

NOTICE OF PUBLIC HEARING
ON PROPOSED PROJECT
AND FINANCIAL ASSISTANCE
RELATING THERETO

Notice is hereby given that a public hearing (the “Public Hearing”) pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), will be held by Buffalo and Erie County Industrial Land Development Corporation (the “Issuer”) on the 28th day of August, 2025 at 9:00 o’clock a.m., local time, at the offices of the Issuer located at 95 Perry Street – Suite 403 in the City of Buffalo, Erie County, New York in connection with the following matters:

DYU-COM LLC, a New York limited liability company (the “Borrower”), the sole member of which is D’Youville University, a New York not-for-profit education corporation (the “University”), submitted an application (the “Application”) to the Issuer, a copy of which Application is on file at the office of the Issuer, which Application requested that the Issuer consider undertaking a project (the “Project”) for the benefit of the Borrower, said Project consisting of the following: (A) (1) the renovation and rehabilitation of an existing 5-story building containing approximately 125,000 square feet of space (the “Facility”) currently owned by Interwest Properties LLC and leased to the Borrower located at 285 Delaware Avenue in the City of Buffalo, Erie County, New York (the “Land”) to be used as an osteopathic medical school, including lecture halls, classrooms, faculty offices, student study spaces and laboratory research spaces, and (2) the acquisition and installation of various machinery and equipment therein and thereon (the “Equipment”) (the Land, the Facility and the Equipment being hereinafter referred to as the “Project Facility”), all of the foregoing to constitute an osteopathic medical school and other directly and indirectly related activities to be operated by the [BORROWER][UNIVERSITY]; (B) the financing of certain working capital costs of the Borrower; (C) the financing of all or a portion of the costs of the foregoing by the issuance of taxable and/or tax-exempt revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay the cost of undertaking the Project, together with necessary incidental costs in connection therewith, in an aggregate principal amount not to exceed \$75,000,000 (the “Obligations”); and (D) the payment of a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations, capitalized interest and any reserve funds as may be necessary to secure the Obligations.

The Issuer is considering whether (A) to undertake the Project, (B) to finance the Project by issuing, from time to time, the Obligations, (C) to use the proceeds of the Obligations to pay the cost of undertaking the Project, together with necessary incidental costs in connection therewith, and (D) to provide certain exemptions from taxation with respect to the Project, including exemption from mortgage recording taxes with respect to any documents, if any, recorded by the Issuer with respect to the Project in the office of the County Clerk of Erie County, New York or elsewhere.

If the issuance of the Obligations is approved, with respect to any portion of the Obligations intended to be issued as federally tax-exempt obligations, the interest on such portion of the Obligations will not be excludable from gross income for federal income tax purposes unless (A) pursuant to Section 147(f) of the Code and the regulations of the United States Treasury Department thereunder, the issuance of the Obligations is approved by the County Executive of Erie County, New York (the “County Executive”) after the Issuer has held a public hearing on the nature and location of the Project Facility and the issuance of the Obligations; and (B) pursuant to Section 145(a) of the Code, all property which is to be provided by the net proceeds of the Obligations is to be owned by a Section 501(c)(3) organization or a governmental unit and at least ninety-five percent (95%) of the net proceeds of the Obligations are used with respect to (1) governmental units and/or (2) the activities of Section 501(c)(3) organizations which do not constitute “unrelated trades or businesses” (as defined in Section 513(a) of the Code) with respect to such Section 501(c)(3) organizations.

If the Issuer determines to proceed with the Project and the issuance of the Obligations, (A) the proceeds of the Obligations will be loaned by the Issuer to the Borrower pursuant to a loan agreement (the “Agreement”) requiring that the University or its designee make payments equal to debt service on the Obligations and make certain other payments to the Issuer and (B) the Obligations will be a special obligation of the Issuer payable solely out of certain of the proceeds of the Agreement and certain other assets of the Issuer pledged to the repayment of the Obligations. THE OBLIGATIONS SHALL NOT BE A DEBT OF THE STATE OF NEW YORK OR ERIE COUNTY, NEW YORK, AND NEITHER THE STATE OF NEW YORK NOR ERIE COUNTY, NEW YORK SHALL BE LIABLE THEREON.

The Issuer has not yet made a determination pursuant to Article 8 of the Environmental Conservation Law regarding the potential environmental impact of the Project.

