been paid or incurred as of the date of this Application?</b>	No
--	----

**If Yes, describe particulars:**

Sources of Funds for Project Costs:

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

<b>Bank Financing:</b>	\$ 28,000,000
------------------------	---------------

<b>Tax Exempt Bond Issuance (if applicable):</b>	\$ 0
--	------

<b>Taxable Bond Issuance (if applicable):</b>	\$ 0
---	------

<b>Public Sources (Include sum total of all state and federal grants and tax credits):</b>	\$ 0
--	------

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

<b>Total Sources of Funds for Project Costs:</b>	\$34,692,900
--	--------------

<b>Have you secured financing for the project?</b>	No
--	----

Mortgage Recording Tax Exemption Benefit:

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

<b>Mortgage Amount (include sum total of construction/permanent/bridge financing).</b>	28,900,000
--	------------

**Lender Name, if Known**

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

Real Property Tax Benefit:

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

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

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

**Is project necessary to expand project employment?**

No

**Is project necessary to retain existing employment?**

No

**Will project include leasing any equipment?**

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location).

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

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

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time	16	16	0	0
Part time	35	35	15	15
Total	51	51	15	

Salary and Fringe Benefits for Jobs to be Retained and Created

Job Categories	# of Full Time Employees retained and created	Average Salary for Full Time	Average Fringe Benefits for Full Time	# of Part Time Employees retained and created	Average Salary for Part Time	Average Fringe Benefits for Part Time
Management	4	\$ 45,000	\$ 13,500	0	\$ 0	\$ 0
Professional	1	\$ 100,000	\$ 30,000	0	\$ 0	\$ 0
Administrative	6	\$ 68,000	\$ 20,000	0	\$ 0	\$ 0
Production	4	\$ 40,000	\$ 12,000	50	\$ 30,000	\$ 0
Independent Contractor	0	\$ 0	\$ 0	0	\$ 0	\$ 0
Other	1	\$ 45,000	\$ 13,000	0	\$ 0	\$ 0
Total	16			50		

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

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

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

**Address**

<b>Full time</b>	0	0	0
<b>Part time</b>	0	0	0
<b>Total</b>	0	0	0

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

2,393,000

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

59,600

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

30,000

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

0

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

30,000

**Estimated salary range of jobs to be created**

<b>From (Full Time)</b>	0	<b>To (Full Time)</b>	0
<b>From (Part Time)</b>	30,000	<b>To (Part Time)</b>	30,000

## Section III: Environmental Questionnaire

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

### General Background Information

#### **Address of Premises**

1016-1044 East Delavan Avenue Buffalo, NY 14215

#### **Name and Address of Owner of Premises**

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

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

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

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

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

#### **Describe all known former uses of the Premises**

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

No

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

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

No

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

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

No

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

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

No

#### **If yes, describe in full detail**

### Solid And Hazardous Wastes And Hazardous Substances

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

No

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

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

No

**If yes, please provide copies of the permits.**

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

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

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

No

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

### Discharge Into Waterbodies

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

N/A

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

N/A

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

No

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

### Air Pollution

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

No

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

**Are any of the air emission sources permitted?**

No

**If yes, attach a copy of each permit.**

### Storage Tanks

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

N/A

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

No

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

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

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

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

No

**If yes, relate all the circumstances**

**Do the Premises have any asbestos containing materials?**

No

**If yes, please identify the materials**

## Section IV: Facility Type - Single or Multi Tenant

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

Single Use Facility

#### For Single Use Facility.

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

SS



## Section VI: Retail Determination

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

Please answer the following:

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

No

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

## Section VII: Adaptive Reuse Projects

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

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

No

## Section VIII: Inter-Municipal Move Determination

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

### Current Address

1055 East Delevan Avenue

### City/Town

Buffalo

### State

New York

### Zip Code

14215

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

No

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

Yes

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

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

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

**Within New York State**

No

**Within Erie County**

No

**If Yes to either question, please, explain**

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

No

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

The

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

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

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

Yes

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

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

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

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

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

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

## Section IX: Senior Housing

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

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

No

## Section X: Tax Exempt Bonds

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

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

No