The Issuer will at said time and place hear all persons with views on the location and nature of the proposed Project Facility, the financial assistance being contemplated by the Issuer in connection with the proposed Project or the proposed plan of financing the proposed Project by the issuance from time to time of the Obligations. A copy of the Application filed by the Borrower with the Issuer with respect to the Project, including an analysis of the costs and benefits of the Project, is available for public inspection during business hours at the offices of the Issuer. A transcript or summary report of the hearing will be made available to the members of the board of directors of the Issuer and to the County Executive. If the Issuer determines to issue any portion of the Obligations as federally tax-exempt obligations, approval of the issuance of such portion of the Obligations by Erie County, New York, acting through its elected County Executive, is necessary in order for the interest on such portion of the Obligations to qualify for exemption from federal income taxation.

The Issuer encourages all interested parties to submit written comments to the Issuer, which will be included within the public hearing record. Any written comments may be submitted to the Issuer’s website at www.ecidany.com, or mailed to the Issuer at 95 Perry Street – Suite 403, Buffalo, New York 14203, until the comment period closes at 4:00 p.m. on September 23, 2025.

Dated: August 15, 2025

BUFFALO AND ERIE COUNTY INDUSTRIAL
LAND DEVELOPMENT CORPORATION

**APPLICATION FOR
FINANCIAL ASSISTANCE
TAX EXEMPT BONDS
(NOT FOR PROFIT use only)**



Buffalo & Erie County Industrial Land Development Corporation
95 Perry Street
Suite 403
Buffalo, New York 14203
phone (716) 856-6525
fax (716) 856-6754
web www.ILDCny.com

Eligibility Questionnaire - Applicant Background Information

Answer all questions. Use "None" or "Not Applicable" where necessary.

Applicant Information-company receiving benefit:

Applicant Name: DYU-COM LLC (a subsidiary of D'Youville University)

Applicant Address: 320 Porter Ave

City/Town: Buffalo State: NY Zip: 14201

Phone: General: 716-829-8000 | CFO Mobile: 716-308-4213

Website: www.dyu.edu E-mail: General: contactus@dyc.edu
CFO: fumen@dyc.edu

Business Organization (check appropriate category):

Corporation ☐ Not for Profit 501c3 ☒ Public Corporation ☐

Other (specify) _____

Year Established: 2024 State in which Organization is established: NY

Benefits Requested (select all that apply):

- | | |
|--------------------------------|--|
| 1. Tax Exempt | <input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No |
| 2. Exemption from Mortgage Tax | <input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No |

Applicant Business Description:

Describe in detail applicant background, history and services provided: D'Youville University, founded in 1908, is a private higher education institution with a main campus on the West Side of Buffalo. Approximately 2,700 students attend undergraduate through doctoral programs. Approximately 90% of students are studying a health-related profession, including nursing, chiropractic, pharmacy, psychology, occupational and physical therapy. The University is seeking accreditation for a new academic program in osteopathic medicine, which anticipates enrolling its initial class for Fall 2026 and growing to an enrollment of 720 by 2032. DYU-COM LLC was formed in 2024 with the University as its sole member to facilitate financing, certain administrative services, and facility needs of the planned College of Osteopathic Medicine (COM).

What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County 45* %

Describe vendors within Erie County for major purchases: 45% of supplies and services are from

firm's based in Erie County. Significant local vendors include Highmark BCBS (health insurance), Dopkins & Company and Lumsden & McCormick (accounting and auditing services), Employer Services Corporation (ESC) (payroll and human resources), Niagara Scenic and Cedar Bus (transportation), Lawley (insurance brokerage), National Fuel (utility), Arric Corporation (construction), Mader Construction (construction), CIR (electric) and Mollenberg-Betz (HVAC). In addition to the 45% for locally owned vendors, 26% is paid for vendors who handle building maintenance, provide campus security, operate food service and the school bookstore. These vendors are national firms, but are directly employing people working on the D'Youville campus.

Individual Completing Application:

Name: Nicholas Fiume
Title: Chief Financial Officer
Address: 320 Porter Ave
City/Town: Buffalo State: NY Zip: 14201
Phone: 716-308-4213 E-Mail: fiumen@dyc.edu

Company Contact (if different from individual completing application):

Name: same
Title: _____
Address: _____
City/Town: _____ State: _____ Zip: _____
Phone: _____ E-Mail: _____

Company Counsel:

Name of Attorney: Paul Reichel
Firm Name: Bond Schoeneck & King
Title: Member
Address: One Lincoln Center
City/Town: Syracuse State: NY Zip: 13202

Phone: 315-218-8135 E-Mail: preichel@bsk.com

Eligibility Questionnaire - Project Description & Details

Address of Proposed Project Facility: 285 Delaware Avenue

City/Town: Buffalo School District: Buffalo

Current Address (if different): 320 Porter Ave

City/Town: Buffalo State: NY Zip: 14201

Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site? ☒ Yes or ☐ No If No, indicate name of present owner of the Project site:

The project site is owned by Interwest Properties LLC. DYU-COM LLC has a long-term lease on the project site, with a purchase option exercisable after 10 years.

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

The site is an existing 5 story office building

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/all tenants and any/all end users:

The project will substantially renovate an existing 5 story, approximately 125,000 sq.ft. office building for use as an osteopathic medical school. Space will be provided for lecture halls, classrooms, faculty offices, student study spaces, laboratory/research, and limited incidental retail for student/faculty convenience (ex. Café, bookstore).

If tax exempt or taxable bonds are being requested indicate what bonds will be used for:

Financing necessary renovations to the leased facility and providing financing for certain startup costs for the proposed medical school. Based upon intended uses of the proceeds, issuance of both tax-exempt and taxable bonds is anticipated.

Describe the reasons why the ILDC's financial assistance is necessary, and the effect the Project will have on the Applicant's operations. If refinancing an existing bond or loan indicate potential savings: _____

ILDC participation in allowing the issuance of bonds provides access to the capital markets and third-party investors. Creation of a new medical school in the Buffalo community is expected to have a substantial impact on both D'Youville University and the broader community. In addition to 720 new students at full

capacity, the program will enhance the reputation and “draw” of existing undergraduate health programs at the University and further a pipeline with the major local health care providers to address workforce shortages – particularly with primary care physicians. If the bond placement agent determines that a mortgage is necessary, the ILDC mortgage tax exemption will also result in significant cost savings, which will help support the new osteopathic medicine program.

Site Characteristics:

Is your project located near public transportation? ☒ Yes or ☐ No. If yes describe if site is accessible by either metro or bus line (provide route number for bus lines):

The site is 5 blocks (0.4 miles) from the Fountain Plaza Metrorail station and 7 blocks (0.7 miles) from the Allen/Medical Campus Metrorail station. Additionally, at least 7 bus routes stop within 2 blocks of the site (1, 2, 3, 5, 15, 20, 101)

Has a project related site plan approval application been submitted to the appropriate planning department? ☐ Yes or ☒ No

Minimal, if any, site changes are expected (minor exterior landscaping and signage). Project is within an existing building and for similar use.

If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act (“SEQR”) “negative declaration” resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable

If No, list the ILDC as an “Involved Agency” on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.

Will the Project meet zoning/land use requirements at the proposed location? ☒ Yes or ☐ No

What is present zoning/land use: N-1C (Mixed Use Core)

What is required zoning/land use, if different: No change required

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

Is the proposed project located on a site where the known or potential presence of contaminants is complicating the development/use of the property? ☐ Yes or ☒ No If yes, explain:

Has a Phase I Environmental Assessment been prepared or will one be prepared with respect to the proposed project site? ☐ Yes or ☒ No If yes, provide a copy.

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

☐ Yes or ☒ No. If yes, provide copies of the study

Select Project Type for all end users at project site (check any and all end users as identified below)

(You may check more than one)

Acquisition of Existing Facility	<input type="checkbox"/>	Market Rate Housing	<input type="checkbox"/>
Assisted Living	<input type="checkbox"/>	Mixed Use	<input type="checkbox"/>
Back Office	<input type="checkbox"/>	Multi-Tenant	<input type="checkbox"/>
Civic Facility (not for profit)	<input checked="" type="checkbox"/>	Senior Housing	<input type="checkbox"/>
Equipment Purchase	<input type="checkbox"/>	Other	<input type="checkbox"/>
Facility for Aging	<input type="checkbox"/>		

1. Start date: acquisition of equipment or construction of facilities: October 2025

2. Estimated completion date of project: December 2026

3. Project occupancy – estimated starting date of occupancy: December 2026

Estimated costs in connection with Project:

1. Land and/or Building Acquisition	\$	
_____ acres _____ square feet		
2. New Building Construction _____ square feet	\$	
3. New Building Addition(s) _____ square feet	\$	
4. Infrastructure Work	\$	
5. Reconstruction/Renovation <u>125,000</u> square feet	\$	<u>30,000,000</u>
6. Non-Manufacturing Equipment (furniture, fixtures, etc.)	\$	<u>6,000,000</u>
7. Soft Costs: (Legal, architect, engineering, etc.)	\$	<u>4,000,000</u>
8. Other, Specify: <u>capitalized interest, working capital</u>	\$	<u>45,000,000</u>

TOTAL Costs: \$85,000,000

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

Sources of Funds for Project:

Bank Financing	\$	
Equity (excluding equity that is attributed to grants/tax credits)	\$	See Note Below
Tax Exempt Bond Issuance (if applicable)	\$	<u>65,000,000</u>
Taxable Bond Issuance (if applicable)	\$	<u>20,000,000</u>
Public Sources (Include sum total of all state and federal grants and tax credits)	\$	

Total Sources of Funds for Project Costs: \$ 85,000,000

Note – This is the second phase of financing for the planned osteopathic program. D'Youville University has expended approximately \$70 million towards the program development over the past 3 years and

including \$25 million of University equity and \$45 million of taxable bonds (Series 2024A)

Have you secured financing for the project? ☐ Yes or ☒ No

If Yes, specify, Bank, underwriter, etc.

Marketing of planned bonds is in progress. Loop Capital will be placement agent for the bonds.

Mortgage Recording Tax Exemption Benefit: Amount of mortgage(s), if any that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ 85,000,000

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above 1% \$ 850,000*

*Note – We are still in discussion with Loop Capital as to whether a mortgage will be necessary and, if so, the principal amount of debt secured by the mortgage. Therefore the mortgage tax exemption may be substantially less than \$850,000

ILDC encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization: _____

D'Youville University is committed to fostering a culture of belonging, which extends to our hiring, procurement, and vendor selection practices. We actively encourage the participation of small, women-owned, and minority-owned businesses in our projects and value opportunities to work with contractors and partners who reflect the communities we serve.

This commitment is evident across our institution. Approximately 70% of D'Youville faculty identify as women and/or individuals from minority populations. Our student body reflects similar diversity, with nearly 75% identifying as female and 40% representing minority backgrounds. We support equitable engagement and continue to seek partnerships that align with our values of access and belonging..

Is the project necessary to expand project employment? ☒ Yes or ☐ No

Is project necessary to retain existing employment? ☒ Yes or ☐ No

Note: The current landscape for small private universities in New York provides significant challenges – as seen locally with the recent closure of Medaille and across upstate New York (St. Rose in Albany). Continued expansion of graduate medical programs is strategically important for D'Youville to provide stability to maintain its existing programs.

In addition to retaining our existing 362 regular employees, the new osteopathic medicine program is expected to create 50 new positions between added administrative staff and full-time faculty.

Employment Plan (Specific to the proposed project location): You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return.

	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
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			years) after Project completion
Full time (FT)	337	337	50 new 387 total
Part Time (PT)	25	25	0 new 25 total
Total	362	362	50 new, 412 total

Note: The totals above represent regular employees of the University (at least half-time, with benefits). The University also employs many persons as adjunct faculty, artists in plays in productions, and students under the federal work study program. As these are often for very few hours or limited duration, they have been excluded to avoid skewing averages reported below. This is also why the NY-45 form will indicate a higher level of employment.

Salary and Fringe Benefits for Jobs to be Retained and Created:

Category of jobs to be retained and/or created	# of employees retained and/or created	Average salary for Full Time	Average fringe benefits for full time	Average salary for part time, if applicable	Average fringe benefits for part time, if applicable
Management	54 Ret; 10 Cr.	113,900	18,000		
Professional	163 Ret; 30 Cr	74,508	16,000	26,000	2,500
Administrative	105; 10 Cr.	63,307	15,000		
Production	40	53,084	14,000	22,000	2,200
Independent Contractor					
Other					

Payroll Information:

Annual Payroll at proposed project site upon project completion

\$ 42,000,000

Estimated average annual salary of jobs to be retained (full time)

\$ 71,000

Estimated average annual salary of jobs to be retained (part time)

\$ 24,000

Estimated average annual salary of jobs to be created (full time)

\$ 190,000* (Note – approximately half of the jobs to be created are medical school faculty, who will command salaries of an average of \$240,000. The remainder will be more consistent with D'Youville's average for administrative and professional staff – approximately \$71,000)

Estimated average annual salary of jobs to be created (part time)

\$ N/A

Estimated salary range of jobs to be created

From (full time)	\$55,000	To (full time)	\$400,000
From (part time)	\$N/A	To (part time)	\$N/A

Environmental Questionnaire

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

A). GENERAL BACKGROUND INFORMATION:

1. Address of Premises: 285 Delaware Avenue, Buffalo, NY 14202
2. Name and Address of Owner of Premises: Interwest Properties LLC, 100 Corporate Parkway, Suite 500, Amherst, NY 14226
3. Describe the general features of the Premises (including terrain, location of wetlands, coastlines, rivers, streams, lakes, etc.). Existing 5 story office building in downtown business district. Fronts sidewalk on Delaware Ave, with limited rear and side parking. No apparent adjacency to water or water features.
4. Describe the Premises (including the age and date of construction of any improvements) and each of the operations or processes carried on or intended to be carried on at the Premises. Commercial office building constructed approximately 15 years ago. Current use is Class A office space. Intended use is an educational facility – primarily offices, study space, classrooms and labs.
5. Describe all known former uses of the Premises. Commercial office space
6. Does any person, firm or corporation other than the owner occupy the Premises or any part of it?
☒ Yes or ☐ No If yes, identify them and describe their use of the property. Building is currently leased by various commercial entities. The project anticipates working cooperatively with existing tenants on timing of their moves, but anticipates D'Youville's osteopathic program as the sole occupant within 3 years of project completion.
7. Have there been any spills, releases or unpermitted discharges of petroleum, hazardous substances, chemicals or hazardous wastes at or near the Premises? ☐ Yes or ☒ No If yes, describe and attach any incident reports and the results of any investigations. _____
8. 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. ☐ Yes or ☒ No If yes, state the results of the enforcement action (consent order, penalties, no action, etc.) and describe the circumstances. _____
9. Has there been any filing of a notice of citizen suit, or a civil complaint or other administrative or criminal procedure involving the Premises? ☐ Yes or ☒ No. If yes, describe in full detail. _____

B) SOLID AND HAZARDOUS WASTES AND HAZARDOUS SUBSTANCES:

1. 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? ☐ Yes or ☒ No. If yes, provide the Premises' applicable EPA (or State) identification number.

2. Have any federal, state or local permits been issued to the Premises for the use, generation and/or storage of solid and hazardous wastes? ☐ Yes or ☒ No. If yes, provide copies of the permits.
Identify the transporter of any hazardous and/or solid wastes to or from the Premises.

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

4. 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? ☐ Yes or ☒ No. If yes, identify the substance, the quantity and describe how it is stored. _____

C) DISCHARGE INTO WATERBODIES:

1. Briefly describe any current or contemplated industrial process discharges (including the approximate volume, source, type and number of discharge points). Provide copies of all permits for such discharges.
None

2. Identify all sources of discharges of water, including discharges of waste water, process water, contact or noncontact cooling water, and storm water. Attach all permits relating to the same. Also identify any septic tanks on site.
Various public bathrooms and kitchen facilities have discharge into the municipal sewer system.
No known septic tanks on site

3. Is any waste discharged into or near surface water or groundwaters? ☐ Yes or ☒ No. If yes, describe in detail the discharge including not only the receiving water's classification, but a description of the type and quantity of the waste.

D) AIR POLLUTION:

1. Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises? ☐ Yes or ☒ 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.

2. Are any of the air emission sources permitted? ☐ Yes or ☐ No If yes, attach a copy of each permit.

E) STORAGE TANKS:

1. List and describe all above and underground 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. Also provide copies of any registrations/permits for the tanks. _____

None

2. Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks? ☐ Yes or ☒ No. If yes, 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.

F) POLYCHLORINATED BIPHENYLS ("PCB" or "PCBs") AND ASBESTOS:

1. 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.
2. Have there been any PCB spills, discharges or other accidents at the Premises? ☐ Yes or ☒ No If yes, relate all the circumstances.
3. Do the Premises have any asbestos containing materials? ☐ Yes or ☒ No. If yes, identify the materials.